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1935-36.

SECOND SESSION OF THE THIRTY-FIRST PARLIAMENT.

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1935-36

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN ONE VOLUME

AND

THREE JOINT VOLUMES.

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SESSION 1935-1936.

[*Opened 11th September, 1935. Prorogued 29th July, 1936.*]

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(SECOND SESSION OF THE THIRTY-FIRST PARLIAMENT.)

LEGISLATIVE ASSEMBLY.

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- RELIEF BENEFITS** (See "RETURNED SOLDIERS"; also "UNEMPLOYMENT").
- RELIEF WORKERS** (See "UNEMPLOYMENT").
- RELIEF WORKS** (See "UNEMPLOYMENT").
- REPLY** (See "DEBATE").
- RETURNED SOLDIERS:—**
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Motion made (*Mr. Stevens*) for House to meet at 2.30 p.m. on Tuesday and Wednesday and at 11 a.m. on Thursday in each week—General Business taking precedence of Government Business on Tuesdays until 6 p.m.—and re-enacting provisions of paragraphs 2, 3 and 4 *agreed to*, 184.

Motion (*Lieut.-Colonel Bruzner*) for Government Business only to be dealt with at the sittings of the House on Tuesday, Wednesday and Thursday then following and that the terms of paragraphs (2), (3) and (4) of the Sessional Order adopted on 12th September, 1935, should not apply at the sittings on the Tuesday and Wednesday of that week *agreed to*, 236.

Motion (*Lieut.-Colonel Bruzner*) respecting Government Business only being dealt with on Wednesdays and Thursdays *agreed to*, 257-8.

Motion (*Lieut.-Colonel Bruzner*), That, during the remainder of the present session, unless otherwise ordered, the provisions of paragraphs (2), (3) and (4) of the Sessional Order adopted on 12th September, 1935, shall not apply at the sitting on Wednesday in each week, *agreed to*, 281-2.

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Motion (*Lieut.-Colonel Bruzner*) (*after suspension of Standing Orders (urgency)*) for suspension of so much of Sessional Orders as would preclude continuation of sitting after 10.30 p.m., *agreed to*, 378, 410.

PRECEDENCE OF BUSINESS ON TUESDAYS:—

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Motion made (*Mr. Stevens*) that General Business take precedence of Government Business on Tuesdays until 6 p.m., etc., and re-enacting provisions of paragraphs (2), (3), and (4), 184.

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To continue sitting after 10.30 p.m. to bring in and pass Bill through all stages in one day, *by leave withdrawn*, 35.

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To consider Motion respecting—

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Dismissal by Merewether Municipal Council of certain emergency relief workers, *agreed to*, 99.

Motion of General Business relating to Australian Iron and Steel Company Limited, *agreed to*, 184.

Hospital Accommodation, *agreed to*, 219.

Government Business only being dealt with, &c., *agreed to*, 234-5.

Reduction by 1s. 6d. a week in the Basic Wage for Women Workers, *agreed to*, 263.

Capital punishment—Execution of death penalty in cases of persons under the age of 18 years (*Standing Orders also suspended*), *agreed to*, 291.

Waygood-Otis Lift Works—Need for Government action to effect amicable settlement of labour troubles at, and resumption of proper maintenance of City lifts, *agreed to*, 303.

Proposed Visit abroad of Minister for Education, *agreed to*, 307.

Aberdare Central Mine—Danger to employees of electrically-controlled coal-cutting machinery, *agreed to*, 409.

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SESSIONAL ORDERS (*continued*):—SUSPENSION OF (*continued*):—

To consider Motion respecting—*continued*:—

Business on Tuesdays and extension of that day's sitting beyond 10.30 p.m., *agreed to*, 327-8.

Hours of Sitting—To continue that day's sitting beyond 10.30 p.m., 378, 410.

To consider:—

Order of Day of General Business to permit of second reading of private Council Bill being proceeded with, *agreed to*, 342.

Order of Day of General Business (consideration forthwith of private (*Council*) Bill), (*Standing Orders also suspended*), *agreed to*, 321, 330.

