

would be able to come to something like an arrangement, not a time-table, not a pledge, no caucus meeting and pledge difficulty, but an arrangement to enable an honorable gentleman's agreement to be made amongst Legislative Councillors as to the time when we should deal with this subject in the way of finality—that is, by a division. The Hon. Mr. Coates suggested that it would be a serious mistake not to go on with it to-morrow night. I interjected that as things were I could not go on to-morrow night. But since the hon. member and some of his colleagues are so anxious to go on to-morrow night, I will ask the House to suspend the standing orders to-morrow night to allow me to go on. I cannot get everyone to approve, but if that meets with general approval I will give the requisite notice to-morrow immediately we meet. I shall ask concurrence and if the bill is here I shall go on with it to-morrow night. I do not hear any dissent to that proposal so I will say I will go on to-morrow night. When the Hon. Mr. Coates has been longer in the House and has become better acquainted with the rules of Parliament he will know that there is a certain course to be followed. If we were sitting when the other House concluded its handling of the bill there to-night we could get the bill and go on to-morrow, but as we do not know when it will pass the other House we cannot conveniently remain sitting here. I do not mind what is done, but I want help. I am determined on this, that as far as the Government's conduct of business is concerned it will not lend itself to having divisions which do not fully represent the opinion of this Chamber. If divisions are taken at a late hour of the evening I shall be very much surprised if we have a representative attendance of members here. Therefore I am trying to provide for the division to be taken at an early hour of the evening, and I ask hon. members to remain here until 10 o'clock at night. After 10 o'clock at night I will not take divisions, but I will not undertake to close discussion at 10 o'clock.

Question resolved in the affirmative.

House adjourned at 5.20 p.m.

[The Hon. Sir Joseph Carruthers,

Legislative Assembly.

Wednesday, 25 March, 1925.

Printed Question and Answer—Marriage Amendment Bill—Public Works Committee—Senate Vacancy—The late Hon. W. G. Ashford (Motion of Condolence)—Adjournment (Mines Rescue Stations—Marriage Amendment Bill).

Mr. SPEAKER took the chair.

PRINTED QUESTION AND ANSWER.

MINES RESCUE STATIONS.

Mr. BADDELEY asked the SECRETARY FOR MINES,—Will he take the necessary steps to immediately establish fully-equipped rescue stations at all the principal mines throughout the State in order to minimise the risk to which mine-workers are exposed?

Answer,—An enabling bill providing for the establishment of rescue stations in connection with coal-mines was introduced in the Assembly last session. The measure has the support of the present Government, but cannot be further proceeded with during the present session.

MARRIAGE AMENDMENT BILL.]

Motions (by Mr. LEY) agreed to :

That it is a matter of urgent necessity that this House should forthwith consider order of the day No 1 on the notice-paper for to-day and pass the Marriage Amendment Bill through all its remaining stages in one day.

That so much of the standing orders be suspended as would preclude the consideration forthwith of order of the day No. 1 on the notice-paper for to-day and the passing of the Marriage Amendment Bill through all its remaining stages in one day.

In Committee (consideration resumed from 24th March, *vide* page 43) :

3. Part VII of the Principal Act is amended by the addition at the end of the following new sections :—

23. (1) Every person commits an offence against this Act, and is liable on summary conviction to a penalty not exceeding one hundred pounds, either alone or with imprisonment for a term not exceeding twelve months, who—

(a) alleges, expressly or by implication, that any persons lawfully married are not truly and sufficiently married ; or

(b) alleges, expressly or by implication, that the issue of any lawful marriage is illegitimate or born out of true wedlock.

Mr. LANG (Parramatta) [4.33]: I desire now, without any speech-making, to move the amendment I foreshadowed in my second-reading speech. The amendment I propose to move is that suggested by Professor Peden in another place in connection with the former bill, and I do not propose to depart to the extent of one word from that amendment. I therefore move:

That after the word "married" paragraph (a) of subsection (1) of proposed new section 28 there be inserted the words "according to the laws of the State."

I have nothing to add further than this. The Minister for Justice has stated in the presence of the Premier, on behalf of the Government, that the purpose of this bill is to do two things, firstly, to severely punish anyone challenging the validity of marriages performed according to law, and, secondly, to severely punish anyone declaring that children born in wedlock are illegitimate. So far as the Opposition are concerned I may say at once that we are prepared to help the Government to accomplish both these purposes. I fully believe that Professor Peden is correct when he says that the Government can accomplish all it says it wishes to do by means of the amendment. If what I have indicated is all the Government wishes to do, I hope the Minister will accept the amendment. But if the Government merely wants to pass this measure for electioneering purposes, it does not matter what I say. When I was a boy I heard a story of two ministers of the Gospel who were travelling on the same train. The younger of the two put it to the elder man, "What about our discussing the merits of our respective religions?" The elder man said, "The next train stop will take place three hours hence; do you think I could convince you in three hours?" The younger man replied, "No, not in 300 years." The elder man then said, "Then, why talk about it?" Because of that I do not propose to discuss the matter.

Mr. LEY (St. George), Minister for Justice [4.36]: I understand that the hon. member has adopted Professor Peden's amendment, and that he says the sincerity of the Government is to be tested by this amendment. We are quite prepared to have our sincerity so tested.

The first question to consider is, "What is the law at the present time?" and the second question is, "Why is it now proposed to amend the law?" The law says that if persons are married by an authorised individual, and according to the terms of the Marriage Act, the marriage shall be legal to all intents and purposes, and no other marriage shall be legal for any purpose. That is the law to-day. But there are individuals who say that the law does not mean what every intelligent person would conclude to be its meaning, namely, that a marriage performed according to the law is true and sufficient. Under this verbal quibble, these gentlemen have been saying that the law does not mean what I suggest—that the words in the Marriage Act, which have been there for fifty years, if they mean anything mean that parties married according to our law are truly and sufficiently married.

Mr. LANG: If that is the law of the land, why do you not enforce it?

Mr. LEY: The hon. member asks a question which deserves an answer, although I am rather surprised that it should be put to me by him. He says that "if the law of the land is as stated to-day"—and no one can deny it, because it is set out in black and white—"why do you not enforce it?" If there had been penalties enforceable under the law for the non-recognition of what is laid down in the law to-day I would have enforced them long ago.

Mr. McTIERNAN: Do you mean to say there is a law on the statute-book which you, as Minister for Justice, cannot enforce?

Mr. LEY: When one hears a question such as was put by the leader of the Opposition, and an interjection of the kind which has just come from the ex-Attorney-General, one wonders whether one is in a second-rate debating society or in Parliament.

HON. MEMBERS:

The CHAIRMAN: Order! I ask hon. members on both sides to refrain from interjecting. If a pertinent question is put to the Minister no doubt he will answer it.

