

1958

No. 49

PARLIAMENT OF NEW SOUTH WALES

REPORT

from the

JOINT COMMITTEE

of the

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

upon

THE AUSTRALIAN CONSTITUTION

together with the

MINUTES OF PROCEEDINGS OF THE COMMITTEE
AND APPENDICES

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REPORT

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THE AUSTRALIAN CONSTITUTION

THE JOINT COMMITTEE of the Legislative Council and Legislative Assembly (a Resolution for the appointment of which was agreed to by the Legislative Assembly on 20th June, 1956, and concurred in by the Legislative Council on 19th July, 1956), which was "appointed to review such aspects of the working of the Commonwealth of Australia Constitution as the Committee considers it can most profitably consider, and to make recommendations for such amendments of such Constitution as the Committee thinks necessary in the light of experience", presents to your Honourable House the following Report:

1. By way of preliminary observation the Committee draws attention to the fact that on 27th February, 1957, the Committee presented to your Honourable House a Progress Report dealing with the Uniform Tax Scheme. (For convenience of reference a copy of that report is set out in Appendix I to this Report.)

2. The Committee has been influenced in its deliberations by the belief that the problem of recommending alterations to the Constitution is not an academic but a practical one; that there is little profit to be had in making recommendations which, while approximating more or less to some real or supposed ideal, have little or no chance of being sponsored by the major political parties and for that or some other reason have little or no chance of being carried at a referendum of the people. These considerations explain why on some matters the recommendations are less far-reaching than might otherwise have been expected and why the number of matters on which recommendations are made is no indication of the number of matters in fact considered by the Committee.

Accordingly the recommendations of the Committee, with one exception, have been carried unanimously; and even that one exception has the support of the representatives on the Committee of two of the major political parties.

3. Commonwealth Convention: The Committee feels, however, that some aspects of the Constitution on which the Committee has refrained from making extensive recommendations or any recommendations at all might profitably be considered by a body differently constituted from the present Joint Committee. These are the aspects which involve fundamental principles in the policies of the various political parties—principles which differ or may differ not only between parties but also within a party. Any suggestion, for example, that would radically alter section 92 immediately raises the controversial issues of freedom of enterprise and State control in general, and of nationalisation of banking in particular; again suggested alterations to the conciliation and arbitration power, including the rather facile solution of transferring all power either to the Commonwealth or to the States, raise controversial issues of whether the proper initiative of industrial reform lies with Parliament or an industrial tribunal, and whether extensive and perhaps experimental industrial reforms should be introduced, in the first instance, throughout the Commonwealth or in one State only.

On these matters agreement or even substantial agreement cannot reasonably be expected from a Committee whose members are representative solely of the three major political parties. On the other hand, the members of a popularly elected convention fairly representative of the main cross

sections of the community might reach some solution to these matters which might be more readily acceptable at a referendum than proposals not fashioned and devised by representatives specially chosen by the people for the purpose.

The Committee therefore recommends that a Commonwealth-wide Convention of the kind just mentioned should be arranged to consider the type of matter referred to in this clause of the Report.

4. In suggesting after a recommendation that effect could be given to it by the particular form of draft amendment that follows, the Committee wishes to make it clear that the draft is intended not as a final one but as a more precise and complete expression of the recommendation concerned.

5. **Section 92:** This section was discussed at many meetings of the Committee and, in accordance with the considerations mentioned in paragraph 2 of this Report, the Committee thought that the only practical approach to the section and to the difficulties that it had caused was to leave the existing wording of the section untouched and to deal by way of proviso or exception with the two matters arising out of the section on which referendums might succeed.

These two matters were the imposition of a reasonable charge on interstate road hauliers for their use of the roads, and the organized marketing of primary products.

Interstate Road Hauliers: The first of these two matters was still under discussion when the decision of the High Court of Australia in *Armstrong v. State of Victoria*, (1957) Argus Law Reports 889, was given. The Committee had already unanimously resolved in general terms that these hauliers should be compelled to make a reasonable payment for their use of the roads; but once that decision made it clear that the interstate road haulier could be charged for his use of the roads if the charge applied equally to intrastate and interstate road hauliers and was no more than a fair recompense for the actual use made of the roads, the Committee thought that any referendum on the same matter would be unsuccessful. The Committee therefore makes no recommendation on the matter, even though the methods of imposition and collection of the charge that were indicated by the High Court decision as being consistent with the freedom guaranteed by section 92 are difficult of application.

Organized Marketing of Primary Products: On the other matter—the organized marketing of primary products—the majority of the Committee thought that the validity or effectiveness of laws on this important matter passed by the Commonwealth or a State should not be imperilled by section 92 either by reason that the laws might directly conflict with the section or by use being made of exemptions in favour of interstate trade and commerce that laws of that nature must presently contain.

On the other hand, the majority thought that the existing powers of the Commonwealth and the States in relation to the organized marketing of primary products should not be increased except to the extent to which those powers will be increased by the removal from them of the restraints imposed by section 92.

Effect could be given to the recommendation by inserting after section 92 the following new section:

92A. (1) The provisions of the last preceding section do not apply to laws with respect to the organized marketing of primary products made by, or under the authority of, the Parliament of the Commonwealth or of a State.

(2) Without limiting the generality of the expression "primary products" in sub-section (1) of this section, that expression shall be deemed to include flour and other wheat products, butter, cheese and other milk products, dried fruits and other fruit products, meat and meat products, and sugar.

The majority comprised Lieut.-Col. Bruxner, Mr. Gleeson, Mr. Hughes, Mr. Maher, Mr. Murphy and the Chairman. The minority comprised Mr. Askin, Col. Clayton, Mr. McCaw and Sir Henry Manning.

6. Advisory Opinions: At present there is no way of obtaining a determination by way of an advisory opinion from the High Court of Australia on the validity of a law passed by the Commonwealth or a State nor can the Parliament of the Commonwealth confer power to make such a determination on that Court: *In re Judiciary and Navigation Acts* (1921) 29 Commonwealth Law Reports 257.

On this matter the Report of the Royal Commission on the Constitution (1929) contains the following passage at page 255 of that Report:

"In our opinion the advantage of having the advice of the High Court upon the validity of legislation before the community incurs the trouble and expense of acting upon legislation which may or may not be valid outweighs the objections to any judicial pronouncement being made as to the validity of legislation except in regard to a concrete case in litigation instituted between parties."

The Committee thinks that the power or duty to give advice of this kind should not be conferred or imposed directly by the terms of the Constitution itself.

The Committee's recommendation is that the Parliament of the Commonwealth should be empowered to confer the necessary jurisdiction on the High Court; in this way limitations in relation to the matter could be enacted or altered as experience required.

The Supreme Court of Canada is required to give advisory opinions on important questions of law or fact touching, inter alia, the constitutionality or interpretation of any Dominion or provincial legislation referred to it by the Governor in Council: Revised Statutes of Canada, 1952, ch. 259, s. 55; cf. Constitution of Ireland, 1937, art. 26.

Effect could be given to the recommendation by inserting in the Constitution the following new section:

80A. Notwithstanding any other provision of this Constitution the Parliament may make laws authorizing or requiring the High Court to advise as to the validity of any enactment of the Commonwealth or of any State.

7. New States: On this matter the Committee considers that the provisions of Chapter VI relating to the formation of a new State by separation of territory from an existing State are too onerous in requiring the consent of the Parliament of the existing State to be obtained in such a case; that the political difficulties in the way of obtaining that consent are almost insuperable.

Accordingly the Committee thinks that the Constitution should contain an alternative method of forming a new State from the territory of an existing State, under which the new State may be formed if a majority of electors in the existing State approve the formation and a majority of electors in the area of the proposed new State also approve it. On the other hand, the Committee feels that there should be some limitation on the formation of new States by reference to size of territory or population.

The Committee therefore recommends that:

- (a) the Constitution should provide that a new State may be established from an existing State or States without the consent of the Parliament of that State or the Parliaments of those States, if and only if—
 - (i) the territory of the new State is not less than the territory of the State of Tasmania or the population of the territory of the new State is not less than that of the State with the smallest existing population;
 - (ii) in the territory of the new State, or where that territory includes parts of two or more States then in each part, a majority of the electors voting approve the proposed establishment of the new State; and
 - (iii) in the State or in each State affected a majority of the electors voting approve the proposed establishment of the new State;
- (b) the conditions outlined in paragraph (a) above subject to which a new State may be established should be alternative to the conditions presently provided in section 124 of the Constitution; and
- (c) subject to paragraphs (a) and (b) above, the recommendations relating to new States made by the 1927-1929 Royal Commission on the Constitution (at pages 256-259 of the Report of that Commission) be adopted as the recommendations of the Committee. (For convenience of reference the recommendations of that Commission at the pages mentioned are set out in Appendix II to this Report.)

Effect could be given to the above recommendation by omitting from section 124 the words "but only" where twice occurring and by inserting after that section the following new section :

124A. Notwithstanding any other provision of this Constitution a new State, having a territory not less than the territory of the State of Tasmania or a population not less than that of the State with the smallest population at the time when the petition hereinafter in this section referred to is presented to the Parliament, may be formed by separation of territory from a State, or by the union of parts of two or more States, in the following manner:—

The proposal for the establishment of the new State shall be initiated by a petition to the Parliament signed by one-fifth at least of the electors in the territory of the proposed new State, but where the territory includes parts of two or more States the petition shall be signed by one-fifth at least of the electors in each part.

The Parliament may, by resolution of each House, direct such inquiry to be made as the Parliament thinks fit in order that it may determine, with due regard to the boundaries mentioned in the petition, community of interest, physical features, existing boundaries of States, and such other matters as are deemed relevant, what should be the limits of the new State, if established.

The new State shall not be established unless—

- (a) in a convention, the members of which shall be chosen by the electors in the territory of the new State as defined at the time of election, a majority of the members approve the limits of the new State and a constitution therefor;
- (b) the question whether the new State should be established is submitted to the electors in the territory of the new State as defined at the time when the question is submitted, and in the State or States affected;

- (c) in the territory of the new State, or where the territory includes parts of two or more States, then in each part a majority of the electors voting approve the proposed establishment; and
- (d) in the State or in each State affected a majority of the electors voting approve the proposed establishment of the new State.

The question whether the new State should be established shall not be submitted to the electors until after an inquiry is made into the circumstances of the new State, the value of the assets to be transferred thereto from any State, and such other matters as the Parliament deems proper in order that the electors may have the requisite information before voting on the question, and until after the report of the inquiry is published.

The new State shall not be established unless the establishment thereof is proclaimed within two years after the vote is taken.

Subject to the provisions of this section the Parliament may make laws:—

- (i) prescribing the manner in which a petition for the establishment of a new State may be presented, and the information which shall be given in or with the petition;
- (ii) defining the limits of the new State;
- (iii) prescribing the terms and conditions on which the new State may be established;
- (iv) providing for a convention which shall be charged with the duty of framing a constitution for the new State, and shall be authorised to suggest to the Parliament any variation of the limits of the new State and any variation of the terms and conditions on which the new State may be established;
- (v) prescribing the manner in which the question whether the new State should be established shall be submitted to the electors and the manner in which the vote shall be taken;
- (vi) establishing the new State if the establishment is approved as required by this section.

The provisions of this section referring to the electors refer to electors qualified to vote for the election of members of the House of Representatives.

R. R. DOWNING,
Chairman.

Committee Room,
5th November, 1958.

APPENDIX I

The Australian Constitution—The Uniform Tax Scheme

PROGRESS REPORT

THE JOINT COMMITTEE of the Legislative Council and Legislative Assembly (a Resolution for the appointment of which was agreed to by the Legislative Assembly on 20th June, 1956, and concurred in by the Legislative Council on 19th July, 1956), which was "appointed to review such aspects of the working of the Commonwealth of Australia Constitution as the Committee considers it can most profitably consider, and to make recommendations for such amendments of such Constitution as the Committee thinks necessary in the light of experience", presents to your Honourable House the following Progress Report :

1. Your Committee has carefully examined the working of what is generally known as the "Uniform Tax Scheme" and, being of opinion that the Scheme constitutes a threat to the fundamental structure of the Federal System and, if continued in operation, will ultimately destroy it, believes that it should immediately report to your Honourable House upon this vitally important and urgent matter.

2. Your Committee is unanimously of opinion that—

the Uniform Tax Scheme presently in operation under which the Commonwealth imposes and collects all taxation upon incomes and, to compensate the States for the loss of the revenue that the States could themselves raise but for the Scheme, makes grants to the States of amounts determined solely by the Commonwealth

is unsatisfactory because—

- (a) the Scheme in practice effectively prevents the States from exercising their legal right to raise revenue by the most important form of taxation, namely, taxation of incomes;
- (b) the Scheme in practice places the disposal of all revenues derived from taxation of incomes in the discretion of the Commonwealth, revenues being granted to the States in the exercise of that discretion;
- (c) the Scheme, by reason of the system of discretionary grants made thereunder by the Commonwealth to the States, impairs the fundamental rights of the States by making it difficult, and in some cases impossible, for the States to formulate and give effect to their legislative and executive policies;
- (d) the Scheme places the States in a position of financial dependence on the Commonwealth and in a position where the Commonwealth, if it so desires, could by conditional grants control the legislative and executive policies of the States;
- (e) the Scheme, for the reasons given above, is inconsistent with the federal system under which the Commonwealth and States are co-ordinate governments exercising in respect of different subject-matters governmental powers of the same order;
- (f) the Scheme, so far as the States are concerned, conflicts with the principle that a government should be solely responsible for raising moneys necessary to give effect to its legislative and executive policies.

3. Your Committee is also unanimously of opinion that—
- (a) amendments to the Commonwealth of Australia Constitution to achieve a particular result should be proposed or made only where the amendments are essential to achieve that result; and
 - (b) as the provisions of the Uniform Tax Scheme are contained, not directly in the Constitution itself, but in legislation passed by the Commonwealth Parliament, the remedy for the evils associated with the Scheme is the repeal of that legislation by the Commonwealth Parliament.

4. Your Committee is convinced that any administrative difficulties that flow from dual Federal and State taxation can be overcome by a sincere effort on the part of the Commonwealth and the States.

RECOMMENDATION.

Your Committee therefore unanimously makes the following recommendation:

That the Commonwealth Government be approached and asked, in the light of the above considerations, and as a matter of urgency, to introduce legislation for the repeal of the legislation upon which the Uniform Tax Scheme depends for its continued operation.

