

if it was intended that the Bill be passed quickly, it should have been introduced earlier in order that members might have had an opportunity of dealing with it properly. Were it not for the reasons given why this Bill is brought forward to-day, I should have felt inclined to move an amendment on this clause to the effect that all complaints should be heard before one or more members of the licensing bench for the district.

**THE COLONIAL SECRETARY:** I am entirely in sympathy with the hon. member, and I regret very much the circumstances which have compelled me to ask members to deal hurriedly with the Bill to-day. I would point out, however, that the Government introduced the Bill at the earliest possible moment. They recognised it was necessary it should be passed this month, and the only thing they did not foresee was the enforced idleness of Parliament. So far as the clause is concerned, the practice at the present time is that proceedings for offences under the Licensing Act are not heard before members of the licensing benches, but before honorary justices, with the result that there have been complaints from all parts of the State. Many honorary justices do not care to be asked to sit and decide cases under the Licensing Act, and it has therefore been thought best to have all those cases taken before a resident magistrate.

**Hon. J. W. KIRWAN:** My reason for bringing the matter forward is that many justices to whom I have referred the question have expressed the opinion that it would be of advantage if some alteration in present procedure were made.

**Hon. J. CORNELL:** The clause is the brightest spot in the Bill, and I intend to support it.

Clause put and passed.

Bill reported without amendment, and the report adopted.

*House adjourned at 8.29 p.m.*

## Legislative Assembly,

Tuesday, 27th February, 1917.

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

### PRIVILEGE—ARTICLE IN THE WEST AUSTRALIAN.

#### *Premier's Statement.*

The PREMIER (Hon. Frank Wilson—Sussex) [4.32]: With the permission of the House I would like to make a statement. It will be remembered that on Thursday last when the member for Kanoona (Hon. T. Walker) under Standing Order 76, which he then quoted, called the attention of the House to an article which appeared in the *West Australian* which he also read to the House, he concluded by moving that the publisher of that newspaper, Samuel Thomas Williams, was guilty of contempt. That motion was duly seconded, and was accepted by the Government and carried. The Government have since had under consideration what further steps should be taken to vindicate the honour of the House. We had intended that to-day I should move that the publisher of this newspaper should be ordered to the Bar of the House to show cause why he should not be dealt with for contempt, of which he was deemed guilty by the House.

**Mr. O'Loughlen:** Do you ask us to believe that?

The PREMIER: I ask the hon. member to believe nothing. This morning, however, hon. members may have noticed that the newspaper concerned has acknowledged the contempt, and published a withdrawal and apology.

**Hon. J. Scaddan:** A withdrawal of the truth.

The PREMIER: It also expresses regret—

**Hon. J. Scaddan:** For publishing the truth.

The PREMIER: In the following terms. The paragraph is headed, "Contempt of Parliament" and reads as follows:—

In the Legislative Assembly on Thursday evening last, at the instance of Mr. Thos. Walker, the following motion was carried:—"That the publisher of the *West Australian* newspaper, Samuel Thomas Williams, in publishing an article in its issue of February 22, 1917, under the headlines: 'The Speaker's Appointment,' 'Astonishing Allegations,' 'Reported Extraordinary Intriguing,' is guilty of contempt." Statements regarding this matter have since been made by the Premier (Mr. Wilson) and the Leader of the Country Party (Mr. Willmott) setting out in detail the steps taken by them in connection with the appointment of the Speaker, and also by Mr. Troy, the late Speaker, affirming that in retiring from the Chair he was in no way influenced by the supposed possibility of Mr. E. B. Johnston's voting for the no-confidence motion of which he knew nothing. We unreservedly accept these statements as faithfully setting forth the facts of the case, and as showing that the allegation mentioned that the present Speaker (Mr. E. B. Johnston) had made his elevation to the Chair a condition of his refraining from voting against the Government, cannot be substantiated. The article referred to was written bona fide in the public interest on a matter of great public importance, and we regret the circumstances that misled us into committing a contempt of Parliament.

The Government feel that under all the circumstances the House will accept the withdrawal and the expression of regret published by the newspaper. They have further come to the conclusion that we ought not to proceed in the matter, and wish the House to know that we do not propose to proceed further in connection with it.

Hon. T. Walker: Are you going to make any motion?

The PREMIER: No.

Hon. T. Walker: How can the House accept it unless there is a motion?

Hon. J. Scaddan: It is not a matter for the Government; it is a matter for the House.

Hon. T. Walker: It certainly is a matter for the House.

The PREMIER: I can give notice of motion if hon. members desire.

Hon. T. Walker: Now is the time. It is a matter of privilege.

The PREMIER: No. There is no argument about it. It is exactly the course that the previous Premier took.

Hon. T. WALKER (Kanowna) [4.35]: That is just the point. This is the position. The paper makes accusations—

Mr. SPEAKER: Order! Is the hon. gentleman moving a motion?

Hon. T. WALKER: If you will not permit me to make a statement, Sir, as to what the position is. The motion, however, ought to be moved by the Premier, who is the leader of the House and the protector of the privileges of the House. If he fails to do this it will be incumbent upon someone else on this side of the House to move on a question of privilege.

