

# NEW SOUTH WALES. PARLIAMENTARY DEBATES.

## THIRTY-SEVENTH PARLIAMENT—FIRST SESSION.

### Legislative Council.

Wednesday, 11 March, 1953.

Opening of Parliament.—Death of the Hon. B. B. O'Connor, LL.B.—The Late Right Honourable William Morris Hughes, C.H., Q.C., M.P.—New Administration (Ministerial Statement)—Assent to Bills—Officers of the Legislative Council—Usher of the Black Rod: Commission—Usher of the Black Rod Sworn—Retirement of Mr. A. D. Badgery, Clerk Assistant—Temporary Chairman of Committees—Member Resigned—Law of Evidence Bill (*formal*)—Appointment of Chairman of Committees—Royal Commission: Case of Reginald Aubrey Doyle (Parliamentary Privilege)—Special Adjournment.

### OPENING OF PARLIAMENT.

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

The PRESIDENT took the chair.

The opening Prayer was read.

The Clerk read the proclamation.

The President acquainted the House that his Excellency the Governor had been pleased to cause a Commission to be issued under the Great Seal of the State appointing the Hon. William Edward Dickson, President of the Legislative Council, the Hon. Robert Reginald Downing, LL.B., Minister of Justice and Vice-President of the Executive Council, and Lt. Colonel the Hon. Thomas Steele, Chairman of Committees of the Legislative Council, 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,

The President notified the issue of the Commission empowering the Commissioners to do all things necessary for the opening and holding of the present Parliament.

The Clerk read the Commission.

The President said:

“MEMBERS 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, members of the Legislative Assembly, repair to your 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.

[The President left the chair at 12.19 p.m. The House resumed at 4.30 p.m.]

### DEATH OF THE HON. B. B. O'CONOR, LL.B.

The Hon. R. R. DOWNING (Minister of Justice and Vice-President of the Executive Council) [4.30]: I move:

That this House desires to express its deepest sympathy with the relatives of the late Honourable Broughton Barnabas O'Connor, LL.B., a former Minister of the Crown and for many years a distinguished Chairman of Committees and Deputy President of the Legislative Council of New South Wales, whose death took place on 2nd February, 1953, and that this resolution be communicated by the President to the family of the deceased.

This is a sad duty. I was not intimately acquainted with the late honourable gentleman, as were many other hon. members of this Chamber. However,

those who knew him will feel deep regret at the news of his death. He lived to a great age, though in the last years of his life he was not so active as he had been during his long and distinguished career before his retirement from the Legislative Council in 1940. His political life extended over forty-two years. From July, 1898, until August, 1907, he represented the electorate of Sherbrooke in the Legislative Assembly. From 1904 to 1907 he held office in the Carruthers Government as Minister of Public Instruction and Minister for Labour and Industry. In 1907 he retired from the Legislative Assembly but in the following year was elected to the Legislative Council, of which he remained a member until its reconstitution in 1934. He was elected to the new House for a term of six years, and retired on its expiration in 1940.

As hon. members know, the late gentleman was for twenty-two years, from 1912 to 1934, Chairman of Committees. Upon the death of the Hon. Fred Flowers he acted as President, and held that office from 15th December, 1928, to 4th February, 1929. He was called to the Bar of New South Wales in 1895 and soon became well known in legal circles and in the commercial life of this State. He was interested in things other than politics. He loved sport, especially cricket, and I have been informed that in his youth he was no mean exponent of that game.

He was a forceful debater, with a gift for telling a good story. He leaves a widow and family, his two sons being well known on the Sydney Stock Exchange. I am sure that all hon. members will join me in conveying to his relatives our regret at the passing of one who served this Chamber so long, so honourably and with such distinction.

The Hon. Sir HENRY MANNING [4.35]: The late gentleman was a colourful figure in our community. As the Minister has pointed out, his ability first became manifest when he was a

junior member of the Bar of New South Wales. He was one of a circle of young people noted for their vigour and enterprise in both professional and public affairs. The late gentleman declined remarkable opportunities for advancement in his profession because of his enthusiasm for parliamentary work, a much more arduous form of public service. During his early years his personality was so outstanding that, without conscious effort, he drew to him prominent people who admired his genial disposition, fertile intellect and readiness to foster the welfare and comfort of those who were under him.