To consider forthwith notice of Motion of General Business respecting—

Disallowance of amendments of Regulations made under the Transport Act, 1930, *agreed to*, 411.

Feeder Omnibuses and Administration of Transport Act, 1930, *agreed to*, 412.

SHALE MINING (See "COAL AND SHALE MINING INDUSTRIES").

SHAND, MAJOR THE HONORABLE J. B., V.D., M.L.A. (See "MINISTERIAL STATEMENT").

SOCIAL AND ECONOMIC SYSTEM:—

Motion made (*Mr. Davidson*), respecting need for the scientific adjustment of, by a reduction in the working week, equal pay for sexes, etc., and Debate interrupted at 6 p.m., by operation of Sessional Order, 64; Debate resumed and again interrupted at 6 p.m., 101-102; resumed and adjourned, 166, 277.

SPEAKER:—

Absence of, reported by Clerk, 63, 189, 213, 217, 219.

Adjourns House, pursuant to Sessional Order at 10.30 p.m., 49, 66.

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Allows 3^o of Bill to be taken *forthwith*, 95, 141, 142, 147, 155, 156, 158, 159, 162.

Extended Absence of, Abroad; Clerk reads (a) letter from, notifying Speaker's departure for England, on medical advice, (b) medical certificate, 223.

Fixes 3^o for *To-morrow*, 57, 61, 70; *Specified day*, 111.

Lays on Table copy of Governor's Opening Speech, 8.

Lays on Table Warrant appointing Temporary Chairmen of Committees, 3.

Lays Paper on Table, 3, 83, 177.

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Reports acknowledgment by His Majesty King George V., of Address of Congratulation on the Twenty-fifth Anniversary of His Accession to the Throne, 2.

Reports the thanks of His Majesty the King for Address of Condolence on Death of H.R.H. Princess Victoria, 173.

Reports Message from Lieutenant-Governor notifying Death of His Late Most Gracious Majesty King George V, 173.

Reports attendance, during adjournment, of Principal Reporter, Parliamentary Reporting Staff, before Supreme Court in certain Civil Action, 121.

Reports Governor's Answer to Address-in-Reply to Opening Speech, 21.

Reports Speaker's Commission to administer Oath to Members, 2, 180.

Reports Deputy-Speaker's Commission to administer Oath to Members, 3, 180.

Reports Commissioners' Commission to administer Oath or Affirmation of Allegiance to King Edward VIII, 173.

Reports letter from Lieutenant-Governor intimating transmission of Addresses of Congratulation and Condolence to His Majesty the King, 199.

Resumes Chair at specified hour, 1.

Takes Chair after commencement of Business, 64.

RULINGS OF:—

That a motion for the adjournment of the House under the 49th Standing Order, to consider the action of the Chief Secretary in prohibiting the Hypatia Club hearing a lecture and discussing Traffic in Armaments, was out of order on the ground that discussion of the motion would anticipate the Debate upon the Financial Statement, which would be resumed within a reasonable time, 47.

That it was not for the Speaker of this House to give a decision upon a legal question as to whether it was competent for the House to proceed with the Wheat and Wheat Products Bill because it might be in contravention of the Federal Constitution. Whether a Bill before the House was or was not *ultra vires* of the Federal Constitution was a matter for the High Court or Privy Council to determine, and one that he would not undertake to decide, and in accordance with the ruling given on a previous occasion, he could not now entertain the Point of Order, 103.

That he could not uphold a Point of Order that the Wheat and Wheat Products Bill was *sub judice*, because there was an appeal pending before the Privy Council in the case of *James v. The Commonwealth*, and that it was therefore out of order because of a possibility of argument now submitted in this House upon this matter having an effect upon that Court, 103.

That he could not sustain the contention that the subject-matter with which the Wheat and Wheat Products Bill dealt was at present the subject of an appeal to the Privy Council, and that the Bill should therefore be regarded as being *sub judice*. He pointed out that this House was not prevented from passing legislation on a matter which was before the courts, even if the matter were the subject of a decision by the courts, and that if the decision were appealed from, and the appeal were pending, there would be nothing to prevent this House passing a Bill to determine the law or alter the law on that particular point. Not only could this House do that, but it had done it on more than one occasion, and, therefore, he could not see any reason to rule the Bill out of order on the ground stated, 104.

