

If I have done nothing more than raise my voice on the question of the administration of the wheat pool I am satisfied it will have a good effect. I do not pretend to have a profound knowledge of what is happening under the wheat pool. I am only conscious of what is happening here. I do not think I have the pleasure of knowing one miller in the State.

The Hon. A. E. HUNT: They can take care of themselves, at any rate!

The Hon. T. J. SMITH: Yes, I recognise that. I am not speaking for them. I do not run them. I am running myself at present. My thoughts are my own, and if they are wrong that is my responsibility. I want to say something to the hon. member Mr. Trethowan. I am not my brother's keeper. What the Labour party may have done five or six years ago I am not responsible for to-day. If I suggested that we should string up the hon. member Mr. Trethowan at the first lamp post because a man was killed at Hornsby some time ago, he would resent it. I thank those hon. members who have been courteous and kindly in their remarks, and I assure them that remarks of that character are never unheeded by me.

Question resolved in the negative.

## ADJOURNMENT.

### DAYS OF SITTING.

Motion (by the Hon. Sir JOSEPH CARRUTHERS) proposed:

That this House do now adjourn.

The Hon. JAMES WILSON: I would like to know whether it is the intention of the leader of the Government to ask the House to meet again to-morrow, when there is no business to present to us. I would also like to point out that the representative of the Government has for some strange reason secured Tuesday, which means dragging many hon. members from the country to attend when there is nothing to do. Is it the intention of the Vice-President of the Executive Council to move that the House adjourn until next week or until to-morrow?

The Hon. Sir JOSEPH CARRUTHERS, in reply: I am sorry to have to bring the hon. member here to-morrow. I think he would be the most disappointed man in the world if he were not asked

to come. As long as the forms of the House continue as they are we shall have to meet on certain days and at certain times to receive business, as it comes up from the other House. Our business comes from the other House. I have a very important bill for to-morrow, from the discussion of which the hon. member, if he comes to listen to the debate, will receive a great deal of information.

The Hon. JAMES WILSON: It will be a nice chance!

The Hon. Sir JOSEPH CARRUTHERS: That is why the hon. member should come. I was hoping to get from the other Chamber two or three bills which have reached the third-reading stage. I do not want to ask hon. members to sit after the dinner hour to-night. I thought it would meet their convenience to adjourn now until to-morrow, and then we should know what business there will be to go on with next week.

Question resolved in the affirmative.

House adjourned at 6.10 p.m.

## Legislative Assembly.

Wednesday, 6 September, 1922.

Printed Questions and Answers—Questions without Notice—Dissent from Mr. Speaker's Ruling—Newcastle Tramway Electrification (Adjournment)—Amendment of Standing Order—Wrightville Municipality Abolition Bill (third reading)—Lotteries and Art-unions (Amendment) Bill (third reading).

Mr. SPEAKER took the chair.

## PRINTED QUESTIONS AND ANSWERS.

### CULTIVATION OF LAND NEAR RAILWAYS.

Mr. BIRT asked the MINISTER FOR AGRICULTURE,—(1) What is the approximate area of land under cultivation within 20 miles of existing railways? (2) What is the approximate area of land capable of cultivation within the same distance of the railway system? (3) What are the reasons for so much

land fit for cultivation within easy reach of the railway remaining untilled? (4) Will he submit proposals to the House this session requiring owners of land fit for cultivation to use it for cultivation?

*Answer.*—The information which the hon. member desires is not in the possession of the Department of Agriculture, and I must therefore refer him to my colleague, the Minister for Lands.

#### NON-PAYING RAILWAY LINES: REDUCTION IN FARES AND FREIGHTS.

Mr. BIRT asked the MINISTER FOR AGRICULTURE,—(1) To what extent does the construction of a line of railway usually increase the selling price of land? (2) How much would a reduction of 15 per cent. in railway charges increase the losses on railway lines now run at a loss? (3) How many other lines would have to be run at a loss with such a reduction, showing,—(a) length; (b) capital cost; (c) estimated loss? (4) Will he consider the advisability of transferring the charge for interest upon the capital cost of railways and tramways to the value of land, so as to secure the unearned increment for the payment of interest, and reduce railway charges accordingly? (5) How many railway lines would fail to pay if run for working expenses only, and what would be the extent of the loss?

*Answer.*—(1) I am unable to say. (2) I am informed the loss on the fifty lines shown on page 5 of the Commissioners' annual report for 1921–22 would be further increased by £298,246, making a total loss on the lines of £1,303,708. (3) The information is not available. (4) Yes. (5) Of the fifty lines referred to in the answer to question No. 2, twenty-nine failed to earn enough revenue to pay working expenses, the aggregate loss being £146,493, exclusive of interest.

#### BOARD OF TRADE: INQUIRY INTO SUPPLY AND DISTRIBUTION OF MILK.

Mr. O'HEARN asked the MINISTER FOR LABOUR AND INDUSTRY,—Has the Board of Trade yet made available its report of inquiry recently conducted by the board into the question of the supply and distribution of milk?

*Answer.*—No.

#### COOMA PUBLIC SCHOOL AND TEACHERS' RESIDENCE: ELECTRIC LIGHT.

Mr. BAILEY asked the MINISTER FOR PUBLIC INSTRUCTION,—Will he see that the necessary steps are taken to have the public school and teacher's residence connected with the Cooma municipal electricity works?

*Answer.*—Consideration has already been given to a proposal to instal electric light in the public school and teacher's residence at Cooma by a connection with the local municipal plant. The work cannot be undertaken at present, as the whole of the money which will be made available this financial year will be required for the provision of additional accommodation and the carrying out of urgent repairs and renovations.

#### SILOS: MR. TROTTER'S SERVICES.

Mr. WEAVER asked the MINISTER FOR AGRICULTURE,—When will Mr. Trotter's services finish in connection with the silos, and when will this officer again come under the control of the Commissioners for Railways?

*Answer.*—Mr. Trotter's services in connection with the silos terminated on 1st instant.

#### QUESTIONS WITHOUT NOTICE.

##### SHORTAGE OF TEACHERS.

Mr. DAVIDSON: In reference to the statement made by the Minister of Public Instruction last week as to the closing of public schools having been necessitated owing to the shortage of teachers, I desire to know whether it is not a fact that certain applications have been received by the department from qualified persons who are willing to take up the work of teachers and that such applications were accepted by the department, but when the applicants were notified that the salary to be paid would not be anything more than the basic wage of £3 18s. they refused to accept the positions? Will the Minister consider the question of offering better inducements to qualified persons to accept positions as teachers?

Mr. BRUNTNEILL: I am not aware of any properly qualified persons having applied for positions as teachers in the Education Department and having been

refused. Neither am I aware of anyone having been offered the wage suggested, but I will have inquiries made.

#### COUNTRY DEVELOPMENT AND LIVING CONDITIONS.

Mr. MARK F. MORTON: I desire to ask the Premier a question in regard to a matter of policy. Did not the Premier in his pre-election policy speech, in common with his colleagues, make a strong point of country development and the provision of conveniences for country residents that would tend to make their lot happier? If so, is he aware that three important departments of the Government—the Chief Secretary's Department, which controls the police; the Justice Department, and the Public Instruction Department have turned down a proposal made by the people of Picton, involving a total expenditure of £40 for carrying out the work of connecting the public buildings of the town with the electric lighting system with which nearly every other building in the town is connected? Will the Premier make a Cabinet matter of the question?

Sir GEORGE FULLER: I realise the importance of the first part of the hon. member's question, but I really cannot attach any great importance to the latter part of it. I will have inquiries made.

#### WHEAT SILOS.

Mr. FLANNERY: Is the Minister for Agriculture yet in a position to make a statement to the House with regard to the control of the wheat silos?

Captain CHAFFEY: No. The question has had further consideration, but I am not yet in a position to make a statement to the House.

#### IMMIGRATION.

Mr. WEAVER: Is the Premier yet in a position to advise the House as to the amount of money which the Imperial authorities are going to advance in connection with immigration?

Sir GEORGE FULLER: No, I am not.

#### BORDER DOG-PROOF FENCE.

Mr. DOE: Towards the end of July I asked the Secretary for Lands a question relating to the erection of a dog-proof

fence on the South Australian border for a length of 18 miles at a place known as "The Funnel." The Minister then informed me that he was negotiating with the South Australian authorities with regard to the completion of the work, and I wish to know whether he has anything further to report?

Mr. WEARNE: So far nothing further has been received from the South Australian Government, but I wrote last week and asked to be advised of the decision of the Government as soon as possible.

#### MAROUBRA LANDS.

Mr. J. R. LEE: In connection with the interview I had with the Secretary for Lands last night concerning statements which are being circulated relative to the sale of Crown lands at Maroubra, I wish to know whether the Minister is prepared to make a statement to the House as promised?

Mr. WEARNE: The hon. member saw me last night with regard to this matter, and I have made inquiries. I now find that a representative of the *Herald* called at the information bureau of the Lands Department on Monday last, and stated a letter had been received in connection with the proposed sale of Crown lands at Maroubra, to the effect that the eyes had been picked out of the subdivision and sold privately, and the remaining blocks were now being pushed on to the public. On Tuesday last a lady called at the information bureau of the Lands Department and stated that when inspecting the lots on Saturday last, she was approached by some person, who stated that the Crown had placed an upset price of £16 per foot on the allotments; further, that a building covenant was to be imposed by the Government, and the payment of the balance of the purchase money could not be made in a lump sum, but had to be spread over a period of five years, with interest at the rate of 5 per cent. per annum. In answer to the first statement I desire to say that whatever blocks were disposed of in this area were disposed of by public auction, at a sale held on the 23rd February, 1918. No sale has since taken place, either privately or by public auction, and the eyes have not been picked out of the area as stated. The blocks

now being offered for sale are those which were carefully inspected by myself in company with the Under-Secretary and metropolitan district surveyor, and the subdivision was designed by the Surveyor-General. In regard to the second question, an upset price of £16 per foot has not been placed on the allotments. The upset price is below what it is expected the land will bring, and is in keeping with sales held in that vicinity. No building covenant can be imposed other than that required by the Randwick Municipal Council. So far as the acceptance of cash in full payment is concerned, if purchasers desire they may pay the full amount or any part so desired in excess of the instalment required under the five years' terms. It is the desire of the Government that the land shall be sold to as many purchasers as possible, at a price which is fair and reasonable. No doubt statements have been made which have been inspired by people who are dissatisfied in connection with the sale of the land, or by people who desire to speculate in the land. The statements are absolutely untrue.

Mr. GOLDSTEIN: Can the Minister say whether any limitation is to be fixed upon the number of allotments which one individual may purchase?

Mr. WEARNE: Three allotments is the limit purchasable by any one person at the sale.

#### ROZELLE PUBLIC SCHOOL.

Mr. LANE: I desire to know whether the Minister of Public Instruction has had under notice a scheme for the beautification of the grounds of the Rozelle public school, involving the removal of the present unsightly front boundary fence? If so, will he sanction the scheme immediately in order that the offer of assistance made by the parents and the local council may be taken advantage of?

Mr. BRUNTNEILL: In reply to the question of the hon. member which has been persistently urged by him I may say that I have given consideration to this matter and that I am more than pleased at the local interest which is being displayed. I decided this morning to give my approval and will do everything possible in the department to expedite the matter.

#### LATE HENRY LAWSON'S FUNERAL.

Mr. MUTCH: In view of the answers given by the Premier yesterday to questions relating to the funeral of the late Henry Lawson I desire to know whether it is a fact that no suggestions were ever made that the State should pay the expenses of Henry Lawson's funeral, but that the suggestion was that a State funeral should be provided? Further, is it not a fact that no suggestion was ever made at any time to the Premier's Department that there was a danger of Henry Lawson being buried as a pauper? Has the Premier any statement to make as to the result of the inquiry he promised to institute?

Sir GEORGE FULLER: In connection with the question asked by another hon. member yesterday I had intended to submit an answer for the perusal of the hon. member who asked the question, but as the hon. member Mr. Mutch has asked me a further question I will give the House the information which has been furnished to me.

For the Premier's information it has to be stated that Mr. Hugh Wright, librarian of the Mitchell Library, telephoned me on Saturday afternoon last to the effect that Mr. George Robertson, of the firm of Angus and Robertson, had informed him that Mr. Henry Lawson was dead, and that unless the State intervened there was every prospect of his having a pauper's funeral.

Mr. MUTCH: There was no prospect whatever of that!

Sir GEORGE FULLER: You asked me for information and I am giving it to you. I intended to hand this statement to the hon. member who asked the question yesterday, and I am now giving the information asked for.

It was not known whether or not the relatives had been apprised of the death. As I was leaving immediately for Leura, I telephoned the chief clerk, Mr. Tremlett, and invited him to get in touch with the Premier on his return from Penrith. The Premier, on being telephoned by Mr. Tremlett, gave immediate directions for the Premier's Department to co-operate with Mr. Harris, editor of *Aussie*, who, it was understood, had identified himself with the funeral arrangements. Mr. Tremlett did so, and discussed the details of the burial. Wood, Coffill, and Company, the undertakers, told Mr. Tremlett that they had no instructions whatever in the matter, and that Mrs. Lawson had not come forward in the matter at all. They were

relieved, therefore, to know that the Government would stand behind the arrangements for a becoming funeral.

That is the position placed before me by one of my officers.

#### KINCUMBER ORPHANAGE.

Mr. WRIGHT: I desire to ask the Minister of Public Instruction whether he has yet received a report from his responsible officers in connection with the Kincumber Orphanage?

Mr. BRUNTNEILL: I was about to rise in order to state that I have received the report, which has been furnished in accordance with the provisions of section 28 of the Infant Protection Act, of the departmental investigation into the charges made by the hon. member Mr. Skelton in regard to the alleged ill-treatment of two children while inmates of the Kincumber Orphanage. I beg to lay the report on the table.

#### BOARD OF TRADE: BASIC WAGE.

Dr. ARTHUR: In view of the urgency of the matter, and of the fact that the Board of Trade, I understand, is going to-morrow to review the basic wage, and of the fact that time has not been found to answer questions 15 and 16 on the business-paper, I desire to ask whether the Premier will make a statement to the House as to what are the intentions of the Government in connection with this matter?

Sir GEORGE FULLER: I may say in regard to the two questions to which the hon. member has referred, answers to which have been deferred, and in answer to the question he has just put to me, that the Government does not propose to interfere with the Board of Trade at all.

#### GOVERNMENT PRINTING OFFICE: MR. BROOKS'S REPORT.

Mr. CANN: Following upon a question which I asked yesterday, I desire to ask the Treasurer whether he has any statement to make in regard to Mr. Brooks's report in connection with the Government Printing Office?

Mr. COCKS: I find that the report which Mr. Brooks gave me, and which I sent to the Public Service Board, is of a confidential nature, but, as a matter of

courtesy to the hon. member Mr. Cann, I am prepared to let him peruse it if he wishes to do so.

Mr. WRIGHT: I desire to ask the Treasurer why he has picked out the hon. member Mr. Cann to see something that he has discovered, instead of Jabez Wright or any other hon. member?

Mr. SPEAKER: Order! That question is most disorderly and offensive, and I will not tolerate any further questions of that kind from the hon. member.

Mr. WRIGHT: I cannot see it!

#### KURRAJONG RAILWAY.

Mr. MOLESWORTH: I desire to ask the Minister for Railways whether he has yet decided to recommend to the Treasurer that a sum be placed on the Estimates in connection with the proposed construction of the Kurrajong railway?

Mr. BALL: The question is under consideration in connection with the Loan Estimates.

#### INAUDIBLE QUESTIONS AND ANSWERS.

Lt.-Colonel BRUXNER: This is the second occasion, Mr. Speaker, on which I respectfully ask you to ask hon. members when asking questions, and Ministers when replying, to give all members of this Assembly an opportunity of hearing whatever is said. It is absolutely impossible under existing circumstances for members at this end of the House to take an intelligent interest in the proceedings.

Mr. SPEAKER: I quite agree with the hon. member. All I can do is to ask hon. members when asking questions, and Ministers when giving their answers, to do so in such a way as to be audible to every member of the House.

#### IMMIGRATION: IMPERIAL GRANT.

Mr. FLANNERY: Some time ago I directed the attention of the Secretary for Lands to a suggested arrangement between the Federal, the State, and the Imperial Governments for providing a certain amount of money for the settlement of immigrants on the land. I asked the Minister on that occasion whether he would confer with the Prime Minister for the purpose of having a similar amount made available, that is, about £300 each

by the Federal and State Governments, to assist Australians. I desire to ask whether the Minister can say if a conference has been held, and if so what is the result? If not, will he bring about a conference to consider the suggestions made?

Mr. WEARNE: Several conferences have been held between members of the State Government and the Prime Minister upon this question, but no definite decision has yet been arrived at. When a decision has been come to I shall have much pleasure in communicating it to the House.

#### DRINKING FACILITIES IN PUBLIC SCHOOLS.

Mr. LANE: I desire to ask the Minister for Public Health whether he will have a report made by the health authorities regarding the present method by which children obtain drinking water from brass taps at school? Will the Minister have the ordinary taps removed, and bulb taps substituted, seeing there is a danger of infection to the children?

Mr. OAKES: I am not prepared off-hand to recommend an alteration in the present system as suggested by the hon. member, but I shall have a report made with regard to the first part of his question.

#### Mr. ANDRE SKALSKI.

Mr. SCOTT FELL: I desire to ask the Minister of Public Instruction whether it is a fact that Mr. André Skalski has received no remuneration from the Government for his services as conductor of the State orchestra during the absence of Mr. Verbruggen?

Mr. BRUNTNEILL: It is not a fact that Mr. Skalski has received no remuneration. By a distinct agreement entered into with my department he has received the sum of £600 and travelling expenses for the period of six months.