Mr. LEY: The answer to the question addressed to me is—and it is a complete justification for this bill—that in the

law to-day there are no penalties available for people who say that those married according to the law of the land are not truly and sufficiently married. And we want to provide penalties and to clearly define the offence. The offence has been created by the persons who have been found guilty of it. They have in their verbal quibble alleged that the words contained in the Marriage Act do not amount to a suggestion that the marriage is true and sufficient. In answer to Mr. Loxton's amusing and entertaining speech last night, I would point out that the reason why the words "lawfully married" are found in the same paragraph as the words "truly and sufficiently" is that people have been saying that persons "lawfully married" are not "truly and sufficiently married"; and we want to nail them down to the words they have been using, not to some other form of words. After Mr. Loxton's *volte face* last night we know perfectly well where he stands. I am perfectly certain that if the hon. member had been facing the electors at the next election he never would have made such a speech; and I am quite satisfied that if he had any hope of a judgeship from this Government we should not have been attacked so unfairly at times. This clause says distinctly that a person commits an offence who alleges, expressly or by implication, that any persons lawfully married are not truly and sufficiently married. It has been said that is the substance of the complaint, that persons are saying that those lawfully married are not truly and sufficiently married.

Mr. LOXTON: What is the difference between the two expressions?

Mr. LEY: I will deal with the hon. member's equivocation directly. Those who believe that persons lawfully married should not have it said of them that they are not truly and sufficiently married want to nail down the offence to the very words used and we do not want to have any doubt about it. It is suggested by the leader of the Opposition that Professor Pedcn's amendment should be accepted and that we should make the offence the allegation that persons are not "truly and sufficiently married for the purposes of the law of the land." That in substance is

[Mr. Ley.

equivalent to the suggestion advanced by Archbishop Kelly for the civil effects of marriage and equivalent to the suggested amendment by Mr. Loxton last night that persons who are lawfully married should not have it said of them that they are not lawfully married. I want to point out that if those words are adopted it means that persons may go round the country and say that certain folk are not truly and sufficiently married. They may go on as they have been going on in the past but when brought before the court they will be able to say, "I was speaking in a Pickwickian sense, in a religious sense, I was not speaking as regards the law and this suggestion I never had present in my mind." We know what they are doing to day and we are not going to permit them to continue doing it under the guise of religion. There is ample scope, as I pointed out last night, for persons to philosophise as to what should be the elements of marriage and how the law should be amended. If they think it should be amended and every marriage made a sacramental marriage they may advocate that, as every individual may do, and try to get that put on the statute-book, but they must not say of specific cases that although married according to the law of the land people are not truly and sufficiently married—even if they do it under the cloak of religion. If we accepted this amendment the law would have no effect at all. In fact, the position, after the passage of the bill with the amendment, would be worse than it is to-day, because for the first time in the history of this State there would be an implied authority to do what to-day there is no authority to do. You cannot find on the statute-book any authority for a man going round and preaching that persons are not truly and sufficiently married and preaching it even for the purposes of religion. But if this amendment were in there would be an implied authority, and those guilty of the offence would be able to say that the Legislature gave them *carte blanche* to do this. For the reasons I have stated—that the amendment would not be an improvement on the bill, but that it is a stiletto aimed at the heart of the bill, I cannot accept it. If the amendment were carried I should be dissociated from it,

because you would be making the position infinitely worse after the passage of the bill than it was before. We, therefore, might just as well not waste time in considering it. Neither I nor the Government will be a party to any amendment which vitiates the main principle of the bill, as this amendment undoubtedly does. I say again I cannot accept it. If the leader of the Opposition cannot submit any better amendment than this he had better cease making any attempt to try to improve the bill. As I said to the hon. member yesterday if he can submit any amendment which will be an improvement on the bill I shall be prepared to give it sympathetic consideration, but any amendment which aims at the heart of the bill, to destroy it, will receive no consideration from me.

MR. STUART-ROBERTSON (Balmain) [4.49]: I listened to the Minister's explanation with a certain amount of impatience, because I recognise that the hon. member is not capable of giving a direction upon the interpretation of law to this House. I am satisfied that when the bill, if it becomes law, comes before the judges the Minister's interpretation will not be sustained. I do not think that a man of his experience is really capable of putting up an argument for the interpretation of any statute law, and I believe that when the case comes before the proper tribunals they will say so. However, I want to ask the hon. gentleman and the House a question. Were the men who went over sea to fight for Australia any the less brave or any the less qualified by reason of the fact that the laws which are now deprecated then existed and allowed the Churches to rule in the manner they thought fit within their own religious domain? The supporters of this bill can look through the annals of history back to the mythical ages—back to the history of Babylon—and they will find that under no conditions have the rulers in any religion accepted the law of any State which proved contrary to the canons of the Church. They will not compel the Church of England to accept their ruling, nor will they compel the Catholic Church to do so. They will be faced as Nero of Rome was faced in the catacombs of Rome in the early days of Christianity, with Christians believing in

the truth of the gospel of God. Those people, believing as they do, and perhaps varying in their beliefs to a very great extent, will still stand by the belief they have, and the hon. gentleman's law will remain upon the statute-book of the country merely as something that is going to create criminals they will never be able to prosecute.

MR. LANE: Do you think they will still go on calling our children illegitimate?

MR. STUART-ROBERTSON: I do not believe any qualified clergymen of any Church in Australia say the dirty rubbish that people of your class accuse them of saying. I have read the dirt that is given out from the political platforms of men like Mr. Lane in his wild and irresponsible way. By raising the sectarian question by an issue of this sort they do more damage to the British Empire than any of the people who ever attempted revolution.

MR. LANE: You have lived on it all your life!

MR. STUART-ROBERTSON: When a question was put to me on a public platform regarding this matter, I said, "Ladies and gentlemen, a question is asked me upon the subject of religion. I want to say to everybody in this audience that I do not want the vote of any person who votes on sectarian lines."

MR. J. C. L. FITZPATRICK: I rise to order. I take the point that the hon. member is not entitled to deliver a second-reading speech upon an amendment which is specific in its character and in its language. I contend the hon. member should be compelled to desist from the course he is pursuing in replying to outside utterances, and must comply with the standing orders and only discuss the amendment as it has been moved.

MR. STUART-ROBERTSON: I am replying to the hon. gentleman in charge of the measure. Everything said by the Minister in his speech I am entitled to reply to. Knowing what was intended by the clause and also having a full knowledge of the intention of the amendment, the Minister put forward his argument against the amendment in accordance with the specific meaning of the clause. He having done that, I am entitled to follow him and reply to his statement.

CHAIRMAN: Order! The hon. member knows as well as I do that when an amendment has been moved the only matter that can be debated is that amendment. There is a specific amendment now before the chair, which is that the words "according to the laws of the State" be inserted after the word "married." The whole of the clause is not now before the Committee; the matter before the Committee at present is merely the amendment. I ask the hon. member to bear that in mind, and not attempt to make a second-reading speech.

Mr. STUART-ROBERTSON: I take it the amendment is to prevent the bringing in of a statute law which would prevent Churches from carrying out their own laws. I take it it is for the purpose of making a man a law-breaker—in other words a criminal—if he adheres to the teaching of the Church he belongs to, and what he conscientiously believes to be correct. The amendment is to broaden the original clause of the bill, so as to permit of liberty of conscience to every person in the State, and the right of people to act in accordance with the teachings of the religion to which they belong. I have read in the papers that this clause is objected to by the heads of two of the largest Christian sects in New South Wales, namely, the Church of England and the Roman Catholic Church. Consequently it is aiming at the destruction of the rights and the teaching of those Churches, and therefore is making what might be termed criminals under the law of people who are otherwise good, law-abiding citizens.

Mr. LEY: Will you kindly quote me the words which say that?

Mr. STUART-ROBERTSON: It is unnecessary for me to quote the exact words of the clause, and I am not going to be drawn off the argument I am now following by referring to them. I shall refer to them at the conclusion of my argument, and defy any hon. member to prove that it is not the correct interpretation of the clause.