Those who were so fortunate as to be associated with him in this Parliament soon became aware of his dominating personality. He made every possible effort to create in this Chamber an atmosphere of respect and dignity. He was always anxious to advise those who were unfamiliar with the procedure of Parliament. As Chairman of Committees, the office in which I was most closely associated with him, he could not be faulted. He took a generous view of human weaknesses, and encouragement was never wanting where it was needed. He could prove firm, and even stern, on those rare occasions when such qualities were demanded. Most of all, while he was in that important office he acted with dignity and confidence and never forgot that he was the repository of the sacred rights and traditions of this House.

My own reaction to the departure of the late hon. gentleman is one of great sadness because, from the time when I went to the Bar until the time when he left this Parliament, I had from him nothing but kindness and assistance. I join with the Minister in the motion of sympathy with the relatives of the deceased.

*Hon. members and officers of the House standing in their places,*

Motion agreed to.

THE LATE RIGHT HONOURABLE  
WILLIAM MORRIS HUGHES, C.H.,  
Q.C., M.P.

The PRESIDENT reported the receipt of a letter from Dame Mary Hughes, thanking the House for its resolution of sympathy on the death of her husband.

#### NEW ADMINISTRATION.

##### MINISTERIAL STATEMENT.

The Hon. R. R. DOWNING (Minister of Justice and Vice-President of the Executive Council) [4.41]: I have to inform the House that, on 23rd February, 1953, his Excellency the Governor accepted the resignation of the Hon. John Joseph Cahill as Premier and Colonial Treasurer and Minister for Local Government and as a member of the Executive Council, which action involved the resignation of the whole of his colleagues; that his Excellency had thereupon commissioned the Hon. John Joseph Cahill to form a Government, and that the following gentlemen were appointed and sworn in by his Excellency as members of the Ministry: The Hon. John Joseph Cahill, M.L.A., Premier and Colonial Treasurer; the Hon. Robert James Heffron, M.L.A., Deputy-Premier, Minister for Education and Secretary for Mines; the Hon. Clarence Edward Martin, Q.C., M.Ec., LL.B., M.L.A., Minister for Transport; the Hon. Robert Reginald Downing, LL.B., M.L.C., Minister of Justice and Vice-President of the Executive Council; the Hon. Clive Raleigh Evatt, Q.C., LL.B., M.L.A., Minister for Housing and Minister for Co-operative Societies; the Hon. Christopher Augustus Kelly, M.L.A., Colonial Secretary and Minister for Immigration; the Hon. Maurice O'Sullivan, M.L.A., Minister for Health; the Hon. Edgar Hugh Graham, M.L.A., Minister for Agriculture and Minister for Food Production; the Hon. William Francis Sheahan, LL.B., M.L.A., Attorney-General; the Hon. Francis Harold Hawkins, M.L.A., Secretary for Lands; the Hon. John Brophy Renshaw, M.L.A., Secretary for Public

Works and Minister for Local Government; the Hon. Ambrose George Enticknap, M.L.A., Minister for Conservation; the Hon. Abram Landa, LL.B., M.L.A., Minister for Labour and Industry and Minister for Social Welfare; the Hon. John Francis McGrath, M.L.A., Minister without Portfolio; the Hon. Francis Patrick Buckley, M.L.C., Assistant Minister in the Legislative Council.

