



NEW SOUTH WALES PARLIAMENTARY DEBATES.

THIRTIETH PARLIAMENT—FIFTH SESSION.

Legislative Council.

Tuesday, 24 April, 1934.

Opening of Parliament—Writ of Election: Members of the Legislative Council—Members Sworn—Election of President—Leave of Absence—The late Hon. R. G. D. FitzGerald—Governor's Opening Speech (Ministerial Statement).

The COMMISSIONERS took their seats.

OPENING OF PARLIAMENT.

The Clerk of the Parliaments read the proclamation convening Parliament.

Mr. Commissioner H. E. Manning acquainted the House that his Excellency the Governor had been pleased to cause a commission to be issued, appointing the Honorable Henry Edward Manning, Attorney-General and Vice-President of the Executive Council, and the Honorable James Matthew Concannon, Commissioners for the opening and holding of this Parliament.

A message was forwarded to the Assembly that the Commissioners desired their immediate attendance to hear the commission for the opening of Parliament read.

The Assembly being come—

Mr. Commissioner Manning notified the issue of a commission empowering the Commissioners to do all things necessary for the opening and holding of the present session of the Parliament.

Commission read by the Clerk.

Mr. Commissioner MANNING: We have it in command from the Governor to inform you that a proclamation was issued on the 16th day of April, 1934, appointing Monday, the 23rd day of April, 1934, as the day on which the Legislative Council was to be reconstituted; and we further have it in command from the Governor to inform you that, after members of the Legislative Council shall have been sworn, the causes of his Excellency calling this Parliament together will be declared to you; and it being necessary that a President of the Legislative Council be first chosen, it is his Excellency's pleasure that you, hon. members of the Legislative Council, proceed to the election of one of your number to be your President.

The Assembly then withdrew.

WRIT OF ELECTION: MEMBERS OF THE LEGISLATIVE COUNCIL.

The Clerk of the Parliaments read from his certificate as returning officer the list of members elected at the elections prescribed under the Constitution Act, as follows:—

Members elected at the first of the four elections:—Anthony Alexander Alam, Walter Corrie Cambridge, James Matthew Concannon, Ernest Henry Farrar, Herbert Middleton Hawkins, John Fortunatus Higgins, Henry Edwin Horne, Robert Arthur King, Henry Edward Manning, John Bertie Martin,

Henry Clements Moulder, Thomas George Murray, John Beverley Peden, Frederick Henry Tout, Theodore Charles Trautwein.

Members elected at the second of the said four elections:—Arthur Edmund Colvin, Lionel Thomas Courtenay, Maxwell Pollok Dunlop, Norman William Kater, Patrick Michael McGirr, Edward Crawford Magrath, Robert Mahony, John Francis O'Regan, Thomas Alfred John Playfair, William Elliott Veitch Robson, Lionel William Ryan, Ernest Christian Sommerlad, Thomas James Tyrrell, Samuel Robert Walder, Frank Edgar Wall.

Members elected at the third of the said four elections:—George Douglas Bassett, Alfred Noble Binks, Henry Yule Braddon, Joseph Farrar Coates, Donald McLennan Grant, Thomas Sinclair Holden, Archibald Howie, George Mullins, George Nesbitt, Broughton Barnabas O'Connor, Daniel Rees, Samuel James Smith, Colin Tannock, Allen Arthur Taylor, Arthur King Trethowan.

Members elected at the fourth of the said four elections:—George Stacher Archer, Charles Brill Bridges, John Culbert, Joseph Reuben Gardiner, James Joseph Graves, Alfred Macartney Hemsley, Frederick Percival Kneeshaw, Hugh Latimer, Marsden Erle Manfred, Ernest Meyer Mitchell, Harold Sprent Nicholas, James Ryan, Frank William Spicer, Thomas Steele, Hugh Moffitt Wragge.

The Clerk announced to the House the names of the Commissioners appointed to administer the oath to members, and read the commission.

MEMBERS SWORN.

Hon. members, with the exception of the Hon. A. E. Colvin, the Hon. T. A. J. Playfair, the Hon. D. Rees, and the Hon. Sir Allen Taylor, then took the oath and subscribed the roll.

ELECTION OF PRESIDENT.

The Hon. Sir HENRY BRADDON: I move:

That the Hon. Sir John Beverley Peden do take the chair of this House as President.

The hon. member has occupied the presidential chair for over five years with conspicuous ability and impartiality, with credit to himself, and benefit to the State.

