



Message No. 35.

MR. PRESIDENT,

*The House of Representatives transmits to
the Senate a Bill intituled "A Bill for An
Act ~~to~~ relating to the payment
to the several States of the
Surplus Revenue of the Common-
wealth"* _____

with which it desires the concurrence of the Senate.

McKee

SPEAKER.

House of Representatives,

Melbourne, 3rd June, 1908.

Memo

The Gov: Printer.

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CONFIDENTIAL

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1907-8,



THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

Progress

~~FINAL~~ REPORT

*3 proofs for
H. of R. on
Friday
No. 2*

FROM THE

JOINT SELECT COMMITTEE

ON

PRIVILEGE—PROCEDURE IN
CASES OF;

TOGETHER WITH

MINUTES OF PROCEEDINGS OF THE COMMITTEE
(to date)

Ordered to be printed, *4th June* 1908.

Printed and Published for the GOVERNMENT of the COMMONWEALTH of AUSTRALIA by J. KEMP,
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S. (H. of R.)—F.6302

7 *5*

Ayes, 21.

A
Senator Best
Chataway
Cribb
de Largie
Fraser
Lieut.-Col. Gould
Gry
Henderson
Keating
Macfarlane
Millen
Milcahy
Needham
Pearce
Pulford
Russell, E. J.
Stewart
St. Ledger
Story
Trenwith

Teller.

Senator Col. Neild

Noes, 5.

Senator Clidmons
McColl
Sayers
Vardon

Teller.

Senator Hindley

Chidley

And so it was resolved in the affirmative.

Question—

- (2) That the Members of this Senate upon such Committee be Senators Col. Neild, Henderson, Turley, and Chataway; two to be a quorum—put and passed.

Question—

- (3) That such Committee have power to send for persons, papers, and records; and that the first meeting of the Committee be held in the Senate Committee Room on Wednesday next, the 8th April, at 10.30 o'clock a.m.—put and passed.

Question—

- (4) That a Message be sent to the House of Representatives conveying the above Resolutions—put and passed.

EXTRACTED FROM THE JOURNALS OF THE SENATE.

THURSDAY, 2ND APRIL, 1908.

- 5 PARLIAMENTARY POWERS, PRIVILEGES, OR IMMUNITIES—APPOINTMENT OF JOINT SELECT COMMITTEE.—On the Order of the Day being read for the consideration of Message No. 23 of the House of Representatives—The Vice-President of the Executive Council (Senator Best) moved—

- (1) That a Select Committee be appointed, to join with a Select Committee of the House of Representatives, to inquire and report as to the best procedure for the trial and punishment of persons charged with the interference with or breach of the powers, privileges, or immunities of either House of the Parliament, or of the Members or Committees of each House.
- (2) That the Members of this Senate upon such Committee be Senators Col. Neild, Henderson, Turley, and Chataway; two to be a quorum.
- (3) That such Committee have power to send for persons, papers, and records; and that the first meeting of the Committee be held in the Senate Committee Room on Wednesday next, the 8th April, at 10.30 o'clock a.m.
- (4) That a Message be sent to the House of Representatives conveying the above Resolutions.

Debate ensued.

And the question being divided—
Question—

- (1) That a Select Committee be appointed, to join with a Select Committee of the House of Representatives, to inquire and report as to the best procedure for the trial and punishment of persons charged with the interference with or breach of the powers, privileges, or immunities of either House of the Parliament, or of the Members or Committees of each House—put.

WEDNESDAY, 8TH APRIL, 1908.

- 10 PARLIAMENTARY POWERS, PRIVILEGES, AND IMMUNITIES: SELECT COMMITTEE.—The following Message from the House of Representatives was received and read:—

MR. PRESIDENT,

Message No. 24.

The House of Representatives transmits to the Senate the following Resolutions, which were this day agreed to by the House of Representatives:—

- (1) That the Select Committee of this House, appointed to inquire into and report upon procedure in cases of breach of privilege, be empowered, jointly with the Select Committee similarly appointed by the Senate, to inquire into and report upon any recent allegations reflecting upon Parliament or any of the Members thereof, and for such purposes to exercise all such powers as have been conferred by this House.
- (2) That a Message be sent to the Senate asking it to similarly empower the Committee appointed by it, so as to enable it to act jointly in these inquiries with the Committee of this House.

