

# NEW SOUTH WALES PARLIAMENTARY DEBATES.

## TWENTY-SEVENTH PARLIAMENT—FIRST SESSION.

### OPENING OF PARLIAMENT.

THE Fifth Session of the Twenty-sixth Parliament was prorogued on 7th April, 1925 and that Parliament expired by effluxion of time on 18th April, 1925. The Twenty-seventh Parliament was convened for the despatch of business on 24th June, 1925; and the First Session commenced on that day.

Parliament was opened by Commission.

### Legislative Council.

Wednesday, 24 June, 1925.

Opening of Parliament—New Members—Seat Vacated—  
The late Hon. J. B. Nash—Marriage Amendment  
Bill—New Ministry—Law of Evidence Bill (*formal*)  
—Chairman of Committees—Leave of Absence.

The PRESIDENT took the chair at noon.

### OPENING OF PARLIAMENT.

The Clerk of the Parliaments read the proclamation convening Parliament.

The PRESIDENT acquainted the House that his Excellency the Governor, not deeming it fit to be personally present here this day, had been pleased to cause a commission to be issued under the public seal of the State, appointing the Hon. Frederick Flowers, President of the Legislative Council, the Hon. Albert Charles Willis, Vice-President of the Executive Council and Representative of the Government in the Legislative Council, and the Hon. Broughton Barnabas O'Connor, LL.B., Chairman of Committees of the Legislative Council, Commissioners in order to the opening and holding of this Parliament.

The Commissioners being seated, the President directed the Usher of the Black Rod to acquaint the Assembly that

the Commissioners desired their immediate attendance to hear the commission for the opening of Parliament read.

The Assembly being come—

The PRESIDENT said:

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

We have it in command from the Governor to let you know that, it being necessary that a Speaker of the Legislative Assembly be chosen, it is his Excellency's pleasure that you, gentlemen of the Legislative Assembly, repair to your own Chamber, and there, after members shall have been sworn, proceed to the election of one of your number to be your Speaker.

The Assembly then withdrew.

### NEW MEMBERS.

The Hon. Albert Charles Willis having already taken the oath of allegiance before his Excellency the Governor subscribed the roll, and the Hon. Charles William Oakes took the oath and subscribed the roll.

### SEAT VACATED.

The PRESIDENT announced that Sir Charles Kinnaird Mackellar having failed to attend during two successive sessions of Parliament he had directed that his name be struck off the register of members of the Legislative Council.

THE LATE HON. J. B. NASH.

The PRESIDENT: The melancholy duty devolves upon me of announcing to the House the decease during the recess of the Hon. John Brady Nash, M.D., V.D., an entry to which effect has been duly recorded in the register of the members of the Legislative Council.

The Hon. A. C. WILLIS: I regret that the first act I have to perform in this House is to move a resolution of condolence with the relatives of one of its old members. I was not personally acquainted with the deceased hon. gentleman, although I have known of him for some time. Anything that I did know of him is certainly much to his credit. I feel sure hon. gentlemen who have sat with the Hon. John Brady Nash, now deceased, will be far better able to do justice and pay tribute to him than I am, so I will content myself with moving:

That this House desires to express and to place on record its deep sense of the loss sustained by the State and this House in the removal by death of John Brady Nash, M.D., V.D., and that the resolution be communicated to the relatives of the deceased.

The Hon. J. F. COATES: Like my leader, I regret the necessity of having this motion brought before this House. Our late colleague, who was here for so many years, and who was one of the senior members of this House, was born at sea, near the Canary Islands. After being educated in Australia he completed his training for his profession at the Edinburgh University. He came back to this State and practiced his profession, following the practice of his father, in the city of Newcastle, where his father's name and his own name are revered by the people of that district. This House has been fortunate in the number of its members who have followed learned professions, and in the list of surgeon legislators Dr. Nash will occupy an honored place. His interests were wide, and his knowledge of men and books extensive, so that there were few subjects upon which he could not offer an opinion that counted as a suggestion of value. His devotion to his public duties was unremitting; his private beneficence was great, but unostentatious. His

ready sympathy and geniality won confidence and friendship. Indeed, I do not think Dr. Nash ever made an enemy. Yet this does not imply, as might seem, a characterless personality, for one felt his individuality, his candour, and his force, and these qualities were reflected in his utterances. His convictions were strongly held and strongly expressed, but dignity without aloofness and unflinching courtesy tempered his directness, and to these was joined an obvious sincerity. There are some verses by Kipling which Dr. Nash loved, and with these I may fittingly conclude, for they admirably characterise the man we have lost—John Brady Nash, legislator, surgeon, and soldier. He was an original Anzac, and was always proud of the fact that he had worn that uniform. The words of Kipling admirably portray Dr. Nash:

Even as he trod that day to God so walked he from his  
birth  
In simplicity and gentleness and honor and clean  
mirth.