Mr. LEY: Show me the words in the bill as it stands now which suggest that religious freedom is infringed!

Mr. STUART-ROBERTSON: The whole clause is an infringement of freedom of conscience. It is an infringement

of the right of a person to live and practise according to the religion in which he was brought up. There is nothing to show that the practice of the Churches, so far as marriage is concerned, has in any way impaired the efficiency of the nation, the efficiency of the men who take our ships to sea, or the efficiency of the men who work our railways. It did not impair the efficiency of the men who went overseas to fight for Australia. It has not impaired the efficiency of the men who have come into this Chamber to legislate for their fellow beings. Therefore, it was unnecessary to introduce this bill. This bill is not only unnecessary, but, if passed, it will be both futile and useless, and it has merely been introduced for the purpose of raising the sectarian cry at election time. I listened to what Mr. Ley said when he was addressing the Chamber with regard to something Mr. Loxton said. Mr. Ley said that if Mr. Loxton were going before the electors he would have spoken differently from the way in which he spoke last night.

Mr. MORROW: Hear, hear!

Mr. STUART-ROBERTSON: Mr. Morrow says "Hear, hear," thus showing that this measure is nothing but a reflection of the cowardice of the people who have introduced it. They are afraid to face the electors and tell the truth like men and take their gruel. They know that it is entirely wrong for them to introduce a bill of this character. They are men who have a certain amount of brain power and some knowledge of psychology. They know that the people of Australia do not require this law. They know, too, that sectarianism is one of the surest ways to disintegrate the British Empire. Knowing that they have deliberately brought forward this measure so that they might be able to raise the wretched sectarian cry at a time like this. Mr. Lane and Mr. Morrow are afraid of a certain section of the electors. They are afraid that the support they get now will go to Mr. Skelton. I hold that the introduction of this measure is one of the vilest blots upon the political history of New South Wales.

Mr. SCOTT FELL: Would you favour a referendum on this bill?

[*Mr. Stuart-Robertson.*]

Mr. STUART-ROBERTSON: Although the hon. member's question is quite irrelevant I will answer him by saying that a referendum should not be taken on any question which is a matter of conscience.

AN HON. MEMBER: Why not take a referendum in 1925?

Mr. STUART-ROBERTSON: Whether the referendum is taken in 1925, 1928, or 1929, or any other date, I hold that questions affecting liberty of conscience should not be submitted to the people so that a majority might be able to overrule a minority in such matters. Everybody has a perfect right to his own conscience. Every man's soul is his own. It was given to him by God, and to God alone will he have to answer. That being so, the majority has no right to compel the minority to do something which is expressly against its conscience. A referendum on a matter of this kind is quite out of the question. I am sorry for having delayed the Committee, but after having heard what Mr. Ley said I could not refrain from rising in my place to say that it struck me as the most cowardly thing any man could say of another—that Mr. Loxton would not have spoken as he did last night on this measure if he were again going before the electors.

Mr. ARKINS (St. George) [5.5]: I compliment the Minister for not accepting the pedantic amendment, which really comes from Professor Peden, and is supported by such a man as Mr. Loxton, one being the father and the other the foster-father of what might be termed a bastard amendment, as shown in every word that was uttered by Mr. Loxton last night in speaking on this subject. A little over three years ago Mr. Loxton, a leading barrister, put his signature to a document dealing with this and other matters, and he was supported by a huge constituency in this State. The people who supported him did so because they knew he was a barrister-at-law, and they sent him into this House because he had signed a distinct statement that he would support a measure of this kind, but when the crucial moment arrived, like Judas Iscariot, he sold his electors because they had no chance of dealing with him at any

time. That is the type of man Mr. Loxton is. When this bill was before the House previously Mr. Loxton voted for it. With Professor Peden, Mr. Loxton has been taken up at this late hour by Mr. Lang, the leader of the Labour party, who said this afternoon that he would accept Professor Peden's amendment. When the bill was before the House previously Mr. Lang never thought of any such amendment, but now because of a certain attitude which has been taken up outside we find these men who are renegade to anything so far as decent political thought is concerned eager to seize upon it to serve their own party interests. I ask, can anybody object to the words "truly and sufficiently married?" Mr. Loxton asks why put "truly" and why put "sufficiently"? I say it does not matter after all, if we are doubly sure. After all, the clause is phrased in the legal jargon used by barristers and lawyers, God help us. Mr. Lang in the House this afternoon and last night said he would inflict a penalty under the law on any man, woman, child, priest, king, or parson who impugned the validity of marriage, who branded persons married according to the laws of the State as not married, and who branded the children of such marriages as illegitimate, and placed them in the category of bastardy. Does Dr. Fallon believe with Mr. Lang? Will Dr. Fallon say that he agrees with Mr. Lang? I say Dr. Fallon will not say so. He is not game to say so. Why? Because I hold in my hand a little pamphlet published in 1908 by St. Mary's Cathedral Book Depot. It was written by Cardinal Moran, the highest dignitary in the Roman Catholic Church. What did Cardinal Moran say when he set out to contrast the marriage laws of this State with the marriage laws of the Roman Catholic Church, a Church which is alien and foreign to the Commonwealth of Australia? Where does Mr. Cann stand?

Mr. CANN: I never was an atheist, anyhow!

Mr. ARKINS: Mr. Cann, who has been a lifelong Methodist, and should be protesting against anything that takes

the form of an attack on Protestantism, is a renegade to his religion. Cardinal Moran said :

The new marriage legislation has special bearing on mixed marriages, that is, those marriages, unhappily so frequent amongst us, in which one only of the contracting parties is Catholic. The Church has always set her face against such marriages, and permits them only under certain conditions and in order to prevent greater evils. Hitherto in Australia such mixed marriages, even when celebrated in the Protestant Church or before the registrar, though condemned and prohibited, were nevertheless valid, and the contracting parties before God and His Church, became truly man and wife. Henceforth, under the new marriage law, the same presence of the pastor of the parochial district that is required for Catholic marriages will be necessary also for the validity of mixed marriages. Thus, should the case occur of a Catholic and Protestant attempting marriage in the registry office or in a Protestant Church, their marriage is null and void, and the contracting parties are no more man and wife than if they had never gone through the marriage ceremony.

Can Mr. Cann uphold that? Can we who want to maintain the spirit of the British race and give everything to all stand for that sort of thing? Do we deny to the Roman Catholics or to Mahomedans the right to observe the laws of their Churches? Could I as an Australian and a Britisher say that persons who are not married in the Anglican Church—my own Church—were not properly married, and that their children were bastards? No. If I did any such thing I would expect to be subjected to the utmost rigors of the law. Mr. Cann and Mr. McGirr know of many hundreds of Roman Catholics who have married Protestants, and they know, further, that such people have been properly married and have enjoyed all the happiness that follows upon true love. They know also that this alien doctrine of the Roman Catholic Church causes disruption and unhappiness in many thousands of homes. Young people come together without any thought of Protestantism or Roman Catholicism, get married and have children, and live happily together until a priest comes along and tells them that they are not properly married. Is there anything wrong, or anything that will impose hardship, in providing for a penalty in cases where marriages performed according to the State law are impugned? Is there anything that is

[*Mr. Arkins.*

not fully equitable or that is antagonistic to the liberties we enjoy as English-speaking people in the bill now before us? Mr. Lang has said that we ought to maintain the spirit of the English race. That is what we want to do. We do not want to maintain the spirit of Ireland, where it is decreed that no man or woman shall be divorced under any circumstances, even though one of the parties may contract a loathsome disease.