The House of Representatives requests the Senate to empower the Committee accordingly.

House of Representatives,
Melbourne, 2nd April, 1908.

F. W. HOLDER,
Speaker.

The Vice-President of the Executive Council (Senator Best), by leave, moved—

- (1) That the Select Committee of the Senate appointed to inquire into and report upon procedure in cases of breach of privilege be empowered, jointly with the Select Committee similarly appointed by the House of Representatives, to inquire into and report upon any recent allegations reflecting upon Parliament or any of the Members thereof, and for such purposes to exercise all such powers as have been conferred by this Senate.
- (2) That a Message be sent to the House of Representatives conveying the above resolution.

Debate ensued.

Question—put.

The Senate divided.

Ayes, 13.

Noes, 12.

And so it was resolved in the affirmative.

THURSDAY, 21ST MAY, 1908.

- 11 SELECT COMMITTEE ON POWERS AND PRIVILEGES OF PARLIAMENT: LEAVE TO SIT DURING SITTINGS OF SENATE.—Senator Col. Neild, by leave, moved—That the Select Committee appointed to join with the Select Committee of the House of Representatives to inquire into and report on the question of Parliamentary Powers, Privileges, and Immunities have leave to sit during the sittings of the Senate.
Question—put and passed.

Friday, 29 May, 1908

3. PRIVILEGE—PROCEDURE IN CASES OF.—Senator Colonel Neild brought up a Progress Report from the Joint Select Committee on Procedure in Cases of Privilege, together with the Minutes of Evidence to date, and Appendices.

The Report was read by the Clerk.

Ordered to be printed and taken into consideration on Thursday next.

Thursday, 4th June, 1908

Privilege - Procedure in Cases of. - Senator Chataway brought up Progress Report No. 22 from the Joint Select Committee on Procedure in Cases of Privilege, together with Minutes of Proceedings (6 date).
The Report was read by the Clerk.
Ordered (insert from Ind. Journals)

(2)

"A"

(23)

Friday, 29th May, 1908.

- (2). Privilege - Procedure in cases of. - Sir John Acland, Chairman, brought up a Progress Report from the Joint Select Committee on Procedure in Cases of Privilege, together with the Minutes of Evidence to date, and appendices. Ordered, after debate, to lie upon the table and to be printed.

Thursday, 29th June, 1908

(Insert entry from H. of R. on S. votes)

Postmaster

EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE
HOUSE OF REPRESENTATIVES.

WEDNESDAY, 1st APRIL, 1908.

3. PRIVILEGE—SELECT COMMITTEE RE PROCEDURE IN CASES OF.—Mr. Deakin moved, by leave—

- 1 That a Select Committee be appointed, to join with a Select Committee of the Senate, to inquire and report as to the best procedure for the trial and punishment of persons charged with the interference with or breach of the powers, privileges, or immunities of either House of the Parliament or of the Members or Committees of each House.
 - 2 That the Members of this House upon such Committee be Mr. Bamford, Mr. Fuller, Sir John Quick, and Mr. Wise; two to be a quorum.
 - 3 That such Committee have power to send for persons, papers, and records.
 - 4 That a Message be sent to the Senate requesting it to appoint a similar Committee empowered to act conjointly with the Committee of this House.
- Debate ensued.
Question—put and resolved in the affirmative.

THURSDAY, 2nd APRIL, 1908.

3. MESSAGE FROM THE SENATE.—SELECT COMMITTEE RE PROCEDURE IN CASES OF PRIVILEGE.—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 21.

