

New South Wales.

No. 27.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

THIRD SESSION OF THE THIRTY-THIRD PARLIAMENT.

TUESDAY, 4 MAY, 1943.

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

Members present,—

The Honourable Sir John Beverley Peden, K.C.M.G., K.C., President.	
The Honourable Anthony Alexander Alam,	The Honourable Hugh Latimer,
The Honourable George Stacher Archer,	The Honourable Patrick Michael McGirr,
The Honourable Thomas Armstrong,	The Honourable Alan William McNamara,
The Honourable George Douglas Bassett,	The Honourable Robert Mahony,
The Honourable Alfred Noble Binks,	The Honourable James Joseph Maloney,
The Honourable William James Bradley,	The Honourable Marsden Erle Manfred,
K.C., B.A., LL.B.,	The Honourable Sir Henry Edward Manning,
The Honourable Keith Gregory Brooks,	K.B.E., K.C., B.A., LL.B.,
The Honourable Walter Corrie Cambridge,	The Honourable John Bertie Martin,
Lieutenant-Colonel the Honourable Hector	The Honourable Henry Clements Moulder,
Joseph Richard Clayton, B.A., LL.B.,	The Honourable Thomas George Murray,
Colonel the Honourable Arthur Edmund	The Honourable Ernest Charles O'Dea,
Colvin, C.B.E., M.C., M.B., Ch.M.,	Brigadier the Honourable Thomas Alfred
F.R.A.C.S.,	John Playfair, D.S.O., O.B.E., V.D.,
The Honourable James Matthew Concannon,	The Honourable William Elliott Veitch
The Honourable William Edward Dickson,	Robson, B.A.,
The Honourable Robert Reginald Downing,	The Honourable Leon Samuel Snider,
LL.B.,	The Honourable Ernest Christian Sommerlad,
The Honourable Eldred James Eggins,	C.B.E.,
The Honourable Ernest Henry Farrar,	The Honourable Edmond John Clarke Speck,
The Honourable James Joseph Graves,	The Honourable John Stewart,
The Honourable Eli James Harrison,	The Honourable Colin Tannock,
The Honourable Herbert Sydney Henley,	The Honourable Richard Henry Thompson,
The Honourable Thomas Sinclair Holden,	The Honourable John Horace Tonkin,
LL.B.,	The Honourable Sir Frederick Henry Tout,
The Honourable Henry Edwin Horne,	Kt.,
The Honourable Sir Archibald Howie, Kt.,	The Honourable Sir Charles Graham
The Honourable Sir Norman William Kater,	Waddell, K.B.E.,
Kt., M.B., Ch.M.,	The Honourable Hugh Moffitt Wragge,
The Honourable Francis Daniel Kelly,	The Honourable Ernest Gerard Wright.
The Honourable Robert Arthur King,	

2. PRAYER.

3. MEMBER SWORN:—Colonel the Honourable Arthur Edmund Colvin, C.B.E., M.C., M.B., Ch.M., F.R.A.C.S., who was elected at the election held on 18th December, 1942, presented himself at the Table, took the Oath before the President, and subscribed the Roll.

4. VACANT SEAT IN THE LEGISLATIVE COUNCIL—DEATH OF THE HONOURABLE ERNEST MEYER MITCHELL, K.C., B.A., LL.B.:—

- (1.) The President announced to the House the receipt from the Registrar-General of a certified copy of an entry made in the Register of Deaths kept in the Registrar-General's Office, Sydney, and recording the death of the

(4 May, 1943.)

Honourable Ernest Meyer Mitchell on the 21st April, 1943, and that an entry recording his death on that date had been made in the Register of Members of the Legislative Council.

- (2.) The President also announced to the House that, in accordance with the provisions of the eighth section of the Constitution (Legislative Council Elections) Act, 1932-1937, His Excellency the Governor had been notified that the seat of the Honourable Ernest Meyer Mitchell became vacant before the expiration of his term of service through his death on the 21st April, 1943.

5. UNIVERSITY OF SYDNEY—ADVANCEMENT OF RELIGION:—The President reported and read the following communication from the Chancellor of the University of Sydney:—

The University of Sydney,
4th May, 1943.

The Honourable the President of the Legislative Council,
The Parliament of New South Wales,
Parliament House, Sydney.