The CHAIRMAN: Order! The hon. member is going too far. He will have to confine himself to the discussion of the amendment. It is not open to him at this stage to discuss the whole of the bill.

Mr. ARKINS: I am dealing with a most vital amendment—a most plausible amendment—which aims at the destruction of the principle of the bill, and I was merely making a contrast between what is understood as liberty in Ireland and elsewhere. I would ask whether France and Italy, which are both good Roman Catholic countries, extend to Roman Catholics the same liberties as they enjoy in British communities. No! Hon. members know as well as I do that they do not. We are not asking anyone to do anything but the right thing. The amendment now before us was fathered by Professor Peden, who is the most pedantic man I have ever listened to. It has been followed up by Mr. Loxton and Mr. Lang, and I would ask whether, at this late hour, we are going to destroy the bill by agreeing to this insidious amendment. I say “no.” No man who loves political, religious or any other kind of liberty, wants to be brought under ecclesiastical rule, and the great Catholic community in its heart does not want it. Are we to submit to the declaration that 75 per cent. of the people are not properly married, because they have not been married in a Roman Catholic Church? The Roman Catholics are returning evil for good and are not acting fairly. All we are asking is that those who have been truly married according to the laws of the State shall stand upon the one common basis before God and man. The great Protestant community of New South Wales

is not going to plead in this matter, but will stand firm and strong for the preservation and recognition of our liberties.

Mr. GREGORY MCGIRR (Sydney) [5.20]: I support the amendment and I will endeavour to refute the arguments which have been based upon the extract read by Mr. Arkins from the statement of Cardinal Moran. I have here the report of a lecture delivered by the Rev. Dr. Nevin in Sydney some time ago when the *Ne Temere* decree was a burning question. He pointed out that the only cases in which the decree raised opposition were those of mixed marriages. He said that the Church would not recognise such marriages as valid sacramental marriages. He was speaking, not of the State law, but of the Church law. He said:

The only case where the decree arouses opposition is in the case of mixed marriages. These, as we have seen, the Church will not recognise as valid sacramental unions unless contracted according to the Catholic law as contained in the decree "*Ne Temere*." The Pope is denounced in all moods and tenses because, in this case, his law indirectly touches the non-Catholic party. Now, when this happens who is responsible—the Pope or the non-Catholic party? It does not require much reasoning to see that it is the non-Catholic party himself or herself. Why? Because if the Pope had his way the decree would never touch the Protestant party. I need not tell the people of Sydney that the Pope and the Catholic Church do not want mixed marriages. If there is one thing that His Grace Archbishop Kelly, ought to have convinced Sydney of by now it is of that truth.

He went on to explain that so far as the Catholic Church was concerned if a Protestant and a Catholic married and did not desire to come to the Church, the Church had no control whatever over them, and had no desire to interfere with their marriage. But if they desired to become adherents of the Catholic Church they must abide by the sacramental laws of the Church. Anyone belonging to the Masonic order must abide by the laws of that order, and in the same way any man or woman belonging to the Roman Catholic Church must abide by the laws of that Church. The Masonic order is an honourable body which stands for the brotherhood of man, and I have nothing to say against that. I have nothing to say against any religion. All religions are

good, and if we acted up to the precepts of the worst of them we would be better than we are.

The amendment will serve as an absolute test of the sincerity of the Government, and show whether it is guilty of the offence of desiring to serve up a sectarian issue at the forthcoming election, or whether it sincerely desires to do something to improve the marriage laws of the State. Mr. Loxton has made a serious statement against the Minister for Justice. He said that Mr. Ley had stated in the caucus of the National party that he was going to keep this bill for the last session of this Parliament, and use it as an electioneering dodge.

Mr. LEY: I denied that. Mr. Loxton only suggested that that was what he thought!

Mr. GREGORY MCGIRR: I understood Mr. Loxton to say that he had heard the Minister make the statement. And if the Minister did make any such statement, it puts him in a most invidious position in the eyes of the people.

Mr. LEY: I never said it, nor did I ever think it, or wish it!

Mr. GREGORY MCGIRR: I am pleased to hear the hon. member say that. The fact remains that the Minister now has an opportunity given him to prove whether this is an electioneering dodge to stir up the worst instincts of the people or whether he desires to prevent any slur being cast on married people under the civil law.

Mr. LEY: If this amendment destroys the value of the bill then we shall see the sincerity of the proposer!

Mr. GREGORY MCGIRR: If the Minister does not wish to place the State before the Church he is given an opportunity to accept an amendment to show the sincerity of his desire, and if he does not wish to stir up the worst elements in the community he has here a means to avoid it. It seems to me that the hon. member has misfired with the bill, inasmuch as the acrimony which he or which the organisation to which he belongs hoped to stir up has not developed. The Opposition have taken a course the Minister did not contemplate. The hon. member expected that the Opposition would endeavour to make this the means of a religious quarrel between a small

section of the community and the remaining 75 per cent. But the Labour party has no axe to grind, because it is composed of individuals of all types; it is composed of the representatives of the great masses of the working people who hold various religious beliefs and whose only idea is to improve the conditions under which they live. They have no desire to raise a sectarian fight on this question and the amendment proves that they are willing to assist the Government if it is sincere. The marriage laws of this State have been in existence for 100 years. It is quite possible that they need to be amended. I tremble when I see the product of some of the marriages in this country. When I see what marriages have produced I recognise that there is good reason to amend the marriage laws, and if an amendment could be inserted in this bill which would prevent couples from coming together and producing the sectarian monger and these who stir up the worst passions of the community I would vote for it. If the Minister desires to do something of a noble character in an amendment of the marriage laws there is a lot he can do. We have consumptives marrying, and producing the weaklings of the community.

The CHAIRMAN: Order! Will the hon. member address himself to the amendment?

Mr. GREGORY MCGIRR: I am showing that amendments of the marriage laws may be desirable in certain directions.

The CHAIRMAN: The hon. member must confine himself to the amendment before the Committee.

Mr. GREGORY MCGIRR: I am pointing out that if we could insert an amendment to control marriages and prevent those from marrying who reproduce the class of individual we have in the community to-day I would strongly support it. But to bring in a measure like this in the dying hours of the Parliament is merely to shirk the issue. The hon. member Mr. Morrow, who strongly supports the measure, has not been very long in Australia, and he is not familiar with the conditions prevailing in the country; otherwise he would know that there is no necessity for such an amendment of the marriage laws as is contained

[*Mr. Gregory McGirr.*

in this bill. I can assure the hon. member that no Catholic priest ever attempted to tell me that I was not properly married or that my children were illegitimate, though he may have suggested that I should attend church a little more frequently. I do not think that any decent man in the community believes that Catholic priests do such a thing. Of course there may be a mad priest, just as there are mad politicians and mad lawyers in the community; and if some mad priest did tell some woman that she was not truly and sufficiently married, and that her children were illegitimate, the Catholic Church could not be blamed for that. If a priest came to me and said such a thing I would summon him and put him in gaol; or if a Presbyterian, Methodist, or the representative of any other sect said such a thing to me I should probably jab him in the eye, but I certainly should take advantage of the law as it stands. There is a law in existence to-day.