The Hon. D. GRANT: I desire to protest against this whole procedure. I have here a copy of the *Sydney Morning Herald* of the 17th April, in which appear photographs of the Government nominees, Sir John Peden and the Hon. E. H. Farrar. I listened with attention to the address sent by His Excellency the Governor and read by the Hon. the Attorney-General this morning, in which he said that after we were sworn we should proceed to elect one of our number for the position of President. Seemingly, we are not proceeding to elect one of our number; they are to be selected for us. I have nothing to say against either Sir John Peden or the Hon. E. H. Farrar personally, but the facts are that we as hon. members have now come—

The Hon. A. K. TRETHOWAN: I have very much pleasure in seconding the motion proposed by the Hon. Sir Henry Braddon. As stated—

The Hon. D. GRANT: If what I say is wrong, hon. members can reply to it. I say the officials are the nominees of the Government and I am stating the facts for the benefit of hon. members.

The Hon. A. K. TRETHOWAN: What are you protesting against?

The Hon. D. GRANT: I am protesting against the whole proposition. There are no standing orders. The facts are these: we had a referendum, when we were told that the new House would be entirely non-party; that we would sit as hon. members unattached to any party; that we would give all questions, including the election of a President and a Vice-president, every consideration; that we would be untrammelled by any party ties; that we could

all use our own judgment as to which were the better or the worse men. When the bill to reform the Upper House was before the old Chamber, it was pointed out by us that the new House would be a party House. With all respect to this House, the Cabinet has no right to nominate any man. The nomination must be from an hon. member in this House. It is most discourteous to the members of this House that any Cabinet, whether Labour or Nationalist, should usurp the position and the rights and privileges of every hon. member of this House. When the bill was before the old House, it was said that about seventeen Labour men would be elected and the remainder would be Nationalists. Seemingly, it has worked out as Mr. Lang and other men then said it would. We have heard a great deal about sliding panels. If this is not a sliding panel I do not know what it is. I say in all sincerity we are only here as tools. The nominees are all ready, and we are going through the farce of believing that a certain gentleman is nominated because another gentleman really believes he is the best man for the position. Personally, I am not going to say he is not the best man for the position, but I protest that Cabinet and not hon. members has selected the president of this House.

This nomination by the Cabinet has given the lie to everything the Government has said to the people outside. The Government said, "If we elect a new House, we shall do away with certain individuals in the present House. We shall do away with the party sections in the House. We shall do away with the Trades Hall on the one side and the Chamber of Commerce on the other." And the very first thing we learn is that the official organ of the party states that Sir John Peden has been nominated as president by the Government. I ask hon. members, what Government? Do hon. members belong to any Government? What of all the talk about hon. members not being attached to any party? We are going to have the same party House as we had before, and, personally, I believe I

should be lacking in my duty and devoid of courage if I did not stand up and tell hon. members that this is not a free vote at all. The vote to elect hon. members was not a free vote, except in the case of the Hon. James Ryan, to whom I bow because he stood by his principles and almost lost his seat as a result. With one or two exceptions it was a purely party vote. And now, seemingly, it is going to be a purely party vote for the election of President. I protest against it, and beg hon. members to rise and protest. Hon. members have been elected representing industry, law, commerce, the University, and the working classes, and we were told that every one of those members would give of his best on this and every other question.

Is it fair to hon. members that any Government—I should say the same thing if it were a Labour Government—should nominate a man for the position of president? If the Government has the right, then what the Attorney-General has said is not true. You cannot have it both ways. We are here to elect freely one of our own choice, or we are not. Sir John Peden is not the choice of this House; he is the choice of the Cabinet, which has no jurisdiction over this House. If we are prepared to stand up to our principles, and if there are here men who really believe that every question will be considered by each individual honestly on its merits, we must protest against this procedure. I know that nothing I say will have the effect of Sir John Peden being defeated, because the whole thing has been cut and dried, not in this House, but in Bligh-street. It proves that this House is a party House, and that for the next fifty years, if this House continues to exist, the Labour party will have no voice in this Chamber. There is, of course, a majority to support the motion. The Government and the party hacks will act in this Chamber in the same way as they do in the other House. It is mere camouflage to pretend that this is not a party House. If hon. members desire to prove that

what I have said is wrong, let them show by their vote that my statement is wrong. I do not say that Sir John Peden is not suitable for the position; possibly he is the most eminently suitable man for it. I am not making a personal attack upon Sir John Peden; but I say the principle being adopted is wrong. The only way we can show our objection to that principle is by voting for one of our own choice as President. I appeal to hon. members on this side of the House to nominate some other hon. member who will be the choice of the sixty untrammelled men in the Chamber, and not the choice of the Government or of the Trades Hall. We should object to this procedure being foisted upon us.