Hon. W. C. Angwin: Move that the House congratulate the *West Australian* on giving the published information.

Hon. T. WALKER: Is the Premier going to move such a motion? If not, someone else must do so.

Mr. SPEAKER: Order! This discussion is entirely irregular. There is no motion before the Chair.

Hon. P. COLLIER (Boulder) [4.37]: Is this not a matter of privilege?

Mr. SPEAKER: The discussion is not in order.

Hon. P. COLLIER: I take it that the Premier was speaking on a matter of privilege.

Mr. SPEAKER: The Premier said he wished to make a statement.

Hon. P. COLLIER: As a matter of privilege.

Mr. SPEAKER: Not as a matter of privilege.

Hon. P. COLLIER: The right of speaking on a question of privilege is not confined to the Premier.

Mr. SPEAKER: Certainly not. He said he wished to make a statement. I could not foresee what the statement would be.

Hon. P. COLLIER: Would not another hon. member be in order in discussing or referring to that statement made by the Premier on a question of privilege as well?

Mr. SPEAKER: If such a motion is submitted to me I will give my decision upon it.

Mr. Holman: You have to give a motion whether or not. The motion is not in your hands.

Hon. P. COLLIER: I wish to speak on a question of privilege in the same way as the Premier has done. The method proposed to be adopted by the Premier is entirely irregular.

Hon. J. Scaddan: There is no method.

Hon. P. COLLIER: It is entirely irregular. It is not sufficient for the House that the Premier should come down here and read a paragraph which appeared in this morning's paper. He should have had a communication from the proprietor of that newspaper.

The Premier: That is your opinion.

Hon. P. COLLIER: This House by resolution has taken a certain definite course of action with regard to the publisher of the *West Australian* newspaper. In reply to that the Premier tells us that the paper has practically withdrawn and apologised for that statement. I submit that the proper way for a withdrawal to be effected was for an apology for the statement to be made by way of a communication to this House from the paper concerned, and not by way of a paragraph appearing in the paper. It is treating this House with the scantiest possible courtesy to say that we ought to accept what appears in the paper this morning, and that the proprietor, or those responsible, should not communicate with the House in any way. It is the duty of the management of that newspaper to communicate with this House direct, indicating their course of action, that they have withdrawn or apologised or done whatever they proposed to do. This House should not be content with merely a paragraph which appears in this morning's paper. Following the action which this House very rightly took in the matter concerned, there should be some direct action now taken by this House. I

contend that it is the duty of the Premier if he thinks that the explanation and withdrawal on the part of the newspaper satisfactory, to place that on record.

Mr. Holman: Let us give the House an opportunity of discussing it.

Hon. P. COLLIER: It should be for the House to decide by resolution whether we accept the withdrawal and apology offered or not, and it is the duty of the Premier to submit that motion. It should not be left to any private member to move a motion of the kind.

Hon. T. WALKER (Kanoona) [4.40]: Though I do not like doing it I am prepared to move a motion to this effect—

*That the statement just made by the Premier regarding the vote of contempt against the "West Australian" is not deemed satisfactory by this House.*

Mr. SPEAKER: Will the member for Kanoona send up his motion?

Mr. Holman: They want to cloak it up.

Hon. J. SCADDAN (Brownhill-Ivanhoe) [4.42]: In order to save time I would like to ask a question. Has the decision arrived at by the House at its last sitting been communicated in any way to the *West Australian* newspaper?

Mr. Holman: We should have a copy of it.

Mr. SPEAKER: I am waiting for the motion of the member for Kanoona to be sent up.

Hon. J. SCADDAN: I ask a question which might make that motion unnecessary. I am entitled to ask that question. I want to know whether the decision arrived at by the House has been communicated to the *West Australian*?

Mr. SPEAKER: I am not going to enter into a discussion upon two matters at one time. I am waiting for the motion.

Hon. J. SCADDAN: I put a civil question and I expect a civil answer from you.

Mr. HOLMAN (Murchison) [4.43]: It was a resolution reported under Standing Order 139 declaring the *West Australian* guilty of contempt. The leader of the Opposition has asked whether this has been communicated to the *West Australian*, as it should have been communicated to them by the Speaker if he did his business.

*Disorder—A Member named.*

Mr. Speaker: Order! I am only going to deal with one piece of business at a time. I am waiting for the hon. member's motion.

Mr. Holman: There is no motion before the House now.

Mr. Speaker: Order! The hon. gentleman will not get up and address the Chair without being called.

Mr. Holman: I will get up and address the House now.

Mr. Speaker: Order!

Mr. Holman: I would like to ask—

Mr. Speaker: Order! The hon. gentleman will sit down.

Mr. Holman: Yes.

Mr. Speaker: Order! I am not going to hear the hon. member until I have dealt with the motion of the member for Kan-owna.

Mr. Holman: It has not yet been moved.

Mr. Speaker: Never mind.

Hon. J. Scaddan: There is nothing before the House.

Mr. Holman: Mr. Speaker, what question is before the House at the present time?

Mr. Speaker: There is no question before the House.

Mr. Holman: Then I am going to ask a question, as I have a perfect right to do.