Mr. LEY: There is no such law!

Mr. GREGORY MCGIRR: Does the Minister tell me that there is no such law, that I could call him a bastard, and that nothing could be done to me? Why, every day in the week people are fined £5 for doing it. A man can be arrested for using bad language in the street. That shows that there is ample provision in the law to-day. There is a law covering marriage which makes it legal in the community. Some of the Churches prescribe the sacrament which should be associated with the ceremony. But that is the law of the Church, and the Church has a perfect right to say what it likes with regard to its own laws, though I admit it has no right to say anything against the civil law of the community.

Mr. PERDRIAU: That is what this bill is designed to prevent them from doing!

Mr. GREGORY MCGIRR: That is where the hon. member is wrong. If the members of any particular Church say that the civil laws of the community are wrong then they can be prosecuted, because it is conspiring to defeat the laws of the community.

Mr. NESS: Is the Catholic Church the only Church which says this?

Mr. GREGORY MCGIRR: The Anglican Church says certain things. It

says that divorced people shall not marry, or if they do they are not sufficiently and truly married in the eyes of the Church. That is the law to-day. I hope the Minister will accept the amendment, and thus retrieve himself in the eyes of the people, and show that he does not desire to stir up sectarianism in the community. I, for one, do not want a sectarian fight in the Sydney electorate. I have been some fourteen years in Parliament, and have always been supported by the mass of the people, regardless of their various religions. I should be sorry to see the mass of the people missing the main issue, which is the question of hours, wages, and conditions, and being misled by a sectarian issue. Religion is 2,000 years old, and those people who understand it do not understand politics. My experience has been that the more ignorant people are the better they understand religion. I find that the most ignorant worker, who could not tell you who was Premier of the country, can always tell you whether he is a Protestant or a Catholic. The Minister is astute, and knows that with this bill he is going to catch people who could not tell you who the Premier is, or whether he is a Protestant or a Catholic. That is clouding the correct issue to be fought, which is, who will do best for the people from the hours, wages, and conditions point of view? I appeal to the Minister not to have the issues at the election clouded by a question such as this.

Mr. LOXTON (Ryde) [5.43]: Last night when addressing the House I intimated that I proposed to move an amendment if it were not moved by someone else. I took very strong exception to the use of the words "truly and sufficiently." The leader of the Opposition has moved an amendment which I have very great pleasure in supporting, although I still take exception to the use of the terms "truly and sufficiently." The Minister is apparently wedded to the use of those terms, but I do not see that they will do any harm provided they are followed by the words the leader of the Opposition proposes to insert. What the Minister means by "sufficiently" is hard to say. Whether Henry VIII or Napoleon Bonaparte was sufficiently married or not I do

not know; but frequently a man is divorced and marries someone else. I have no hesitation in saying that I support with great pleasure the amendment moved by the leader of the Opposition.

Question,—That the words proposed to be inserted be so inserted—put. The Committee divided:

Ayes, 34; noes, 47; majority, 13.

AYES.

Baddeley, J. M.	Loxton, E. J.
Bailey, J.	McClelland, A.
Birt, J. E.	McGirr, Gregory
Burke, Frank	McGirr, James
Cann, G.	McKell, W. J.
Clark, J. A.	McTiernan, E. A.
Davidson, M. A.	Murphy, C. H.
Davies, W.	Murray, D.
Dooley, J.	Mutch, T. D.
Fallon, Dr. C. J.	O'Brien, W. J.
Fitzgerald, J. J.	O'Hearn, W. F.
Flannery, M. M.	Ratchiffe, W. J.
Gosling, M.	Scully, W. J.
Horsington, E. M.	Stuart-Robertson, R. J.
Keegan, T.	
Lang, J. T.	
Lazzarini, C. C.	
Loughlin, P. F.	

Tellers,

Greig, R.
O'Halloran, R. E.

NOES.

Anderson, D. M.	Jagues, H. V.
Arkins, J. G. D.	Kilpatrick, M.
Arthur, Dr. R.	Lane, A.
Bagnall, W. R. C.	Lee, J. R.
Bavin, T. R.	Ley, T. J.
Bennett, W.	Main, H.
Bruntnell, A.	Missingham, W. T.
Bruxner, Lt.-Col.	Morton, Mark F.
Buttenshaw, E. A.	Nesbitt, G.
Cameron, W.	Ness, J. T.
Chaffey, Captain	Oakes, C. W.
Connell, Major	Perdriau, R. S.
Cromarty, M.	Perkins, J. A.
Doe, B. J.	Reid, A. A. E. E. V.
Drummond, D. H.	Rosenthal, Sir Chas.
Fell, W. Scott	Rutledge, Lt.-Col.
Fitzpatrick, J. C. L.	Stopford, Dr. R.
Fitzsimons, W. R.	Thorby, H. V. C.
Fuller, Sir George	Vincent, R. S.
Goldstein, H.	Wearne, W. E.
Henley, Sir Thomas	Weaver, R. W. D.
Hill, T. H.	
Hoskins, T. J.	
Jackson, J.	

Tellers,

Morrow, T. H.
Skelton, W. P. J.

Question so resolved in the negative.

Amendment negatived.

Clause agreed to.

Bill reported without amendment; report adopted.

Motion (by Mr. LEY) proposed :

That this bill be now read a third time.

Question put. The House divided :

Ayes, 48; noes, 33; majority, 15.

AYES.

Arkins, J. G. D.	Lanc, A.
Arthur, Dr. R.	Lee, J. R.
Bagnall, W. R. C.	Ley, T. J.
Ball, R. T.	Main, H.
Bavin, T. R.	Missingham, W. T.
Bennett, W.	Morrow, T. H.
Bruntnell, A.	Morton, Mark F.
Bruxner, Lt.-Col.	Nesbitt, G.
Buttenshaw, E. A.	Ness, J. T.
Cameron, W.	Oakes, O. W.
Chaffey, Captain	Perdriau, R. S.
Cromarty, M.	Perkins, J. A.
Doe, B. J.	Reid, A. A. E. E. V.
Drummond, D. H.	Rosenthal, Sir Chas.
Fell, W. Scott	Rutledge, Lt.-Col.
Fitzpatrick, J. C. L.	Skelton, W. P. J.
Fitzsimons, W. R.	Stopford, Dr. R.
Fuller, Sir George	Thorby, H. V. C.
Goldstein, H.	Vincent, R. S.
Henley, Sir Thomas	Walker, R. B.
Hill, T. H.	Weaver, R. W. D.
Hoskins, T. J.	
Jackson, J.	
Jacques, H. V.	
Kilpatrick, M.	

Tellers,

Anderson, D. M.
Connell, Major

NOES.

Baddeley, J. M.	Loughlin, P. F.
Birt, J. E.	McClelland, A.
Burke, Frank	McGirr, Gregory
Cann, G.	McGirr, James
Clark, J. A.	McKell, W. J.
Davidson, M. A.	McTiernan, E. A.
Davies, W.	Murray, D.
Dooley, J.	Mutch, T. D.
Fallon, Dr. C. J.	O'Brien, W. J.
Fitzgerald, J. J.	O'Halloran, R. E.
Flannery, M. M.	O'Hearn, W. F.
Gosling, M.	Ratcliffe, W. J.
Greig, R.	Scully, W. J.
Horsington, E. M.	Robertson, R. J.
Keegan, T.	
Lang, J. T.	
Lazzarini, C. C.	

