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1928-29.

THIRD SESSION OF THE TWENTY-EIGHTH PARLIAMENT.

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1928-29.

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH

IN ONE VOLUME

AND

FOUR JOINT VOLUMES.

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[*Opened 11th September, 1928—Prorogued 3rd April, 1929.*]

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LEGISLATIVE ASSEMBLY.

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OF

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(Opened 11th September, 1928 ; Prorogued 3rd April, 1929.)

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- McGarvie Smith Institute Incorporation Bill, without amendment, 76.
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- Crimes (Amendment) Bill, with amendments, 269.
- Constitution (Legislative Council) Amendment Bill, with amendments, 309.
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- McGarvie Smith Institute Incorporation Bill, 62.
- Beneficiary Fund of the Presbyterian Church of Australia in the State of New South Wales Bill, 98.
- Damages (Infants and Persons of Unsound Mind) Bill, 106.
- Prevention of Cruelty to Animals (Amendment) Bill, 119.
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- Motion made (*Mr. Buttenshaw*) to refer work to, 388.

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- Motion made (*Mr. Buttenshaw*) to refer work to, 388.

RAILWAY FROM EUMONGERIE VIA QUAMBONE TO WALGETT :—

- Motion made (*Mr. Buttenshaw*) to refer work to, 384.

RAILWAY FROM GRIFFITH TOWARDS MATAKANA :—

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Motion made (*Mr. Buttenshaw*) to refer work to Parliamentary Standing Committee on Public Works, 388.
- EUMUNGERIE VIA QUAMBONE TO WALGETT** :—
Motion made (*Mr. Buttenshaw*) to refer work to Parliamentary Standing Committee on Public Works, 384.
- GRIFFITH TOWARDS MATAKANA** :—
Motion made (*Mr. Buttenshaw*) to refer work to Parliamentary Standing Committee on Public Works, 388.
- MORPETH TO PINDMAR** :—
Motion made (*Mr. Buttenshaw*) to refer work to Parliamentary Standing Committee on Public Works, 384.
- ULTIMO POWER-HOUSE—STREAM-RAISING PLANT** :—
Motion made (*Mr. Michael Burke*) for adjournment of House under the 49th Standing Order to discuss reported recommendation of the Railway Commissioners for acceptance of Babcock and Wilcox's tender for—negatived, 50.
Motion made (*Mr. Lang*) of Censure upon the Government for advising His Excellency the Governor to agree to the Railway Commissioners accepting Babcock, Wilcox's tender for—ruled out of order, 252.
- TENDERS FOR COAL CONTRACTS** :—
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- REFRESHMENT COMMITTEE** changed to HOUSE COMMITTEE (See "COMMITTEES").
- RESCISSION OF RESOLUTION** (See "ANZAC MEMORIAL BUILDING").
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- RESOLUTION** :—
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- SERIALIZED** :—
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- SERGEANT-AT-ARMS** :—
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- SESSIONAL ORDERS** (See also "BUSINESS") :—
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- BUSINESS DAYS—HOURS OF SITTING—PRECEDENCE OF BUSINESS** :—
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- SHAND, MAJOR J. B., M.L.A.** (See "COMMITTEES").
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Lays on Table Warrant appointing Temporary Chairman of Committees, 8.
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- KNIGHTHOOD CONFERRED UPON** :—
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SPEAKER (continued) :—