R. R. DOWNING,
Chairman.

Committee Room,
26th February, 1957.

APPENDIX II

Recommendations Relating to New States Made by the 1927-1929
Royal Commission on the Constitution at pages 256-259
of the Report of that Commission

NEW STATES

We recommend that an alternative method of creating new States should be provided in the Constitution so that in a proper case a new State may be created out of an existing State without the consent of the State Parliament. We think, however, that the whole of the people of a State, and not merely the people of an area which is to be included in a new State, are vitally interested, and that the new State should not be established until an opportunity has been given both to the people of the area and to the people of the State to express their wishes at a referendum.

The proposal should, in our opinion, be initiated by a petition to the Commonwealth Parliament from at least twenty per cent. of the electors of an area which is not less in extent than the State of Tasmania.

If the Parliament sees fit to take action, we think that a commission should be appointed to determine the boundaries of the proposed new State, regard being had to the boundaries mentioned in the petition, community of interest, physical features, existing boundaries of States and other relevant matters, and that if the Parliament approves of these boundaries it should determine the terms and conditions upon which it is prepared to establish the new State.

The Parliament should, we think, make the necessary provision for the holding of a convention, the members to be elected by the people of the area. The convention would have the task of framing a constitution for the new State. The constitution should include provisions for the transfer to the new State of assets used in connexion with any department or branch of the public service of the existing State which is to be transferred to the new State, and provisions for adjusting the financial relations of the new State and the existing State. The convention should be empowered to submit proposals to the Parliament for a variation of boundaries and for a variation of the terms and conditions on which the Parliament is prepared to establish the new State. The convention should also be empowered to consider any variation of the proposed constitution which the Parliament may require before it is willing to take further steps.

After the constitution and boundaries of the new State have been finally approved by the Parliament, an inquiry should, we think, be held by a competent body with instructions to investigate the circumstances of the area, the value of the assets that are to be transferred to the new State, and such other matters as the Parliament may deem proper, in order that the people of the area and of the existing State may have the requisite information before recording their votes for or against the proposal to establish the new State.

At the referendum the electors should, we think, be asked whether they are in favour of the new State being established upon the terms and conditions and with the constitution approved by the convention and by the Parliament.

If the voting in the area and in the State is in favour of the proposal, it may, we think, be assumed that the Parliament would give effect to the wishes expressed by the electors, and it is, in our opinion, desirable that Parliament should have power to make any necessary or convenient provision, including the fixing of the date, for the actual establishment of the new State.

If the voting in the area is in favour, and the voting in the State is against the proposal, the Commonwealth Parliament should have power to decide within a specified period whether the new State is to be established, provided at least sixty per cent. of the votes cast in the area, and at least forty per cent. of the votes cast in the State are in favour of the proposal.

In stating our views as above, we have for conciseness referred to the creation of a new State out of one existing State, but our suggestions are intended to apply also to the creation of a new State out of parts of two or more existing States, and to apply separately in respect of each State or part of a State. Two or more States or parts of States should not, in our opinion, be considered as one State or area for the purposes of the petition by which the proposal is to be initiated or for the purposes of the referendum.

Effect could, we think, be given to our recommendation by omitting from section 124 of the Constitution the words "but only" after the words "a State" and also after the words "parts of States", and by inserting after section 124 the following section: —

124A. Notwithstanding any other provision of this Constitution a new State, having a territory not less than the territory of the State of Tasmania, may be formed by separation of territory from a State, or by the union of parts of two or more States in the following manner: —

The proposal for the establishment of the new State shall be initiated by a petition to the Parliament signed by one-fifth at least of the electors in the territory of the proposed new State, provided that where the territory includes parts of two or more States the petition shall be signed by one-fifth at least of the electors in each part.

The Parliament may, by resolution of each House, direct such inquiry to be made as the Parliament thinks fit in order that it may determine, with due regard to the boundaries mentioned in the petition, community of interest, physical features, existing boundaries of States, and such other matters as are deemed relevant, what should be the limits of the new State, if established.

The new State shall not be established unless in a convention, the members of which shall be chosen by the electors in the territory of the new State as defined at the time of election, a majority of the members approve the limits of the new State and a constitution therefor, and unless the question whether the new State should be established is submitted to the electors in the territory of the new State as defined at the time when the question is submitted, and in the State or States affected, and—

- (i) unless in the territory of the new State, or where the territory includes parts of two or more States, then in each part a majority of the electors voting approve the proposed establishment, and unless in the State or in each State affected a majority of the electors voting approve the proposed establishment, of the new State; or

- (ii) unless in the territory of the new State, or where the territory includes parts of two or more States, then in each part three-fifths at least of the electors voting approve the proposed establishment, and unless in the State or each State affected two-fifths at least of the electors voting approve the proposed establishment, of the new State.

The question whether the new State should be established shall not be submitted to the electors until after an inquiry is made into the circumstances of the new State, the value of the assets to be transferred thereto from any State, and such other matters as the Parliament deems proper in order that the electors may have the requisite information before voting on the question, and until after the report of the inquiry is published.

The new State shall not be established unless the establishment thereof is proclaimed within two years after the vote is taken.

Subject to the provisions of this section the Parliament may make laws—

- (i) prescribing the manner in which a petition for the establishment of a new State may be presented, and the information which shall be given in or with the petition;
- (ii) defining the limits of the new State;
- (iii) prescribing the terms and conditions on which the new State may be established;
- (iv) providing for a convention which shall be charged with the duty of framing a constitution for the new State, and shall be authorized to suggest to the Parliament any variation of the limits of the new State and any variation of the terms and conditions on which the new State may be established;
- (v) prescribing the manner in which the question whether the new State should be established shall be submitted to the electors and the manner in which the vote shall be taken;
- (vi) establishing the new State if the establishment is approved as required by this section.

The provisions of this section referring to the electors refer to electors qualified to vote for the election of the House of Representatives.

Sir Hal Colebatch and the Chairman: Sir Hal Colebatch and the Chairman do not concur in the part of this recommendation which provides for the Commonwealth Parliament having power to establish a new State notwithstanding that a majority of the votes cast in the existing State is against the proposal.

Mr. Duffy and Mr. McNamara: Mr. Duffy and Mr. McNamara are of opinion that the Constitution should not prescribe any minimum area for a new State.

Proceedings of the Joint Committee of the Legislative Council and
Legislative Assembly

upon

The Australian Constitution.

FRIDAY, 27 JULY, 1956.

At 11 a.m. at Parliament House.

MEMBERS PRESENT:

Legislative Council.

The Hon. R. R. Downing, LL.B.	The Hon. Sir Henry Manning,
The Hon. T. P. Gleeson.	K.B.E., Q.C.
	The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin.	Mr. R. S. Maher, B.A.
Lieut.-Col. the Hon. M. F. Brux-	Mr. T. P. Murphy.
ner, D.S.O.	The Hon. W. F. Sheahan, Q.C.,
Mr. Davis Hughes, B.Sc.	LL.B.
Mr. K. M. McCaw.	

The Clerk reported that, by Resolutions of the Legislative Council and the Legislative Assembly, the Hon. R. R. Downing, LL.B., M.L.C., Attorney-General, Minister of Justice and Vice-President of the Executive Council, had been appointed Chairman of the Committee.

Mr. Downing took the Chair, and addressed the Committee.

The following entries from the *Votes and Proceedings of the Legislative Assembly* and the *Minutes of Proceedings of the Legislative Council* were read by the Clerk.

- Legislative Assembly—Entries Nos. 2 and 3 of Votes and Proceedings No. 13, of Wednesday, 20th June, 1956.
- Legislative Council—Entries Nos. 4 and 6 of Minutes of Proceedings No. 13, of Thursday, 19th July, 1956.
- Legislative Assembly—Entry No. 7 of Votes and Proceedings No. 24, of Tuesday, 24th July, 1956.
- Legislative Council—Entry No. 9 of Minutes of Proceedings No. 14, of Tuesday, 24th July, 1956.

Apologies were received from Colonel the Hon. H. J. R. Clayton, E.D., B.A., LL.B., M.L.C. and Mr. R. F. X. Connor, M.L.A.

The Chairman suggested that each member of the Committee might, during the adjournment of the Committee, select those Sections of the Australian Constitution which he considered should be reviewed, and that, at the next meeting the suggestions be collated and a system of priorities determined.

The Chairman informed the meeting that the services of the Assistant Parliamentary Draftsman (Mr. R. J. McKay) were available to members of the Committee.

The Committee deliberated.

Resolved,—On the motion of Mr. Murphy, seconded by Mr. Askin:—

That the next meeting of the Committee be held on Friday, 24th August, 1956, at 10 o'clock, a.m.

Resolved,—On the motion of Mr. Sheahan, seconded by Mr. McCaw:—

That the Clerk furnish to each member of the Committee a copy of the Commonwealth of Australia Constitution Act, and of the terms of reference of similar Committees appointed by the Commonwealth and the other State Governments.

The Committee adjourned at Ten minutes before Twelve o'clock noon, until Friday, 24th August, 1956, at 10 o'clock, a.m.

FRIDAY, 24 AUGUST, 1956.
At 10 a.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair.)

Legislative Council.

Colonel the Hon. H. J. R. Clayton. The Hon. E. G. Wright.
The Hon. T. P. Gleeson.

Legislative Assembly.

Mr. R. W. Askin. Lieut.-Col. the Hon. M. F. Bruxner.
Mr. R. F. X. Connor. Mr. K. M. McCaw.
Mr. Davis Hughes. Mr. T. P. Murphy.
The Hon. W. F. Sheahan.

Apologies were received from the Hon. Sir Henry Manning, M.L.C., and Mr. R. S. Maher, M.L.A.

Minutes of Meeting: The Minutes of the previous Meeting were read and confirmed.

Correspondence: (1.) From the Parliaments of the States of Victoria, South Australia, Tasmania, Western Australia and Queensland, advising that similar Committees of Review had not been appointed at this date.

Resolved,—On Motion of Mr. Murphy, seconded by the Hon. T. P. Gleeson:—

That letters be received and contents noted.

(2.) From (a) the Australian Natives' Association, and (b) the Department of Local Government, on behalf of the Local Government Association of New South Wales and the Shires Association of New South Wales, seeking representation on Committee and/or being afforded an opportunity to submit evidence to Committee.

Resolved,—On Motion of Mr. Askin, seconded by Lieut.-Col. Bruxner:—

That letters be received and that the Clerk inform parties concerned that the scope of the inquiry does not permit of representation as requested; but that, at a later date, interested organisations would be afforded opportunity to submit evidence.

Terms of Reference: Lieut.-Col. Bruxner advocated that the Committee should first determine whether the present Federal system should be perpetuated or abandoned in favour of unification.

Debate ensued.

The Chairman's view was that the Terms of Reference did not extend to the point raised by Lieut.-Col. Bruxner. He later ruled that as both Houses of Parliament had approved the Terms of Reference, the Committee should continue its deliberations in accordance with those Terms.

Thereupon the Chairman proposed that at this stage, the Committee should determine the order of priority of matters to be considered at the next Meeting, and announced that he would arrange for the preparation and circulation of a summary of those matters considered by the Committee to be of prime importance. The right of Members later to introduce further subjects deemed worthy of consideration would not be affected.

The Committee then proceeded to determine the Sections to be considered and the order of priority of their consideration.

Mr. Askin expressed the view that, because of confusion arising from the use of the word "Commonwealth", the Prime Minister should be consulted on the adoption of an alternative title. He added that Mr. I. C. Black, LL.B., M.L.A., might be willing to present a case for submission to the Committee.

Scope and Order of Subjects for Review: The following Sections of the Act were tentatively selected for consideration:—

- Section 6 of The Imperial Act, and the following Sections of the Constitution,—
- Section 7. The Senate.
- Section 10. Applications of State Laws.
- Section 15. Casual Vacancies.
- Section 51. Legislative Powers of the Parliament,—
Placita (i.), (ii.), (vi.), (xxi.), (xxii.), (xxvi.), (xxxii.), (xxxiii.), (xxxiv.), (xxxv.), (xxxvi.), (xxxvii.), (xxxviii.), (xxxix.).
- Section 69. Transfer of Certain Departments.
- Section 72. Judge's appointments, tenure and remuneration.
- Section 74. Appeal to Queen in Council.
- Section 75. Original jurisdiction of High Court.
- Section 76. Additional original jurisdiction.
- Section 77. Power to define jurisdiction.
- Section 87. (Dealing with revenue from excise and customs.)
- Section 90. Exclusive power over customs, excise and bounties.
- Section 92. Trade within the Commonwealth to be free.
- Section 94. Distribution of surplus.
- Section 96. Financial assistance to States.
- Section 98. Trade and commerce includes navigation and State railways.
- Section 101. Inter-State Commission.
- Section 102. Parliament may forbid preference by State.
- Section 105. Taking over public debts of States.
- Section 105A. Agreements with respect to State debts.
- Section 106 } The States: Saving of Constitution.
- Section 107 } Saving of Power of State Parliament.
- Section 116. Commonwealth not to legislate in respect of religion.
- Section 121 to Section 124. New States.
- Section 127. Aborigines not be counted in reckoning population.
- Section 128. Mode of altering the Constitution. (Subject of initiative to be considered.)
- Power to legislate for aboriginal welfare and for the protection of flora and fauna.

Resolved,—On Motion of Mr. Connor, seconded by Mr. Askin:—

That Sections of the Constitution governing financial relationships between the Commonwealth and the States be discussed first.

Resolved,—On Motion of Mr. Murphy, seconded by Mr. Askin:—

That Section 92 and Sections 121 to 124 be considered next and in that order.

Mr. McCaw, supported by Colonel H. J. R. Clayton, suggested that consideration be given to Section 51 (xxxv.), stating that Departmental research could be conducted on matters having priority below No. 3, while the Committee was considering priorities Nos. 1 to 3. The Chairman stated that in his opinion any action in regard to further subjects be withheld until substantial progress had been made in the consideration of the first three subjects already chosen.

The Committee adjourned at Twenty minutes before Twelve o'clock noon, until Friday, 5th October, 1956, at Ten o'clock, a.m.

WEDNESDAY, 14 NOVEMBER, 1956.

At 10 a.m. at Parliament House.
(Postponed from 5 October, 1956.)

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair.)

Legislative Council.