Tellers,

Bailey, J.
Murphy, C. H.

Question so resolved in the affirmative.

Bill read a third time.

PUBLIC WORKS COMMITTEE.

Mr. FRANK BURKE brought up reports of the Public Works Committee in connection with the following proposed works:—Railways from Inverell to Ashford, from Sandy Hollow *via* Gulgong to Maryvale, from Cooma to Adaminaby and branch to Dalgety, from Guyra to Dorriggo, from Merriwa *via* Cassilis to Leadville, and from Rooty Hill to Tahmoor; bridge over the Richmond

River at Woodburn; additional accommodation for the Police and Prisons Department; tramway from Ryde to the Northern Suburbs Cemetery.

SENATE VACANCY.

Mr. SPEAKER laid on the table a message from his Excellency the Governor covering copy of a despatch received from the President of the Senate of the Commonwealth of Australia notifying that a vacancy had happened in the representation of the State of New South Wales in the Senate through the death of Senator John Maurice Power.

Motion (by Sir GEORGE FULLER) proposed :

That this House meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator John Maurice Power.

Mr. CANN: Can the Premier inform us about the date of the meeting?

Sir GEORGE FULLER: I understand that under the procedure it is for the Legislative Council to fix the date, and that a matter of two or three days has usually elapsed before the election has taken place. I presume that in the course of a few days the date will be fixed.

Question resolved in the affirmative.

Motion (by Sir GEORGE FULLER) proposed :

That the following message be forwarded to the Legislative Council:—"Mr. President,—The Legislative Assembly having resolved to meet the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator John Maurice Power, requests the Legislative Council to name the place and hour for such meeting."

Mr. LANG (Parramatta) [6.7]: I am sorry to detain the House, but it appears to me that this involves the important matter of the representation of the Australian Labour party in the Australian Senate. It does seem to me at this moment to be possible, owing to the business of the session, and the conclusion of the work of the Legislative Assembly, that the joint sitting may not be held. Can the Premier remove that fear from my mind, so that I may be assured, and

the public may be assured, that the sitting will be held, and the vacancy in the Senate will be filled by the two Houses sitting jointly?

Sir GEORGE FULLER: In order to allay any doubt which may be in the mind of the hon. gentleman, I assure him and the House that the joint sitting will be held for the purpose of filling the vacancy. Although the Government has the power to nominate a person to fill the vacancy, it has refrained from exercising that power, and is leaving the matter of electing a Senator to the joint sitting of the two Houses.

Question resolved in the affirmative.

THE LATE HON. W. G. ASHFORD.

MOTION OF CONDOLENCE.

Sir GEORGE FULLER: I move:

That this House desires to place on record its sympathy with the widow and family of the late Hon. William George Ashford, a former member of this House and Minister of the Crown.

That Mr. Speaker be requested to communicate the terms of this resolution to Mrs. Ashford.

It is with deep regret that I move this motion. Most hon. members in this House knew Mr. Ashford very well, as a member of this House for many years, and also as a Minister of the Crown. We all know that he was born in the country districts, and had the best interests of the people on the land at heart. He was himself engaged in the occupation of farming. He knew the trials and difficulties which the people who are engaged in that occupation have to put up with, and during the time he was Minister for Agriculture and also during the time he was Minister for Lands, he devoted a great deal of ability and untiring attention to looking after the interests of our primary producers. To-day quite a number of Acts stand on our statute-book to his credit, in connection with matters particularly affecting those who are on the land. We all knew Mr. Ashford as a man of kindly disposition, who endeared himself, not only to those with whom he was specially associated, but also with those who were on the opposite side of the House, and I feel sure that all hon. gentlemen will join with me in expres-

sing regret and sympathy with the widow who has been left behind, with her children, through the very sudden and unforeseen death of Mr. Ashford.

Mr. LANG: May I be permitted to second the motion moved in such kindly terms by the Premier? Every word the Premier has uttered about Mr. Ashford I cordially endorse. During my experience as Treasurer of the State, I learned that one of the most difficult problems that the State of New South Wales had ever had to face was the new one taken up by the State because of the war, in regard to soldier settlements. That was an immense problem, and it was tackled by Mr. Ashford, as Minister for Lands. I remember it quite well, for the records have been before me. They thought it was a small matter at the start, but it involved this State in very great work, and enormous responsibility, and correctly so. During the time Mr. Ashford held office, and during the time Mr. Loughlin and Mr. Wearne have held the same office, the work performed by them, I am prepared to admit, has been of the very first importance, demanding energetic consideration and close attention, both of which were given by Mr. Ashford. That I am sure of. I have not any doubt in my mind that the heavy duties of his Ministerial position, in addition to his Parliamentary duties, weakened his powers of resistance, and hastened his early decease. I am sorry. I regret it. If the resolution can convey some sort of consolation to his widow and family, I am sure that Parliament will be only too pleased, and I cordially and sincerely support the motion.

LT.-Colonel BRUXNER: It is with regret that, on behalf of my colleagues and myself, I rise to support the motion moved by the Premier, and seconded by the leader of the Opposition. I can only endorse everything that those two gentlemen have said about the deceased member of this House, and ex-Minister of the State. We who knew him here realised that he was of a kindly, genial disposition, and friendly to all of us, irrespective of what party we belonged to. In my first year here, as a young member, Mr. Ashford treated me with very great friendliness, and gave me lots of assistance, so far as the office he filled

was concerned. He was, as the Hon. the Premier and Mr. Lang, have pointed out, a countryman and lived through a very strenuous time as a Minister. His early decease has probably been caused, as the leader of the Opposition says, by the strain which fell upon him during that period. We can only hope that his record of service to this State and the fact that this honorable House carries this resolution will be some solace to his widow and children in this very trying time.

Mr. SKELTON: I would like to support this motion and pay a tribute to the late Mr. Ashford as a personal friend. I knew Mr. Ashford for about thirteen years and came into contact with him frequently. The tribute I pay is to his worth as a man. He was a white man in every sense of the word; a man who always played the game and one of whom it was a privilege to have the friendship. When I entered this House three years ago I had the privilege of occupying the same room as Mr. Ashford and was very glad to receive from him the very kindly hints and instruction he was so well able to give. As has already been said, such assistance as that is a very great help to one who enters this Assembly for the first time. I pay my tribute to the sterling character of the late Mr. Ashford and trust all the solace that can be given will be given to his widow and family in their bereavement.

