Votes

No. 1.

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY.

FIRST SESSION OF THE THIRTY-SECOND PARLIAMENT.

TUESDAY, 12 APRIL, 1988.

1. OPENING OF PARLIAMENT:-The House met at Twelve o'clock at Noon, pursuant to a Proclamation of His Excellency the Governor, bearing date the sixth day of April, 1938, of which a copy was read by William Rupert McCourt, Esquire, the Clerk of the Legislative Assembly, as follows:-

"TO WIT. "(L.g.)

"NEW SOUTH WALES | By His Excellency the Right Honorable John de Vere, BARON WAKEHURST, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Captain in the Reserve of Officers of the Territorial Army, Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia.

"WAKEHURST, "Governor.

"In pursuance of the power and authority vested in me as Governor of the "State of New South Wales by virtue of an Act passed in the second year of the "reign of His late Majesty King Edward the Seventh, being 'An Act to "consolidate the Acts relating to the Constitution,' I do hereby proclaim that "a Session of the Legislative Council and Legislative Assembly for the State "of New South Wales for the despatch of business shall commence and be holden "on Tuesday, the twelfth day of April, 1938, at 12 o'clock noon, in the buildings "known as the Legislative Council Chambers, in Macquarie-street, in the City "of Sydney; and Members of the said Legislative Council and Legislative Assembly, respectively, are hereby required to give their attendance at the said "time and place accordingly.

"Given under my Hand and Scal, at Sydney, this sixth day of April, in "the year of Our Lord one thousand nine hundred and thirty-eight, in "the second year of His Majesty's reign.

"By His Excellency's Command,
"B. S. STEVENS,

"GOD SAVE THE KING!"

2. WRITS OF ELECTION:-The Clerk announced that he had received, through the Honourable the Colonial Secretary, a correct list, without any omission, certified by His Excellency the Governor, of the names of the several persons returned for the Electoral Districts set against such names, respectively, at the General Election of Members to serve in the Legislative Assembly of New South Wales, which was held on the 26th day of March, 1938, and further certifying that the several Writs of Election, being ninety in number, were duly returned before the day on which they were legally returnable.

Names of Members returned.

Electoral Districts for which returned.

Yass. Ardill, George Edward Arkins, James Guy Dalley Dulwich Hill. Hamilton. Arthur, Joshua George. • • Cessnock, Baddeley, John Marcus