Colonel the Hon. H. J. R. Clayton. The Hon. T. P. Gleeson.
The Hon. Sir Henry Manning. The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin. Mr. Davis Hughes.
Lieut.-Col. the Hon. M. F. Bruxner. Mr. K. M. McCaw.
Mr. R. F. X. Connor. Mr. R. S. Maher.
Mr. T. P. Murphy.

An apology was received from the Hon. W. F. Sheahan, M.L.A.

The Minutes of the previous meeting were read and confirmed.

Resolved,—On the motion of Mr. Wright, seconded by Mr. Maher:—

That the Minutes of this and subsequent meetings of the Committee be circulated to Honourable Members.

Correspondence: Letters from the Clerk of the House of Assembly of South Australia informing the Committee that a motion to seek representation of each State on the Committee appointed by the Commonwealth Government had been introduced and defeated.

Letter from the Clerk of the Parliament, Queensland, advising that no Committee of Review similar to that in New South Wales had been appointed, and that the setting up of such a Committee in the near future was not envisaged.

Resolved,—On the motion of Mr. Wright, seconded by Mr. McCaw:—

That correspondence be received and contents noted.

Memorandum of the Financial Relationships between the Commonwealth and the States: The Chairman apologised for the necessity of postponing the present meeting from the dates previously arranged. He said that he had been anxious that the abovementioned document, which had been prepared by Mr. R. J. McKay, should be available for the consideration of Members at this meeting.

The Committee deliberated.

Mr. Maher moved, seconded by Colonel Clayton:—

That this Committee, irrespective of whether or not amendment of the Constitution is necessary, is of the opinion that the present financial relationships between the Commonwealth and the States are unsatisfactory.

Debate ensued.

Motion, *by consent*, withdrawn.

Resolved,—On the motion of Mr. Hughes, seconded by Mr. Askin:—

- (1) That Mr. Maher, Mr. McCaw and the Chairman be appointed to draft a motion giving reasons to support the proposal that the present financial relationships between the Commonwealth and the States are unsatisfactory, and
- (2) that the motion as drafted be made available to Members for their consideration, before the next meeting of the Committee.

Representations by Local Government Associations and the Australian Natives' Association:

Resolved,—On the motion of Mr. Murphy, seconded by Colonel Clayton:—

That the organisations concerned be requested to supply itemised lists of the matters which they wished to submit to the Committee for its consideration.

Resolved,—On the motion of Mr. Murphy, seconded by Mr. Wright:—

That the next meeting of the Committee be held on Tuesday, 5th February, 1957, at Ten o'clock, a.m.

The Committee adjourned at Ten minutes before Twelve o'clock noon, until Tuesday, 5th February, 1957, at Ten o'clock, a.m.

TUESDAY, 5 FEBRUARY, 1957.

At 10 a.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Colonel The Hon. H. J. R. Clayton. The Hon. T. P. Gleeson.
The Hon. Sir Henry Manning. The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin. Mr. K. M. McCaw.
Mr. R. F. X. Connor. Mr. R. S. Maher.
Mr. Davis Hughes. Mr. T. P. Murphy.
The Hon. W. F. Sheahan.

An apology was received from Lieut.-Col. The Hon. M. F. Bruxner, M.L.A.

The Minutes of the previous Meeting were confirmed.

Attendance at Meetings by Mr. R. J. McKay:

Resolved,—On the motion of Mr. Murphy, seconded by Mr. Maher:—

That Mr. R. J. McKay, Assistant Parliamentary Draftsman, be requested to attend future meetings of the Committee.

Correspondence: Letter from the Federal Council of the Australian Natives' Association, submitting its policy in reference to suggested amendments to the Commonwealth Constitution.

Resolved,—On the motion of Mr. Sheahan, seconded by Mr. Murphy:—

That the letter be received.

Letters from Mr. N. L. Hertslet, Brackendale, expressing his opposition to the formation of new States.

Decided that letters be made available for perusal by any member of the Committee.

Memoranda by Sir Henry Manning: The Clerk reported that Sir Henry Manning had prepared the following memoranda which had been distributed to members of the Committee—

- (a) The Financial Relationships between the Commonwealth and the States.
- (b) Federalism v. Unification.

Resolved,—On the motion of Mr. Gleeson, seconded by Mr. Sheahan:—

That the thanks of the Committee be accorded Sir Henry Manning for work in preparing the memoranda.

Financial Relationships between the Commonwealth and the States. (Uniform Taxation): The Chairman reported that in pursuance of the Resolution adopted on 14th November, 1956, Mr. Maher, Mr. McCaw and the Chairman had drafted a motion for the consideration of the Committee. Whereupon—

Mr. Maher moved, seconded by Mr. McCaw, that the following motion be agreed to:—

That this Committee is of opinion that—

the Uniform Tax Scheme presently in operation under which the Commonwealth imposes and collects all taxation upon incomes and, to compensate the States for the loss of the revenue that the States could themselves raise but for the Scheme, makes grants to the States of amounts determined solely by the Commonwealth

is unsatisfactory because—

- (a) the Scheme in practice effectively prevents the States from exercising their legal right to raise revenue by the most important form of taxation, namely, taxation of incomes;
- (b) the Scheme in practice places the disposal of all revenues derived from taxation of incomes in the discretion of the Commonwealth, only a relatively small part of those revenues being granted to the States in the exercise of that discretion;

- (c) the Scheme, by reason of the relative smallness of the grants made thereunder by the Commonwealth to the States—
 - (i) makes it difficult for the States to give full effect to their existing legislative and executive policies; and
 - (ii) makes it difficult, and in some cases impossible, for the States to formulate and give effect to new legislative and executive policies;
- (d) the Scheme places the States in a position of financial dependence on the Commonwealth and in a position where the Commonwealth, if it so desires, could by conditional grants control the legislative and executive policies of the States;
- (e) the Scheme, for the reasons given above, is inconsistent with the federal system under which the Commonwealth and States are co-ordinate governments exercising in respect of different subject-matters governmental powers of the same order;
- (f) the Scheme, so far as the States are concerned, conflicts with the principle that a government should be solely responsible for raising moneys necessary to give effect to its legislative and executive policies.

Debate ensued.

First paragraph read and agreed to.

Sub-paragraph (a) read and agreed to.

Sub-paragraph (b) amendment to omit the words "only a relatively small part of those". Agreed to.

Sub-paragraph (c) amendment to omit the words "relative smallness of the" and insert the words "system of discretionary" in lieu thereof. Agreed to.

Sub-paragraph (c) (i) amendment to omit this sub-paragraph. Agreed to.

Sub-paragraph (c) amendment to insert after the word "States" the words "impairs the fundamental rights of the States". Agreed to.

Sub-paragraph (c) (ii) amendment to omit the word "makes" and insert the words "by making". Agreed to.

Sub-paragraph (c) (ii) amendment to omit the word "new" and insert the word "their". Agreed to.

Sub-paragraphs (d), (e) and (f) read and agreed to.

Motion as amended, viz.—

That this Committee is of opinion that—

the Uniform Tax Scheme presently in operation under which the Commonwealth imposes and collects all taxation upon incomes and, to compensate the States for the loss of the revenue that the States could themselves raise but for the Scheme, makes grants to the States of amounts determined solely by the Commonwealth

is unsatisfactory because—

- (a) the Scheme in practice effectively prevents the States from exercising their legal right to raise revenue by the most important form of taxation, namely, taxation of incomes;
- (b) the Scheme in practice places the disposal of all revenues derived from taxation of incomes in the discretion of the Commonwealth, revenues being granted to the States in the exercise of that discretion;
- (c) the Scheme, by reason of the system of discretionary grants made thereunder by the Commonwealth to the States, impairs the fundamental rights of the States by making it difficult, and in some cases impossible, for the States to formulate and give effect to their legislative and executive policies;
- (d) the Scheme places the States in a position of financial dependence on the Commonwealth and in a position where the Commonwealth, if it so desires, could by conditional grants control the legislative and executive policies of the States;

- (e) the Scheme, for the reasons given above, is inconsistent with the federal system under which the Commonwealth and States are co-ordinate governments exercising in respect of different subject-matters governmental powers of the same order;
- (f) the Scheme, so far as the States are concerned, conflicts with the principle that a government should be solely responsible for raising moneys necessary to give effect to its legislative and executive policies.

Unanimously agreed to.

Commonwealth Joint Committee of Review: The Clerk reported that, with the approval of the Presiding Officers, the Commonwealth Joint Committee of Review had held meetings at Parliament House, Sydney, during the period 14th to 18th January.

The Chairman stated that Mr. Askin and Mr. McCaw had attended a meeting of the Commonwealth Committee, and he invited them to report upon their appearance at that meeting.

Thereupon, Mr. Askin and Mr. McCaw addressed the Committee and said that their attendance at that meeting was unofficial.

Consideration of Section 92 of the Constitution:

Mr. Hughes moved, and Mr. Gleeson seconded the motion:—

That further review of the financial relationships between the Commonwealth and the States be deferred, and that the Committee proceed with consideration of Section 92 of the Constitution.

The Committee deliberated.

Debate adjourned until next meeting of the Committee.

Progress Report to Parliament:

Resolved,—On the motion of Mr. Maher, seconded by Mr. McCaw:—

That a Progress Report on the question of Uniform Taxation be submitted to Parliament and that at its next meeting the Committee consider the Chairman's Draft Report.

The Committee adjourned at Fifteen minutes before One o'clock, p.m. until Thursday, 7th February, 1957, at Half-past Three o'clock, p.m.

THURSDAY, 7 FEBRUARY, 1957.

At 3 p.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Colonel The Hon. H. J. R. Clayton.	The Hon. T. P. Gleeson.
The Hon. Sir Henry Manning.	The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin.	Mr. R. S. Maher.
Mr. R. F. X. Connor.	Mr. T. P. Murphy.
Mr. K. M. McCaw.	The Hon. W. F. Sheahan.

Apologies were received from Lieut-Col. The Hon. M. F. Bruxner, M.L.A. and Mr. Davis Hughes, M.L.A.

The Committee agreed to defer consideration of Minutes of previous meeting.

Progress Report to Parliament:

The Chairman brought up a draft Report, which was distributed to the Committee.

The Committee proceeded to consider the draft Report.

Introductory remarks, including Clauses 1, 2 and 3 (a) were read and agreed to.

Clause 3 (b) read and amended. Clause, as amended, agreed to.

Clause 4 read and amended. Clause, as amended, agreed to.

Recommendation read and amended. Recommendation, as amended, agreed to.

Question,—That the Progress Report, as amended and agreed to, be the Progress Report of the Committee,—put and passed.

Section 92 of the Constitution:

Debate resumed on the motion of Mr. Hughes:—

That further review of the financial relations between the Commonwealth and the States be deferred, and that the Committee proceed with consideration of Section 92 of the Constitution.

Agreed to.

The Committee proceeded with the consideration of Section 92.

Debate adjourned.

The Committee adjourned at Five o'clock, p.m., until Tuesday, 26th February, 1957, at Half past Three o'clock, p.m.

TUESDAY, 26 FEBRUARY, 1957.

At 3.45 p.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Colonel The Hon. H. J. R. Clayton. The Hon. T. P. Gleeson.
The Hon. Sir Henry Manning.

Legislative Assembly.

Mr. R. W. Askin. Mr. K. M. McCaw.
Lieut.-Col. The Hon. M. F. Bruxner. Mr. R. S. Maher.
Mr. R. F. X. Connor. Mr. T. P. Murphy.
Mr. Davis Hughes. The Hon. W. F. Sheahan.

An apology was received from the Hon. E. G. Wright, M.L.C.

The Minutes of the meetings held on 5th and 7th February, 1957, were confirmed.

Appointment of Deputy Chairman: In accordance with the provisions of paragraph five of the Resolution setting up the Committee, the Hon. W. F. Sheahan, M.L.A., was appointed to act as Chairman during the absence of the Hon. R. R. Downing, M.L.C., from any meeting of the Committee.

Progress Report to Parliament: The Chairman signed the Committee's Progress Report in the presence of the members of the Committee.

Resolved,—On the motion of Mr. Murphy, seconded by Mr. McCaw:—

That the Chairman present the Progress Report to the Legislative Council at its next meeting, and that the Hon. W. F. Sheahan present the Progress Report to the Legislative Assembly on Wednesday, 27th February, 1957.

Memoranda on Section 92: The Clerk reported that Sir Henry Manning and Mr. R. J. McKay had each prepared a memorandum dealing with certain aspects of Section 92 of the Constitution, and that these had been distributed to all the members of the Committee.

Section 92 of the Constitution: The Committee proceeded with the consideration of Section 92.

Debate adjourned.

The Committee adjourned at Half-past Four o'clock, p.m., until Thursday, 7th March, 1957, at Fifteen minutes before Three o'clock, p.m.

THURSDAY, 7 MARCH, 1957.
At 2.45 p.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Colonel The Hon. H. J. R. Clayton. The Hon. T. P. Gleeson.
The Hon. Sir Henry Manning.

Legislative Assembly.

Mr. R. W. Askin. Mr. R. S. Maher.
Lieut.-Col. The Hon. M. F. Bruxner. Mr. T. P. Murphy.
Mr. K. M. McCaw. The Hon. W. F. Sheahan

Apologies were received from The Hon. E. G. Wright, M.L.C., Mr. R. F. X. Connor, M.L.A. and Mr. Davis Hughes, M.L.A.

The Minutes of the previous meeting were confirmed.

Correspondence: Letter from The New England New State Movement requesting permission to present written and oral submissions relating to the creation of new States.

Resolved,—On the motion of Mr. McCaw, seconded by Mr. Gleeson:—
That the letter be received.

Resolved,—On the motion of Lieut.-Col. Bruxner, seconded by Mr. McCaw:—
That the Committee agrees to the request of The New England New State Movement that it be permitted to forward written submissions on how the Constitution could be amended to facilitate the creation of new States; and that the question of hearing oral submissions be determined by the Committee when the sections dealing with new States are being considered.

Progress Report to Parliament:

Resolved,—On the motion of Mr. McCaw, seconded by Mr. Murphy:—
That this Committee ratify the actions of the Chairman and the Hon. W. F. Sheahan in the Legislative Council and Legislative Assembly respectively, in moving that the Progress Report be printed.

Section 92 of the Constitution: The Committee resumed consideration of Section 92.