There has been no contradiction by Sir John Peden or the Hon. Mr. Farrar of the statement that has appeared in the press. The statement has gone entirely without contradiction. If this House is going to be dictated to by any one party the sooner it is put out of existence the better. This House has no justification for its existence other than that it is unattached to any party. If we stand for the nomination which has been made we prove that this House is a party House just as it was previously. We know where the vested interests are. The point I am endeavouring to make is that under the pretense of being a free House and that we are all free to do as we like—this nomination is taken out of the hat, and Sir Henry Braddon merely nominates Sir John Peden, while the actual nominators are some gentlemen in Bligh-street. Sir John Peden has been nominated by the Government. I hope hon. members will protest against this action. I trust that hon. members will not vote for Sir John Peden, not because he is other than an eminently capable man for the position, but because this House has been insulted by the Government proposing a gentleman to fill the position.

The Hon. W. E. V. ROBSON: Had the Government not made a nomination, I, myself, would have proposed Sir John Peden as President, because, as the Hon. Mr. Grant has said, of the eminent services he has already rendered to the

House. At the same time I cordially agree with every word the Hon. Mr. Grant has uttered with regard to the interference by the Government in the election of officers of this House. The Government should not have interfered; but should have left this House free to choose its own officers. It may be calling upon many of its supporters to give a vote that is obnoxious to them, whereas, if the House had been left free to act on its own initiative it would have had no hesitation in electing Sir John Peden.

The Hon. T. G. MURRAY: I regret extremely the note struck by the Hon. Mr. Grant and also the interpretation the Hon. Mr. Robson has put upon the motion. I support the nomination of Sir John Peden for the reasons given by the Hon. Mr. Grant and the Hon. Mr. Robson, that he is the outstanding man for the position. I do not know of any gentleman in the House who would allow himself to be nominated against Sir John Peden. The suggestion that hon. members have been in some way coerced by the Government or have been solicited to take part in any particular vote is foreign to me.

The Hon. D. GRANT: What then is the meaning of the statement in the press?

The Hon. T. G. MURRAY: It is merely a statement. I have no doubt that the Government, consistent with every action it has taken, is anxious that the most acceptable man shall be elected to the position of President. I believe the House will almost unanimously agree to elect the most suitable man for the position. That man is Sir John Peden. I would not have risen to speak at this first meeting of the House had it not been for the note struck by the Hon. Mr. Grant. Hon. members know that there has been no intimidation on the part of the Government and no attempt to interfere with the vote that would be recorded.

The Hon. J. B. MARTIN: I move:

That the Hon. George Stacher Archer do take the chair of this House as President.

I feel sure that if the Hon. Mr. Archer is elected to the position of President he will look after the interests of members in every way, and, particularly, will

attend to the comfort of members. That is something which has been lacking for a long time. As to the conveniences provided for members of this Chamber, they are a disgrace to Parliament.

The Hon. J. CULBERT: I second the motion.

The Hon. Sir John Peden and the Hon. G. S. Archer submitted themselves to the will of the House.

Question—That Sir John Peden be elected—put. The House divided:

Ayes, 35; noes, 17; majority, 18.

AYES.

Bassett, G. D.	Moulder, H. C.
Binks, A. N.	Nesbitt, G.
Braddon, Sir Henry	Nicholas, H. S.
Cambridge, W. C.	O'Connor, B. B.
Courtenay, L. T.	Robson, W. E. V.
Dunlop, M. P.	Ryan, J.
Farrar, E. H.	Ryan, L. W.
Gardiner, J. R.	Sommerlad, E. C.
Hawkins, H. M.	Steele, T.
Hemsley, A. M.	Tout, F. H.
Holden, T. S.	Trautwein, T. C.
Horne, H. E.	Trethowan, A. K.
Howie, A.	Walder, Sir Samuel
Kneeshaw, F. P.	Wall, Dr.
Latimer, H.	Wragge, H. M.
Manfred, M. E.	<i>Tellers,</i>
Manning, H. E.	Kater, Sir Norman
Mitchell, E. M.	Murray, T. G.

NOES.

Alam, A. A.	Mahony, R.
Archer, G. S.	Martin, J. B.
Bridges, C. B.	Mullins, G.
Concannon, J. M.	O'Regan, J. F.
Grant, D.	Tannock, C.
Graves, J. J.	Tyrrell, T. J.
King, R. A.	<i>Tellers,</i>
McGirr, P. M.	Culbert, J.
Magrath, E. C.	Smith, S. J.

In division:

The Hon. D. GRANT: For what period is the President to be elected?

The Hon. H. E. MANNING: The Act provides that it shall be for the period of his membership, unless he resigns the office or the appointment is terminated by resolution of the House.