The Hon. Sir JOSEPH CARRUTHERS: No man who has ever been in this Chamber as a member during my term of membership will be more missed than the friend who has just gone. Dr. Nash was one of the most valuable members of this Chamber. Some of us who have been in positions of high responsibility and who may occasionally have been a little bit impatient, will now realise how much we miss him. He was always ready to shed light upon the subject-matter of debate, helping hon. members by acquainting them with everything pertaining to the history of the subject. He was always helpful by the ray of light which he shed upon the consideration of the matter. We will miss all that, but perhaps one consolation we have is that death does smooth away our little differences and we remember only acts of kindness, acts of goodness, and we remember them more with regard to Dr. Nash than in relation to any man who has ever been in this Chamber. I had known him for many years. To know him was to love him. It has been truly said he never made an enemy in this Chamber, and I never heard of an enemy he made outside. Always loving to do acts of kindness to the poor of

Sydney and to those who were not poor but who were suddenly afflicted, and required help, he always gave it. He had reached a very mature age when the call came for service to the Empire; but he answered it. He and Dr. Beeston were two of the first members of this House who offered their services in the Gallipoli campaign. They are both gone. Probably what contributed somewhat to the death of Dr. Nash was that in serving his country he sacrificed himself. He had a lucrative practice in this city, and of course when serving with the troops abroad that practice went. No provision was made or could be made to meet a case like that. We could repatriate some men but we could not repatriate him in the sense that we use the term by putting him back into his position. We could not repatriate a man who had given up his professional practice, who had broken the current of that practice, and who came back, as Dr. Nash often mentioned to me, to find that younger men, who failed to answer the call, had taken his place. We were all very much shocked last session to hear of the sudden affliction which fell upon Dr. Nash. I visited him shortly afterwards and was struck with his remarkable courage. He did not seem to ask for sympathy; he did not seem to expect it. He took it as one of the occurrences a man should look forward to in his life, and he seemed so full of hope, so full of confidence, I can hardly believe—though I had reason to believe—that he was just standing on the brink. He came to me a couple of days before he got the second attack when he appeared to be in full possession of his faculties. And I was very shocked to know that within a few hours afterwards he was stricken down with an illness which had a fatal termination. What contributed very much I am afraid to the death of our late friend, was that he was not free from *res. angusta domi*—the narrow circumstances of home. It seems very hard after serving his country for so long that he should have had any worry of that character. I am sure that all of us who had the good fortune to be colleagues of Dr. Nash in this Chamber right down to the last moment carry

very pleasant memories of our association with a man whom to know was not only to honor but to love.

The Hon. J. ESTELL: It is with feelings of sincere regret that I desire to speak to this motion. I am sure it is very nice to hear the things that have been said about Dr. Nash. I had the honor and privilege of that gentleman's friendship for over forty years in many circumstances in life—first in his capacity as captain in the volunteer forces of New South Wales, as a doctor during the many years that he practised at Wallsend, and as a colleague in the Legislative Council. I can say this: Dr. Nash was the soul of honor. He was a man whose word in every case was his bond and as Sir Joseph Carruthers has said, to know him was to love him. In practising in a mining township, especially when work is slack and things are not too good, you find out the fine qualities of a medical man, and from that standpoint, let me say that, knowing Dr. Nash, as I did, during the years he practised at Wallsend nobody was more ready to hold out the hand of charity in all needful cases. As far as his work as a medical man was concerned, J. B. Nash's name was a household word throughout the whole of the northern district. When he came back after studying in the universities of the Old Country he was looked upon as one of the most eminent surgeons in the Newcastle district. He was very keen on the establishment of a hospital at Wallsend which is now one of the most popular institutions in any country town in New South Wales. During the whole time he was connected with that institution he never once tired of doing the onerous work which devolved upon him as a surgeon. That will be confirmed by those who know of his qualifications better than I do and who have known him longer than I have. In praising a man of his kind we do mere justice to one who thoroughly deserves our encomiums as a legislator, as a soldier and as a friend.

