

1964-65

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

House of Representatives

REPORT OF THE
COMMITTEE OF PRIVILEGES

RELATING TO

AN ADVERTISEMENT IN "THE CANBERRA TIMES" AND OTHER
AUSTRALIAN NEWSPAPERS ON 18TH AUGUST, 1965

TOGETHER WITH

MINUTES OF PROCEEDINGS OF THE COMMITTEE

Brought up and ordered to be printed, 16th September, 1965

{Cost of Paper:—Preparation, not given; 1140 copies; approximate cost of printing and publishing, \$380

Printed and Published for the GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA by
A. J. ARTHUR, Commonwealth Government Printer, Canberra
(Printed in Australia)

No. 210 [GROUP I].—F.12244/65.—PRICE 45c (4s. 6d.)

CONTENTS

	<i>Page</i>
Extract from the Votes and Proceedings	4
Report	5
Minutes of Proceedings	8
Appendix 'A'	17
Appendix 'B'	18

EXTRACT FROM THE VOTES AND PROCEEDINGS No. 6
DATED THURSDAY, 5TH MARCH, 1964

6. COMMITTEE OF PRIVILEGES.—Mr. McMahon (Minister for Labour and National Service) moved, by leave, That Mr. Clark, Mr. Cleaver, Mr. Drury, Mr. A. D. Fraser, Mr. J. R. Fraser, Mr. Galvin, Mr. Howson, Mr. Killen and Mr. Turnbull be members of the Committee of Privileges; five to form a quorum.

Question—put and passed.

* * *

EXTRACT FROM THE VOTES AND PROCEEDINGS No. 34
DATED THURSDAY, 20TH AUGUST, 1964

4. COMMITTEE OF PRIVILEGES.—Mr. Adermann (Minister for Primary Industry) moved, by leave, That Mr. Howson be discharged from attendance on the Committee of Privileges, and that, in his place, Mr. Gibson be appointed a member of the committee.

Question—put and passed.

* * *

EXTRACT FROM THE VOTES AND PROCEEDINGS No. 94
DATED WEDNESDAY, 18TH AUGUST, 1965

2. PRIVILEGE—ADVERTISEMENT IN "THE CANBERRA TIMES" AND OTHER AUSTRALIAN NEWSPAPERS—REFERENCE TO COMMITTEE OF PRIVILEGES.—Mr. Calwell (Leader of the Opposition) raised a matter of privilege based upon an advertisement containing a photograph of the House in session published in *The Canberra Times* and other Australian newspapers on Wednesday, the 18th August, 1965. Mr. Calwell produced a copy of *The Canberra Times* containing the advertisement, gave the names of the printer and the publishers of that newspaper, and stated that other newspapers in which the advertisement had also appeared included *The Sun News-Pictorial*, the *Daily Telegraph* and *The Australian*.

Mr. Calwell then moved, That the matter of the advertisement in *The Canberra Times* and other Australian newspapers be referred to the Committee of Privileges.

Sir Robert Menzies (Prime Minister) seconded the motion.

Question—put and passed.

* * *

EXTRACT FROM THE VOTES AND PROCEEDINGS No. 95
DATED THURSDAY, 19TH AUGUST, 1965

6. COMMITTEE OF PRIVILEGES.—Mr. Hasluck (Minister for External Affairs) moved, by leave, That the Committee of Privileges, when considering the matter referred to it on the 18th August, 1965, have power to send for persons, papers and records.

Question—put and passed.

REPORT

1. The Committee of Privileges, to which was referred the matter raised in the House on the 18th August, 1965, by the Leader of the Opposition (the Hon. A. A. Calwell), has agreed to the following Report:

COMPLAINT

2. Extract from the Votes and Proceedings No. 94 dated Wednesday, 18th August, 1965.
2. PRIVILEGE—ADVERTISEMENT IN “THE CANBERRA TIMES” AND OTHER AUSTRALIAN NEWSPAPERS—REFERENCE TO COMMITTEE OF PRIVILEGES.—Mr. Calwell (Leader of the Opposition) raised a matter of privilege based upon an advertisement containing a photograph of the House in session published in *The Canberra Times* and other Australian newspapers on Wednesday, the 18th August, 1965. Mr. Calwell produced a copy of *The Canberra Times* containing the advertisement, gave the names of the printer and the publishers of that newspaper, and stated that other newspapers in which the advertisement had also appeared included *The Sun News-Pictorial*, the *Daily Telegraph* and *The Australian*.
- Mr. Calwell then moved, That the matter of the advertisement in *The Canberra Times* and other Australian newspapers be referred to the Committee of Privileges.
- Sir Robert Menzies (Prime Minister) seconded the motion.
- Question—put and passed.

(And see Appendix ‘A’, page 17, for relevant extract from Hansard).

EVIDENCE TAKEN

3. Your Committee called the following nineteen witnesses who were examined on Oath:
- Mr. K. P. Murphy, Director, Australian News and Information Bureau, Canberra, Australian Capital Territory.
- Mr. W. Pedersen, Official Photographer, Australian News and Information Bureau, Canberra, Australian Capital Territory.
- Mr. R. B. Hortin, Clerical Assistant, Grade III, Australian News and Information Bureau, Sydney, New South Wales.
- Mr. R. L. Abbott, Managing Director, British Motor Corporation (Aust.) Pty. Ltd., Sydney, New South Wales.
- Mr. I. W. Milbank, Advertising and Sales Promotion Manager, British Motor Corporation (Aust.) Pty. Ltd., Sydney, New South Wales.
- Mr. R. H. Arnold, Freelance Commercial Artist, Sydney, New South Wales.
- Mr. P. F. Smyth, Chairman of Directors, Arthur Smyth & Sons Pty. Ltd., Sydney, New South Wales.
- Mr. A. G. Wilson, Director, Arthur Smyth & Sons Pty. Ltd., Sydney, New South Wales.
- Mr. K. J. Unsted, General Manager, Arthur Smyth & Sons Pty. Ltd., Sydney, New South Wales.
- Mr. K. R. Murdoch, Managing Director, News Limited (*The Australian*), Canberra, Australian Capital Territory.
- Mr. D. N. Bowman, Managing Editor, *The Canberra Times*, Canberra, Australian Capital Territory.
- Mr. B. A. Williams, Managing Editor, *The Advertiser*, Adelaide, South Australia.
- Mr. E. G. A. Hallett, General Manager, *The Newcastle Morning Herald*, Newcastle, New South Wales.
- Mr. T. C. Bray, Editor-in-Chief, *The Courier-Mail*, Brisbane, Queensland.
- Sir John Williams, Chairman and Managing Director, The Herald and Weekly Times Limited (*The Sun News-Pictorial*), Melbourne, Victoria.
- Mr. D. R. McNicoll, Editor-in-Chief, Australian Consolidated Press Limited (*Daily Telegraph*), Sydney, New South Wales.
- Mr. G. F. Davies, Managing Director, Davies Bros. Limited (*The Mercury*), Hobart, Tasmania.
- Mr. B. D. Rieusset, Advertising Manager, *The Mercury*, Hobart, Tasmania.
- Mr. R. E. Shone, Editor, *The Mercury*, Hobart, Tasmania.
4. Your Committee was assisted by Notes on the law of Parliamentary Privilege which, at its request, were prepared by Mr. A. G. Turner, C.B.E., Clerk of the House of Representatives, and subsequently had the benefit of his advice on specific matters.
5. Your Committee was also assisted by the appearance before it of Mr. A. F. Mason, Q.C., the Solicitor-General of the Commonwealth.