The Senate, having taken into consideration Message No. 23 of the House of Representatives, dated 1st April, 1908, acquaints the House of Representatives that the Senate has agreed to the following Resolutions:—

- 1 That a Select Committee be appointed, to join with a Select Committee of the House of Representatives, to inquire and report as to the best procedure for the trial and punishment of persons charged with the interference with, or breach of, the powers, privileges, or immunities of either House of the Parliament or of the Members or Committees of each House.
- 2 That the Members of this Senate upon such Committee be Senators Colonel Neild, Hemmerson, Turley, and Chalmers; two to be a quorum.
- 3 That such Committee have power to send for persons, papers, and records; and that the first meeting of the Committee be held in the Senate Committee Room on Wednesday next, the 8th April, at 10.30 o'clock a.m.
- 4 That a Message be sent to the House of Representatives conveying the above Resolutions.

The Senate,
Melbourne, 2nd April, 1908.

A. J. GOULD,
President.

11. PRIVILEGE—SELECT COMMITTEE RE PROCEDURE IN CASES OF.—Mr. Deakin moved, by leave—

- (1) That the Select Committee of this House, appointed to inquire into and report upon procedure in cases of breach of Privilege, be empowered, jointly with the Select Committee similarly appointed by the Senate, to inquire into and report upon any recent allegations reflecting upon Parliament or any of the Members thereof, and for such purposes to exercise all such powers as have been conferred by this House.
- (2) That a Message be sent to the Senate asking it to similarly empower the Committee appointed by it so as to enable it to act jointly in these inquiries with the Committee of this House.

Debate ensued.

Question—put and resolved in the affirmative.

WEDNESDAY, 5th APRIL, 1908.

5. MESSAGE FROM THE SENATE.—SELECT COMMITTEE RE PROCEDURE IN CASES OF PRIVILEGE.—Mr. Speaker announced the receipt of the following Message from the Senate:—

MR. SPEAKER,

Message No. 23.

The Senate, having taken into consideration Message No. 24 of the House of Representatives, dated 2nd April, 1908, acquaints the House of Representatives that the Senate has agreed to the following resolutions:—

- (1) That the Select Committee of the Senate appointed to inquire into and report upon procedure in cases of breach of privilege be empowered, jointly with the Select Committee similarly appointed by the House of Representatives, to inquire into and report upon any recent allegations reflecting upon Parliament or any of the Members thereof, and for such purposes to exercise all such powers as have been conferred by this Senate.
- (2) That a Message be sent to the House of Representatives conveying the above Resolution.

The Senate,
Melbourne, 5th April, 1908.

A. J. GOULD,
President.

THURSDAY, 9th APRIL, 1908.

2. PRIVILEGE—PROGRESS REPORT OF THE SELECT COMMITTEE RE PROCEDURE IN CASES OF.—Sir John Quick, Chairman, brought up a Progress Report from the Select Committee on Procedure in cases of Privilege. The Report was read by the Clerk, and is as follows:—

PROGRESS REPORT.

The Select Committee appointed to join with a Select Committee of the Senate to inquire and report as to the best procedure in cases of Privilege and other matters have the honour to report that they have made progress, and request leave to report the Minutes of Evidence from time to time.

Committee Room,
8th April, 1908.

JOHN QUICK,
Chairman.

Sir John Quick moved, by leave, That the Report be adopted.

Question—put and resolved in the affirmative.

THURSDAY, 21st MAY, 1908.

2. PRIVILEGE—PROCEDURE IN CASES OF.—Sir John Quick moved, by leave, That the Select Committee re Procedure in cases of Privilege have leave to sit to-morrow during the sitting of the House.

Question—put and resolved in the affirmative.

(Insert last entry)

MINUTES OF PROCEEDINGS.

WEDNESDAY, 8TH APRIL, 1908.

Present :

Senate.
Senator Chataway,
Henderson,
Colonel J. C. Neild,
Turley.

House.
Mr. Bamford,
Fuller,
Wise.

The Clerks of Committees read extracts from the Journals of the Senate and the Votes and Proceedings of the House of Representatives referring to the appointment of the Committee.
Sir John Quick telegraphed that he was unable to be present owing to a family bereavement.
On the motion of Senator Colonel Neild, Sir John Quick was elected Chairman.
The Committee adjourned until next day at 10 o'clock a.m.