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SPEAKER (*continued*):—RULINGS OF (*continued*):—

That, after careful consideration of the motion before the House respecting the re-employment by the Australian Iron & Steel Company Limited of a dismissed man, and the abolition of the practice of continually working excessive overtime, he was bound to take the view that the question of the dismissed man was substantially before the Industrial Commission. The question as to whether that part of the motion relating to the working of excessive overtime would be debarred under existing circumstances did not arise. He would not bisect the motion, and was bound, therefore, to regard the motion as a whole. It was a well-established rule that this Parliament should not discuss a matter which was the subject of proceedings before a Court, and he therefore ruled the motion out of order, 184.

On a Point of Order referred to House from Committee of Ways and Means, viz.:—That the Chairman was wrong in allowing the Honorable the Premier to discuss the propriety of Honorable Members of this House making statements and speeches in the House under privilege relating to the operations of the Milk Board and the possibility of subsequent abuse of such Parliamentary privilege by the republication of such speeches whilst a certain civil action was pending before the Supreme Court of New South Wales—such case being set down for hearing the next day, and in which the issue largely concerned statements made by an Honorable Member in this House, under cover of privilege.

Mr. Speaker said that, notwithstanding what had transpired in Committee, he was only called upon to decide the Point of Order as referred by the Committee to the House, and that was whether the Chairman was right in permitting the Premier to make the comments referred to in the foregoing statement of the Point of Order. He had not the slightest hesitation in expressing the opinion that the decision of the Chairman was quite correct, 117.

DEPUTY:—

Adjourns House owing to absence of Quorum, 150.

Adjourns House, pursuant to Sessional Order at 10.30 p.m., 195, 205.

Allows 3^o of Bill to be taken *forthwith*, 142.

Commission to administer Oath or Affirmation of Allegiance to Members, 180 (*King Edward VIII*); reported by Speaker, 180.

Directs Serjeant-at-Arms to remove Honorable Member, 14.

Offers Prayer, 63, 189, 213.

Orders 3^o of Bill to be taken *To-morrow*, 201, 205, 211, 220.

Takes Chair during unavoidable absence of Speaker, 63, 189, 213, 217, 219.

Takes Chair as Acting-Speaker during Speaker's extended absence abroad, 223.

RULING OF:—

That under the Standing Orders it was the duty of the Speaker to decide whether the subject-matter of a motion for the adjournment of the House under the 49th Standing Order was of an urgent character. The House had already decided at the then sitting that the consideration of a motion, which involved a discussion of matters then proposed to be debated, was not urgent. In forming an opinion as to whether the subject then submitted for discussion was an urgent matter, he was bound to take into consideration a decision of the House given that day, and he therefore ruled the motion out of order, 218.

ACTING:—

Adjourns House, pursuant to Sessional Order, at 6 p.m., 262, 275, 302, 312, 323.

Adjourns House, pursuant to Sessional Order, at 10.30 p.m., 255, 259, 267, 272, 289, 306, 363.

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Directs Serjeant-at-Arms to remove Honorable Member, 360.

Temporary Chairman occupies Chair as Temporary, 246.

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Orders 3^o of Bill for *To-morrow*, 237, 238, 255, 266, 271, 282, 288, 299, 315, 338, 339(?), 346; *later hour*, 248, 394, 401.

Orders Council's Amendments to be taken into consideration *To-morrow*, 284, 315, 338, 347, 356; *later hour*, 309, 386, 387, 393(?), 400, 406(?), 407.

Orders names of minority to be recorded in Division under Standing Order No. 213, 254.

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Allows 3^o of Bill to be taken *forthwith*, 231, 342, 353, 378, 380, 384, 392, 398, 402.

Reports letter from Lieutenant-Governor expressing thanks of His Majesty the King for Assembly's addresses of condolence and congratulation, 343.