GENERAL

6. Section 49 of the Constitution states that:

'The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.'

7. The Parliament has not so declared except in relation to several minor powers, viz.:—Parliamentary Papers Act (protection of Printer), Broadcasting of Parliamentary Proceedings Act (protection of the Australian Broadcasting Commission) and Public Accounts Committee Act and Public Works Committee Act (provisions respecting witnesses before these committees).

8. Your Committee, therefore, had recourse to the precedents and practice of the House of Commons.

9. Your Committee established from the evidence of Mr. W. Pedersen, Official Photographer, Australian News and Information Bureau, that the photograph in the advertisement was, in fact, copied from an official photograph taken by Mr. Pedersen on the 23rd April, 1964. This was later confirmed by the advertising agency.

10. Arthur Smyth & Sons Pty. Ltd. were retained by the British Motor Corporation (Aust.) Pty. Ltd. to handle its advertising. A decision was made to prepare a 'topical' budget advertisement and for this purpose Mr. R. H. Arnold, Freelance Commercial Artist of Sydney, was commissioned to prepare a suitable layout. He conceived the idea of using a photograph of the House in session and subsequently purchased such a photograph from the News and Information Bureau, Sydney, where copies were on sale.

11. A fine screening process was used to blur the picture and the face of the Leader of the Opposition (the Hon. A. A. Calwell) was retouched to make it more difficult to identify. However, certain words advertising the product and referred to as the 'caption' were added and placed in a 'balloon' purporting to show them being used by Mr. Calwell standing at the Table.

12. The advertising agency, with the final approval of its client, the British Motor Corporation (Aust.) Pty. Ltd., forwarded the advertisement to the following eight newspapers, all of whom published it on the morning of the 18th August, 1965: (a) *The Canberra Times*, (b) *The Australian*, (c) the *Daily Telegraph*, (d) the *Newcastle Morning Herald*, (e) *The Courier-Mail*, (f) *The Sun News-Pictorial*, (g) *The Advertiser* and (h) *The Mercury*. The *Advertiser* and the *Sun News-Pictorial* withdrew the advertisement after their first edition. Some of those named have submitted an apology to the House either by correspondence or in the press and details are tabulated in Appendix 'B'.

13. Evidence revealed that the staff of the newspapers which published the advertisement did not normally scrutinise very closely advertising material emanating from reputable and well-known advertising agencies, particularly material known as national advertising.

14. It is significant that the advertisement was received by seven of the newspapers in matrix form, from which the metal block is made, and in metal form by the other newspaper, only a matter of hours before going to press.

15. So far as can be ascertained, there has been no previous complaint based upon the use of a photograph of a legislature in session. It is understood that photographs of the House of Commons of the United Kingdom in session are not permitted. In Australia there appears to have been no previous attempt to use such a photograph for advertising purposes.

16. The lack of an exact precedent is dealt with in the following extract from May's *Parliamentary Practice*, 17th. Ed. p. 109:

'It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent of the offence.'

The foregoing reference in May stems from a complaint in the Commons on the 29th June, 1938, which was referred to the Committee of Privileges, and is known as 'The Sandys Case'. The Committee reported that they had not been able to find any precise precedents for the circumstances of the case but that taking all the circumstances into consideration, they found that a breach of privilege had been committed.

CONCLUSION

17. Your Committee is of opinion that although no precise precedent can be found for this case, publication of the photograph comes within the scope of the law of privilege as stated in May's *Parliamentary Practice*, 17th Ed. pp. 117-126.

'In 1701 the House of Commons resolved that to print or publish any books or libels reflecting on the proceedings of the House is a high violation of the rights and privileges of the House, and indignities offered to their House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them.

'Reflections upon Members, the particular individuals not being named or otherwise indicated, are equivalent to reflections on the House.' (May's *Parliamentary Practice*, 17th Ed. p. 117.)

'Analogous to the publication of libels upon either House is the publication of false or perverted, or of partial and injurious reports of debates or proceedings of either House or committees of either House or misrepresentations of the speeches of particular Members.' (May's *Parliamentary Practice*, 17th Ed. p. 118.)

'Publishing scandalous misrepresentation of what had passed in either House or what had been said in debate' and 'Publishing gross or wilful misrepresentations of particular Members' speeches' are instances of breaches cited in May's *Parliamentary Practice*, 17th Ed. p. 119.

'Other acts besides words spoken or writings published reflecting upon either House or its proceedings which, though they do not tend directly to obstruct or impede either House in the performance of its functions, yet have a tendency to produce this result indirectly by bringing such House into odium, contempt or ridicule or by lowering its authority may constitute contempts.' (May's *Parliamentary Practice*, 17th Ed. p. 120.)

'Wilful misrepresentation of the proceedings of Members is an offence of the same character as a libel.' (May's *Parliamentary Practice*, 17th Ed. p. 126.)

FINDINGS

The findings of your Committee are as follows:

18. That the matter referred to the Committee on the 18th August, 1965, reveals that the photograph as published represents a breach of Parliamentary Privilege.

19. That the ultimate responsibility for publication of the advertisement lies with each of the following:

Mr. Robert Lindsay Abbott, Managing Director, British Motor Corporation (Australia) Pty. Ltd., Joynton Avenue, Zetland, Sydney, New South Wales.

Mr. Peter Fairfax Smyth, Chairman of Directors, Arthur Smyth and Sons Pty. Ltd., 355 Kent Street, Sydney, New South Wales.

Mr. Keith Rupert Murdoch, Managing Director, News Limited (*The Australian*), Mort Street, Braddon, Australian Capital Territory.

Mr. David Noel Bowman, Managing Editor, *The Canberra Times*, Mort Street, Braddon, Australian Capital Territory.

Mr. Edmund George Alfred Hallett, General Manager, Newcastle Morning Herald and Miners' Advocate Pty. Ltd., 28-30 Bolton Street, Newcastle, New South Wales.