Sir,

The Senate of the University, at its meeting on 3rd May, gave consideration to the Resolution, adopted by the Legislative Council on 13th April. The Resolution reads:—

“(1) That the attention of the Senate of the University of Sydney be drawn to the fact that one of the purposes for which the University has been established and is supplied by Parliament is the advancement of religion and to the other provisions of the University and University Colleges Act, 1900-1937, particularly Section 18 thereof.

“(2) That this House requests its representative on the University Senate (Sir Henry Manning) to bring the above matters before the Senate (as the body controlling the appointment of teachers) with a view to obtaining the opinion of that body as to what limits it considers should be observed by the teaching staff of the University on religious or other controversial matters.”

The Senate notes that the Resolution was transmitted to it with a view to some action being taken or suggested, and would respectfully point out that any action would, to be effective, require the imposition of some test, or some limitation, on the utterances of members of the teaching staff

As regards the first, it is laid down in the University and University Colleges Act that no religious test shall be applied to the teachers or the students of the University and yet, without it, it is manifestly impossible to ensure that the views put forward by teachers and students will always be generally acceptable. The Senate desires to affirm its conviction that no such test should be imposed and remembering, as it does, the results which have followed the regimentation of Universities in other parts of the world, it is also strongly of the opinion that nothing but harm would follow the stifling in a University of free enquiry. As regards the imposing of limitations, the Senate has in the past relied, and must continue to rely, on the intellectual integrity, and the good sense and the good taste of its staff to approach all problems in as objective, disinterested, and scientific a spirit as possible, and so to state and argue them as not to inflame people's minds to no good purpose.

The Senate desires also to inform the Legislative Council that every facility and encouragement is given to societies and groups within the University whose object it is to foster the Christian religion and to promote the knowledge and observance of Christian principles.

Yours faithfully,

(Sgd.) C. BICKERTON BLACKBURN,
Chancellor.

6. PAPERS:—Mr. Dickson laid upon the Table the undermentioned Papers:—

- (1.) Fisheries and Oyster Farms Act, 1935-1942—Amendment of (a) Regulation 21 and (b) Regulation 17.
- (2.) National Emergency Act, 1941—Amendments to Regulations.
- (3.) Workers' Compensation Act, 1926-1941—Sixteenth Annual Report of the Workers' Compensation Commission of New South Wales.

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7. INDUSTRIAL ARBITRATION (AMENDMENT) BILL:—The adjourned Debate of the Question, on motion of Mr. Downing, "That this Bill be now read a second time,"—resumed.

Motion made (*Mr. Alam*) and Question,—That this Debate be now adjourned until next Sitting Day,—put and passed.

8. POLICE REGULATION (AMENDMENT) BILL:—The Deputy-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 make certain provisions for insuring the secrecy of the police wireless code; for this purpose to amend the Police Regulation Act, 1899-1941, in certain respects; and for purposes connected therewith*,"—presents the same to the Legislative Council for its concurrence.

Legislative Assembly Chamber,
Sydney, 4th May, 1943.

D. CLYNE,
Speaker.

Bill, on motion of Mr. Downing, 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.

The House adjourned at Twenty minutes after Ten o'clock, p.m., until To-morrow at Four o'clock, p.m.

W. K. CHARLTON,
Clerk of the Parliaments.

NOTICES OF QUESTIONS AND MOTIONS AND ORDERS OF THE DAY.

WEDNESDAY, 5 MAY, 1943.

GOVERNMENT BUSINESS—ORDERS OF THE DAY:—

1. Police Regulation (Amendment) Bill; second reading. [*Mr. Downing.*]
2. Industrial Arbitration (Amendment) Bill; resumption of the adjourned Debate of the Question, on the motion of Mr. Downing, "That this Bill be now read a second time."
3. Pastures Protection (Amendment) Bill; consideration in Committee of Assembly's Message. [*Mr. Downing.*]
4. New South Wales Government Engineering and Shipbuilding Undertaking Bill; second reading. [*Mr. Downing.*]
5. Settlement Promotion Tax Management Bill; second reading. [*Mr. Downing.*]
6. Law Reform (Torts) Bill; second reading. [*Mr. Downing.*]

Sydney: Alfred Henry Pettifer, Acting Government Printer—1943.