The Committee adjourned at Twenty-four minutes after 4 o'clock, p.m., until Tuesday, 12th March, 1957, at Twenty minutes after 3 o'clock, p.m.

TUESDAY, 12 MARCH, 1957.
At 3.20 p.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Colonel The Hon. H. J. R. Clayton. The Hon. T. P. Gleeson.
The Hon. Sir Henry Manning. The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin. Mr. T. P. Murphy.
Mr. Davis Hughes.

Apologies were received from Lieut.-Col. the Hon. M. F. Bruxner, M.L.A., Mr. R. F. X. Connor, M.L.A., Mr. R. S. Maher, M.L.A., The Hon. W. F. Sheahan, M.L.A., and Mr. K. M. McCaw, M.L.A.

The Minutes of the previous meeting were confirmed.

Section 92 of the Constitution: The Committee resumed consideration of Section 92.

Resolved,—On the motion of Mr. Gleeson, seconded by Mr. Wright:—

That Section 92 of the Constitution be considered in relation to specific subject matters.

Resolved,—On the motion of Mr. Murphy, seconded by Colonel Clayton:—

That Section 92 of the Constitution be first considered in relation to its effect upon transport.

Memorandum on Section 92: The Clerk reported that Sir Henry Manning had prepared a paper setting out extracts from the debate in the House of Representatives in 1936 upon the Constitution Alteration (Marketing) Bill, 1936.

The Committee adjourned at Four o'clock, p.m., until Tuesday, 16th April, 1957, at Fifteen minutes after Two o'clock, p.m.

Note.—Meeting set down for 16th April, 1957, postponed (by agreement) until Wednesday, 1st May, 1957, at 2.15 p.m.

WEDNESDAY, 1 MAY, 1957.
At 2.15 p.m. at Parliament House.

MEMBERS PRESENT:

Legislative Council.

The Hon. Sir Henry Manning. The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. S. Maher. Mr. T. P. Murphy.
Mr. K. M. McCaw.

The prescribed period of fifteen minutes having expired, and there being no quorum present at the end of that time, the meeting called for this day lapsed.

By direction of the Chairman, next meeting called for Thursday, 27th June, 1957, at Thirty minutes after Ten o'clock, a.m.

THURSDAY, 27 JUNE, 1957.
At 10.30 a.m. at Parliament House.

MEMBERS PRESENT:

The Hon. W. F. Sheahan, M.L.A. (In the Chair).

Legislative Council.

The Hon. T. P. Gleeson.

The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin.

Mr. R. S. Maher.

Lieut.-Col. the Hon. M. F. Bruxner.

Mr. K. M. McCaw.

Mr. Davis Hughes.

Mr. T. P. Murphy.

Apologies were received from the Hon. Sir Henry Manning, M.L.C., and Mr. R. F. X. Connor, M.L.A.

Leave of Absence: The Clerk reported that His Excellency the Governor had granted leave of absence to the Chairman, the Hon. R. R. Downing, M.L.C., and Colonel the Hon. H. J. R. Clayton, M.L.C., on account of their absence from the State. Letters had been received from both Honourable Members requesting that they be excused from attending meetings of the Committee during such absence.

The Minutes of the previous meeting were confirmed.

Assent to Bill: The Deputy-Chairman, Mr. Sheahan, reported that His Excellency the Governor had, on 30th April, 1957, assented to the Parliamentary Joint Committee Enabling Bill, to enable the Committee to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament.

Section 92 of the Constitution: The Committee resumed consideration of Section 92 in relation to its effect upon transport.

Memorandum: Federal Regulation of Transport in the U.S.A.: Lieut.-Col. Bruxner presented and read a paper based upon a Report by the Organisation for European Economic Co-operation, dated 1953.

Resolved,—On the motion of Mr. Gleeson, seconded by Mr. Wright:—

That the memorandum submitted by Lieut.-Col. Bruxner be roneoed and distributed to Members of the Committee.

Resolved,—On the motion of Mr. McCaw, seconded by Lieut.-Col. Bruxner:—

That this Committee is of opinion that, as there is no existing valid legal machinery by which an agreement could be implemented either with the Commonwealth or the States, road hauliers should be obliged, by law, to pay a reasonable tax for the use of the roads.

The Committee adjourned at Thirty minutes after Twelve o'clock, p.m., until Thursday, 25th July, 1957, at Thirty minutes after Ten o'clock, a.m.

THURSDAY, 25 JULY, 1957.

At 10.30 a.m. at Parliament House.

MEMBERS PRESENT:

Lieut.-Col. the Hon. M. F. Bruxner, M.L.A. (In the Chair).

Legislative Council.

The Hon. T. P. Gleeson.

The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin.

Mr. R. S. Maher.

Mr. K. M. McCaw.

Mr. T. P. Murphy.

Absence of Deputy Chairman: The Clerk reported the unavoidable absence of the Deputy-Chairman (The Hon. W. F. Sheahan, M.L.A.).

Resolved,—On the motion of Mr. Murphy, seconded by Mr. McCaw,—
That Lieut.-Colonel Bruxner be appointed to act as Chairman of this meeting.

Lieut.-Colonel Bruxner made his acknowledgments to the Committee.

Apologies were received from the Hon. Sir Henry Manning, M.L.C., the Hon. W. F. Sheahan, M.L.A., Mr. R. F. X. Connor, M.L.A., and Mr. Davis Hughes, M.L.A.

The Minutes of the previous meeting were confirmed.

Correspondence: Letter from New England New State Movement in acknowledgment of letter dated 25th March, 1957,—received.

Section 92 of the Constitution—Transport—continued: The Committee resumed consideration of section 92 in relation to its effect upon transport, and agreed to defer further discussion until after judgment by the High Court in the case *Armstrong v. The State of Victoria*.

Section 92 of the Constitution—Marketing: Mr. Gleeson addressed the Committee, and stated that he would prepare a written submission upon the subject for consideration at the next meeting.

Debate continued.

Memoranda on Section 92: The Clerk reported that both Sir Henry Manning and Mr. R. J. McKay had prepared further memoranda dealing with certain aspects of section 92, and that these had been distributed to members of the Committee.

The Clerk presented extracts from an article entitled "Amending the Constitution" which appeared in *Current Affairs Bulletin* dated 25th February, 1957.

The Committee adjourned at Thirty minutes after Twelve o'clock, p.m. until Wednesday, 7th August, at Fifteen minutes after Two o'clock, p.m., the date to be subject to confirmation.

WEDNESDAY, 14 AUGUST, 1957.

At 10.30 a.m. at Parliament House.

Note.—(For convenience, Meeting called by Chairman for this day at Half-past Eleven o'clock, a.m. instead of the date fixed at the last Meeting of the Committee viz., Wednesday, 7th August, 1957, at Fifteen minutes after Two o'clock, p.m.)

MEMBERS PRESENT:

The Hon. W. F. Sheahan, M.L.A. (In the Chair).

Legislative Council.

The Hon. Sir Henry Manning.

The Hon. E. G. Wright.

The Hon. T. P. Gleeson.

Legislative Assembly.

Mr. R. W. Askin.

Mr. K. M. McCaw.

Lieut.-Col. the Hon. M. F. Bruxner.

Mr. T. P. Murphy.

Mr. Davis Hughes.

Apologies were received from Mr. R. F. X. Connor, M.L.A., and Mr. R. S. Maher, M.L.A.

The Minutes of the previous meeting were confirmed.

Section 92 of the Constitution—Marketing: The Committee resumed consideration of section 92 in relation to its effect upon marketing.

Memorandum—Marketing: The Clerk reported that Mr. Gleeson had prepared a Paper relating to Organized Marketing of Primary Products, and copies of this Paper had been distributed to all Members of the Committee.

The Committee deliberated.

Leave of Absence: The Committee granted leave of absence to Sir Henry Manning during the period of his absence from the State.

The Committee adjourned at Thirty minutes after Twelve o'clock, p.m. until Friday, 30th August, 1957, at Thirty minutes after Ten o'clock, a.m.

FRIDAY, 30 AUGUST, 1957.
At 10.30 a.m. at Parliament House.

MEMBERS PRESENT:

The Hon. W. F. Sheahan, M.L.A. (In the Chair).

Legislative Council.

The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin. Mr. K. M. McCaw.
Lieut.-Col. the Hon. M. F. Bruxner. Mr. T. P. Murphy.

Apologies were received from the Hon. T. P. Gleeson, M.L.C., Mr. R. F. X. Connor, M.L.A., Mr. Davis Hughes, M.L.A., and Mr. R. S. Maher, M.L.A.

The Minutes of the previous meeting were confirmed.

Correspondence: Letter from Mr. R. F. X. Connor, M.L.A., relating to an Article by Lord Wright of Durley upon section 92 of the Australian Constitution.

Letter received and the Clerk instructed to obtain copies of this Article for the consideration of members of the Committee.

Section 92 of the Constitution—Marketing: By direction of the Chairman, the Clerk read a paper upon section 92 and marketing which had been prepared by Mr. R. J. McKay.

The Committee deliberated.

Debate adjourned.

The Committee adjourned at Five minutes before Twelve o'clock, noon, until Friday, 20th September, 1957, at Thirty minutes after Ten o'clock, a.m.

FRIDAY, 20 SEPTEMBER, 1957.
At 10.30 a.m. at Parliament House.

MEMBERS PRESENT:

The Hon. W. F. Sheahan, M.L.A. (In the Chair).

Legislative Council.

The Hon. T. P. Gleeson. The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin. Mr. R. S. Maher.
Lieut.-Col. the Hon. M. F. Bruxner. Mr. K. M. McCaw.
Mr. R. F. X. Connor. Mr. T. P. Murphy.
Mr. Davis Hughes.

The Minutes of the previous meeting were confirmed.

Section 92—A Problem Piece: Copies of an Article by Lord Wright of Durley entitled Section 92—A Problem Piece, were distributed to members of the Committee.

Section 92 of the Constitution—Marketing: The Clerk reported that written submissions by Sir Henry Manning and Mr. T. P. Gleeson upon a Paper prepared by Mr. R. J. McKay, had been received and copies circulated to all members of the Committee.

The Committee deliberated.

Order of Business: The Committee agreed that at the meeting to be held on 4th October, 1957, section 92 in relation to its effect upon Marketing would be further considered; and that at the following meeting consideration of section 92 in relation to Transport would be resumed.

Section 92 then to be reviewed generally.

High Court Judgment—Transport: The Committee requested that Mr. R. J. McKay prepare a summary of the Judgment by the High Court in the case *Armstrong v. The State of Victoria*.

The Committee adjourned at Twelve o'clock, noon, until Friday, 4th October, at Thirty minutes after Ten o'clock, a.m.

FRIDAY, 4 OCTOBER, 1957.

At 10.30 a.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

The Hon. T. P. Gleeson.

Legislative Assembly.

Lieut.-Col. the Hon. M. F. Bruxner.	Mr. T. P. Murphy.
Mr. K. M. McCaw.	The Hon. W. F. Sheahan.
Mr. R. S. Maher.	

Apologies were received from the Hon. Sir Henry Manning, M.L.C., the Hon. E. G. Wright, M.L.C., Mr. R. W. Askin, M.L.A., Mr. R. F. X. Connor, M.L.A., and Mr. Davis Hughes, M.L.A.

The Minutes of the previous meeting were confirmed.

Progress Report—Uniform Taxation:

Resolved,—On the motion of Mr. Sheahan, seconded by Mr. Gleeson:—

That the Chairman approach the Premier with a view of arranging for the Committee's Progress Report upon Uniform Taxation to be debated in both Houses of the Parliament as soon as possible.

Section 92—Marketing:

Resolved,—On the motion of Mr. Maher, seconded by Lieut.-Col. Bruxner:—

That the Committee defer consideration of section 92 until the next meeting in order to afford Sir Henry Manning an opportunity to amplify his written submissions upon a proposed amendment in relation to Marketing.

Section 92—Transport: The Chairman reported that a summary of the Judgment by the High Court in the case *Armstrong v. The State of Victoria* had been prepared by Mr. R. J. McKay for the consideration of members of the Committee. This Judgment was the most recent available relating to interstate transport.

The Committee deliberated.

Advisory Opinions—High Court:

Resolved,—On the motion of Mr. Sheahan, seconded by Mr. Gleeson:—

That a recommendation which was made in regard to advisory opinions by the Royal Commission on the Constitution (1929) be adopted, viz., That the following section be inserted at the end of Chapter III of the Constitution:

80A. Notwithstanding any other provision of this Constitution the Parliament may make laws authorizing the High Court to advise as to validity of any enactment of the Commonwealth or of any State.

The meeting adjourned at Twenty-five minutes before One o'clock, p.m., until Friday, 18th October, 1957, at Thirty minutes after Ten o'clock, a.m.

FRIDAY, 18 OCTOBER, 1957.
At 10.30 a.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

The Hon. T. P. Gleeson. The Hon. E. G. Wright.
The Hon. Sir Henry Manning.

Legislative Assembly.

Mr. R. W. Askin. Mr. T. P. Murphy.
Lieut.-Col. the Hon. M. F. Bruxner. Mr. K. M. McCaw.
Mr. R. S. Maher.

Apologies were received from the Hon. W. F. Sheahan, M.L.A., Mr. Davis Hughes, M.L.A., and Mr. R. F. X. Connor, M.L.A.

The Minutes of the previous meeting were confirmed.

Progress Report—Uniform Taxation: The Chairman reported that the Premier had agreed to set aside, as soon as practicable, a day for the Council and Assembly to discuss the Progress Report on Uniform Taxation which was Tabled in the Legislative Assembly on 27th February, 1957, and in the Legislative Council on 5th March, 1957.

Section 92—Marketing: Sir Henry Manning submitted and read to the Committee a further Memorandum (Part II), advancing additional reasons for his opposition to any amendment of section 92 of the Constitution relating to Marketing. Debate ensued.

Resolved,—On the motion of Mr. Murphy, seconded by Mr. Gleeson:—

That this Committee is of the opinion that action involving alteration of the Constitution, if necessary, should be taken to provide the power to deal with organized marketing of primary products.

Notice of Motion: Mr. Gleeson gave notice that at the next meeting of the Committee he would move,—

That the Constitution be altered by inserting after section ninety-two the following new section:—

92A. (1) The provisions of the last preceding section do not apply to laws with respect to the organized marketing of primary products made by, or under the authority of, the Parliament of the Commonwealth or of a State.