The Hon. T. WADDELL: I cannot allow this occasion to pass without saying a few words. New South Wales has suffered a distinct loss in the death of Dr. Nash. His influence in public

life for many years past has been a good one. It has been exercised in the right direction. On many occasions important questions would have been passed through this House without being sufficiently debated and considered had not the late Dr. Nash had the moral courage to rise in his place. On many occasions, on public questions, he initiated debates, which did a great deal of good. I join with other hon. members in very deeply deploring his loss both from a public and private standpoint. Personally I feel that I have lost a good friend. I knew him for over twenty-five years and throughout that long period I have regarded him as a warm personal friend, a man of high honor, and one of our best citizens.

The Hon. Major-General MACKAY: I cannot allow the occasion to go by without expressing my very deep regret at the passing of Dr. Nash. In point of time I suppose I am one of the oldest members of this House and consequently have had ample opportunity of knowing not only the man personally but the work he did. No man more conscientiously realised his responsibility to the House and the country than did Dr. Nash. No man worked harder to grasp the bills which came up here for discussion, but I should like to speak of him in other capacities as well. In the days when we were building up a defence force and a man had to be really patriotic to do the work for he got nothing for it, Dr. Nash in his busy life did wonderful work. He rose to be colonel of his regiment. He was loved by his regiment and he was also respected as an Australian soldier respects his officer who takes the trouble to know his work. When the call came he answered it. He was at Gallipoli and in Egypt, and in both places did splendid work as a member of the very noble profession to which he belonged. There is another aspect of the doctor's life which appeals to me more than either of those I have so far mentioned. I refer to his wonderful kindness of heart, his great and universal humanity. Many people in this city well knew of that and I was tremendously impressed, when I went to his funeral service in St. Mary's Cathedral, to see that cathe-

[*The Hon. T. Waddell.*

dral full of people who realised the qualities of the man who had passed. I do not wish to labour the theme but I do say that Dr Nash set an example which we all might follow for the good of our souls and for the good of the poor and suffering not only in the city of Sydney but in the State of New South Wales.

The Hon. Sir ALFRED MEEKS: Twenty-five years ago the late hon. member and I stood at that table and were sworn in together as members of this House. Therefore, we have been fellow members in this House for twenty-five years, and one thus can fairly judge of what this House has lost by his death, and what it gained by his life. I did not know the hon. member prior to his entry to this House, but since that time I have been a close friend of his, and have watched his career in this House. I have noticed how diligently and attentively he watched every detail in connection with the business of the House. As he himself told me, he has sat, night after night, with the midnight oil, looking through bills when probably most other hon. members of this House were taking their rest. He was conscientious to the last degree in connection with his membership of this House. As he has said to me, there were many subjects on which he did not wish to speak, but he felt that he had to, because other members, whom he considered better acquainted with those subjects, did not want to speak. He used to say that although this House had no voice in certain matters, members of the House had a perfect right to make themselves heard upon them, and this fact frequently induced him to speak for a certain length of time, although at first he had not desired to do so. He did this merely from a desire to conscientiously discharge the duties devolving upon him. We shall miss him because of the earnestness with which he discharged his duties. He looked over every bill and he often discovered weaknesses in them which Ministers had to admit. He frequently pointed out where alterations or additions might with advantage be made in bills. He was able to do this because he gave so much more time and attention to his duties than the majority of hon.

members of this House were able to give. His kindness of heart was known to everyone, outside as well as inside the House. I am sure this House has lost a most valuable member, and the community a most valuable citizen.

The Hon. MARTIN DOYLE: To me this motion is no formal matter. Dr. John Nash and I were schoolfellows together. He was a senior boy at St. Patrick's College, in Melbourne, when I was a junior, and later Dr. Nash was an honorary surgeon of the Newcastle Hospital, when I was appointed medical superintendent, many years ago. As a surgeon he was at that time without a peer in New South Wales. His extensive knowledge of renal and vesical surgery was one of the outstanding features of the surgery of New South Wales. His work at congresses—every medical congress that has been held since then—was remarkable. It was remarkable that a man who was working in country practice, as John Nash was, so removed altogether from the schools of thought which exist in a large city, like Sydney, should have done such a large amount of original work. Members here, of course, would not know the work involved in a large country practice in those days. Nowadays, with motor cars and other means of locomotion, and with the railways, it is an easy thing to pass from one town to another, and to carry on a practice, but old residents there will tell you of having seen Dr. Nash miles away in the country riding across country to see patients in the middle of winter, away down towards Gosford, and on the Wyong Creek, and in the Coorambung Ranges. He was a very famous horseman, probably one of the finest amateur horsemen in his time in Australia. When he came to start practice in Sydney, he had already done work which probably not many medical men would do in their whole lives. Combined with the work which he did in his practice in this city was the work he did in this House. I am not going to dilate on that. Sir Joseph Carruthers, in a very memorable speech, has shown what Dr. Nash's functions were and how he carried out his duties in this House. I was glad

