

New South Wales.

No. 41.

# MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

TUESDAY, 20 DECEMBER, 1932.

1. The House met pursuant to adjournment. The President took the Chair.

**Members present:—**

The Honorable Sir John Beverley Peden, K.C.M.G., K.C., President.

The Honorable William Ainsworth,  
The Honorable Carl Adrian Akhurst, F.I.L.S.,  
The Honorable George Stacher Archer,  
The Honorable James Ashton,  
The Honorable George Douglas Bassett,  
The Honorable Alfred Noble Binks,  
The Honorable George Black,  
The Honorable Sir Henry Yule Braddon,  
K.B.E.,

The Honorable William Brennan,  
The Honorable Charles Brill Bridges,  
The Honorable William Brooks,  
The Honorable Francis Henry Bryant,  
The Honorable George Patrick Buckley,  
The Honorable Nicholas James Buzacott,  
The Honorable Walter Corrie Cambridge,  
The Honorable Stanley Llewellyn Cole,  
The Honorable Edward Easter Collins,  
Major the Honorable Arthur Edmund Colvin,  
M.C., M.B., Ch.M., F.R.A.C.S.,

The Honorable James Matthew Concannon,  
The Honorable Lawrence Cotter,  
The Honorable John William Cowburn,  
The Honorable John Culbert,  
The Honorable Thomas Patrick Doyle,  
The Honorable Maxwell Pollok Dunlop,  
The Honorable Thomas Falkingham,  
The Honorable John Gibson Farleigh,  
The Honorable Ernest Henry Farrar,  
The Honorable James Fox,  
The Honorable William James Gibb,  
The Honorable Donald McLennan Grant,  
The Honorable James Joseph Graves,  
The Honorable Edward Grayndler,  
The Honorable Herbert Ronald Robinson,  
Grieve, M.B., Ch.M.,

The Honorable Herbert Middleton Hawkins,  
The Honorable Alfred Macartney Hemsley,  
The Honorable Simon Hickey,  
The Honorable Henry Edwin Horne,  
The Honorable Sir Norman William Kater,  
Kt., M.B., Ch.M.,

The Honorable John Keegan,  
The Honorable John Kilburn,  
The Honorable Robert Arthur King,  
The Honorable William Eames Kirkness,  
The Honorable John Lane Mullins, M.A.,  
The Honorable William Fleming Latimer,  
The Honorable James Denis Lyons,  
Major-General the Honorable James Alexander

Kenneth Mackay, C.B., V.D., O.B.E.,  
The Honorable Robert Mahony,  
The Honorable Daniel Malone, A.M.I.E.  
(Aust.),

The Honorable Henry Edward Manning,  
K.C., B.A., LL.B.,

The Honorable John Bertie Martin,  
The Honorable Joseph Michael Martin,  
The Honorable Patrick Michael McGirr,  
The Honorable Alan William McNamara,  
The Honorable James Mark Minahan,  
The Honorable Voltaire Molesworth,  
The Honorable Henry Clements Moulder,  
The Honorable George Mullins,  
The Honorable Sir James Anderson Murdoch,  
K.B.E., C.M.G.,

The Honorable Thomas George Murray,  
The Honorable George Nesbitt,  
The Honorable Harold Sprent Nicholas, M.A.,  
The Honorable Broughton Barnabas O'Connor,  
LL.B.,

The Honorable John Francis O'Regan,  
The Honorable John Francis O'Reilly,  
The Honorable Charles Joseph Parker,  
The Honorable John Whitehead Percival,  
Lieutenant-Colonel the Honorable Thomas  
Alfred John Playfair, D.S.O., O.B.E.,  
V.D.,

The Honorable Frank Pollard,  
The Honorable Daniel Rees,  
The Honorable William Elliott Veitch Robson,  
B.A.,