(2) Without limiting the generality of the expression "primary products" in sub-section (1) of this section, that expression shall be deemed to include flour and other wheat products, butter, cheese and other milk products, dried fruits and other fruit products, meat and meat products, and sugar.

The meeting adjourned at Twenty minutes before One o'clock, p.m., until Monday, 4th November, 1957, at Thirty minutes after Two o'clock, p.m.

By Consent—Meeting set down for Monday, 4th November, 1957, postponed until This Day

MONDAY, 18 NOVEMBER, 1957.
At 2.30 p.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

The Hon. Sir Henry Manning. The Hon. T. P. Gleeson.
Col. the Hon. H. J. R. Clayton.

Legislative Assembly.

Mr. R. W. Askin. Mr. K. M. McCaw.
Lieut.-Col. the Hon. M. F. Bruxner. Mr. T. P. Murphy.
Mr. Davis Hughes. Mr. R. S. Maher.

Apologies were received from the Hon. W. F. Sheahan, M.L.A., and the Hon. E. G. Wright, M.L.C.

The Minutes of the previous meeting, with a minor amendment, were confirmed.

Correspondence: Letter from Local Government and Shires Associations of New South Wales, together with copies of a Summarised Statement of Sir Bertram Stevens' Survey of Local Government Finance.

Letter received,—Clerk to inform Associations that the Committee would give consideration to submissions of the Associations when appropriate financial sections of the Constitution are being reviewed.

Section 92—Marketing: The Clerk reported that Sir Henry Manning had prepared a further memorandum, "Section 92 and Marketing (Part III)", and that copies of this paper had been distributed to all Members of the Committee.

New Section 92A—Organized Marketing of Primary Products: Mr. Gleeson moved,—

That the Constitution be altered by inserting after section ninety-two the following new section:—

92A. (1) The provisions of the last preceding section do not apply to laws with respect to the organized marketing of primary products made by, or under the authority of, the Parliament of the Commonwealth or of a State.

(2) Without limiting the generality of the expression "primary products" in sub-section (1) of this section, that expression shall be deemed to include flour and other wheat products, butter, cheese and other milk products, dried fruits and other fruit products, meat and meat products, and sugar.

Debate ensued.

Question put, That the motion be agreed to.

The Committee divided.

Ayes (6)

Mr. Downing.
Mr. Gleeson.
Lieut.-Col. Bruxner.

Mr. Hughes.
Mr. Murphy.
Mr. Maher.

Noes (4)

Sir Henry Manning.
Col. Clayton.

Mr. Askin.
Mr. McCaw.

And so it was resolved in the affirmative.

The Committee adjourned at Ten minutes after Four o'clock, p.m., until a date to be arranged by the Chairman.

Note.—The Chairman directed that the next meeting of the Committee be set down for Monday, 3rd February, 1958, at Thirty minutes after Two o'clock, p.m.

MONDAY, 3 FEBRUARY, 1958.

At 2.30 p.m. at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Col. the Hon. H. J. R. Clayton.
The Hon. Sir Henry Manning.

The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin.
Lieut.-Col. the Hon. M. F. Bruxner.
Mr. Davis Hughes.
Mr. K. M. McCaw.

Mr. T. P. Murphy.
Mr. R. S. Maher.
The Hon. W. F. Sheahan.

In the temporary absence of the Chairman, the Deputy-Chairman, the Hon. W. F. Sheahan, M.L.A., took the Chair.

An apology was received from the Hon. T. P. Gleeson, M.L.C.

The Minutes of the previous meeting were confirmed.

(The Chairman, now being present, took the Chair).

Correspondence: Letter from the New England New State Movement acknowledging receipt of letter dated 20th November, 1957, and requesting that its representatives be invited to appear before the Committee to submit oral evidence in addition to the written submissions now before the Committee.—Received.

Letter from the Local Government Association of New South Wales in acknowledgment of letter dated 29th November, 1957.—Received.

Chapter VI and Section 128 of the Constitution—New States: The Clerk reported that since the last meeting of the Committee written submissions dealing with certain constitutional difficulties concerning the establishment of New States had been received from Sir Henry Manning and the New England New State Movement, and that a copy of the papers had been distributed to each Member of the Committee.

The Committee deliberated.

Mr. McCaw moved, and Mr. Hughes seconded the motion,—

That, while Chapter VI of the Federal Constitution purports to provide machinery for the establishment of New States, the wording of that chapter has resulted in obstacles, and the achievement of its purpose has been found to be virtually impossible.

Debate ensued.

The Committee agreed that further discussion on Mr. McCaw's motion be deferred to afford the Chairman and Mr. McKay an opportunity to prepare a Memorandum relating to further aspects of Chapter VI and Section 128 of the Constitution.

Debate adjourned.

The Committee adjourned at Four o'clock, p.m., until Monday, 10th March, 1958, at Fifteen minutes after Two o'clock, p.m.

MONDAY, 10 MARCH, 1958.

At 2.15 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Col. the Hon. H. J. R. Clayton.

The Hon. Sir Henry Manning.

The Hon. T. P. Gleeson.

The Hon. E. G. Wright.

Legislative Assembly.

Mr. R. W. Askin.

Mr. T. P. Murphy.

Lieut.-Col. the Hon. M. F. Bruxner.

Mr. R. S. Maher.

Mr. Davis Hughes.

The Hon. W. F. Sheahan.

Mr. K. M. McCaw.

Minutes of the previous meeting were confirmed.

Correspondence: Letters from New England New State Movement relating to supplementary notes in support of its proposed amendment to the Constitution and requesting advice concerning oral evidence.—Received. Clerk to write thanking Movement for the clear and comprehensive case submitted and informing it that its request to submit oral evidence will be kept under consideration.

Chapter VI and Section 128 of the Constitution—New States: The Clerk reported that the following written submissions had been received:—

(a) "Notes on New States" prepared by Mr. R. J. McKay.

(b) New England New State Movement—Supplementary notes in support of its proposed amendment to the Constitution, together with copies of "State of New England, Draft Constitution".

Copies of the papers were distributed to each Member of the Committee.

Resumption of the adjourned debate on the motion of Mr. McCaw:—

That, while Chapter VI of the Federal Constitution purports to provide machinery for the establishment of new States, the wording of that chapter has resulted in obstacles, and the achievement of its purpose has been found to be virtually impossible.

Debate ensued.

Motion, by consent, withdrawn.

Resolved,—On the motion of Mr. Murphy, seconded by Mr. Hughes:—

That, in the opinion of this Committee, while Chapter VI of the Constitution purports to provide machinery for the establishment of new States, the achievement of that purpose has proved to be politically impracticable.

Further consideration of Chapter VI of the Constitution deferred.

Meetings During Prorogation: The Chairman informed the Committee that Legislation would be introduced to enable the Committee to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament.

The Committee adjourned at Four o'clock, p.m., until Monday, 24th March, 1958, at Fifteen minutes after Two o'clock, p.m.

MONDAY, 24 MARCH, 1958
At 2.15 p.m., at Parliament House

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council

Col. the Hon. H. J. R. Clayton.
The Hon. Sir Henry Manning.

The Hon. E. G. Wright.

Legislative Assembly

Mr. R. W. Askin.
Mr. P. D. Hills.
Mr. Davis Hughes.

Mr. K. M. McCaw.
Mr. T. P. Murphy.

Apologies were received from the Hon. T. P. Gleeson, M.L.C., Lieut.-Col. the Hon. M. F. Bruxner, M.L.A., the Hon. W. F. Sheahan, M.L.A., and Mr. R. S. Maher, M.L.A.

Minutes of the previous meeting were confirmed.

Appointment of Member: The Chairman informed the Committee that the Legislative Assembly had, on Thursday, 20th March, 1958, appointed Mr. Hills a Member of the Joint Committee upon the Australian Constitution, in place of Mr. Connor, and that a Message to this effect had been communicated to the Legislative Council.

The Chairman welcomed Mr. Hills as a Member of the Committee.

Mr. Hills made his acknowledgements.

As Members were desirous of attending the Official Opening of the Circular Quay Overhead Roadway, the Committee decided to adjourn.

The Committee adjourned accordingly, at Twenty-five minutes after Two o'clock, p.m., until Tuesday, 15th April, 1958, at Fifteen minutes after Two o'clock, p.m.

TUESDAY, 15 APRIL, 1958.

At 2.15 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

*Legislative Council.*Col. the Hon. H. J. R. Clayton.
The Hon. T. P. Gleeson.The Hon. Sir Henry Manning.
The Hon. E. G. Wright.*Legislative Assembly.*Mr. R. W. Askin.
Mr. P. D. Hills.
Mr. Davis Hughes.
Mr. K. M. McCaw.Mr. T. P. Murphy.
Mr. R. S. Maher.
The Hon. W. F. Sheahan.

An apology was received from Lieut.-Col. the Hon. M. F. Bruxner, M.L.A.

Minutes of the previous meeting were confirmed.

Assent to Bill: The Chairman reported that His Excellency the Governor had, on 11th April, 1958, assented to the Parliamentary Joint Committee Enabling Bill, to enable the Committee to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament.

Federalism v. Unification: The Clerk reported that Sir Henry Manning had submitted a further memorandum, "Federalism v. Unification" (Part III), and that a copy of this paper had been distributed to each member of the Committee.

Appointment of Members: The Chairman informed the Committee that the Legislative Council had, on Thursday, 27th March, 1958, agreed to the following Resolution:—

That, in place of the Honourable T. P. Gleeson and the Honourable Sir Henry Manning, K.B.E., Q.C., whose terms of service in the Legislative Council expire on 22nd April, 1958, the Honourable T. P. Gleeson be re-appointed and the Honourable C. E. Begg, LL.B., be appointed, as and from 23rd April, 1958, members of the Joint Committee to review aspects of the working of the Commonwealth of Australia Constitution.

A Message to this effect had been communicated to the Legislative Assembly.

Chapter VI and Section 128 of the Constitution—New States: The Committee resumed consideration of Chapter VI and section 128 of the Constitution.

Mr. Sheahan moved, and Mr. Askin seconded the motion:—

That, in the opinion of this Committee—

- (a) the Constitution should provide that a new State may be established from an existing State or States without the consent of the Parliament of that State or the Parliaments of those States, if and only if—
 - (i) the territory of the new State is not less than the territory of the State of Tasmania or the population of the territory of the new State is not less than that of the State with the smallest existing population;
 - (ii) in the territory of the new State, or where that territory includes parts of two or more States then in each part, a majority of the electors voting approves the proposed establishment of the new State; and
 - (iii) in the State or in each State affected a majority of the electors voting approves the proposed establishment of the new State;
- (b) the conditions outlined in paragraph (a) of this resolution subject to which a new State may be established should be alternative to the conditions presently provided in section 124 of the Constitution;

and
- (c) subject to the foregoing provisions of this resolution, the recommendations relating to new States made by the 1927-1929 Royal Commission on the Constitution (at pages 256-259 of the Report of that Commission) be adopted as the recommendations of this Committee.

Debate ensued.

Debate adjourned.

Section 51 (xxxv) of the Constitution—Industrial Powers: The Chairman announced that section 51 (xxxv)—Industrial Powers—would be the next matter for review by the Committee.

Retirement of Sir Henry Manning: The Chairman drew attention to the pending retirement from active political life of Sir Henry Manning and made eulogistic references to the services rendered by this distinguished member of the Committee.

Whereupon Mr. McCaw moved, and Mr. Hughes seconded the motion:—

That this Committee places on record its sense of appreciation of the outstanding services rendered by the Honourable Sir Henry Manning, K.B.E., Q.C., M.L.C., during his term of membership of the Parliamentary Joint Committee upon the Australian Constitution.

Unanimously agreed to.

Sir Henry Manning thanked the members for their generous remarks and good wishes.

The Committee adjourned at Twenty-five minutes before Four o'clock, p.m., until Tuesday, 27th May, 1958, at Fifteen minutes after Two o'clock, p.m.

TUESDAY, 27 MAY, 1958.

At 2.15 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Col. the Hon. H. J. R. Clayton. The Hon. T. P. Gleeson.
The Hon. C. E. Begg.

Legislative Assembly.

Lieut.-Col. the Hon. M. F. Bruxner. Mr. K. M. McCaw.
Mr. P. D. Hills. Mr. T. P. Murphy.
Mr. Davis Hughes. The Hon. W. F. Sheahan.

Apologies were received from the Hon. E. G. Wright, M.L.C., Mr. R. W. Askin, M.L.A., and Mr. R. S. Maher, M.L.A.

Resolved.—On the motion of Mr. McCaw, seconded by Mr. Murphy:—

- (1) That this Committee records its regret that Mr. Maher's absence is occasioned through illness and expresses the hope that he will soon be restored to good health.
- (2) That the terms of the resolution be conveyed by letter to Mr. Maher.

Minutes of the previous meeting were confirmed.

The Chairman welcomed the Hon. C. E. Begg as a member of the Committee in place of Sir Henry Manning.

Mr. Hughes was congratulated by members of the Committee upon his appointment as Leader of the Country Party.

Chapter VI and Section 128 of the Constitution—New States: Resumption of the adjourned debate on the motion of Mr. Sheahan:—

That, in the opinion of this Committee—

- (a) the Constitution should provide that a new State may be established from an existing State or States without the consent of the Parliament of that State or the Parliaments of those States, if and only if—
 - (i) the territory of the new State is not less than the territory of the State of Tasmania or the population of the territory of the new State is not less than that of the State with the smallest existing population;

- (ii) in the territory of the new State, or where that territory includes parts of two or more States then in each part, a majority of the electors voting approves the proposed establishment of the new State; and
 - (iii) in the State or in each State affected a majority of the electors voting approves the proposed establishment of the new State;
- (b) the conditions outlined in paragraph (a) of this resolution subject to which a new State may be established should be alternative to the conditions presently provided in section 124 of the Constitution;
and
- (c) subject to the foregoing provisions of this resolution, the recommendations relating to new States made by the 1927-1929 Royal Commission on the Constitution (at pages 256-259 of the Report of that Commission) be adopted as the recommendations of this Committee.

Debate ensued.

Question put and unanimously agreed to.

Section 51 (xxxv) of the Constitution—Industrial Powers: The Clerk reported that the Introduction to and Parts I, II and III of a Memorandum, "Industrial Conditions", being prepared by Sir Henry Manning, had been received and that copies of the papers had been distributed to each member of the Committee.

