

# Index

1933-34.

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FOURTH SESSION OF THE THIRTIETH PARLIAMENT

---

NEW SOUTH WALES.

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VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY

DURING THE SESSION

1933-1934

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

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IN ONE VOLUME

AND

TWO JOINT VOLUMES.

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SYDNEY:

ALFRED JAMES KENT, I.S.O., GOVERNMENT PRINTER.

1934.

1933-34.

(FOURTH SESSION OF THE THIRTIETH PARLIAMENT.)

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.

SESSION 1933-1934.

[*Opened 22nd August, 1933. Prorogued 26th February, 1934.*]

IN ONE VOLUME

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LEGISLATIVE ASSEMBLY.  
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AND

PAPERS LAID UPON THE TABLE

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DURING THE SESSION

OF

1933-34.

(Opened 22nd August, 1933; Prorogued 26th February, 1934.)

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Motion of, in name of Mr. Lang, relating to increase in,—Mr. Speaker stated the established practice of the House respecting motions of, and effect of application of the *sub judice* rule, and said that, as his Ruling thereunder, which was then being dissented from, was unquestionably correct, a proposal for the alteration of that rule could not be permitted upon a motion of, 87; Motion then made (*Mr. Lang*) pursuant to Notice, That this House dissents from the Ruling of Mr. Speaker, given on Friday, 29th September, 1933, a.m. when, having been given an assurance by the Premier that a case involving a question of the increase of hours for railway and tramway employees was before the Court, he ruled that he had to regard the question as *sub judice*, and that, therefore, the Honorable Member for Auburn, Mr. Lang, could not proceed to discuss the matter. *Point of Order (Mr. Lamaro)*—That the "Closure" could not be applied to a motion of Dissent under Standing Order No. 161—*overruled by Mr. Speaker*—Motion *negatived*, 88.

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SESSIONAL ORDERS (See also "BUSINESS"; also "COMMITTEES") :—

## BUSINESS DAYS—HOURS OF SITTING—PRECEDENCE OF BUSINESS :—

Passed, 13.

Motion made (*Mr. Stevens*) for House to meet on Tuesday, Wednesday and Thursday in each week at 2.30 p.m., etc., etc., and amendment (*Mr. Baddeley*) to leave out "2.30 p.m." with a view to inserting "11 a.m." instead thereof, *negatived*, and Sessional Order agreed to, 12-13.

## EXTENSION OF HOURS OF SITTING :—

Motion made (*Mr. Stevens*) (*after suspension of Standing Orders*) (*urgency*) for House to sit on Tuesdays, Wednesdays, and Thursdays at 11 a.m.—Government Business only to be dealt with and suspending operation of paragraphs (2), (3), and (4) of Sessional Order adopted on 23rd August, 1933, and passed, 144.

## SUSPENSION OF :—

As a matter of urgency, to consider Notice of Motion of General Business (*censure motion*), 23.

As a matter of urgency, to consider motion respecting Milk Prices (*agreed to*), 141.

To continue sitting after 10.30 o'clock p.m., 77, 90, 125 (*after suspension of Standing Orders (Urgency)*), 111.

To bring in and pass several Bills through all stages in one day, 84-5.

To consider motion respecting Business Days and precedence of Business, and extension of hours of sitting, 144.

SOCIAL BENEFITS AND FOOD RELIEF (See "FOOD RELIEF").

SPEAKER (See also "STANDING ORDERS") :—

Adjourns House, pursuant to Sessional Order at 10.30 p.m., 32, 48, 55, 67, 71.

Adjourns House owing to absence of Quorum, 175.

Allows 3<sup>d</sup> of Bill to be taken forthwith, 160.

Announces service of Statement of Claim in Equity suit respecting validity of certain legislation affecting the Legislative Council, 33.

Announces receipt by Clerk, of Summons to produce certain *Votes and Proceedings* of Assembly before High Court of Australia, and puts question "That Clerk have leave to comply therewith," 160.

Draws attention to nature of Council's amendment in the Special Income and Wages Tax (Management) Bill, 112.

Lays on Table copy of Governor's Opening Speech, 5.

Lays on Table Warrant appointing Temporary Chairmen of Committees, 5.

Lays Paper on Table, 10.

Orders Council's amendment to be considered forthwith, 112.

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

Reports letter of thanks for Resolution of Sympathy on death of former Member, 2<sup>(a)</sup>.

Reports Deputy-Speaker's Commission to administer Oath to Members, 9.

Resumes Chair at specified hour, 1.

Takes Chair after commencement of Business, 67, 70.

Unavoidable absence of, reported by Clerk, 65, 69, 177.

