

1954-55.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

HOUSE OF REPRESENTATIVES

REPORT

COMMITTEE OF PRIVILEGE

relating

matters raised by the honorable Member
for Yarra and the honorable Member for
Fawkner on 25th May, 1955.

together with

Minutes of Proceedings of the Committee

EXTRACTS FROM THE VOTES AND PROCEEDINGS
dated WEDNESDAY, 25th MAY, 1955.

PRIVILEGE. - Mr. Keon raised a matter of Privilege regarding remarks made in the House yesterday by the honorable Member for Parkes and the report thereof in the Melbourne Argus of the 25th May, alleging that the honorable Member for Yarra had peddled matter to newspapers, and moved, That the statements by the honorable Member for Parkes recorded in Hansard, page 1,000, dated 24th May, and the report of the statements in the Melbourne Argus of the 25th May, in reference to the honorable Member for Yarra, be referred to the Committee of Privileges for investigation and report.

Question put and passed.

PRIVILEGE. - Mr. W.M. Bourke raised a matter of Privilege concerning remarks made in the House yesterday by the honorable Member for Parkes and the report thereof in the Melbourne Argus of the 25th May, stating that the honorable Member for Fawkner had attempted to sell Caucus secrets, and moved, That the remarks of the honorable Member for Parkes recorded in Hansard, page 1,000, dated 24th May and the report thereof in the Melbourne Argus of the 25th May, in reference to the honorable Member for Fawkner, be referred to the Committee of Privileges for investigation and report.

Question -- put and passed.

REPORT

The Committee of Privileges, to which was referred matters raised in the House on the 25th May, 1955, by the honorable Member for Yarra (Mr. Keon) and the honorable Member for Fawkner (Mr. Bourke), has agreed to the following Report:

PRELIMINARY

The matters which were referred to your Committee as matters relating to privilege were certain remarks of the honorable Member for Parkes which were recorded in Hansard on page 1,000, dated 24th May and set out in the Melbourne Argus of the 25th. The statements made in the House and the newspaper are set out in Appendices "A" and "B".

3. Your Committee asked Mr. F.C. Green, Clerk of the House of Representatives, to submit a memorandum on the law of Parliament relating to these cases.

GENERAL CONCLUSIONS

Your Committee gave careful consideration to the various aspects of the matters referred to it. In the case of the remarks made by the honorable Member for Parkes, your Committee considered that they did not raise a matter of Privilege but rather one of Order. Your Committee agreed that all words spoken by a Member in the House during debate are completely privileged, but the House is able to place restraint on the conduct of its members in certain directions, including their offensive accusations against other members. X

X See May "Parliamentary Practice", 15th Edition, pages 448-9

Standing Orders of the House of Representatives numbers 77, 78, 79 and 80 were adopted for the purpose of dealing with cases such as those considered by the Committee. However, when accusations were made by the honorable Member for Parkes (Mr. Haylen) there was no request for a withdrawal by either of the aggrieved members or by any other member who was present in the Chamber. Your Committee considered that if a withdrawal had been demanded at the proper time it was within the power of the Speaker, if he considered the accusation a serious one, to have required the honorable Member for Parkes to withdraw the accusation or be named and suspended.

The report of the incident which appeared in the Melbourne Argus of the 25th May appeared to the Committee to be an abridged but factual report of the debate. The relevant section of the report reads as follows:

"Mr. Haylen (Labor, N.S.W.) charged Mr. Keon with
"having peddled Labor caucus secrets to a newspaper.
"'It's well known by the public that Mr. Bourke has
"been castigated by the Melbourne Argus for peddling
"secrets at the door of its editorial offices, only
"to be spurned for his pains'," Mr. Haylen said.

Your Committee regarded this reference to be a ~~fair~~ report of the proceedings in the House and did not involve any breach of Privilege by the Melbourne Argus.

(J. McLEAY)
Chairman

4 June, 190

MINUTES OF PROCEEDINGS.

PARLIAMENT HOUSE, CANBERRA.

Thursday, 26th May, 1955.

(21st Parliament,
Eleventh Meeting)

Present:

Mr. McLeay (Chairman)

Mr. Clark	Mr. Morgan
Mr. Freeth	Mr. Swartz
Mr. Galvin	Mr. Turnbull
Mr. Joske	

The Minutes of the previous meeting were read and confirmed.

