

**LAW OF EVIDENCE BILL (*formal*)**

Bill presented and, on motion by the Hon. R. R. Downing, read a first time.

**LEGISLATIVE COUNCIL****ISSUE OF WRIT FOR ELECTION**

The PRESIDENT: I have to report the receipt of a message from His Excellency the Governor intimating that, with the advice of the Executive Council, he had issued a writ for the election, on Tuesday, 19th May, of a member of the Legislative Council to fill the vacancy caused by the resignation of the Hon. George Henry Neilly.

Writ read by the Clerk of the Parliaments.

The PRESIDENT directed that the taking of the votes of members of the Legislative Council be set down as an order of the day for Tuesday, 19th May, and intimated that, on that day, the taking of votes would take precedence of all other business.

**QUESTION WITHOUT NOTICE****COMMONWEALTH AND STATE  
PARLIAMENTARY SALARIES**

The Hon. H. D. AHERN: I wish to ask the Attorney-General, Minister of Justice and Vice-President of the Executive Council a question without notice. First, I should like to explain that I am chairman of the Constitutional League of New South Wales. One of the objectives of the league is to uphold and maintain the federal system of government established under the Commonwealth of Australia Constitution Act. I ask the Minister whether he will arrange, at an early date, for this House to have an opportunity to discuss the effects on the federal system of government, of which this House is an integral part, of the proposed changes in salaries and allowances of members of Parliament of other States and the Commonwealth Parliament.

The Hon. R. R. DOWNING: I should have thought that the hon. member would be sufficiently conversant with the forms and precedents of this House to know that ample opportunity is given every hon. member to have any matter discussed by this House. The hon. member may have this or any other question set down for

consideration by the House. Since he is chairman of the Constitutional League of New South Wales I should have expected him to be aware of this form and to have adopted the usual procedure if he wished this question to be discussed.

**SPECIAL ADJOURNMENT**

Motion (by the Hon. R. R. Downing) agreed to:

That this House, at its rising today, do adjourn until Tuesday, 19th May, 1959, at 2.25 o'clock, p.m., sharp, unless the President, or if the President be unable to act on account of illness or other cause, the Chairman of Committees shall prior to that date, by communication addressed to each member of the House, fix an earlier day and/or hour of meeting.

House adjourned, on motion by the Hon. R. R. Downing, at 12.42 p.m.

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**Legislative Assembly**

*Tuesday, 21 April, 1959*

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First Session of Thirty-ninth Parliament—Opening of Session—Oath of Allegiance—Members Sworn—Election of Speaker—Presentation of Mr. Speaker—New Administration (Ministerial Statement)—Leader and Deputy Leader of the Opposition—Leader and Deputy Leader of the Country Party and Country Party Whip—Government Whip—Opposition Whip—Election of Chairman of Committees—Assent to Bills—Law of Evidence Bill (*formal*)—Legislative Council: Vacancy (Issue of Writ for Election)—Legislative Assembly Members Provident Fund: Trustees—Special Adjournment—Adjournment (Academic Qualifications of Hon. Member for Armidale).

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**FIRST SESSION OF THE THIRTY-NINTH  
PARLIAMENT**

The House met at noon, pursuant to the proclamation of His Excellency the Governor convening Parliament.

The Clerk read the proclamation.

The Clerk announced that he had received a list, certified by His Excellency the Governor, of the names of the members to serve in this Parliament, together with the writs on which they had been returned.

## OPENING OF SESSION

The Usher of the Black Rod, being admitted, delivered a message from the Commissioners requesting the immediate attendance of this honourable House in the Legislative Council Chamber, to hear the Commission for the opening of Parliament read.

*The House went, and hon. members having returned,*

## OATH OF ALLEGIANCE

The Clerk informed the House that His Excellency the Governor had issued a Commission authorising the Hon. J. J. Cahill, the Hon. R. J. Heffron and the Hon. C. A. Kelly to administer the oath or affirmation of allegiance to Her Majesty the Queen required by law to be taken or made by members of the Assembly. The Clerk read the Commission.

## MEMBERS SWORN

All hon. members took the oath and subscribed the roll.

## ELECTION OF SPEAKER

Mr. MANNIX (Liverpool) [1.16]: I move:

That Ray Septimus Maher, Esquire, do take the chair of this House as Speaker.

I am greatly honoured that it should fall to my lot today to take part in an ancient ceremony which is of the utmost significance and lies at the very basis of our system of parliamentary government. We are assembled here from our constituencies where the people have recently expressed their will that we should represent them in the Thirty-ninth Parliament of our State. We have been reminded by the Commissioners appointed to open Parliament that our first duty is to elect a Speaker. That is a first duty not merely so that we may have an hon. member to preside over us, but also because the election of a Speaker was the first step on the long road towards the establishment of this institution as we know it—a House of the common people.

