

like to avail myself of this opportunity to express my appreciation of the very valuable assistance rendered to me at all times by members of the House. Whenever any bill has been brought forward, hon. members placed no obstacle in my way, but rather helped me to carry out my duties. I feel that if it had not been for the assistance thus afforded I should never have been able to carry out my duties with satisfaction to the House. I also wish to express my thanks to you, Mr. President, to the Chairman of Committees, and to the officers of the House, for the valuable assistance which has been rendered to me at all times. On every occasion when I have needed assistance it has been forthcoming, and I deeply appreciate the kindness and the consideration extended to me under all circumstances.

NEW MINISTRY.

The Hon. Sir JOSEPH CARRUTHERS: I should like to make a brief statement to the House following on the statement made by the hon. member Mr. Kavanagh. His Excellency the Governor entrusted Sir George Fuller with the commission to form a Ministry, and that commission has been executed to-day. The Ministry has been sworn in as follows:—Sir George Fuller as Premier, Mr. Wearne, Mr. Bavin, Sir Thomas Henley, Mr. Ley, Mr. Oakes, Mr. Cocks, Mr. Fitzpatrick, and myself as Vice-President of the Executive Council and representative of the Government in this Chamber. The other places are not yet filled; when they are they will be duly announced to the House.

I should like to say in regard to the retiring Vice-President of the Executive Council Mr. Kavanagh, that no man has filled that position better than he has. If I can only do as well as he has done to earn the confidence and respect of this Chamber I shall be very well satisfied. I do not know whether I am going to hold the position for the length of time he has held it; I am not a good prophet. Hon. members will agree that the position which has arisen is one of the most extraordinary character. I do not suppose its like has occurred in any part of the British Dominions. There is one thing certain, however; our Constitution is of

so elastic a character that there is no difficulty which cannot be overcome. I have not yet the benefit of a colleague to assist me in the work of the House. Hon. members know that that work is so arduous that it really calls for the unremitting attention of two representatives of the Government. I move:

That this House do now adjourn.

Question resolved in the affirmative.

House adjourned at 4.37 p.m.

Legislative Assembly.

Tuesday, 20 December, 1921.

Resignation of Mr. Speaker—Election of Speaker—
Assent to Bills—New Ministry.

Mr. SPEAKER took the chair.

RESIGNATION OF MR. SPEAKER.

The CLERK read the following letter from Mr. Simon Hickey:—

The Speaker's Room,
Sydney, 20th December, 1921.

Mr. W. S. Mowle,
Clerk of the Legislative Assembly.
New South Wales.

Dear Sir,—I hereby resign my position of Speaker of the Legislative Assembly.—Yours faithfully, SIMON HICKEY.

ELECTION OF SPEAKER.

Sir GEORGE FULLER: As leader of the Government, I am awaiting nominations for the position of Speaker. The matter is entirely in the hands of this Assembly, and I would like to know whether there is any hon. member who is prepared to submit himself for the position of Speaker.

Mr. BAGNALL: I am prepared to submit myself, and if I am in order I will give my reasons. I have given careful consideration to the position that has arisen during the last few days. I was returned to this Parliament at the last election as a member of the National party—a party that was destroyed at the hands of the Progressives of this State. The most prominent members of that party have now been taken into the new coalition

Ministry. I cannot reconcile myself to this recognition of the men who were the chief assassins of the last National Government, and to seeing them placed in the high and honorable positions of Ministers of the Crown conjointly with the leading members of the National party. Having carefully considered the whole position I hold the view that my obligations to the National party cease with this development, and as a free and representative member I am prepared to see this House continued in its life for a certain period because of these circumstances. The action taken by those who have brought about the coalition Ministry and the impossible units that go to make up that Ministry, have brought about such a development that, as a matter of political principle, I hold that extreme Labour, being the most real menace to this State, this hotch-potch so-called coalition Ministry which has been devised to save the people from this extreme party will only have the opposite effect of throwing the country completely into the hands of the extremists. Holding that opinion strongly, and believing that a terrific blunder has been made in the party arrangements, I have determined that the true coalition that is required to save the State is a coalition of the moderates of all parties. Without such a coalition, those who press for the destruction of the State cannot be defeated. It is no use playing with the position. As one who at the last election saw my late leader and the National party destroyed by men who were nursed into politics by my late leader, I say that such a combination is of no use to me. It is something I will not stand for. Believing that it is desirable Parliament should be continued in its life for a certain period, I can assure hon. members if I should be selected by this honorable House to fill the position of Speaker that period will depend on the course of events. All I can say in conclusion is that if I should be selected to fill the position of Speaker of this Assembly I shall endeavour to recognise the principles which actuated my great predecessors in the chair. Should I be appointed to the position this will be my last political speech in this Chamber. I can assure hon. members that I shall endeavour to