The Honorable Frederick Roels,  
The Honorable James Ryan,  
The Honorable Lionel William Ryan,  
The Honorable Robert Emmet Savage,  
The Honorable Thomas Mitchell Shakespeare,  
The Honorable Andrew Sinclair,  
The Honorable Gilbert Jamieson Sinclair,  
The Honorable Duncan Malcolm Smith, M.A.,  
The Honorable Samuel James Smith,  
The Honorable Thomas Januarius Smith,  
The Honorable Ernest Christian Sommerlad,  
The Honorable Thomas Storey,  
The Honorable John Bligh Suttor,  
M.Am.I.E.E., A.M.I.E. (Aust.),

The Honorable Colin Tannock,  
The Honorable Sir Allen Arthur Taylor, Kt.,  
The Honorable Frederick Henry Tout,  
The Honorable John Travers,  
The Honorable Arthur King Trethowan,  
The Honorable Thomas James Tyrrell,  
The Honorable George Henry Gisborne Varley,  
The Honorable Thomas Waddell,  
The Right Honorable Samuel Walder,  
The Honorable Frank Edgar Wall, M.D.,  
The Honorable Ellen Webster,  
The Honorable Albert Charles Willis,  
The Honorable John Henry Wise,  
The Honorable George Wrench,  
The Honorable Arthur William Yager,

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2. LOCAL GOVERNMENT (BUSH FIRES) AMENDMENT BILL:—The President reported the following Message from His Excellency the Governor:—

PHILIP GAME,  
Governor.

Message.

A Bill, intituled "An Act to confer on councils of shires and municipalities further powers for the prevention and mitigation of bush fires; to amend the Local Government Act, 1919, and the Bush Fires Act, 1930; and for purposes connected therewith,"—as finally passed by the Legislative Council and Assembly, having been presented to the Governor for the Royal Assent, his Excellency has in the name of His Majesty, assented to the said Bill, and now transmits it to the Legislative Council, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Government House,  
Sydney, 16th December, 1932.

3. PAPERS:—Mr. J. Ryan laid upon the Table the undermentioned Papers:—

- (1.) Public Health Act, 1902-1932—Amended Regulations.
- (2.) Navigation Act, 1901—Regulations.
- (3.) Local Government Act, 1919—Amendment of Ordinance No. 24.
- (4.) Crown Lands Consolidation Act, 1913—(a) Abstract of Crown Lands intended to be dedicated to public purposes; (b) Gazette Notices setting forth the mode in which it is proposed to deal with the dedication of certain lands.

4. CONSTITUTION FURTHER AMENDMENT (LEGISLATIVE COUNCIL ELECTIONS) BILL:—The President reported and read the following Message from the Legislative Assembly:—

MR. PRESIDENT,—

The Legislative Assembly having this day agreed to the Bill, intituled "An Act to make certain provisions for carrying into effect the Constitution Amendment (Legislative Council) Act, 1932; to amend the Constitution Further Amendment (Referendum) Act, 1930, and certain other Acts; and for purposes connected therewith,"—returns the same to the Legislative Council without Amendment.

Legislative Assembly Chamber,  
Sydney, 17th December, 1932, a.m.

DANIEL LEVY,  
Speaker.

5. MEAT INDUSTRY (AMENDMENT) BILL:—

- (1.) Mr. Manning moved, pursuant to Notice, That so much of the Standing Orders be suspended as would preclude—

(1.) The rescission, without Notice, of the resolution passed by this House on the 16th December, 1932, referring the Meat Industry (Amendment) Bill to a Select Committee for consideration and report, and also the rescission, without Notice, of the resolution passed by this House on the same date on the motion for the adjournment of the Debate on the Question that such Committee consist of the following Members, namely:—Mr. Manning, Mr. Mahony, Mr. Tyrrell, Mr. Kilburn, Mr. Graves, Mr. Pollard, Mr. J. Ryan, Dr. Wall, Mr. Coates, and the Mover.

(2.) The restoration of the Bill to the Business Paper, the second reading of the Bill and the passing of the Bill through all its remaining stages during one sitting of this House forthwith.