Many changes in the institution of Parliament may be traced through the scrolls of our British constitutional history. The Cabinet and party

systems are comparatively recent innovations in our parliamentary way of life compared with the ancient office and rôle of the Speaker. We have seen in recent centuries the transfer of responsibility from Parliament to the executive and judicial arms of government. However, upon the opening of a new Parliament it is well for us to remember that all the power and responsibility of the Government and the judiciary flow from Parliament. It is Parliament that governs: and we, the individual members of Parliament, have to answer to our constituencies for Parliament's actions. It is true that in this twentieth century Mr. Speaker has not the same jurisdiction as had his seventeenth century predecessors: nevertheless, the office of Speaker remains as a link between Parliament and the Queen. The Speaker is the custodian of our ancient rights and we are reminded, by the existence of his office, that a venerable atmosphere of tradition, procedure and ceremony surrounds all our actions in this Parliament. Perhaps Parliament's adherence to that precedence, procedure and ceremony has done more to safeguard our basic freedom than the complexity of men who have passed through this and other British parliaments.

Be that as it may, we are asked to select our Speaker. What must we look for in the man to whom we shall entrust our rights? We live in an Elizabethan age, and so perhaps we might look back to the records of the reign of the first Queen Elizabeth for some guidance in this matter. There we read of a Lord Chancellor who advised the election of "a discreet, wise and learned man" as Speaker. Much has been written of the attributes that should be possessed by a person holding the office of Speaker. Our history shows clearly that the occupant must be imbued with a high degree of impartiality. Only in recent times has preservation of the impartiality of the Speaker seemed to fade from our parliamentary scene. Until only recently the preservation of the impartiality of the Speaker of the House of Commons was paramount. Until 1920 the Speaker was the first commoner of the realm. To demonstrate his impartiality he dissociated himself from all things political, even to the extent

of resigning from the political party to which he formerly owed allegiance. It was only thirty years ago that the House of Commons departed from the parliamentary convention of a Speaker's remaining unopposed in his own electorate. Perhaps we of our generation are not big enough to pay such high respect to the impartiality of the Chair of this House. If we are not willing to sow this seed of impartiality, perhaps we are not entitled to reap it.

I am convinced that we have, in the man I am proud to sponsor, the ideal choice. He is a man of learning whose wit, eloquence, logic and philosophy have impressed us in his six years of service in this House. He is a man of discernment who has always been quick to champion the cause of his own constituency, quick to assess a situation and quick to analyse a problem. He is, too, a man of wisdom and understanding; and, as we well know, he has been able to rebut irony with humour and to withstand derision with calm subtlety. It has been said: "The office of Speaker does not demand rare qualities. It demands common qualities in a rare degree." I believe that the hon. member for North Sydney has in this rare degree the personal qualities that will enable him, with wisdom and impartiality, to preside over this Chamber.

We who know the hon. member so well have unbounded confidence in him, but for confirmation of the aptness of our choice we may look to a broader horizon. As a Parliament of the people we might give some thought to what manner of man would have been the people's choice of a Speaker, had it been their lot to elect him. In the recent general elections all the political experts and students regarded North Sydney, the electorate represented by Mr. Maher, as a test of the real feeling of the people in all the electorates of New South Wales. Hon. members will agree that his outstanding calibre, personality and courage were vital factors in persuading the impartial and discerning constituents of his electorate to return him to this Parliament. I submit, therefore, that we should accept the voice of those discerning electors in the borderline seat of North Sydney as a criterion to

guide us in making an appropriate choice of Speaker. This is a logical conclusion. I am sure that all hon. members having confidence in the personal attributes of the hon. member for North Sydney will demonstrate their respect for the Chair of this Assembly and all it symbolises by making the wise choice of honouring him in asking him to act as Speaker of this House.

Mr. DOWNING (Ryde) [1.26]: I second the nomination of Ray Septimus Maher for the position of Speaker. The hon. member for North Sydney possesses the qualities needed in a Speaker of this Assembly and I share the confidence in him that has been expressed by the hon. member for Liverpool. My confidence is born of many years of association with him, going back to the time when he was a mere youth interested in politics. He was keen to join a political party and take an active interest in the affairs of our State. Having lived in the same federal electorate as the hon. member and having worked in close association with him, I had the opportunity of observing his career as he progressed in the Labor movement and became the hon. member for North Sydney. In all that time he displayed the traits that stamp him as an excellent selection for the position of Speaker. He has always been quick to deliver an opinion but is equally willing to wait and hear the other point of view before arriving at his own conclusion. He is able to advance justifiable and sound reasons for his conclusions. With these qualities I feel sure that he will discharge the duties of Speaker of this House in accordance with the traditions of the British parliamentary system. I commend the hon. member for North Sydney to the House.

Mr. MAHER (North Sydney) [1.28]: I accept nomination and, in accordance with ancient usage, submit myself to the will of this honourable House.

Motion agreed to.

[*The Hon. Ray Septimus Maher was then taken out of his place by Mr. Mannix and Mr. Downing and conducted to the chair.*]

Mr. SPEAKER ELECT, standing on the dais, said: I wish to make my acknowledgments to the House and thank hon. members for the great honour they have bestowed on me. I assure hon. members of my devotion to the House.

