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1959-60

(SECOND SESSION OF THE THIRTY-NINTH PARLIAMENT)

NEW SOUTH WALES

VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1959-60

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH

IN ONE VOLUME

AND

FOUR JOINT VOLUMES

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1959-60

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LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

SESSION 1959-60

[*Opened 12th August, 1959—Prorogued 29th June, 1960*]

IN ONE VOLUME

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LEGISLATIVE ASSEMBLY
NEW SOUTH WALES

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1959-60

(Opened 12th August, 1959; Prorogued 29th June, 1960)

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Motion (*Mr. Sheahan*) for leave to bring in, Bill presented and read 1^o, 71; motion for 2^o and debate adjourned, 166; resumed and adjourned, 168, 172^(?); read 2^o and committed, reported with amendments, motion made for adoption of Report and amendment (*Mr. Renshaw*) That Bill be recommitted for reconsideration of Clause 2, *agreed to*, 174-9; recommitted, reported 2^o with a further amendment, Report adopted, read 3^o *forthwith* and sent to Council, 183; returned without amendment, 193; Assent reported, 208.

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Motion (*Mr. Cahill*) for leave to bring in, Bill presented and read 1^o, 39; Message from Governor, 43; read 2^o and committed, reported without amendment, Report adopted, 52; read 3^o and sent to Council, 55; returned without amendment, 74; Assent reported, 96.

PUBLIC SERVICE AND POLICE REGULATION (AMENDMENT) BILL:—

Motion (*Mr. Heffron*) for leave to bring in, Bill presented and read 1^o, 233; Message from Governor, 245; read 2^o and committed, reported without amendment, Report adopted, 263; read 3^o and sent to Council, 266; returned without amendment, 288; Assent reported, 309.

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Motion (*Mr. Mannix*) for leave to bring in, Bill presented and read 1^o, 235; read 2^o and committed, reported without amendment, Report adopted, 262; read 3^o and sent to Council, 266; returned without amendment, 287; Assent reported, 310.

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Message from Governor, 227; motion (*Mr. Ryan*) for leave to bring in, Bill presented and read 1^o, 267; read 2^o and committed, reported without amendment, Report adopted, 276; read 3^o and sent to Council, 278; returned without amendment, 296; Assent reported, 316.

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ROMAN CATHOLIC CHURCH TRUST PROPERTY (AMENDMENT) BILL:—

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SUITORS' FUND (AMENDMENT) BILL (1959):—

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SUITORS' FUND (AMENDMENT) BILL (1960):—

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UNIVERSITY AND UNIVERSITY COLLEGES (AMENDMENT) BILL:—

Motion (*Mr. Heffron*) for leave to bring in, Bill presented and read 1°, 41; read 2° and committed, reported without amendment, Report adopted, 52; read 3° and sent to Council, 56; returned without amendment, 74; Assent reported, 96.

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WELLINGTON SHOW GROUND (AMENDMENT) BILL:—

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The Chairman ruled that as the "Guillotine" had not been moved, the Point of Order must fail.

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This had always been the practice of the Committee and he (the Chairman) proposed that it should be followed on this occasion. The Chairman said further, that in his view, the Committee was being asked, in effect, to report whether the House should or should not direct the Constitution Amendment (Legislative Council Abolition) Bill to a referendum, and he was, therefore, of the opinion that an amendment "That this House considers that the advice tendered to His Excellency the Governor relating to the procedures adopted under the Constitution Act, 1902, to bring about the abolition of the Legislative Council is unsound in law and consequently this House declines to give authority for illegal expenditure of public funds on matters relating thereto" was subversive of the resolution before the Committee and for that reason, he ruled the amendment out of order, 418.

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- Announcement (*Mr. Cahill*) respecting performance by Hon. P. D. Hills of duties of Minister for Transport during absence from State of Hon. A. G. Enticknap, 2.
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AGRICULTURAL EDUCATION:—

- Motion (*Mr. Chaffey*), That a Select Committee be appointed to inquire into and report upon the whole policy and aim of agricultural education in New South Wales, etc., and debate adjourned, 47; resumed and adjourned, 48; resumed and *negatived*, 60.

AUTOMATIC PETROL-VENDING MACHINES:—

- Motion (*Mr. Willis*), That in opinion of House (1) The Government's approval of installation of automatic petrol-vending machines and the refusal to permit their operation outside normal trading hours constitutes an anomalous and absurd attitude and (2) Legislation should be introduced immediately to permit the use of these pumps at any time, *negatived*, 274.

CARRAWOBBITY ESTATE:—

- Motion (*Mr. Cutler*) (*urgency*), That in opinion of House immediate action should be taken by Government to overcome the plight of settlers on Carrawobitty Estate, etc., *negatived*, 69.

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- Motion (*Mr. Robinson*) (*urgency*), That in opinion of House, immediate action should be taken to reconsider the notice of termination of employment to 180 men in Cattle Tick Quarantine Area, etc., *negatived*, 82.