#### ASSENT TO BILLS.

Royal assent to the following bills reported:

Parramatta Park (War Memorial) Bill.  
Crown Lands (Special Leases) Amendment Bill.  
Superannuation (Amendment) Bill.  
Water (Amendment) Bill.  
Stamp Duties (Amendment) Bill.  
Farm Produce Agents (Amendment) Bill.  
Phillip Street, Sydney, Land Lease Bill.  
Damage by Aircraft Bill.  
Municipality of North Sydney (Waverton Park) Bill.  
Motor Traffic (Amendment) Bill.  
Coal Mining Industry Long Service Leave (Amendment) Bill.  
University and University Colleges (Amendment) Bill.  
Bursaries (Validation) Bill.  
Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill.  
General Loan Account Appropriation Bill.  
Kosciusko State Park (Amendment) Bill.  
Poisons Bill.  
Timber Marketing (Amendment) Bill.  
Government Railways (Amendment) Bill.  
Local Government (Further Amendment) Bill.  
Landlord and Tenant (Amendment) Bill.  
Library and Art Gallery (Amendment) Bill.

#### OFFICERS OF THE LEGISLATIVE COUNCIL.

The PRESIDENT reported that his Excellency the Governor, with the advice of the Executive Council, had been pleased, on the President's recommendation, to make the following promotions in the Department of the Legislative Council consequent upon the retirement on 23rd November last of

Mr. A. D. Badgery, the Clerk Assistant, viz.:—Brigadier John Rowstone Stevenson, C.B.E., D.S.O., E.D., to be Clerk Assistant; Mr. Lionel Charles Bowen to be Usher of the Black Rod and First Clerk; Mr. Eric Custance Shaw to be Second Clerk.

The Hon. R. R. DOWNING (Minister of Justice and Vice-President of the Executive Council) [4.43]: I take this opportunity of offering my congratulations and those of other hon. members to Brigadier Stevenson, Mr. Bowen and Mr. Shaw upon their appointment to the positions mentioned. I am confident that hon. members will receive from them the same loyal and efficient service as was rendered by the previous occupants of their positions. The Legislative Council has been particularly fortunate in its officers and hon. members are pleased that you, Mr. President, saw fit to recommend the gentlemen named. They are well known to hon. members, and it is gratifying to know that the Executive Council saw fit to approve your recommendations. Hon. members have appreciated the service that these officers have given in their previous capacities and are glad that they have been appointed to these new positions to assist in the important and essential work for the efficient conduct of the business of this House.

The Hon. Sir HENRY MANNING [4.45]: I heartily endorse the observations of the Minister. Hon. members who have become familiar with the traditions of this House are confident that they will be honoured and maintained by the gentlemen who have been promoted to the positions mentioned.

**USHER OF THE BLACK ROD:  
COMMISSION.**

The PRESIDENT reported the receipt of a Commission in favour of Mr. Lionel Charles Bowen upon his appointment as Usher of the Black Rod of the Legislative Council.

**USHER OF THE BLACK ROD SWORN.**

The PRESIDENT reported the receipt of the following communication from his Excellency the Governor:

Government House, Sydney,  
17th December, 1952.

Sir,

I have the honour to inform you that I have this day administered the Oath of Allegiance and the Official Oath to Mr. Lionel Charles Bowen, Usher of the Black Rod and First Clerk, Legislative Council of New South Wales.

I have pleasure in forwarding such Oaths herewith.

I have honour to be,

Sir,

Your most obedient Servant,

J. NORTHCOTT, Governor.

The Honourable the President of the  
Legislative Council of New South  
Wales.

**RETIREMENT OF MR. A. D. BADGERY,  
CLERK ASSISTANT.**

The PRESIDENT reported the receipt of a letter from Mr. A. D. Badgery, on his retirement from the office of Clerk Assistant, thanking the House for its resolution expressing appreciation of his services.

**TEMPORARY CHAIRMEN OF  
COMMITTEES.**

The PRESIDENT nominated the Honourable Frank William Spicer, the Honourable Leon Samuel Snider, and the Honourable Samuel Connell Williams to act as Temporary Chairmen of Committees during the present session of Parliament.

**MEMBER RESIGNED.**

The PRESIDENT reported the receipt of a communication from his Excellency the Governor, dated 28th February, 1953, intimating that the Hon. Charles Wilson Anderson had resigned his seat in the Legislative Council.

The PRESIDENT announced that he had notified his Excellency the Governor that the seat of the Hon. Charles

Wilson Anderson had, through resignation, become vacant on 28th February, 1953, before the expiration of his term of service.