Mr. Basil Alfred Williams, Managing Editor, *The Advertiser*, 121 King William Street, Adelaide, South Australia.

Mr. Theodor Charles Bray, Editor-in-Chief, *The Courier-Mail*, Campbell Street, Bowen Hills, Brisbane, Queensland.

Sir John Francis Williams, Chairman and Managing Director, The Herald and Weekly Times Limited (*The Sun News-Pictorial*), 44-74 Flinders Street, Melbourne, Victoria.

Mr. David Ramsay McNicoll, Editor-in-Chief, Australian Consolidated Press Limited (*Daily Telegraph*), 168-174 Castlereagh Street, Sydney, New South Wales.

Mr. George Francis Davies, Chairman of Directors, Davies Brothers Limited (*The Mercury*), 93 Macquarie Street, Hobart, Tasmania.

20. That publication of the advertisement was done without malice towards the House or any Member, or intent to libel any Member, and appeared through negligence and a lack of appreciation of what was involved.

ACKNOWLEDGMENTS

21. Your Committee records its appreciation of the valuable services rendered by the Clerk to the Committee (Mr. D. M. Blake). Your Committee is also appreciative of the co-operation and assistance of the Hansard staff.

E. NIGEL DRURY
Chairman

16th September, 1965.

MINUTES OF PROCEEDINGS

PARLIAMENT HOUSE, CANBERRA

THURSDAY, 19TH AUGUST, 1965

(25TH PARLIAMENT, FIRST MEETING)

Present:

Mr. Clark	Mr. Galvin
Mr. Cleaver	Mr. Gibson
Mr. Drury	Mr. Killen
Mr. A. D. Fraser	Mr. Turnbull
Mr. J. R. Fraser	

Entries in the Votes and Proceedings of the House of Representatives No. 6 of 5th March, 1964 and No. 34 of 20th August, 1964, recording the appointment of members of the Committee were read by the Clerk to the Committee.

On the motion of Mr. Turnbull, Mr. Drury was elected Chairman.

Entries in the Votes and Proceedings Nos. 94 and 95 dated 18th and 19th August, 1965, respectively, recording the Resolution referring to the Committee for investigation the matter of privilege raised by the Leader of the Opposition (the Hon. A. A. Calwell), and empowering the Committee to send for persons, papers, and records, were read by the Clerk to the Committee.

The Committee deliberated.

On the motion of Mr. Gibson, the offer of Mr. A. G. Turner, C.B.E., Clerk of the House to appear informally before the Committee was accepted.

Resolved—That the Clerk of the House be asked to prepare a paper for submission to the Committee at its next meeting.

The Committee deliberated.

Mr. A. G. Turner, C.B.E., Clerk of the House, appeared before the Committee.

Mr. Turner withdrew.

The Committee deliberated.

Resolved—That all statements to the press should be made by the Chairman as directed by the Committee.

The Committee adjourned until Tuesday, 24th August, 1965 at 3.15 p.m.

* * *

TUESDAY, 24TH AUGUST, 1965

(25TH PARLIAMENT, SECOND MEETING)

Present:

MR. DRURY (Chairman)	
Mr. Clark	Mr. Gibson
Mr. Cleaver	Mr. Killen
Mr. A. D. Fraser	Mr. Turnbull
Mr. Galvin	

The minutes of the previous meeting were read and confirmed.

The Chairman (Mr. Drury) laid before the Committee the following papers:

Telegram to Mr. Speaker (the Hon. Sir John McLeay) from the Directors of Arthur Smyth & Sons Pty. Ltd. advertising agents for the British Motor Corporation.

Letter dated 18th August, 1965, to the Clerk of the House (Mr. A. G. Turner) from the Managing Director, *The Advertiser*, Adelaide, together with a copy of the paragraph proposed to be published by *The Advertiser* on 19th August, 1965, explaining the circumstances relating to the publication of the advertisement.

Telegram to the Leader of the Opposition (the Hon. A. A. Calwell) from the Directors of Arthur Smyth & Sons Pty. Ltd.

Telegram to the Leader of the Opposition (the Hon. A. A. Calwell) from the Managing Director of the British Motor Corporation.

Letter to Mr. Speaker (the Hon. Sir John McLeay) from the Managing Editor of *The Canberra Times*.

Letter to the Clerk to the Committee together with photostat copies of (a) Statutory Declaration by Mr. R. H. Arnold; and (b) alternate layouts of the advertisement in question.

The Chairman (Mr. Drury) acknowledged the paper circulated to members of the Committee by the Clerk of the House (Mr. A. G. Turner).

The Committee deliberated.

Mr. Gibson moved, That the photographer from the News and Information Bureau, who took photographs of the House of Representatives sitting at approximately 10.35 a.m. on Thursday, 23rd April, 1964, be called to attend as a witness, to be examined, give evidence and table the negatives of the photographs and any documents in his possession relevant to the inquiry before the Committee.

Debate ensued.

Question—put—

The Committee divided.

<i>Ayes, 5</i>	<i>Noes, 1</i>
Mr. Cleaver	Mr. A. D. Fraser
Mr. Galvin	
Mr. Gibson	
Mr. Killen	
Mr. Turnbull	

And so the question was resolved in the affirmative.

The Committee deliberated.

Mr. Galvin moved, That the Director of the News and Information Bureau and the Sales Assistant in the Sydney office of the Bureau who actually sold the photograph be called to attend as witnesses, to be examined, give evidence and table any documents in their possession relevant to the inquiry before the Committee.

Debate ensued.

Question put—

The Committee divided.

<i>Ayes, 5</i>	<i>Noes, 1</i>
Mr. Cleaver	Mr. A. D. Fraser
Mr. Galvin	
Mr. Gibson	
Mr. Killen	
Mr. Turnbull	

And so the question was resolved in the affirmative.

Mr. Cleaver moved, That the officer in charge of the Sydney office of the News and Information Bureau should be called as a witness if the Director of the Bureau thought it advisable.

Debate ensued.

Question put—

The Committee divided.

<i>Ayes, 4</i>	<i>Noes, 1</i>
Mr. Cleaver	Mr. A. D. Fraser
Mr. Galvin	
Mr. Killen	
Mr. Turnbull	

And so it was resolved in the affirmative.

Mr. Killen moved, That the photograph as published represents a breach of Parliamentary Privilege.

Debate ensued.

Mr. A. D. Fraser moved, That further consideration of this motion be postponed until consideration has been given to the question whether Counsel should be heard by the Committee in the light of the fact that the liberties of citizens may be involved in the decision on this motion.

Debate ensued.

Question put—

The Committee divided.