Mr. SPEAKER took the chair.

Mr. J. J. CAHILL (Cook's River), Premier and Colonial Treasurer [1.30]: It is appropriate that I, as leader of the Government, should avail myself of this opportunity to extend the warmest and most cordial congratulations to the hon. member for North Sydney on his elevation to the Speakership of the New South Wales Legislative Assembly. I know that my remarks will receive the unqualified endorsement of every member of this Parliament. I confidently believe that the hon. member for North Sydney will make the ideal Speaker and though we have men of great capacity on both sides of this House, I doubt whether a more universally acceptable choice could have been made. I am sure that all hon. members will join with me in wishing him well in the exalted office he has assumed.

The office of Speakership in any democratically-elected parliament is, indeed, no sinecure. The duties it entails are exacting and arduous in the extreme, and call for high personal and academic qualities. On both counts the gentleman who now occupies the Speaker's chair is well equipped. Mr. Speaker is serving in his third Parliament, and is well known to every hon. member. We have been in close association with him in his public life and in the clamour and excitement that at times characterise the proceedings of this House, just as in any other freely-elected parliament. We have been placed in the best position to judge, and the choice of the hon. member for North Sydney as Speaker is the result of that judgment. I say without any fear of contradiction that the hon. member throughout his parliamentary career has been held in the highest personal respect and esteem by hon. members generally, irrespective of their political affiliations. At all times he has shown himself to be a forthright, sincere and transparently honest member. As the hon. member for Liverpool said, Mr. Speaker has a lively

sense of humour, a quick, but not malicious, wit, and a capacity to gain the confidence and friendship of people in all walks of life. His record of electoral achievement provides proof—if any is necessary—that he possesses those qualities in a most generous measure.

Mr. Speaker has a scholarly and academic background, which will serve him well in his office. He is a graduate in arts of the University of Sydney and is a keen student of political science and public administration. Therefore, there can be no quibble on the score that our Speaker is not fully equipped to discharge the duties that will devolve upon him. The present incumbent follows a long line of distinguished men who have held the Speakership, dating back to the Hon. Sir Daniel Cooper, who was appointed in 1856 following the granting of responsible government. During those 103 years we have had twenty-five Speakers of the New South Wales Legislative Assembly. The Speakership is an office of great dignity and importance, and at various times it has been held by outstanding figures in the public life of this State and the Australian Commonwealth. I know that the hon. member for North Sydney is deeply conscious of the high honour that has been conferred on him by his election to the Speakership of the Mother Parliament of the Commonwealth; I know that he is deeply conscious also of the responsibility he has assumed. From my knowledge of Mr. Speaker, he will discharge his duties with credit to himself and to the institution of Parliament.

I again congratulate the hon. member for North Sydney and wish him well in the important office he now holds. I appeal to every hon. member to give Mr. Speaker loyal support and co-operation at all times. If that is done, I am sure there will be no heartburning or cause for complaint. Further, it will permit disposing of the business of the House in an orderly and efficient manner, and at the same time provide the administrative service that is Parliament's responsibility.

Mr. MORTON (Mosman) [1.34]: Nothing has a more direct bearing upon the prestige of Parliament or upon the standards of parliamentary conduct than

the personality of Mr. Speaker ; he sets the tone of the whole of the affairs of this honourable Chamber, and upon his dignity, impartiality and deportment rests, in large measure, the good name of Parliament. The State Parliamentary Liberal Party, and I, as Leader of the Opposition, welcome a new Speaker to this Parliament. We are hopeful that you, Mr. Speaker, will be able to achieve much in restoring the standing of this Legislature to a level that will give true satisfaction to all members. We congratulate you and will co-operate fully and give you every opportunity to carry out your duties according to the traditions attaching to this high office.

I am sure, Mr. Speaker, that you need no reminder that this office is an ancient and distinguished one, dating back in England as far as the year 1337. The emergence of the Speakership as the institution that we know today is an exciting story, intimately linked with the history of the parliamentary institution itself. It is a story that contains many great and inspiring moments. Tremendous weight attaches to the initial choice of the person to fill this high office. The cardinal rule is that upon this choice both Government and Opposition should be agreed. As most hon. members know, in England it has long been customary for the Speaker to be re-elected to the chair in each successive Parliament, regardless of political complexion. The Speaker of the House of Commons ranks in precedence as the sixth subject in the land. The extreme care taken to ensure the independence of the Speaker is reflected in the high salary paid to him and the fact that upon his retirement he receives a substantial pension and is usually offered a title. So, Mr. Speaker, we never know what may happen here.