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

Bill presented and read a first time.

**APPOINTMENT OF CHAIRMAN OF COMMITTEES.**

Motion for suspension of certain standing orders agreed to.

The Hon. R. E. SAVAGE [4.53]: I move:

That the Hon. Ernest Gerard Wright be Chairman of Committees of the Whole House.

Hon. members who have been present when the Hon. E. G. Wright has been called upon to act as Chairman of Committees will have noticed that he has done so with decorum, dignity and strict impartiality. I am confident that all will agree to his appointment to the high and honourable position of Chairman of Committees and that they will witness a continuation of the able way in which the hon. member has previously performed the duties of this office.

Motion agreed to.

The PRESIDENT: I extend my personal congratulations to the Hon. Ernest Gerard Wright on his election to the important position of Chairman of Committees. Like the Hon. R. E. Savage, I have noticed the efficient manner in which the Hon. E. G. Wright performed the functions of Chairman of Committees during the long period when our late President was unable to attend the House and the functions of the office of President were so ably attended to by Lieutenant-Colonel the Hon. T. Steele. I am sure that hon. members will soon realise that they have chosen well in electing the Hon. E. G. Wright to this important position.

The Hon. R. R. DOWNING (Minister of Justice and Vice-President of the Executive Council) [4.56]: I join with you, Mr. President, in conveying my

congratulations to the Hon. E. G. Wright on his appointment as Chairman of Committees. The experience which hon. members have had of the hon. member's performance of the duties of this position justifies their belief that he will continue to display the same efficiency and impartiality as he has shown on those innumerable occasions when he acted as Temporary Chairman of Committees. I am sure that the House has made a wise choice. I take this opportunity of expressing my personal appreciation to Lieutenant-Colonel the Hon. T. Steele for the competent and distinguished manner in which he discharged his duties during the long period when he was Chairman of Committees and also when he occupied the position of Deputy President of this House when the late Hon. E. H. Farrar was absent for so long through ill-health.

The Hon. Sir HENRY MANNING [4.57]: I associate myself with the feeling of enthusiasm in the House on the selection of the Hon. E. G. Wright as Chairman of Committees. Over the years I have had the good fortune to see some of the work which has been done by the hon. member and I know that the House is indeed fortunate in having available the services of a man with such a gift of impartiality and ability to assimilate facts rapidly, together with a genuine desire to act for the benefit of every hon. member of this Chamber. I congratulate the hon. member on his election and add only this personal note. On one occasion for a period of some six months it was my privilege to work with the Hon. E. G. Wright on a Select Committee of the House which was set up for the purpose of determining local government boundaries. This was a matter of considerable importance and involved a great deal of work, including inspections of various localities. The Hon. member's knowledge of local government is unsurpassed and I have a distinct recollection that although he differed on some matters from the view of the majority of the members of the Committee, he was always willing to offer his advice and assistance and he

greatly facilitated its deliberations. As Chairman of that Committee I am able to make those few observations.

I cannot speak in adequate terms of appreciation of the work of Lieutenant-Colonel the Hon. T. Steele and the benefits which he has conferred upon this House and this Parliament. The hon. member has exhibited in a remarkable way the essential qualities of an impartial and competent Chairman and I feel that the Parliament of New South Wales is most fortunate in having had at its disposal a succession of chairmen whose ability and character enabled them to maintain without interruption the traditions of this honourable Chamber. I pay tribute to Lieutenant-Colonel the Hon. T. Steele and thank him for the strict impartiality which he has always manifested when conducting the affairs of this Chamber.

Lt.-Colonel the Hon. T. STEELE: I join you, Mr. President, the Minister and the Hon. Sir Henry Manning in offering my sincere congratulations to the Hon. E. G. Wright on his unanimous election as Chairman of Committees of the House. I am certain that he will carry out his duties with dignity and efficiency and in a manner acceptable to all hon. members. I wish him a successful term of office. Briefly, may I thank you, Mr. President, the Hon. R. R. Downing, and the Hon. Sir Henry Manning for the kindly references to my service as Chairman of Committees. I thank all hon. members for the courteous manner in which they have treated me during my occupancy of the chair and for the help and co-operation that I have received. I look back upon my term of office as one of satisfaction to myself, and I hope to all hon. members.