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## SPEAKER (continued):—

## LEGISLATIVE COUNCIL OF NEW SOUTH WALES—ELECTION OF SIXTY MEMBERS TO:—

Directs Clerk to read Writ for the Election of Sixty Members to the Legislative Council of New South Wales, 107.

Directs that taking of votes of Members of Legislative Assembly for election of Members to Legislative Council be set down as an Order of the Day for each of four specified days, 109.

## First Election of Fifteen Members—

Directs Clerk to read Order of Day for, 129.

Declares Ballot open, 129.

Directs that Doors be locked, 129.

Directs that Doors be unlocked, 129.

Inquires at 6 p.m. whether any Member present desired to vote, 129.

Declares Ballot closed, 129.

## Second Election of Fifteen Members—

Directs Clerk to read Order of Day for, 133.

Declares Ballot open, 133.

Directs that Doors be locked, 133.

Directs that Doors be unlocked, 133.

Inquires at 6 p.m. whether any Member present desired to vote, 133.

Declares Ballot closed, 133.

## Third Election of Fifteen Members—

Directs Clerk to read Order of Day for, 149.

Declares Ballot open, 149.

Directs that Doors be locked, 149.

Directs that Doors be unlocked, 149.

Inquires at 6 p.m. whether any Member present desired to vote, 149.

Declares Ballot closed, 149.

## Fourth Election of Fifteen Members—

Directs Clerk to read Order of Day for, 173.

Declares Ballot open, 173.

Directs that Doors be locked, 173.

Directs that Doors be unlocked, 173.

Inquires at 6 p.m. whether any Member present desired to vote, 173.

Declares Ballot closed, 173.

## RULINGS OF:—

Action of the Chairman of Committees in Regard to the Honorable Member for Phillip.—Mr. Shannon proceeding to move, pursuant to Notice, That, in the opinion of this House, the action of the Chairman of Committees in ordering the removal of the Honorable Member for Phillip from the House whilst in Committee, on Thursday, 23rd November, was unjustified and an infringement of the rights and privileges of Members.—Mr. Speaker said that, as the Honorable Member, under that motion, simply sought to discuss the question whether the Chairman of Committees was right or wrong in exercising the discretion vested in him by the Standing Orders, he must rule that the matter proposed to be raised by the Honorable Member was one of Order and not of Privilege, and therefore the motion was out of order, 157.

That, although there was a suit pending before the Supreme Court of New South Wales in its Equity Jurisdiction respecting the validity of certain legislation relating to the constitution of the Legislative Council, and the Constitution Amendment (Legislative Council Elections) Bill, then being considered, proposed to amend such legislation, the House was dealing with the second reading of the Bill, and it could not be said that the second reading of the Bill under consideration was a matter which was then before the Court. On previous occasions the *sub judice* rule had been applied in proper cases, but this was an instance in which that rule had no application whatsoever. Therefore, on the information available, the point of order could not be sustained, 31.

That, although the order of leave contemplated an annual salary at a rate less than that appropriated by the Principal Act, and the Minister had stated the appointment would be for six months (and the amount of salary to be paid to the acting commissioner for the period would be £1,250, and therefore in excess of the amount already provided for by the appropriation under the Principal Act), he could not sustain a point of order, That, because the Forestry (Amendment) Bill provided a fixed salary of £1,250 for the acting commissioner and not an annual appropriation, the Bill was consequently out of order, 46.

That, as the Railway and Transport Commissioners had applied to the Industrial Court for a variation of the hours of work for all employees under their control (and the Premier having given an assurance that a case involving specifically the matter proposed to be discussed was before the Court), the question of the increase of hours of Railway and Tramway employees was *sub judice*, and, therefore, could not be discussed on a motion for the second reading of the Supply Bill, 80.

That he could not uphold the contention that under Standing Order No. 161 only the Speaker was entitled to decide when the Question, on a motion of dissent from the Speaker's Ruling, should be put, and then only when the Debate had exceeded thirty minutes, and that, therefore, a motion for the application of the "closure" could not be entertained, 88.

That a Point of Order by the Leader of the Opposition.—That, as a ruling had been given with respect to another matter, that where a matter was *sub judice*, no debate could take place, nor could any proceedings be taken in respect thereto; and that, as he (*Mr. Lang*) had ascertained that the original Act was the subject of an appeal to the Privy Council, and contended that should such appeal be upheld, the whole procedure now taking place would be null and void, and that, as the action now being taken would affect the case of the appellant before the Privy Council, the matter now before the House should be held to be *sub judice*,—could not be sustained nor considered, inasmuch as he (*Mr. Speaker*) was only carrying out the specific directions contained in Division II of the Fourth Schedule of the Constitution (Legislative Council Elections) Act, 1932-33. The only question that could be argued was whether he, as Speaker, should or should not carry out the directions of such Act of Parliament, which definite statutory directions he was bound to follow, 109.