What are the qualities required in the occupant of the chair? A famous English Speaker, Mr. Speaker Lowther, has described them as being "not brilliant or rare qualities so much as common qualities in a rare degree." "The office needs a practical man," he said, "with a sound instinct for justice, who does his work honestly, justly and good-humouredly." A minute knowledge of procedure has never been so essential as a sound instinct for the spirit of

Parliament. First and foremost, a Speaker must possess the confidence of his fellow members in his constant impartiality. He must also stand above party and interpret the standing orders and customs of Parliament with complete impartiality. I am sure you, sir, will have these sentiments constantly in mind. I believe that you will carry out your duties effectively and that you will make a good Speaker. I ask you to ensure that subject only to the fair application of our standing orders and the rules of debate, every member is free to express himself fully upon any matter before the House.

I have no doubt that you will do your duty where the traditional rights of the Opposition are concerned. It is important that all of us should remember constantly that when we on this side of the House speak, we speak for at least half the people of New South Wales. The near-even balance of representation and the number of votes recorded for the Government and Opposition parties throughout the State show that we of the Opposition are in no way a minority group. Once let the integrity of Mr. Speaker fall into question and the foundations of the whole parliamentary edifice become unstable. Let him once appear capricious or inconsistent and he strikes a blow at the prestige of Parliament itself. We look with confidence to you, sir, believing that in your hands Parliament will be safe from these dangers. I believe that you will do everything in your power to preserve all the traditions that attach to this institution as a British parliament. My colleagues and I certainly wish you well in your new office.

Mr. CUTLER (Orange) [1.40]: My colleagues of the Country Party and I join with the Premier and the Leader of the Opposition in conveying to you, Mr. Speaker, our most sincere congratulations on your elevation to this high office. We are pleased to welcome to the chair of this House a man who, through his knowledge and personality, can bring credit to this Chamber and to all of us who serve in it. You, sir, have the difficult task of maintaining the very high standard of Speakership that has characterised for many centuries the British parliaments. A difficult

task it is ; but a task that can bring lasting distinction to you and great dignity to this Chamber and to the men who are privileged from time to time to serve in it. We members of the Country Party have learnt from our former leader to obey and respect the Chair. Also, we have the highest regard for authority that is properly executed and wisely administered.

The character of the Speaker of this Chamber should have a vast influence on all the proceedings that take place here. I am sure you realise that the more confidence you command from hon. members of this House the greater respect you will receive from them all. You will be called upon to make personal sacrifices. You will have to forget all that is personal and all that is past, and you will have to subordinate everything that you do and everything that you say to the interests of this House. I assure you, sir, that my colleagues of the Country Party and I shall do everything in our power to make the great task that you have undertaken as easy as it can possibly be.

Mr. W. H. LAMB (Granville) [1.42]: I should like to add my congratulations to those already expressed. You have been elected to the highest position to which this House can elect one of its members. Yours is a position of great dignity, responsibility and authority, and I am confident that you will acquit yourself in it with ability and distinction. I hope that God will bless you with good health and that He will spare you for many years to occupy your present position in happiness and with success.

Mr. SPEAKER: I thank first the hon. member for Liverpool and the hon. member for Ryde for nominating me for this important office. Second, I thank the House for electing me unanimously. Third, I thank the Premier, the Leader of the Opposition, the Leader of the Country Party and the hon. member for Granville for their congratulations and the generous references that they have made to me. To be elected Speaker is a great honour—the greatest prize that this House has to offer. To be elected Speaker unopposed and

unanimously is a rare and signal distinction of which I am profoundly appreciative. I have in mind the fact that parliamentary government has been handed down to us for some 700 or 800 years. It is a great heritage, and it suits admirably the Australian way of life. I am conscious, too, as I stand here, that some eminent Australians have occupied this chair before me. I need refer only to Sir Daniel Cooper, Sir George Wigram Allen and Sir Edmund Barton, all great Australians who have graced the chair of this Chamber.

My immediate predecessor, the hon. member for Granville, distinguished himself and the chair by establishing a record term of office and by displaying during that term a profound knowledge of the standing orders. There is a task to be done here, and I approach it with genuine humility. The keynote of our actions and deliberations in the future should be the recognition and the maintenance of the dignity of this Chamber. I cannot achieve that alone. I need the co-operation of every hon. member to establish and maintain the dignity that should be observed in every parliament in the British Commonwealth of Nations. This afternoon, by your action you have made me the constitutional custodian of your undoubted rights and privileges. I shall maintain the dignity of the House and hon. members may be sure that their rights will be protected and their privileges guaranteed to the utmost.

#### PRESENTATION OF Mr. SPEAKER

The Premier announced that His Excellency the Lieutenant-Governor would be pleased to receive Mr. Speaker at Government House at half past three o'clock p.m.

*[Mr. Speaker left the chair at 1.46 p.m. The House resumed at 4.20 p.m.]*

Mr. SPEAKER: I have to report that the Assembly has been to Government House where I informed the Lieutenant-Governor that, immediately after the opening of Parliament today, the Legislative Assembly, in the exercise of their undoubted right, had proceeded to the election of their Speaker, that the choice had fallen on me, and that I had to present myself to him

as their Speaker ; whereupon the Lieutenant-Governor was pleased to offer me his congratulations. I then, on behalf of the House, laid claim to all their undoubted rights and privileges, particularly to freedom of speech in debate, to free access to His Excellency the Governor when occasion should require, and that the most favourable construction should, on all occasions, be put upon their language and proceedings ; to all of which the Lieutenant-Governor readily assented. I repeat my grateful thanks for the signal honour that the House has conferred upon me.