Mr. Speaker: Order! The hon. gentleman will sit down.

Mr. Holman: The leader of the Opposition has asked a question. I am going to ask a question.

Mr. Speaker: I name the hon. member for Murchison (Mr. Holman).

Mr. Holman: Then you name a better man than yourself.

The Premier: Apologise.

Hon. J. Scaddan: Go away! Apologise! The hon. member for Murchison is a hundred times, a million times, better than the Speaker.

Mr. Holman: We will take the motion and discuss the question on that, but at present there is nothing before the House. Therefore, why may I not ask a question.

The Premier: I regret that the hon. member has defied the Chair.

Mr. Holman: If there is nothing before the House I will withdraw.

Mr. Speaker: It is too late to withdraw.

The Premier: As the hon. member has defied the Speaker there is only one duty left to me as leader of the House to perform. Under the Standing Orders I move—

*That the hon. member for Murchison be suspended from the service of the House.*

The Minister for Lands: I second the motion.

Hon. J. Scaddan: Under which Standing Order?

Mr. Speaker: There can be no discussion on this question.

Mr. A. A. Wilson: Why do you not give the man a chance?

Mr. Taylor: We must discuss the motion.

Hon. P. Collier: The hon. member for Murchison has withdrawn.

Mr. Speaker: Will the member for Boulder sit down. There can be no discussion until the motion has been put. I have to ask the hon. member for Murchison to withdraw from the Chamber while this motion is being carried.

Mr. Holman: Under which Standing Order? I have a right to reply; I have the right to be heard.

Mr. Taylor: Good gracious me, this is sending a boy on a man's errand; it is awful.

Hon. J. Scaddan: I think, Mr. Speaker, you had better leave the Chair while you look up the Standing Orders.

The Minister for Works: Behave yourself!

Mr. Speaker: Standing Order 73 provides that a member guilty of disorderly conduct shall forthwith withdraw.

Mr. Taylor: Yes, after the motion has been carried.

Mr. Underwood: Are you having another joke as you did with *Hansard*?

Mr. Speaker: The question is that the hon. member for Murchison (Mr. Holman) be suspended from the service of the House.

Mr. Holman: You might refresh your memory, Mr. Speaker, by referring to Standing Order 149.

Mr. Carpenter: The Standing Orders definitely state that the Speaker shall call upon any member by name, and such member shall withdraw as soon as he has been

heard in explanation. The Speaker only read a portion of that Standing Order.

Mr. Speaker: I have named the member for Murchison under Standing Order 72, and hon. members must not be disrespectful. This Standing Order says, "The Speaker shall forthwith put the question on a motion being made—no amendment, adjournment, or debate being allowed."

Mr. A. A. Wilson: What did Willis do in New South Wales under similar circumstances?

Mr. Underwood: Read Standing Order 149.

Mr. Speaker: Standing Order 149 does not override or interfere with Standing Order 72.

Hon. J. Scaddan: We are entitled to protect hon. members.

Mr. Speaker: Will the hon. member resume his seat.

Hon. P. Collier: If we cannot protect the hon. member under the Standing Orders we ought to protect him by force, and I will make one to do it.

Mr. Speaker: There can be no debate on this question.

Mr. Taylor: We do not want a debate; we want justice.

Hon. T. Walker: Cannot there be an explanation which is not a debate?

Mr. Speaker: I am going to put the question.

Hon. T. Walker: Read Standing Order 149, which says—

When in consequence of highly disorderly conduct the Speaker shall call upon any member by name—

which you, Mr. Speaker, have done—

—such member shall withdraw as soon as he has been heard in explanation, and after such member's withdrawal the House shall at once take the case into consideration.

Mr. Carpenter: The Speaker only read a portion of that; he omitted the rest.

Mr. Speaker: I am acting under Standing Order 72, which sets out the procedure to be followed. It provides that there shall be no amendment, adjournment, or debate allowed.

Hon. T. Walker: This is an explanation, not a debate.

Mr. Holman: If you read the Standing Orders you will find that an explanation may be made at any time.

Hon. J. Scaddan: In view of your decision, may I ask when would Standing Order 149 apply if it does not apply when a member has been named?

Mr. Speaker: That is a supposititious case.

Hon. J. Scaddan: Under which Standing Order have you named the hon. member?

Mr. Speaker: Order! The hon. member will resume his seat.

Hon. J. Scaddan: I am entitled to speak, and I have the privilege, as leader of the Opposition, to address myself to the House when any member on this side of the House, or even on the other side, is under restraint. If this is not recognised under the Standing Orders, it is recognised as a practice, and you have no right to interrupt me.

Mr. Speaker: Order! The hon. member has no right to speak until he has been called.

Hon. J. Scaddan: Of course I have no rights, but I am going to insist on one or two. What I am insisting on is that, if you have named the hon. member, Standing Order 149 is for the purpose of his protection, and he should be allowed to explain and withdraw from the Chamber, and then the House can take the matter into consideration.

The Premier: I had no such opportunity given to me when you moved in a similar way against me some years back.