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SPEAKER (*continued*) :—RULINGS OF (*continued*) :—*On motion for adjournment under 49th Standing Order :—*

Mr. Speaker said that with respect to the recent eviction of Mr. W. P. Kennedy from his residence, he ruled at once that it was not competent to move a motion of adjournment under Standing Order No. 49 for the discussion of such a matter at this stage, as the Estimates had been laid upon the Table, and the Budget Debate was pending. An opportunity for a discussion of the matter would therefore occur without undue delay, and, for that reason, and in accordance with previous decisions, he ruled the motion out of order, as anticipating a discussion that could take place on the Financial Statement or on the Estimates, 124.

## DISSENT FROM RULINGS OF :—

Motion on Business Paper, in name of Mr. Lang, Member for Auburn (relating to increase in hours of railway and tramway employees).—Mr. Speaker pointed out object of dissenting from a Ruling by the Speaker, and said that, as a statement by the Premier that the subject-matter of the original motion was actually *sub judice*, had remained unchallenged by Mr. Lang, he, as Speaker, in accordance with established practice, was bound to uphold a Point of Order, and to refuse to permit discussion upon a matter which was *sub judice*. As no reference or allusion was allowed in Debate to such matters, his Ruling was unquestionably correct. If Mr. Lang desired to question the accuracy of the Premier's statement or to alter, in this Assembly, the generally recognised usage and practice of all Empire Parliaments, respecting matters which were *sub judice*, he would require to take other action, but he would not be permitted to do so on a motion of dissent.

Whereupon motion made (*Mr. Lang*). That this House dissents from the Ruling of Mr. Speaker, given on Friday, 29th September, 1933, a.m., when, having been given an assurance by the Premier that a case involving a question of the increase of hours for railway and tramway employees was before the Court, he ruled that he had to regard the question as *sub judice*, and that, therefore, the Honorable Member for Auburn, Mr. Lang, could not proceed to discuss the matter. *Point of Order (Mr. Lamaro)*—That under Standing Order No. 161 only the Speaker was entitled to decide when the question, on a motion of this character, should be put, and then only when the Debate had exceeded thirty minutes—and that a motion for the application of the "closure" could not now be entertained,—*overruled by Mr. Speaker*—Motion *negatived*, 87-88.

Motion made (*taken as Formal (Mr. Lamaro)*). That this House dissents from the recent ruling of, given during the discussion of a Motion of Dissent under Standing Order No. 161, moved by the Honorable Member for Auburn, that Mr. Speaker could accept, and did accept, a motion "That the Question be now put." Mr. Speaker pointed out effects of Standing Orders Nos. 161 and 175, and said that, in view of the clear and unambiguous terms of those Standing Orders, it was difficult to justify the action of the Honorable Member in putting on the Notice Paper a Motion of Dissent, and that the closure having been moved under Standing Order No. 175,—he, as Speaker, was bound to put the Question to the House—Motion *negatived*, 115-116.

## DEPUTY :—

Adjourns House, pursuant to Sessional Order at 10-30 p.m., 27, 30.  
Allows 3<sup>d</sup> of Bill to be taken forthwith, 171.  
Commission to administer Oath to Members reported by Speaker, 9.  
Lays Paper on Table, 67, 142, 179.  
Takes Chair during unavoidable absence of Speaker, 65, 69, 177.  
Reports issue of writ for filling of vacant seat—Electoral District of Hamilton, 177.  
Resumes Chair at specified hour, 177.

## RULINGS OF :—

That while it was competent for one Minister to move a motion on behalf of another Minister, it was not competent for an Honorable Member to move a motion on behalf of another Honorable Member, 70.  
That a motion relating to the recent increase in the working hours of Government Railway and Tramway Employees from the standard working week of forty-eight hours per week to 96 hours per fortnight was out of order, on the ground that it would lead to a duplication of Debate, upon a question upon which the House had already passed judgment, 143.

## SPEECHES (See "MEMBERS").

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

## SUSPENSION OF :—

Motion to suspend (*Urgency*) to bring in and pass Bill through all stages in one day, 43-44, 152.  
Motion to suspend (*Urgency*) to bring in and pass several Bills through all stages in one day, 137, 161.  
Motion to suspend, to bring in and pass one Bill through all its stages in one day, 79.  
Motion to suspend (*Urgency*) to consider motion respecting suspension of Sessional Orders to continue sitting after 10-30 o'clock p.m., 110-111.  
Motion to suspend (*and Sessional Orders*), to bring in and pass several Bills through all stages in one day, 84-85.  
Motion to suspend (*and Sessional Orders (Urgency)*) to consider Notice of Motion of General Business (*censure motion*), 23.  
Motion made to suspend (*and Sessional Orders (Urgency)*) to consider motion respecting Milk Prices (*agreed to*), 141.  
Motion to suspend (*and Sessional Orders (Urgency)*) to consider motion relating to Business Days and Extension of Hours of Sitting, 144.