Debate ensued.

Question put.

The House divided.

Ayes, 48.

Mr. Ashton  
Mr. Bassett  
Mr. Binks  
Mr. Brooks  
Mr. Bryant  
Mr. Buzacott  
Mr. Cambridge  
Mr. Cole  
Mr. Collins  
Major Colvin  
Mr. Dunlop  
Mr. Farrar  
Dr. Grieve  
Mr. Hawkins  
Mr. Hemsley  
Mr. Hickey  
Mr. Horne

Sir Norman Kater  
Mr. Kirkness  
Mr. Lane Mullins  
Mr. Latimer  
Major-General Mackay  
Mr. Manning  
Mr. Molesworth  
Mr. Moulder  
Sir J. A. Murdoch  
Mr. Murray  
Mr. Nesbitt  
Mr. Nicholas  
Mr. O'Connor  
Mr. Parker  
Mr. Percival  
Lt.-Colonel Playfair  
Mr. Robson

Mr. James Ryan  
Mr. Shakespeare  
Mr. Andrew Sinclair  
Mr. Duncan M. Smith  
Mr. Sommerlad  
Sir Allen Taylor  
Mr. Tout  
Mr. Travers  
Mr. Trethowan  
Mr. Varley  
Mr. Wise  
Mr. Wrench

Tellers,

Sir Henry Braddon  
Dr. Wall

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## Noes, 39.

Mr. Ainsworth	Mr. King	Mr. Savage
Mr. Akhurst	Mr. Lyons	Mr. Gilbert Sinclair
Mr. Archer	Mr. Mahony	Mr. Samuel J. Smith
Mr. Buckley	Mr. John B. Martin	Mr. Thomas J. Smith
Mr. Concannon	Mr. J. M. Martin	Mr. Storey
Mr. Cowburn	Mr. McGirr	Mr. Suttor
Mr. Culbert	Mr. McNamara	Mr. Tyrrell
Mr. Doyle	Mr. Minahan	Mrs. Webster
Mr. Faikingham	Mr. Mullins	Mr. Willis
Mr. Fox	Mr. O'Regan	
Mr. Gibb	Mr. Pollard	<i>Tellers,</i>
Mr. Graves	Mr. Rees	Mr. Malone
Mr. Grayndler	Mr. Roels	Mr. John F. O'Reilly
Mr. Keegan	Mr. Lionel W. Ryan	

And so it was resolved in the affirmative.

(2.) Mr. Manning then moved, That the resolution passed by this House on the 16th December, 1932, referring the Meat Industry (Amendment) Bill to a Select Committee for consideration and report, and also the resolution passed by this House on the same date on the motion for the adjournment of the Debate on the Question that such Committee consist of the following Members, namely:—Mr. Manning, Mr. Mahony, Mr. Tyrrell, Mr. Kilburn, Mr. Graves, Mr. Pollard, Mr. J. Ryan, Dr. Wall, Mr. Coates, and the Mover, be and the same are hereby rescinded.

(2.) That the Order of the Day for the second reading of the Bill be restored to the Business Paper.

Debate ensued.

And an Honorable Member requiring that the resolutions be put *seriatim*.—

Debate continued.

*Point of Order*:—Mr. Manning submitted that while the Honorable Member, Mr. Concannon's, remarks might be relevant to a second-reading debate on the Bill, they had nothing to do with the question of the rescission of the resolution or the restoration of the Bill to the Business Paper.

The President said he had listened to the Honorable Member, Mr. Concannon, carefully. On the whole he did not think he had gone beyond the limits of fair discussion on this matter. Some of the expressions he used might have been a little wide of the question under discussion but he thought the Honorable Member was in order.

Debate—on original motion—continued.

*Point of Order*:—Mr. Farrar submitted that the motion was to rescind the resolution to refer the Bill to a select committee and that the Honorable Member, Mr. Concannon, was justifying the action of the Government of which he was a member. He held that the Honorable Member's remarks would be in order on the debate on the second reading of the Bill.