THURSDAY, 9TH APRIL, 1908.

Present :

Senate.
Senator Chataway,
Henderson,
Colonel J. C. Neild,
Turley.

House.
Mr. Bamford,
Fuller,
Wise.

In the absence of the Chairman, Senator Colonel Neild was called to the Chair.
The Committee adjourned until 11 o'clock a.m. this day.

ELEVEN O'CLOCK A.M.

All the Members of the Joint Committee were present, and Sir John Quick took the Chair.
The minutes of the previous meeting were read and confirmed.
Extracts from the Journals of the Senate dated 8th April, were read.
A syllabus of questions for submission to witnesses was drawn up, adopted, and ordered to be printed.

It was resolved that the following witnesses be called :—

The Acting Clerk of the Parliaments (Mr. C. B. Boydell).
The Clerk of the House of Representatives (Mr. C. Gavan Duffy).
The Secretary to the Attorney-General's Department (Mr. R. R. Garran).
Professor Pitt Cobbett, of the Sydney University.
Professor Harrison Moore, of the Melbourne University.

It was decided to invite the Hon. Sir R. C. Baker to give his knowledge and experience on the matters referred to the Committee, and, if he thought fit, to attend and give evidence before the Committee.
The Committee resolved that the Press should be admitted when evidence was being taken, and so far as the House of Representatives Committee was concerned the necessary power should be asked for from the House.

The Committee adjourned until Wednesday next, the 15th April, but in the event of only one House of both Houses not sitting that day, the next sitting to be fixed by the Chairman.

THURSDAY, 21st MAY, 1908.

Present :

Senate.
Senator Chataway,
Henderson,
Colonel J. C. Neild,
Turley.

House.
Mr. Bamford,
Wise.

The minutes of the previous meeting were read and confirmed.

Correspondence was read :—

From Mr. Fuller, M.L., stating that owing to ill health he was unable to take his seat at the Committee.

From the Hon. Sir R. C. Baker, regretting that through ill-health he was unable to help the Committee in their inquiry.

From Professor Pitt Cobbett, of Sydney, asking that he be allowed to send in a written statement—the Chairman stated permission had been granted.

From Mr. O. C. Beale, re statements in the House that he had charged Members with corruption, and stated that he had never expressed nor implied this, nor still less corruption on the part of Members of Parliament.

From Mr. Beale, asking that, as he was leaving for England, a special meeting of the Select Committee be called to hear his evidence. The Chairman stated that it was impossible to arrange this meeting, and Mr. Beale was now on his way to England.

All these letters were received.

Charles Broughton Boydell, Acting Clerk of the Parliaments, examined.

Charles Gavan Duffy, Clerk of the House of Representatives, examined.

Robert Randolph Garran, C.M.G., Secretary to the Attorney-General's Department and Parliamentary Draftsman, examined.

The Committee adjourned until 11 o'clock to-morrow.

FRIDAY, 22ND MAY, 1908.

<i>Senate.</i>	<i>Present:</i>	<i>in the Chair,</i>
Senator Chataway,		<i>House.</i>
Henderson,		Mr. Bamford,
Colonel J. C. Neild,		Wise.
Turley.		

The minutes of the previous meeting were read and confirmed.
 William Harrison Moore, Professor of Law in the University of Melbourne, examined.
 The Chairman submitted his draft report.
 The Committee deliberated.
 The Committee adjourned until Wednesday next, at 3 p.m.

WEDNESDAY, 27TH MAY, 1908.

<i>Senate.</i>	<i>Present:</i>	<i>in the Chair</i>
Senator Chataway,		<i>House.</i>
Henderson,		Mr. Fuller,
Colonel J. C. Neild,		Wise.
Turley.		

The minutes of the previous meeting were read and confirmed.
 Professor Pitt Cobbett, of the Sydney University, forwarded written replies to the Committee's questions.
 The Chairman's draft report was further considered.
 The Committee adjourned until 10 o'clock to-morrow morning (Thursday).

THURSDAY, 28TH MAY, 1908.