<i>Ayes, 1</i>	<i>Noes, 4</i>
Mr. A. D. Fraser	Mr. Cleaver
	Mr. Galvin
	Mr. Killen
	Mr. Turnbull

And so it was negatived.

Debate continued.

Question—That the motion be agreed to—put—

The Committee divided.

<i>Ayes, 4</i>		<i>Noes, 2</i>
Mr. Cleaver		Mr. Clark
Mr. Galvin		Mr. A. D. Fraser
Mr. Killen		
Mr. Turnbull		

And so it was resolved in the affirmative.

The Committee deliberated.

The Committee adjourned until Wednesday, 25th August, 1965, at 3.15 p.m.

* * *

WEDNESDAY, 25TH AUGUST, 1965

(25TH PARLIAMENT, THIRD MEETING)

Present:

MR. DRURY (Chairman)		
Mr. Clark		Mr. Gibson
Mr. Cleaver		Mr. Killen
Mr. A. D. Fraser		Mr. Turnbull
Mr. Galvin		

The minutes of the previous meeting were read and confirmed.

Mr. W. H. Pedersen, official photographer, Australian News and Information Bureau, Administrative Building, Canberra, was called and sworn. Mr. Pedersen laid before the Committee the following papers and was examined:

Negative and file copy of a photograph of the House of Representatives sitting on Thursday, 23rd April, 1964.

The witness withdrew.

The Committee deliberated.

Mr. K. P. Murphy, Director, Australian News and Information Bureau, Administrative Building, Canberra, was called, sworn and examined.

Mr. Murphy laid before the Committee the following papers:

News and Information Bureau memorandum Ref. N64/10; K.277/SSB, dated 20th October, 1964.

Copy of a News and Information Bureau memorandum Ref. N64/10, C.131/K.G.K. dated 8th March, 1965.

The witness withdrew.

The Committee deliberated.

Mr. R. B. Hortin, Clerical Assistant, Grade 3, Australian News and Information Bureau, Commonwealth Centre, Sydney, was called, sworn and examined.

The witness withdrew.

The Committee deliberated.

Mr. Killen moved, That Mr. P. F. Smyth, Chairman of Directors, Arthur Smyth & Sons Pty. Ltd.; Mr. R. L. Abbott, Managing Director, British Motor Corporation (Aust.) Pty. Ltd.; and Mr. R. H. Arnold, Artist, of 3/12a Raymond Road, Neutral Bay, Sydney, be called to attend as witnesses, to be examined, give evidence and table any documents in their possession relevant to the inquiry before the Committee.

Debate ensued.

Mr. A. D. Fraser moved that further discussion be postponed until consideration has been given as to whether these witnesses should be given the right to be represented by Counsel.

Question put—

The Committee divided.

<i>Ayes, 2</i>		<i>Noes, 4</i>
Mr. Clark		Mr. Cleaver
Mr. A. D. Fraser		Mr. Galvin
		Mr. Killen
		Mr. Turnbull

And so it was negatived.

Debate continued.

Mr. A. D. Fraser moved, by leave, That the persons named be informed that the Committee will give them the opportunity to have legal representation before it.

Question put—

The Committee divided.

<i>Ayes, 1</i>	<i>Noes, 5</i>
Mr. A. D. Fraser	Mr. Clark Mr. Cleaver Mr. Galvin Mr. Killen Mr. Turnbull

And so it was negatived.

Question—That the motion be agreed to—put—

The Committee divided.

<i>Ayes, 5</i>	<i>Noes, 1</i>
Mr. Clark Mr. Cleaver Mr. Galvin Mr. Killen Mr. Turnbull	Mr. A. D. Fraser

And so it was resolved in the affirmative.

The Committee deliberated.

Mr. A. D. Fraser placed on record his objection to the proposal that the Committee suspend its sitting until 8 p.m. when no notice had been given of such meeting.

The Committee deliberated.

Mr. A. D. Fraser moved, That at the earliest opportunity the Chairman (Mr. Drury) inform witnesses that they are entitled to request the Committee to permit them to be legally represented.

Debate ensued.

Mr. Killen moved the following amendment: That all words after 'That' be omitted with a view to inserting the following words in place thereof:

'the Chairman (Mr. Drury) inform witnesses that they may request the Committee to give consideration to their being represented by Counsel.'

Question—That the amendment be agreed to—put—

The committee divided.

<i>Ayes, 1</i>	<i>Noes, 5</i>
Mr. Killen	Mr. Clark Mr. Cleaver Mr. A. D. Fraser Mr. Galvin Mr. Turnbull

And so it was negatived.

Question—That the motion be agreed to—put—

The Committee divided.

<i>Ayes, 1</i>	<i>Noes, 5</i>
Mr. A. D. Fraser	Mr. Clark Mr. Cleaver Mr. Galvin Mr. Killen Mr. Turnbull

And so it was negatived.

The Committee deliberated.

The Committee adjourned until a time to be fixed by the Chairman.

THURSDAY, 26TH AUGUST, 1965
(25TH PARLIAMENT, FOURTH MEETING)

Present:

MR. DRURY (Chairman)	
Mr. Clark	Mr. Gibson
Mr. Cleaver	Mr. Killen
Mr. A. D. Fraser	Mr. Turnbull
Mr. Galvin	

The minutes of the previous meeting were read and confirmed.

The Chairman (Mr. Drury) laid before the Committee the following papers:

Letter dated 25th August, 1965 to Mr. Drury (Chairman), from Sir John Williams, Managing Director of the Melbourne *Sun News-Pictorial* together with copies of letters exchanged between Sir John Williams and the Leader of the Opposition (the Hon. A. A. Calwell).

Telegram to the Prime Minister (the Rt. Hon. Sir Robert Menzies) from the Directors of Arthur Smyth and Sons Pty. Ltd., advertising agents for the British Motor Corporation (Aust.) Pty. Ltd.

Telegram to the Prime Minister (the Rt. Hon. Sir Robert Menzies) from the Managing Director of the British Motor Corporation (Aust.) Pty. Ltd.

The Committee deliberated.

Resolved—That the Clerk of the House be asked to appear before the Committee.

Mr. A. G. Turner, C.B.E. (Clerk of the House) appeared before the Committee.

Mr. Turner withdrew.

The Committee deliberated.

Mr. Gibson moved, That the Clerk to the Committee be empowered by the Committee to ascertain the respective names of the responsible Editors of each of the following newspapers.

The Canberra Times,
The Australian,
Daily Telegraph,
Newcastle Morning Herald,
The Sun News-Pictorial,
The Advertiser,
The Mercury and
The Courier-Mail.

and that they be asked to appear before the Committee.

Debate ensued.

Question put—

The Committee divided.