The President said: The question was whether certain resolutions should be rescinded and the order of the day for the second reading of the Bill be restored. He understood the Honorable Member to argue that it was right and proper that the Bill should go to a Select Committee and that the delay involved in referring the Bill to a Select Committee was not important because, in his opinion, the work of the Board was being done efficiently. He ruled that the Honorable Member was in order.

Debate—on original motion—still continued.

(3.) Question put,—That the resolution passed by this House on the 16th December, 1932, referring the Meat Industry (Amendment) Bill to a Select Committee for consideration and report, and also the resolution passed by this House on the same date, on the motion for the adjournment of the Debate, on the Question that such Committee consist of the following Members, namely:—Mr. Manning, Mr. Mahony, Mr. Tyrrell, Mr. Kilburn, Mr. Graves, Mr. Pollard, Mr. J. Ryan, Dr. Wall, Mr. Coates, and the Mover, be and the same are hereby rescinded. The House divided.

## Ayes, 47.

Mr. Ashton	Mr. Horne	Mr. James Ryan
Mr. Bassett	Sir Norman Kater	Mr. Duncan M. Smith
Mr. Binks	Mr. Kirkness	Mr. Sommerlad
Mr. Brooks	Mr. Lane Mullins	Sir Allen Taylor
Mr. Bryant	Mr. Latimer	Mr. Tout
Mr. Buzacott	Major-General Mackay	Mr. Travers
Mr. Cambridge	Mr. Manning	Mr. Varley
Mr. Cole	Mr. Molesworth	Mr. Walder
Mr. Collins	Mr. Moulder	Dr. Wall
Major Colvin	Mr. Murray	Mr. Wise
Mr. Dunlop	Mr. Nesbitt	Mr. Wrench
Mr. Earleigh	Mr. Nicholas	<i>Tellers,</i>
Mr. Farrar	Mr. O'Connor	Mr. Shakespeare
Dr. Grievé	Mr. Parker	Mr. Andrew Sinclair
Mr. Hawkins	Mr. Percival	
Mr. Hemsley	Lt.-Colonel Playfair	
Mr. Hickey	Mr. Robson	

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## Noes, 40.

Mr. Ainsworth	Mr. Keegan	Mr. Rees
Mr. Archer	Mr. Kilburn	Mr. Roels
Mr. Black	Mr. King	Mr. Savage
Mr. Brennan	Mr. Lyons	Mr. Gilbert Sinclair
Mr. Buckley	Mr. Mahony	Mr. Samuel J. Smith
Mr. Concannon	Mr. Malone	Mr. Thomas J. Smith
Mr. Culbert	Mr. John B. Martin	Mr. Suttor
Mr. Doyle	Mr. J. M. Martin	Mr. Tannock
Mr. Falkingham	Mr. McGirr	Mrs. Webster
Mr. Fox	Mr. McNamara	Mr. Willis
Mr. Gibb	Mr. Minahan	<i>Tellers,</i>
Mr. Grant	Mr. O'Regan	Mr. Akhurst
Mr. Graves	Mr. John F. O'Reilly	Mr. Lionel W. Ryan
Mr. Grayndler	Mr. Pollard	

And so it was resolved in the affirmative.

(4.) Question,—That the Order of the Day for the second reading of the Bill be restored to the Business Paper,—put and passed.

(5.) Mr. J. Ryan then moved, That this Bill be "now read a second time."

Mr. Concannon moved, That the Question be amended by the omission of the words "now read a second time," with a view to the insertion in their place of the words "(1) referred to a Select Committee for consideration and report, with power to take evidence and to send for persons and papers. (2) That such Committee consist of the following members, viz.:—Mr. Manning, Mr. Mahony, Mr. Tyrrell, Mr. Kilburn, Mr. Graves, Mr. Pollard, Mr. J. Ryan, Dr. Wall, Mr. Coates and Mover."

