

2311 —

1954.

(Twenty-first Parliament

—

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

—

HOUSE OF REPRESENTATIVES.

R E P O R T .

from the

STANDING COMMITTEE

of

PRIVILEGES

relating to

THE ALLEGED MIS-USE OF A Hansard PROOF

together with

Minutes of Proceedings of the Committee

EXTRACTS FROM THE VOTES AND PROCEEDINGS.

of 11th August, 1954.

COMMITTEE OF PRIVILEGES.- Sir Eric Harrison (Vice-President of the Executive Council) moved, by leave, That Mr. Clark, Mr. Joske, Mr. McLeay, Mr. Morgan, Mr. Sheehan, Mr. Swartz and Mr. Turnbull be members of the Committee of Privileges; five to form a quorum.

Question -- put and passed.

26th August, 1954.

PRIVILEGE - ALLEGED MISUSE OF HANSARD PROOF.- Mr. Gullett drew attention to an article in the issue of the newspaper Century, dated 20th August, referring to certain proceedings of the House on the 12th August, and claimed that a breach of Privilege had occurred in that a confidential Hansard proof had been made available to the newspaper for the purposes of the article. Mr. Gullett then moved, That the article appearing in the Century of Friday, August 20th, be referred to the Committee of Privileges for a full investigation.

Question -- put and passed

15th September, 1954.

COMMITTEE OF PRIVILEGES.- Sir Eric Harrison (Vice-President of the Executive Council) moved, pursuant to notice -

- (1) That the Committee of Privileges have power to send for persons, papers, and records.
- (2) That the Committee have leave to sit during the sittings of the House.

Question -- put and passed.

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MINUTES OF PROCEEDINGS.

Parliament House, Canberra.

Tuesday, 31st August, 1954.

Present:

Mr. Clark	Mr. Sheehan
Mr. Joske	Mr. Swartz
Mr. McLeay	Mr. Turnbull
Mr. Morgan	

The Entries in the Votes and Proceedings of the House of Representatives No. 4 of 11th August, 1954, recording the appointment of Members of the Committee and No. 11 of 26th August, 1954 recording the Resolution referring to the Committee for investigation a matter regarding the alleged misuse of a Hansard proof by the newspaper Century were read by the Clerk of Committees.

On the motion of Mr. Clark, Mr. McLeay was elected Chairman.

A copy of the newspaper Century, dated 20th August, 1954, containing the article referred to by Mr. Gullett, was laid before the Committee.

Copies of a document entitled "History of the Hansard 'Flat'" prepared by the Principal Parliamentary Reporter (Mr. W.J.M. Campbell) and a submission prepared by the Clerk of the House (Mr. F.C. Green) entitled "Alleged Breach of Privilege - Statement for the Privileges Committee" were laid before the Committee.

The Committee deliberated.

Ordered: That the Clerk of the House of Representatives be asked to attend the Committee on Wednesday, 1st September, for examination and consultation in relation to the matter before the Committee.

The Committee adjourned.

Wednesday, 1st September, 1954.

Present:

Mr. McLeay (Chairman)	
Mr. Clark	Mr. Sheehan
Mr. Joske	Mr. Swartz
Mr. Morgan	Mr. Turnbull

The Minutes of the previous meeting were read and confirmed.

Mr. F.C. Green, M.C., Clerk of the House of Representatives, was examined and advised the Committee in connection with the matter referred to it on the 26th August, 1954, regarding the alleged misuse of a Hansard proof by the newspaper Century.

/The

The Committee deliberated.

Ordered: That the Solicitor-General (Professor K.H. Bailey, C.B.E.,) be asked to attend the Committee on Tuesday, 7th September, for examination and consultation in relation to the matter before the Committee.

The Committee adjourned.

Tuesday, 7th September, 1954.

Present:

Mr. McLeay (Chairman)
Mr. Clark Mr. Sheehan
Mr. Joske Mr. Swartz
Mr. Morgan Mr. Turnbull

The Minutes of the previous meeting were read and confirmed.

Professor K.H. Bailey, C.B.E., Solicitor-General, was examined by the Committee in connection with the matter referred to it on the 26th August, 1954, regarding the alleged misuse of a Hansard proof by the newspaper Century.

The Committee deliberated.

Ordered: That the Speaker of the House of Representatives (the Hon. A.G. Cameron, M.P.) be asked to attend the Committee on Wednesday, 8th September, for consultation in relation to the matter before the Committee.

The Committee adjourned.

Wednesday, 8th September, 1954.

Present:

Mr. McLeay (Chairman)
Mr. Clark Mr. Sheehan
Mr. Joske Mr. Swartz
Mr. Morgan Mr. Turnbull

The Minutes of the previous meeting were read and confirmed.

The Hon. A.G. Cameron, M.P., Speaker of the House of Representatives was examined by the Committee in connection with the matter referred to it on the 26th August, 1954, regarding the alleged misuse of a Hansard proof by the newspaper Century.

The Committee deliberated.

Mr. Joske moved - That a representative of the newspaper Century be called to give evidence before the Committee.

Question put -

The Committee divided

Ayes, 3.

Mr. Joske
Mr. Swartz
Mr. Turnbull

Noes, 3.

Mr. Clark
Mr. Morgan
Mr. Sheehan

The numbers being equal, the Chairman gave his casting vote with the Ayes and so it was resolved in the affirmative.

The Committee adjourned.