<i>Ayes, 6</i>	<i>Noes, 1</i>
Mr. Clark	Mr. A. D. Fraser
Mr. Cleaver	
Mr. Galvin	
Mr. Gibson	
Mr. Killen	
Mr. Turnbull	

And so it was resolved in the affirmative.

Mr. A. D. Fraser moved, That in view of the general expressions of opinion by members of this Committee that the business of this Committee is of supreme importance and that they wish to give it precedence over all their other obligations the Committee meet on Friday, 27th and Monday, 30th August, 1965.

Debate ensued.

Question put—

The Committee divided.

<i>Ayes, 1</i>	<i>Noes, 5</i>
Mr. A. D. Fraser	Mr. Cleaver
	Mr. Galvin
	Mr. Gibson
	Mr. Killen
	Mr. Turnbull

And so it was negatived.

The Committee deliberated.

Mr. R. L. Abbott, Managing Director the British Motor Corporation (Aust.) Pty. Ltd. was called, sworn and examined.

The witness withdrew.

Ordered—That Mr. I. W. Milbank, Advertising and Sales Promotion Manager of the British Motor Corporation (Aust.) Pty. Ltd. appear before the Committee.

Mr. I. W. Milbank was called, sworn and examined.

The witness withdrew.

Mr. R. H. Arnold, Freelance Artist, was called, sworn and examined.

Mr. Arnold laid before the Committee the following paper:

Original Statutory Declaration made by Mr. Arnold on 23rd August, 1965.

The witness withdrew.

The Committee deliberated.

Mr. P. F. Smyth, Chairman of Directors of Arthur Smyth and Sons Pty. Ltd. was called, sworn and examined.

Mr. Smyth laid before the Committee the following papers:

- (1) Reports of Conferences between Arthur Smyth and Sons Pty. Ltd. and the British Motor Corporation (Aust.) Pty. Ltd. dated 7th, 14th and 20th July, 1965, and 6th and 10th August, 1965.
- (2) Photograph used to make the block of the particular advertisement under consideration.
- (3) First and original layout which gave rise to the final advertisement.

The witness withdrew.

Ordered—That Mr. A. G. Wilson, Director of Arthur Smyth and Sons Pty. Ltd. appear before the Committee.

Mr. A. G. Wilson was called, sworn and examined.

The witness withdrew.

Ordered—That Mr. K. J. Unsted, General Manager of Arthur Smyth and Sons Pty. Ltd. appear before the Committee.

Mr. K. J. Unsted was called, sworn and examined.

The witness withdrew.

The Committee deliberated.

The Committee adjourned until Tuesday, 31st August, 1965, at 3.15 p.m.

* * *

TUESDAY, 31ST AUGUST, 1965
(25TH PARLIAMENT, FIFTH MEETING)

Present:

MR. DRURY (Chairman)

Mr. Clark	Mr. A. D. Fraser
Mr. Cleaver	Mr. Killen
Mr. Galvin	Mr. Turnbull
Mr. Gibson	

The minutes of the previous meeting were read and confirmed.

The Committee deliberated.

Mr. K. R. Murdoch, Managing Director of News Limited (*The Australian*) was called, sworn and examined.

The witness withdrew.

Mr. D. N. Bowman, Managing Editor of *The Canberra Times* was called, sworn and examined.

Mr. Bowman laid before the Committee the following papers:

- (1) A matrix of the British Motor Corporation Advertisement together with related documents.
- (2) A proof of page 6 of *The Canberra Times* for the 18th August, 1965.

The witness withdrew.

The Committee deliberated.

Mr. B. A. Williams, Managing Editor of *The Advertiser*, Adelaide, was called, sworn and examined.

Mr. Williams laid before the Committee the following papers:

A matrix of the British Motor Corporation advertisement together with related documents.

The witness withdrew.

Mr. E. G. A. Hallett, Managing Director of the *Newcastle Morning Herald*, was called, sworn and examined.

Mr. Hallett laid before the Committee the following papers:

- (1) A statement of the events, leading up to the publishing of the British Motor Corporation advertisement.
- (2) Tear sheets of page 13 of the *Newcastle Morning Herald* for 18th August, 1965.
- (3) Photostat of an advertising space order from Arthur Smyth and Sons Pty. Ltd.
- (4) A matrix of the British Motor Corporation advertisement.
- (5) Photostat copies of three inter-departmental memorandums relating to future action in connection with the advertisements.

The witness withdrew.

The Committee deliberated.

Mr. Cleaver moved, That the Solicitor-General be asked to appear before the Committee with a view to advising on the communication of libel.

Mr. Turnbull moved the following amendment:—That all words after ‘That’ be omitted with a view to inserting the following words in place thereof:—

‘The Solicitor-General be asked to hold himself in readiness to appear before the Committee in an advisory capacity.’

Debate ensued.

Question—That the amendment be agreed to—put—

The Committee divided.

<i>Ayes, 4</i>		<i>Noes, 3</i>
Mr. Clark		Mr. Cleaver
Mr. A. D. Fraser		Mr. Gibson
Mr. Galvin		Mr. Killen
Mr. Turnbull		

And so it was resolved in the affirmative.

And the question—That the motion, as amended, be agreed to—was put accordingly, and passed.

The Committee deliberated.

Ordered—That the Clerk to the Committee write to the publishers’ association of both the provincial and metropolitan dailies and obtain a copy of their respective regulations for the governance of advertising and also to obtain the code of the Australian Association of National Advertisers.

The Committee adjourned until Wednesday, 1st September, 1965, at 3.15 p.m.

* * *

WEDNESDAY, 1ST SEPTEMBER, 1965
(25TH PARLIAMENT, SIXTH MEETING)

Present:

MR. DRURY (Chairman)		
Mr. Clark		Mr. Gibson
Mr. Cleaver		Mr. Killen
Mr. A. D. Fraser		Mr. Turnbull
Mr. Galvin		

The minutes of the previous meeting were read and confirmed.

Mr. T. C. Bray, Editor-in-Chief of *The Courier-Mail*, was called, sworn and examined.

Mr. Bray laid before the Committee the following papers:

- (1) Space schedule and order from Arthur Smyth and Sons Pty. Ltd.
- (2) Page proof of the British Motor Corporation advertisement.

The witness withdrew.

Sir John Williams, Managing Director of the Herald and Weekly Times Limited (*The Sun News-Pictorial*) was called, sworn and examined.

Sir John Williams laid before the Committee the following papers:

- (1) A folder containing (a) copies of letters between Sir John Williams and the Leader of the Opposition (the Hon. A. A. Calwell) and the Chairman of the Committee (Mr. E. N. Drury), (b) copy of a circulation report of the *The Sun News-Pictorial* and (c) a complete history of the British Motor Corporation advertisement.
- (2) Notes on advertising practices prepared by the Herald and Weekly Times Limited.