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- Motion (*Mr. Robinson*) for appointment of Select Committee to inquire into decentralisation of industrial undertakings, commercial enterprises and public administration—and debate adjourned, 66; resumed and adjourned, 111, 137; postponed, 214; resumed and adjourned, 229, 258; postponed, 265.

DISPOSSESSION OF REDFERN RESIDENTS—MAIL EXCHANGE CONSTRUCTION:—

- Motion (*Mr. Green*) (*urgency*), That House views with concern action of Commonwealth Government in dispossessing occupants of seventy homes at Redfern to erect a Mail Exchange, etc., and amendment (*Mr. Askin*) to leave out all words after "concern" with a view of inserting "the failure of the New South Wales Government to provide accommodation for the occupants of seventy houses in Redfern shortly to be removed by the Postmaster-General's Department despite more than ten years' notice of the Commonwealth Government's plans"; amendment *negatived* and debate adjourned, 212-3-4; resumed and *agreed to*, 221.

DISALLOWANCE OF BY-LAWS UNDER GOVERNMENT RAILWAYS ACT, 1912, AS AMENDED:—

- Motion (*Mr. H. E. Jackson*) that House disallows By-laws No. 1156 and 1157 providing for increased fares and freights, *negatived*, 245.

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- Motion (*Mr. Doig*) (*urgency*) for establishment of, ruled out of Order as anticipating a Notice of Motion on the Business Paper, 155.

GOULBURN WOOL SALES:—

- Motion (*Mr. L. J. Tully*) (*urgency*), That Government should introduce legislation to carry into effect recommendations of Mr. Justice Cook as set forth in his Report on the New South Wales-Queensland Woolbuyers' Association's ban on the Goulburn Wool Sales, *agreed to*, 102.

GOVERNMENT SUPERANNUATION SCHEMES:—

- Motion (*Mr. Askin*), That Government should make an early review of Government subsidised superannuation schemes, with a view to improved benefits, etc., and debate adjourned, 274.

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GOVERNMENT TRANSPORT ADMINISTRATION:—

Motion (*Mr. Askin*) (*urgency*), That in opinion of House (1) the Government's hopelessly inept handling of current North Shore bus strike with consequent hardship to thousands of people is to be deplored, (2) statements by the Hon. member for Dulwich Hill criticising the Government's administration of transport call for immediate consideration of House, (3) authorisation for train and freight increases should be unnecessary, etc., *negatived*, 217-8-9.

MINING DEVELOPMENT:—

Motion (*Mr. Hughes*), That in opinion of House, the Government should (1) expand the activities of the Department of Mines, (2) replace the present building containing the Mining Museum Library and Laboratories, (3) set up a Mineralogical and Survey Development Council, etc., and debate adjourned, 246; resumed and adjourned, 258.

OPERA HOUSE CONSTRUCTION CONTRACT:—

Motion (*Mr. Chaffey*) (*urgency*), That in the opinion of House, the Premier should table a copy of the contract for the first stage of the Opera House, together with opinions of Crown Solicitor and Solicitor-General, etc., *negatived*, 75.

PORTFOLIOS OF ATTORNEY-GENERAL AND MINISTER OF JUSTICE:—

Motion (*Mr. McCaw*) (*urgency*), That one at least of the portfolios of Attorney-General and Justice should be made the responsibility of a Member of the Legislative Assembly, *negatived*, 123.

PROBLEMS OF INCREASED LONGEVITY:—

Motion (*Mr. Darby*) for appointment of Select Committee to inquire into problems resulting from increased longevity, etc.—and debate adjourned, 98; postponed, 121, 261; resumed and amendment (*Mr. Rigby*) to leave out "a Select Committee be appointed to inquire into and report upon" with a view to adding words in lieu thereof, and debate adjourned, 287.

SCHOOL CHILDREN'S FARES:—

Motion (*Mr. Askin*) (*urgency*), (1) That immediate steps be taken to end anomaly by which children travelling to school by train go free, whilst those travelling by other means pay substantial fares; and (2) immediate steps be taken to scale down children's fares generally, *negatived*, 45.

SYDNEY HARBOUR BRIDGE:—

Motion (*Mr. McCaw*), for appointment of Select Committee to inquire into administration and finances of Sydney Harbour Bridge, *negatived*, 273.

TRADING HOURS OF RETAIL SHOPS:—

Motion (*Mr. Willis*), That in opinion of House, (1) Government has ignored local needs of different areas; (2) The question of shop trading hours should be referred to Industrial Commission; (3) Proclamation declaring the whole State being within a Shopping District as defined in the Factories and Shops Act should be revoked—and debate adjourned, 60-61; resumed and *negatived*, 84.

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Motion (*Mr. Heffron*), That Laurence John Tully, Esquire, B.A., LL.B., Member for Goulburn, be appointed, *agreed to*, 204.