#### HORNSBY MURDER: ALLEGATIONS IN DAILY MAIL.

Mr. FITZSIMONS: In view of the serious allegations in the *Daily Mail* in connection with the Police Department's conduct of the Hornsby murder case, I desire to ask the Colonial Secretary

whether, in the interests of the public and of the police, he will cause an investigation to be held into the conduct of this case by the police?

Mr. OAKES: Let me say clearly and distinctly that unless stronger evidence is forthcoming than that which has been adduced up to the present time, I am not prepared to take any action in the matter.

#### PROFITEERING PREVENTION COURT.

Mr. MOLESWORTH: Will the Attorney-General say if the bill forecasted by his Government in the Governor's speech for the purpose of abolishing the Profiteering Prevention Court, and substituting therefor an Act to deal with restraint of trade by combines, is in course of preparation, and whether or not it will definitely be brought before the House this session?

Mr. BAVIN: The bill to which the hon. member refers is drafted, and will, I hope, be introduced within the next few days.

Mr. DAVIDSON: Is it a fact that owing to instructions given by the Attorney-General, the Profiteering Prevention Act has been made inoperative, notwithstanding it has not been repealed?

Mr. BAVIN: The position is not that the Act has been made inoperative but that the staff which was engaged in its administration has for the most part been dispensed with. It consisted mostly of temporary officers whose services have been terminated. There is still an acting secretary to the court; the law is still on the statute-book, and any person who wishes to take advantage of it can do so, but the temporary officers are no longer in the service of the Government.

#### WATERFALL HOSPITAL.

Mr. MARK F. MORTON: Is the Minister for Health aware of the difficulties under which the staff are working, and from which the patients are suffering, at the Waterfall hospital for consumptives, owing to the deficient lighting system, and has he yet come to a decision as to how he intends to improve it?

Mr. OAKES: At the instigation of the Premier I visited Waterfall some

three weeks ago, and saw the disadvantages to which the hon. member refers. I have given the matter full consideration, and am favourably disposed to putting a sum on the Estimates to meet the difficulties in regard to the lighting of the institution. I cannot, however, promise definitely until I get my Estimates back from the Treasury.

#### RANDWICK RIFLE RANGE.

Mr. GOLDSTEIN: Following upon a question I asked the Premier some time ago in reference to the land known as the Rifle Range lands at Randwick, to which the hon. gentleman replied that a conference was to be held between the Prime Minister and himself, I now desire to ask whether such conference has been held, and, if so, whether any agreement has been arrived at?

Sir GEORGE FULLER: A conference has been held, but no determination has yet been come to.

#### FAIR RENTS ACT.

Mr. JAKUES: Can the Solicitor-General inform the House if it is the intention of the Government to bring forward legislation to repeal the Fair Rents Act?

Mr. LEY: The matter has been submitted to the Cabinet, but time has not yet permitted of its being dealt with.

#### OFFENSIVE APPLIANCES.

Dr. STOPFORD: Will the Minister of Justice state if it is a fact that a large number of appliances of a most disgusting and depraved type have been seized by the police? Further, is it in his power to have them destroyed, and the importer or manufacturer of the same prosecuted?

Mr. SPEAKER: Before that question is answered, I would ask the Minister of Justice to tell me whether it is in reference to a case which is *sub judice*. If it is, the question should not be asked, and should not be answered. I myself do not know whether it is or not.

Mr. LEY: The matter to which the hon. member refers is not *sub judice*. It is an old matter which has long since been decided. What the hon. member states is a fact, and my attention was drawn to it by the authorities. A clause has been drafted for insertion in a bill

to amend the Crimes Act, in order to meet the position, and I think that clause will be ample to cover the ground mentioned by the hon. member.

#### LIQUOR REFERENDUM.

Mr. MOLESWORTH: Has the Premier's attention been directed to a statement reported to have been made by the Solicitor-General last night at Mr. Johnson's meeting, to the effect that no Government can live if it refuses to allow the right of the people to have the question of prohibition decided by a simple majority? If so, will the Premier state what the Government's definite policy is on this matter?

Sir GEORGE FULLER: My attention has not been directed to the statement, but the policy of the Government is well known. We propose to stand by what was done by previous Governments, and to make provision for a referendum being taken in connection with this matter.

#### LIGHTING OF COAL-MINES.

Mr. BADDELEY: In view of the promise made by the Minister for Mines to convene a conference of employers and employees in the coal-mining industry for the purpose of introducing the latest electric light in gaseous mines, will the Premier confer with the Minister for the purpose of having that conference arranged?

Sir GEORGE FULLER: Yes, I will call the attention of the Minister to the position put forward by the hon. member.

#### ADVERTISEMENT HOARDINGS BILL.

Mr. JAKUES: In view of the fact that there is a very strong agitation among the municipalities and shires of New South Wales with regard to the Advertisement Hoardings Bill, I desire to ask the Premier, in the absence of the Minister for Local Government, if he will postpone further proceeding with this bill until the conference of shires and municipalities which is about to take place has been held?

Sir GEORGE FULLER: Yes, I will bring the matter under the Minister's notice with a view of having the representation made by the hon. member considered

## COFF'S HARBOUR BREAKWATER.

Mr. J. J. FITZGERALD: Is the Secretary for Public Works in a position to reply to the question I asked him the other day with reference to Coff's harbour breakwater?

Mr. BALL: An inquiry of a similar character was received from the hon. member Mr. Vincent. While the vote was £40,000, the expenditure was £39,507 7s. 10d., which, it will readily be conceded, approximates as closely as possible the amount made available.

## WHEAT SILOS.

Mr. SCOTT FELL: Will the Premier, in the event of his deciding not to work the wheat silos by the Government, give the public an opportunity of tendering for same, so that those interested may get the best results on behalf of the people?

Sir GEORGE FULLER: The Government will deal with this matter in the best interests of the people and take the responsibility of its actions.

## AGENT-GENERALSHIP.

Mr. MOLESWORTH: Has the Premier's attention been drawn to a reported statement that Mr. Walker, the chairman of Mr. Johnson's meeting last night, introduced the Solicitor-General to his colleagues as the future Premier?

Mr. SPEAKER: Order!

Mr. MOLESWORTH: Can the Premier indicate to the House whether or not this indicates any intention on his part of accepting the Agent-General's position?

Mr. SPEAKER: Order! That is a question which I unhesitatingly disallow. Hon. members must not think they can ask any question they like.

## DISSENT FROM MR. SPEAKER'S RULING.

Mr. MOLESWORTH (Cumberland) [5]: I move:

That this House dissents from the ruling of Mr. Speaker, given on 31st August, when he ruled that the point of order taken by Mr. Molesworth—that the Eight Hours (Amendment) Bill, 1922, did not conform with the order of leave of such bill—could not at that stage be entertained.

In moving the motion standing in my name I do so without any disrespect to you, Mr. Speaker, but with a desire to prove to the House that the ruling given by you the other night was entirely incorrect. Briefly, I might say, for the information of the House, that the point of order I submitted in connection with the amendments in the Eight Hours (Amendment) Bill, when it was returned from the Legislative Council, was on two grounds. One was an amendment inserted by this House, and the other the amendments inserted by the Upper House, which I submitted to you were not in conformity with the preamble to the bill as sent from this House the other night to the Legislative Council nor in conformity with the expressed principles of the bill. I will leave the matter with this explanation as to why I took the point of order. You, Mr. Speaker, ruled that you could not entertain my objection at that particular stage. We have a ruling of Mr. Speaker Meagher, dealing with the Military and Naval Hospital Home Bill. When it was returned from the Legislative Council, Mr. Meagher, without waiting for any discussion on the bill, pointed out to the Assembly that certain amendments had been introduced which were against the spirit and principle of the bill as sent to the Upper House. After Mr. Speaker Meagher pointed that out the Government withdrew the bill, and the measure was dealt with during a subsequent session. I am dealing with three aspects of the case. Your ruling, sir, precluded me from taking objection to the bill as then constituted at the point at which I wished to take objection—on the motion that the report of the Committee be adopted—which was after the amendments had been dealt with. If your ruling, sir, is valid, and you hold that my objection should have been taken on the return of the bill from the other Chamber, and assuming that my point of order was a just one, and that my objection would have been upheld at that point, I respectfully submit to the House that you, as the custodian of the rights of hon. members, might well have done what Mr. Meagher did, and drawn the attention of the House to any irregularity that existed, providing, of course,

that that irregularity did exist. However, I cannot discuss that phase of the question, and I will not deal with it any further. I wish to impress upon the House that any irregularity in the early stages of a bill has always been regarded seriously by this Chamber, and also by the House of Commons. I have an extract from the 12th edition of "May's Parliamentary Practice," page 390, which reads:

So binding, indeed, has it been held, that in 1850 a serious oversight as to the commencement of the Act having been discovered in the Pirates' Head Money Bill, before the Lords' amendment had been agreed to, no attempt was made to correct it by way of amendment, but a separate Act was passed for the purpose. That case is on all-fours with this case. An error was discovered at the originating stage of the bill, but in that case, before the Lords' amendments were dealt with, the Speaker drew the attention of the House, as Mr. Meagher did, to the fact that the amendments were not strictly in conformity with the order of leave or the principles of the bill, and the Commons went no farther with that particular bill. I submit that I could not possibly have taken objection to the Council's amendments on the return of the bill to this Chamber. At page 387 "May" says:

When the order of the day is read for considering Lords' amendments to a bill, a question is put, "That the Lords' amendments be now taken into consideration"; but it is not permissible to discuss thereon the provisions of the bill.

If the ruling laid down in "May" applies similarly to this Chamber it should be followed where our standing orders are silent, because then the procedure adopted in the House of Commons is generally followed. I submit I could not possibly have taken the objection that the bill by reason of the Council's amendments was out of order at the stage it was received back from the Council. Standing order No. 289 reads:

The consideration of all amendments made by the Council in bills which shall have first passed the Assembly shall be in a Committee of the whole House.

I am not challenging the consideration of these amendments. What I am pointing out is this: I objected to the bill as passed by this Chamber, including those

amendments. I objected to the validity of the bill, and not to the particular amendment. I admit that I could have objected to it at the second-reading stage, and that I failed to do that, but I submit that the Speaker was wrong in ruling out of order my objection to the bill as it was then constituted because I did not take steps to try to voice my objection at the Committee stage. Furthermore, assuming that there was an irregularity in the bill when it came back from the Council on account of the amendments inserted by that Chamber, assuming that that irregularity was not noticed by the Speaker, and that he did not draw the attention of the House to it—

MR. BAVIN: Are you referring to the amendment inserted in the bill in this House, which, you say, made the bill irregular?

MR. MOLESWORTH: No. I am now referring to the amendments inserted in the Council. I am not dealing with the amendment inserted in this House. I am ignoring it entirely.

MR. BAVIN: You are dealing only with the amendments inserted by the Council?

MR. MOLESWORTH: Yes, because they furnish a stronger case. The point I was making is this: if the Speaker and the Minister both fail to recognise an irregularity in the amendment made by the Council when the bill is being dealt with in Committee, and it is contended that no hon. member can challenge the validity of the bill at the stage when it is being reported to the House from Committee, this House should seriously consider the desirability of permitting an hon. member at any stage to point out a vital infraction of the principle of the original bill. I contend that, seeing that the irregularity was not noticed at an earlier stage, I should have been permitted to make my objection at the stage at which I raised it.

MR. BAVIN: Your argument is that you ought to have the right to take your point at any time at all!

MR. MOLESWORTH: No, I have disposed of the first point. It is the Speaker's duty to direct attention to any irregularity in a bill; but now I am endeavouring to prove that in the Committee stage

consideration may be given to amendments, and no point then having been taken, I contend that it is not too late for an hon. member to take objection to the whole bill by reason of an irregular amendment.

MR. SPEAKER: Order! Under standing order 161 the hon. member is allowed ten minutes to speak on the motion, but his time may be extended with the concurrence of the House. If the House is prepared to unanimously agree to the hon. member proceeding, I have no objection. If there is any objection he must discontinue his speech. Is there any objection?

HON. MEMBERS: No!

MR. SPEAKER: The hon. member may proceed.

MR. MOLESWORTH: Mr. Speaker Meagher ruled:

It is too late to take objection to an amendment made by the Legislative Council—after report from Committee of the Whole.

Mr. Speaker Meagher ruled on that occasion that it was too late to take objection after the bill had been reported from Committee. I contend that if Mr. Speaker Meagher was right, then when the motion was moved for the adoption of the report that was not after the report from the Committee of the Whole, but during the reporting of the bill from the Committee of the Whole.

MR. SPEAKER: The hon. member is in error. The report is made to the House by the Chairman of Committees when the Speaker resumes the chair. The hon. member is confusing the reporting of the bill from Committee to the House with the adoption of the report by the House, and he is making a serious blunder.

MR. MOLESWORTH: Mr. Speaker Meagher said, "After report from Committee of the whole."

MR. SPEAKER: That does not mean the adoption of the report. The motion before the House was for the adoption of the report from the Committee, and it was at that stage the hon. member took the point of order. It was not before the report was made to the House. When the Chairman leaves the chair, and the

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Speaker resumes the chair in the House, the Chairman formally reports to the Speaker the resolution of the Committee.

MR. MOLESWORTH: I fail to see how anyone could take objection to the bill before the report is made to you. However, I will conclude that point by stating that in regard to the proceedings on resolutions reported from the Committee "May," at pages 415, 416, says:

Amendment on debate arising upon the consideration of the report of a resolution from a Committee must be strictly relevant thereto. Every resolution may be amended, disagreed to, postponed, or recommitted to the Committee.

That is so; but consideration may be given to the report of the resolution from the Committee, and if consideration may be given, how is it that an hon. member cannot take objection to the validity of the bill at that stage? Finally, regarding the power of the Committee over bills. I wish to make this further quotation from page 377 of "May":

On 27th January, 1913, the Speaker was asked to express his opinion as to certain amendments which it was proposed to move to the Franchise and Registration Bill, then being considered in Committee of the whole House. The Speaker while declaring that the proper time for raising such a question was after the bill had been reported to the House, said that the admission of any of the amendments to which his attention had been directed would so alter the bill as to make it a new bill, and that he would advise the House, under the circumstances, that the bill should be withdrawn and leave be asked for the introduction of a new bill.

If my interpretation is correct, and the Speaker of the House of Commons declared that the proper time for raising such a question is after the bill has been reported to the House, I submit that I was perfectly in order in raising a question as to the validity of the bill at the stage at which I did raise it. I contend, particularly in view of that ruling, that the stage at which I took my objection was the proper stage. In conclusion, I merely wish to reiterate what I said earlier, that if an obvious irregularity slips past the Speaker and the Minister, the proper time to raise an objection is after the bill has been reported, and I submit that I might have reasonably asked you to give your ruling on the point raised.

Mr. BAVIN (Ryde), Attorney-General [5.18]: I only wish to say one or two words. The sole point is the time at which the point of order should be taken—not whether the point of order is valid or not. I do not propose to say anything about that. One of the amendments to which the hon. member takes objection was inserted by this House, and it can hardly be contended that there is to be no finality in regard to an amendment made in this Chamber. We discussed the amendment here, it went to the Upper House, and came back here, and was before us while the Council's amendments were being discussed in Committee. After the amendments had been adopted and reported to the House, the hon. member wanted to take objection to an amendment inserted in the Committee of this House. We shall reduce the proceedings of this House to futility if there is to be no finality to the decisions of the Committee. There must be some stage at which it can be said that a matter is finally settled. I propose to direct attention solely to the question of the time at which objection can be taken. The hon. member unquestionably raised the point of order after the report to the House. *Hansard* shows exactly what happened. I moved in Committee after the Council's amendments came to us, that we agree to the amendments. Then it was agreed that the amendments should betaken *seriatim*. They were put one by one, and it was open to the hon. member at any stage during the discussion of the amendments to raise his objection. There was no reason why the hon. member should not have taken his objection to the acceptance of the Council's amendments while the matter was being discussed in Committee. But he did not do that for an obvious reason—because he did not want his objection to be upheld. If he did it would be entirely inconsistent with the whole attitude of the hon. member. I am not mentioning this by way of blaming him or of imputing motives; but I am pointing out the abuses which might arise. The position is somewhat farcical. In this case the hon. member wants the whole bill defeated, but he wants this particular amendment carried. He does not take his point while the amendment is before the Committee. He allows the matter to be

discussed and accepted, and refrains from taking his point in Committee, but when the amendment is reported to the House he takes exception to it. If the hon. member's point is to be given effect to, it would be open to any hon. member to raise an objection to an amendment which he himself had proposed, and that would reduce our proceedings to a farce. If the hon. member could propose an amendment in Committee, and after it had been accepted and reported to the House, could go to the Speaker and say, "I have got something put into the bill which is out of order, and I want you to rule the whole bill out of order," the position would be absurd. There must be some stage at which it is considered that the House has finally dealt with a matter. That stage is reached when the resolution is reported to the House. That is the decision of previous Speakers, and unless the hon. member can show why this decision should be overruled I do not see how he can sustain his point. He has shown no reasons why we should depart from the ruling that when the resolution has been reported to the House it is too late to take objection to the validity of the bill.

Mr. MOLESWORTH: I took my objection when the bill was being reported!

Mr. SPEAKER: Order!

Mr. BAVIN: No; the hon. member waited until the motion was put to the House. The motion was put to the House. "That the report be now adopted," and that was after the resolution had been reported. The hon. member could have taken his point before the resolution was reported.

Mr. MOLESWORTH: At what stage?

Mr. BAVIN: In the Committee.

Mr. MOLESWORTH: But after the Committee?

Mr. BAVIN: There is no stage after the Committee.

AN HON. MEMBER: Yes, there is!

Mr. BAVIN: It has been ruled that there is not. What happened here was that the amendments were discussed one by one, and that the Chairman reported to the House that they had been agreed to.