The witness withdrew.

The Committee deliberated.

Mr. F. B. Rieusset, Advertising Manager of *The Mercury* was called, sworn and examined.

Mr. Rieusset laid before the Committee the following papers:

Photostat copies of (a) space schedule from Arthur Smyth & Sons Pty. Ltd. and (b) relevant advice notes relating to the British Motor Corporation advertisement.

The witness withdrew.

Mr. D. R. McNicholl, Editor-in-Chief of Australian Consolidated Press Limited (*Daily Telegraph*) was called, sworn and examined.

Mr. McNicholl laid before the Committee the following papers:

- (1) Letter dated 1st September, 1965 from Sir Frank Packer (Managing Director) to the Chairman of the Committee (Mr. E. N. Drury).
- (2) Space schedule from Arthur Smyth & Sons Pty. Ltd.
- (3) List of advertisements for the 18th August, 1965.

The witness withdrew.

The Committee deliberated.

Ordered—That Mr. R. Shone, Editor of *The Mercury* newspaper appear before the Committee on Thursday, 2nd September, 1965, at 3.30 p.m.

The Committee adjourned until Thursday, 2nd September, 1965, at 11.30 a.m.

* * *

THURSDAY, 2ND SEPTEMBER, 1965
(25TH PARLIAMENT, SEVENTH MEETING)

Present:

MR. DRURY (Chairman)

Mr. Clark	Mr. A. D. Fraser
Mr. Cleaver	Mr. Killen
Mr. Galvin	Mr. Turnbull
Mr. Gibson	

The minutes of the previous meeting were read and confirmed.

The Solicitor-General (Mr. A. F. Mason, Q.C.) appeared before the Committee.

The Solicitor-General withdrew.

The Committee deliberated.

Ordered—That, Mr. G. F. Davies, Managing Director of Davies Bros. Ltd. (*The Mercury*), appear before the Committee.

Mr. G. F. Davies was called, sworn and examined.

The witness withdrew.

The Committee deliberated.

Mr. R. E. Shone, Editor of *The Mercury*, was called, sworn and examined.

The witness withdrew.

The Committee deliberated.

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

The Committee adjourned until Tuesday, 14th September, 1965, at 3.30 p.m.

TUESDAY, 14TH SEPTEMBER, 1965
(25TH PARLIAMENT, EIGHTH MEETING)

Present:

MR. DRURY (Chairman)	
Mr. Clark	Mr. A. D. Fraser
Mr. Cleaver	Mr. Killen
Mr. Galvin	Mr. Turnbull
Mr. Gibson	

The minutes of the previous meeting were read and confirmed.

The Chairman laid before the Committee the following papers:

Letter from Mr. E. G. A. Hallett, Managing Director of the *Newcastle Morning Herald* to the Clerk to the Committee enclosing an apology published on the front page of the *Newcastle Morning Herald* on the 7th September, 1965.

The Chairman submitted his Draft Report.

The Committee proceeded to the consideration of the Draft Report.

Paragraphs 1 to 9 agreed to.

Paragraph 10 amended and agreed to.

Paragraph 11 agreed to.

Paragraph 12 amended and agreed to.

Paragraph 13 agreed to.

Paragraphs 14 and 15 amended and agreed to.

Paragraph 16 agreed to.

Paragraph 17 amended and agreed to.

Paragraphs 18 and 19 agreed to.

Paragraph 20 amended and agreed to.

Paragraph 21 agreed to.

Resolved—That the Draft Report, as amended, be the Report of the Committee to the House.

The Committee adjourned *sine die*.

APPENDIX 'A'

Extract from *Hansard*, of the House of Representatives,
dated Wednesday, 18th August, 1965

PRIVILEGE

NEWSPAPER ADVERTISEMENTS

MR. CALWELL (Melbourne—Leader of the Opposition).—Mr. Speaker, I raise a matter of privilege which is based on an advertisement containing a photograph of the House in session published in the "Canberra Times" and other Australian newspapers on Wednesday, 18th August, 1965. I produce a copy of the "Canberra Times". The printer is the Federal Capital Press of Australia Pty. Ltd. of Pirie Street, Fyshwick, in the Australian Capital Territory, and the publishers are the Federal Capital Press of Australia Pty. Ltd. and John Fairfax and Sons Ltd.

I cite the "Canberra Times" for the purpose of raising the matter, but I point out that a similar advertisement has appeared in other newspapers. Not all the other newspapers appear on the list I have, but I have no doubt that upon investigation it will be found that there are more than I shall cite. One is the "Sun News-Pictorial" of Melbourne, another is the "Daily Telegraph" of Sydney, and another is the "Australian". As I have stated, no doubt there are others that have published the same matter around Australia. The newspapers I have cited just now are published by the Australian Consolidated Press Ltd. of 168 Castle-reagh Street, Sydney; Nationwide News Pty. Ltd. of 42 Mort Street, Braddon, in the Australian Capital Territory; Mirror Newspapers Ltd. of Kippax Street, Sydney; and Southdown Press Pty. Ltd. of 402 Latrobe Street, Melbourne. The "Sun News-Pictorial" is published in the office of Herald and Weekly Times Ltd. of Flinders Street, Melbourne.

I move—

That the matter of the advertisement in the "Canberra Times" and other Australian newspapers be referred to the Committee of Privileges.

This particular advertisement holds up this House to ridicule. It does not matter that I am the person who is being used, allegedly the day after the presentation of the Budget, to advertise in this House the sale of a particular brand of motor car. Any other honorable member could be put in the position of appearing, in the minds of the public of Australia, to abuse his rights and privileges in this Parliament either for his own gain or for the benefit of his friends. I have been here for a quarter of a century and I have never known a member of this House who has done, or would do, anything like that. I think that the publication of the advertisement is a dreadful abuse of privilege.

The passage I am about to quote from May refers to something that happened as far back as 1701, but it is still true. We still want to preserve the rights and privileges of the Parliament. May states—

In 1701 the House of Commons resolved that to print or publish any books or libels reflecting on the proceedings of the House is a high violation of the rights and privileges of the House, and indignities offered to their House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them.

This House, which is part of the Parliament of Australia, is an integral part of our institutional life. Its dignity must

be maintained and its honour respected. It is just as bad to reflect upon this Parliament, or any member of it, as it would be for a newspaper to publish a sitting of the High Court of Australia and make the Chief Justice of Australia urge that because of certain things that happened in the Budget, a certain brand of cigarettes or petrol, or something else, was preferable to some other. I do not know how these people can have such a low regard for the Parliament. I think the matter ought to go to the Privileges Committee, and I hope the members of the Committee will interrogate every editor, every sales manager, and every other person who may have been responsible for this, and, if necessary, bring them to the Bar of the House to apologise and purge their contempt, because it is a gross and awful contempt.