78705

	,	Electoral Districts for which
Names of Members returned.		returned.
Bate, Henry John		South Coast.
Bennett, Charles Edward		Gloucester.
Booth, George		Kurri Kurri.
Brown, Malcolm		Upper Hunter. Tenterfield.
Bruxner, Michael Frederick		Byron.
Burke, Francis Michael		Newtown.
Cahill, John Joseph		Arncliffe.
Cameron, Robert		Waratah.
Carlton, William Joseph		Glebe.
Carter, Harry Charles		Liverpool Plains.
Chaffey, Frank Augustus		Tamworth. King.
Clyne, Daniel		Cobar.
Davies, William		Illawarra.
Dickson, Samuel Douglas		Temora.
Drummond, David Henry		Armidale.
Dunn, William Fraser		Mudgee.
Dunningham, John Montgomery		Coogee,
Elliott, Hylton Oswald		Ashburnham. Lachlan.
Evans, Griffith Parry		Lacinali. Lane Cove.
Frith, William		Lismore.
Gollan, George Charles		Parramatta.
Gorman, Robert Douglas		Annandale.
Hankinson, Robert Henry		Murrumbidgee.
Hawkins, Francis Harold		Newcastle.
<u> </u>	• ••	Monaro.
•	• ••	Botany.
Horsington, Edward Matthew ,.		Sturt. Maitland.
		Nepcan.
77 11 611 4 . 1	· · · ·	Bathurst.
		Wagga Wagga.
Knight, Hamilton		Hartley.
		Granville.
Lang, John Thomas	• • •	Auburn.
	• ••	Murray.
Lazzarini, Cario Camino		Marrickville. Drummoyne.
77 44 47 60 60		Corowa.
Lloyd, Herbert William		M
Y 1 J Stanlan Allan		Concord.
McGirr, James		Bankstown.
		Redfern.
	• ••	Albury.
	• • •	Oxley.
We will the state of the	• ••	Leichhardt. Burwood
Monro, Cecil Owen James		George's River.
Morton, Mark Fairles		Wollondilly.
Moverly, Arthur Henry		Randwick.
0/5-11:		Paddington.
		North Sydney.
	• ••	Balmain.
	• ••	Young.
Reid, Alfred Edward Albert Ernest Vassa . Reid, John Thomas		Manly.
10 2 -1	• • •	Casino. Ashfield.
Doham 17 Manager	• • •	Vaucluse.
Ross, James Clyde	••	Kogarah.
Ross, William Forrest Maxwell		Cootamundra.
Sanders, Edward Lloyd		Willoughby.
Shand, James Barclay		Hornsby.
Shannon, Thomas John Sinclair, Colin Archibald	• • • •	Phillip.
Solomon This Cambra	••	Namoi,
Spooner Trie Salmer		Petersham. Ryde.
Stanley, Fred	• •	Lakemba.
Stamona Danton G I I I II	••	Croydon.
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Electoral Districts for which Names of Members returned. returned. Sweeney, John Thomas Bulli. Thomas, Norman Bondi. Canterbury. Tonge, Arthur Tonking, Alwyn Uren ... Orange. Treatt, Vernon Haddon Tully, John Moran Woollahra. Goulburn. . . Turner, Henry Basil .. Gordon. Vincent, Roy Stanley . . Waddell, John William Raleigh. Waverley. Barwon. Wade, Benjamin Martin Walker, Ronald Bruce ... Hawkesbury. Weaver, Reginald Walter Darcy Neutral Bay. Hurstville. Webb, James Eli Wilson, George Alan Lachlan Dubbo. Wingfield, Cecil Gordon Clarence. Yeo, Alfred William ... Castlereagh.

3. Message from the Commissioners:—The Usher of the Black Rod, being admitted, delivered a Message, that "The Commissioners request the immediate attendance of this Honourable House in the Legislative Council Chamber, to hear the Commission for opening of Parliament read."

The House went, and the Members of both Houses being scated at the request of the President, on behalf of the Commissioners,-

The President said,-

"Honourable Members of the Legislative Council, and Members of the Legis"lative Assembly,—His Excellency the Governor, not deeming it fit to be
"personally present here this day, has been pleased to cause a Commission to
"be issued under the Great Seal of the State, constituting us Commissioners
"to do on behalf of His Majesty, all things necessary to be done in the name
"of His Majesty, or in the name of His Excellency the Governor of the State
"in and about the opening and holding of this Parliament, to deliver a Message
"to the Legislative Assembly, and to do all such other things as may be specially
"necessary to enable Parliament to perform acts which admit of no delay, as
"will more fully appear by the Commission itself, which must now be read."

Whereupon the Commission was read by the Clerk of the Parliaments, as follows:---

"George the Sixth, by the Grace of God, of Great Britain, Ireland, and the "British Dominions beyond the Seas, King, Defender of the Faith, Emperor "of India.

"To all to whom these presents shall come,—
"Greeting:

"WHEREAS by Proclamation made on the sixth day of April, 1938, His Excellency, "the Right Honourable John de Vere, Baron Wakehurst, Knight Commander "of Our Most Distinguished Order of Saint Michael and Saint George, Captain "in the Reserve of Officers of Our Territorial Army, Our Governor of Our State "of New South Wales and its Dependencies, in the Commonwealth of Australia, "did, in pursuance of the power and authority vested in him as Governor of Our "said State, by virtue of an Act passed in the second year of the reign of His "late Majesty King Edward the Seventh, being 'an Act to consolidate the "'Acts relating to the constitution,' proclaim that a session of the Legislative "Council and Legislative Assembly for the said State, should commence and "be holden on Tuesday, the twelfth day of April, 1938, at the time and "place mentioned in the said Proclamation: And whereas, for certain causes, "Our said Governor cannot conveniently be present in person at the opening of "the said Session of the Legislative Council and Legislative Assembly of Our "said State: Now know ye, that we, trusting in the discretion, fidelity and care "of Our trusty and well-beloved the Honourable Sir John Beverley Peden, Presi-"dent of the said Legislative Council, the Honourable Henry Edward Manning, "Attorney-General and Vice-President of Our Executive Council of Our said "State, and the Honourable Ernest Henry Farrar, Chairman of Committees, "Members of the said Legislative Council, do, with the advice of Our Executive "Council of Our said State, give and grant by the tenor of these presents unto "the said Sir John Beverley Peden, Henry Edward Manning, and Ernest Henry "Farrar, or any two of them, full power in Our name to open and hold the said "Session of the said Legislative Council and Legislative Assembly on the said "twelfth day of April, or subsequent day, on Our behalf to do all things necessary "to be done in Our Name, or in the name of Our Governor of Our said State, "in and about the opening and holding of the said Parliament, to deliver "Messages to the Legislative Council and to the Legislative Assembly, and to