LEGISLATIVE COUNCIL OF NEW SOUTH WALES—ELECTION OF MEMBER TO:—

Message from Lieutenant-Governor, announcing issue of Writ for (and forwarding copy thereof to Legislative Assembly), reported, Writ read by Clerk, 299-300.

Directs that taking of votes of Members of the Legislative Assembly for, be set down as an Order of the Day for the day appointed for the holding of (*and take precedence*), 300.

Directs Clerk to read Order of Day for; declares Ballot open; directs that doors be locked, and later, unlocked; inquires at the appointed hour, whether any Member present desires to vote and declares Ballot closed, 335.

RULINGS OF:—

That, according to precedent, a Sessional Order took effect immediately it was agreed to, and in view of the provision of the Sessional Order passed at the then Sitting, "That Government Business only shall be dealt with at the Sittings of the House on Tuesday, Wednesday and Thursday of this week," a notice, under the 49th Standing Order, which he had received from the Honorable Member for Wollongong, Mr. William Davies, that he desired to move the adjournment of the House to discuss a specific matter of recent occurrence, could not be proceeded with, 237.

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SPEAKER (*continued*):—DEPUTY (*continued*):—RULINGS OF (*continued*):—

That an amendment to a motion for leave to bring in the Milk (Investigation) Bill was out of order inasmuch as the amendment sought to dissolve the Metropolitan Milk Board and appoint a Commissioner, and was therefore subversive of the principle of the motion, which sought leave to bring in a Bill for an investigation into the administration of the Milk Act, 244.

That a motion for the adjournment of the House under Standing Order No. 49, to discuss the dismissal of a number of men from the Metal Quarries at Kiama, consequent upon the sale of the Quarries to a private company, was out of order on the ground that the matter dealt with by the motion was not specific or of recent occurrence, 257.

That although the estimated cost of constructing the railway sought to be authorised by the Sutherland to Cronulla Railway Bill exceeded £20,000, the Bill did not include the usual clause exempting the proposed work from the operation of sections 34 to 37 of the Public Works Act, he could not, having regard to previous rulings, accept the Public Works Act as governing the proceedings or limiting the power of the House. Clause 2 of the Bill before the House empowered the Commissioner for Railways to carry out the work, and although he regarded such a provision as sufficient authority and justification for the House to proceed with the Bill, and accordingly ruled the Bill in order, he pointed out that it had been usual to insert in Bills of this character a saving clause exempting the work from the provisions of sections 34, 35, 36 and 37 of the Public Works Act, and he thought it desirable that the practice should be continued, 390.

SPEECHES (See "MEMBERS").

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

SUSPENSION OF:—

To bring in and pass Bill through all stages in one day, *agreed to*, 126-7, 155; (*Urgency*), 74, 371, 382, 410; (*Sessional Orders also suspended*), 35, 329.

To bring in and pass several Bills through all stages in one day, *agreed to*, 241-242, 375.

To pass several Bills through remaining stages in one day, *agreed to*, 359.

To consider motion (*Urgency*) respecting Transport between Kogarah and Sans Souci, *agreed to* (*Sessional Orders also suspended*), 33.

To consider motion (*Urgency*) respecting dismissal by Merewether Municipal Council of certain relief workers (*Sessional Orders also suspended*), *agreed to*, 99.

To consider motion (*Urgency*) respecting reduction in the Basic Wage for women workers by 1s. 6d. per week, etc. (*Sessional Orders also suspended*), *agreed to*, 263.

To consider motion relating to:—

Appointment of Select Committee to inquire into appointments of officers to pilot steamers (*Urgency*), *agreed to*, 89.

Business Days, Hours of Sitting and Precedence of Business, *agreed to*, 235.

Business on Tuesdays and extension of that day's sitting beyond 10.30 p.m. (*Sessional Orders also suspended*), *agreed to*, 327-8.

Hospital Accommodation (*Urgency*), *agreed to*, 219.

Hours of sitting—Suspension of so much of Sessional Orders as would preclude extension of that day's sitting beyond 10.30 p.m., 378, 410.

Capital Punishment—Execution of Death Penalty in Cases of Persons under the age of Eighteen Years (*Urgency—Sessional Orders also suspended*), *agreed to*, 291.