to hear the eulogies bestowed by hon. members. There were times when Dr. Nash spoke probably at greater length than we desired. Frequently when I wanted to catch a train home to Newcastle I was glad to see Dr. Nash sit down to let me speak on a subject about which I probably knew more than he did. Dr. Nash was very proud of his military career. As my friend Major-General Mackay said, Dr. Nash was one of the leading military officers in the northern district. He was a combatant officer. It was not as a medical officer that he joined the military forces of this State, but as a combatant military officer, and it was as such an officer that he received his V.D. decoration. It was only later when he volunteered to go to Egypt and Gallipoli that he acted as a medical officer. To show his strong views, I will tell hon. members what happened in Egypt. Dr. Nash was placed in charge of a prison hospital at a place called Abbassia, where men were imprisoned who had the misfortune to contract venereal disease. At that time, in the British Army, to have venereal disease was looked upon as a crime. Dr. Nash suggested to the High Command that no disease in soldiers was a crime, and that venereal disease should be removed from the list of crimes in the Army in Egypt. He so impressed General Maxwell, who was in command at that time, that General Maxwell removed that disease from the criminal list of the Army. That became the rule throughout the British Army. To-day in the British Army it is not considered a crime for a man to become afflicted with any disease. Dr. Nash brought forward very strong arguments in support of his contention. Hon. members can imagine him arguing the question with General Maxwell and being successful. There was one matter on which we thoroughly agreed—the nobility of the medical profession. He held the view that the medical profession was something more than a commercial business, that a medical man should be strongly and soundly imbued with a sense that it was something more than a profession out of which a man should make a living. The

greatest thing that struck me about him was his love of discipline. He was a disciplinarian to his finger-tips. One of his abiding statements was that the Australian was getting out of discipline. Over and over again he told us that. I join with my fellow members in passing this resolution. It was a sad blow to me when I heard of Dr. Nash's final illness, as I am sure it was to most members of this House.

The Hon. T. J. SMITH: I wish to associate myself on this melancholy occasion with the sentiments which have been expressed by hon. gentlemen. It is right that we should express our sympathy with the relatives of the late Hon. John Brady Nash and record the irreparable loss which this State has sustained. The appalling frequency of condolence motions in this Chamber constantly reminds us that we are living in the shadow of death. On past occasions such as this I have been content that my attendance should express my feelings and that my silence and presence should be sufficient support. But on this occasion I have lost a friend—an intimate friend—the benefit of whose fatherly counsel I have had for some fifteen years and I feel that I should express myself. The flagellations of adversity bring out the potential goodness in a man, and the late John Brady Nash was an exemplar of that. There was nobility in his character. Hon. members have paid a tribute to his generous impulses. His ideals were such that to my mind he was a great man. The community mourns its great loss. His children must be content that they bear an honored name and his life should be a beacon light to them. We of this Chamber have lost a friend. We can only bow our heads to the inevitable. What has been expressed of another may appropriately be said of the late Hon. John Brady Nash:

His life was gentle, and the elements  
So mix'd in him, that Nature might stand up  
And say to all the world "This was a man!"

*Hon. members rising in their places,*

Question resolved in the affirmative.

#### MARRIAGE AMENDMENT BILL.

Royal assent to this bill reported.

*The Hon. Martin Doyle.*

#### NEW MINISTRY.

The Hon. A. C. WILLIS: I desire to make a statement to the House. Since the House last met a change of Government has taken place. In consequence of the resignation of the late Ministry following on the result of the elections a new Administration has been formed by Mr. John Thomas Lang consisting of the following:—The Hon. J. T. Lang, Premier and Colonial Treasurer, the Hon. P. F. Loughlin, Secretary for Lands and Minister for Forests, the Hon. J. M. Baddeley, Secretary for Mines and Minister for Labour and Industry, the Hon. E. A. McTiernan, Attorney-General, the Hon. W. F. Dunn, Minister for Agriculture, the Hon. W. J. McKell, Minister for Justice and Assistant Colonial Treasurer, the Hon. T. D. Mutch, Minister for Education, The Hon. C. C. Lazzarini, Colonial Secretary, the Hon. G. Cann, Minister for Public Health and Local Government, the Hon. M. M. Flannery, Secretary for Public Works and Minister for Railways, the Hon. J. J. Fitzgerald, Assistant Minister for Health and Local Government, the Hon. A. C. Willis, Vice-President of the Executive Council and representative of the Government in the Legislative Council, and the Hon. J. F. Coates, Honorary Minister.