Mr. MOLESWORTH:

Mr. BAVIN: You could not at that stage; but you had the whole of the proceedings in Committee in which to raise

your point. You did not do it then, and according to the ruling of previous Speakers you left it too late. The hon. member will see that what I am putting is that, if he allows the Committee stage to go by without raising the point, it is then too late. On page 1559 of *Hansard* it appears that, after the Legislative Council's amendment had been discussed, the resolution was reported, and the motion was made, "That the report be now adopted." It was at that stage that the hon. member sought to move his motion. If he were entitled to raise this question then all the abuses I have pointed out would arise. If the hon. member allowed the Committee stage to go without raising the point he should not be allowed to raise it at a later stage.

MR. MOLESWORTH: Assuming that obviously a grave irregularity had crept into a bill, unnoticed until that stage, do you not think the House could take objection even on the motion for the adoption of the report?

MR. BAVIN: I take it that it is still open to the House to do so if it wishes. There is a procedure by which it can be done. If a grave irregularity is discovered in any bill after that stage, the House is not powerless to give effect to its wishes. The House is master of its own procedure, and it can take whatever course is necessary to give effect to any serious objection. This matter has already been twice decided in express terms by previous Speakers. What the hon. member asks the House to do is to overrule, not only the Speaker's decision of the other night, but the decisions given on two previous occasions by Mr. Speaker Meagher, who ruled in express terms that the point at which an hon. member took an objection was too late. In the case of the Testator's Family Maintenance Bill—I refer to vol. 65 of *Hansard*, page 1566—it will be found that the same point was taken. The matter arose in the same way. There the Council's amendments in the bill were agreed to. It was then reported to the House that the Committee had agreed with some and disagreed with others of the amendments. There was a report to the House, as on this occasion, and then the motion was moved "that the report be now adopted." Then, just as the

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hon. member has done on this occasion, Mr. Cohen said he desired to point out that an amendment had been made in the bill in the Council which was outside the order of leave. That is precisely the case which the hon. member has put here. Mr. Speaker Meagher said, "I am afraid the hon. member is too late." He ruled definitely in precisely similar circumstances. So the hon. member is asking the House to overrule, not only the ruling given by Mr. Speaker the other night, but also the ruling given by Mr. Speaker Meagher.

MR. MOLESWORTH: Your interpretation of what Mr. Speaker Meagher said!

MR. BAVIN: No, it is precisely the same point. The point was taken in the same way, that is on the motion "That the report be now adopted." That is the very interpretation of this ruling which Mr. Speaker Meagher gave as reported in vol. 66 of *Hansard* on the Totalisator Bill, where Mr. Haynes, on the motion for the adoption of the report, wanted to raise the question whether certain amendments were not outside the order of leave. Mr. Speaker Meagher said:

I am afraid I cannot entertain the question raised by the hon. member. In connection with a similar point raised when the Testator's Family Maintenance and Guardianship of Infants Bill was before us the entry in the *Votes and Proceedings* reads as follows:—

Then the Speaker read practically what I have read from the authority I have quoted. The Speaker proceeded to say:

In view of my own ruling in that particular case I am afraid I cannot entertain the hon. member's question on the ground that it has been raised too late.

Mr. Haynes then said:

I would point out that in the case referred to the House was in possession of the bill, whereas we were not.

MR. MOLESWORTH: On those occasions the Speaker gave reasons why he could not entertain the point!

MR. BAVIN: No. The Speaker said:

The question before us now is the adoption of the report, and I cannot entertain the hon. member's question.

It is obvious that there must be some finality in the decisions of the House. Ample opportunity was given to the hon. member or any hon. member to raise this

question during the proceedings in Committee, and if the hon. member did not take advantage of that opportunity, then, seeing that the resolution of the Committee had been reported to the House, as it was in this case, it was not fair to the House that, at that stage, it should be asked in effect to undo all that it had done when the bill was in Committee.

MR. MOLESWORTH: Then the House should pass a bill which is without valid foundation?

MR. BAVIN: I do not think so. That is not the point. If any real defect is found in a measure at any stage before it actually becomes an Act, the House is master of its own procedure, and it can consider any question that is raised if it desires to do so. I submit there is no reason shown for overruling those decisions which have been given.

MR. SPEAKER: I propose under standing order No. 131 to allow no further discussion. I just want to add a few words before the question is formally put. There may be occasions when the Speaker is called on to give a ruling on an intricate point on the spur of the moment, without having had the opportunity to look into precedents, and he may subsequently entertain some doubt as to the correctness of the ruling then given. If I had come to the conclusion that I had given an erroneous ruling, I would unhesitatingly and candidly take the House into my confidence, and would consider such a course not only fair to the House, but in no way derogatory to the dignity of the Chair. But in the present case not only have I no doubt as to the correctness of my ruling, but I say without the slightest hesitation that I do not see how there could exist even the faintest scintilla of genuine doubt in the matter.

MR. MOLESWORTH: Why had you not the courtesy to give reasons for your ruling, but simply shut down on me?

MR. SPEAKER: The hon. member must not be impertinent nor interrupt the Speaker.

MR. MOLESWORTH:

MR. SPEAKER: If the hon. member interrupts me again I shall take steps to deal with him under the standing

orders. My ruling was in accordance with precedent, and, I venture to say, in accordance with common-sense. In *Hansard*, volume 65, page 1222, there is a statement made by Mr. Speaker Meagher in reference to the Military and Naval Hospital Home Bill. That statement has been referred to by the hon. member Mr. Molesworth. But it was made immediately after the order of the day for the consideration of the amendments of the Legislative Council was read. That is a legitimate occasion on which to take exception to the amendments made in another place. That is the occasion when any point such as the hon. member wished to take could have been taken. That was on the 29th August, 1916. Mr. Speaker Meagher called attention to the fact that there were certain irregularities in the amendments made by the Legislative Council, which practically made a new bill of the Military and Naval Hospital Home Bill, and he invited the Government to take a certain course, which it did take. That was on the 29th August, 1916. On 7th September, 1916, only nine days afterwards, exactly the same question arose as arose the other night, and Mr. Speaker Meagher gave the same ruling as I gave a few nights ago. It was in connection with the Testator's Family Maintenance Bill. After the Council's amendments had been considered by the Committee of the Whole, a motion was proposed by Mr. Hall, "That the report be now adopted." Mr. Cohen, the member for Petersham, said—I quote from page 1566 of *Hansard*:

I desire to point out, Mr. Speaker, that you have had no opportunity to see the amendment made in the bill which has been put in another place. I refer to clause 21. The amendment is neither in the order of leave nor within the scope of the bill. I know the point is rather a novel one, but you have already given a ruling on another bill in these words.

Then he referred to certain words which Mr. Speaker Meagher had used on a previous occasion. Mr. Cohen then went on to say:

I do not know whether you will consider that it is too late to take the point now, but if possible I think we ought to have some ruling on the point.

Mr. Speaker Meagher again said:

I am afraid the hon. member is too late.

In other words, the Speaker ruled that at that stage, on the motion for the adoption of the report, it was not competent for an hon. member to take a point of order that the bill was out of order in consequence of certain amendments made by the Legislative Council.

Mr. MOLESWORTH: Why did you not point that out before?

Mr. SPEAKER: Order! I have already given the hon. member more than one warning. If he interrupts again I shall certainly have him removed from the House.

Mr. MOLESWORTH: Thank you, Mr. Speaker!

Mr. SPEAKER: On page 3710, volume 66, of *Hansard*, there is a similar ruling on a similar point. Mr. Haynes took a point of order on the question, "That the report be now adopted" in connection with the Totalisator Bill. He said:

I should like to know whether I would be in order in bringing under your notice, Mr. Speaker, an important point which we were not able to submit to you before the House went into Committee, because we were in entire ignorance of the amendments which the other Chamber had made in the bill. It was only after you had left the chair that hon. members were placed in possession of the printed amendments made by the Council. Then a question was raised as to whether some of the amendments were not entirely outside the order of leave, and I beg now to ask for your ruling on the question.

Mr. Speaker, after referring to one of the rulings to which I have already referred this afternoon, said:

The question before us now is the adoption of the report, and I cannot entertain the hon. member's question.

On several occasions I myself have had to call attention to irregularities in bills occasioned through amendments made by the Legislative Council, and it will be seen that I called attention to those irregularities either on the order of the day for going into Committee having been read, or at a previous stage. I quote from *Votes and Proceedings* of 17th December, 1919, volume 1, page 234, on the Hydro-electric Development Construction Bill:

The order of the day having been read, Mr. Speaker said he had given very careful consideration to the amendment made by the Legislative Council in this bill, and had come to the conclusion that

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the amendment was an unconstitutional interference with the privileges of the Assembly.

Then I invited the House to take a certain course, which the House did. On 23rd December, 1920, in connection with the Stamp Duties Bill, as soon as the measure was received from the Legislative Council with certain amendments, I called the attention of the House to the amendments, and I pointed out that they were made in a bill which was one of a class of bills this House had always denied the right of the Legislative Council to amend. I suggested the amendments should not be considered, and it was then ordered that the bill be laid aside. There are various other rulings to the same effect, but I want to emphasise this point, that it was on the order of the day being read for the consideration of the amendments in Committee, and not on the motion then moved that the report of the Committee agreeing to the amendments be adopted.

I unhesitatingly rule that it is too late at that stage to take a point of order that certain amendments inserted by the Legislative Council, or by this House at a previous stage, make the bill irregular, and that the bill is out of order in consequence of being beyond the order of leave.

Mr. MOLESWORTH: Why did you not point that out?

Mr. SPEAKER: Order! There is an abundance of precedents for the ruling I have given, but apart altogether from precedents I say unhesitatingly it would be exceedingly inconvenient, and I might say improper, having regard to the well-known rules of parliamentary procedure, to entertain such a point of order on the motion for the adoption of the report of the Committee which has just considered the Legislative Council's amendments in the bill. This must be obvious. As far as the merits of the substantive point of order itself are concerned, I am not called upon to give a ruling, but I may say, for the information of the House, that I certainly could not sustain the point raised by the hon. member. It will be remembered that the first argument put forward by the hon. member was that the bill was out of order on the ground that a certain proviso was added to clause 2, which he argued

was outside the order of leave. As has already been pointed out by the hon. member Mr. Bavin, this proviso was introduced when the bill was being considered in Committee of this House. To allow such a point to be taken at the stage at which the hon. member took it would clearly be subversive of all parliamentary practice and procedure. I may add that a new standing order, No. 248, was recently adopted, to this effect:

Every bill shall be prepared pursuant to the order of leave, which shall present the main purposes of the bill; but it shall not be necessary to specify in such order of leave every Act which it is proposed to amend.

That standing order simply crystallises a number of rulings given by myself, in which I discountenanced the practice which, unfortunately, had grown up in this House of giving effect to highly technical and artificial points relating to the orders of leave and titles of bills. As I said before, however, all we are now concerned with is the right of the hon. member to raise the point of order, that the bill was outside the order of leave, on the motion for the adoption of the report of the Committee of the whole House, which had just considered the Legislative Council's amendments in the bill. That is the question which is raised on the present motion of dissent.

Question resolved in the negative.

#### NEWCASTLE TRAMWAY ELECTRIFICATION.

##### ADJOURNMENT.

Mr. SPEAKER: I have received from the hon. member Mr. Baddeley a notice, under standing order No. 49, that he desires to move the adjournment of the House to discuss a definite matter of urgent public importance, namely, "The loss sustained by the State owing to the action of the Government in not proceeding with the electrification of the Newcastle district tramways."

*Five hon. members having risen in their places,*

Question proposed.

Mr. BADDELEY (Newcastle) [5.45]: I consider it a very important matter that the Newcastle tramway service should be altered from the steam

system at present in operation to that of electrification. Newcastle is a fast-growing district, and is recognised as the second town of this State in importance.

Mr. JAKES: I desire to take a point of order. According to a ruling given by yourself, Mr. Speaker, during the last Parliament, no motion for the adjournment of the House can be in order if the hon. member moving it will have an opportunity very shortly of discussing the subject-matter when the Estimates are before the House.

Mr. SPEAKER: I think the hon. member has missed the obvious point, that the Estimates have not yet been laid upon the table of the House.

Mr. JAKES: But notice has been given of them. On a motion which I moved for the adjournment of the House on a former occasion, you ruled that I would have an opportunity in the very near future of speaking on the subject, and that therefore it was not of urgent public importance to discuss the matter at that stage.

Mr. SPEAKER: I rule that this motion is perfectly in order. If the hon. member again refers me to the ruling he has mentioned, even at a later stage, I will consider the question.

Mr. JAKES: Your memory would probably be better than mine!

Mr. SPEAKER: I am quite willing to entertain the hon. member's point at any time during the debate, but I think the hon. member is wrong. If he will look the matter up, he will probably see the difference.

Mr. BADDELEY: As far back as 1887 the tramways of Newcastle were extended to Plattsburg; and from that time the representations that have been made to this Government and Governments of the past with a view to electrification have not borne fruit. I may point out that representatives of the whole of the municipalities in the district attended a large conference in order to urge upon the Government the necessity of electrifying the tramway system. In view of the present degrading, dirty, and obsolete tram service, I submit that any hon. member visiting Newcastle must feel himself to some extent disgraced when riding in

the trams of that city, considering the distance they have to travel. At the present time there are about sixty motor buses in competition with the trams, and these derive a revenue of some £80,000 per annum, which I submit would be a material addition to the revenue if collected by the trams. It has been stated by the Minister, and I believe he has it in view, that there is a possibility of electrification. I would point out that the people of Newcastle do not want a motor bus service; they want tramway electrification, like the people of Sydney, and they enter an emphatic protest against anything short of it being provided.

Mr. BALL: They are very freely using motor buses, which in some cases are running alongside the trams!

Mr. BADDELEY: I know that, but in that connection I may point out the expenditure which the councils have to incur in respect of the upkeep of roads. Only recently the Newcastle Council expended about £70,000 upon concrete roads. What is the result? The motor service is already having an effect upon the roads, and in a very short time we shall find it necessary to spend a further sum for repairs and maintenance. Not that I am condemning the concrete roads—I say they are an acquisition.

The tramway from Parnell-place to Broadmeadow is now ready for electrification to be placed under way to-morrow. All that is necessary is to provide the money for the erection of poles and so forth. Further, I have in mind the fact that the revenue from the district warrants the people being given this consideration. The harbour dues collected amount to at least £120,000 per annum, tonnage dues to £36,000, and lighting and port dues to about £30,000. Then there is a tonnage on coal. These items bring the revenue up to at least £325,000 per annum. If that revenue for one year were expended on the electrification of the Newcastle tramways it would provide a service sufficient for the requirements of the city for some time to come.

As far as the production of electricity is concerned, we have at present the power-house in Zarra-street, which is

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supplying the lighting of the railways, the Broken Hill Proprietary Co., the Newcastle City Council, and the East Maitland and Tarro shires. It is proposed to extend the supply to Singleton. I submit that when the department has sufficient power available for supplying lighting to industries, it is only fair that it should be used in connection with the tramway service. The following is a passage from the annual report of the Railway Commissioners for the year ending 30th June last, with regard to the power-house at Newcastle:

Good progress has been made with the construction of the Zarra-street power-house, Newcastle, the whole of the coaling arrangements including bunkers and conveyors, air-conditioning chamber for No. 3a unit, foundations for the turbine room of the 60-foot extension and for the switch-house excavation, basement floor of boiler-house and other work having been completed. One 2,500 kilowatt 25-cycle to 50-cycle frequency changer and one 1,500 kilowatt 25-cycle Parsons turbo-alternator transferred from Ultimo have been put into service. One 2,500 kilowatt 50-cycle turbo-alternator is being installed and is practically ready for service. Provision has been made for an additional turbo-alternator of 7,500 kilowatt capacity and 50-cycle frequency. Two additional boilers are now being erected and will shortly be completed. The temporary power-house is now out of service.

That clearly shows that the department is expending money having in view the electrification of the tramways.

The output from the Zarra-street power-house for the year was 19,599,266 kilowatt-hours, compared with 15,519,134 for the previous year. Of the total output 15,535,636 kilowatt-hours was supplied to the Newcastle City Council, 1,809,037 to the Government Dockyard, Walsh Island, 92,940 to West Maitland Municipal Council, and 13,995 to the Tarro Shire Council, the balance being used for the requirements of the department.

I submit that when the department can show an increase of 4,000,000 kilowatt-hours, it must have expended some money for the purpose I am advocating. Whilst I do not take any objection to the "juice" being supplied to business firms and industries, I consider it is quite unfair to say that tramway electrification must stand over in order that those industries may be supplied with power. I wish to refer the Minister

to a statement which appears on page 15 of the Railway Commissioners' report. It reads:

Along the main Northern railway line transmission lines at 11,000 volts have been erected from Zarra-street power-house, Newcastle, to Tarro shire and West Maitland, a distance of 20 miles. A line to be operated at 33,000 volts is now in course of erection from West Maitland to Singleton, a distance of 29 miles, which it is expected to complete by the end of December next, after which date the Newcastle to West Maitland section will also be operated at the higher voltage.

AN HON. MEMBER: That is all finished now!

MR. BADDELEY: I understand it is about completed. The line from West Maitland to Singleton has been almost completed. The idea was to erect the Zarra-street power-house for the electrification of the Newcastle tramways, but something in an altogether different direction has been done. That I think is most unfair to the citizens of the Newcastle district. I have no objection to the extension of the transmission lines providing ample provision is made for the electrification of the Newcastle tramways. On page 62 of the Railway Commissioners' report are figures dealing with the steam lines in the Newcastle city and suburban areas. It is shown there that the loss on those lines in 1921 was £48,401, and £73,743 in 1922, an increase in one year of £25,339. I ask hon. members who represent city constituencies, and who reside in Sydney, whether they want to continue paying for the upkeep of the out of date and inadequate tramway system in operation in Newcastle? I ask them is it a solid business proposition that Sydney, which has an electric tramway system, should be called upon to make up the loss of £73,743 on the Newcastle system? I submit, in fairness to the people of Sydney, that they should not be called upon to bear the loss sustained on the Newcastle tramways year after year under the system which prevails there at the present time. The Commissioners have reported that in every instance where electric tramways have replaced steam lines the comparison has been greatly in favour of electrification. May I quote the Sutherland to Cronulla tramway, where steam

motors are used. We find that the loss on that line in 1921 was £603, whilst in 1922 it was £4,422.