The Committee deliberated.

Debate adjourned.

Scope and Order of Subjects for Review: The Chairman referred to the tentative list of subjects for review which had been agreed to by the Committee on 24th August, 1956.

The Clerk was instructed to distribute a copy of the list to members to enable them to establish an order of priority of subjects for early consideration.

The Committee adjourned at Ten minutes before Three o'clock, p.m., until Wednesday, 11th June, 1958, at Half-past Ten o'clock, a.m.

WEDNESDAY, 11 JUNE, 1958.

At 10.30 a.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Col. the Hon. H. J. R. Clayton.

The Hon. T. P. Gleeson.

Legislative Assembly.

Mr. R. W. Askin.

Mr. K. M. McCaw.

Lieut.-Col. the Hon. M. F. Bruxner.

Mr. T. P. Murphy.

Mr. P. D. Hills.

The Hon. W. F. Sheahan.

Apologies were received from the Hon. C. E. Begg, M.L.C., the Hon. E. G. Wright, M.L.C. and Mr. Davis Hughes, M.L.A.

Leave of Absence:

Resolved,—On the motion of Mr. Murphy, seconded by Mr. McCaw:—

That leave of absence, until further notice, be granted to Mr. R. S. Maher, M.L.A., on account of illness.

Minutes of the previous meeting were confirmed.

Second Progress Report to Parliament:

Resolved,—On the motion of Mr. Sheahan, seconded by Mr. McCaw:—

That a second Progress Report, dealing with those sections of the Commonwealth Constitution upon which the Committee has expressed its opinion, be prepared for early presentation to Parliament.

Section 51 (xxxv) of the Constitution—Industrial Powers: The Clerk reported that the Hon. C. E. Begg had submitted a memorandum suggesting certain amendments of section 51 (xxxv) of the Commonwealth Constitution; also that Sir Henry Manning had prepared an additional paper, Part IV of his Memorandum upon Industrial Conditions and that copies of these papers had been distributed to each member of the Committee.

The Committee deliberated.

Mr. Sheahan moved and Mr. McCaw seconded the motion:—

That after deliberating on the complexities of the problem and the issues involved and previous determinations by the people by way of popular vote, this Committee sees no valid reason for recommending any alteration in the existing constitutional provisions relating to arbitration and conciliation.

Debate ensued.

Debate adjourned.

Section 90 of the Constitution—Exclusive Powers over Customs, Excise and Bounties: The Committee agreed that section 90, "Exclusive Powers over Customs, Excise and Bounties", be the subject for review at the next meeting of the Committee.

The Committee adjourned at Five minutes after Twelve o'clock, p.m., until Tuesday, 1st July, 1958, at Half-past Two o'clock, p.m.

TUESDAY, 1 JULY, 1958.

At 2.30 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Col. the Hon. H. J. R. Clayton.

Legislative Assembly.

Mr. R. W. Askin.

Mr. K. M. McCaw.

Mr. P. D. Hills.

Mr. T. P. Murphy.

Apologies were received from the Hon. T. P. Gleeson, M.L.C., the Hon. C. E. Begg, M.L.C., the Hon. E. G. Wright, M.L.C., the Hon. W. F. Sheahan, M.L.A., Lieut.-Col. the Hon. M. F. Bruxner, M.L.A., and Mr. Davis Hughes, M.L.A.

Minutes of the previous meeting were confirmed.

Correspondence: Letter from Mr. R. S. Maher, M.L.A., thanking Committee for resolution and good wishes on account of his present illness.

Letter received.

Memoranda on Section 51 (xxxv) and Section 90 of the Constitution: The Clerk reported that Sir Henry Manning had submitted a further paper of his Memorandum upon section 51 (xxxv) "Industrial Conditions"; also that Mr. R. J. McKay had submitted a Memorandum on Excise, and that copies of these papers had been distributed to each member of the Committee.

The Committee agreed to a suggestion by the Chairman that further consideration of these matters be deferred until the next meeting.

Second Progress Report to Parliament: The Chairman agreed to have a draft progress report prepared for the consideration of members before the next meeting of the Committee.

The Committee adjourned at Ten minutes before Three o'clock, p.m., until Tuesday, 22nd July, 1958, at Fifteen minutes after Two o'clock, p.m.

TUESDAY, 22 JULY, 1958.

At 2.15 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

*Legislative Council.*Col. the Hon. H. J. R. Clayton.
The Hon. T. P. Gleeson.

The Hon. E. G. Wright.

*Legislative Assembly.*Mr. R. W. Askin.
Lieut.-Col. the Hon. M. F. Bruxner.
Mr. P. D. Hills.Mr. Davis Hughes.
Mr. R. S. Maher.
Mr. T. P. Murphy.

Apologies were received from the Hon. C. E. Begg, M.L.C., the Hon. W. F. Sheahan, M.L.A., and Mr. K. M. McCaw, M.L.A.

Minutes of the previous meeting were confirmed.

The Chairman congratulated Mr. Maher on his restoration to health and welcomed his return to the Committee.

Second Progress Report to Parliament: The Chairman presented his draft Progress Report and copies were distributed to each member of the Committee.

Debate ensued.

Resolved,—On the motion of Mr. Hughes, seconded by Col. Clayton:—

That a special meeting be held to-morrow, Wednesday, 23rd July, 1958, at 2.15 p.m. for the purpose of considering the Chairman's draft Report.

Section 90 of the Constitution—Exclusive Powers over Customs, Excise and Bounties: The Chairman drew attention to the Memorandum on Section 90 relating to Excise which had been circulated at the last meeting of the Committee.

The Committee deliberated.

The Committee adjourned at Three o'clock, p.m., until To-morrow, Wednesday, 23rd July, 1958, at Fifteen minutes past Two o'clock, p.m.

WEDNESDAY, 23 JULY, 1958.

At 2.15 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

*Legislative Council.*The Hon. C. E. Begg.
The Hon. T. P. Gleeson.

Col. the Hon. H. J. R. Clayton.

*Legislative Assembly.*Mr. R. W. Askin.
Mr. P. D. Hills.
Mr. Davis Hughes.Mr. R. S. Maher.
Mr. T. P. Murphy.

Apologies were received from the Hon. E. G. Wright, M.L.C., the Hon. W. F. Sheahan, M.L.A., Lieut.-Col. the Hon. M. F. Bruxner, M.L.A. and Mr. K. M. McCaw, M.L.A.

Chairman's Draft Report: The Chairman reported that he had received a letter from Lieut.-Col. Bruxner stating that he agreed to the Report and that the Hon. E. G. Wright and Mr. McCaw had also intimated their approval.

Resolved,—On the motion of Mr. Hughes, seconded by Col. Clayton:—

That, in view of the fact that the Chairman's Draft Report has been circulated and members having had opportunity to read it, the Chairman's first reading of the Report to the Committee be dispensed with.

The Committee proceeded to consider the Draft Report.

Introductory remarks, as read by Chairman, stand part of the Report, agreed to.

Paragraph 1, read and amended.

Paragraph as amended, stand part of the Report, agreed to.

Paragraph 2, read, consideration postponed.

Paragraph 3, read and amended.

Paragraph as amended, stand part of the Report, agreed to.

Paragraph 4, as read, stand part of the Report, agreed to.

Paragraph 5, as read, stand part of the Report, agreed to.

Paragraph 6, read and amended.

Paragraph as amended, stand part of the Report, agreed to.

Paragraph 7, read and amended.

Paragraph as amended, stand part of the Report, agreed to.

Consideration of the Draft Report to be resumed at the next meeting.

The Committee adjourned at Twenty minutes before Four o'clock, p.m., until Tuesday, 19th August, 1958, at Fifteen minutes after Two o'clock, p.m.

TUESDAY, 19 AUGUST, 1958.

At 2.15 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Col. the Hon. H. J. R. Clayton.

The Hon. E. G. Wright.

Legislative Assembly.

Lieut.-Col. the Hon. M. F. Bruxner.

Mr. R. S. Maher.

Mr. P. D. Hills.

Mr. T. P. Murphy.

Mr. Davis Hughes.

The Hon. W. F. Sheahan.

Mr. K. M. McCaw.

Apologies were received from the Hon. C. E. Begg, M.L.C., the Hon. T. P. Gleeson, M.L.C., and Mr. R. W. Askin, M.L.A.

Minutes of the previous meeting were confirmed.

Chairman's Draft Report: The Committee deliberated.

Consideration of postponed paragraph 2 of the draft Report deferred until next meeting.

Section 51 (xxxv) of the Constitution—Industrial Powers: The Clerk reported that, at the request of Mr. Murphy, an extract from Sir Robert Garran's "Prosper the Commonwealth", at pages 174-5, relating to Conciliation and Arbitration, had been distributed to each member of the Committee.

Resumption of the adjourned debate on the motion of Mr. Sheahan:—

That after deliberating on the complexities of the problem and the issues involved and previous determinations by the people by way of popular vote, this Committee sees no valid reason for recommending any alteration in the existing constitutional provisions relating to arbitration and conciliation.

Debate ensued.

Motion, by consent, withdrawn.

Sections 74 and 128 of the Constitution—Appeals to Privy Council and Alterations of the Constitution: The Chairman agreed to have notes upon the following matters made available to members before the next meeting of the Committee—

- (a) The amending powers of the Constitution of the United States of America, and
- (b) The abolition of appeals to the Privy Council.

The Committee adjourned at Four o'clock, p.m., until Tuesday, 2nd September, 1958, at Fifteen minutes after Three o'clock, p.m.

TUESDAY, 2 SEPTEMBER, 1958.

At 3.15 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council

Col. The Hon. H. J. R. Clayton. The Hon. E. G. Wright.
The Hon. T. P. Gleeson.

Legislative Assembly

Lieut.-Col. The Hon. M. F. Bruxner. Mr R. S. Maher.
Mr. P. D. Hills. Mr. T. P. Murphy.
Mr. Davis Hughes. The Hon. W. F. Sheahan.

Apologies were received from the Hon. C. E. Begg, M.L.C., Mr. R. W. Askin, M.L.A., and Mr. K. M. McCaw, M.L.A.

Resolved,—On the motion of Mr. Murphy, seconded by Mr. Gleeson:—

- (1) That this Committee records its regret that Mr. McCaw's absence is occasioned through illness and expresses the hope that he will soon be restored to good health.
- (2) That the terms of the resolution be conveyed by letter to Mr. McCaw.

Minutes of the previous meeting were confirmed.

Sections 74 and 128 of the Constitution—Appeals to Privy Council and Alterations of the Constitution: The Clerk reported that notes upon the abolition of appeals to the Privy Council and the amending powers of the Constitution of the United States of America, prepared for the information of the Committee, had been received and that copies of these papers had been distributed to each member.

Chairman's Draft Report: The Committee resumed consideration of the Chairman's draft Report.

Postponed paragraph 2:

Question proposed,—That paragraph 2, stand part of the Report—
negatived.

Question proposed,—That paragraph 3, stand as paragraph 2 of the Report
—agreed to.

Resolved,—On the motion of Mr. Sheahan, seconded by Col. Clayton:—

That the following new paragraph stand as paragraph 3 of the Report:

3. The Committee feels, however, that some aspects of the Constitution on which the Committee has refrained from making extensive recommendations or any recommendations at all might profitably be considered by a body differently constituted from the present Joint Committee. These are the aspects which involve fundamental principles in the policies of the various political parties—principles which differ or may differ not only between the parties but also within a party. Any suggestion, for example, that would radically alter section 92 immediately raises the controversial issues of freedom of enterprise and State control in general, and of nationalisation of banking in particular; again suggested alterations to the conciliation and arbitration power, including the rather facile solution of transferring all power either to the Commonwealth or to the States, raise controversial issues of whether the proper initiative of industrial reform lies with Parliament or an industrial tribunal,

and whether extensive and perhaps experimental industrial reforms should be introduced, in the first instance, throughout the Commonwealth or in one State only.

On these matters agreement or even substantial agreement cannot reasonably be expected from a Committee whose members are representative solely of the three major political parties. On the other hand, the members of a popularly elected convention fairly representative of the main cross sections of the community might reach some reasonable compromise on these matters which because of the composition of the body from which it comes might prove acceptable to the political parties and also more readily acceptable at a referendum than proposals not fashioned and devised by representatives specially chosen by the people for the purpose.

The Committee therefore recommends that a Commonwealth-wide Convention of the kind just mentioned should be arranged to consider the type of matter referred to in this clause of the Report.

The Committee adjourned at Four o'clock, p.m., until a date to be fixed by the Chairman.

[Note.—By direction of the Chairman, the next meeting of the Committee called for Tuesday, 28th October, 1958, at Twenty minutes after Three o'clock, p.m.]

TUESDAY, 28 OCTOBER, 1958.

At 3.20 p.m., at Parliament House.

MEMBERS PRESENT:

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

The Hon. C. E. Begg.

The Hon. E. G. Wright.

The Hon. T. P. Gleeson.

Legislative Assembly.

Mr. R. W. Askin.

Mr. K. M. McCaw.

Lieut.-Col. the Hon. M. F. Bruxner.

Mr. T. P. Murphy.

Mr. P. D. Hills.

The Hon. W. F. Sheahan.

Mr. Davis Hughes.

Apologies were received from Col. the Hon. H. J. R. Clayton, M.L.C., and Mr. R. S. Maher, M.L.A.

Minutes of the previous meeting, with a minor amendment, were confirmed.

Correspondence: Letter from Mr. K. M. McCaw, M.L.A., thanking Committee for resolution and good wishes on the occasion of his recent illness.

Letter received.

Chairman's Draft Report: The Committee resumed consideration of the Chairman's draft Report.

Resolved,—On the motion of Mr. Begg, seconded by Mr. Hills:—

That the draft Report be recommitted for further consideration of paragraphs 2, 3 and 5.

Paragraph 2, read and amended.

Paragraph as amended, agreed to.

Paragraph 3, read and amended.

Paragraph as amended, agreed to.

Paragraph 5, read and amended.

Paragraph as amended, agreed to.

Question,—That the Chairman's draft Report, as amended, be agreed to,—put and passed.

The Committee adjourned at Ten minutes after Four o'clock, p.m., until a date to be fixed by the Chairman.

WEDNESDAY, 5 NOVEMBER, 1958.

At 4 p.m., at Parliament House.

MEMBERS PRESENT.