12th April, 1938.

"do all such things as may be specially necessary to enable Parliament or the "said Legislative Council or the said Legislative Assembly to perform acts which "admit of no delay: Commanding also by the tenor of these presents all whom "it concerns to meet in the said Parliament, that to the said Sir John Beverley "Peden, Henry Edward Manning and Ernest Henry Farrar, or any two of them, "they diligently attend in the premises in the form aforesaid.

"In testimony whereof, we have caused these Our Letters to be made "Patent and the Great Seal of Our said State to be hereunto affixed.

"Witness Our trusty and Well-beloved the Right Honourable JOHN DE VERE,
"BARON WAKEHURST, Knight Commander of Our Most Distinguished
"Order of Saint Michael and Saint George, Captain in the Reserve of
"Officers of Our Territorial Army, Our Governor of Our State of New
"South Wales and its Dependencies, in the Commonwealth of Aus"tralia, at Sydney, in Our said State, this eighth day of April, in the
"year of Our Lord one thousand nine hundred and thirty-eight, and
"in the second year of Our Reign.

"WAKEHURST, "Governor.

"By His Excellency's Command,
"B. S. STEVENS."

The President then said,-

"Gentlemen of the Legislative Assembly,-

"We have it in command from the Governor to let you know that, it"being necessary that a Speaker of the Legislative Assembly be chosen, it is
"His Excellency's pleasure that you, Gentlemen of the Legislative Assembly,
"repair to your own Chamber, and there, after Members shall have been sworn,
"proceed to the election of one of your number to be your Speaker."

And the House having returned,-

4. Commission to Administer the Oath of Allegiance:—The Clerk informed the House that he had received, through the office of the Premier, the following Commission:—

"By His Excellency the Right Honourable John de Vere, Baron Wakehurst, "Knight Commander of the Most Distinguished Order of Saint Michael "and Saint George, Captain in the Reserve of Officers of the Territorial "Army, Governor of the State of New South Wales and its Dependencies, "in the Commonwealth of Australia.

"To all to whom these presents shall come, "Greeting:

"In pursuance of the authority in me vested in that behalf, I, Captain the Right "Honourable Lord Wakehurst, as Governor of the State of New South Wales, "do, with the advice of the Executive Council thereof, hereby authorise the "Honourable Bertram Sydney Barnsdale Stevens, Premier and Colonial "Treasurer, Lieutenant-Colonel the Honourable Michael Frederick Bruxner "Deputy-Premier and Minister for Transport, and the Honourable Eric Sydney "Spooner, Minister for Local Government and Secretay for Public Works, or "any one or more of them, to administer to all or any Members or Member of "the said Legislative Assembly the Oath or Affirmation of Allegiance to His "Majesty the King, required by Law to be taken or made and subscribed by "every such Member before he shall be permitted to sit or vote in the said "Legislative Assembly.

"Given under my hand and the Public Seal of the State, at Sydney, in the "State of New South Wales aforesaid, this eighth day of April, in the "year of Our Lord one thousand nine hundred and thirty-eight, and in "the second year of His Majesty's Reign.

"WAKEHURST, "Governor.

"By His Excellency's Command,
"B. S. STEVENS."