#### NEW ADMINISTRATION

##### MINISTERIAL STATEMENT

Mr. J. J. CAHILL: I wish to inform the House that on 1st April, 1959, with a view to reconstructing the Ministry, I submitted my resignation as Premier and Colonial Treasurer and as a member of the Executive Council to His Excellency the Governor, an action that involved the resignations of the whole of my colleagues. His Excellency immediately commissioned me to form a new Ministry and on the same date the following gentlemen were appointed by His Excellency as members of the Executive Council and to the offices indicated: The Honourable John Joseph Cahill, M.L.A., Premier and Colonial Treasurer ; the Honourable Robert James Heffron, M.L.A., Deputy Premier and Minister for Education ; the Honourable Robert Reginald Downing, LL.B., M.L.C., Attorney-General, Minister of Justice and Vice-President of the Executive Council ; the Honourable Christopher Augustus Kelly, M.L.A., Colonial Secretary and Minister for Tourist Activities ; the Honourable Patrick Darcy Hills, M.L.A., Minister assisting the Premier and Colonial Treasurer ; the Honourable William Francis Sheahan, Q.C., LL.B., M.L.A., Minister for Health ; the Honourable Francis Harold Hawkins, M.L.A., Minister for Child Welfare and Minister for Social Welfare ; the Honourable John Brophy Renshaw, M.L.A., Minister for Local Government and Minister for Highways ; the Honourable Ambrose George Enticknap, M.L.A., Minister for Transport ; the Honourable Abram Landa, LL.B., M.L.A., Minister for Housing and Minister for Co-operative Societies ; the

Honourable Ernest Wetherell, M.L.A., Minister for Conservation ; the Honourable Roger Bede Nott, M.L.A., Minister for Agriculture ; the Honourable James Joseph Maloney, M.L.C., Minister for Labour and Industry ; the Honourable James Brunton Simpson, M.L.A., Secretary for Mines ; the Honourable John Michael Alfred McMahon, M.L.A., Secretary for Lands ; and the Honourable Phillip Norman Ryan, M.L.A., Secretary for Public Works. The Minister for Health will represent the Attorney-General and Minister of Justice in this House, and the Minister for Labour and Industry will be represented by the Minister for Housing and Minister for Co-operative Societies.

#### LEADER AND DEPUTY LEADER OF THE OPPOSITION

Mr. MORTON: I have to announce my reappointment to the position of Leader of the Opposition and the reappointment of Mr. Robin William Askin as Deputy Leader.

#### LEADER AND DEPUTY LEADER OF THE COUNTRY PARTY AND COUNTRY PARTY WHIP

Mr. CUTLER: I have to inform the House that on 14th April, 1959, I was appointed Leader of the Country Party, that Mr. William Adolphus Chaffey was appointed Deputy Leader, and that Mr. Stanley Tunstall Stephens was reappointed Whip of the Country Party.

#### GOVERNMENT WHIP

Mr. J. J. CAHILL: I have to inform the House that on 31st March, 1959, Mr. Stanislaus Wyatt was appointed to the position of Government Whip.

#### OPPOSITION WHIP

Mr. MORTON: I have to inform the House that on 21st April, 1959, Mr. Eric Hearnshaw was appointed Opposition Whip.

#### ELECTION OF CHAIRMAN OF COMMITTEES

Urgency and suspension of certain standing orders agreed to, on motions by Mr. J. J. Cahill.

Mr. MURPHY (Concord) [4.27]: I move:

That Howard Thomas Fowles, Esquire, be Chairman of Committees of the Whole House.

I put this motion before hon. members with great personal pleasure, having some knowledge of the gentleman that I have nominated for this august position. Mr. Fowles, like many of us, had quite humble beginnings. He came from a district proximate to the one that I now represent. He received his education at the Granville Superior Public School and his early ambition would have taken him to a different vocation from that which he subsequently followed. He wished to enter the teaching profession but, as happened with many of us, the force of economic circumstances debarred him from following his early inclinations. He entered the electrical trade and served his early years with the Department of Railways, playing an important part in the modernising of the signalling system of that great organisation. Indeed, prior to entering this Parliament he had attained a position of authority in one of the country establishments of the department.

Mr. Fowles has a long record of industrial and political activity. He has been a member of one of our great trade union organisations—the Electrical Trades Union—for more than forty years. He was at one time a member of the executive of the Australian Labor Party and has, as I have already said, played an active and important part in the industrial movement of this State. It is true that this would not directly fit him for the position to which I have nominated him, but in 1941 he was elected to represent the electorate of Illawarra in this Parliament and has displayed intelligent and conscientious attention to his duties. For some considerable time he has been a Temporary Chairman of Committees and hon. members have had an opportunity of assessing his ability to fulfil the onerous responsibilities that will fall upon him as Chairman of Committees of the Whole House. I am sure that all hon. members are satisfied that as Chairman of Committees and Deputy to Mr. Speaker he will ably uphold the traditions of this House.