The Hon. R. R. Downing, M.L.C. (In the Chair).

Legislative Council.

Col. the Hon. H. J. R. Clayton.

The Hon. T. P. Gleeson.

The Hon. C. E. Begg.

Legislative Assembly.

Mr. P. D. Hills.

Mr. T. P. Murphy.

Mr. R. S. Maher.

The Hon. W. F. Sheahan.

Mr. K. M. McCaw.

Apologies were received from The Hon. E. G. Wright, M.L.C., Mr. R. W. Askin, M.L.A., Lieut.-Col. the Hon. M. F. Bruxner, M.L.A., and Mr. Davis Hughes, M.L.A.

Minutes of the previous meeting were confirmed.

Report: Draft Report, as amended and agreed to at previous meeting of Committee, submitted.

Question,—That the draft Report, as amended and agreed to, be the Report of the Committee,—put and passed.

The Report was duly signed in the presence of the Committee.

The Chairman to present the Report to the Legislative Council, and the Hon. W. F. Sheahan to present the Report to the Legislative Assembly.

The Chairman thanked all members of the Committee for their ready and helpful co-operation and assistance during the Committee's inquiry, which had involved exacting work over a period of more than two years.

He also expressed appreciation of the help given by Mr. R. J. McKay in dealing with constitutional problems, and commended Mr. F. A. Mahony upon his attention to procedural and administrative matters.

Resolved,—On the motion of Mr. Murphy, seconded by Colonel Clayton:—

That the remarks of the Chairman in regard to these two officers be recorded.

Resolved,—On the motion of Mr. Sheahan, seconded by Mr. McCaw:—

That the thanks of the Committee be conveyed to Sir Henry Manning for the assistance and advice he has continued to render since his retirement.

Resolved,—On the motion of Mr. McCaw, seconded by Mr. Hills:—

That the Committee record its appreciation of the courtesy and guidance received from the Chairman throughout its deliberations.

The Committee adjourned at Half-past Four o'clock, p.m., *sine die*.

Extracts from the Votes and Proceedings of the Legislative
Assembly and Minutes of the Proceedings of
the Legislative Council

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**EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY**

ENTRIES NOS. 2 AND 3, VOTES AND PROCEEDINGS No. 13, WEDNESDAY, 20 JUNE, 1956.

SUSPENSION OF STANDING ORDERS:—Mr. Cahill (*by consent*) moved,—That so much of the Standing Orders as require the Member proposing the appointment of a Select Committee to be a Member of such Committee and to serve thereon, be suspended in respect of a motion relating to the appointment of a Joint Committee of the Legislative Assembly and the Legislative Council to review the working of the Commonwealth of Australia Constitution.

Question put and passed.

THE AUSTRALIAN CONSTITUTION:—Mr. Cahill moved, pursuant to Notice,—

(1.) That a Joint Committee be appointed to review such aspects of the working of the Commonwealth of Australia Constitution as the Committee considers it can most profitably consider, and to make recommendations for such amendments of such Constitution as the Committee thinks necessary in the light of experience.

(2.) That such Committee shall consist of eight Members of the Legislative Assembly and four Members of the Legislative Council exclusive of the Chairman of such Committee.

(3.) That the Chairman of the Committee be the Attorney-General, Minister of Justice and Vice-President of the Executive Council.

(4.) That Mr. Sheahan, Mr. Connor, Mr. Maher, Mr. Murphy, Mr. Askin, Mr. McCaw, Lieut.-Col. Bruxner, and Mr. Hughes, be appointed to serve on such Committee as the Members of the Legislative Assembly.

(5.) That the Chairman of the Committee may, from time to time, appoint another member of the Committee to be the Deputy Chairman of the Committee, and that the member so appointed act as Chairman of the Committee, at any time when the Chairman is not present at a meeting of the Committee.

(6.) That, in the absence of both the Chairman and the Deputy Chairman from a meeting of the Committee, the members present may appoint one of their number to act as Chairman.

(7.) That the Committee have power to appoint sub-committees consisting of four or more of its members, and to refer to any such sub-committee any matter which the Committee is empowered to examine.

(8.) That the Committee or any sub-committee thereof have leave to send for persons, papers and records, to adjourn from place to place and to sit during any adjournment of the Parliament or of either House of the Parliament and during the sittings of either House of the Parliament.

(9.) That the Committee have leave to report from time to time, and that any member of the Committee have power to add a protest or dissent to any report.

(10.) That any six members of the Joint Committee shall constitute a quorum of the Committee and any two members of a sub-committee shall constitute a quorum of the sub-committee.

(11.) That, in matters of procedure, the Chairman, or member acting as Chairman, of the Committee, have a deliberative vote and, in the event of an equality of voting, have also a casting vote, and that, in other matters, the Chairman, or member acting as Chairman, of the Committee have a deliberative vote only.

(12.) That so much of the Standing Orders be suspended as are inconsistent with the foregoing provisions of this Resolution.

Debate ensued.

Question put and passed.

Ordered, That the following Message be carried to the Legislative Council:—

Mr. PRESIDENT,—

The Legislative Assembly has this day, on the motion of Mr. Cahill, agreed to the following Resolution:—

- (1.) That a Joint Committee be appointed to review such aspects of the working of the Commonwealth of Australia Constitution as the Committee considers it can most profitably consider, and to make recommendations for such amendments of such Constitution as the Committee thinks necessary in the light of experience.
- (2.) That such Committee shall consist of eight Members of the Legislative Assembly and four Members of the Legislative Council exclusive of the Chairman of such Committee.
- (3.) That the Chairman of the Committee be the Attorney-General, Minister of Justice and Vice-President of the Executive Council.
- (4.) That Mr. Sheahan, Mr. Connor, Mr. Maher, Mr. Murphy, Mr. Askin, Mr. McCaw, Lieut.-Col. Bruxner, and Mr. Hughes, be appointed to serve on such Committee as the Members of the Legislative Assembly.
- (5.) That the Chairman of the Committee may, from time to time, appoint another member of the Committee to be the Deputy Chairman of the Committee, and that the member so appointed act as Chairman of the Committee, at any time when the Chairman is not present at a meeting of the Committee.
- (6.) That, in the absence of both the Chairman and the Deputy Chairman from a meeting of the Committee, the members present may appoint one of their number to act as Chairman.
- (7.) That the Committee have power to appoint sub-committees consisting of four or more of its members, and to refer to any such sub-committee any matter which the Committee is empowered to examine.
- (8.) That the Committee or any sub-committee thereof have leave to send for persons, papers and records, to adjourn from place to place and to sit during any adjournment of the Parliament or of either House of the Parliament and during the sittings of either House of the Parliament.
- (9.) That the Committee have leave to report from time to time, and that any member of the Committee have power to add a protest or dissent to any report.
- (10.) That any six members of the Joint Committee shall constitute a quorum of the Committee and any two members of a sub-committee shall constitute a quorum of the sub-committee.
- (11.) That, in matters of procedure, the Chairman, or member acting as Chairman, of the Committee, have a deliberative vote and, in the event of an equality of voting, have also a casting vote, and that in other matters, the Chairman, or member acting as Chairman, of the Committee have a deliberative vote only.
- (12.) That so much of the Standing Orders be suspended as are inconsistent with the foregoing provisions of this Resolution,

and the Assembly requests that the Legislative Council will appoint five of its Members, including the Attorney-General, Minister of Justice and Vice-President of the Executive Council, to serve with the Members of the Legislative Assembly upon such Joint Committee; and further requests that the Legislative Council appoint the Attorney-General, Minister of Justice and Vice-President of the Executive Council as Chairman of such Committee.

In proposing the appointment of this Committee the Legislative Assembly requests that, on this occasion, the Legislative Council waive its claim to equal representation on Joint Committees.

*Legislative Assembly Chamber,
Sydney, 20th June, 1956.*

EXTRACTS FROM THE MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL

ENTRIES NOS. 4 AND 6, MINUTES OF PROCEEDINGS NO. 13, THURSDAY, 19 JULY, 1956.

COMMONWEALTH OF AUSTRALIA CONSTITUTION:—Mr. Downing moved, pursuant to Notice, That so much of the Standing Orders be suspended as are inconsistent with the appointment and procedure of a Joint Committee as proposed by the provisions of the Resolution embodied in the Legislative Assembly's Message of 20th June, 1956.

Question put and passed.

COMMONWEALTH OF AUSTRALIA CONSTITUTION (*Assembly's Message proposing Joint Committee*):—Upon the Order of the Day being read,—

(1.) Mr. Downing moved, That this House agrees to the Resolution embodied in the Legislative Assembly's Message, dated 20th June, 1956, relating to the appointment of a Joint Committee to review aspects of the working of the Commonwealth of Australia Constitution.

Debate ensued.

Question put and passed.

(2.) Mr. Downing then moved, That the representatives of the Legislative Council be the Honourable E. G. Wright, Colonel the Honourable H. J. R. Clayton, the Honourable T. P. Gleeson, the Honourable Sir Henry Manning, and the Mover, and that the first meeting be held in the Public Works Committee Room on Friday, 27th instant, at 11 o'clock, a.m.

Debate ensued.

Question put and passed.

(3.) Mr. Downing then moved, That the Honourable R. R. Downing, Attorney-General, Minister of Justice and Vice-President of the Executive Council, be Chairman of the Committee.

Question put and passed.

(4.) Mr. Downing then moved, That this House agrees on this occasion to waive its claim to equal representation on the Joint Committee and that its action in so doing should not be drawn into a precedent.

Question put and passed.

(5.) Mr. Downing then 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 June, 1956, agrees to the Resolution embodied therein with reference to the appointment of a Joint Committee to review aspects of the working of the Commonwealth of Australia Constitution.

And the Council appoints the Honourable E. G. Wright, Colonel the Honourable H. J. R. Clayton, the Honourable T. P. Gleeson, the Honourable Sir Henry Manning, and the Honourable R. R. Downing as its Representatives on the said Joint Committee, and fixes Friday, 27th instant, at 11 o'clock, a.m., in the Public Works Committee Room, as the time and place for the first meeting.

And the Council appoints the Honourable R. R. Downing, Attorney-General, Minister of Justice and Vice-President of the Executive Council, to be Chairman of the Committee.

At the same time, the Council agrees on this occasion to waive its claim to equal representation on the Joint Committee and that its action in so doing should not be drawn into a precedent.

*Legislative Council Chamber,
Sydney, 19th July, 1956.*

Question put and passed.

EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

ENTRY NO. 7, VOTES AND PROCEEDINGS No. 24, TUESDAY, 24 JULY, 1956.

THE AUSTRALIAN CONSTITUTION:—Mr. Deputy-Speaker reported the following Message from the Legislative Council:—

Mr. SPEAKER,—

The Legislative Council having had under consideration the Legislative Assembly's Message, dated 20th June, 1956, agrees to the Resolution embodied therein with reference to the appointment of a Joint Committee to review aspects of the working of the Commonwealth of Australia Constitution.

And the Council appoints the Honourable E. G. Wright, Colonel the Honourable H. J. R. Clayton, the Honourable T. P. Gleeson, the Honourable Sir Henry Manning, and the Honourable R. R. Downing as its Representatives on the said Joint Committee, and fixes Friday, 27th instant, at 11 o'clock, a.m., in the Public Works Committee Room, as the time and place for the first meeting.

And the Council appoints the Honourable R. R. Downing, Attorney-General, Minister of Justice and Vice-President of the Executive Council, to be Chairman of the Committee.

At the same time, the Council agrees on this occasion to waive its claim to equal representation on the Joint Committee and that its action in so doing should not be drawn into a precedent.

*Legislative Council Chamber,
Sydney, 19th July, 1956.*

E. G. WRIGHT
Acting President.

Ordered, That the following Message be carried to the Legislative Council:—

Mr. PRESIDENT,—

The Legislative Assembly agrees to the time and place appointed by the Legislative Council in its Message, dated 19th July, 1956, for the first meeting of the Joint Committee on The Australian Constitution.

*Legislative Assembly Chamber,
Sydney, 24th July, 1956.*

EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL

ENTRY No. 9, MINUTES OF PROCEEDINGS No. 14, TUESDAY, 24 JULY, 1956.

COMMONWEALTH OF AUSTRALIA CONSTITUTION:—The Acting President reported and read the following Message from the Legislative Assembly:—

Mr. PRESIDENT,—

The Legislative Assembly agrees to the time and place appointed by the Legislative Council in its Message, dated 19th July, 1956, for the first meeting of the Joint Committee on The Australian Constitution.

*Legislative Assembly Chamber,
Sydney, 24th July, 1956.*

G. BOOTH,
Deputy-Speaker.

EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

ENTRY No. 5, VOTES AND PROCEEDINGS No. 66, WEDNESDAY, 27 FEBRUARY, 1957.

JOINT COMMITTEE UPON THE AUSTRALIAN CONSTITUTION:—Mr. Sheahan brought up a Progress Report from the Joint Committee of the Legislative Council and Legislative Assembly upon the Australian Constitution, dealing with the Uniform Tax Scheme.

Ordered to be printed.

EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL

ENTRY No. 6, MINUTES OF PROCEEDINGS No. 45, TUESDAY, 5 MARCH, 1957.

COMMONWEALTH OF AUSTRALIA CONSTITUTION:—Mr. Downing, as Chairman, brought up a Progress Report from the Joint Committee of the Legislative Council and Legislative Assembly upon the Australian Constitution, dealing with the Uniform Tax Scheme.

Ordered to be printed.

EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY

ENTRY No. 14, VOTES AND PROCEEDINGS No. 83, WEDNESDAY, 17 APRIL, 1957.

PARLIAMENTARY JOINT COMMITTEE ENABLING BILL:—

(1.) SUSPENSION OF STANDING ORDERS:—Mr. Cahill (*by consent*) moved, without Notice, That so much of the Standing Orders be suspended as would preclude the Parliamentary Joint Committee Enabling Bill being brought in and passed through all its stages in one day.

Question put and passed.

(2.) Mr. Sheahan moved, pursuant to Notice, That leave be given to bring in a Bill to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; and for purposes connected therewith.

Debate ensued.

Question put and passed.

(3.) Mr. Sheahan then presented a Bill, intituled "A Bill to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; and for purposes connected therewith,"—which was read a first time.

Mr. Sheahan moved, That this Bill be now read a second time.

Debate ensued.

Question put and passed.

(4.) Bill read a second time.