Hon. J. Scaddan: The hon. member is quite wrong. If he looks up the records he will find that what I state is correct. The hon. member was given every opportunity to withdraw and he refused. The member for Murchison has already withdrawn.

Mr. Speaker: The question is that the member for Murchison be suspended from the service of the House.

Mr. Holman: The question is that I am going to be heard as a representative of the people, whether you like it or not.

Mr. Speaker: Those of that opinion will say Aye, the contrary No—the Ayes have it.

Opposition members: Divide!

Mr. Taylor: Let us see now who is going to put him out.

Mr. A. A. Wilson: I will pull the Speaker out of the Chair myself.

Mr. Holman: Are the members of the Government going to prostitute their positions as men as well as politicians?

Opposition members: Divide!

Mr. Foley: You ought to say "let us have it."

Hon. P. Collier: Have what?

Mr. Foley: I do not know.

Mr. Speaker: The member for Murchison cannot vote.

Mr. Holman: I will vote, and you cannot stop me. You may tell lies in the Chair but you cannot put me out.

Mr. Speaker: The Sergeant-at-arms will remove the hon. member.

Hon. T. Walker: You cannot prevent him voting.

Mr. Speaker: The member for Murchison cannot vote. When the Sergeant-at-arms get any assistance, he may require to remove him.

Mr. Holman: He will not remove me.

Mr. Foley: Mr. Speaker—

Mr. Speaker: Order! Mr. Sergeant-at-Arms, get any assistance that may be necessary.

Mr. Foley: You would like to turn the military on him, that is what you would like to do.

Mr. Holman: You will find it is not as easy to turn me out as it is to lie from the Chair.

Mr. A. A. Wilson: You cold-footed common

Mr. Foley: I would like to draw your attention to the fact that the sand glass has run out.

Mr. Underwood: And the doors should be locked.

Mr. Speaker: Mr. Sergeant-at-Arms, I give you the help that you require to move the member for Murchison.

Hon. J. Scaddan: Why do you not do it yourself?

Mr. Taylor: He would not defend his country, let alone Parliament, the cold-footed.

Hon. W. D. Johnson: You cannot expect much respect from this House, Mr. Speaker.

Mr. Holman (approaching the Speaker's Chair): I have come up to "yank" you out.

Mr. Taylor: Look at him; he is in a cold sweat.

Hon. T. Walker: Sit down, Jack, and take your place.

Hon. P. Collier: Yes, you have been within your rights all through.

Mr. Taylor: Where are you going to get the help, Mr. Speaker?

Mr. Troy: Under Standing Order 149, I would like to ask whether the member for Murchison has been heard in explanation?

Opposition members: No.

Mr. Speaker: Under Standing Order 72 I have ordered the hon. member to withdraw from the Chamber.

Mr. Troy: May I claim your attention, Mr. Speaker, I would like to know what the bells are ringing for?

Mr. Speaker: For the division when the member for Murchison has obeyed the instructions from the Chair.

Mr. Troy: Standing Order 149 provides that a member shall withdraw from the Chamber after he has been heard in explanation.

Mr. Taylor: The Speaker refused to hear him.

Mr. Speaker: Order! Sergeant-at-Arms, have the member for Murchison removed.

[The Sergeant-at-Arms approached Mr. Holman.]

Hon. T. Walker (to the Sergeant-at-Arms): You have no right to remove him; a division has been called for.

Hon. J. Scaddan (to Mr. Speaker): You are not in the police court. The doors are locked and no one may come in.

Mr. Foley: Your country calls you.

Hon. J. Scaddan: No chance; he got into wig and gown first.

Mr. Troy: I rise to a point of order. The member for Murchison has been named by you under Standing Order 149.

Hon. J. Scaddan: No, he quoted 152.

Mr. Speaker: I did not.

Mr. Taylor: The Premier did not mention any Standing Order. He said, "I move under the Standing Orders." The number of the Standing Order was mentioned afterwards. (To Mr. Holman): Perhaps you

were not highly disorderly, and Standing Order 149, therefore, does not apply.

Mr. Holman: I was not disorderly at all. I asked a question which I had every right to ask.

Hon. T. Walker: The hon. member has a right to be heard. Mr. Speaker never gave the hon. member a chance of offering any explanation.

Mr. Troy: Standing Order 149 says—

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

Hon. T. Walker: That is the usual practice.

Mr. Holman: I endeavoured to speak on several occasions and I was called to order by the Chair.

Mr. Troy: Mr. Speaker, may I call your attention to Standing Order 150:

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

It would be an absolutely unpardonable thing, and it would be most regrettable indeed, if a Speaker were to condemn any member without affording him an opportunity for explanation. And I would point out that is something which has never been done in this House. During the time I was in the Chair only one member was named. That was the member for Sussex, the present Premier, and on that occasion the hon. member was not only allowed time to retract, not only allowed an opportunity of making an explanation, but if I remember rightly he also voted on the division.

Mr. Speaker: No, he did not vote.

The Premier: The division was taken before the motion was moved.

Mr. Holman (to the Premier): I asked to be heard, and I am going to be heard whether you like it or not. You shall not bludgeon things through in this House like that. I am not very big, but I am big enough to take on any man on that side.