MR. SPEAKER: Order! I have allowed the hon. member a good deal of latitude in this matter, but I would point out to him that under standing order 49 he must confine himself to the specific matter in respect of which the motion for adjournment has been moved. The motion itself must be restricted to some matter of recent occurrence, and it must be a definite matter of urgent public importance. I will not permit the hon. member to argue generally that a loss has been sustained by the State for a long time owing to the action of the Government in not proceeding with the electrification of the tramway service. This is not an abstract motion. It is not like a motion couched in these words, "That in the opinion of the House it is necessary to provide for the electrification of the tramway service." The hon. member seeks to raise the question of the electrification of the Newcastle tramways on a motion for adjournment, and he is restricted to the discussion of a specific matter of recent occurrence. That is the gist of a motion for adjournment.

MR. BADDELEY: I want to confine myself to the question as far as I can. I feel that the Minister is thoroughly seized of the representations which have been made to him on this very important question. It is a very important question when £73,000 is lost to this State in the course of twelve months. In fairness to the municipalities concerned the Government ought to take this matter in hand and do something. If the Government is not prepared to go on with the work the people must, in view of all the circumstances, do something for themselves.

MR. JACQUES: Would not the loss be overcome if the fares on the Newcastle tramways were raised?

MR. BADDELEY: No, I submit that if the Newcastle tramways were electrified and the fares were reduced they would pay handsomely. The cry in Sydney is for the reduction of tram fares, and it would hardly be the thing to suggest that they should be increased in Newcastle. The Minister ought to go into this question very seriously, because

the Chief Railway Commissioner has reported that the Newcastle tramway system is obsolete, and is not in keeping with the progress of the district. I submit that it would only be fair for the Minister to meet the municipal and shire councils concerned, and that he should deal with the matter honestly and squarely, and tell them what he proposes to place on the Estimates for the purpose of carrying out the electrification of the Newcastle tramways. I understand that £200,000 would meet the bill, and if that money were expended in Newcastle at the present time it would not only absorb the unemployed, but it would be conferring a real benefit upon the people of Newcastle and district.

[Mr. Speaker left the chair at 6.3 p.m.  
The House resumed at 7.40 p.m.]

Mr. D. MURRAY (Newcastle) [7.40]: I commend the hon. member Mr. Baddeley for having brought this very important matter before the House. I regard the electrification of the Newcastle tramways as a vital matter. During the last twelve months the loss sustained in connection with the working of the Newcastle tramways amounted to £73,000, whereas upon the whole of our railways and tramways the deficit for the same period amounted only to £6,000. Thus, if we were able to convert the loss on the Newcastle tramways into a profit we should be able to show a substantial balance on the credit side of the railway and tramway accounts. The question of the electrification of the Newcastle tramways has been under consideration for many years. I well remember that in 1914, just prior to the outbreak of war, the then Minister for Railways promised the citizens of Newcastle that the tramways in the district would be electrified. It was realised that the motors and cars in use on the steam tramways were obsolete and exceedingly costly, and that the people were entitled to more up to date methods of transit. If we compare the population of Newcastle in 1914 with the population to-day it will be seen that in no city in the Commonwealth has there been such an increase.

Mr. SPEAKER: I would direct the hon. member's attention to the wording of the motion. The subject is, "The loss sustained by the State owing to the action

of the Government in not proceeding with the electrification of the Newcastle district tramways." I must ask the hon. member to keep to that point. He must not think that this is an abstract motion relating to the electrification of the Newcastle tramway service. If the motion were, "That in the opinion of this House it is necessary to proceed with the electrification of the Newcastle tramway service" the hon. member's argument would be perfectly relevant. But this is a motion for adjournment, and the hon. member must keep to the one matter raised in the motion. Not only do the ordinary rules of relevance apply in motions for adjournment, but we have a specific standing order which says that on a motion for adjournment an hon. member must confine himself to the one subject upon which the motion has been made. I ask the hon. member to confine himself to the question of the loss sustained owing to the action of the Government in not proceeding with the electrification of the Newcastle district tramways.

Mr. D. MURRAY: It is recognised that if the annual loss of £73,000 could be turned into a profit by electrifying the Newcastle tramways, a service would be rendered to the State as well as to the people of Newcastle. There are in use on the Newcastle tramways motors and cars that were used in Sydney twenty-five years ago, and the heavy cost of repairs in the case of both motors and cars is the direct cause of the loss now being sustained. There has been no recent writing down for depreciation, because the cost of the motors and cars was written off long ago, when they were in use elsewhere. The necessity for the change is urgent. I do not blame the present Government or the Railway Commissioners for the present position. The Chief Commissioner has repeatedly appealed to the Government to place money on the Estimates for the electrification of these tramways, and it is our duty to see that steps are taken at the earliest possible moment to convert a losing concern into a payable proposition. The loss incurred in working the Newcastle tramways is causing great concern to the people of the district, owing to the disadvantage at which they are placed in

[Mr. Baddeley.

regard to the high fares. In Sydney the charge for a journey of 8 miles is 4d., whereas in Newcastle the charge is 6d. Then, again, for a first section journey occupying ten minutes the people of Newcastle are charged 3d., whereas for a first section journey in Sydney, occupying from ten to twelve minutes, only 2d. is charged. There is a power-house in Newcastle which was erected in anticipation of the electrification of the tramways being carried out, and tram-sheds have also been erected to house the electric cars. The cost of these buildings with the attendant annual interest outlay has been made a charge against the tramways, and this in itself is a source of loss which should be got rid of as soon as possible. To-day private enterprise is competing with the tramways, and causing a heavy loss to the State. As pointed out by the hon. member Mr. Baddeley, there are sixty-three buses now running in direct competition with the trams, and serving practically the same districts. What happens is this: The buses take care, when a tram starts, to keep just a minute or two in front of it, and thus pick up all the passengers. Unless something is done to put a stop to this anomalous state of affairs the loss on the trams will continue and will be accentuated. It is no fault of the Commissioners that there has been delay in bringing the tramway service up to date. They are waiting for the Government to provide the money. I do not blame the present Government for any failure in this respect. Some of the blame must rest with the previous Liberal Government and the Labour Government which succeeded it. However, I hope the present Government will make a determined effort to remedy this defect, and do justice to an industrial centre which is becoming the Birmingham of Australia. The increase in population within the last six years represents something like 20,000 people. When that point is considered, and the progress of the place is taken into account, hon. members will realise how necessary it is that a public utility like the tramways should be up to date, and the only way to secure that is to bring about the electrification of the system. The cost of coke and coal supplies for the existing tramways is a mat-

ter of grave concern with the Commissioners. That cost for the last twelve months represented something like £111,000, and it means that the mileage cost is a penny more in Newcastle than it is in Sydney. From the standpoint of effecting a saving in that expenditure the Minister should be prepared to act at once. The other night I referred to an accident which occurred in the Newcastle district, which was attributable to the running of obsolete motors. There have been four similar accidents during the last twelve months. Some of the tram motors have been in use for so long that they refuse to carry the loads. That was the cause of the recent accident. The Commissioners have been able to reduce costs in a measure by putting one man in charge of each motor, and there is a man now in the employ of the Commissioners who was responsible for the introduction of that system. Despite the economies effected by this and other means the loss on the service generally continues to grow. The necessity for this work is pressing, and it is essential to the progress of the district. We should be lacking in our duty to the people we represent if we did not urge this matter upon the attention of the Government. I hope that Newcastle will be very soon granted this act of justice, and that the people will be given an opportunity to travel in decent vehicles. It is a work the completion of which will redound to the credit of the Minister if he can bring it about.

Major CONNELL (Newcastle) [7.55]: I do not intend to speak for more than a few minutes, not because the question is one which does not deserve attention, but because it has been fully dealt with by my two colleagues. So far as the loss on the existing tramway system is concerned, the responsibility must be shared by Governments for many years past. It is a work which should have been carried out long ago. Some time ago I asked the Minister a question in regard to the loss sustained by the trams over a period of four years. The answer shows that the loss is steadily growing. In 1919 it amounted to £25,000, in 1920 to £48,000, and in 1921 to £73,000. That loss is growing because the people are so dissatisfied with the present tramway

service that they are patronising the buses more and more. The number of buses running in competition is increasing month by month, and there is every indication that in the coming year the loss in connection with the steam tramways will be considerably in excess of the £73,000 incurred in 1921. This is a matter which demands the serious attention of any Government as a business proposition. In reply to a further question, I ascertained from the Minister that the cost of running the steam trams is about double that of running electric trams per mile, and that the amount required to complete the work of electrification is just over £1,000,000. Looking at the matter from a business point of view, if we borrowed that £1,000,000 to-morrow and completed the work the interest bill, assuming the rate to be  $5\frac{1}{2}$  per cent., would amount to £55,000 per annum. According to the answer furnished by the Minister to another question of mine, I find that the trams in the Newcastle district would benefit to the extent of £66,000 if this work were carried out, so that we should be in this position, that we could borrow the money, complete the work, and actually be better off, after paying the interest, to the extent of something like £10,000. Last year there was a considerable gain to the trams in the metropolitan area. We know that for some time there has been an agitation for a reduction in fares, but the fact that we had this heavy loss of £73,000 at Newcastle means that the burden of that loss has to be borne not only by the people of Newcastle, but by the people of the metropolis and of the whole State. If the system were electrified there would not be this loss, and in common with the people of Newcastle the people of the whole State would benefit.

Mr. ARKINS: Newcastle is not an isolated case. There are others!

Major CONNELL: I am not speaking of the district which the hon. member misrepresents. I am speaking of a big place where the population is very close to 100,000 people. Just one other point. When this matter has been brought before the House on previous occasions it has been contended that it could best be dealt with by the local governing bodies.

An Hon. MEMBER: Hear, hear!

[Major Connell.]

Major CONNELL: The hon. member says, "Hear, hear!" If we had one local governing body, I should say, "Hear, hear!" also. But the reason we advocate that the Government should solve the problem of converting this loss into a profit is that we have not one local governing body, but, unfortunately, we have thirteen of them, and it is not feasible to expect anything to be done as far as the thirteen are concerned.

I commend this to the Government as a business proposition. The money can be borrowed, and the work can be carried out, and not only would the interest upon its cost be paid, and a balance be left over, but the Government would be lifting a burden from the whole of the taxpayers of this State, besides making the living conditions considerably better for that large population of over 100,000.

Mr. SKELTON (Newcastle) [8.2]: In rising to support the motion submitted by the hon. member Mr. Baddeley, I would like to point out what is no doubt apparent to every hon. member in this House, and that is that the motion regarding a loss on the Newcastle trams does not deal with any parochial question. It is not a question which affects only one small area, or a few people, because, owing to this annual loss on the Newcastle tramway system, every taxpayer in New South Wales to-day is paying out money to meet a loss which could be avoided. The Railway Commissioners have said repeatedly that they are quite ready to go on with the electrification of the tramways as soon as the money is provided. The people of Newcastle have been agitating for a long time for the money to be provided. Past Governments, both National and Labour, have let the opportunities go by at times when money was available, until to-day we are faced with the position that this big centre of New South Wales, with all its great industries, is compelled to put up with an obsolete tramway system such as we have now. Even Broken Hill has had to suffer as the result of tram motors and carriages having been brought from that city to be run on the Newcastle tramways.

While dealing with the matter of economy, we must remember that economy can be practised not merely by

reducing wages, but by dealing with questions like this one in a businesslike way. We know that the Railway Commissioners have reported that by the system of electrification the loss upon the Newcastle tramways could be turned into a profit. That report is based on the number of passengers carried at present, but we know that with the electrification of the system the number of passengers would be largely increased, because it will be generally recognised that many of the buses which at present are carrying the people would then be run off the streets, and the State would get the revenue to which it is entitled. That would be practising economy in its truest sense, and, besides the present loss being turned into a profit, the people would be given the conveniences to which they are entitled. I trust that the House will agree to the motion, and will thus signify its approbation of the work.

Mr. BALL (Murray), Secretary for Public Works [8.5]: I readily admit that the question brought before the House is one of very great importance. It is of great importance to Newcastle, and it is of some importance to the State as a whole. That we should have a system which practically means a serious loss to the country every year is, of course, a very serious matter and one which should be dealt with as soon as it is practicable to do so. The hon. member Mr. Baddeley a week or two ago asked me whether if the Government was not prepared to go ahead with this work, we would give the local governing bodies the power to control their own services. My reply to that was that I hoped the local governing bodies would take this power, and would control their own services. This question of electrification of the tramways of Newcastle has been discussed for a great number of years, it is true, and prior to the outbreak of the war it had advanced to a stage when it was expected that the electrification would be completed, possibly within three or four years. The Railway Commissioners had started out on this work, and had commenced the erection of a great power-station, but, unfortunately, on account of the outbreak of the war, they were not able to get the necessary machinery to be installed in that power-

station. Hon. members know that that meant serious delay, owing to causes over which the Government of the country had no control, because they were due entirely to war conditions. As a matter of fact the Railway Commissioners tried to advance the matter to a certain stage by taking machinery away from the Ultimo power-house at Sydney for the purpose of endeavouring to instal an electrical system at Newcastle. The delay was entirely brought about by the unfortunate war. Since then the question has been revived; in fact, it has been agitated for all along. Every few weeks we hear of an agitation for the electrification of the system. When I was in office before I had to meet the difficulty with which we are grappling now—the question of the installation of the machinery. I find from the official records that after I left office, and while the Labour Government was in power, the agitation was still going on. The Labour Government was asked to place a sum of money on the Estimates, but the late Colonial Treasurer was unable to find the money to proceed with the electrification of the system.

Mr. ARKINS: Is it not a fact that your predecessor, Mr. Estell, was one of the members for Newcastle, and that he could not proceed with the work?

Mr. BALL: I am pointing out that it was due to the financial condition of the country, and that this condition prevailed even during the regime of the Labour Government, which could not find the money for the work.

Mr. LANG: We had to find the money for all your unfinished railways on the North Coast!

Mr. BALL: What did the late Government do in regard to finishing the railways on the North Coast? They did not finish any of them.

Mr. SPEAKER: Order! I must ask the Minister not to deal with that matter. The Minister must see that the scope of this motion is very restricted. He knows that as well as I do. The subject-matter of the motion is:

The loss sustained by the State owing to the action of the Government in not proceeding with the electrification of the Newcastle district tramways.

If I permit the Minister to deal with other matters I shall also have to permit other hon. members to do so.

Mr. BALL: Dealing with the question of the electrification of these tramways, I am pointing out that the reason why the Government has been unable up to the present to prevent the loss due to the existing system is owing to the fact that we could not get machinery, and because the Government could not afford the money to proceed with the electrification, and so prevent the loss which has been going on for some time. Requests have been made to me to receive deputations from Newcastle on this question, but if all Newcastle came to see me I could give only the same reply as I have given, namely, that the provision of the money for this work has to be considered in connection with the loan vote, and the loan vote has not yet been dealt with by the Government. I recognise, just as the Treasurer does, the very serious financial difficulties facing us, and the question of finding additional money not only for the electrification of the tramways at Newcastle, but for other highly important works throughout New South Wales which stand upon the same footing is a very difficult one.

Lt.-Colonel BRUNNER: Could you not get Victoria to do it?

Mr. BALL: I could not get Victoria so far into New South Wales. Boiled down the position is that we cannot go ahead with this work without money. The question has been considered by the Government, and it will be further considered in connection with the loan vote.

Major CONNELL: To be or not to be; that is the question!

Mr. BALL: The hon. member will have to wait for an answer to his question. I do not mind saying that as far as I am personally concerned I am doing all I can to get as much as possible put on the loan vote for the public works of this State. In connection with doing away with the loss on the Newcastle tramways reference has been made to the introduction of a motor service. I am not one of those who believe in trying to abolish motor-bus services. I believe those services are good for the people and beneficial to the State. The only stipulation I would make is that the motor

buses must pay something for the use of the roads. If the public convenience can be better served by a motor bus service I do not know why we should prevent the public from using it. The hon. member Mr. Baddeley said the motor buses in Newcastle took revenue away from the tramways. My answer to that is that no one is compelled to ride in motor buses. Those who use them do so because they better serve their convenience. It is a good thing to give the public every possible opportunity of using whichever service it prefers. I care not whether the motor-bus service comes into competition with the tramways or not; if they meet a public convenience and cater to a public want the public should have the choice of using them or the tramways, whether that diverted patronage prejudicially affects the tramway service or not. It is for the tramway authorities to make their service more attractive than the bus service.

Mr. DAVIES: It is your duty to do that!

Mr. BALL: No it is not. I am Minister for Railways, not Commissioner for Railways. If I were Commissioner I might act differently. I have put it to the people of Newcastle that if the thirteen local governing bodies of the district could come together for the purpose of controlling their own traffic it would be a good thing for Newcastle and the district. It has proved to be good in other parts of the State and in Victoria, where local governing bodies which have taken control of the traffic, have provided cheaper and better communication for the people. Reference has been made to the concrete roads at Newcastle. I wish we had more such roads in the State.

Mr. SPEAKER: Order!