SIR ROBERT MENZIES (Kooyong—Prime Minister).—I second the motion. My attention was drawn to this advertisement this morning. Quite frankly, I found it very hard to believe that any organisation should have such a state of mind as to publish such an advertisement. Here is a picture of the House sitting. These pictures are not taken except by the concurrence of both sides of the House. They have an official quality. A copy of the photograph has been obtained somehow. Underneath it appears the words "1965 budget news" followed by some advertisement. But to have a picture the day after the Budget is opened in which the Leader of the Opposition is represented as uttering an advertisement for a particular kind of car is, I think, grossly defamatory of him and grossly offensive to this Parliament. It may be said, of course, by these people that this is just a touch of humour. Well, of course, humour is very hard to define. Some people's humour is not the same as that of others. I wonder whether they mean that this is just a humorous affair; in which case I wonder whether they mean the remark that more than ever, a Mini makes motoring sense, is regarded by them as a good joke. I do not understand the techniques of advertising people, I must confess. But the fact is that under these circumstances the representation of Parliament in session—of this House in session—has been used in this utterly fraudulent way to put into the mouth of the Leader of the Opposition, who holds a responsible office in this House, a piece of advertising. It is designed as advertising, presumably, because no doubt it went into these various newspapers at advertising rates.

If it can be done in this way then, of course, there is no limit to the prospect that is opened up—none whatever. Some honorable member who is well known for having very strong views against some particular matters can be represented as having strong views in favour of them, if it is for advertising purposes. This goes all around. If this goes by undeaft with, anybody in this Parliament may be held up to complete ridicule, and indeed may inspire the contempt of people by allowing it to be thought that he uses himself, or allows himself to be used, as the instrument of advertising some commodity—above all things, although it is not vital in this case, advertising a commodity in an industry which is thought by some to have been adversely affected or preserved, as the case may be, by the Budget that has been delivered. I do not want to use extravagant language. All I can say is that I was quite nauseated when I saw this this morning, and I can assure the honorable the Leader of the Opposition that if he had not moved this motion I should have done it myself.

Question resolved in the affirmative.

APPENDIX 'B'

CORRESPONDENCE EXPRESSING APOLOGY RECEIVED BEFORE INQUIRY COMMENCED

Telegram dated the 18th August, 1965.

From: R. L. Abbott, Managing Director, British Motor Corporation (Aust.) Pty. Ltd.

To: The Leader of the Opposition (The Hon. A. A. Calwell, M.P.)

WE ARE DISTRESSED AT EMBARRASSMENT OUR ADVERTISEMENT TODAY HAS CAUSED YOU AND OFFER OUR SINCERE APOLOGIES STOP WE CAN ASSURE YOU THAT ON ITS APPEARANCE THIS MORNING AN ORDER WAS IMMEDIATELY GIVEN THAT THE ADVERTISEMENT WAS NOT TO BE REPEATED STOP OUR LAST THOUGHT WAS TO OFFEND DIGNITY OF PARLIAMENT AND WE REGRET MOST SINCERELY THIS INCIDENT.

* * *

Telegram dated the 18th August, 1965.

From: R. L. Abbott, Managing Director, British Motor Corporation (Aust.) Pty. Ltd.

To: The Prime Minister (The Rt. Hon. Sir Robert Menzies, K.T., C.H., Q.C., M.P.)

WE ARE DISTRESSED AT EMBARRASSMENT OUR ADVERTISEMENT TODAY HAS CAUSED YOU AND OFFER OUR SINCERE APOLOGIES STOP WE CAN ASSURE YOU THAT ON ITS APPEARANCE THIS MORNING AN ORDER WAS IMMEDIATELY GIVEN THAT THE ADVERTISEMENT WAS NOT TO BE REPEATED STOP OUR LAST THOUGHT WAS TO OFFEND DIGNITY OF PARLIAMENT AND WE REGRET MOST SINCERELY THIS INCIDENT.

* * *

Letter dated the 18th August, 1965.

From: Mr. D. G. McFarling, Managing Director, *The Advertiser*, Adelaide.

To: The Clerk of the House of Representatives (Mr. A. G. Turner, C.B.E.)

Dear Sir,

We wish to make it known promptly to you that in our first edition this morning we published an advertisement relating to B.M.C. Morris Mini, B.M.C. Morris Mini DeLuxe and B.M.C. Morris Mini Cooper, to which reference was made today in Federal Parliament.

When the first edition appeared it was realised that the advertisement was undesirable. It was immediately decided to withdraw the advertisement, and in fact it did not appear in subsequent editions.

I enclose the text of a paragraph* which we will publish tomorrow relating to the circumstances. On behalf of Advertiser Newspapers Limited we can only repeat our regret that such an advertisement should have appeared.

Yours faithfully,

* * *

Telegram dated the 19th August, 1965.

From: Arthur Smyth & Sons Pty. Ltd.

To: The Leader of the Opposition (The Hon. A. A. Calwell, M.P.).

DEAR SIR, AS ADVERTISING AGENTS FOR THE BRITISH MOTOR CORPORATION (AUST.) PTY. LTD. WE WISH TO OFFER OUR MOST HUMBLE AND SINCERE APOLOGIES FOR ANY EMBARRASSMENT THAT MAY HAVE BEEN CAUSED TO YOU PERSONALLY BY THE INSERTION IN CERTAIN METROPOLITAN DAILY NEWSPAPERS ON 18TH AUGUST 1965 OF AN ADVERTISEMENT ENTITLED QUOTE 1965 BUDGET NEWS UNQUOTE STOP PLEASE ACCEPT OUR ASSURANCES THAT THE ADVERTISEMENT IN QUESTION WAS INSERTED BY US ON BEHALF OF OUR CLIENT IN ALL GOOD FAITH AND THAT NO PERSONAL DISRESPECT OR EMBARRASSMENT OF ANY KIND WHATSOEVER WAS INTENDED STOP.

* See Appendix 'B'—Apologies printed in daily press, page 19.

Telegram dated the 19th August, 1965.

From: Arthur Smyth & Sons Pty. Ltd.

To: The Speaker of the House of Representatives (The Hon. Sir John McLeay, K.C.M.G., M.M., M.P.).

