

New South Wales

No. 38.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

FIFTH SESSION OF THE THIRTIETH PARLIAMENT.

THURSDAY, 11 OCTOBER, 1934.

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 Anthony Alexander Alam,
The Honorable George Stacher Archer,
The Honorable Alfred Noble Binks,
The Honorable Sir Henry Yule Braddon,
K.B.E.,
The Honorable Walter Corrie Cambridge,
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 Maxwell Pollok Dunlop,
The Honorable Ernest Henry Farrar,
The Honorable Joseph Reuben Gardiner,
The Honorable Donald McLennan Grant,
The Honorable James Joseph Graves,
The Honorable Herbert Middleton Hawkins,
The Honorable Alfred Macartney Hemsley,
The Honorable Henry Edwin Horne,
The Honorable Archibald Howie,
The Honorable Sir Norman William Kater,
Kt., M.B., Ch.M.,

The Honorable Hugh Latimer,
The Honorable Robert Mahony,
The Honorable Henry Edward Manning,
K.C., B.A., LL.B.,
The Honorable John Bertie Martin,
The Honorable Ernest Meyer Mitchell, K.C.,
B.A., LL.B.,
The Honorable Thomas George Murray,
The Honorable George Nesbitt,
The Honorable James Ryan,
The Honorable Lionel William Ryan,
The Honorable Samuel James Smith,
The Honorable Frank William Spicer,
Major the Honorable Thomas Steele,
The Honorable Frederick Henry Tout,
The Honorable Arthur King Trethowan,
The Honorable Sir Samuel Walder, Kt.,
The Honorable Frank Edgar Wall, M.D.,
The Honorable Horace William Whiddon.

2. Prayer.

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

(1.) Public Works Act, 1912—Notification of resumption of land required for the purpose of maintaining the traffic on the existing line of Railway between Clyde and Carlingford by the widening of gates at its intersection with Parramatta Road.

(2.) Police Regulation Act, 1899, and Police Regulation (Superannuation) Act, 1906—Police Superannuation and Reward Fund, Statement of Receipts and Payments in the year ended 30th June, 1934.

4. SENATE OF THE UNIVERSITY OF SYDNEY—ELECTION OF A FELLOW AS THE REPRESENTATIVE OF THE LEGISLATIVE COUNCIL—(*Formal Business*):—Dr. Colvin moved, pursuant to Notice,—

(1.) That the Honorable Henry Edward Manning, K.C., be elected a Fellow of the Senate of the University of Sydney as the representative of the Legislative Council, as provided for in the University Amendment Act No. 52 of 1912.

(2.) That the foregoing Resolution be communicated by Address to His Excellency the Governor.

Question put and passed.

Mr. Manning made his acknowledgments to the House.

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5. GUARDIANSHIP OF INFANTS BILL (*Formal Business*):—On motion of Mr. Manning, read a third time.
Whereupon Mr. Manning moved, That this Bill be returned to the Legislative Assembly, with the following Message:—

MR. SPEAKER,—

The Legislative Council has this day agreed to the Bill, returned herewith, intituled "*An Act to amend the law with respect to the guardianship and custody and marriage of infants; to amend the Infants' Custody and Settlements Act of 1899, the Marriage Act, 1899, the Testator's Family Maintenance and Guardianship of Infants Act, 1916, and certain other Acts; and for purposes connected therewith*,"—with the amendments indicated by the accompanying Schedule, in which amendments the Council requests the concurrence of the Legislative Assembly.

Legislative Council Chamber,
Sydney, 11th October, 1934.

GUARDIANSHIP OF INFANTS BILL.

Schedule of the amendments referred to in Message of 11th October, 1934.

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

- No. 1. Page 2, clause 2, line 15. Omit "jurisdiction" insert "State"
No. 2. Page 2, clause 2, lines 40 to 42, inclusive. After the word "for" on line 40 omit all words to the end of line 42, insert "any continuous period of three months after it is made the mother of the infant resides with the father."
No. 3. Page 3, clause 2. After line 27 insert—
"Provided that no order shall be made or enforced under this Act in respect of any matter where any order in relation to such matter has already been made by the Supreme Court in its matrimonial causes jurisdiction or where at the date of any application made under this Act in respect of any matter, an application has already been filed in that Court and is then pending in respect of such matter :
"Provided also that orders made under this Act may be subsequently varied by the Supreme Court in its matrimonial causes jurisdiction where the same subject matter arises in any proceedings within its jurisdiction instituted in that Court."
No. 4. Page 4, clause 2, line 1. After "court" insert "of petty sessions"
No. 5. Page 5, clause 2, line 28. After "jurisdiction" insert "and there proceeded with"
No. 6. Page 5, clause 2, line 29. After "costs" insert "of removal"
No. 7. Page 5, clause 2, line 38. Omit "two" insert "ten"
No. 8. Page 7, clause 3. After line 11 insert—"In this section 'upbringing' includes religious instruction."
No. 9. Page 7, clause 4, line 24. After "Court" insert "and upon appeals thereto"
No. 10. Page 7, clause 4. At end of line 37 insert "and for regulating the practice and procedure upon appeals to courts of quarter sessions under this Act"
No. 11. Page 12, clause 7, lines 9 and 10. Omit "on application in the prescribed form" insert "in writing"
No. 12. Page 12, clause 7. After line 37 insert—
"(5) The form of applications to the Supreme Court or a district court and the procedure thereon shall be as prescribed by rules of court, or in the case of applications to a court of petty sessions shall be as prescribed by general rules made under the Justices Act, 1902."
No. 13. Page 13, clause 7. After line 4 insert—
"(c) by omitting from the Fourth Schedule the words 'Marriage Act, No. , 1899,' wherever occurring and by inserting in lieu thereof the words 'Marriage Act, 1899-1934.'"
No. 14. Page 13, clause 7, line 5. Omit the words "Schedule Four" insert "Fourth Schedule"
No. 15. Page 14, clause 7, line 37. After "1925" insert "the Marriage (Amendment) Act, 1934"
No. 16. Page 14, clause 7. After line 38 insert—
"(3) Any person appointed pursuant to section ten of the Marriage Act, 1899, prior to the commencement of this section and whose appointment is at such commencement in force shall be deemed to have been appointed pursuant to the Marriage Act, 1899-1934."