RULINGS OF :—

- That after the hour specified under Standing Order No. 175B for the Committee and Report stages no amendment or Debate could be had on the adoption of Report from Committee of the Whole, 81.
- That an amendment to recommit a Resolution from the Committee of Ways and Means was not a rescission of motion as intended by Standing Order 188, but was specially provided for in Standing Order 333, and was in order, 199.
- That a motion for the adjournment of the Debate was not comprehended within the various stages of a Bill concerning which notice under Standing Order 175B had been given, and that being the case he must rule that the closure, just agreed to, was put under Standing Order 175, and not under Standing Order 175B, 200.
- That he was not satisfied that any additional expenditure would be incurred by the inclusion of an amendment in clause 2 of the Government Railways Amendment (Officers) Bill and a further Message from the Crown was not necessary, 276.
- That the Deputy-Speaker was correct in ruling that it was obligatory on him, the closure having been carried, to submit the motion to the House though the hour of 5.50 p.m., when under the Sessional Order the Debate should terminate, had passed, 293-4.
- That he could not uphold the contention that the House was not properly constituted because it had at its last sitting sat beyond 5.50 p.m., when under the Sessional Order the Debate should have been interrupted, 294.
- That the Constitution (Legislative Council) Amendment Bill could not be said to impose a charge on the consolidated revenue and therefore did not require a Message from the Crown, 304.
- On Motions for Adjournment under 49th Standing Order :—*
- That, as the Standing Orders now stood he did not feel disposed to rule out of order a Motion respecting the reported recommendation of the Railway Commissioners for acceptance of Babcock and Wilcox's tender for steam-raising plant, &c., 50.
- That a Motion "That the action of the Civic Commissioners in emptying garbage into the sea is destroying the fish and polluting the foreshores," was, in form an ordinary motion, and out of Order, 79.
- That the subject of a Motion for the adjournment of the House under the 49th Standing Order to discuss "The pronouncement by the President of the Industrial Commission on the 5th day of November instant, to the effect that action by Parliament is inevitable when the results of the reduction of the living wage from £4 5s. to £3 14s. are considered" was not a matter which was *sub judice* and was in order, 116.
- That the Debate on a Motion to discuss "The collapse of scaffolding at Dymock's new building, George-street, yesterday, resulting in serious injuries to three workmen" would anticipate discussion on the Estimates which had been tabled, and Mr. Speaker having enquired as to the probability of the Estimates being brought before the House within a reasonable time, and on being informed by the Honorable the Premier that it was fully anticipated that the Estimates of the Department of Labour and Industry would be dealt with by the House during the next fortnight, said that, having in view the provisions of Standing Order No. 110A, he would allow the Honorable Member to proceed, as he considered the subject-matter of the motion to be one of urgent public importance, 152.

RULINGS OF DEPUTY :—

- That an appeal having been lodged in the case of the Crown v. Babcock, Wilcox, Ltd., the discussion of a motion of Censure regarding the action of the Government in advising the Lieutenant-Governor to approve of a contract between the Railway Commissioners and Babcock and Wilcox, might be prejudicial to the appeal. He, therefore, would regard the matter *sub judice*, and ruled the motion out of order, 252.
- That a Motion to adopt a new Standing Order, to rescind certain Standing Orders and amend other Standing Orders, embraced only one resolution, and the closure having been applied to that Question he must put the question as it appeared on the Business Paper, 100.
- That the closure having been carried, it was his duty in accordance with Standing Order No. 175, to put the Question to the House even though the hour of 5.50 p.m., when under the Sessional Order the Debate should terminate, had passed, 291.
- That he could not uphold the Point of Order that the Lotteries and Art Unions (Amendment) Bill empowered the Governor to make regulations prescribing "the fees to be paid for any permit or other document" the Bill originated an impost, and should have been introduced in the Assembly and preceded by a Message from the Governor, 381.
- On Motions for Adjournment under 49th Standing Order :—*
- That a Motion to discuss "The action of the Civic Commissioners in emptying garbage into the ocean," was of recent occurrence and in order, 104.
- That a motion to discuss "The serious condition of distress existing in the northern coal-mining towns, particularly in the town of Cessnock, as disclosed by a deputation of townspeople to the Premier yesterday" was specific and of recent occurrence, and in order, 364.
- Dissent from Ruling :—*
- Respecting decision that a Motion to adopt a new Standing Order, to rescind certain Standing Orders and amend other Standing Orders embraced only one resolution, and the closure having been applied he must put the question as it stood—negatived, 112-13.

SPEECH (See "MEMBERS").