Mr. W. J. FERGUSON (Paddington-Waverley) [4.30]: I second the nomination with complete confidence that the hon.

member for Illawarra will perform his duties in a manner that will prove satisfactory to all hon. members. I congratulate the hon. member for Concord on his fine speech in support of the nomination.

Motion agreed to.

Mr. FOWLES (Illawarra) [4.31]: I thank hon. members for the honour that they have bestowed upon me in appointing me Chairman of Committees and Deputy Speaker. I am not unmindful of the responsibilities entailed in this office and I believe that my many years as a Temporary Chairman will be of considerable help to me in the discharge of my duties. I assure hon. members that with their co-operation I shall at all times act with a dignity and tolerance worthy of this distinguished Chamber. I thank the hon. member for Concord and the hon. member for Paddington-Waverley for their kindly remarks and I again assure the House that I shall do everything possible to discharge my duties capably.

#### ASSENT TO BILLS

Royal assent to the following bills reported:

Legislative Assembly Members Superannuation (Amendment) Bill  
 River Murray Waters (Amendment) Bill  
 Tuberculosis Bill  
 Broken Hill Water and Sewerage (Amendment) Bill  
 Bush Fires (Amendment) Bill  
 Co-operation (Amendment) Bill  
 Defamation Bill  
 Friendly Societies (Amendment) Bill  
 Government Railways and Transport (Amendment) Bill  
 Industrial Arbitration (Female Rates) Amendment Bill  
 Land Acquisition (Charitable Institutions) Revesting Bill  
 Meat Industry (Amendment) Bill  
 Mental Health Bill  
 Mines Inspection (Amendment) Bill  
 Stamp Duties (Amendment) Bill  
 Sydney to Melbourne Railway Standardisation Agreement Bill  
 The Baptist Union Incorporation (Amendment<sup>4</sup>) Bill

#### LAW OF EVIDENCE BILL <sup>4</sup>(*formal*)

Bill presented and, on motion by Mr. J. J. Cahill, read a first time.



## LEGISLATIVE COUNCIL: VACANCY

## ISSUE OF WRIT FOR ELECTION

Mr. SPEAKER reported the receipt of a message from His Excellency the Governor intimating that, with the advice of the Executive Council, he had issued a writ for the election, on Tuesday, 19th May, of a member of the Legislative Council to fill the vacancy caused by the resignation of the Hon. George Henry Neilly.

Writ read by the Clerk.

Mr. SPEAKER directed that the taking of the votes of members of the Legislative Assembly for the election of a member to the Council be set down as an order of the day for Tuesday, 19th May, and intimated that on that day the taking of votes would take precedence of all other business.

LEGISLATIVE ASSEMBLY MEMBERS  
PROVIDENT FUND: TRUSTEES

Motion (by Mr. J. J. Cahill) agreed to:

That, in accordance with the provisions of the Legislative Assembly Members Superannuation Act, 1946-1958, the following Members of the Legislative Assembly be and are hereby appointed as Managing Trustees of the Legislative Assembly Members Provident Fund as from the commencement of the present Parliament:—The Honourable Francis Harold Hawkins; William Frederick Farrar Crabtree, Esquire; Clarence Joseph Earl, Esquire; William Ernest Wattison, Esquire; George William Brain, Esquire; Joseph Alexander Lawson, Esquire.

## SPECIAL ADJOURNMENT

Motion (by Mr. J. J. Cahill) proposed:

That unless otherwise ordered, this House, at its rising this day, do adjourn until Tuesday, 19th May, 1959, at 2.30 o'clock, p.m., unless Mr. Speaker, or, if Mr. Speaker be unable to act on account of illness or other cause, the Chairman of Committees, shall, prior to that date, by telegram or letter addressed to each Member of the House, fix an earlier day and/or hour of meeting.

Mr. WILLIS (Earlwood) [5.1]: I protest against the motion, which the Premier moved in so few words. In December, 1958, when the last session of the Thirty-eighth Parliament was in its dying days, Government members referred often to the important legislation that was then before the House and the need for continuing the session almost until Christmas to deal with it; indeed, on a number of occasions the

possibility was mentioned of the House's sitting in the new year to conclude the business before it. Of course, as all hon. members expected but no Government member admitted, soon after Christmas the House was dissolved and the elections were held. Now there is to be a special adjournment until 19th May. It was announced in the press—certainly the Premier was reported to have said it—that on 19th May an election is to be held to fill a vacancy in another place, and that the House will then adjourn until August next, when the budget session will commence. I register my protest, for I believe that this course of events is a negation of the principles upon which the parliamentary institution has been based. There is even some doubt whether the House will sit on 19th May, for if the vacancy in the Legislative Council is not contested Parliament will be prorogued by the Government. Thus there will not be a session of this Parliament—except today's meeting when formalities only were dealt with—until August next, a period of about nine months since last December. This is too long a period for the Parliament of New South Wales not to meet.