Mr. BALL: I recognise just as much as hon. members who have brought this matter before me do, the importance of the electrification of the tramway system at Newcastle. Once more I say the question will be dealt with by the Government in connection with the loan vote. I would like to dispel the idea voiced by the Newcastle Council that I overlooked the matter because I did not deal with it in the revenue estimates. Let me emphasise the fact that it is not a matter for those estimates. It must be dealt

[*Mr. Speaker.*]

with in the loan vote, and when the loan vote is under consideration of the Government it will have due attention.

Mr. BADDELEY (Newcastle) [8.18], in reply: I am not satisfied with the reply of the Minister. He should not have brought up the question of motor services *versus* electrification of the tramways. If he has travelled to any extent he must know the advantages of an electric tramway service.

Mr. BALL: I have said that it is advantageous!

Mr. BADDELEY: Much that the Minister has said is only camouflage. It is certainly not in keeping with what he has said at Newcastle. The people of Newcastle want something definite from him. At the last election the Minister and others of his party went to Newcastle and said that everything Newcastle asked for would be given to it. If Newcastle would only out the Labour party all would be right. The Minister states that all that is needed is the necessary money. I believe I am safe in saying that if he were to come down with a sum of money on the Estimates to carry out the work he would get the support of every member of the Labour party. The Minister would be well advised in view of the facts placed before the House to take steps to assure the people of Newcastle that before long they will be able to travel not in old steam trams, but in an electric service which will be a credit to him as Minister.

Mr. ARKINS: Do you believe that every steam tram service should be electrified?

Mr. BADDELEY: Every steam tram in Newcastle should be electrified, and if possible every other steam tram. When the Minister had a proposal to spend £3,000,000 in providing a water supply for Sydney he said we should not be parochial in our ideas. Then he said in effect: "We want to go to Wollondilly." That is the Premier's electorate. If it is good enough to expend these large sums of money in other parts of the State it is good enough to expend money in the city of Newcastle. The people of Newcastle will not be satisfied with the Minister's answer. I am not. I trust the Minister will review his answer, and place at least £300,000 on the Estimates for this purpose.

Question resolved in the negative.

#### AMENDMENT OF STANDING ORDER.

Mr. OAKES (Eastern Suburbs), Colonial Secretary [8.32], moved:

(1) That standing order No. 281 be amended,—(a) by inserting after the word "Committees" the words "or a Temporary Chairman of Committees"; and (b) by inserting after the word "Chairman" secondly occurring, the words "or a Temporary Chairman." (2) That the amended standing order be presented by Mr. Speaker to his Excellency the Governor for approval.

He said: Under the conditions that apply to-day, the Chairman of Committees is the only person who can give the necessary certificate to go to the Speaker after a bill has been through Committee. It is now proposed that the Temporary Chairman of Committees shall be allowed to sign the certificate. It is reasonable to suppose that the time might come when the Chairman of Committees would not be in the House when the certificate had to be signed. He might not have been in the chair when the bill was in Committee; and, as at present, he is the only person who can sign the certificate, the business of the House would be held up on account of the fact that the certificate must be signed by the Chairman himself. What I am asking here is not in any way an innovation. In the Legislative Council the Chairman of Committees has the same functions, more or less, as those of our own Chairman of Committees. There is a Temporary Chairman, who can sign the necessary certificate to go to the President. This situation might readily occur: Suppose Mr. Speaker could not attend the House, and that the Chairman of Committees, in his capacity of Deputy-Speaker, took the position of Speaker. He would have to leave the chair of the Committee, and some other member would have to take that chair. The only person who could sign the certificate to go to himself as Deputy-Speaker would be the Chairman of Committees, and that would be himself. It is necessary to clear that difficulty up, so that the necessary certificate that goes to the Speaker can be signed by the Temporary Chairman of Committees. Let me put another case which might occur. Suppose the Chairman of Committees happened to be outside the State,

and consequently was not present in the House to discharge his duties. Suppose one of the Temporary Chairmen took the position, and a bill went through Committee. Under present conditions it would be necessary for the Chairman of Committees to be called back to sign the certificate before the bill could be sent to the Upper House. I am sure hon. members do not desire that state of things. Those hon. members who have been selected to fill the position of Temporary Chairmen are quite qualified to sign the certificate.

I was hoping that the House would take this as a formal motion, so as to expedite business. We have recently had the experience, when it was necessary to get a certificate, that it was not easily obtained. I recommend the motion to the House as a reasonable proposition.

Mr. ARKINS: If the Speaker were unavoidably absent, would the Deputy-Speaker have full authority to sign documents?

Mr. OAKES: That is rather a fine point, which I am not prepared to settle off-hand. If the Speaker were ill, and the Deputy-Speaker took his place, the Deputy-Speaker could not go into the chair as Chairman of Committees. He would have to relegate the duties to one of the Temporary Chairmen, and at present the Chairman is the only person who can sign the certificate. We wish to correct that anomaly.

Mr. LANG (Parramatta) [8.27]: I have heard no good reason given by the Minister to justify the House in making this alteration. First of all, there is no comparison between the Chairman of Committees and the Temporary Chairmen of Committees. The Chairman of Committees is the Deputy-Speaker. He is one of the highest officers of the House. He is paid a considerable salary for the duties he has to perform, and he has to run the gauntlet of being elected by the members of the House. The Chairman of Committees is generally selected from the members of the Ministerial side of the House because of his capabilities and his knowledge of procedure. In that we have a guarantee that the amendments made in measures which have passed through the Com-

[*Mr. Oakes.*

mittee stage will be carefully read by the Chairman to see that they are in order, and in accordance with the wishes of the Committee and the rules of Parliament, before he attaches his signature to the certificate. The Temporary Chairmen of Committees are not appointed by the House. They are appointed, I think, by Mr. Speaker, and are taken from the various parties that constitute the House.

Mr. ARKINS: But they have to be accepted by the House?

Mr. LANG: I do not think so. We have no say in the matter. The Temporary Chairmen, like other hon. members, are busily engaged with their parliamentary duties by looking after their constituents. They are not paid an extra salary for attending to the duties appertaining to the office of Chairman of Committees. If, on every occasion when the Government meets with some little difficulty, the Assembly has to alter its standing orders in order to meet the convenience of the Government, we might as well abandon the standing orders altogether, and let the business of Parliament be conducted by resolution carried at the whim of the Minister in charge. It is foolish to say an occasion might arise when the Chairman of Committees would be out of the State. The same might apply to Mr. Speaker. He could leave the State, and would not be here to conduct the duties appertaining to his high office.

Mr. OAKES: The Deputy-Speaker would be here to act for him!

Mr. LANG: Not at all. If the Chairman of Committees is going to make the excuse that because Mr. Speaker is here anyone can carry out the Chairman's duty, we are getting to a very nice state of affairs. The Chairman of Committees is paid to do this work, and he has no right to go outside the State or to be in any state that will prevent his carrying out his duties. I hope the House will not agree to this amendment of the standing orders. We would be in a nice position if we had five or six Temporary Chairmen one after another running out to read bills and attach their signatures to them. I intend to oppose the motion. A few nights ago the hon. member Mr. Jaques moved an amendment to the

standing orders to meet certain disabilities. While I offered no objection on that occasion, because of the circumstances giving rise to the need for that alteration, I said that it might lead the House on future occasions to treat the amendment of its standing orders very lightly, and that we might have Governments submitting amendments of the standing orders and pushing them through with the aid of the majority they had behind them. Little did I think at the time that within a few hours we would have the Ministry doing exactly what I forecasted might be done. I wish to point out to hon. members that there is a Standing Orders Committee; that that committee sits right through the sessions of Parliament; that it has year after year gone carefully through our standing orders and recommended certain amendments it considered necessary. After an investigation extending over a considerable time that committee succeeded quite recently in getting its proposed amendments placed before the House. The House took them all into consideration, and gave considerable time to their discussion. We had the best advice we could get from Mr. Speaker; the officers of the House, and the members of the committee, to which was added the experience of every member of this Assembly. Nobody then thought for one moment that an amendment such as is before the House to-night was within the bounds of possibility. Nobody ever dreamt that an occasion would arise that would necessitate an amendment such as this, and for such a temporary expedient. I consider the House would be very unwise if it passed the motion of the Colonial Secretary.

Mr. OAKES: Supposing the hon. member Mr. Greig, of your party, were in the chair during the Committee stage of a bill of two or three clauses, do you not think he is competent to sign the certificate to go to the Speaker?

Mr. LANG: I am not going to be put off with any individual event of such a kind. The Minister should not put up a case like that; what he should ask me is whether, when the filling of the position of Chairman of Committees is before the House, I would vote for the best and most capable man for that position, or

for some secondary candidate. The House should select from the party in power the best member available for that high office. The Ministry has in its wisdom selected a gentleman whom we all considered eminently fitted for the position, and one of the qualifications adduced was that he had had a legal training; that he was a solicitor of standing, and learned in the law. I have no actual knowledge, but I doubt not that his legal training helped him considerably in the party discussion which eventuated in his nomination for the Chairmanship of Committees. We should not amend the standing orders just because of some temporary difficulty or some imaginary difficulty that might occur ten years hence, when the Chairman is not present. It is equivalent to saying that in case the hon. member Mr. Hoskins gets in front of one of his motor buses we ought to immediately decide upon who should fill a possible vacancy in his position.

I suggest to the Minister that there is an easier way than that which he proposes. There is no legislation I know of so urgent that it will not keep for a day or two for the Chairman's signature; and I have not the slightest doubt that the little temporary difficulties the Government may find in its way will pass away, and perhaps never occur again in the history of at least this Parliament, and possibly of any future Parliament.

Mr. OAKES: My point is that the House has practically agreed to a member presiding in Committee, and all I ask is, that having done that he should be able to sign the necessary document!

Mr. LANG: Surely the Minister is not going to pretend that the sole duty of the Chairman is just to sit in the chair and listen to debate. The principal portion of his duty is to study and equip himself for the position he occupies, in order to obtain knowledge which will lend some weight to his signature when attached to a bill which has been passed through the Committee stage.

Mr. OAKES: Yet he may never have been in the chair at all!

Mr. LANG: He may never have been in the chair at all. In the same way Mr. Speaker, in his capacity as Speaker, may not know anything at all of what happens in Committee, but when the Committee

is not satisfied with some decision the Chairman has given, and refers to the Speaker, Mr. Speaker gives a decision on the facts brought before him. So it is with the Chairman of Committees, who, on his reading of the bill, and with the knowledge he should have, certifies that the bill is in order. If no such qualification is needed, then I think it is improper that a large salary should attach to the position of Chairman of Committees. If all the Chairman has to do is to sit in the chair for a little while just when it pleases him, and allow the hon. member Mr. Drummond, or the hon. member Mr. Greig, or the hon. member Mr. Loxton, or the hon. member Mr. O'Halloran, to do the work and sign bills as being in order, then the hon. member drawing the salary will have purely a sinecure, and may go far away to enjoy his salary as a member of Parliament, with the added prestige of being Deputy-Speaker of this House and drawing an additional salary for work that somebody else does. I say that would be wrong. I do not subscribe to the contention of the Minister, nor agree with hon. members who support this motion, that the Chairman of Committees has no other duty to perform than to sit in the chair and perfunctorily sign bills as being correct without having any special knowledge of them. But if that is so, then when the Estimates come before the House and an additional salary of £375 is provided for an hon. member having no particular ability or knowledge, I shall certainly not cast my vote to inflict upon the taxpayers an unjust charge, a false pretence, and a hollow mockery—the more hollow as coming from a Government which allegedly stands for economy.

Sir GEORGE FULLER: What additional expense is this?

Mr. LANG: What I am pointing out is that the Chairman of Committees receives £375 a year over and above his parliamentary allowance for carrying out certain duties as Chairman of Committees. The contention of the Minister in charge is that the Chairman of Committees need have no particular qualifications, that it is not essential that he should have any particular knowledge, that any ordinary member of this Assembly can sit in the chair as a Tem-

porary Chairman, that the Chairman of Committees can take the chair for a minute or two, perhaps not that, and simply sign the document to say that the bill has passed through all its proper stages, and that everything in Committee was right. If that is all that is necessary I say that the money which has been voted by Parliament to pay the salary of the Chairman of Committees has been voted under false pretences.

Mr. OAKES: Mr. B. B. O'CONNOR is Chairman of Committees in the Upper House, and he has the same power as I am asking for here!

Mr. LANG: What they do in another place does not appeal to me. Either some special knowledge must or must not be required for the Chairmanship of Committees.

Sir GEORGE FULLER: According to your argument, there should be no Temporary Chairmen of Committees at all!

Mr. LANG: That is not fair. That will not stand for one moment, because every one knows that Mr. Speaker cannot be asked to sit in the chair continuously throughout a sitting extending over, say, fourteen or more hours. We all know that there are occasions when Mr. Speaker should rightly be relieved, and that on those occasions the Chairman of Committees should take his place. But even if he is in the chair, and is performing the higher duty of Acting-Speaker, that does not prevent the Chairman of Committees from performing the work he is paid for. It is then that his special qualifications come into operation. It is his duty to read the bill and see that everything is as it should be before he appends his signature to it and informs Mr. Speaker that the bill is in conformity with the proper procedure. If that were not so, and if it were only a fiction, I am sure that Mr. Speaker would not take the attitude he took the other night—that the Chairman of Committees must sign the certificate before he would accept the bill as coming from the Committee stage. The reply may be that Mr. Speaker is bound to do that because of the standing orders. That may be so, but surely the standing orders are founded on wisdom. They have stood the test of time. They are for the protection of members of this House, and

[Mr. Lang.]

have not been drawn up for the convenience of Ministers. If hon. members will give an impartial vote, if they will vote as if this resolution were not a party matter, they will insist that any proposed amendment of our standing orders should in the first instance go to the Standing Orders Committee, and that that committee should have the right to review and carefully consider the true purport and meaning of the proposed amendment in order to see what protection we as members of this House are losing, in order to see why the standing order which it is proposed to amend was established, and to inquire into the full purport of the amendment suggested by the Minister. I would suggest to the Minister in charge that the best and proper way to deal with the proposed amendment is to refer it to the Standing Orders Committee for consideration and report. After the Standing Orders Committee has considered it, it might come back to the House, with that committee's report and recommendation, for our approval. Is the Minister prepared to consider the proposal to refer this matter to the Standing Orders Committee?

Mr. OAKES: No!

Mr. LANG: Very well, I am not going to test the House with an amendment, but I certainly intend to vote against the passing of this motion. It may be very nice to think that because you have charge of the House at this particular moment you can alter the standing orders which govern our procedure to suit your temporary convenience, but I would remind you that the day may come when you will sincerely regret your light treatment of the standing orders. You will regret that you amended the standing orders immediately a difficulty came in your way to serve the end you have in view temporarily. You may win by the force of your majority, but in the long run you may lose a good deal. You may suffer as the result of the withdrawal of some protection we hitherto had, and you may live to regret that you established a precedent to alter the standing orders by submitting a motion to the House, and forcing it through without giving hon. members enough time to consider the proposal. While that may suit you now, when you get into Opposition you

will find that what you thought was good when you were a Government is bad when you are out of power. You will live to regret that you did not do justice to the Opposition, and that you withdrew a protection which every member of Parliament is entitled to without regard to his position or what party he belongs to.

Mr. MOLESWORTH (Cumberland) [8.46]: I think, after hearing the very forcible and logical arguments put forward by the hon. member Mr. Lang, the Government would be well-advised if it decided to agree to his suggestion and refer the proposed amendment to the Standing Orders Committee for consideration and report. With only a few weeks of the session gone, and practically nothing done, it seems strange to me that the Government should be prepared to hold up its very ambitious programme and take up the time of this House with a proposal to tinker with the standing orders, and to create a patchwork quilt, so far as they are concerned, just to get over some temporary emergency of a character which has not been mentioned by the Minister who moved this motion. It seems strange that the Government should be prepared to practically suspend its programme and ask the House to agree to the proposed amendment of the standing order.

Mr. BAVIN: We never imagined that anybody would be foolish enough to oppose it!

Mr. MOLESWORTH: I admit that the Minister is a judge of the particular quality he refers to. After listening to Mr. Lang's forcible objection on the part of the Opposition, I feel that a doubt has arisen even in the mind of the Attorney-General—a doubt as to whether the proposed amendment is of a character which in the long run will best suit the well-being of this State. There is a danger that, with Temporary Chairmen of Committees dealing with the various measures that come along, and empowered to give certificates to the Speaker that these measures have passed through the Committee stages, and that certain decisions have been arrived at, they may sign something in connection with our legislation which Mr. Speaker may overlook, as I believe he overlooked an error quite recently. If the Government desired to

give effect to its programme it would not submit a motion of this kind, which is merely intended to occupy the time of the House. The Government, realising the approach of the Federal elections, wants to continue a policy of terrorism.

Mr. SPEAKER: Order! I must ask the hon. member to deal with the merits of the motion.

Mr. MOLESWORTH: The Minister has not given us any vital reason for bringing forward this proposal. He merely says that it will assist in expediting the business of the House, and that is not a good and sufficient reason to advance for vesting in certain officers powers which it was not originally intended they should exercise. For the fifty or sixty years which have elapsed since responsible government was introduced into this State we have been able to get along without having four or five officers to do what is one officer's work. I suggest that this matter should be referred to the Standing Orders Committee. There is always the danger, however good the intentions which prompt them, of proposals of this kind going astray or having a boomerang effect if they are not fully considered, and the House is not in a position to give proper consideration to the possible far-reaching effects of this proposal without first referring it to some tribunal which will be able to decide whether it is likely to bring about undesirable results. I am always prepared to do anything to expedite legislation of a humane character which will benefit the people of this State, but I fear that when the Labour Government is returned at the next election—

Mr. SPEAKER: Order! I have allowed the hon. member a good deal of latitude, and I must ask him to confine himself to the question before the Chair.

Mr. MOLESWORTH: While this may appear to be an innocent motion, it may react in the future under a different set of circumstances in such a way as to make the Minister regret his hasty action.