Debate ensued.

Question,—That the words proposed to be omitted stand part of the Question,—put.

The House divided.

## Ayes, 46.

Mr. Ashton	Mr. Horne	Mr. James Ryan
Mr. Binks	Mr. Kirkness	Mr. Shakespeare
Mr. Brooks	Mr. Lane-Mullins	Mr. Andrew Sinclair
Mr. Bryant	Mr. Latimer	Mr. Duncan M. Smith
Mr. Buzacott	Major-General Mackay	Mr. Sommerlad
Mr. Cambridge	Mr. Manning	Mr. Tout
Mr. Cole	Mr. Molesworth	Mr. Travers
Mr. Collins	Mr. Moulder	Mr. Varley
Major Colvin	Mr. Murray	Mr. Walder
Mr. Dunlop	Mr. Nesbitt	Dr. Wall
Mr. Farleigh	Mr. Nicholas	Mr. Wise
Mr. Farrar	Mr. O'Connor	Mr. Wrench
Dr. Grieve	Mr. Parker	<i>Tellers,</i>
Mr. Hawkins	Mr. Percival	Mr. Bassett
Mr. Hemsley	Lt.-Colonel Playfair	Sir Norman Kater
Mr. Hickey	Mr. Robson	

## Noes, 36.

Mr. Ainsworth	Mr. Graves	Mr. Pollard
Mr. Akhurst	Mr. Keegan	Mr. Roels
Mr. Archer	Mr. Kilburn	Mr. Lionel W. Ryan
Mr. Black	Mr. King	Mr. Savage
Mr. Brennan	Mr. Lyons	Mr. Gilbert Sinclair
Mr. Buckley	Mr. Mahony	Mr. Samuel J. Smith
Mr. Concannon	Mr. Malone	Mr. Thomas J. Smith
Mr. Culbert	Mr. John B. Martin	Mrs. Webster
Mr. Doyle	Mr. J. M. Martin	<i>Tellers,</i>
Mr. Falkingham	Mr. McGirr	Mr. Bridges
Mr. Fox	Mr. McNamara	Mr. Suttor
Mr. Gibb	Mr. Mullins	
Mr. Grant	Mr. J. F. O'Reilly	

And so it was resolved in the affirmative.

(6.) Question then,—That this Bill be now read a second time,—put and passed.

(7.) On motion of Mr. J. Ryan, the President left the Chair, and the House resolved itself into a Committee of the Whole for consideration of this Bill.

The Chairman having reported the Bill without amendment,—

The House adopted the Report.

(8.) Bill, on motion of Mr. J. Ryan, read a third time.

Whereupon Mr. J. Ryan moved, That this Bill be returned to the Legislative Assembly with the following Message:—

MR. SPEAKER,—

The Legislative Council having this day agreed to the Bill, intituled "An Act to dissolve the Metropolitan Meat Industry Board; to provide for the appointment of a Metropolitan Meat Industry Commissioner, and for the exercise and discharge by such commissioner of the powers, authorities, duties and functions

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of the said Board; to provide for the appointment of a Metropolitan Meat Industry Advisory Council; to amend the Meat Industry Act, 1915, and certain other Acts; and for purposes connected therewith;—returns the same to the Legislative Assembly without amendment.  
Legislative Council Chamber,  
Sydney, 20th December, 1932.

Question put and passed.

6. MESSAGES FROM THE LEGISLATIVE ASSEMBLY:—The President reported and read the following Messages from the Legislative Assembly:—

(1.) Landlord and Tenant (Amendment) Bill:—

MR. PRESIDENT,—

The Legislative Assembly has this day agreed to the amendments made by the Legislative Council, in the Bill, intituled "*An Act to make further provision relating to the postponement of ejectment of persons who are in occupation of certain dwelling-houses and who are in impoverished circumstances; to make further provision relating to the reduction of rents in certain cases; to amend the Landlord and Tenant Act of 1899, and certain other Acts; and for purposes connected therewith.*"

Legislative Assembly Chamber,  
Sydney, 20th December, 1932.