Question so resolved in the affirmative.

The Hon. Sir JOHN PEDEN: I desire to thank the House very gratefully for the great honor it has done me in electing me as the first President of the reconstituted Chamber.

The PRESIDENT took the chair.

The Hon. H. E. MANNING (Attorney-General): Upon your taking the chair for the first occasion as President of the newly constituted House, I desire to offer you deep congratulations on the honor which has been conferred upon you. We are all aware of the traditions attaching to the occupancy of the chair, which have been formed throughout the years, and you yourself, we think, have very largely contributed to them. Those of us who have had experience of your administration in the past, and are familiar with the work you have done, fully appreciate the wisdom of the House in the choice it has made.

The Hon. A. A. ALAM: I should like to be informed of the proposed procedure in the new House with regard to calling hon. members who rise to speak. Will ex-Ministers have precedence over other members? I do not make any charge of unfairness on your part, sir, but in the previous House I rose time after time—

The PRESIDENT: Order! Will the hon. member confine himself to the question?

Mr. A. A. ALAM: I simply wish to ask what procedure will be followed as regards calling hon. members when they rise to speak. I myself have risen twenty times and been the twentieth man called, and I am still protesting.

The PRESIDENT: Hon. members will be called in accordance with Parliamentary usage.

The Hon. J. B. MARTIN: I wish to know, Mr. President, what you mean by Parliamentary usage. Will Ministers have preference?

The PRESIDENT: Order! I am not going to answer any more questions today.

The Hon. J. B. MARTIN: As the newly-elected President of this House you should be fair.

The PRESIDENT: Order! Will the hon. member take his seat.

The Hon. J. B. MARTIN: I rose to ask a question. I asked you, as the newly-elected President of this House, what procedure you intended to adopt in calling hon. members when they rose to their feet.

The PRESIDENT: Order! Will the hon. member resume his seat?

The Hon. A. A. ALAM: I should like to ask another question.

The PRESIDENT: Order! Will the hon. member resume his seat?

The Hon. A. A. ALAM: What are we here for? I am speaking on another matter. I wish to ask a question with regard to facilities and conveniences for the members of the new House. I wish to know what procedure we must adopt when we desire to make representations to you, Mr. President, respecting conveniences that we think absolutely necessary for the comfort of hon. members who constitute the new House?

The Hon. H. E. MANNING (Attorney-General): I have ascertained that his Excellency the Governor is ready to receive the President forthwith.

The House proceeded to Government House, there to be present at the presentation of Mr. President to his Excellency the Governor.

The House having returned,

The PRESIDENT: The Council has been to Government House where I informed his Excellency the Governor that immediately after the opening of Parliament to-day, the Legislative Council, in the exercise of its lawful right, had proceeded to the election of its President, that the choice had fallen upon me, and that I presented myself to his Excellency as your President, whereupon his Excellency was pleased to offer me his congratulations. I then, on behalf of the House, claimed the usual rights and privileges. I desire now to repeat my grateful thanks for the honour the House has been pleased to confer upon me.

LEAVE OF ABSENCE.

The President announced the receipt of a message from his Excellency the Governor intimating that he had granted leave of absence for four months from 21st February to Lieutenant-Colonel the Hon. Thomas Alfred John Playfair, D.S.O., O.B.E., V.D.

THE LATE HON. R. G. D. FITZGERALD.

The PRESIDENT reported the receipt of a communication from Mrs. Shaw on behalf of the relatives of the late Hon. R. G. D. FitzGerald, thanking the House for its resolution of sympathy.

GOVERNOR'S OPENING SPEECH.

MINISTERIAL STATEMENT.

The Hon. H. E. MANNING (Attorney-General) [2.34]: I desire to inform the House that I have ascertained it to be the Governor's pleasure to be present here on Thursday next at 12 o'clock noon to make known the reasons for his Excellency's calling Parliament together.

House adjourned at 2.35 p.m. until 12 o'clock noon on Thursday.

Legislative Assembly.

Tuesday, 24 April, 1934.

New Member—Opening of Parliament—Adjournment
(Governor's Opening Speech).

The House met at noon, pursuant to the proclamation of his Excellency the Governor summoning Parliament.

Mr. SPEAKER took the chair.

The Clerk read the proclamation.

NEW MEMBER.

Mr. SPEAKER reported that the writ issued for the election of a member for Hamilton, in the room of the late Major H. J. Connell, D.S.O., M.C., had been returned endorsed with the name of William Edward Brennan.

Mr. Brennan took the oath and subscribed the roll.

OPENING OF PARLIAMENT.

The Usher of the Black Rod, being admitted, delivered a message, "That the Commissioners request 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,