Mr. MURPHY (North Shore) [8.55]: I move:

That the question of amending standing order No. 281—(a) by inserting after the word "Committees" the words "or a Temporary Chairman of Committees";

[Mr. Molesworth.

and (b) by inserting after the word "Chairman" secondly occurring, the words "or a Temporary Chairman,"—be referred to the Standing Orders Committee for consideration and report.

Mr. SPEAKER: Order! I must ask the hon. member to put his amendment in a form in which I can present it to the House. I suggest that he should move that all the words after "That" be struck out with a view to inserting such words as he may desire.

Mr. MURPHY: I am moving my amendment along the lines I have indicated because I think the Minister, in asking the House to consent to an amendment of the standing orders, is creating an undesirable precedent. Various amendments of the standing orders have been consented to by the House after having been submitted for the consideration of the Standing Orders Committee. Recently I requested the Minister to frame certain amendments of our standing orders which would expedite our business and give a fair deal to hon. members. The Minister complied with my request on the following day, and his proposals were referred to the Standing Orders Committee.

Mr. OAKES: For the simple reason that they were not urgent, whereas this may be an urgent matter at any moment!

Mr. MURPHY: The standing orders have been in force for fifty or sixty years, and this is the first occasion upon which any question of urgency has arisen. We know that the matter became urgent only a few days ago, when the Speaker ruled that the Government could not proceed with certain bills because the certificate that they had been passed through their previous stages had been signed by the Temporary Chairman of Committees instead of the Chairman. As the hon. member Mr. Lang has stated, it is a serious matter to lower the prestige of the Chairman of Committees and Deputy-Speaker. It is not right to pay a man a high salary to perform certain duties and to then delegate his powers to other persons who are not in receipt of any remuneration. The proposed amendment would have a far-reaching effect. Like all other amendments of importance it should certainly be referred to the Standing Orders Committee. I think the Minister would be well advised to adopt

this course. What is the urgency for this motion? What has happened to the Deputy-Speaker and Chairman of Committees? Is he too ill to attend the House? If the urgency resulted from something having happened to the Deputy-Speaker hon. members might be prepared to temporarily agree to the proposed amendment of the standing orders. Until the Minister has explained the reason for the urgency I for one will refuse to consent to the Minister's proposal. So far as the powers of the Chairman of Committees are concerned, we know certain duties have to be performed. The Temporary Chairmen are appointed to relieve the Chairman on occasions when he finds it necessary to leave the chair during the discussion of a bill in Committee. Beyond that they have no power at all. The standing orders were not framed, nor do I think it was ever intended to give them more power. You might just as well say that when the Deputy-Speaker is elected you give him all the powers of the Speaker. You do nothing of the kind. You merely confer upon him the right to act in the capacity of Speaker in the absence of the Speaker from the chair. But in the absence of the Speaker from the State the Deputy-Speaker has no power at all, nor has he any control over the officers of the House.

MR. OAKES: What power has the Speaker which the Deputy-Speaker has not?

MR. MURPHY: The Speaker has full control over all the officers of the House during the session and when Parliament is in recess. He can employ labour, and he can dismiss the servants of the House, and attend to all matters pertaining to the duties of Speakers whilst the House is in recess. The Deputy-Speaker has only power to act for the Speaker during his absence from this Chamber, and whilst the House is sitting. Certainly he can sign messages, but there his duty ends. He cannot at any time give orders to the officers or attendants, nor can he dismiss any servant or employ labour. Even when it comes to the matter of deciding a vital point of order it is usually left to the Speaker. If the Speaker were absent the Deputy-Speaker would have no authority to do anything at all. The Minister will see that there

is a decided difference between the powers of the two. It would not be right to pay the Speaker to perform certain duties and then delegate those duties to an officer of inferior rank. What applies to the Speaker and the Deputy-Speaker also applies in a measure to the Chairman of Committees and the Temporary Chairman. My opinion is that it is inadvisable to ask the House to consent to any amendment of the standing orders which may have far-reaching effects in the future when the Government has been relegated to the cold shades of Opposition.

MR. JAKES: Do you not think that Mr. Greig and Mr. O'Halloran are well fitted to perform the duties now being carried out by the Chairman of Committees?

MR. MURPHY: I do; but the fact remains that we pay a member of this House to act in the capacity of Chairman, and to him should be delegated the power and authority to deal with all matters appertaining to that important position. During the regime of the late Administration the hon. member Mr. Stuart-Robertson, who is a sound constitutional authority, did not require assistance. He capably performed his duties through two or three strenuous sessions, and it should be possible for the present occupant of the office to act in a similar way. I move:

That the motion be amended by striking out all the words after "be" and inserting the following words in lieu thereof:—"referred to the Standing Orders Committee to consider and report on."

MR. SPEAKER: I am afraid I cannot accept the amendment in that form; it is quite unintelligible to me. The hon. member is not a new member of the House, and he must make himself acquainted with the ordinary elementary rules relating to amendments. What does the hon. member want to do? Perhaps I may be able to help him to frame his amendment.

MR. FRANK BURKE (Botany)[9.10]: The amendment of the standing orders proposed by the Minister will confer extraordinary powers on the Temporary Chairman of Committees.

MR. ARKINS: On a point of order, I understand there is an amendment before the Chair, but that some irregularity has

occurred through the hon. member's lack of knowledge, and that the proceedings are stayed for the moment. I intended to try to catch your eye, but I thought I must wait until the amendment was put.

MR. SPEAKER: What is the hon. member's point of order?

MR. ARKINS: That the hon. member is out of order in so much as the amendment is being dealt with and put in a correct form, and therefore the House is waiting for that to be done.

MR. SPEAKER: Order! That is not a point of order. Hon. members know substantially what the hon. member Mr. Murphy wants to put before the House, and if I help him to put his amendment in proper form I do not think I am doing anything wrong.

MR. FRANK BURKE: I say that the proposed powers are rather extraordinary powers to give to a Temporary Chairman of Committees. There is a great difference between a Deputy-Speaker and a Temporary Chairman of Committees. The Deputy-Speaker has been elected by the House, by reason of the position he occupies as Chairman of Committees, which automatically causes him to be the Deputy-Speaker of the House when Mr. Speaker is unable to be present. I think it would be far better for the conduct of the House if the Minister were to take into consideration the matter of having the Temporary Chairmen of Committees elected by the House. I see no valid reason why the Speaker should have the power of nominating the Temporary Chairman of Committees.

MR. SPEAKER: Order! I shall not allow the hon. member to go into that matter. The method of the appointment of the Temporary Chairmen of Committees is not a matter relevant to this motion at all. The substance of this motion is to enable a Temporary Chairman to sign a certificate, which at present may only be signed by the Chairman. The question of the election of the Temporary Chairmen of Committees cannot be said to be relevant to this motion, and I shall not permit the hon. member to discuss it.

MR. JAKES: May I ask, Mr. Speaker, what Mr. Murphy's amendment is?

MR. SPEAKER: It is practically that the matter be referred to the Standing Orders Committee.

[Mr. Frank Burke.]

MR. FRANK BURKE: I reiterate that I think the powers are too great and too extraordinary to place in the hands of hon. members who have merely been nominated by Mr. Speaker to be Temporary Chairmen of Committees. I think it would be conducive to the best conduct of this House if the standing orders were amended in the direction I have suggested. We are very circumscribed in regard to speaking on this particular matter, but at the same time I do say that in the interests of the House we ought to reject this motion in regard to standing order No. 281. I put that view forward as the view of this side of the House, which, it will be generally recognised, is the democratic side. I am sure that the Minister in his wisdom really sees the futility of a motion such as we have before us at present. I think it would be wise on his part to postpone this proposed amendment of the standing orders, for the purpose of giving further consideration to the matter. We quite recognise that in so far as constitutional government is concerned, the party which has the majority has the right to sit on the Government side of the House, and unfortunately we have to subject ourselves to the hon. members who for the time being are on that side of the House. It will only be for a period, but for the present they are the governing body. No doubt this matter has been discussed in Cabinet before being submitted to the House. I think the Minister might very well refer it back to Cabinet for further consideration. I do not think there is an Assembly in the whole of the British dominions which vests such powers in a Temporary Chairman of Committees as are here proposed to be vested. I do not profess to be a particularly close student of political economics, nor to be familiar with conditions in all parts of the world, but I suppose I have as good a knowledge of them as most hon. members of this House. I am sure that as far as the House of Commons is concerned no such powers are vested in the Temporary Chairmen of Committees as are proposed here to be so vested.

MR. OAKES: This has been done here until quite recently. It has been in operation for all the years you have been in Parliament!

Mr. FRANK BURKE: I say at once that that is absolutely wrong. It is certainly not in operation as far as the House of Commons is concerned, and it is not in operation in Canada, and I defy the Minister to show this House that it is in operation in any Parliament in the British Dominions.

Mr. JAKES: It is in operation in Canada!

Mr. FRANK BURKE: I am sure that the hon. member cannot show me that it is so.

Mr. BAVIN: They have it in Jamaica, too!

Mr. FRANK BURKE: They may have it in the West Indies, but in no democratic State, such as we have here, has such a power been vested in persons who are not elected by the representatives of the people. The Minister tells us that this system has been in operation in this House for some considerable time. Then what is his reason for wishing to introduce the amendment, if it is already the practice? I say it does not exist in any other British Parliament.

Mr. FITZSIMONS: What about Queensland?

Mr. FRANK BURKE: If you want to live cheaply in Australia, go to Queensland. I say that no hon. member on the other side of the House can point out that this proposed system is in vogue in Queensland, or in any other State of Australia. What is the object of the Government in desiring to bring about this change? We have hon. members on this side of the House who act in the position of Temporary Chairman of Committees, and I admit that they are gentlemen of great capacity. We also have gentlemen from the other side of the House acting in that office, such as the brilliant and influential and notable gentleman, the hon. member Mr. Loxton, who showed his capacity as Temporary Chairman of Committees by emptying out one hon. gentleman within the space of five minutes after he had got into the chair. I say that no Temporary Chairman of Committees should occupy the chair unless he has been elected by the members of this Assembly. If the Colonial Secretary will say he is pre-

pared to withdraw this amendment with a view to introducing one for the purpose of allowing the House to elect—

Mr. SPEAKER: Order! I have already ruled that the hon. member may not deal with that matter. This is the second time that I do so.

Mr. FRANK BURKE: I admit that. I regret that we are so restricted by the rules of debate. I would appeal to the Minister to refer the matter back to the Cabinet so that the provision may be made more democratic.

Mr. ARKINS (St. George) [9.21]: I have listened with a great deal of attention to the arguments put by the other side. One of the remarkable things that struck me was the hurricane of eloquence that ushered in the opposition to the proposed amendment of the standing order and the willy-willy that is ushering it out. As to the fury into which the hon. member Mr. Lang lashed himself, it reminded me of a Goliath flogging himself into a passion with whiplong made of finely-spun spider's web. His presumptuous assumption of hypocritical anger on a matter which when weighed up is a simple nothing was astonishing. This is merely a motion to amend the standing order so as to allow five hon. members appointed by Mr. Speaker—a man eminently qualified to select them—

Mr. FRANK BURKE: I rise to order. I submit that the hon. member has no right to refer to you in connection with this matter.

Mr. SPEAKER: I confess I did not hear what the hon. member said, because I was in consultation with the Clerk at the time. The hon. member knows he must not introduce that subject.

Mr. ARKINS: I was merely saying that your experience and knowledge in appointing Temporary Chairmen would assure their being men of capacity to fill the position. Assuming that, and knowing that the Temporary Chairmen have the Speaker's imprimatur, they should be given the necessary power. We have as Temporary Chairmen such gentlemen as Mr. Loxton, Mr. Drummond, Mr. Greig, Mr. Wilson, and Mr. O'Halloran. Amongst them are two members from the Opposition side of the House, to

whom surely the Opposition will not object: This amendment of the standing orders is only to give power in an emergency to any one of those five hon. members to sign documents issuing from Committee. Yet we hear hon. members veritably frothing at the mouth, as the hon. member who has just resumed his seat did, at an action of the Government which I consider justifiable. I entirely oppose the amendment of the hon. member Mr. Murphy. Not long ago we had a select committee of this Chamber investigating an election, and the result was by no means creditable to it.

MR. SPEAKER: Order! The hon. member's present observations have no relevancy whatever to the question now before the Chamber.

MR. ARKINS: I am pleased to see that the Government has at the first and most opportune moment taken steps to amend the standing orders in this direction. It is a most necessary amendment that will facilitate the business of the Committee. We have heard five members from the opposite side say to-night that they are against wasting the time of this Assembly, and they accuse Ministers of wasting time in submitting this motion. We have had a solid phalanx of five members of the Opposition, and no doubt if Mr. Wright had been here—

MR. SPEAKER: If the hon. member does not discuss the question before the House I shall have to ask him to resume his seat.

MR. ARKINS: I welcome the alteration. It is necessary to facilitate the business of the House.

MR. SPEAKER: The amendment of the hon. member Mr. Murphy has now been framed in the form in which it will be put to the House.

Amendment (by Mr. MURPHY) proposed:

That all the words after "be" be struck out, and the following be inserted in lieu thereof:—"referred to the Standing Orders Committee to consider and report upon the following amendments—(a) the insertion after the word 'Committees' of the words 'or a Temporary Chairman of Committees,' and (b) the insertion after the word 'Chairman,' secondly occurring, of the words "or a Temporary Chairman."

MR. BAVIN: I move:

That the question be now put.

[Mr. Arkins.

The House divided..

Ayes, 40; noes, 29; majority, 11.

AYES.

Anderson, D. M.	Lane, A.
Arthur, Dr. R.	Lee, J. R.
Bagnall, W. R. C.	Ley, T. J.
Ball, R. T.	Missingham, W. T.
Bavin, T. R.	Morrow, T. H.
Bennett, W.	Morton, Mark F.
Bruntnell, A.	Ness, J. T.
Brunner, Lt.-Col.	Oakes, C. W.
Buttenshaw, E. A.	Perdriau, R. S.
Cameron, W.	Perkins, J. A.
Chaffey, Captain	Rutledge, Lt.-Col.
Doe, B. J.	Stopford, Dr. R.
Drummond, D. H.	Vincent, R. S.
Fell, W. Scott	Walker, R. B.
Fitzsimons, W. R.	Wearne, W. E.
Fuller, Sir George	Weaver, R. W. D.
Henley, Sir Thomas	Wilson, J. C.
Hill, T. H.	
Hoskins, T. J.	
Jackson, J.	
Jaques, H. V.	

Tellers,

Arkins, J. G. D.  
Kilpatrick, M.

NOES.

Baddeley, J. M.	McGirr, James
Bailey, J.	McKell, W. J.
Birt, J. E.	Molesworth, V.
Burke, Frank	Murphy, C. H.
Connell, Major	Murray, D.
Davidson, M. A.	Mutch, T. D.
Davies, W.	O'Brien, W. J.
Dooley, J.	O'Halloran, R. E.
Fitzgerald, J. J.	Quirk, J.
Flannery, M. M.	Skelton, W. P. J.
Greig, R.	Stuart-Robertson, R. J.
Lang, J. T.	Wright, J.
Lazzarini, C. C.	
Loughlin, P. F.	
McClelland, A.	

Tellers,

Gosling, M.  
Ratcliffe, W. J.

Question so resolved in the affirmative.

Question—That the words proposed to be struck out stand part of the question—put. The House divided:

Ayes, 40; noes, 29; majority, 11.

AYES.

Anderson, D. M.	Kilpatrick, M.
Arkins, J. G. D.	Lee, J. R.
Arthur, Dr. R.	Ley, T. J.
Bagnall, W. R. C.	Missingham, W. T.
Ball, R. T.	Morrow, T. H.
Bavin, T. R.	Morton, Mark F.
Bennett, W.	Ness, J. T.
Bruntnell, A.	Oakes, C. W.
Brunner, Lt.-Col.	Perdriau, R. S.
Buttenshaw, E. A.	Perkins, J. A.
Cameron, W.	Rutledge, Lt.-Col.
Chaffey, Captain	Stopford, Dr. R.
Doe, B. J.	Vincent, R. S.
Fell, W. Scott	Walker, R. B.
Fitzsimons, W. R.	Wearne, W. E.
Fuller, Sir George	Weaver, R. W. D.
Henley, Sir Thomas	Wilson, J. C.
Hill, T. H.	
Hoskins, T. J.	
Jackson, J.	
Jaques, H. V.	

Tellers,

Drummond, D. H.  
Lane, A.

## NOES.

Baddeley, J. M.	McClelland, A.
Bailey, J.	McGirr, James
Birt, J. E.	McKell, W. J.
Burke, Frank	Molesworth, V.
Connell, Major	Murphy, C. H.
Davidson, M. A.	Mutch, T. D.
Davies, W.	O'Brien, W. J.
Dooley, J.	Quirk, J.
Fitzgerald, J. J.	Ratchiffe, W. J.
Flannery, M. M.	Skelton, W. P. J.
Gosling, M.	Stuart-Robertson, R. J.
Greig, R.	Wright, J.
Lang, J. T.	<i>Tellers,</i>
Lazzarini, C. C.	Murray, D.
Loughlin, P. F.	O'Halloran, R. E.

Question so resolved in the affirmative.

Amendment negatived.