[*Mr. Bagnall.*

fill the position with credit to myself, my constituents, and the House. I am determined that no outside influence shall affect me, nor will I be browbeaten from taking a step which under all circumstances I believe to be in the interests of the preservation of sane democratic government. I would say, in conclusion, that the forces which have come into alliance amount to this: that throughout the ranks of the National Association there is general resentment at the turn of events. There is equal resentment among the organisations that make up the so-called Progressive party. If anyone should say that there is a true coalition on the part of those two parties I would refer principally to Mr. Bavin and Mr. Ley, who have played a treacherous part in the destruction of the National party; and, as far as I am concerned, I have no further desire to be associated with the new coalition party.

Colonel ONSLOW: The office of Speaker is probably one of the highest and most honorable to which any politician or statesman can aspire. Of late years the tendency has been to make the Speakership a pawn in the party game, thereby degrading, not only the office itself, but the holder of the office, and also degrading and vilifying the politics of the State. The qualities required by the Speaker are, in my humble opinion, a sound knowledge of parliamentary procedure and parliamentary law, a sound judgment, some capacity to influence and control one's fellow members, and, above all, an impartial disposition. I make bold to say that, simply judging by the speech just made by the hon. member for St. George, that hon. member is lacking in judgment, in knowledge of parliamentary procedure, and certainly in good taste and good manners. It may be, of course, that he conceals within himself some fund of knowledge of parliamentary procedure, but if that knowledge is on a par with his good taste, and his good manners, this Assembly would be singularly unfortunate in having that hon. member in the position as Speaker. I apprehend it will be necessary that we should accept him as Speaker, since, in the exercise of the patriotism which all hon. members of this House evince, we have no other choice. If the hon. member Mr. Bagnall succeeds

in becoming Speaker I further apprehend it will not be for a long period, and he may solace himself with the knowledge that he is Speaker of the House because it is Hobson's choice.

Mr. ANDERSON: I move:

That Daniel Levy, Esquire, do take the chair of this House as Speaker.

Mr. A. F. SMITH: I second the nomination.

Mr. LEVY: In view of the unfortunate difficulty that has arisen, and seeing that there is an imperative necessity to elect a Speaker in order to constitute a House—because without a Speaker there is no House—in the highest interests of the State I am prepared to allow my name to be submitted for this office—although in doing so I am liable to misunderstanding—on the distinct assurance that, if I am elected, when I present myself to his Excellency the Governor for his approval, I am clearly to communicate to him the condition of deadlock at which, unfortunately, we have arrived, and to express the humble opinion that there is only one solution of this unprecedented situation. Of course what that solution is it is for his Excellency's advisers to suggest; but it is a solution of which I have no doubt hon. members are fully aware. On that distinct understanding—and on that distinct understanding only—I am prepared to allow my name to be submitted to this House.

Members of the House calling Mr. Levy to the chair, he was taken out of his place by the hon. members Messrs. Anderson and Smith, and conducted to the chair.

Mr. SPEAKER-ELECT (standing on the dais) said: I think the occasion is one which does not call for any lengthy observations on my part. Whatever may be the destinies of one side or the other, all I can say is that so long as I am in the chair I will act as a Speaker ought to act.