5. Members Sworn:—The Honourable Bertram Sydney Barnsdale Stevens took and subscribed the Oath of Allegiance himself, and administered the same to the two other Commissioners, Lieutenant-Colonel the Honourable Michael Frederick Bruxner and the Honourable Eric Sydney Spooner, and then the Commissioners respectively signed the Roll of the House, and administered the Oath to all the

other Members present—the Clerk producing the several Writs returning them, and the Members signing the Roll as they were severally called to the Table,

George Edward Ardill, Esquire. James Guy Dalley Arkins, Esquire. Joshua George Arthur, Esquire. John Marcus Baddeley, Esquire. Henry John Bate, Esquire. Charles Edward Bennett, Esquire, B.A. George Booth, Esquire. Malcolm Brown, Esquire. Lieut.-Colonel the Honourable Michael Frederick Bruxner, D.S.O. Arthur Eames Budd, Esquire. Francis Michael Burke, Esquire. John Joseph Cahill, Esquire. Robert Cameron, Esquire. William Joseph Carlton, Esquire. Harry Charles Carter, Esquire.
Captain the Honourable Frank
Augustus Chaffey. Daniel Clyne, Esquire. Mark Anthony Davidson, Esquire. William Davies, Esquire. Samuel Douglas Dickson, Esquire. The Honourable David Henry ${\bf Drummond.}$ Captain the Honourable William Fraser Dunn. The Honorable John Montgomery Dunningham. Hylton Oswald Elliott, Esquire. Griffith Parry Evans, Esquire. The Honourable Herbert Paton Fitz-Simons. William Frith, Esquire. The Honourable George Charles Gollan. Robert Douglas Gorman, Esquire. Robert Henry Hankinson, Esquire. Francis Harold Hawkins, Esquire. William Whaley Hedges, Esquire. Robert James Heffron, Esquire. Edward Matthew Horsington, Esquire. Walter Arthur Harrex Howarth, Esquire. Joseph Jackson, Esquire. Kelly, Christopher Augustus Esquire. Matthew Kilpatrick, Esquire. Hamilton Knight, Esquire. William Henry Lamb, Esquire. John Thomas Lang, Esquire. Joseph Alexander Lawson, Esquire. Carlo Camillo Lazzarini, Esquire. The Honourable John Robert Lee. Christopher Baron Lethbridge, Esquire.

Allan Lloyd, Esquire, Stanley A.F.I.A. James McGirr, Esquire. William John McKell, Esquire. Alexander Mair, Esquire. The Honourable Lewis Ormsby Martin, B.A., LL.B. Claude Hilton Matthews, Esquire. Mitchell, Harrie Robert Croft Esquire. Cecil Owen James Monro, Esquire. Mark Fairles Morton, Esquire. Arthur Henry Moverly, Esquire. Maurice O'Sullivan, Esquire. Hubert Leslie Primrose, Esquire. John Quirk, Esquire. Major Albert David Reid, M.C. Alfred Edward Albert Ernest Vassa Reid, Esquire. John Thomas Reid, Esquire. Athol Richardson, Esquire, Ewan Murray Robson, Esquire, B.A., LL.B. James Clyde Ross, Esquire. Forest Maxwell Ross. Williain Esquire. Edward Lloyd Sanders, Esquire. Major the Honorable James Barclay Shand, V.D. Thomas John Shannon, Esquire. The Honourable Colin Archibald Sinclair, B.A., LL.B. Eric Saxby Solomon, Esquire. The Honourable Eric S Honourable Sydney The Spooner. Fred Stanley, Esquire. The Honourable Bertram Sydney Barnsdale Stevens. John Thomas Sweeney, Esquire. Norman Thomas, Esquire. Alwyn Uren Tonking, Esquire. Vernon Haddon Treatt, Esquire, M.M., M.A., D.C.L. John Moran Tully, Esquire. Henry Basil Turner, Esquire, M.A. (Cantab.). The Honourable Roy Stanley Vincent. John William Waddell, Esquire. Benjamin Martin Wade, Esquire. Ronald Bruce Walker, Esquire. The Honourable Reginald Walter Darcy Weaver. James Eli Webb, Esquire, B.A., M.B., Ch.M. George Alan Lachlan Wilson. Esquire. Cecil Gordon Wingfield, Esquire. Alfred William Yeo, Esquire.