Mr. Troy: I am sure Mr. Speaker that the member for Murchison has no desire to defy the Chair.

Hon. T. Walker: But he is entitled to be heard.

Mr. Troy: But I submit he is entitled to manly and fair treatment, and our Standing Orders provide that a member shall be given an opportunity of making an explanation. Again, Sir, there have often been occasions in this Parliament, and particularly in the Federal Parliament, on which a member when a motion of this nature has been made has been allowed to withdraw. I can cite hundreds of cases in the Federal Parliament where, after the motion has been made by the Premier and carried by the House, the member in question has been allowed to retract and withdraw. I wish to add that much of the dissension in the House, is caused during times when members are angry or indignant at something which has occurred. I do not think that you, Mr. Speaker, need be harsh.

Mr. Holman: I do not ask that he be not harsh, but that he be just.

Mr. Troy: On referring to the records I find that I was correct in stating that the present Premier himself once voted on a motion for his own suspension.

Mr. Holman: Mr. Speaker said he did not.

Mr. Troy: The division was as follows:—Ayes 21, Noes 11. And the noes in the division list included the names of Messrs. Allen, Broun, Elliott, George, Harper, Mitchell, Monger, Piesse, Wisdom, Layman, and F. Wilson.

Hon. J. Scaddan (to Mr. Holman): And now he wants to get the police in to put you out because you want an opportunity of doing what he himself did.

The Premier: I did not say I did not vote on that occasion.

Hon. P. Collier: Mr. Speaker said you did not vote.

Mr. Troy: I do not think the Speaker of this House should act summarily on every

occasion. I think a wise discretion in such matters is necessary. When I was in the Chair I usually asked a member to withdraw, and it generally happened that later on he withdrew or he made a satisfactory explanation. I recognise that on occasions members must be suspended; but I think on this occasion that if you permit the member for Murchison an opportunity of offering explanation and of withdrawing, he will do so and the incident will close.

The Premier: May I be permitted to express an opinion—

Hon. T. Walker: I submit the House is grossly out of order. No explanation can be made now; we are taking a division. A division has been called for and that business cannot be interrupted. To permit interruption is disorder on the part of the Chair.

The Premier: I remember well the circumstances when the ex-Speaker named me, and the explanation which I then made was made by his clemency. He was pleading with me to withdraw but I could not see my way to withdraw. I made my explanation time after time, and during the course of an interchange of compliments the hon. member will admit members heaped insults on my head, but I did not heap insults on the Chair as the member for Murchison has done.

Mr. Holman: I have my rights under the Standing Orders.

The Premier: Every member will have his own opinion as to that. I suggest, Mr. Speaker, in order to get over this difficulty if you can see your way to accept the suggestion, that the hon. member be permitted to make his explanation under Standing Order 149. I would remind hon. members that under Standing Order 152 a motion of this sort is immediately put.

Hon. J. Scaddan: That is absolutely incorrect.

Hon. W. C. Angwin: No member was named under Standing Order 152.

Hon. P. Collier: No member suspended has ever been denied an opportunity of making an explanation.

The Premier: I never had an opportunity of making an explanation until after the

question had been put. I left the Chamber immediately.

Hon. J. Scaddan: No, you remained here and voted.

The Premier: I suggest, Mr. Speaker, if you can see your way to do so, that the member for Murchison be permitted to make his explanation.

Mr. Foley: He does not want it as a privilege but as a right; and he ought not to take it if he has to take it as a privilege.

Hon. W. D. Johnson: Further, to the point of order raised by the member for Mt. Magnet (Mr. Troy), there seems to be a difference of opinion amongst members as to where the conflict comes in between Standing Order 72 and Standing Order 149. I submit, with all due deference to the Chair, that there is no conflict between the two at all. Standing Order 149 is the natural corollary of Standing Order 72. If members will take the trouble to read them both they will see that this is so. On the bottom of page 29 of the Standing Orders the following occurs:—

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

The Parliamentary usages referred to are outlined in Standing Orders 149 and 150. That is the usages followed by all parties in this House and I submit, with due deference, that it would be an absolute injustice to deny the hon. member the right of explaining. I submit also, with all due deference, that the hon. member having withdrawn, it is an outrage to proceed with his suspension in the face of that withdrawal. I submit the whole thing is an injustice if it is perpetrated.

Hon. T. Walker: I submit that the division must go on. All this is out of order. The division has been called and no one, not even the Chair, has any right, any power, to delay or interrupt that division. The division has been called, the bells are still ringing.

The Minister for Works: I submit that the hon. member's argument does not apply.

Hon. T. Walker: What are you waiting for—for the Light Horse to arrive?



The Minister for Works: I am waiting for the hon. member to get some sense.

Mr. Hudson: On a point of order! What is the question before the Chair on which it is proposed to allow the Minister for Works to speak? I want to know also whether other members will have the same privilege?

Mr. Speaker: The question is that the member for Murchison be suspended from the service of the House.

Mr. Hudson: It is out of order to permit discussion after the division bells have rung.

Mr. Taylor: The division bells have been ringing for nearly a quarter of an hour; the division is due.

The Minister for Works: Perhaps I shall be allowed to say a word.