Sir GEORGE FULLER: Mr. Speaker, I desire to offer you congratulations on the patriotic action which you have taken here this afternoon in the *impasse* at which this House has arrived. It was impossible to constitute the House unless some member was prepared to take the chair; and you, sir,

from a stern sense of public duty, realising the position, have on the distinct understanding that you will report the position of affairs to his Excellency, been good enough to take the chair, and constitute this House. I offer my sincere congratulations to you. We have done that before, and I do not wish to repeat what I said on a former occasion, but I offer you my congratulations, feeling that what you are doing here this afternoon is in order to constitute a House, and is prompted by your stern sense of public duty.

Mr. DOOLEY: The duty certainly has devolved upon the hon. member Sir George Fuller, as leader of the House, to elect a Speaker. He has decided that you should be nominated, and I can only reiterate what I have said previously—that during the period you have occupied the chair you have always done so in an impartial manner, and have fulfilled all the traditions attaching to parliamentary procedure.

Mr. J. J. G. MCGIRR: I take this stand in connection with the election of Speaker: that you have done an unconstitutional act in saying that you would advise the Governor in any shape or form, because it has been proved in this House by another hon. gentleman who has offered himself as Speaker to-day that there are others who are willing to accept the position, and that this House is not at a deadlock. It is abrogating the rights of constitutional government for you to say, on behalf of the State of New South Wales, that you will go down and deliver a message to the Governor that is untrue—because that is what it amounts to. At least I have sufficient confidence in the representative in this State of the British Dominions to say that he will not take notice of such a falsehood, and I say that if the tie which exists between the British Empire and Australia to-day, and which we all admire and stand by, is to be recognised, then the Governor will not take notice of a message such as it is proposed by the Speaker in his remarks to deliver to him. We have one great faith in the Governors of this State, and that is that under no conditions will society influences be able to affect their decisions. The eyes of the public of New South Wales are on the

State Governor, and by the action to-day of the hon. member Mr. Bagnall—which I maintain was an honorable action, taking into consideration the fact that the hon. gentleman is a member of the party opposite—I contend that the Governor will see that the position in this House is not as would be stated in the endeavour which will apparently be made to mislead him.

I trust that the harmony that has existed in the past between the representatives of the British throne and the great public of New South Wales will not be disturbed. I trust that the Governor will observe the precedents in regard to our Constitution, that he will take into consideration the fact that the hon. member Mr. Bagnall offered himself for the position of Speaker, and that this being so the conditions are not such as have been trumped up between the hon. member Sir George Fuller and the hon. gentleman who has just occupied the chair.

Mr. SPEAKER: Order! The hon. member must not say that. There has been no arrangement about the matter between the hon. member Sir George Fuller and myself. The hon. member must not use the remark about something being "trumped up" between the hon. member Sir George Fuller and myself. I give the hon. member my personal assurance that it is not correct, and I do not think the hon. member would willingly do me an injustice.

Mr. J. J. G. McGIRR: According to parliamentary procedure I must withdraw that, but I should not feel that I was doing my duty to my fellow-Australians, natives of New South Wales, who wish that the British Constitution shall exist in this country for many years to come, if I allowed something to be done that would estrange the relationship between the representative of the British throne here and the people of this community. I would not like to see a gentleman occupying the high position of Governor of this State misled or placed in an invidious position, because the position which actually exists is not such as has been stated on the floor of this Chamber.

Mr. SPEAKER: Order! I would call the hon. gentleman's attention to the fact that there is no motion before the Chair. It has been usual from time immemorial,

[Mr. J. J. G. McGirr.

when a Speaker has been elected, for the leaders of the various parties to say a few words, but there is no motion before the Chair. I therefore must ask hon. members not to speak any further on this matter, unless it be the leader of a party.

Mr. J. J. G. McGIRR: I will conclude, then, by saying that the hon. member Mr. Bagnall has said that he will not support the present coalition Government, and that shows that the Government does not hold the confidence of a majority of the members of this House.