Mr. STUART-ROBERTSON (Balmain) [9.45]: I think the Government would be well advised not to make the amendment of the standing orders a party question. It may or may not be a good thing to amend the standing order in question, but we have a Standing Orders Committee attached to this Chamber for the purpose of reviewing the standing orders on behalf of the whole of the members of this House. It is entirely wrong for the Government to attempt to do a thing which, I submit, has never occurred in any other Parliament in the British Dominions. If this proposal were submitted to the Standing Orders Committee it is just possible I would be in favour of it; but I should want to go into it in a proper and conciliatory manner, and to know exactly what I was doing, before I was prepared to make an alteration in a standing order involving probably an extraordinary change in the procedure for dealing with measures after they leave Committee. Take a big measure such as the Profiteering Prevention Act, which was passed by the last Parliament. It would take three-parts of the day for the Clerk of the House and the Chairman of Committees to read through that measure. Are we going to call upon a Temporary Chairman of Committees, who possibly has many other duties to perform, to take up the duties of Chairman of Committees, to go into some private room in this House—because, I suppose, the Chairman's room would not be available to him—read through a measure of that length and examine every clause of it to see that it is cor-

rect, before a certificate can be given to the Speaker? That is what is indicated by the proposed amendment. It is intended not merely for cases of emergency, but for any occasion. To call upon the Temporary Chairman to undertake such work is, I submit, not a correct thing to do. For a member of the Cabinet to come down to this Chamber and deliberately make a party or Government question of an amendment of the standing orders which are to govern the whole of the proceedings of this House is, I say advisedly, positively indecent. Above all, to attempt to "gag" hon. members, and prevent their discussing such an important proposal—

Mr. LEY: Why waste the night?

Mr. STUART-ROBERTSON: How is it wasting the night? Where is the waste? Why does Mr. Speaker go to the Governor immediately he is elected, and lay claim to our rights? Because he is the custodian of our rights. As chairman of the Standing Orders Committee, he should have all the pros and cons of the question set before him in private, and then report to the House.

Mr. OAKES: You have been Chairman of Committees, and you know the duties. Can you say that when you were Chairman no Deputy-Chairman ever signed the certificates?

Mr. STUART-ROBERTSON: I can say that when I was Chairman of Committees it took me as much as three-parts of the day to read one measure through.

Mr. OAKES: But did not a Temporary Chairman ever sign the certificates when you were Chairman of Committees?

Mr. STUART-ROBERTSON: It may have occurred, but I have always held that it is the right only of the Chairman of Committees to do that work. During the time I was Chairman of Committees one of the Temporary Chairmen may have signed a certificate, but for the moment I cannot recall an instance where that happened as a matter of urgency, because when I was Chairman of Committees I was always in the Chamber ready to sign any measure that went through Committee. It is not a question of what may have been rightly or wrongly done in the past. What I am putting to the Minister is this: that no Government is entitled to

make the amendment of the standing orders a party question. It should not be a party question; it should be a question for the whole of the members of this House. When an amendment of the standing orders is proposed it should be brought before this Chamber by Mr. Speaker, who is the custodian of the rights of hon. members. I therefore protest against any attempt on the part of any Government to amend the standing orders without first referring the proposed amendments to the Standing Orders Committee. When the hon. member Mr. Jaques brought in his amendment of the standing orders I recognised that a precedent was being established, but in view of the fact that the amendment he proposed particularly affected himself I raised no objection on that occasion, but it is a vastly different thing to come here and practically assert that the Government should have the right to come along and amend the standing orders. The Government has not got that right, and no precedent can be found in any Parliament under the British flag giving it that right. Even at this stage the hon. gentleman, for the sake of the honor and integrity of this Chamber, would be well advised to refer the proposed amendment to the Standing Orders Committee, so as to allow the matter to be thrashed out by the members of that committee, which would then report to this House. Then Mr. Speaker, as Chairman of that committee, could place his views before the House, and an entirely different complexion might be put upon the whole question. As it is, Mr. Speaker cannot express his views, and for that reason I say that any proposed amendment of the standing orders should be referred to the committee appointed for that purpose.

Captain CHAFFEY: I move:

That the question be now put.

The House divided:

Ayes, 36; noes, 26; majority, 10.

#### AYES.

Anderson, D. M.	Bruntnell, A.
Arkins, J. G. D.	Bruxner, Lt.-Col.
Arthur, Dr. R.	Buttenshaw, E. A.
Bagnall, W. R. C.	Cameron, W.
Ball, R. T.	Chaffey, Captain
Bavin, T. R.	Doe, B. J.
Bennett, W.	Drummond, D. H.

[Mr. Stuart-Robertson.]

Hill, T. H.	Perkins, J. A.
Hoskins, T. J.	Rosenthal, Sir Chas.
Jackson, J.	Rutledge, Lt.-Col.
Jaques, H. V.	Stopford, Dr. R.
Kilpatrick, M.	Vincent, R. S.
Lane, A.	Walker, R. B.
Lee, J. R.	Wearne, W. E.
Missingham, W. T.	Wilson, J. C.
Morton, Mark F.	
Ness, J. T.	<i>Tellers,</i>
Oakes, C. W.	Fitzsimons, W. R.
Perdriau, R. S.	Morrow, T. H.

#### NOES.

Baddeley, J. M.	Molesworth, V.
Bailey, J.	Murphy, C. H.
Birt, J. E.	Murray, D.
Burke, Frank	Mutch, T. D.
Connell, Major	O'Brien, W. J.
Davies, W.	O'Halloran, R. E.
Fitzgerald, J. J.	Quirk, J.
Flannery, M. M.	Ratcliffe, W. J.
Gosling, M.	Stuart-Robertson, R. J.
Greig, R.	Wright, J.
Lang, J. T.	
Lazzarini, C. C.	<i>Tellers,</i>
Loughlin, P. F.	Davidson, M. A.
McGirr, James	McClelland, A.

Question so resolved in the affirmative.

Question—That the motion be agreed to—put. The House divided:

Ayes, 36; noes, 25; majority, 11.

#### AYES.

Anderson, D. M.	Lane, A.
Arkins, J. G. D.	Lazzarini, C. C.
Arthur, Dr. R.	Lee, J. R.
Bagnall, W. R. C.	Missingham, W. T.
Ball, R. T.	Morrow, T. H.
Bavin, T. R.	Morton, Mark F.
Bennett, W.	Ness, J. T.
Bruntnell, A.	Oakes, C. W.
Bruxner, Lt.-Col.	Perdriau, R. S.
Buttenshaw, E. A.	Perkins, J. A.
Chaffey, Captain	Rosenthal, Sir Chas.
Doe, B. J.	Rutledge, Lt.-Col.
Drummond, D. H.	Vincent, R. S.
Fitzsimons, W. R.	Wearne, W. E.
Hill, T. H.	Wilson, J. C.
Hoskins, T. J.	
Jackson, J.	<i>Tellers,</i>
Jaques, H. V.	Cameron, W.
Kilpatrick, M.	Stopford, Dr. R.

#### NOES.

Baddeley, J. M.	McGirr, James
Bailey, J.	Murphy, C. H.
Birt, J. E.	Murray, D.
Burke, Frank	Mutch, T. D.
Connell, Major	O'Brien, W. J.
Davies, W.	O'Halloran, R. E.
Fitzgerald, J. J.	Quirk, J.
Flannery, M. M.	Ratcliffe, W. J.
Gosling, M.	Stuart-Robertson, R. J.
Greig, R.	Wright, J.
Lang, J. T.	<i>Tellers,</i>
Loughlin, P. F.	Davidson, M. A.
McClelland, A.	Molesworth, V.

Question so resolved in the affirmative.

# WRIGHTVILLE MUNICIPALITY ABOLITION BILL.

## THIRD READING.

Mr. OAKES (Eastern Suburbs), Colonial Secretary, for Mr. J. C. L. FITZPATRICK [10.8], moved:

That this bill be now read a third time.

He said: During the debate on the second reading of the bill the hon. member Mr. Lang and the hon. member Mr. Davidson requested the Minister in charge of the bill to supply certain information, and he promised to do so at the third-reading stage. I now wish to communicate the information which has been obtained in fulfilment of that promise, so that hon. members may be seized of the facts. The questions asked by Mr. Lang and the answers thereto are as follow:—

Q. When the municipality is abolished will it be included in the adjoining shire? A. The area now embraced in the municipality will become part of the Western Division. It will not form part of any incorporated area. Q. Whether the rates collected in the area embraced in the municipality will be employed in making improvements in that area? A. It is not anticipated that there will be any surplus available for expenditure in the area after the creditors are paid.

The questions asked by Mr. Davidson and the answers thereto are as follow:—

Q. Whether any debts are owing to the council by mining companies, and what action the Government intends to take to collect any such debts? A. Amounts are owing by certain companies, but owing to the destruction of the books the exact amounts are not known at present. The administrator is taking steps to obtain this information, and is endeavouring to collect the rates from all ratepayers. Q. What action was taken by the municipality of Cobar when the Government asked it to incorporate the municipality of Wrightville with the municipality of Cobar? A. A public inquiry was held into a proposal to unite the municipality of Wrightville with the municipality of Cobar. The Cobar Municipal Council strongly opposed the proposal. Q. Whether it is the intention of the municipality of Cobar to apply for an extension of the municipal boundaries so as to include Wrightville? A. The department has no knowledge of any such intention. See also answer to preceding question. Q. What accounts are owing to the municipality of Wrightville? A. Approximately £1,000, but owing to the destruction of the books by fire only about £150 can be proved to

be due and recoverable. Q. What are the council's liabilities, and what is owing to the Government? A. Approximately £200. Nothing is owing to the Government.

That is the information supplied by the Minister in answer to the questions asked, and I now appeal to the House to approve of the third reading of the bill.

Mr. DAVIDSON (Sturt) [10.12]: I do not wish to delay the bill nor yet to oppose it, but I notice that whilst there is provision for the appointment of someone to administer the affairs of the Wrightville Municipal Council, which is defunct owing to the dislocation of the mining industry, there is no provision for the administrator to collect any of the moneys due to the council, nor is there anything to show what is to become of the assets.

Mr. OAKES: What are they?

Mr. DAVIDSON: There are the municipal council chambers, and there are other assets which belong to the council, and I think there should be some provision for the administrator to carry on certain necessary work. If the Local Government Act permitted of it, it would be better for the Minister to make provision for the adjoining municipality of Cobar to take over the assets. There never should have been a municipality at Wrightville. Eventually, when the mining industry revives, no doubt the Cobar Council will apply for an extension of the municipal boundaries. The two councils worked in conjunction for some time. I hope the Minister will recommend to his colleague the Minister for Local Government, who has charge of the bill, that any assets which cannot be otherwise disposed of in order to meet the liabilities of the council, should be handed over to the Cobar Municipality. Provision should also be made giving the administrator power to collect the debts due to the municipality. I cannot understand how the Government arrives at the conclusion that the administrator in time is going to meet the council's liabilities when, as the Minister tells us, the whole of the books and papers have been destroyed. I hope the Minister will convey to his colleague the suggestions I have put forward.

Mr. OAKES: I promise the hon. member I will do that!

Mr. DOE (Sturt) [10.16]: So far as the municipal building is concerned, one of the assets referred to by the hon. member Mr. Davidson, I hope the Minister will not agree to its being handed over to a municipal body which is some 3 miles away, and which has no interest in the matter at all. The building is of no great value.

Mr. DAVIDSON: I only referred to the assets which could not be disposed of by the Government!

Mr. DOE: The hon. member specifically mentioned the hall, and, as one of the representatives of the district, I strongly object, in the interests of the people of Wrightville, to the building being handed over to a body which has been put to no expense in connection with its erection. If the Government desires to act wisely and fairly, it will make provision by which no outside body shall control the building, and by which the people whose money has put it there shall have sole control. I hope the Government will see that not only is the building reserved for those who paid rates for many years in order to erect it, but that any other assets, which may remain after the liabilities have been met, are also reserved for their benefit.

Mr. WRIGHT (Sturt) [10.18]: I represent the particular district in which the municipality of Wrightville is, and in that capacity I want to know whether the people held any meeting to decide what should be done? I want the people who live in the district to instruct me and my colleagues.

Major CONNELL: Nobody can be found there!

Mr. WRIGHT: That is silly. I know of no district, even if it is abandoned, where a few people cannot be found in it, and so long as there are a few people they are entitled to be heard. A very few people are heard in this country. A very few people make important appointments. A very few people appoint a District Court judge. A District Court judge is there for seven years, and then he gets a pension for life. Speaking of Wrightville, I may say that it is near Cobar, and once was a lively place. You

will find men who were born there and who grew up there, and some of whom have died there.

Question resolved in the affirmative.

Bill read a third time.

#### LOTTERIES AND ART-UNIONS (AMENDMENT) BILL.

##### THIRD READING.

Mr. BAVIN (Ryde), Attorney-General [10.26], moved:

That this bill be now read a third time.

He said: During the debate on the second reading, and at the Committee stage of this bill, there were one or two matters in regard to which I promised to get information for certain hon. members. The hon. member Mr. Goldstein suggested that some provision should be made in the bill to see that art-union prizes were of the value represented. With regard to that, I omitted to mention at the time that before an art-union is sanctioned by the Attorney-General it is necessary for four reputable persons to certify that the prizes to be distributed are of the value stated. So it is not necessary to make that provision in the bill.

Mr. STUART-ROBERTSON: It is the law at the present time!

Mr. BAVIN: Yes. Then the hon. member Mr. McTiernan made a suggestion that the necessity for a certified copy of the articles of agreement to be lodged might be dispensed with. This matter has been looked into, and it has been found that it would really make no difference in the amount of clerical work to be done or in the amount of care to be exercised in looking after the returns. I have carefully considered the matter, and I do not consider it necessary to do as suggested. There was a suggestion made by the hon. member Mr. Jaques and another hon. member that ambulances should be regarded as coming within the provisions of clause 4 of the bill. That is, that they should be regarded as charities.

Mr. DAVIES: And also surf clubs!

Mr. BAVIN: As far as surf clubs are concerned, I expressed my opinion then. In regard to ambulances, I have con-

sidered the matter, and there is no doubt whatever that if an ambulance is not run for private profit it is a charity.

Mr. DAVIES: Does the Minister not think that a life-saving club is the same?

Mr. BAVIN: No, I do not think so. I am clear as regards ambulances, and they do come within clause 4 of the bill.

Mr. DAVIES: Why not include life-saving clubs?

Mr. BAVIN: No, I will not include them. That matter was discussed, and I stated at the Committee stage that I would consider certain suggestions. The suggestion which the hon. member now makes was considered then, and I told the Committee why I would not entertain any extension of the facilities for gambling. This bill was never intended for that. Whatever my own personal opinions may be, I said that I was not prepared to extend in any way the conditions under which these devices may be used.

Mr. BADDELEY: Cannot the Kurri ambulance be brought within the scope of clause No. 4?

Mr. BAVIN: No, I have obtained the papers, and looked into that matter. The reason for the refusal in that case was entirely independent of whether the Kurri ambulance was a charity or not. The funds were to be raised for the erection of a hall. That is not a charity in any sense. A hall that is to be used for classes and for other purposes cannot be classed as a charity.

Mr. DAVIES: If you want ambulance men you must give them the training!

Mr. BAVIN: I am perfectly aware of that; but you might as well include all places in which people are taught. Ambulances which are not a source of private profit come within the definition, but the erection of a hall for ambulances classes and for other purposes is an entirely different thing. An hon. member asked whether carnivals and other methods of making collections for soldiers would come within the definition of charities. There is no doubt they do. With regard to clause 9, which provides a penalty for selling lottery tickets in a street, or for selling to persons in a street from a doorway or right-of-way, or on private land adjoining a street, Major Connell asked me to reconsider the clause with a view

to seeing whether some limitation could be expressed. I have since considered the matter. It may be that when I was discussing it the other night I was rather tired, and did not appreciate the exact force of the words used in the bill. The provision in the bill only prohibits sales in a street or sales from a right-of-way, doorway, or any private land adjoining a street to any person in such street. If a man was standing in a doorway or in a right-of-way, or on private land adjoining a street and sold a lottery ticket to a person in the street, it would be an offence.

Major CONNELL: If a person goes into a doorway or a right-of-way or on to private land he could buy a ticket?

Mr. BAVIN: Yes, if he goes off the street.

Mr. DAVIES: But if a person pauses in the street to buy a ticket, what happens?

Mr. BAVIN: A person selling tickets cannot sell them to a person on the street. It is quite easy to find fault with this definition, but there must be some point at which an offence commences. The matter has been considered, and it is not thought desirable to have these tickets sold in the streets.

Mr. STUART-ROBERTSON: If a person exposes tickets for sale in a right-of-way and people passing along the street step into the right-of-way they can purchase? If the purchase is not made in the street there is nothing in the bill to prevent it?

Mr. BAVIN: That is so.

Mr. LANE: Do you call a gateway a right of way?

Mr. BAVIN: So long as people go off the street on to private land—land that is not a public street—to make a purchase we cannot interfere with them.

Mr. NESS: What is the difference between selling in the street and selling in a private right-of-way? Why not stop the selling altogether?

Mr. BAVIN: We are not dealing with the whole institution of gambling; we are regulating this particular form of enterprise. This bill deals with lotteries and art-unions.

An HON. MEMBER: Why not make one job of the whole thing and be done with it?

Mr. BAVIN: We cannot make one job of the whole thing and be done with it.

This bill is not intended to give effect to an anti-gambling policy. It is intended to regulate a particular kind of evil which has arisen in connection with art-unions and lotteries. Most of the criticisms of the bill are based on a misapprehension. It is intended to deal with a specific evil which has grown up in connection with art-unions and lotteries.

Mr. JACKSON: Do you not propose to clear the streets?

Mr. BAVIN: I do, as regards the sale of tickets. The bill makes the sale of tickets in the streets illegal. It makes illegal what at the present time is legal, that is, it will not allow persons to stand just off the building line and, when they are challenged, get back over the building line. Under the present law there is no penalty provided for such a case, and I am providing a penalty in connection with sales in the street. It is obvious that if we allow tickets to be sold at all, they must be sold somewhere. We cannot prevent the sale of tickets on private land. All that we are trying to do is to prevent sales in the street.

Mr. LOUGHLIN: Does not clause 3 prevent sales in the street or elsewhere?