6. ELECTION OF SPEAKER:-Mr. Walker, addressing himself to the Clerk (who, standing up, pointed to him, and then sat down), moved, That the Honourable Reginald Walter Darcy Weaver do take the Chair of this House as Speaker,-which motion was seconded by Mr. Yeo. And Mr. Weaver, standing in his place, informed the House that he accepted

Brig.-Gen. Herbert William Lloyd,

C.B., C.M.G., C.V.O., D.S.O.

Question,-That the Honourable Reginald Walter Darcy Weaver do take the Chair of this House as Speaker,—put by the Clerk and passed.

Whereupon Mr. Walker and Mr. Yeo conducted Mr. Weaver to the Chair, where, standing on the upper step, he returned his acknowledgments to the House for the great honour they had been pleased to confer upon him,—And thereupon sat down in the Chair.

Mr. Stevens, Mr. Lang and Lieut.-Colonel Bruxner congratulated Mr. Speaker. Mr. Stevens then informed the House that he had ascertained that His Excellency would receive their Speaker at Government House at Three o'clock, p.m., This Day.

- 7. Presentation of Speaker:—The House then proceeded to Government House to present their Speaker to His Excellency the Governor,—
 - And having returned,—Mr. Speaker reported that the Assembly had been to Government House, where he informed the Governor that, immediately after the opening of Parliament to-day, the Legislative Assembly, in the exercise of their undoubted right, had proceeded to the election of their Speaker, that the choice had fallen upon him, and that he had now to present himself to His Excellency as their Speaker,—whereupon His Excellency was pleased to offer him his congratulations. That he had then, on behalf of the House, laid claim of all their rights and privileges, particularly to freedom of speech in debate, to free access to His Excellency when occasion should require, and that the most favourable construction should, on all occasions, be put upon their language and proceedings; to all which His Excellency had readily assented. Mr. Speaker then expressed his appreciation for the honour the House had been pleased to confer upon him.
- 8. Leader of the Opposition:—Mr. Lang informed the House of his appointment as Leader of the Opposition from the twenty-sixth day of March, 1938.
- 9. Leader of the Country Party:—Lieut.-Colonel Bruxner informed the House of his appointment as Leader of the Country Party and the appointment of the Honourable David Henry Drummond as Deputy-Leader.
- 10. Messace from the Commissioners:—Mr. Speaker reported that the House had this day attended the Commissioners in the Legislative Council Chamber, where a Commission for opening Parliament was read, and a Message to the Assembly delivered, which Message he read to the House as follows:—

Gentlemen of the Legislative Assembly,-

We have it in command from the Governor to let you know that, it being necessary that a Speaker of the Legislative Assembly be chosen, it is His Excellency's pleasure that you, Gentlemen of the Legislative Assembly, repair to your own Chamber, and there, after Members shall have been sworn, proceed to the election of one of your number to be your Speaker.

- 11. Leave of Absence:—Mr. O'Sullivan moved (by consent), without Notice, That leave of absence for the present Session be granted to Arthur Tonge, Esquire, Member for Canterbury, on account of absence from the State.

 Question put and passed.
- 12. Pro Formâ BILL:—LAW OF EVIDENCE BILL:—Mr. Stevens presented a Bill, intituled "A Bill to amend the Law of Evidence," and moved, pro formâ. That this Bill be now read a first time.

 Question put and passed.

 Bill read a first time.
- 13. CHAIRMAN OF COMMITTEES:-
 - (1.) URGENCY:—Mr. Stevens moved, That it is a matter of urgent necessity that this House should forthwith consider a motion for the appointment of a Chairman of Committees of the Whole House.

 Question put and passed.
 - (2.) Suspension of Standing Orders:—Mr. Stevens moved, That so much of the Standing Orders be suspended as would preclude the consideration forthwith of a motion for the appointment of a Chairman of Committees of the Whole House.

Question put and passed.

(3.) Mr. Bate moved, That William Whaley Hedges, Esquire, be Chairman of Committees of the Whole House,—which motion was seconded by Major Reid. Question put and passed.

Mr. Hedges made his acknowledgments to the House.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY. 12th April, 1938.