Mr. ARKINS: I have never before spoken on a similar motion, but I do wish to say a few words with respect to the motion which has been moved by the Hon. the Premier. The late Mr. Ashford, I am sorry to say, in my opinion, died of a broken heart. We must remember that he occupied a portfolio in a Cabinet that held power when the hell fires of war practically turned the whole of civilisation upside down. He met the aftermath of that war. He met it with that great physical strength of his and also the great mentality which he possessed. He had to fight adverse criticism at many periods of his career. Many men dipped their pens in venom to attack him, although perhaps wielded with no thought that they were penetrating right into the

heart of the man who had given his life for the public of New South Wales. Unfortunately, criticism is too readily given to public men to-day. The fight that he fought—the unfair fight at many stages—continued. Adversity followed him right to the end. Even when, as it were, the sword had been taken out of his hand, he again took it up, in spite of his friends, and he again lost his battle. After being placed back in the Assembly, after running the gauntlet of the electors and taking the spear points of all the criticism which was offered, when he was actually returned to this House once more the fates turned against him and he was placed outside of this House. No man in my experience ever had to bear the brunt or adversity like the late lamented gentleman. He was in my opinion more sinned against than sinning. The men who really crucified him did not know the cross he was carrying; they did not know what load he was bearing for the people of the beloved country that gave him birth. I ask those men who are on the great journals of this State, the men who are in the political life of this State, before they place a man on the cross to crucify him, that they look at him and sum him up and they will then perhaps realise that they are doing an injury which they do not wish to do. Adversity after adversity came upon Mr. Ashford. Fighting a lone hand in the great battle for his country, in my opinion he died of a broken heart, brought about by criticism which is to be regretted in any community. I hope the day will come when in Australia we will be more careful in our criticism of those who give their lives to the public service of the nation.

Hon. members rising in their places.
Question resolved in the affirmative.

ADJOURNMENT.

MINES RESCUE STATIONS—MARRIAGE
AMENDMENT BILL.

Motion (by Sir GEORGE FULLER) proposed:

That this House do now adjourn until 4 p.m. on Tuesday next.

Sir THOMAS HENLEY (Ryde) [6.22]: I desire to address you, Mr. Speaker, as the custodian of the

[*Lt.-Colonel Bruzner.*]

rights and privileges of every member of this Parliament, it does not matter which side he may be on. Every member sent into this House to represent his electorate must have certain rights. Last night, after I had gone to considerable trouble to collect authorities and to speak on one of the biggest measures that have ever come before this House, I was prevented from making the second-reading speech which I was entitled to make. Every member of this House is entitled to be heard. I was prevented from being heard, after the compact I had made with the Premier and the Minister in charge. I was asked not to speak last night, but to accept the adjournment of the debate. At twenty minutes to 11 Mr. Ley asked me would I take the adjournment after Mr. Morrow had spoken.

MR. LEY: That is not correct!

SIR THOMAS HENLEY: I agreed to do so. Ten minutes afterwards I was again asked would I allow Mr. Skelton a quarter of an hour and then accept the adjournment.

MR. LEY: That is not correct either!

SIR THOMAS HENLEY: I waited in this House from half past 4 yesterday until a few minutes to 11 o'clock. Mr. Morrow was speaking and the House was thoroughly tired and exhausted; so much so that the quorum bells were rung. I would ask hon. members if they consider that was a fair time for a man who had devoted weeks to prepare his authorities to speak on a bill of the greatest importance. I ask hon. members to bear with me now because although it was my turn last night it may be their turn to-morrow night. I had the opportunity last night. I was ready to speak at the tea hour. I went to the Minister in charge of the bill at the tea hour and told him I wished to speak as soon after him as possible. He told me he desired me to wait and get the adjournment. Obedient to my promise I sat here throughout the night and listened to the debate upon a bill in regard to which I submit that any man would be impelled to say what he felt. At that time the Minister believed he was carrying out the promise he made. On the day before yesterday I asked Sir George Fuller whether it was the

intention of the Government to rush the bill through the House and his answer was "No." I asked, further, whether it was intended that every hon. member should have a chance of speaking on such an important bill, and I was told "Yes." I asked whether it was intended to pass the bill by means of physical exhaustion and I received a reply in the negative. I relied on these statements. If I had asked for the adjournment of a debate in the ordinary way and had not obtained it I would have taken my gruel; but in this case a promise was repeated three or four times. Just before 11 o'clock it was suggested that the bill should be taken past the second-reading stage and through Committee on the one night, and I said it was impossible to do such a thing. I ask hon. members whether they consider I have had fair treatment in connection with a subject on which I was expected to speak. I want not only liberty of conscience, but also liberty of speech. I had hunted up authorities in order to enable me to put the subject before the House in a way in which it had not been presented. The Minister made a very excellent speech—the only speech which was worth listening to. I had hunted up authorities and had obtained the material necessary to enable me to answer the arguments of members of the Legislative Council. I had gone to considerable expense and labour. I am not like Ministers who have fags to look up authorities for them and I had to spend night after night on this work. I ask you, Mr. Speaker, whether you, as custodian of our rights and privileges, do not consider there is something wrong with our rules of procedure when hon. members are deliberately denied their right to speak on the floor of this House. I was asked to-night why I did not come along and make a second-reading speech in Committee or on the third reading. But hon. members know very well that it is against the rules of this House to make a second-reading speech in Committee. I say now that I am amazed at the treatment which I have had to put up with, and which has resulted in my being deprived of an opportunity of putting my views before my constituents and the country. I represent more direct votes than any

other hon. member. At the last election I polled more direct votes than have been polled by any man since responsible government was established. I have 90,000 electors on the roll in my electorate, and last night the whole of these people were disfranchised. I was insulted, my party was dishonored, and although I kept my part of the bargain honorably during the whole of the evening the promises made to me were broken. I am not here as the representative of a secret association, but of a large body of electors, and it is my privilege to speak on the floor of this House to the constituents I represent and to the people of this State generally. The shameful treatment to which I have been subjected is a disgrace to the Government and an insult to my constituents. In fairness to the Minister in charge of the bill I must say that up till the last moment when I asked for the adjournment of the debate he wanted to give it to me; but when he turned round to my leader and asked whether he should give me the adjournment, the answer was "No."

Sir GEORGE FULLER: That is absolutely untrue!

Mr. BADDELEY (Newcastle) [6.32]: I wish to say a few words upon a very important matter in connection with which I have not been treated fairly by the Government. The promises of the Premier and of the Minister for Mines that a bill would be introduced during this Parliament to make provision for rescue stations in coal-mines should have been honored.

Mr. J. C. L. FITZPATRICK: Do not raise that question. I have an answer to that!

Mr. BADDELEY: All I have to say is that the Minister approached me and wanted to know whether I and other representatives of the coal-miners intended to propose amendments to the bill, I told him that we intended to do so and that we considered it our right as representatives of the coal-miners to submit amendments. I consider that the Premier and the Minister for Mines should have kept their promises. I am not attempting to make political capital, but I would not be doing my duty to the people whom I represent if I allowed this

[Sir Thomas Henley.

occasion to pass without making my protest against the action of the Government. I had hoped that the Government would treat this matter as one of urgency and give it preference over the bill with which we have just been dealing, because I consider the safety of those employed in the mines of this State is of more importance than the subject dealt with in the Marriage Amendment Bill. The Premier has not kept faith with the coal-miners and I consider that even at this late hour the Minister for Mines should introduce a bill so that it could be passed before the session closes. If the Minister will submit a measure dealing with the subject of rescue stations in coal-mines I will do everything I can to help it through all stages in this House.

Mr. LEY (St. George), Minister for Justice [6.35]: As the Minister in charge of the House last night it is necessary I should say a few words in reply to what has been said by Sir Thomas Henley. After moving the second reading of the bill, Sir Thomas Henley informed me for the first time that he had a promise from the Premier to get the adjournment of the debate. I said that so far as I was concerned I was agreeable. I understood that the Premier had given a promise and I was certainly agreeable to fall in with it on the understanding that there was going to be a two nights' debate.

Sir THOMAS HENLEY: Why make it worse by equivocating?