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- Carrawobitty Estate, *negatived*, 69.
- Opera House Construction Contract, *negatived*, 75.
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VOTE OF CENSURE:—

Motion (*Mr. Askin*), That in opinion of House, in view of history of Metropolitan Portland Cement Ltd., the Government, as guarantor for the Rural Bank, has been at fault in ignoring warnings of the Auditor-General, etc., and the Government no longer possesses the confidence of this House, *negatived*, 121.

Motion (*Mr. Cutler*), That because of—(1) the Government's failure to encourage rural industries and prevent the drift of rural population, (2) the failure to appoint a full-time Minister for Education, (3) neglect of country housing, (4) internal conflict within Labor Party Caucus and Cabinet, (5) other reasons,—the Heffron Ministry no longer possesses the confidence of this House, etc., *negatived*, 246-7-8.

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Mr. Speaker stated that the motion for the establishment of an Education Commission, sought to be moved by way of urgency, would anticipate a Notice of Motion on the Business Paper, and therefore ruled the motion out of order, 155.

Constitution Amendment (Legislative Council Abolition) Bill (1959):—

Apart from courtesy, there was no constitutional reason why this Bill should not originate in the House responsible to the people. Further, a Message had been received from the Governor in accordance with the 46th section of the Constitution Act, 1902, which provided that measures requiring expenditure must originate in the Assembly, 164.

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It was submitted that the Premier was not in order in moving for leave to again introduce this Bill under the provisions of Section 5B of the Constitution Act, 1902, as the original Bill had not been disposed of, and that it was not in order to again introduce the Bill until after an interval of three months after the Message from the Legislative Council was actually received by the Legislative Assembly.

Mr. Speaker stated that the provisions of Standing Orders Nos. 286 and 255 did not apply to the Message and Bill returned from the Legislative Council. The consideration of that Message could not be set down as an Order of the Day and it was in order to re-submit the Bill under Section 5B of the Constitution Act. The inclusion in the Notice of Motion of the introductory words "That pursuant to Section 5B of the Constitution Act, 1902, leave be given to again bring in a Bill" expressed the opinion of the Government that this was a Section 5B Bill and it was not within his province to give an opinion as to whether the action of the Legislative Council amounted to the rejection or failure to pass the Bill.

Mr. Speaker further stated that the procedure which applied to other Bills in respect to presentation to His Excellency the Governor for assent did not apply to this Bill, and he felt that the question regarding the time factor was one which was governed by the provisions of the Constitution Act and not by Parliamentary Practice and Procedure and that he should not be called upon to give an opinion.

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Notices of Motions:—

Mr. Speaker having called upon Notices of Motions and Questions—it was submitted that under Standing Order No. 79 opportunity must be afforded Members to give Notices of Motions. [*All of Question time had been taken up by an urgency motion.*]

Mr. Speaker agreed that Notices of Motions could be given, 214.

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SPEAKER (*continued*):—RULINGS (*continued*):—*Suspension of Standing and Sessional Orders to consider a motion forthwith:*—

It was submitted that under the suspension of Standing and Sessional Orders agreed to by the House, the Honourable Member for Redfern was granted leave to have his motion debated and to have it concluded and that before any other proceedings were entered upon, the motion must be resolved.

Mr. Speaker stated that, under Sessional Orders, as Government Business must take precedence of General Business after 6 p.m. on Tuesdays, the suspension of the Standing Orders permitted the Motion to be considered forthwith, the House did not have to reach a decision, and the resumption of the debate had been fixed as an Order of the Day for to-morrow, 214.

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It was submitted that the North Shore bus strike, before the industrial tribunal, was *sub judice*.

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ALPHABETICAL LIST

OF

MEMBERS

OF THE

LEGISLATIVE ASSEMBLY

(SECOND SESSION OF THE THIRTY-NINTH PARLIAMENT)

OPENED 12th AUGUST, 1959—PROROGUED 29th JUNE, 1960

1959-60
NEW SOUTH WALES
LEGISLATIVE ASSEMBLY

ALPHABETICAL LIST OF MEMBERS OF THE LEGISLATIVE ASSEMBLY
(SECOND SESSION OF THE THIRTY-NINTH PARLIAMENT)

Date of Writs: 16 February, 1959. Nomination Day: 20 February, 1959. Polling Day: 21 March, 1959.
Return of Writs: 16 April, 1959.

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(a) Granted leave of absence on account of absence from the State, 12 August, 1959.
(b) Elected 12 September, 1959, in room of J. S. Easter, Esq. whose election was declared "absolutely void" by Court of Disputed Returns on 12 June, 1959.
(c) Deceased, 22 October, 1959. (d) Granted leave of absence on account of illness, 11 November, 1959.
(e) Granted leave of absence on account of illness, 19 November, 1959. (f) Elected 12 December, 1959.

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