The Hon. E. G. WRIGHT [5.2]: I thank you, Mr. President and also hon. members, very sincerely for appointing me to the honourable position of Chairman of Committees of this House. I am deeply appreciative also of the eulogistic references made by yourself,

the Minister, the Hon. Sir Henry Manning and Lt.-Colonel the Hon. T. Steele, and I will do all in my power to justify the confidence reposed in me. I have had some experience in the chair, and what little success I have achieved can be attributed to my close observation of my predecessor, Lt.-Colonel the Hon. T. Steele. I watched him carefully and gained a number of points from him. If I am able to carry out the duties of this high office with an efficiency even approaching that of my predecessor, I shall consider that I have done a good job.

ROYAL COMMISSION: CASE OF  
REGINALD AUBREY DOYLE.

PARLIAMENTARY PRIVILEGE.

Motion for suspension of certain standing orders agreed to.

The Hon. R. R. DOWNING (Minister of Justice and Vice-President of the Executive Council) [5.7]: I move:

That, in the opinion of this House, it is expedient that the terms of reference of the Royal Commission to be appointed to inquire into certain matters concerning alleged corrupt or improper associations between the former Minister for Mines and Immigration, the hon. member for Kahibah, and Reginald Aubrey Doyle should include investigation of the following matters, namely,—

(1) Whether any member of either House of the Parliament of New South Wales or any officer or person employed in or about the parliamentary establishment made available to Reginald Aubrey Doyle the use of any office or room in that establishment or the use of any telephone in that establishment or elsewhere;

(2) (a) Whether any motor car owned by Reginald Aubrey Doyle or by his wife was at any time or times parked in any parking area at Parliament House:

If so, whether he or his wife was granted authority or leave to park such motor car in such parking area, and by whom and at whose request such authority or leave was granted;

(b) Whether the motor car bearing the registered number AHB-405 was parked in such parking area on the second or third day of February, 1953, and, if so, by whom and in what circumstances was it moved.

(3) (a) Whether on or about the sixth day of February, 1953, a slip bearing what purported to be an authority or

leave to park in the parking area at Parliament House motor cars bearing the registration numbers AHB-405 and AEZ-728 was included in or attached to the list supplied to and held by the member of the Police Force in charge of that parking area;

(b) If so, then—

- (i) by whom and in what circumstances did such authority or leave purport to be granted, and by whom was it issued;
- (ii) whether such slip was removed from such list, and, if so, by whom, at whose direction, and in what circumstances,—

And this House, accordingly, authorises and directs all Members and Officers of this House and all Officers and employees of the parliamentary establishment under its control to attend as witnesses before such Royal Commission, if required.

Allegations were made in the course of the recent general election campaign of some improper or corrupt association between the then Minister for Mines and Immigration and a man named Reginald Aubrey Doyle. Mr. Doyle was said to have been allowed to use the rooms and telephones at Parliament House, and it was further stated that he and his wife had been permitted to use the parking area of this establishment, the implication being that the former Minister had obtained these privileges for Mr. and Mrs. Doyle. These alleged activities of the former Minister were publicised as indicating some association with Doyle, and on 13th February last the Government announced its intention to appoint a royal commission with terms of reference covering in addition to the main charge matters alleged in its support. When the terms of reference were announced it was indicated that as certain of these terms might involve a breach of parliamentary privilege, it was intended at the proper time to consult Parliament regarding inquiries into these matters. Accordingly, so that this House may have an opportunity to express its view upon the question and as a basis of consideration I have moved my motion, which is not a waiver of parliamentary privilege but a request to the Executive to include in the terms

of the proposed royal commission certain matters which, without a request from this House, could result in an infringement of its rights.