I take the opportunity, in introducing myself to the House, to say that although I may be a novice in Parliamentary affairs I claim to have some knowledge of public life and to have taken considerable interest in the welfare of the State of New South Wales. Coming to this House I find myself in an atmosphere to which I have not exactly been accustomed. But I know it is a tradition of this House that it never takes advantage of the shortcomings of novices. In the course of my work while I am representing the Government I shall endeavour to treat every hon. member with that courtesy to which he is entitled and I feel confident I shall receive similar courtesy and support in return. There may be—there probably will be—occasions when our views will differ. When such occasions arise I hope we shall be able to differ as gentlemen, and decide to accept what is best in the interests of the country we are called

upon to represent. With these few remarks, I will commend myself to the good graces of hon. gentlemen, and I am sure I shall receive at their hands the consideration I hope to merit.

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

Bill read a first time.

#### CHAIRMAN OF COMMITTEES.

Motion (by the Hon. A. C. WILLIS) agreed to:

That the Hon. Broughton Barnabas O'Connor be Chairman of Committees of the whole House.

The Hon. B. B. O'CONNOR: I would like to thank hon. members for the further mark of confidence they have shown to myself. I am pleased that I enjoy the very kindly opinion of hon. members, irrespective of the sections of thought to which they belong. I have always endeavoured to interpret the standing orders so that there may be ensured to each hon. member in this House, irrespective of the position he may occupy, a full and untrammelled opportunity of explaining the views he may hold. I have never drawn any distinction except those required by constitutional practice which I must observe. That is that Ministers and ex-Ministers of the Crown, all other things being equal, are entitled to precedence. Save to that extent I have never drawn a distinction between members of this House. I very sincerely thank hon. members once again for their goodness and forbearance to me in the discharge of my duties.

#### LEAVE OF ABSENCE.

Motion (by the Hon. J. F. COATES) agreed to:

That leave of absence be granted for the remainder of the session to the following members: The Hons. James Ashton, George Black, William Brooks, Alexander Brown, J. A. Browne, R. J. D. Fitzgerald, S. R. Innes Noad, Dr. N. W. Kater, E. J. Kavanagh, C. J. Roberts, W. F. Latimer, W. D. Warden, J. Wetherspoon, J. C. White, E. Grayndler, J. F. O'Regan, T. Storey, J. W. Percival, and Sir Joynton Smith.

House adjourned at 1.25 p.m.  
until Tuesday next.

## Legislative Assembly.

Wednesday, 24 June, 1925.

Opening of Parliament—Members Sworn—Election of Speaker—Presentation of Mr. Speaker to the Governor—Marriage Amendment Bill—The late Mr. J. E. Birt—New Member—New Ministry—Public Works Committee—Leader of the Opposition—Leave of Absence—Chairman of Committees Adjournment.

#### OPENING OF 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 respective writs on which they were returned.

The Usher of the Black Rod, being admitted, delivered a message, "That the Commissioners request the immediate attendance of this honorable House in the Legislative Council Chamber to hear the commission for opening Parliament read."

The House went, and hon. members having returned,

The Clerk informed the House that his Excellency the Governor had been pleased to issue a commission authorising the Hon. John Thomas Lang, the Hon. Peter Ffrench Loughlin, and the Hon. Edward Aloysius McTiernan, to administer the oath or affirmation of allegiance to the King required by law to be taken or made by members of the Assembly.

The Clerk read the commission.

#### MEMBERS SWORN.

All the members, with the exception of Dr. Arthur, took the oath and signed the roll.

#### ELECTION OF SPEAKER.

Mr. FRANK BURKE: I move:

That James Dooley, Esquire, do take the chair of this House as Speaker.

It affords me very great pleasure indeed to have the honor and privilege of proposing my old friend, Mr. Dooley, for the Speakership of this honorable