Hon. J. Scaddan: On a point of order! What is the question before the House to which the Minister will address himself?

The Minister for Works: I am going to speak as soon as I get a show.

Mr. Hudson: You have said, Sir, that you were going to permit the Minister for Works to speak on the subject of whether the member for Murchison should be suspended. I have raised the point of order that that subject is beyond discussion, inasmuch as the question has been put, the division called for and the bells rung. There can be no discussion during a division. I submit that the Minister for Works is not entitled to be heard. I ask for your ruling on my point of order.

The Minister for Works: May I proceed, Sir?

Hon. J. Scaddan: The hon. member remains on his feet while members rise to a point of order; is that maintaining order?

Mr. Carpenter: The Speaker has suspended all Standing Orders.

Hon. T. Walker: It is absolutely out of order for the hon. member to interrupt a division. I move that the House do now divide.

Hon. P. Collier: What has become of the division?

The Minister for Works: On a point of order—

Mr. Underwood: There can be no point of order during a division, nor is it proper for the Minister to stand in his place.

Hon. P. Collier: What are you going to do, Sir, with the division? The battery behind the bells will be exhausted presently.

Hon. T. Walker: The Minister for Works is the most disorderly member in the House.

The Minister for Works: At all events, I pay my debts, which is more than some do.

Hon. W. D. Johnson: You are not always too scrupulous.

Hon. T. Walker: This is provocative of absolute disorder.

The Minister for Works: I have two points of order.

Hon. T. Walker: The House is in division.

Mr. O'Loughlen: Perhaps the Minister will give us a song while we are waiting.

Hon. T. Walker: Who is the Speaker?

Hon. P. Collier: The Clerk.

Mr. Taylor: Standing Order 147 provides that the House shall interfere to prevent the prosecution of any quarrel between members, arising out of debates or proceedings. In this quarrel the House should interfere.

Mr. Troy: Are the bells ringing for a division, Sir?

Mr. Speaker: The hon. member knows what is taking place. Under Standing Orders 72 and 73 I ordered the member for Murchison to withdraw from the Chamber.

Mr. Troy: The bells have been ringing for half an hour; let us take the division.

Opposition members: Divide!

Hon. J. Scaddan: There is no precedent anywhere in the world for this.

Mr. Speaker: I ordered the hon. member out.

Mr. Holman: The Speaker has not the right to order me out, and he is not going to take any of my rights from me.

Hon. J. Scaddan: You cannot order him out; the House has yet to decide against him.

Mr. Mullany: It is a deliberate waste of time, waiting for reinforcements.

Mr. Troy: You have said, Sir, that the member for Murchison must withdraw from the Chamber. I have quoted from the Standing Orders to show that he should be heard in explanation. I am now going to

quote from *May* on the practice when the conduct of a member is under consideration, as follows:—

The practice is to permit him to learn the charge against him, and, after being heard in his place, for him to withdraw from the House. The precise time at which he should withdraw is determined by the nature of the charge. When it is founded upon reports, petitions, or other documents, or words spoken and taken down, which sufficiently explain the charge, it is usual to have them read, and for the member to withdraw before any question is proposed. But if the charge be contained in the question itself, the member is heard in his place, and withdraws after the question has been proposed; as in the cases of Mr. Secretary Canning, in 1808; and of Lord Brundell, in 1836. If the member should neglect or refuse to withdraw, at the proper time, the House would order him to withdraw. What is the House doing? Why are the bells ringing?

Mr. Taylor: The House has gone crazy.

Mr. Troy: The authority I am quoting continues as follows:—

Thus, in the Lords, Lord Pierpont, in 1641, and Lord Herbert of Cherbury, in 1642, were commanded to withdraw; and in the Commons, in 1715, it was ordered, upon question and division "that Sir W. Wyndham do now withdraw." When a member's conduct has not been directly impugned by the form of the question, he has continued in the House and voted. When Mr. John Bright, 18th June, 1883, had been heard in reply to a motion that words he had uttered amounted to a breach of privilege, the Speaker reminded him that he should withdraw. Mr. Bright, however, expressed a wish to remain in his place. The Speaker ascertained the general sense of the House, and Mr. Bright's withdrawal was not required.

I have already shown that the member for Murchison need not withdraw, and should not until he has been heard in explanation. You, Sir, cannot order him to withdraw without the sense of the House having been taken. Let us have the sense of the House on the matter.

Mr. Speaker: Standing Order No. 73 distinctly states that—

Provided always that members who are ordered to withdraw under this Standing Order, or who are suspended from the service of the House under Standing Order 72, shall forthwith withdraw from the precincts of the House.

I ordered him to withdraw from the Chamber.

Hon. P. Collier: You cannot make Standing Orders for yourself. You cannot order him.

Mr. Taylor: You, Sir, acted under Standing Order No. 72. If you had acted under No. 73 you might have been on sound ground.