The Hon. Sir HENRY MANNING [5.9]: It is not possible to exaggerate the importance of a matter of this kind, but I find it unnecessary to deal with it at length. The first question that arises is the importance of conducting an investigation. When the public mind is disturbed it is important that it should be allayed, and that the Parliament and the Executive should make available to the community a tribunal clothed with the necessary power to bring the matter, whatever it is, to light. I shall say nothing about it except that it is capable of being investigated. I believe that the Government has acted properly in bringing this motion before this House, and in framing it in its present form.

The second matter on which I should like to speak is the Government's recognition of the privileges of Parliament, which are an essential ingredient of the sovereignty of Parliament. They must be preserved so that the community shall know that the laws of this Parliament represent the independent thought of their elected representatives. That is one of the most important features of the whole conception of parliamentary government, and it has been safeguarded by this motion. I understand that the motion has been submitted to another Chamber also and I can only say that these two important matters seem to have been dealt with quite satisfactorily. The Government has shown its readiness to have this matter thoroughly investigated and has emphasised the existence and importance of the privileges of Parliament. I support the motion.

Colonel the Hon. H. J. R. CLAYTON [5.12]: I wish to express my especial approval of the last paragraph of this motion. It reads:

And this House, accordingly, authorises and directs all members and officers of this House and all officers and employees of the

parliamentary establishment under its control to attend as witnesses before such Royal Commission if required.

Those words assert the privileges of Parliament while not explaining what they are. They neither limit nor enlarge the authority of the Royal Commissioner. His powers are fixed by statute and he will decide what evidence he shall take.

I have not had an opportunity of studying the motion before us and I do not wish my vote in favour of it to do more than approve thoroughly its last paragraph. We have agreed to the suspension of certain standing orders. I think that most hon. members have read of this matter in the press, and therefore have in fact had some notice of its introduction here, but I hope that during this session we shall have proper notice of the business that is to come before us. If the Premier would be so kind as to do that, it would be necessary only rarely to suspend standing orders so that a bill may pass through all stages at one sitting of the House. Between the first and second readings of a bill there should elapse at least a week-end so that hon. members could have an opportunity to carry out their serious duties in this Chamber. I believe, too, that a day should elapse between the second and third readings of a bill.

I am not complaining of the lack of notice in this case, because it would be a very uninformed person indeed who had not read of it in the press, but I do not wish my vote in support of the motion to be regarded as expressing approval of its terminology. Its effect may be too limited or too wide, but the principle that has inspired it is sound. The pith of the motion is to be found in the last paragraph and I am sure that this House will do no more than its duty to the people of New South Wales if it gives the direction that the Government seeks.

Motion agreed to.

*Colonel the Hon. H. J. E. Clayton.]*

## SPECIAL ADJOURNMENT.

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

That this House, at its rising to-day, do adjourn until Thursday, 2nd April, 1953, at four o'clock, p.m., 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 to each member of the House, fix an earlier day and/or hour of meeting.

House adjourned at 5.22 p.m.

## Legislative Assembly.

Wednesday, 11 March, 1953.

Opening of Parliament—Members Sworn—Election of Speaker—Presentation of Mr. Speaker—New Administration (Ministerial Statement)—Government Whip—Leader and Deputy Leader of the Opposition and Opposition Whip—Country Party—Assent to Bills—Law of Evidence Bill (*formal*)—Governor's Message—Chairman of Committees—Council of the University of Technology: Election of Legislative Assembly Representative—The Late Rt. Hon. W. M. Hughes, C.H., Q.C., M.P.—Royal Commission: Case of Reginald Aubrey Doyle (Parliamentary Privilege)—Special Adjournment—Death of the Hon. C. C. Lazzarini, M.L.A.—Death of Captain the Hon. Ambrose Campbell Carmichael, M.C., Ex-M.L.A.—Death of the Hon. Broughton Barnabas O'Connor, Ex-M.L.A.—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 had been returned.

The Usher of the Black Rod, being admitted, delivered the following message: "The Commissioners request the immediate attendance of this honourable House in the Legislative Council Chamber, to hear the Commission for Opening of Parliament read."

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

The Clerk informed the House that his Excellency the Governor had been