Entries Numbered 5 and 6 in the Votes and Proceedings of the House of Representatives No. 56 of Wednesday, 25th May, 1955, which record Resolutions of the House referring matters of Privilege raised by the honorable Member for Yarra (Mr. Keon) and the honorable Member for Fawkner (Mr. W.H. Bourke) to the Committee for investigation and report were read by the Clerk attending the Committee.

Resolved - That the two references be considered together.

Ordered - That the Clerk of the House of Representatives be asked to submit a memorandum upon the question of Privilege involved in the two cases.

The Committee adjourned until Tuesday, 31st May, 1955

Tuesday, 31st May, 1955.

(21st Parliament,
Twelfth Meeting).

Present:

Mr. McLeay (Chairman)

Mr. Freeth	Mr. Swartz
Mr. Galvin	Mr. Turnbull
Mr. Morgan	

The Minutes of the previous meeting were read and confirmed.

The Chairman laid before the Committee copies of a memorandum prepared by the Clerk of the House in relation to the matter before the Committee.

The Committee deliberated.

Mr. Freeth moved, That where imputations or accusations of improper conduct are made as between Members, Parliamentary Privilege may be breached to such an extent that the remedies provided in Standing Orders numbered 77 to 79 (being primarily designed to preserve order) are inadequate and in such cases the accused Member is entitled on alleging a breach of privilege and if the House so decides, to an investigation as to whether his accuser has abused Parliamentary Privilege, and that, in the present cases a prima facie breach of Privilege exists upon which the Committee should make a decision and report to the House as between the Members concerned.

" 31st May, 1955. (cont)

Question put

The Committee divided

Ayes,

Mr. Free

Noes,

Mr. Galvin
Mr. Morgan
Mr. Turnbull
Mr. Swartz

And so the motion was negative

Mr. Turnbull moved, That the matters referred to the Committee are not matters of Privilege but are rather matters of Order which could have been dealt with by the House at the proper time under the existing provisions of the Standing Orders.

Question put

The Committee divided

Ayes,

Mr. Galvin
Mr. Morgan
Mr. Turnbull
Mr. Swartz

Noes,

Mr. Free

And so the question was resolved in the affirmative

Ordered .. That the Chairman prepare a Draft Report for submission to the Committee at its next meeting.

Committee adjourned until Wednesday, 1st June, 1955

Wednesday, 1st June,

Present:

Mr. McLeay (Chairman)

Mr. Clark	Mr. Morgan
Mr. Freeth	Mr. Swartz
Mr. Galvin	Mr. Turnbull
Mr. Joske	

The Minutes of the previous meeting were read and confirmed.

Mr. Joske moved, That consideration of the Chairman's Draft Report be temporarily withheld and that the resolution Mr. Turnbull and the subsequent order be rescinded and that the Committee proceed with the investigation directed by the House on the ground that the Committee, in passing the resolution, misconceived its duty by acting on the belief that Standing Orders prevented or sufficiently covered the matter of the investigation being made and by overlooking the inherent jurisdiction of the House to deal with the conduct of its members, which jurisdiction exists independently of Standing Orders.

The Committee deliberated.

Question That the motion of Mr. Joske be

Committee divided.

Ayes,

Mr. Freeth
Mr. Joske

Noes,

Mr. Clark
Mr. Galvin
Mr. Morgan
Mr. Swartz
Mr. Turnbull

and so the question was negatived.

The Chairman submitted his Draft Report.

The Committee proceeded to the consideration of the Draft Report.

Paragraphs 1 to 3 agreed to.

Paragraph 4, and note thereto, amended and agreed to.

Paragraph 5 amended and agreed to.

Paragraph 6 amended and agreed to.

Mr. Galvin moved, That the Draft Report, as amended, be reported to the House.

Question put.

Committee divided

Ayes, 7

Mr. Clark
Mr. Galvin
Mr. Morgan
Mr. Swartz
Mr. Turnbull

Noes,

Mr. Freeth
Mr. Joske

So the question was resolved in affirmative

Committee adjourned until Tuesday, 17th June

APPENDIX "A".

Extract from Hansard of the House of Representatives
dated 24th May, 1955, page 1000.

Mr. HAYLEN. - As far as the future of the members of the corner group is concerned, the Minister for Labour and National Service (Mr. Holt) gave them his benediction. They may come, in due course, into the Liberal party, because their attitude to the matter under discussion is exactly the same as that of the Liberal party.