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole for the consideration of the Bill.

Mr. Speaker resumed the Chair, and Mr. Fowles, Temporary Chairman, reported the Bill without amendment.

On motion of Mr. Sheahan, the Report was adopted.

(5.) Bill, on motion of Mr. Sheahan, read a third time.

Bill sent to the Legislative Council, with the following Message:—

Mr. PRESIDENT,—

The Legislative Assembly having this day passed a Bill, intituled "An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; and for purposes connected therewith,"—presents the same to the Legislative Council for its concurrence.

Legislative Assembly Chamber,
Sydney, 17th April, 1957.

EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL

ENTRY No. 10, MINUTES OF PROCEEDINGS No. 59, WEDNESDAY, 17 APRIL, 1957.

PARLIAMENTARY JOINT COMMITTEE ENABLING 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 enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; and for purposes connected therewith,"—presents the same to the Legislative Council for its concurrence.

Legislative Council Chamber,
Sydney, 17th April, 1957.

W. H. LAMB,
Speaker.

(1.) Bill, on motion of Mr. Downing, read a first time.

Ordered, That the Bill be printed.

(2.) SUSPENSION OF CERTAIN STANDING ORDERS:—Mr. Downing moved, pursuant to Contingent Notice, That so much of the Standing Orders be suspended as would preclude the passing of the Bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

(3.) Mr. Downing then moved, That this Bill be now read a second time.

Debate ensued.

Question put and passed.

Bill read a second time.

(4.) On motion of Mr. Downing 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.

(5.) Bill, on motion of Mr. Downing, read a third time.
Whereupon Mr. Downing 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 enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; and for purposes connected therewith,*"—returns the same to the Legislative Assembly without amendment.

Legislative Council Chamber,
Sydney, 17th April, 1957.

Question put and passed.

**EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY**

ENTRY No. 19, VOTES AND PROCEEDINGS No. 83, WEDNESDAY, 17 APRIL, 1957.

MESSAGES FROM THE LEGISLATIVE COUNCIL:—Mr. Speaker reported the following Messages from the Legislative Council:—

Parliamentary Joint Committee Enabling Bill:—

Mr. SPEAKER,—

The Legislative Council having this day agreed to the Bill, intituled "*An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; and for purposes connected therewith,*"—returns the same to the Legislative Assembly without amendment.

Legislative Council Chamber,
Sydney, 17th April, 1957.

W. E. DICKSON,
President.

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**EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY**

ENTRY No. 3, VOTES AND PROCEEDINGS No 1, WEDNESDAY, 21 AUGUST, 1957.

MESSAGES FROM THE GOVERNOR:—The following Messages from His Excellency the Governor were delivered by Mr. Cahill and read by Mr. Speaker:—

* * * * *

Parliamentary Joint Committee Enabling Bill:—

J. NORTHCOTT,
Governor.

Message No. 9.

A Bill, intituled "*An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; 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 Her Majesty, assented to the said Bill, and has this day transmitted 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, 30th April, 1957.

* * * * *

**EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL**

ENTRY NO. 6, MINUTES OF PROCEEDINGS NO. 1, WEDNESDAY, 21 AUGUST, 1957.

ASSENT TO BILLS:—The President reported the receipt of the following Messages from the Governor intimating His Excellency's Assent to Bills of last Session:—

* * * * *

Parliamentary Joint Committee Enabling Bill:—

J. NORTHCOTT,

Governor.

Message.

A Bill, intituled "*An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; 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 Her 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, 30th April, 1957.*

* * * * *

ACT No. 24, 1957

An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the third session of the thirty-eighth Parliament; and for purposes connected therewith. [Assented to, 30th April, 1957.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Parliamentary Joint Committee Enabling Act, 1957".

2. (1) It is hereby declared that the Parliamentary Joint Committee (a resolution for the appointment of which was agreed to by the Legislative Assembly on the twentieth day of June, one thousand nine hundred and fifty-six, and concurred in by the Legislative Council on the nineteenth day of July, one thousand nine hundred and fifty-six), appointed, inter alia, to review such aspects of the working of the Commonwealth of Australia Constitution as the Committee considers it can most profitably consider, may—

- (a) lawfully sit during the period commencing on the termination of the second session of the thirty-eighth Parliament and ending on the termination of the third session of that Parliament; and
- (b) lawfully do during that period all such things as it might lawfully have done had the second session of that Parliament continued throughout that period.

(2) Nothing in subsection one of this section shall affect or alter any power of the Legislative Council or Legislative Assembly, and it is hereby declared that the operation of that subsection is subject to any such power and the exercise thereof.

**EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY**

ENTRIES NOS. 6, 7 AND 12, VOTES AND PROCEEDINGS NO. 54, THURSDAY, 20 MARCH, 1958.

JOINT COMMITTEE UPON THE AUSTRALIAN CONSTITUTION:—Mr. Sheahan (*by consent*) moved, That Mr. Hills be appointed a member of the Joint Committee upon the Australian Constitution, in place of Mr. Connor.

Question put and passed.

PARLIAMENTARY JOINT COMMITTEE ENABLING BILL:—

(1.) Mr. Sheahan moved, pursuant to Notice, That leave be given to bring in a Bill to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament; and for purposes connected therewith.

Debate ensued.

Question put and passed.

(2.) Mr. Sheahan then presented a Bill, intituled "*A Bill to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament; and for purposes connected therewith,*"—which was read a first time.

Ordered, That the second reading stand an Order of the Day for To-morrow.

JOINT COMMITTEE UPON THE AUSTRALIAN CONSTITUTION:—Mr. Renshaw moved, That the following Message be sent to the Legislative Council:—

Mr. PRESIDENT,—

The Legislative Assembly desires to acquaint the Legislative Council that it has this day agreed to the following Resolution:—

"That Mr. Hills be appointed a member of the Joint Committee upon the Australian Constitution, in place of Mr. Connor."

*Legislative Assembly Chamber,
Sydney, 20th March, 1958.*

Question put and passed.

**EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL**

ENTRY NO. 8, MINUTES OF PROCEEDINGS NO. 24, THURSDAY, 20 MARCH, 1958.

COMMONWEALTH OF AUSTRALIA CONSTITUTION—JOINT COMMITTEE:—The President reported and read the following Message from the Legislative Assembly:—

Mr. PRESIDENT,—

The Legislative Assembly desires to acquaint the Legislative Council that it has this day agreed to the following Resolution:—

"That Mr. Hills be appointed a member of the Joint Committee upon the Australian Constitution, in place of Mr. Connor."

*Legislative Assembly Chamber,
Sydney, 20th March, 1958.*

W. H. LAMB,
Speaker.

**EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY**

ENTRY NO. 9, VOTES AND PROCEEDINGS NO. 55, TUESDAY, 25 MARCH, 1958.

PARLIAMENTARY JOINT COMMITTEE ENABLING BILL:—The Order of the Day having been read, Mr. Sheahan moved, That this Bill be now read a second time.

Debate ensued.

Question put and passed.

Bill read a second time.

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole for the consideration of the Bill.

Mr. Speaker resumed the Chair, and Mr. McCaw, Temporary Chairman, reported the Bill without amendment.

On motion of Mr. Sheahan, the Report was adopted.

And Mr. Speaker having consented to the third reading being taken forthwith,—

Bill, on motion of Mr. Sheahan, read a third time.

Bill sent to the Legislative Council, with the following Message:—

Mr. PRESIDENT,—

The Legislative Council having this day passed a Bill, intituled "*An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament; and for purposes connected therewith,*"—presents the same to the Legislative Council for its concurrence.

*Legislative Assembly Chamber,
Sydney, 25th March, 1958.*

**EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL**

ENTRIES NOS. 4 AND 8, MINUTES OF PROCEEDINGS NO. 26, WEDNESDAY, 26 MARCH, 1958.

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

* * * * *

Parliamentary Joint Committee Enabling Bill:—

Mr. PRESIDENT,—

The Legislative Council having this day passed a Bill, intituled "*An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament; and for purposes connected therewith,*"—presents the same to the Legislative Council for its concurrence.

*Legislative Assembly Chamber,
Sydney, 25th March, 1958.*

W. H. LAMB,
Speaker.

(1.) Bill, on motion of Mr. Downing, read a first time.

Ordered, That the Bill be printed.

(2.) SUSPENSION OF CERTAIN STANDING ORDERS:—Mr. Downing moved, pursuant to Contingent Notice, That so much of the Standing Orders be suspended as would preclude the passing of the Bill through all its remaining stages during the present or any one sitting of the House.

Question put and passed.

Ordered, That the second reading of the Bill stand an Order of the Day for a later hour of the Sitting.

PARLIAMENTARY JOINT COMMITTEE ENABLING BILL:—

(1.) Upon the Order of the Day being read Mr. Downing moved, That this Bill be now read a second time.

Debate ensued.

Question put and passed.

Bill read a second time.

(2.) On motion of Mr. Downing 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.

Standing Orders having been suspended this Day,—

(3.) Bill, on motion of Mr. Downing, read a third time.

Whereupon Mr. Downing 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 enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament; and for purposes connected therewith,*"—returns the same to the Legislative Assembly without amendment.

*Legislative Council Chamber,
Sydney, 26th March, 1958.*

Question put and passed.

**EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY**

ENTRY NO. 8, VOTES AND PROCEEDINGS NO. 56, WEDNESDAY, 26 MARCH, 1958.

MESSAGES FROM THE LEGISLATIVE COUNCIL:—Mr. Speaker reported the following Messages from the Legislative Council:—

* * * * *

Parliamentary Joint Committee Enabling Bill:—

Mr. SPEAKER,—

The Legislative Council having this day agreed to the Bill, intituled "*An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament; and for purposes connected therewith,*"—returns the same to the Legislative Assembly without amendment.

Legislative Council Chamber,
Sydney, 26th March, 1958.

W. E. DICKSON.
President.

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**EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL**

ENTRY NO. 3, MINUTES OF PROCEEDINGS NO. 27, THURSDAY, 27 MARCH, 1958.

COMMONWEALTH OF AUSTRALIA CONSTITUTION—JOINT COMMITTEE (*Formal Business*):—Mr. Downing moved, pursuant to Notice, That, in place of the Honourable T. P. Gleeson and the Honourable Sir Henry Manning, K.B.E., Q.C., whose terms of service in the Legislative Council expire on 22nd April, 1958, the Honourable T. P. Gleeson be re-appointed and the Honourable C. E. Begg, LL.B., be appointed, as and from 23rd April, 1958, members of the Joint Committee to review aspects of the working of the Commonwealth of Australia Constitution.

Question put and passed.

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

Mr. SPEAKER,—

The Legislative Council desires to acquaint the Legislative Assembly that it has this day agreed to the following Resolution:—

"That, in place of the Honourable T. P. Gleeson and the Honourable Sir Henry Manning, K.B.E., Q.C., whose terms of service in the Legislative Council expire on 22nd April, 1958, the Honourable T. P. Gleeson be re-appointed and the Honourable C. E. Begg, LL.B., be appointed, as and from 23rd April, 1958, members of the Joint Committee to review aspects of the working of the Commonwealth of Australia Constitution."

Legislative Council Chamber,
Sydney, 27th March, 1958.

Question put and passed.

**EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY**

ENTRY NO. 22, VOTES AND PROCEEDINGS NO. 56, THURSDAY, 27 MARCH, 1958.

JOINT COMMITTEE UPON THE AUSTRALIAN CONSTITUTION:—Mr. Speaker reported the following Message from the Legislative Council:—

Mr. SPEAKER,—

The Legislative Council desires to acquaint the Legislative Assembly that it has this day agreed to the following Resolution:—

"That, in place of the Honourable T. P. Gleeson and the Honourable Sir Henry Manning, K.B.E., Q.C., whose terms of service in the Legislative Council expire on 22nd April, 1958, the Honourable T. P. Gleeson be

re-appointed and the Honourable C. E. Begg, LL.B., be appointed, as and from 23rd April, 1958, members of the Joint Committee to review aspects of the working of the Commonwealth of Australia Constitution."

Legislative Council Chamber,
Sydney, 27th March, 1958.

W. E. DICKSON.
President.

**EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE
LEGISLATIVE COUNCIL**

ENTRY No. 4, MINUTES OF PROCEEDINGS No. 28, WEDNESDAY, 23 APRIL, 1958.

ASSENT TO BILLS:—The President reported and read the following Messages from His Excellency the Governor:—

* * * * *

Parliamentary Joint Committee Enabling Bill:—

E. W. WOODWARD,
Governor.

Message.

A Bill, intituled "*An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament 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 Her 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, 11th April, 1958.

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**EXTRACT FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY**

ENTRY No. 3, VOTES AND PROCEEDINGS No. 1, WEDNESDAY, 20 AUGUST, 1958.

MESSAGES FROM THE GOVERNOR:—The following Messages from His Excellency the Governor were delivered by Mr. Cahill and read by Mr. Speaker:—

* * * * *

Parliamentary Joint Committee Enabling Bill:—

E. W. WOODWARD,
Governor.

Message No. 8.

A Bill, intituled "*An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament; 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 Her Majesty, assented to the said Bill, and has this day transmitted 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, 11th April, 1958.

* * * * *

ACT No. 13, 1958

An Act to enable a certain Joint Committee of the Legislative Council and Legislative Assembly to function during the prorogation of Parliament and during the fourth session of the thirty-eighth Parliament; and for purposes connected therewith. [Assented to, 11th April, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Parliamentary Joint Committee Enabling Act, 1958".

2. (1) It is hereby declared that the Parliamentary Joint Committee (a resolution for the appointment of which was agreed to by the Legislative Assembly on the twentieth day of June, one thousand nine hundred and fifty-six, and concurred in by the Legislative Council on the nineteenth day of July, one thousand nine hundred and fifty-six), appointed, inter alia, to review such aspects of the working of the Commonwealth of Australia Constitution as the Committee considers it can most profitably consider, may—

- (a) lawfully sit during the period commencing on the termination of the third session of the thirty-eighth Parliament and ending on the termination of the fourth session of that Parliament; and
- (b) lawfully do during that period all such things as it might lawfully have done had the session of that Parliament in which the Committee was appointed continued throughout that period.

(2) Nothing in subsection one of this section shall affect or alter any power of the Legislative Council or Legislative Assembly, and it is hereby declared that the operation of that subsection is subject to any such power and the exercise thereof.