DANIEL LEVY,  
Speaker.

(2.) Public Service Salaries (Further Amendment) Bill:—

MR. PRESIDENT,—

The Legislative Assembly having had under consideration the Legislative Council's Message, dated 16th December, 1932, requesting its concurrence in certain amendments made by the Council in the Public Service Salaries (Further Amendment) Bill,—

Agrees to the amendments made by the Council in the Bill, but proposes to amend the Title by the omission of the words "to validate certain payments" in line 3, as consequential upon the acceptance of the Council's amendment in clause 1.

The Assembly desires that its agreement to the Council's amendments may not be drawn into a precedent so as to warrant any supposition that the Assembly has waived any of its undoubted rights and privileges.

And the Assembly requests the concurrence of the Legislative Council in its consequential amendment in the Title.

Legislative Assembly Chamber,  
Sydney, 20th December, 1932.

W. T. MISSINGHAM,  
Deputy-Speaker.

Mr. Hawkins moved, That the consideration of the Legislative Assembly's Message in Committee be taken into consideration forthwith.

Question put and passed.

Mr. Hawkins then moved, That the President do now leave the Chair, and the House resolve itself into a Committee of the Whole for the consideration of the Legislative Assembly's Message in reference to this Bill.

Question put and passed.

Whereupon the President left the Chair, and the House resolved itself into a Committee of the Whole accordingly.

The Chairman reported that the Committee had resolved to agree to the Assembly's consequential amendment in the Title.

The House adopted the Report.

Mr. Hawkins moved, That the following Message be forwarded to the Legislative Assembly:—

MR. SPEAKER,—

The Legislative Council having had under consideration the Legislative Assembly's Message, dated 20th December, 1932, in reference to the amendments made by the Legislative Council in the Public Service Salaries (Further Amendment) Bill,—agrees to the Assembly's consequential amendment in the Title.

Legislative Council Chamber,  
Sydney, 20 December, 1932.

Question put and passed.

(3.) City Night Refuge and Soup Kitchen Incorporation Bill:—

MR. PRESIDENT,—

The Legislative Assembly having this day agreed to the Bill, intituled "*An Act to incorporate the General Committee of the City Night Refuge and Soup Kitchen, a charitable society operating in Sydney; to confer and impose upon that body certain powers, duties, rights and liabilities; to vest in it the property of the said body in New South Wales; and for purposes connected therewith.*"—returns the same to the Legislative Council without amendment.

Legislative Assembly Chamber,  
Sydney, 20th December, 1932.

W. T. MISSINGHAM,  
Deputy-Speaker.

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## 7. ADJOURNMENT:—

(1.) Mr. Manning moved, That this House, at its rising To-day, do adjourn until Tuesday, 10th January, 1933.

Question put and passed.

(2.) Mr. Manning moved, That this House do now adjourn.  
Debate ensued.

Question put and passed.

The House adjourned accordingly, at Fifteen minutes before Twelve o'clock (midnight) until *Tuesday, 10th January, 1933.*

C. H. H. CALVERT,  
Clerk of the Parliaments.

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NOTICES OF QUESTIONS AND MOTIONS AND ORDERS  
OF THE DAY.

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TUESDAY, 10 JANUARY, 1933.

## QUESTION:—

1. Mr. D. M. SMITH *to ask* THE VICE-PRESIDENT OF THE EXECUTIVE COUNCIL,—

(1.) Is the Government aware that the strengthening of the position of opticians as the result of the Opticians Act is being used to maintain prices at an extortionate and unreasonable level?

(2.) In the event of evidence being made available to substantiate the above claim, will he ascertain whether the Government will give favourable consideration to the holding of a public inquiry to safeguard the interests of those who are at present being exploited in respect to optical requirements?