When a new government is elected it is customary, after the conclusion of formalities, for hon. members to agree to an adjournment of this kind, to enable the new government to formulate its programme and bring it before the House later. However, this Government has been in office for so long a period that it could scarcely be described as new; and, with but two changes in the Ministry, no doubt it will come before hon. members with an extension of the programme that it has been presenting for a number of years. Thus, there should be no reason for the Government's seeking a recess in which to prepare its legislation. When the House rose in December last there were upon the business paper no fewer than ten bills that had reached the second-reading stage. The responsible Ministers had claimed that this was important legislation, sought by the community, and so highly desirable that hon. members might have to meet again in the new year to deal with it.

It is now apparently the Premier's intention to adjourn the House until some hypothetical date in May, and then to refrain from calling Parliament together until August, when it will deal with the legislation which, before last Christmas, the Government considered to be vital. That attitude is a complete somersault by the Government, and denies to the Opposition—which represents more than half the community—an opportunity to bring before Parliament important matters affecting constituents. Apparently some hon. members on the Government side do not believe that we represent more than half the people, but at the proper time I will quote statistics to prove that at the last general elections we on this side of the House obtained more votes than were given to supporters of the Government. There is no question about that. Electoral boundaries and the abolition of postal voting have contributed to the return of the present Government.

The balance of power in this Parliament is so small that the Government scrambled back on to the Treasury benches only by the skin of its teeth and has now decided that the Opposition, which represents a majority of the people, will not be able to put its viewpoint before Parliament for a total period of about nine months—since the dissolution of the old Parliament and the first effective meeting of the new. That will deny a large proportion of the people of this State an opportunity of putting their views before the Government.

The Government's attitude could lead to the charge that it does not wish to call Parliament together because it is afraid. I do not think that is the reason: I believe that this Government has been so long in office that it holds Parliament in contempt and considers that meetings of Parliament are unnecessary. Indeed, the Government seems to believe that we can do without a Parliament for nine months at a time. It has shown that it is prepared to table, as it did today, regulations that may be negatived only by a vote of the House within fourteen sitting days, when simple arithmetic will prove that fourteen sitting days will not perhaps take place for the next five or six months. Surely that is not the way to treat the democratic institution to

*Mr. Willis]*

which hon. members were so recently elected, and therefore I violently oppose the Premier's motion and sincerely hope that the Government will institute the practice followed by the Federal Parliament of having two balanced series of sittings each year.

There is what may be called the spring sitting at Canberra when the address-in-reply is dealt with, and the autumn sitting in which the budget debate takes place. The debates on the address-in-reply and the budget are of a general nature, and yet we have both of them in the same session, between August or September and Christmas. So, in this Parliament hon. members are forced to duplicate many of their remarks in the debates that are held in the same session. If the Government had a high regard for Parliament it would ensure that the general debates on the address-in-reply and the budget were held in different sessions during the year so that the people we represent would be able to put their views forward through us as effectively as possible. Instead of doing that the Government has decided that we shall wait another four or five months before we can discuss the people's problems in this Parliament. For those reasons I protest against the motion of the Premier.

Mr. J. J. CAHILL (Cook's River), Premier and Colonial Treasurer [5.9], in reply: If the hon. member for Earlwood reads the motion he will find that it is more or less formal and is designed merely to provide for hon. members to vote on 19th May for the election of a new member of the Legislative Council. The fact is that I have moved that this Parliament should be adjourned until 19th May.

Mr. WILLIS: After that the Government does not propose to call Parliament together again until August.

Mr. J. J. CAHILL: It is most unfortunate that the hon. member for Earlwood spoke as he did because it could easily be said that a long adjournment of Parliament would allow time for the new Opposition Whip to get the hon. member into line and ensure that he attends the meetings of Parliament more regularly.

Mr. WILLIS: Try to act like a Premier.

Mr. J. J. CAHILL: When a member is carrying on another business, as is being done by the hon. member for Earlwood, it ill becomes him to complain when the Government has decided that Parliament should not be called together until a certain date.

Mr. DOIG: The Premier should try to be a member of Parliament for a change.

Mr. J. J. CAHILL: I will remain a member of this Parliament whether I am here or in Cowra. Perhaps the hon. member will not open his mouth any more after that.

Mr. DOIG: I would like the Premier to open his mouth a little wider.

Mr. J. J. CAHILL: I can do that. This House meets for a much longer period than does the Federal Parliament. Last year this House met until Easter and again for the budget session. This year this State has had a general election and it is usual, after a general election, for the Ministry to prepare its policy for presentation to Parliament.

Mr. WILLIS: Does it need six months?

Mr. J. J. CAHILL: The fact that the House is not actually in session does not suggest that the Government is doing nothing. Virtually all hon. members on this side give the whole of their time to parliamentary work and the hon. member for Earlwood should have some regard for that.