Waygood-Otis Lift Works—Need for Government action to effect amicable settlement of labour trouble at, and resumption of proper maintenance of City lifts, *agreed to*, 303.

Proposed Visit abroad of Minister for Education, *agreed to*, 307.

Aberdare Central mine—Danger to employees of electrically-controlled coal-cutting machinery, *agreed to*, 409.

To consider motion of General Business on Notice Paper respecting:—

The compulsory re-employment by the Australian Iron & Steel Company Limited of a dismissed employee (*Urgency*), (*Sessional Orders also suspended*), *agreed to*, 184.

Disallowance of amendments of Regulations made under the Transport Act, 1930 (*Urgency*), *agreed to*, 411.

Feeder Omnibuses and Administration of Transport Act (*Urgency*), *agreed to*, 412.

To consider Order of Day of General Business (consideration forthwith of private (*Council*) Bill) (*Sessional Orders also suspended*), *agreed to*, 321, 380.

To consider Order of Day of General Business to permit of second reading of private (*Council*) Bill being proceeded with, *agreed to*, 342.

COMMITTEE:—

Sessional Order appointing, 16.

STARTING PRICE AND STREET BETTING:—

Motion made (*Mr. Lassarini*) for appointment of a Select Committee to inquire into and report upon the methods and procedure adopted by the police in apprehending and securing convictions against persons alleged to have been guilty of, and Debate adjourned, 190; resumed, motion *negatived*, 200-201.

Ministerial Statement (*Lieut.-Colonel Brunner*) respecting, 199.

SUPERANNUATION ACT, 1916-1930:—

EXTENSION OF PROVISIONS OF, TO BOARD OF CONTROL OF UNITED DENTAL HOSPITAL OF SYDNEY:—

Motion (*Mr. Fife-Simons*) that House approves of, *agreed to*, 31.

SUPPLY (See "FINANCE").

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SUPREME COURT AND CIRCUIT COURTS ACT, 1900:—

Motion (*Mr. Stevens*) for appointment of an additional Puisne Judge under, *agreed to*, 22.

SWANSEA (See "ABERFIELD COLLIERIES LTD.").

SYDNEY COUNTY COUNCIL ELECTIONS (See "LOCAL GOVERNMENT ACT, 1919").

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TERRY-HIE-HIE (See "TRUSTEES OF PUBLIC RESERVES ENABLING ACT, 1924").

THIRD PARTY INSURANCE (See "MOTOR VEHICLES").

TRAMWAYS:—

KOGARAH SANS-SOUCI SERVICE:—

Motion made (*Mr. James C. Ross*) (after suspension of *Standing and Sessional Orders as a matter of urgency*), respecting the tram service between Kogarah and Sans Souci, *agreed to*, 33.

DISMISSAL OF MR. F. P. CONNOLLY, ADVERTISING MANAGER:—

Motion made (*Mr. O'Sullivan*) for appointment of Select Committee to inquire into circumstances of, *negatived*, 90.

CONTROL OF, BY TRANSPORT TRUST:—

Motion made (*Mr. Lee*) respecting need for and Debate adjourned, 211; resumed and motion *negatived* (*Division called for, and names of minority recorded*), 254.

TRANSPORT (See also "RAILWAYS," also "TRAMWAYS"):—

Motion made (*Mr. Lee*) respecting need for amendment of the Ministry of Transport Act, 1932, and the Transport (Division of Functions) Act, 1932, in order to provide a Trust to control tram and omnibus services in the Metropolitan area and Debate adjourned, 211; resumed, and motion *negatived* (*Division called for, and names of minority recorded*), 254.

REMOVAL OF FRUIT BARROWS FROM GEORGE STREET, SYDNEY:—

Motion made (*Mr. Shannon*) for adjournment of the House under Standing Order No. 49, to consider the action of the Minister for respecting, *negatived*, 214.

DISALLOWANCE OF PART OF RULE UNDER THE ACT OF 1930:—

Urgency motion to consider motion respecting, *negatived*, 234.