Mr. Troy: You, Sir, have quoted Standing Order 73, which has been already read. You named the member for Murchison. In doing so you have gone beyond the powers provided in the Standing Order, and now the matter is out of your hands and is for the House to resolve upon. You did not act by your own powers. You named the member, and, therefore, left it to the House. Now it is out of your hands, and is a matter for the House. Therefore the member for Murchison may withdraw or may not. He can ask to be heard in explanation or he need not ask to be so heard. But *May* says clearly that he may withdraw if he likes and may not withdraw. The member is in the hands of the House. I ask you to let the House decide whether the member for Murchison shall or shall not be suspended.

Hon. T. Walker: Nothing can be done just yet; they are waiting for recruits.

Opposition members: Divide!

Mr. Troy: May I ask, Sir, do you intend to take the division in compliance with the Standing Orders? The position is intolerable. The Standing Orders say that the hon. member having been named, a motion shall be made that he be suspended. I understand the Premier has moved that motion, and it has been seconded. It is now in the possession of the House. It can no longer be discussed, except on a point of order. What are you, Sir, waiting for? The bells have been ringing for the last half-hour. What are we waiting here for?

Mr. Speaker: The member for Murchison should have withdrawn, and when he continued to defy the Chair—

Mr. Troy: I have to point out to you that under our Standing Orders the hon. member is entitled to make an explanation. I have quoted *May* to show this. *May* says—

When Mr. John Bright, 18th June, 1883, had been heard in reply to a motion that words he had uttered amounted to a breach of privilege, the Speaker reminded him that he should withdraw. Mr. Bright, however, expressed a wish to remain in his place. The Speaker ascertained the general sense of the House, and Mr. Bright's withdrawal was not required.

This is the same position. The member for Murchison is not expected to retire. It is a matter for the House, and I ask you, Sir, to put the form of the House into operation and take the vote.

Hon. J. D. Connolly (Honorary Minister): You argued a while ago that the member for Murchison should be heard.

Mr. Troy: The member for Murchison says he will not retire.

Mr. Hardwick: The member for Hannans has moved that the House do now adjourn. I second the motion.

Mr. Munsie: I did not move anything of the kind.

Mr. Troy: I again urge that the division be proceeded with.

Mr. Hudson: The Premier ought to move that the House do now adjourn.

Mr. Carpenter: He has ceased to be the leader of the House.

Hon. T. Walker: Mr. Speaker, do you presume to absolutely ignore the motion?

Mr. Speaker: I have ordered the member for Murchison to retire.

Hon. T. Walker: You have no power to do so.

Mr. Speaker: I have absolute power under Standing Order 73.

Hon. T. Walker: You have no power to stop the division. The House is dividing. You are the servant of the House, not its master.

Mr. Taylor: May I draw your attention, Mr. Speaker, to the fact that you have put the question and that you have given it to

the ayes? Then a division was called for. You rang the division bells, and there is nothing to interrupt the division. Take the division, and then you can deal with the question. That is the position, and you, through not following out what the Standing Orders and the custom of Parliament have for years laid down, have delayed the House for about three-quarters of an hour. There can be nothing that will interrupt a division.

Hon. T. Walker: This is highly disorderly.

Opposition members: Divide!

Hon. T. Walker: If the Speaker will not take the division now, I will move that the Speaker be named.

Mr. Taylor: I will second that.

Mr. Holman: I have to address hon. members through you, Sir. In the first place, I must state that I asked a perfectly fair and respectful question of Mr. Speaker—what was the business before the House? The Speaker replied that he would not listen to me. I then said I had a perfect right to ask the question, and I insisted upon asking the question; thereupon I was named, which naturally worked upon my feelings, because I knew that I had been unjustly and unfairly treated. No man with an ounce of grit, or a drop of red blood in his veins, could possibly stand it. We are sent here by the people to voice their opinion, and we know that we are not afforded the opportunity of even asking a question in this House, as we have a perfect right to do. I persisted in holding to my rights, being absolutely orderly the whole of the time. This, I may say, is not the first time members have been compelled, against their own wish, to take a stand which they do not like to take. I myself am now sorry that I was forced to take this stand. I made a remark, which, although it may be justified, the Standing Orders and the custom of this House, do not permit me to make; and I am sorry that I made it in the heat of the moment. So far as I am personally concerned, however, I am going to stand up for my privileges in this House, and I will not be gagged by anyone—not even by the Speaker himself. The time has gone by when a man was to be bludgeoned into do-

ing what some other man, or 20 other men, might think he should do. There is no power now to prostitute the House, or to treat members of it like skunks and curs. The high and honourable position which a member of Parliament holds should receive respect from members. But how can we respect an Assembly when we are not treated with respect? If any loss of temper occurred, or if any heat was shown, it was due to a member not being allowed his rights and privileges as a member. I, as the injured person, although I felt deeply injured, seeing that my question was a perfectly fair and proper one, and made at the proper time, admit that after I was named I made some remarks for which I feel sorry at the present time, and which I withdraw. I wish to apologise afterwards to the House for having made those remarks.

Opposition members: Divide!

Mr. Speaker: Order!

Opposition members: Divide!

Mr. Speaker: Order! Under Standing Order 149, the hon. member having been heard in explanation, the House must at once take his case into consideration. Under that Standing Order I ask the member for Murchison to withdraw from the Chamber.

Hon. J. Scaddan: Withdraw where to?