Mr. DOIG: There is no question time.

Mr. J. J. CAHILL: There has been no question time today; the Standing Orders do not provide for it.

Mr. DOIG: There will not be another question time until August.

Mr. J. J. CAHILL: If the hon. member for Burwood waits until the time comes he will have an opportunity and will be able to make all the explanations that he wants to offer. I regret that the Government was unable to provide him with an opportunity today.

Mr. DOIG: Try again to be a member of Parliament.

Mr. SPEAKER: Order!

Mr. J. J. CAHILL: If the hon. member gives it, he must take it. The Constitution provides for the vote that is to take place on 19th May and, unless hon. members do not want to hold that election, they will vote for this motion.

Motion agreed to.

#### ADJOURNMENT

ACADEMIC QUALIFICATIONS OF HON. MEMBER FOR ARMIDALE

Motion (by Mr. J. J. Cahill) proposed:

That this House do now adjourn.

Mr. HUGHES (Armidale) [5.12]: I regret detaining the House on its first day of meeting but I want to make a personal explanation on a matter that affects me personally. It arose during the election campaign and, because of my health, I was unable to deal with it at that stage. This is the first opportunity that I have had since then to speak to the House on this subject and I think that this Chamber is the proper place to give my explanation. The matter is a personal one, relating to my academic qualifications. Over the past few weeks many statements have been made about them, some true and some untrue, and therefore I propose to outline as briefly as possible the actual position for the information of hon. members and for the records of this House.

The qualifications that I possess are from the University of Tasmania. They are Education I, which was then a second year arts subject, Pure Mathematics I, Applied Mathematics I, Chemistry I and Physics I; in second year, Chemistry II, with distinction, and Physics II; and in third year, Chemistry III, with distinction. After gaining these qualifications I was transferred to Melbourne in the teaching profession, where it was necessary, to get a Melbourne degree, to complete a third year subject. I took the third year subject of Chemistry in Melbourne, but still required another second year subject to complete the course. In other words, the degree was not complete in either university; in Melbourne I was

one pure science subject short of completion and in Tasmania, two subjects. I might add that, for financial reasons, I was unable to pursue a full-time university course. The subjects that I have outlined were done as part-time courses while I was a student at the teachers' college or while I was doing other work. They are the qualifications that I possess. In the old *Hansard* the initials B.Sc. stood against my name, but I want to say that this is not true. Though I saw them in *Hansard* I did not take the necessary action to have them removed.

Mr. ROBSON: Why not?

Mr. HUGHES: In reply to the hon. member interjecting, I admit it was a grave weakness on my part in not making sure that the description B.Sc. was removed from *Hansard*. I shall go further and say that I see no distinction between that and claiming the particular degree. I say straight out to the House that this is the precise position—I did not take the necessary action. I understand that the same position obtains in the records of the Royal Australian Air Force. In June, 1940, I made the following statement in my application to the Air Force:

I have read for a Bachelor of Science Degree, completing it in the following subjects—

and I outlined the actual subjects. Apparently more was taken from that statement than was actually intended. I do not want to pursue the matter further, except to say that I very much regret the position. So far as I am able to say, I have outlined the true situation. This matter was raised during the election campaign and also in my own electorate, but despite this my constituents were good enough to return me with a very much increased majority. I believe that I still have a part to play in the government of this State and I hope that in this new Parliament I shall be able to discharge my parliamentary duties to the best of my ability as the member for Armidale and as a member of a party that has not been sullied in this way before.

Motion agreed to.

House adjourned at 5.16 p.m. until  
2.30 p.m., Tuesday, 19th May,  
1959.

## Legislative Council

Tuesday, 19 May, 1959

Legislative Council: Election of Member—Commission  
to Administer Oath of Allegiance—Leave of  
Absence—Special Adjournment.

The PRESIDENT took the chair at 2.25 p.m.

The Prayer was read.

### LEGISLATIVE COUNCIL: ELECTION OF MEMBER

#### BALLOT

By direction of the President the ballot-box was exhibited by the Clerk of the Parliaments and then locked.

The PRESIDENT: I now declare the ballot open and invite hon. members to come forward to obtain their ballot-papers.

*Balloting having proceeded between 2.30 p.m. and 4.30 p.m.,*

The PRESIDENT: The hour for the termination of the taking of the votes at this sitting having arrived, I direct that the doors be locked. Will any hon. member who has not received a ballot-paper and who desires to vote rise in his place so that his name might be recorded?

*No hon. member having risen,*

The PRESIDENT: There being no such hon. member, I direct that the doors be unlocked. All hon. members who had received their ballot-papers before the hour appointed in the writ for the termination of the taking of the vote having completed before that hour the recording of their votes, I declare the ballot closed.

### COMMISSION TO ADMINISTER OATH OF ALLEGIANCE

The PRESIDENT: I have to report the receipt of a Commission from His Excellency the Governor authorising the Chairman of Committees, in the absence of the President, to administer from time to time, as occasion may require, to any member of