DISALLOWANCE OF AMENDMENTS OF REGULATIONS MADE UNDER ACT OF 1930:—

Motion (*Mr. Knight*) (after suspension of *Standing and Sessional Orders—Urgency*) respecting, relating to Public Vehicles, *negatived*, 412.

FREE TRAVELLING FACILITIES FOR SCHOOL CHILDREN:—

Motion (*Mr. James C. Ross*) respecting need for provision of for certain students using tram and omnibus services, *agreed to*, 264-265.

FEEDER OMNIBUSES AND ADMINISTRATION OF ACT:—

Motion (*Mr. J. C. Ross*) (*Urgency—Suspension of Standing and Sessional Orders*), respecting and Debate adjourned, 412.

TRAVELLING FACILITIES FOR SCHOOL CHILDREN (See "TRANSPORT").

TRUSTEES OF PUBLIC RESERVES ENABLING ACT, 1924:—

RESERVES FOR PUBLIC HALLS AT TERRY-HIE-HIE AND YARRAWA:—

Motion (*Mr. Buttenshaw*) to apply provisions of, to certain lands to be used for, *agreed to*, 27.

AREAS AT ALBURY FOR AMBULANCE STATION SITE, AND AT CONDOBOLIN FOR SHOWGROUND, RACECOURSE, &c.:—

Motion (*Mr. Buttenshaw*) to apply provisions of, to certain lands to be used for, *agreed to*, 230.

AREAS AT YARRIE LAKE, DUBBO, AND UPPER COLO FOR PUBLIC HALL SITES AND TENNIS COURTS:—

Motion (*Mr. Buttenshaw*) to apply provisions of, to certain lands to be used for, *agreed to*, 230-231.

RACECOURSE SITE AT DELEGATE:—

Motion (*Mr. Buttenshaw*) to apply provisions of, to certain lands to be used for, *agreed to*, 315.

AREAS AT GUNDY AND GRAFTON FOR SOLDIERS' MEMORIAL HALL AND AMBULANCE STATION:—

Motion (*Mr. Buttenshaw*) to apply provisions of, to certain lands to be used for, 320.

COUNCIL CHAMBERS SITE AT BOWRA:—

Motion (*Mr. Buttenshaw*) to apply provisions of, to certain lands to be used for, 321.

PUBLIC HALL SITE AT NEVERTIRE:—

Motion (*Mr. Buttenshaw*) to apply provisions of, to certain lands to be used for, 330.

TRUTH AND SPORTSMAN LIMITED (See "PARLIAMENTARY REPORTING STAFF").

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UNEMPLOYMENT (See also "FOOD RELIEF"):—

Motion made (*Mr. Matthews*) respecting, and in relation to industrial conditions, food relief, awards, family endowment, rental allowances, etc., and Debate adjourned, 44; resumed and adjourned, 72; Debate resumed, motion *negatived*, 166-7.

DISMISSAL OF EMERGENCY RELIEF WORKERS BY MEREWETHER MUNICIPAL COUNCIL:—

Motion made (*Mr. Arthur*) (after suspension of *Standing Orders as a matter of urgency*) for inquiry respecting, *negatived*, 99.

ACCEPTANCE BY UNEMPLOYED OF LOW-WAGE WORK FROM PRIVATE EMPLOYERS:—

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NEW SOUTH WALES.

ALPHABETICAL LIST

OF

MEMBERS

OF THE

LEGISLATIVE ASSEMBLY

(SECOND SESSION OF THE THIRTY-FIRST PARLIAMENT.)

OPENED 11TH SEPTEMBER, 1935—PROROGUED 29TH JULY, 1936.

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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ALPHABETICAL LIST OF MEMBERS OF THE LEGISLATIVE ASSEMBLY

(SECOND SESSION OF THE THIRTY-FIRST PARLIAMENT.)

Date of Writs : 12 April, 1935.

Nomination Day : 18 April, 1935.

Polling Day : 11 May, 1935.

Return of Writs : 10 June, 1935.

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(d) Granted leave of absence on account of illness, 11th September, 1935.

(e) Acting-Speaker from 25th March, 1936.

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