Mr. SPEAKER: Order! It may be necessary for me, in order to remove, once and for all, any misunderstanding, to say that the hon. member Mr. Bagnall was not proposed nor seconded for the position of Speaker. I say this, unequivocally and unreservedly, that if that hon. member, or any other hon. member, had been proposed and seconded, I would not have stood for the position, but I could not allow this House to get into an *impasse*.

Mr. MOLESWORTH: Mr. Speaker,—

Mr. SPEAKER: I am afraid I cannot allow you to speak. As the hon. gentleman knows, it has not been my practice to curtail discussion, but there is no motion before the House.

Mr. MOLESWORTH: Mr. Speaker, both on your resignation and election there were speakers other than the leaders of parties, and I would suggest—

Mr. SPEAKER: Order! The hon. member, I am sure, knows that I wish to treat him fairly. I may point out that before the Speaker was elected the House was not constituted, and there were no standing orders and no rules to govern the procedure. It was therefore open to hon. members to speak when they liked, and how they liked. There was no officer of the House armed with powers to control the House. But now the House is constituted, and until there is a motion before the House, I cannot allow hon. members to speak unless in the way I have already indicated. The Premier of the day is allowed to make an announcement on the occasion of the election of the Speaker, and the leaders of parties may be permitted to say a few words, but apart from that I am sure hon. members will see that there cannot be any discussion.

Sir GEORGE FULLER: I have to inform the House that I have ascertained from the Governor that his Excellency is now prepared to receive Mr. Speaker.

Mr. SPEAKER: The House will now proceed to Government House to present the Speaker to his Excellency.

Hon. members proceeded to Government House, and having returned,

Mr. SPEAKER: I have to report that the Assembly has been to Government House, where I informed his Excellency that, on the announcement in the House this day of the vacancy in the Speakership caused by the resignation of the hon. member Mr. Simon Hickey, the Legislative Assembly in the exercise of their undoubted right and privilege had proceeded to elect one of their number to be Speaker, and that, the choice of the House having fallen on me, I had the honor to present myself to his Excellency as Speaker. Whereupon his Excellency was pleased to offer me his congratulations upon my elevation to the chair.

I further took the opportunity to inform his Excellency of the difficulties which were this afternoon associated with the election of a Speaker of this House and that I had only accepted the nomination to the office in order to prevent an *impasse*. I now propose to leave the chair until 9 o'clock this evening.

[Mr. Speaker left the chair at 4.12 p.m.
The House resumed at 9.5 p.m.]

ASSENT TO BILLS.

Royal assent to the following bills reported:—

Wild Dog Destruction Bill.

Public Health (Amendment) Bill.

NEW MINISTRY.

Sir GEORGE FULLER: I desire to make a short statement to the House. I was commissioned by his Excellency the Governor, in view of the defeat of the Dooley Administration, to form a Government for the purpose of carrying on the business of this country. In accordance with his Excellency's desire I formed a Government which I submitted to him this morning. The following are the

names of the members of the Government: Premier, the Hon. Sir George Fuller, K.C.M.G.; Colonial Secretary and Minister for Public Health, the Hon. C. W. Oakes; Attorney-General and Minister of Justice, the Hon. T. R. Bavin; Secretary for Lands and Minister for Forests, the Hon. W. E. Wearne; Vice-President of the Executive Council, the Hon. Sir Joseph Carruthers, K.C.M.G., LL.D., M.L.C.; Colonial Treasurer, the Hon. A. A. C. Cocks; Secretary for Public Works and Minister for Railways and Housing, the Hon. Sir Thomas Henley, K.B.E.; Minister of Public Instruction and Labour and Industry, the Hon. T. J. Ley; Secretary for Mines and Minister for Local Government, the Hon. J. C. L. Fitzpatrick; Minister for Agriculture, Captain the Hon. F. A. Chaffey; Minister for Business Undertakings, the Hon. R. Perdriau. The Ministry has been sworn in to-day, and, in view of the proceedings which took place in this House during the afternoon, I since dinner have tendered his Excellency certain advice. That advice has been refused. In consequence of the refusal of that advice by his Excellency I have forwarded to him my resignation.