Wednesday, 22nd September, 1954.

Present:
Mr. McLeay (Chairman)

Mr. Clark	Mr. Sheehan
Mr. Joske	Mr. Swartz
Mr. Morgan	Mr. Turnbull

The Minutes of the previous meeting were read confirmed.

The Entry in the Votes and Proceedings of the House of Representatives No. 19 of the 15th September, 1954, providing that the Committee of Privileges -

(1) Have power to send for persons, papers and records;

Have leave to sit during the sittings the House -

read by the Clerk of Committees.

The Committee deliberated.

The Committee having decided that a witness should be called, the question was raised whether Press representatives should be permitted to be present during the hearing of evidence. Objection being offered, strangers were excluded.

Mr. John Thomas Lang, Managing Editor of the newspaper Century, was called, sworn and examined.

The witness withdrew.

The Committee further deliberated.

Ordered: That the Chairman prepare a Draft Report consideration at the next meeting.

The Committee adjourned.

Tuesday, 28th September, 1954.

Present:

Mr. McLeay (Chairman)

Mr. Joske
Mr. Morgan
Mr. Sheehan

Mr. Swartz
Mr. Turnbull

The Minutes of the previous meeting were read confirmed.

The Chairman submitted a Draft Report in connection with the matter referred to it on the 26th August, 1954, regarding the alleged misuse of a Hansard proof.

Paragraphs 1 to 3 agreed to

Paragraphs 4 to 9 deleted.

Paragraphs 10 to 13 agreed to.

Report, as amended, agreed to

The Committee deliberated.

The Committee adjourned.

R E P O R T

Nature of the Enquiry

On the 26th August, 1954, Mr. H.B.S. Gullett, M.P., raised a matter of Privilege in the House of Representatives.

He said

I raise a matter of privilege. I believe that a serious breach of privilege has occurred and I wish, as briefly as possible, to outline the facts and conclude with a motion covering the breach. I refer, first, to an article on page 5 of the newspaper, Century, published on Friday, 20th August. The article deals with proceedings in this House on Thursday, 12th August, and is a verbatim report of remarks made by the Prime Minister (Mr. Menzies) in outlining the methods by which the members of the Royal Commission on Espionage were appointed. I am one of the members of this House who are privileged to receive a copy of the unrevised and confidential Hansard "flats", and on reading this article I was struck by the similarity between it and the "flat" that I received which covered the relevant debate. Therefore, yesterday, together with another honorable member, I compared the Hansard flat most carefully with the article in the Century, and I now say with complete certainty that the article in the Century is not so much based on the "flat", as lifted bodily out of it. The reports are not quite identical, because there is one minor difference. However, there is only the one difference, and apart from that, the report and the Hansard flat are identical down to the very last comma and semi-colon. As a journalist myself, I assure the House that the report which appeared in the Century could not have come from any source other than the confidential Hansard "flat". The "flat" was issued to members privileged to receive it on the 13th August, but the matter in it did not appear as a corrected official Hansard report until this morning. The article to which I have referred was published in the Century on the 20th August, and we may have no doubt that the "flat" upon which it was based was made available to the Century some time before that date.

Therefore, I believe that a breach of privilege has occurred. All honorable members know that the "flats" that we receive are marked -

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All honorable members understand that. The advantage of having "flats" made available is considerable, and the privilege is highly valued by the honorable members of this House. The circulation of the "flats" is restricted for the protection both of honorable members of the House and of the public. Any breach of this privilege must be regarded in a most serious light. I believe that such a breach has occurred, and that a full investigation should be made to discover the honorable member, or the member of his staff, who has made the "flat" available to an unauthorized concern.

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Mr. Gullett then moved a motion in the following terms:

"That the article appearing in the Century of Friday, the 20th August, be referred to the Committee of Privileges for full investigation".

Motion carried

Course of Proceedings.

2. The Committee called before it the Speaker of the House of Representatives (the Honorable A.G. Cameron, M.P.), the Clerk of the House of Representatives (Mr. F.C. Green, M.C.) and the Solicitor-General of the Commonwealth (Professor K.H. Bailey, C.B.E.) who were examined and gave evidence regarding the principles of privilege involved in this case.

3. Mr. J.T. Lang, Managing Editor of the newspaper Century, was examined in regard to the publication of the article which gave rise to the complaint by Mr. Gullett.

General Conclusions

4. Upon careful consideration of the evidence presented and after a full investigation of the facts of this case, the Committee was unable to find any evidence that any person had been guilty of a breach of privilege.

5. Acting in accordance with the precedent established in the House of Commons which empowers the Committee of Privileges to enquire into and report upon facts surrounding and reasonably connected with the matter of the particular complaint,^(x) the Committee felt that it could usefully comment on the production of Hansard as it exists today.

6. Your Committee, after consideration of evidence presented to it, formed the opinion that if a daily or twice-weekly issue of Hansard were made, it would, in addition to being of great assistance to Members and the public, also obviate the necessity for the present system of the issue of confidential "Flats" - a system which, because of the long and undesirable delay in the issue of corrected proofs, must inevitably be abused.

7. The Committee has noted, with approval, the recent appointment of a Select Committee of the House to enquire into all phases of the production of Hansard.

(x) House of Commons Papers Vol. 443, Page 1242 and Commons Reports from Committees Vol. 9, 1947-48. (Resolution of 30.10.47 - Mr. Pickthorn).