<i>Senate.</i>	<i>Present:</i>	<i>in the Chair</i>
Senator Chataway,		<i>House.</i>
Henderson,		Mr. Fuller,
Colonel J. C. Neild,		Wise.
Turley.		

The minutes of the previous meeting were read and confirmed.
 The Draft Report was further considered and adopted, and ordered to be presented to both Houses on the following day in the form of a Progress Report.

Resolved—That a letter be sent to the Sydney *Bulletin* newspaper stating that the Committee had under consideration a certain article published in that paper of the 16th January, 1908, containing statements which seriously reflected on the honour, dignity, and integrity of the Commonwealth Parliament and its Members, and making certain inquiries before proceeding to take any action.

On the motion of Senator Colonel Neild, a vote of thanks was passed to the Chairman for his labours in connexion with the preparation of the Progress Report.
 The Committee adjourned until Thursday next at 11 a.m.

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5 of 10

MULTIPLE EXPOSURES

HAVE BEEN TAKEN OF

THE FOLLOWING PAGE

Handwritten signature

Thursday, 4th June, 1908.

Business -

Sir John Smith, in the Chair,

Senate

Robert

Senator Chetaway

Mr. Stanford

Honorable

Palmer

Vice.

The Minutes of the previous meeting were read and confirmed.

Attention was directed to a leading article published in The Age newspaper, of 2nd April, 1908, containing allegations regarding the following on Parliament.

A letter was read from the Editor of The Bulletin in reply to the above addressed to him in accordance with the Resolution passed at the last meeting of the Committee.

The Committee deliberated.

The Chairman submitted a letter Report.

Resolved - That the letter be printed in Report to be presented to both Houses.

Committee adjourned sine die.

5A

Handwritten signature

Thursday, 4th June, 1898.

Present -

Sir John Lubbock, in the Chair,

Senate

House

Senator Chataway

Mr. Fenford

Mr. Henderson

Mr. Miller

Miss

The minutes of the previous meeting were read and approved.

A notice was directed to a leading article published in The Age newspaper, of 3rd April, 1898, containing allegations seriously reflecting on the Council.

A letter was read from the Editor of The Bulletin in reply to the notice addressed to him in accordance with the Resolution passed at the last meeting of the Council.

The Council was thanked.

Mr. Chairman suggested a vote of thanks.

Resolved - That the Council be thanked for the report of the Council for the year 1897-98.

Resolved - That the Council be thanked for the report of the Council for the year 1897-98.

PROGRESS REPORT - NO. 2.

EP
Wright

The Joint Select Committee appointed to enquire and report on matters of privilege, have the honor to submit a Second Progress Report.

Your Committee, having recommended that the proposed new procedure should not be retrospective, have taken preliminary steps to enquire into some recent allegations published reflecting on Parliament. Their attention has been directed to a statement published by a Sydney Newspaper containing charges of political corruption against unnamed Members of Parliament. It would be dishonouring to Parliament if such charges were allowed to remain unproved, unwit-drawn, and the maligners unpunished. Your Committee regret to find that in the existing state of the law, they are unable to prosecute their enquiries in an effective and complete manner. There is no statutory law in force authorising Select Committees to summon and secure the attendance of witnesses before them, and above all there is no law requiring, and if necessary compelling, witnesses before Select Committees to be sworn and to answer questions relevant to the issues involved. It is true that the Standing Orders provide that Select Committees may summon witnesses but they do not enable such Committees to take evidence on oath, nor do they provide any punitive measures in case of disobedience to the summons or refusal to be sworn or to give evidence.

Your Committee do not think it would be wise to proceed further with an investigation in which they would be powerless to deal with witnesses who may refuse either to prove or withdraw scandalous charges made by them against Parliament or to give the names of their informants.

If the Parliamentary Witnesses Bill at present before the House of Representatives be passed into law with some slight amendments, Select Committees would be armed with effective authority to take evidence on oath and to recommend the prosecution of recalcitrant witnesses.

Committee Room,

Melbourne, 4th June, 1908,

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John Lush
Chairman.