14. Appointment of Temporary Chairmen of Committees:—Mr. Speaker, pursuant to Standing Order No. 28 (c), nominated,—
Henry John Bate, Esquire,

Henry John Bate, Esquire, Hubert Leslie Primrose, Esquire, Athol Richardson, Esquire, Arthur Tonge, Esquire, and Alfred William Yeo, Esquire,

to act as Temporary Chairmen of Committees during the present Session.

 ADJOURNMENT:—Mr. Stevens moved, That this House do now adjourn until Tuesday next, 19th April, at Half-past Two o'clock, p.m. Debate ensued.

Question put and passed.

The House adjourned accordingly, at Half-past Four o'clock, p.m., until Tuesday next, 19th April, at Half-past Two o'clock, p.m.

W. R. McCOURT,

Clerk of the Legislative Assembly,

R. W. D. WEAVER,
Speaker.

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PROCLAMATION.

NEW SOUTH WALES, to wit. (L.S.) WAKEHURST. Governor.

By His Excellency the Right Honourable John DE VERE, BARON WAKEHURST, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Captain in the Reserve of Officers of the Territorial Army, Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia.

WHEREAS the Legislative Council and Legislative Assembly of the State of New South Wales now stand adjourned to Tuesday, the twelfth day of April, 1938: Now, I, Captain the Right Honourable Lord Wakehurst, in pursuance of the power and authority in me vested as Governor of the said State, do hereby prorogue the said Legislative Council and Legislative Assembly to Tuesday, the 3rd day of May, 1938.

Given under my Hand and Seal, at Sydney, this fourteenth day of April, one thousand nine hundred and thirty-eight, and in the second year of His Majesty's Reign.

By His Excellency's Command,

B. S. STEVENS.

GOD SAVE THE KING!

Sydney: David Harold Paisley, Government Frinter-1938.

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LEGISLATIVE ASSEMBLY. NEW SOUTH WALES.

BUSINESS OF THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES DURING THE SESSION 1938.

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15. Sitting of the House :--

Return of the day on which the House sat in the Session of 1938, stating the date of the month and the day of the week, the hour of the meeting and the hour of adjournment, and the total number of hours occupied in the sitting of the House, and the number of entries in the day's Votes and Proceedings :-

No.	Date.	Day.		House Adjourned.	Hours of Sitting.	Hours after Midnight.	Entries in Votes.
1	1938. 12 April	Tuesday .	 12·0 noon	4·30 p.m	h. m. 4 30	h. m.	15

Legislative Assembly Office, Sydney, 14th April, 1938.

W. R. McCOURT, Clerk of the Legislative Assembly.

Sydney: David Harold Paisley, Government Printer-1988.

[4d]

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

No. 1.

REGISTER OF PUBLIC BILLS ORIGINATED IN THE ASSEMBLY DURING THE SESSION 1938.

Short Titles.	By whom initiated.	Message from Governor, recommending pro- vision for.	Ordered.	Presented and read 1°.	Proceeded with under Standing Order.	Read 2° and Com- mitted.	Recommitted.	Beported.	Report adopted.	Read 3°, passed, and sent to Council for concurrence.	Agreed to by Council without Amendment.	Agreed to by Council with Amendment.	Council's Amendments agreed to.	Council's Amendments disagreed to.	Order of the Day discharged and Bill withdrawn.	Bill dropped or laid	Assent reported.	No. of Act.	Remarks.	
Law of Evidence	Mr. Stevens		12 Apr.	12 Apr.			•••••												Pro forma Bill.	

RECAPITULATION.

Passed and assented to Passed Assent not reported	Number of Public Bills originated Number of Public Bills brought fr Do Private do do	in the Legislative Assement the Legislative Court do	MBLY shown on Regist CIL shown on Registe do	er No. 1 r No. 2 do		••••	
Reserved for Royal Assent Pro forms Bill Not returned by Legislative Council Stopped by Propogation						Private.	
Not returned by Legislative Council	Reserved for Royal Assent			,,	ï	•-•	
* · · · · · · · · · · · · · · · · · · ·	Not returned by Legislative Councillation by Prorogation	cii .,				***	

Legislative Assembly Office, Sydney, 14th April, 1938. W. R. McCOURT, Clerk of the Legislative Assembly.

Sydney: David Harold Paisley, Covernment Printer-1938.

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