## COMMITTEE :—

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TRAMWAY EMPLOYEES (See also "RAILWAY AND TRAMWAY EMPLOYEES"; also under "SPEAKER—DISSENT");—

WORKING HOURS OF:—

Motion made (*Mr. Lang*), "That this House expresses its disapproval of the recent action of the Minister for Transport in increasing the hours of work of tramway employees from the standard working week of forty-four hours to ninety-six hours per fortnight," *negatived*, 142-3.

Motion being proceeded with (*Mr. Lang*), "That this House is opposed to the recent increase in the hours of work of Government railway and tramway employees from the standard working week of forty-four hours to ninety-six hours per fortnight,"—ruled out of order by Mr. Deputy-Speaker, on the ground that it would lead to a duplication of the Debate which had taken place on a Question upon which the House had passed judgment, 143.

TRANSPORT (See "RAILWAYS").

## U

UNEMPLOYMENT (See "FOOD RELIEF").

URGENCY:—

Motion made, as a matter of, to suspend Standing Orders to bring in and pass Bill through all stages in one day, 43, 152.

Motion made, as a matter of, to suspend Standing Orders to bring in and pass several Bills through all their stages in one day, 136, 161.

Motion made, as a matter of, to suspend Standing Orders to consider Motion respecting suspension of so much of Sessional Orders as would preclude continuation of Sitting after 10.30 p.m., 109-110.

Motion made, as a matter of, to suspend Standing (*and Sessional*) Orders to consider Motion relating to Business Days and Hours of Sitting, 143.

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## V

VACANT SEAT (See "ELECTORAL").

VICTORIA BARRACKS, PADDINGTON:—

Motion made (*Mr. O'Sullivan*), "That, in the opinion of this House, the present site of, should be converted to a better advantage to the public, and the military establishment at present there removed elsewhere, and that the resolution be forwarded to the Commonwealth Government" (*agreed to*), 70.

VOTE (See "DIVISIONS").

VOTE OF CENSURE:—

Motion made (*Mr. Lang*) (*after suspension of Standing and Sessional Orders as a matter of urgency*), "That this House censures the Government for its monstrous conduct in refusing to supply adequate food relief to the many thousands of suffering unemployed in this State, and for using for other purposes money raised for the specific purpose of feeding the people," *negatived*, 23-24.

## W

WAGE REDUCTION:—

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NEW SOUTH WALES.

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# ALPHABETICAL LIST

OF

## MEMBERS

OF THE

## LEGISLATIVE ASSEMBLY

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(FOURTH SESSION OF THE THIRTIETH PARLIAMENT.)

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OPENED 22ND AUGUST, 1933—PROROGUED 26TH FEBRUARY, 1934.

## LEGISLATIVE ASSEMBLY.

## NEW SOUTH WALES.

## ALPHABETICAL LIST OF MEMBERS OF THE LEGISLATIVE ASSEMBLY

## FOURTH SESSION OF THE THIRTIETH PARLIAMENT.

Date of Writs : 18 May, 1932.

Nomination Day : 25 May, 1932.

Polling Day : 11 June, 1932.

Return of Writs : 30 June, 1932.

SESSION—OPENED 22ND AUGUST, 1933—PROROGUED 26TH FEBRUARY, 1934.

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43	Kilpatrick, Matthew, Esq. ...	Wagga Wagga.	91	Yeo, Alfred William, Esq. ...	Castlereagh.
44	Knight, Hamilton, Esq. ...	Hartley.			

(a) Granted leave of absence for Session on account of illness, 22nd August, 1933.

illness, 22nd August, 1933.

(c) Died, 31st January, 1934.

(b) Granted leave of absence for Session on account of illness, 22nd August, 1933.

(d) Elected 24th February, 1934.

## OFFICERS.

Speaker ...	The Hon. SIR DANIEL LEVY, KNT., B.A., LL.B.
Chairman of Committees ...	WILLIAM WHALEY HEDGES, ESQ.
Clerk of the Legislative Assembly ...	WILLIAM RUPERT MCCOURT.
Clerk Assistant ...	FREDERIC BARKER LANGLEY.
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Serjeant-at-Arms and Clerk of Select Committees ...	HAROLD LAURENCE HARNETT.