I should like also to make the following statement to the House: I accepted the Governor's invitation to form a Ministry as in duty bound, and, acting in good faith to the King's representative, I assumed that the way was clear, and that the constitutional practice would be followed, so that if it were proven that the House was so constituted that I was not capable of carrying on its functions with usefulness and dignity, it might be dissolved and the electors appealed to. I formed my Ministry, and it was sworn in and became the duly-constituted advisers of the Governor. The House met, and again a deadlock occurred. Mr. Levy was elected to the chair on a distinct statement by him that he would only accept the position of Speaker so that he might inform the Governor of the extraordinary position and of the deadlock, and also inform him that the only solution of the situation was to accept the advice of his Ministers, which naturally meant and was clearly understood to be a dissolution. I gave the advice to his Excellency to dissolve the House and to let the electors decide the matter, but his Excellency

refused to accept my advice, and I have therefore declined to remain in office under conditions that not only would humiliate me but would tend to lower the repute of parliamentary government. I move:

That this House do now adjourn.

Question resolved in the affirmative.

House adjourned at 2.19 p.m.

Legislative Council.

Wednesday, 21 December, 1921.

Resignation of Ministry—New Ministry—Agricultural Industry—Fair Rents (Amendment) Bill.

The PRESIDENT took the chair.

RESIGNATION OF MINISTRY.

The Hon. Sir JOSEPH CARRUTHERS: I beg to inform the House that in consequence of certain advice tendered to the Governor by the Premier, Sir George Fuller—full particulars of which appear in the *Hansard* report of the proceedings of the Legislative Assembly yesterday—not having been accepted by his Excellency, the Premier deemed it his duty to tender to the Governor his resignation of the Ministry. His resignation has been accepted, and Mr. Dooley has been requested by the Governor to undertake the formation of a new Administration.

NEW MINISTRY.

The Hon. E. J. KAVANAGH: I desire to announce that Mr. Dooley succeeded in forming a new Administration as follows:—The Hon. James Dooley, Premier and Colonial Secretary; the Hon. John Joseph Gregory McGirr, Minister for Public Health and Motherhood; the Hon. John Estell, Secretary for Public Works and Minister for Railways; the Hon. Edward John Kavanagh, Vice-President of the Executive Council, Minister for Labour and Industry, and Representative of the Government in the Legislative Council; the Hon. John Thomas Lang, Colonial Treasurer; the Hon. William Fraser Dunn, Minister for Agriculture.

[*Sir George Fuller.*

ture; the Hon. George Cann, Secretary for Mines and Minister for Local Government; the Hon. Peter Ffrench Loughlin, Secretary for Lands and Minister for Forests; the Hon. Thomas Davies Mutch, Minister of Public Instruction; the Hon. Edward Aloysius McTiernan, Attorney-General; the Hon. Robert Sproule, Solicitor-General; the Hon. William John McKell, Minister of Justice; the Hon. Carlo Camillo Lazzarini, Minister for State Industrial Enterprises.

AGRICULTURAL INDUSTRY.

Resolved (on motion by the Hon. Sir JOSEPH CARRUTHERS):

That the final report of the Select Committee on Agriculture, laid on the table of this honorable House, be now adopted.

FAIR RENTS (AMENDMENT) BILL.

Bill presented, and (on motion by the Hon. N. J. Buzacott) read a first time.

House adjourned at 4.41 p.m.

Legislative Assembly.

Wednesday, 21 December, 1921.

New Ministry (Adjournment).

Mr. SPEAKER took the chair.

NEW MINISTRY.

ADJOURNMENT.

Mr. DOOLEY: I wish to inform the House that immediately after Sir George Fuller announced that he had tendered his resignation in consequence of the refusal by his Excellency the Governor of certain advice tendered to him his Excellency sent for me and commanded me to form an Administration. I accordingly did so and Ministers waited upon his Excellency this morning and were duly sworn in. The following are the names of the members of the Government: The Hon. James Dooley, Premier and Colonial Secretary; the Hon. John Joseph Gregory McGirr, Minister for Public Health and