Hon. T. Walker: The matter is in the hands of the House now, Mr. Speaker. It is too late. We are in division.

Mr. Holman: When I asked for an opportunity to make this explanation, I was refused the opportunity; Mr. Speaker asked the Premier to take action, and the Premier did so. A motion was moved accordingly, and I rose to my feet several times for the purpose of making my explanation. The motion being put to the House while I am in it, I insist on retaining my rights. I have expressed my regrets for what occurred, and that should be quite sufficient.

Mr. Speaker: I ordered the member for Murchison, under Standing Orders 73 and 149, to withdraw from the Chamber.

Mr. Holman: Prior to that you had already given the clerks the order to ring the bells for the House to divide, and the House is in division at the present time. If, Mr. Speaker, you would carry out the business

of the House as it should be carried out, there would be no further trouble.

Hon. J. Scaddan: Mr. Speaker, you cannot order the member Murchison to withdraw from the Chamber under Standing Orders 73 and 149, because you acted under Standing Order 72, and we have now arrived at the position that the motion for the suspension of the member for Murchison from the service of the House has been put to the House, and we are now in division to decide whether that motion shall be carried or otherwise. The Speaker cannot call upon an hon. member to do something under a Standing Order if the member has not offended under that Standing Order.

Mr. Speaker: Mr. Sergeant-at-Arms,—

*[The Sergeant-at-Arms approached Mr. Holman who refused to move from his seat.]*

Opposition members: Do not attempt it!

Hon. P. Collier: Come down and give the Sergeant-at-Arms a hand.

Hon. T. Walker: Do not do anything illegal, Mr. Sergeant.

Mr. Foley: What do you want a man to do, Mr. Speaker? Do you want him to crawl on his belly to you, or do you want him to withdraw?

Mr. Speaker: Order!

Mr. Foley: Under Standing Order 72 the hon. member was named. A little while afterwards, it is on Standing Order 73 that you base your ruling. Several members on this side quoted Standing Order 149 to show that it was a natural corollary of Standing Order 72; and you would not then, Sir, admit—

Mr. Speaker: Order!

Mr. Foley: You would not admit it was in conformity with that Standing Order.

Mr. Speaker: After hearing those arguments, I permitted the member for Murchison to make his explanation, and he did so. I now order him to withdraw.

Hon. J. Scaddan: You cannot deprive the hon. member of his vote.

Mr. Foley: The hon. member has done everything that his manhood will allow him to do. He has withdrawn his remarks. He has complied. Therefore, no matter what Standing Order you quote, you have no right to order him out of the Chamber. The division bells have rung, and the matter is now

for the House to decide. The House is waiting to decide, and not to waste the country's time.

Mr. Speaker: The member for Murchison will withdraw from the Chamber.

Hon. J. Scaddan: What power have you to order him to leave the Chamber? The hon. member has his rights and privileges. Where do you find the power you claim? You are not entitled to set yourself up as an autocrat.

Mr. Speaker: The hon. member should withdraw under Standing Order 149.

Hon. J. Scaddan: Standing Order 149 does not empower you to do that. That Standing Order provides that the hon. member concerned shall at a certain stage withdraw; but the motion is now before the Chamber to be divided upon.

Opposition members: Divide!

Mr. Taylor: Standing Order 195 provides that as soon as a division shall have been demanded, the Clerk shall ring the division bell and turn a two-minute sand glass, and after a lapse of two minutes the division shall follow.

*[The Sergeant-at-Arms called in a constable who approached Mr. Holman but the hon. member still refused to move. Several members of the Opposition surrounded the Sergeant-at-Arms and the constable and there was great disorder. One member went to the door and after a struggle with the Sergeant-at-Arms locked it and took the key away. There were many exclamations mostly demanding of the Speaker what authority he had to order a constable to enter the Chamber to assist in the removal of a member.]*

Mr. Scaddan: Where is the Act of Parliament, Mr. Speaker, giving the Speaker authority to control the police? You have no power to do anything of the kind.

Hon. T. Walker: You have no authority.

Hon. J. Scaddan: I draw your attention Mr. Speaker, to the fact that a police constable is in the Chamber, where he has no right to be.

Mr. Foley: I have a good mind to come up there and put you out, too.

Mr. Speaker: Constable Green—

Hon. J. Scaddan: Mr. Green is not your servant.

Opposition members: Divide!

Mr. Speaker: I will leave the Chair.

*The Speaker left the Chair at 5.45 p.m.*

## Legislative Council,

Wednesday, 28th February, 1917.

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

### PAPERS PRESENTED.

By the Colonial Secretary: Annual Reports, (a) Gaols Department for the year 1915, (b) Department of Public Works and Trading Concerns for the year 1915/16.

### QUESTION — PREMIERS' CONFERENCE, FINANCIAL ASSISTANCE TO WESTERN AUSTRALIA.

Hon. R. J. LYNN (for Hon. R. G. Ardagh) asked the Colonial Secretary: Seeing that at the recent Premiers' conference a sum of money was allocated to Western Australia by the Federal authorities to carry out certain works, will the Minister give a detailed account of the items on the schedule, and also the amount of money allocated for each work?