Examined,—

E. H. FARRAR,

Chairman of Committees.

Question put and passed.

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6. POLICE OFFENCES AMENDMENT (DRUGS) BILL:—The President reported and read the following Message from the Legislative Assembly:—

MR. PRESIDENT,—

The Legislative Assembly having this day passed a Bill, intituled "*An Act to remove the administration of Part VI of the Police Offences (Amendment) Act, 1908, from the Pharmacy Board of New South Wales; to amend in certain respects the Police Offences (Amendment) Act, 1908, and certain other Acts; and for purposes connected therewith,*"—presents the same to the Legislative Council for its concurrence.

Legislative Assembly Chamber,
Sydney, 10th October, 1934.

W. W. HEDGES,
Deputy-Speaker.

Bill, on motion of Mr. Hawkins, read a first time.

Ordered, That the second reading stand an Order of the Day for next Sitting Day, and that the Bill, in the meantime, be printed.

7. SUPERANNUATION ACT, 1916-1930—EXTENSION OF PROVISIONS TO THE COMMISSIONER FOR MAIN ROADS:—Mr. Manning moved, pursuant to Notice, That, in pursuance of section 92 of the Superannuation Act, 1916-1930, this House approves the application made by the Commissioner for Main Roads, a body corporate constituted under the Transport (Division of Functions) Act, 1932, that the provisions of the Superannuation Act, 1916-1930, be extended to him.
Debate ensued.
Question put and passed.

8. PASTURES PROTECTION BILL:—

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

Debate ensued.

Question put.

The House divided.

Ayes, 24.

Mr. Binks
Sir Henry Braddon
Mr. Cambridge
Mr. Collins
Major Colvin
Mr. Dunlop
Mr. Farrar
Mr. Gardiner
Mr. Hawkins

Mr. Hemsley
Mr. Horne
Mr. Howie
Mr. Latimer
Mr. Manning
Mr. Mitchell
Mr. J. Ryan
Mr. Spicer
Mr. Tout

Mr. Trethowan
Sir Samuel Walder
Dr. Wall
Mr. Whiddon

Tellers,

Sir Norman Kater
Major Steele

Noes, 8.

Mr. Alam
Mr. Archer
Mr. Concannon
Mr. Grant

Mr. Mahony
Mr. Martin

Tellers,

Mr. L. W. Ryan
Mr. Smith

And so it was resolved in the affirmative.

Bill read a second time.

- (2.) 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 reported progress and obtained leave to sit again next Sitting Day.

9. SPECIAL ADJOURNMENT:—

(1.) Mr. Manning moved, That this House, at its rising To-day, do adjourn until Wednesday next, 17th October, 1934, at Four o'clock, p.m.

Question put and passed.

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

Question put and passed.

The House adjourned accordingly, at Twenty-eight minutes after Six o'clock, p.m., until Wednesday next, 17th October, 1934, at Four o'clock, p.m.

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

NOTICES OF QUESTIONS AND MOTIONS AND ORDERS
OF THE DAY.

WEDNESDAY, 17TH OCTOBER, 1934.

QUESTION:—

1. MR. L. W. RYAN *to ask* THE VICE-PRESIDENT OF THE EXECUTIVE COUNCIL,—

Will the Minister kindly obtain and lay upon the Table of the House the following Papers and particulars:—

- (1.) Certified Copy of Balance-sheet and Auditors' Report of the Harold Park Trotting Club showing the gross takings and surplus?
- (2.) The Harold Park Greyhound Racing Club's Report and Balance-sheet showing gross takings and surplus?
- (3.) Statement showing the names of directors, the fees received by them, the number of men employed, their salaries and wages, the amount of prize moneys distributed, and donations for each of the abovementioned companies?

GOVERNMENT BUSINESS—ORDERS OF THE DAY:—

1. Pastures Protection Bill; to be further considered in Committee. [Mr. J. Ryan.]
2. Police Offences Amendment (Drugs) Bill; second reading. [Mr. Hawkins.]