Mr. LEY: I am not equivocating. I want the House to know the position. I was anxious to hear the hon. member, and I believe others would have liked to hear him. One knows that he does not waste the time of the House when he rises to speak. At the same time I want hon. members to know exactly where we were.

Sir THOMAS HENLEY: I gave the facts!

Mr. LEY: The hon. member did not give the facts. As the debate progressed it appeared at about half-past 10 that no members of the Opposition wished to speak. Only one member had expressed a desire, and that was Mr. Skelton, who intimated that he wanted to occupy not more than ten minutes. There was a generally expressed desire from all members to bring the debate to a close. I intimated that to Sir Thomas Henley, and

expressed my surprise to find it, but I said that I thought it would be in the interests of the expedition of business if we could get a vote that night. Instead of saying to Sir Thomas Henley that he should be denied the right to speak, I suggested that instead of getting the adjournment he should speak after Mr. Skelton and allow the matter to be finalised. I want to make it clear that I understood that the Premier's undertaking was only so far as one might give it, and that it was always subject to the Speaker's decision. It is the Speaker who has the right to say who shall get the adjournment of the debate, but it was understood that if Sir Thomas Henley got the call from the Speaker the Government would give him the adjournment.

AN HON MEMBER: He said that you arranged with him to give it to him!

MR. LEY: The hon. member did not make such an assertion. I did not understand Sir Thomas Henley to say that an arrangement had been made with the Speaker or the Deputy-Speaker. Certainly I knew of no such arrangement, nor would I be a party to it. I said to Sir Thomas Henley, "If the Premier has given you a promise, and you get the call, so far as I am concerned, I will agree." That was at a time I anticipated that the debate would take two nights. But when I saw it was unnecessary to waste the time of the House for two nights and that the debate would be concluded in one night, I suggested to Sir Thomas Henley that he should speak at that hour, but in very definite terms the hon. member said, "It is too late. I will not speak to-night; I will speak to-morrow. I am going to speak for two hours, and I want to speak to-morrow."

SIR THOMAS HENLEY: It is not true!

MR. LEY: I only want to make it clear—

SIR THOMAS HENLEY: You are making it worse!

MR. LEY: I only want to make it clear that there was no trick on my part. At the conclusion of his speech Sir Thomas Henley said that when he rose to get the call and that whilst he was on his feet, I turned to Sir George Fuller and was urging the Premier to do something in

the matter, and that Sir George Fuller would not agree. That is not true. I did turn to Sir George Fuller—

SIR THOMAS HENLEY: Ask Mr. Walker!

MR. LEY: Mr. Walker cannot say that I approached him or said anything to him. It is true, as Sir Thomas Henley said, that I turned to the Premier, but before I could say anything I heard the Deputy-Speaker put the question. I then looked round and discovered that Sir Thomas Henley had resumed his seat. What happened had really no more to do with the Premier or myself than with the man in the moon. Sir Thomas Henley himself receded from the position he had at the table in order to resume his seat. The hon. member could have remained on the floor. No one in the Opposition rose, and if he wanted the call I am sure the Deputy-Speaker would have given it to him. Instead of doing that the hon. member resumed his seat. Under those circumstances it is unfair, disappointed as the hon. member may be and disappointed as many of us were not to hear what he had to say, for him to suggest that he was misled, that he was tricked, that he had a compact. He knows perfectly well that neither the leader of the Government nor the Minister in charge of the House could do more than tell him that if he got the call from the Speaker at an appropriate time he could have the adjournment of the debate. I regret that the hon. member in his disappointment thought it necessary to make the statement he did in this House.

SIR THOMAS HENLEY: Your speech is worse than the deed!

MR. LEY: Neither his freedom nor the freedom of any other man was jeopardised last night, and never will be.

MR. D. MURRAY (Newcastle) [6.43]: I desire to support what has been said by Mr. Baddeley. The Minister for Mines has tried to make out that the members for Newcastle were the means of stopping the bill from going through the House.

MR. J. C. L. FITZPATRICK: Some of them were!

MR. D. MURRAY: The Minister knows that when he introduced the measure he came to hon. members on this side and they agreed to give him the first reading.

There was very little criticism at that stage. We were prepared to wait for the second reading to carry out some humanitarian work on behalf of the men in the mines. As a representative of the district, I think I am entitled to bring under the notice of the Premier the fact that stop-work meetings have been held in the district, and letters have been sent to the Mines Department through the miners' organisations, expressing a desire to meet the employers in the mining industry in order to arrive at some means of safeguarding the lives of the men working in the mines. It was after the Bellbird disaster that a special appeal was made for something to be done to safeguard the miners. I would point out to the Premier that legislation could have been brought forward and dealt with in a matter of one or two nights. The bill would have gone through with very little debate, though it might have been amended in one or two clauses. The cost of the measure to the State would have been infinitesimal; it would have afforded some degree of protection in cases of accidents in mines, and placed us on a footing with the sister State of Queensland in doing justice to the miners engaged.

Sir GEORGE FULLER (Wollondilly), Premier [6.47], in reply: We all understand the question raised by the hon. member, Mr. Baddeley. All hon. members know that the Government has taken up the proposed measure, and we were prepared to go on with it at the time referred to by the hon. member. I was prepared to give the Minister the necessary time, but when he came and notified me of the number of amendments which were to be proposed by hon. members opposite, I said we could not at that stage allow the time it would take to deal with them. May I remind hon. members opposite that while at this late stage of Parliament they are showing a belated anxiety in connection with this matter, a Labour Government was in power for many years, comprising men like Mr. Alfred Edden, Mr. Estell, and others closely associated with the mining industry, but they never did a hand's turn towards accomplishing anything in the matter.

[Mr. D. Murray.]

With regard to the matter brought up by Sir Thomas Henley, I regret that the hon. member has taken the course he has. With regard to the statement that Sir Thomas Henley was deprived of his opportunity through my saying "no," I have to say, in kindness to Sir Thomas Henley, that he is under a misapprehension. I must endorse what the Minister says, because I certainly never used the words stated. The hon. member lost whatever opportunity he might have had by resuming his seat. I know that the hon. member had gone to a great deal of trouble in order to prepare his speech. I know he was anxious to deliver it, and in all probability many hon. members would have been very glad indeed to hear it; but although I gave a promise to Sir Thomas that he should have the adjournment, everybody understood at the time it was given that we were going to have at least a two-nights' sitting for the debate. In a very short time, however, we found that the debate was "fizzling out." For one hon. member to assume that it is absolutely essential in the interests of the country that he should deliver a two-hours' speech, in opposition to the whole of the feeling throughout the House, is to take up a very unreasonable attitude.

Mr. GOSLING: He thinks the Premier should have kept his word to him; that is all!

Sir GEORGE FULLER: The Premier did keep his word to him, having regard to the circumstances in which it was given. When everybody thought we were going to have at least a two-nights' debate, I said to Sir Thomas, "Well, if you can arrange to get the adjournment, I am quite prepared for you to have it," but in consequence of the attitude of the Opposition the debate "fizzled out." I suppose they thought they had adopted some clever move. Under such circumstances it was my duty as head of the Government, in the interest of the proper conduct of business in this House, to take the responsibility in connection with closing the debate.

Question resolved in the affirmative.

House adjourned at 6.52 p.m.
until 4 p.m. on Tuesday
next.