Mr. BAVIN: Yes, in the case of an illegal lottery.

Mr. LOUGHLIN (Cootamundra) [10.39]: This bill is an infringement of the rights and innocent recreations of the people, and for that reason I am not disposed to allow the third reading to go as a formal matter. I know the Minister claims to have a mandate to deal with what he considers an evil; but I would point out that not 20 per cent. of the people of New South Wales regard art-unions and raffles as evils at all. Eighty per cent. of the people are quite willing to take tickets in them, and I should like to know what warrant the Minister has from the people for coming along with a bill of this kind to make things illegal which are not so at present. People's consciences are after all the guide in these matters. If a man's conscience tells him that it is no harm to buy a ticket in the street or elsewhere for an art-union or for the Golden Casket in Queensland, then he believes it is no harm to sell it. To make an evil of something which is inherently innocent is altogether a wrong principle to introduce

[*Mr. Bavin.*

into legislation. After all, there is no public interest calling for this measure. I never heard of anybody learning to be dishonest because he expended too much money in purchasing art-union tickets. Next Saturday you can go out to Randwick, where I suppose £60,000 or £70,000 will change hands in gambling; yet, while you are prepared to ignore that, you say that a man should not sell a ticket in an art-union or raffle which may be for a very good object. Many of these art-unions and raffles are for very good objects. People do not take tickets in a raffle for a 10s. note or a turkey merely for the sake of winning the article; generally it is for the sake of benefiting the cause in view. As a matter of fact it is a pleasurable way of doing a very good work, and one which is in conformity with our very latest methods of education. In kindergarten teaching the idea is to get a child to do something in such a way as to give it pleasure.

Mr. LANE: That is the way with art-unions—to teach them to gamble!

Mr. LOUGHLIN: It is nothing of the kind. If you want to attack gambling you had better go out to Randwick. The hon. member Mr. Lane may have moral scruples against indulging in raffles, but I do not think he ought to suggest that his own particular—I was going to say narrow—views should be the standard for the rest of the community.

Mr. LANE: I do not think you ought to make light of this matter and to misinterpret my views!

Mr. LOUGHLIN: I do not wish to argue the point. I feel disposed to allow other hon. members who are more anxious about it than myself to do so. The Minister ought to recognise how inconsistent he is. A man may purchase a ticket for a certain raffle in New South Wales, but he may not purchase a ticket for the Golden Casket drawing in Queensland.

Mr. BAVIN: Do you not understand that the legislation I have introduced does not make art-unions illegal? The main purpose of this bill is to prevent swindling!

Mr. LOUGHLIN: So far as that is concerned I was rather impressed with the figures the Minister quoted. If those figures in any way represent the state of

affairs existing it is about time that limitations were imposed in those directions.

Mr. BAVIN: The purpose of this bill is not to make art-unions illegal!

Mr. LOUGHLIN: I do not think the Minister should have introduced a bill of this nature. I know the Attorney-General has a reputation for moral courage, but I do not think that he is altogether displaying it by introducing a bill of this kind. In my opinion his time would be better occupied dealing with more important matters.

Mr. BAVIN: Do you know that the bulk of the clauses in the bill were drafted by your own Attorney-General when you were in office, and that they would have been introduced by your Government if it had stayed in office long enough?

Mr. LOUGHLIN: I don't know about that. The bill which the Minister says was drafted was not approved of by Cabinet. As the Minister knows the mere drafting of a bill does not mean that it will be introduced in the form in which it is drafted. One of the matters the Minister has dealt with is the investing of a few shillings in a ticket in the Golden Casket drawing in Queensland. In this matter I think the Minister has gone out of his way. He might very well have left things of this kind to the churches. If the churches think these things are wrong it is open to them to convince the people that they are wrong. If the churches fail to do that I do not think any Government should come along and endeavour to force such puritanical doctrines down the throats of the people against their wishes and against their beliefs.

An HON. MEMBER: It is interfering with the poor people's pleasure!

Mr. LOUGHLIN: Absolutely. In conclusion I wish to enter my protest against this bill, and to express my regret that the Minister should almost have wasted his time in introducing it.

Mr. BADDELEY (Newcastle) [10.49]: I regret very much that the Minister has not struck out that portion of the bill which refers to the selling of art-union tickets in the streets. In connection with the Eight Hours Day Art-union tickets are sold in the streets, but I understand that this bill, if passed, will preclude

men from selling those tickets. Many men who are up in years are glad to get a chance to earn a little money selling these tickets, which are for something which is not altogether a lottery, because prizes are of fair value. A person who sells these tickets in the streets does no more harm than a person who sells race tickets in some other place. I would appeal to the Minister to adopt somewhat less drastic provisions than those contained in the bill, particularly in regard to precluding the sale of tickets in the street. I intend to vote against the bill principally because of the restrictions placed upon the running of art-unions and lotteries in connection with efforts directed to raising funds in aid of ambulances and mechanics' institutes. I think the very best of work is done by citizens who raise funds for educational purpose. It is of the utmost importance that every facility should be given for the delivery of lectures and for the holding of demonstrations in connection with the rendering of first aid to the injured, and if restrictions are to be imposed upon those who are interested in ambulance work the Government should come forward with subsidies in aid of ambulance classes. If the Minister would accept the suggestions which have been made in regard to relaxing the restrictions relating to the running of art-unions and lotteries in aid of laudable objects such as those I have referred to he would get very much more support for the measure. I do not regard the selling of tickets in art-unions which are run under legitimate conditions as partaking of the nature of gambling, and I do not see why people should be prevented from running such art-unions any more than that they should be prevented from resorting to racecourses. I have no objection to a man going on to a racecourse if he feels so inclined, and it is not in the interests of good government that unreasonable restrictions should be placed on the liberty of individuals in relation to the matters to which I have referred.

Mr. MURPHY (North Shore) [10.53]: The explanations which were given by the Minister, particularly in regard to the prohibition of the sale of tickets in doorways or in right-of-ways, were not satisfactory or convincing. I consider

that sufficient opportunities were not given for the consideration of clauses 9 and 10, and I therefore move:

That, all the words after the word "That," be struck out, and the following inserted in lieu thereof, "the bill be recommitted for the reconsideration of clauses 9 and 10."

As to clause 9, sufficient has been said about that by previous speakers. But with regard to clause 10, which deals with foreign lotteries, it appears to me the Minister is adopting a parochial attitude when he seeks to interfere with charities which are good in other parts of the Commonwealth while he leaves untouched charities and art-unions within the State. I have in mind particularly the Golden Casket art-union in Queensland, which results in the hospitals and charities of that State receiving over £80,000 per annum. It is clean and above-board, and there is no suggestion of swindling. It is wrong for the Minister to include in this bill a clause which will hit very hard an art-union conducted in a sister State. Furthermore, under paragraph (b) of clause 10 it is made an offence for any newspapers to publish the results of any art-union conducted outside the State. I do not like to impute wrong motives to the Minister—I have been as generous to him as I possibly can—but it seems to me there must be some motive underlying the action of the Minister in this case. I know Queensland, and I know something of the operations of the Golden Casket and of the good which accrues from the distribution of the profits, and I say it is a crying shame for the Minister to adopt a parochial attitude towards a sister State because it happens to be under a Labour Government.

Mr. J. R. LEE: Mr. Dooley did not believe in it!

Mr. MURPHY: No matter what the leader of the Opposition thinks, I have a right to my own opinion. If the Attorney-General were prepared to extend reasonable consideration to art-unions run in the interests of charity in other States he would not meet with this obstruction; but so long as he adopts this attitude he will suffer. The only interpretation that can be placed upon the action of the Government in including

[*Mr. Murphy.*

those two clauses in the bill is that the National Government is out to kill the Eight Hours Day Art-union sales of tickets in Sydney and elsewhere, and also the Golden Casket of Queensland, because in the latter case there happens to be a Labour Government in power in the northern State. If such is the case it reflects discredit on this Government.

Mr. J. R. LEE: I move:

That the question be now put.

The House divided:

Ayes, 32; noes, 25; majority, 7.

#### AYES.

Arkins, J. G. D.	Lee, J. R.
Ball, R. T.	Ley, T. J.
Bavin, T. R.	Missingham, W. T.
Bennett, W.	Morrow, T. H.
Bruntnell, A.	Ness, J. T.
Bruxner, Lt.-Col.	Oakes, C. W.
Cameron, W.	Perdriau, R. S.
Chaffey, Captain	Rosenthal, Sir Chas.
Doe, B. J.	Rutledge, Lt.-Col.
Drummond, D. H.	Stopford, Dr. R.
Fitzsimons, W. R.	Vincent, R. S.
Hill, T. H.	Wearne, W. E.
Hoskins, T. J.	Wilson, J. C.
Jackson, J.	
Jaques, H. V.	<i>Tellers,</i>
Kilpatrick, M.	Anderson, D. M.
Lane, A.	Morton, Mark F.

#### NOES.

Baddeley, J. M.	Molesworth, V.
Bailey, J.	Murphy, C. H.
Birt, J. E.	Murray, D.
Burke, Frank	Mutch, T. D.
Davidson, M. A.	O'Brien, W. J.
Davies, W.	Quirk, J.
Fitzgerald, J. J.	Ratcliffe, W. J.
Flannery, M. M.	Skelton, W. P. J.
Lang, J. T.	Stuart-Robertson, R. J.
Lazzarini, C. C.	Wright, J.
Loughlin, P. F.	<i>Tellers,</i>
McClelland, A.	Greig, R.
McGirr, James	O'Halloran, R. E.

Question so resolved in the affirmative.

Question—That the words proposed to be struck out stand part of the question—resolved in the affirmative.

Amendment negatived.

Mr. MOLESWORTH (Cumberland) [11.12]: I only wish to touch on clause 9. I make an eleventh-hour appeal to the Minister. If he will hold out some prospect of sympathetic attention to the question of facilitating the sale of tickets under some circumstances in the streets—if he will provide that it shall not be done without the permission of the Minister, even—personally, I shall be satisfied.

Will the Minister indicate that the provisions of the bill will be loosened somewhat in the Upper House on that point?

Mr. BAVIN: I am afraid I cannot make any promise. That would be making the Act wider than it was before!

Mr. MOLESWORTH: Then I make a final protest. Upwards of 100 old men who are unable to do any work make their living for three months before the Eight Hours Day Art-union is drawn by selling tickets in the various country towns and in the city.

Mr. BAVIN: That is already forbidden!

Mr. MOLESWORTH: But it has been done for the past thirty years.

Mr. BAVIN: I cannot help it!

Mr. MOLESWORTH: Will you give an undertaking that you will not administer that clause harshly? When the Eight Hours Day procession is on there are 50,000 people lining the streets of Sydney, while men walking behind the procession sell tickets as they go. Under this clause the police can "scoop" the lot. If there is a difference between the police and firemen with regard to the police and firemen's carnival, and if this provision is carried out, the police will get even with the firemen by arresting the whole lot of them for selling tickets.

Mr. D. MURRAY (Newcastle) [11.15]: As one who has held the position of secretary of an Eight Hours Day demonstration, I can tell the Attorney-General that this bill, if passed, will put the movement down and out so far as the trade-unions are concerned. Great hardship will be inflicted upon the trade-unions if the provisions of this bill are put into operation so far as the selling of tickets in the streets on Eight Hours Day is concerned. The principal income on that day comes from the sale of tickets during the progress of the procession through the streets and at the grounds. If the bill passes in its present form the sale of tickets on Eight Hours Day will be stopped altogether. Even if the Minister stops the sale of Eight Hours Day Art-union tickets prior to Eight Hours Day, will he give us an undertaking to-night that he will not prevent their sale in the streets on the day itself? I know, so far as the Newcastle Eight Hours Day demonstration is concerned, that the sale of tickets along the route of the procession

brings in over £300. That is the only appeal I make to the Attorney-General with regard to this bill. The bill has certainly many good points, but if the Attorney-General puts the clause preventing the sale of tickets in the streets into effect it will wipe out Eight Hours Day demonstrations altogether.

Mr. BAVIN: No!

Mr. D. MURRAY: As a man who has practical knowledge, and as one who knows what the proceeds from the sales of tickets on that day are, I can tell the Minister that he is going the right way to wipe out the demonstration altogether. I appeal to him in all sincerity to allow the sale of tickets during the progress of the procession through the streets on Eight Hours Day, even if he does not allow them to be sold during the month preceding Eight Hours Day.

Question—That the bill be now read a third time—put. The House divided:

Ayes, 32; noes, 20; majority, 12.

#### AYES.

Anderson, D. M.	Lee, J. R.
Arkins, J. G. D.	Ley, T. J.
Ball, R. T.	Morrow, T. H.
Bavin, T. R.	Morton, Mark F.
Bennett, W.	Ness, J. T.
Bruxner, Lt.-Col.	Oakes, C. W.
Cameron, W.	Perdriau, R. S.
Chaffey, Captain	Rosenthal, Sir Chas.
Cromarty, M.	Rutledge, Lt.-Col.
Doe, B. J.	Skelton, W. P. J.
Drummond, D. H.	Stopford, Dr. R.
Fitzsimons, W. R.	Wearne, W. E.
Hill, T. H.	Wilson, J. C.
Jackson, J.	
Jaques, H. V.	<i>Tellers,</i>
Kilpatrick, M.	Buttenshaw, E. A.
Lanc, A.	Missingham, W. T.

#### NOES.

Baddeley, J. M.	Molesworth, V.
Bailey, J.	Murphy, C. H.
Birt, J. E.	Murray, D.
Burke, Frank	O'Brien, W. J.
Davidson, M. A.	O'Halloran, R. E.
Davies, W.	Ratcliffe, W. J.
Greig, R.	Stuart-Robertson, R. J.
Lang, J. T.	
Loughlin, P. F.	<i>Tellers,</i>
McClelland, A.	Flannery, M. M.
McGirr, James	Quirk, J.

Question so resolved in the affirmative.

Bill read a third time.

Motion (by Mr. BAVIN) proposed:

That the bill be carried to the Legislative Council with the usual message.

Question put. The House divided:

Ayes, 31; noes, 21; majority, 10.

#### AYES.

Anderson, D. M.	Lee, J. R.
Arkins, J. G. D.	Ley, T. J.
Ball, R. T.	Missingham, W. T.
Bavin, T. R.	Morrow, T. H.
Bennett, W.	Morton, Mark F.
Bruxner, Lt.-Col.	Oakes, C. W.
Buttonschaw, A. E.	Perdriau, R. S.
Cameron, W.	Rosenthal, Sir Chas.
Chaffey, Captain	Rutledge, Lt.-Col.
Cromarty, M.	Skelton, W. P. J.
Doe, B. J.	Stopford, Dr. R.
Drummond, D. H.	Wearne, W. E.
Fitzsimons, W. R.	Wilson, J. C.
Hill, T. H.	<i>Tellers,</i>
Jaques, H. V.	Lane, A.
Kilpatrick, M.	Ness, J. T.

#### NOES.

Baddeley, J. M.	McClelland, A.
Bailey, J.	McGirr, James
Birt, J. E.	Murphy, C. H.
Burke, Frank	O'Brien, W. J.
Davidson, M. A.	O'Halloran, R. E.
Davies, W.	Quirk, J.
Fitzgerald, J. J.	Ratcliffe, W. J.
Flannery, M. M.	Stuart-Robertson, R. J.
Greig, R.	<i>Tellers,</i>
Lang, J. T.	Molesworth, V.
Loughlin, P. F.	Murray, D.

Question so resolved in the affirmative.

House adjourned at 11.33 p.m.

## Legislative Council.

Thursday, 7 September, 1922.

Prisoners Detention (Amendment) Bill (second reading)—  
First Readings—Adjournment (Border Railways—  
Wheat Silos).

The PRESIDENT took the chair.

### PRISONERS DETENTION (AMENDMENT) BILL.

#### SECOND READING.

The Hon. Sir JOSEPH CARRUTHERS:  
moved:

That this bill be now read a second time.

He said: The explanatory notes which have been circulated will tell hon. members probably all that has to be told with regard to this bill. The object is to give power to the officers of the Government to make orders for the detention, until certified to be clean from contagious

diseases, of certain classes of prisoners who do not come within the definition of "prisoner" as set out in the Prisoners Detention (Amendment) Act of 1918. Those classes are, persons imprisoned for failing to find sureties to be of good behaviour; failing to find sureties for compliance with maintenance orders; and failing to comply with orders for the payment of money. Amongst the first mentioned class are street women, many of whom are found to be suffering from venereal disease, and they are now entitled to be discharged from prison in an infectious condition. If they were persons within the terms of the definition in the Prisoners Detention (Amendment) Act of 1918, they would not be so discharged from prison; they would be detained until they were safe to be released; but because they come within a class of persons who fail to find sureties to be of good behaviour, the magistrate, instead of sending them to gaol for a period, orders them to be released on finding sureties; but if they fail to find those sureties there is no power to detain them under the Act. The definition proposed to be amended is as follows:—

"Prisoner" means any person who is in any prison or place of detention under sentence, or who is detained therein in default of the payment of any fine or penalty he has been ordered to pay.

This definition was inserted in the Prisoners Detention Act of 1908 by the amending Act passed in 1918. It is proposed to add to the definition the following words:—

or who is detained therein in pursuance of any warrant or commitment but does not include a person in the custody of the sheriff or a person who is only detained pending his trial.

The matter has been brought under the attention of the Minister of Justice and the Crown law authorities by the police, and the Comptroller-General of Prisons, first of all Mr. McCauley on 21st March, 1918. Mr. McCauley stated in his memorandum:

Perhaps the Crown Solicitor might be asked for an expression of opinion as to whether the cases of the prisoners mentioned are amenable to the provisions of the Prisoners Detention (Amendment) Act, 1918.

It might be pointed out that quite a number of women who solicit in the streets for immoral purposes (prostitutes) are convicted of offensive