STANDARD OF LIVING (See also "BASIC WAGE") :—

- Motion made (Mr. Stuart-Robertson) for appointment of a Select Committee to inquire into and report upon what is a proper standard of living in the State of New South Wales—negatived, 77.
- Motion made (Mr. Lang) for adjournment of the House under the 49th Standing Order to discuss the statement of the President of the Industrial Commission in his judgment delivered yesterday, wherein he described the majority decision of the Commission as "the ill-omened decision to expedite the attempt in New South Wales to lower the standard of living by judicial action," negatived, 328.

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STANDING ORDERS (See also "COMMITTEES"; also "SPEAKER"; also "BILLS") :—

- Motion to suspend, to bring in and pass Bill through all stages in one day, 144.
- Motion to suspend, as matter of urgency, to bring in and pass Bill through all stages in one day, 36, 219-221, 369-70.
- Motion to suspend, and Sessional Orders, as a matter of urgency, to consider motion without notice, 46.
- Motion to suspend, as a matter of urgency, to consider motion to suspend Sessional Orders to allow of House sitting after 10-30 p.m., 101-3, 217-19.
- Motion to suspend, as a matter of urgency, to consider Council's amendments as one motion, 169-71.
- Motion to suspend, to bring in and pass Income Tax Bill through all stages in one day, amendment (*Mr. Lang*) to add words "and would curtail debate on the various stages of that Bill," amendment negatived, resolution agreed to, 191-2.
- Motion to suspend (*urgency*), to consider motion to suspend Standing Order 175B for remainder of sitting so far as the Income Tax Bill is concerned, 201-2.
- Motion to suspend Standing Order 175B for remainder of sitting as far as Income Tax Bill is concerned, 202-3.

COMMITTEE :—

- Sessional Order appointing, 31.
- Motion made (*Mr. Bavin*) for reference of whole code to, 32.

NEW AND AMENDED :—

- Motion made (*Mr. Bavin*) for House to resolve itself into Committee to consider, House in Committee, 85-7; reported with amendments, new and amended Standing Orders agreed to and adopted and Mr. Speaker authorised to present to Lieutenant-Governor for approval, 89-94; Lieutenant-Governor's approval reported, 97.

AMENDMENTS :—

- Motion made (*Mr. Bavin*) for, of No. 49, 30; Lieutenant-Governor's approval reported, 33.
- Motion made (*Mr. Bavin*) for, of No. 48, 30; Lieutenant-Governor's approval reported, 33.
- Motion made (*Mr. Bavin*) for, of No. 79, 32; Lieutenant-Governor's approval reported, 33.

NEW, AMENDED AND RESCINDED :—

- Motion made (*Mr. Bavin*) for new No. 257, amended Nos. 256, 311, and 315 and rescission of Nos. 257, 337, 338, 339, and 340,—*Point of Order*,—Request for Resolutions to be put *seriatim* overruled by Deputy-Speaker, Motion agreed to, 99; Lieutenant-Governor's approval reported, 115.

SUPPLY (See "FINANCE").**SYDNEY FERRIES COMPANY** :—

- INCREASE OF CERTAIN FARES** :—
- Ministerial statement (*Mr. Bavin*) respecting proposed, 42.

SYDNEY HOSPITAL (See "HOSPITALS").

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TELLERS :—

- Declining to act, and other Tellers appointed from opposite side, 291, 295, 296, 297, 298, 300, 301.
- There being no, for the Noes, Speaker declared Question resolved in affirmative, 291.

REFUSAL TO ACT :—

- Messrs. Lamaro (Winnmore) and Olde (Leichhardt)* :—
- Entry respecting, read by Clerk, statement by Mr. Speaker respecting circumstances of refusal; Motion made (*Mr. Bavin*) that Members are guilty of contempt, interrupted, 293-5; Motion agreed to, 297; Motion made (*Mr. Bavin*) for suspension from service of House until 18th March agreed to, Members informed, 297-9.

Mr. O'Sullivan (Woolahra) :—

- Motion made (*Mr. Bavin*) that member is guilty of contempt, 295; Motion made (*Mr. Bavin*) for suspension from service of House until 18th March, agreed to, Member informed, 296.