Mr. W.M. Bourke interjecting,

Mr. HAYLEN. - I shall deal with the honorable member for Fawkner (Mr. W.M. Bourke) in a minute. It is very difficult to traverse, in the space of about ten minutes, the whole of the arguments for and against the industrial groups. One reason we do not like those who still support the industrial groups is their own personal conduct. The honorable member for Fawkner has seen fit to interject. Is it not only recently that he was castigated by the Melbourne Argus for peddling caucus secrets around the door of its editorial offices, and being spurned for his pains? Is it not in so many words in the Melbourne press that he attempted to sell the secrets of our caucus in order to gain front-page prominence? Is not that true, and can he deny it? Is it not also true that the honorable member for Yarra (Mr. Keon) peddled his wares to other newspapers, which were more agreeable and accepted them?

Mr. Keon. - I rise to order.

Mr. SPEAKER. - Does the honorable gentleman wish to make a personal explanation?

Mr. Keon. - I should like the honorable member for Parkes to stick to the truth, at least for the short period of his speech.

Mr. SPEAKER. - Order! The honorable gentleman has raised a point of order.

Mr. HAYLEN. - I repeat those two statements. In the first instance, the honorable member for Fawkner is alleged -- and I know it to be a fact -- to have gone to the Argus and offered it certain things. Why, otherwise, would he be headlined throughout the nation's press, particularly on election issues and Senate issues? Honorable members on the other side of the chamber are not so naive as to think there is not a reason for it. The same thing applies to the honorable member for Yarra. Because the professional politics of the corner group is to smear, its members must be prepared to take it back.

APPENDIX "B".

Extract from the Melbourne Argus of
25th May, 1955, page 5.

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Mr. Keon said the sectarian smear campaign against the industrial groups by Dr. Evatt and his supporters had been used by the Communists for years.

The industrial groups Dr. Evatt was now attacking had been set up by the central executive of the Victorian A.L.P., and the senior member of the committee charged with organisation and control of the groups was Mr. Cain, the secretary, Mr. D. Lovegrove, then secretary of the A.L.P.

Mr. Calwell, deputy Opposition leader, said Mr. Keon had protested against smear tactics, but used the same tactics.

Mr. Calwell said he had fought Communism long before industrial groups came into existence.

The decision of the Hobart Federal Executive meeting had been misrepresented. It took away political recognition of the industrial groups, but did not disband them, he said.

Mr. Calwell said if anyone wanted to test the anti-Communist sympathies of the Labor Party they would see at the Victorian elections that the Communists had been given last preference on the Labor card.

Mr. Keon: That's a very great gesture putting you second.

Mr. Haylen (Lab., N.S.W.), charged Mr. Keon with having peddled Labor Caucus secrets to a newspaper.

"It's well known by the public that Mr. Bourke has been castigated by the Melbourne Argus for peddling secrets at the door of its editorial offices, only to be spurned for his pains," Mr. Haylen said.

"FASCISTS"

Mr. Haylen said the "fascist" background which developed behind the industrial groups had to be taken into account.

"As far back as June, 1939, a Mr. Santamaria stood himself up on the side of Mussolini and Hitler, and held a anti-war rally, three months before the bombs fell on Coventry," he said.

"The industrial groups had out-communisted the Communists all activities," he said.

Mr. Holt, Labor Minister, said Dr. Evatt would have much to face for his unwarranted smear campaign against industrial groups.

In 1949, after eight years of Labor Government, Communism had reached its peak in Australia, he said.

"Remember Black Christmas in 1949, when transport was paralysed, when work ceased on the coal fields, and also the Victorian transport strikes in the same year," he said.

APPENDIX "B" (contd.,

Holt said he was happy to pay tribute to the groups.

"It took a lot of courage and energy on the part of the people in them -- they were exposed to Communist threats and bashings," he said.

Mr. Mullens (Anti-Com. Lab., Vic.), accused Mr. Whitlam (Lab., N.S.W.), of trying to join the Liberal before entering Parliament.

Mr. Whitlam: That is a lie

Mr. Cameron, Speaker, made Mr. Whitlam withdraw.

Later Mr. Whitlam said he had never approached the Liberal Party "to be taken to its bosom or any other part its body."

Mr. Gullett (Lib., Vic., have a place for you!

Mr. Mullens: You did make an approach for membership the Liberal Party. My information comes from Mr. Haylen.

Mr. Haylen denied this.

Mr. Haylen said the Joshua-Keon Party were at the end of their political tether and would lose significance "after the defeat of the Barry faction in the Victorian elections on Saturday."