TRAMWAYS :—

- Motion made (*Mr. Keegan*) for adjournment of the House, under the 49th Standing Order, to discuss the proposal to have immediately constructed 200 new tram cars, should be of corridor design—withdrawn in order to move it later in another form, 83.

TRUSTEES OF PUBLIC RESERVES ENABLING ACT, 1924 :—

- RACECOURSE AT ALBURY** :—
- Motion made (*Mr. Ball*) respecting application of, to land, 389.
- RACECOURSE AT BURROWA** :—
- Motion made (*Mr. Ball*) respecting application of, to land, 389.

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ULTIMO POWER-HOUSE (See "RAILWAYS").**UNEMPLOYED** :—

- Petition praying to be heard by their representatives at Bar of House, 285.
- Motion of Urgency made (*Mr. Michael Burke*) to consider Notice of Motion No. 1 on the Business Paper in reference to petition of their representatives praying to be heard at Bar of the House, 287.

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URGENCY:—

- Motion made, as a matter of, to suspend Standing Orders to bring in and pass Bills through all their stages in one day, 36, 219-20 (1), 369 (2).
- Motion made, as a matter of, to consider Notice of Motion No. 1 on Business Paper with regard to representatives of the unemployed being heard at Bar of House, negatived, 287.
- Motion as a matter of, to consider prayer of Petition to be heard at Bar of House, 363.
- Motion made, as a matter of, to suspend Standing and Sessional Orders to consider motion without notice, 46.
- Motion made, as a matter of, to suspend Standing Orders to consider motion to suspend Sessional Orders to allow of House sitting after 10-30 p.m., 101, 217.
- Motion made as a matter of, to suspend Standing Orders to consider suspension of Standing Order 175B for remainder of sitting so far as the Income Tax Bill is concerned, 201-2.
- USHER OF THE BLACK ROD See "BLACK ROD").

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VACANT SEAT (See "ELECTORAL").

VENTILATION (See "ASSEMBLY").

VOTE OF CENSURE:—

Moved (*Mr. Lang*) as amendment to Address in Reply, to add the following words to stand on paragraph 4:—We also desire to inform Your Excellency that by his conduct in relation to the Royal Commission issued to Mr. Justice Harvey, and in respect of the subject-matter of which one, Arnot, was guilty of bribery and corruption, the Premier acted in derogation of his duty as Adviser to His Excellency the Governor, besmirched the traditional impartiality of the Judiciary and the Administration of Justice, and by reason of the matters aforesaid, the Premier is unfit to continue in his office as a Minister of the Crown, and by reason of his actions, the Government does not possess the confidence of this House—and Debate adjourned, 25-6; amendment negatived, Address agreed to, 28-9.

Moved (*Mr. Lang*), That the action of the Government in advising His Excellency the Lieutenant-Governor to consent to a contract between the Railway Commissioners and Babcock and Wilcox, involving over a quarter of a million pounds sterling, is a grave dereliction of Ministerial obligation, and demands the censure of this Assembly; and that the Ministry do not possess the confidence of this House, and that this resolution be immediately conveyed to His Excellency the Lieutenant-Governor—ruled out of order, 252.

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NEW SOUTH WALES.

ALPHABETICAL LIST

OF

MEMBERS

OF THE

LEGISLATIVE ASSEMBLY.

(THIRD SESSION—TWENTY-EIGHTH PARLIAMENT)

OPENED 11TH SEPTEMBER, 1928—PROROGUED
3RD APRIL, 1929.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ALPHABETICAL LIST OF MEMBERS OF THE LEGISLATIVE ASSEMBLY

TWENTY-EIGHTH PARLIAMENT.—THIRD SESSION.

Date of Writs: 10 September, 1927.

Nomination Day: 14 September, 1927.

Polling Day: 8 October, 1927.

Return of Writs: 29 October, 1927.

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H. Goldstein, Esq., deceased, 3rd September, 1928.

^d Granted leave of absence for the Session on account of illness, 12th September, 1928.^e Elected 23rd

February, 1929 in room of the Hon. A. Bruntnell, deceased.

^f Elected 5th September, 1928, in room of D. Murray, Esq., deceased, 6th August, 1928.

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