DEAR SIR, AS ADVERTISING AGENTS FOR THE BRITISH MOTOR CORPORATION AUSTRALIA PTY. LTD. WE TENDER TO THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA OUR COMPLETE AND UNQUALIFIED APOLOGY FOR ANY BREACH OF PARLIAMENTARY PRIVILEGE WHICH MAY HAVE BEEN OCCASIONED BY THE INSERTION IN CERTAIN METROPOLITAN NEWSPAPERS ON 18TH AUGUST 1965 OF AN ADVERTISEMENT ENTITLED QUOTE 1965 BUDGET NEWS UNQUOTE WE DEEPLY REGRET ANY EMBARRASSMENT CAUSED TO PARLIAMENT OR TO ANY MEMBER THEREOF AND WE WISH TO ASSURE PARLIAMENT THAT THE ADVERTISEMENT WAS INSERTED BY US ON BEHALF OF OUR CLIENT IN ALL GOOD FAITH AND THAT NO DISRESPECT OR EMBARRASSMENT OF ANY KIND WHATSOEVER WAS INTENDED STOP WE WOULD BE MOST GRATEFUL IF YOU WOULD COMMUNICATE THE CONTENTS OF THIS TELEGRAM TO THE PARLIAMENT YOURS FAITHFULLY.

* * *

Telegram dated the 19th August, 1965.

From: Arthur Smyth & Sons Pty. Ltd.

To: The Prime Minister (The Rt. Hon. Sir Robert Menzies, K.T., C.H., Q.C., M.P.).

DEAR SIR, AS ADVERTISING AGENTS FOR THE BRITISH MOTOR CORPORATION (AUST.) PTY. LTD. WE WISH TO EXPRESS OUR HUMBLE AND SINCERE APOLOGIES FOR ANY EMBARRASSMENT THAT MAY HAVE BEEN OCCASIONED BY THE INSERTION IN CERTAIN METROPOLITAN DAILY NEWSPAPERS ON 18TH AUGUST 1965 OF AN ADVERTISEMENT ENTITLED QUOTE 1965 BUDGET NEWS UNQUOTE PLEASE ACCEPT OUR ASSURANCES THAT THE ADVERTISEMENT WAS INSERTED BY US ON BEHALF OF OUR CLIENT, IN ALL GOOD FAITH AND THAT NO DISRESPECT OR EMBARRASSMENT OF ANY KIND WHATSOEVER WAS INTENDED TO THE PARLIAMENT OR TO ANY MEMBER THEREOF STOP MAY WE ALSO ASSURE YOU SIR OF OUR DEEP RESPECT AND HIGH ESTEEM FOR THE DIGNITY OF THE PARLIAMENT AND FOR ITS PRIVILEGES.

CORRESPONDENCE EXPRESSING APOLOGY RECEIVED DURING OR AFTER PRESENTATION OF EVIDENCE

Letter dated the 20th August, 1965.

From: Mr. D. N. Bowman, Managing Editor, *The Canberra Times*.

To: The Speaker of the House of Representatives (The Hon. Sir John McLeay, K.C.M.G., M.M., M.P.).

Dear Mr. Speaker,

I desire, on behalf of the printers and publishers of *The Canberra Times*, and myself, to express our sincere apologies and regrets for the publication of the advertisement referred to in proceedings of the House on Wednesday. It was not our intention to give offence or show disrespect to the House or to any of its Members.

I recognise that the circumstances of the publication are now a matter for inquiry by the Privileges Committee and in these circumstances, it might be improper for me to go into detail. But it does seem proper to take this early opportunity of stating our complete and unreserved apology for the publication.

* * *

Letter dated the 20th August, 1965.

From: Sir John Williams, Chairman and Managing Director, *The Herald and Weekly Times Limited (The Sun News-Pictorial)*.

To: The Leader of the Opposition (The Hon. A. A. Calwell, M.P.).

Dear Mr. Calwell,

I am very disturbed that the motor car advertisement which was published in the first edition of *The Sun* of August 18 caused you offence. There was certainly no intention to reflect on your

honor or integrity in the slightest degree. As soon as this possibility was realised, the page was immediately taken out of the paper. But we were clearly wrong in accepting the advertisement for publication at all, and, for that, we offer our regrets and apologies.

I am writing this as a personal letter because I am not sure whether it would be in order to write you officially while the Privileges Committee is considering the matter. But if you would prefer us to put the letter on an official basis we will gladly do so.

Yours sincerely,

* * *

Letter dated the 1st September, 1965.

From: Sir Frank Packer, Managing Director, Australian Consolidated Press Limited (*Daily Telegraph*).

To: The Chairman of the Committee of Privileges (Mr. E. N. Drury, M.P.).

Dear Mr. Chairman,

With reference to the advertisement of B.M.C. published in the issue of the *Daily Telegraph* dated August 18th, 1965, I express to the Committee, the House of Representatives and to Parliament my regret that the same was published.

This advertisement I did not see until the paper was published and, apparently, from enquiries I have made of the editorial staff, mainly the Editor-in-Chief, as it was an advertisement, they saw it somewhat fleetingly in the early complete papers to come off the press and it did not occur to either the Editor or the Editor-in-Chief, or the Chief Sub-editor, that the advertisement could be considered contemptuous of the House or of Parliament.

I wish to make it quite clear that there was no intention on my Company's part, or of any of its officers, to publish any matter in contempt of the House of Parliament.

The night of August, 17th, when the issue went to press, was the night of the Budget Speech by the Treasurer which made it an extremely busy night for the editorial staff their main concern being concentrated on the presentation of the Budget for which we did not start to get copy until after 8 p.m.

As Managing Director I am perfectly willing to admit that the advertisement is capable of bearing an inference that the words "More than ever—a Mini makes motoring sense" were uttered by a member during the proceedings of the House on the night of the Budget speech.

Such words, of course, were not spoken in any speech in the House on that night and I apologise for the publication of the advertisement in the paper and express my regret that it was published as it appeared.

I am asking Mr. McNicoll, the Editor-in-Chief on duty on the night in question, to deliver this letter to you and he will be able to answer any questions as he was actively engaged in the production of the paper that night.

Yours sincerely,

APOLOGIES PRINTED IN DAILY PRESS

The Advertiser, Adelaide, 19th August, 1965.

Page 3. Space 1½-in. x 2½-in.

An advertisement on behalf of B.M.C. Morris Mini, B.M.C. Morris Mini DeLuxe and B.M.C. Morris Mini Cooper was published in an early edition of "The Advertiser" yesterday.

When this advertisement was examined, after the first edition was published, the Editor at once realised that it was undesirable and it was withdrawn from the paper. It appeared only in the first edition and in no other.

"The Advertiser" regrets that, through an oversight, it was published even in this relatively small section of the circulation. It has advised the Clerk of Parliaments in Canberra of the circumstances.

The Canberra Times, 19th August, 1965.

Page 12. Space 1½ in. x 1 in.

(The *Canberra Times* agrees that the publication of the advertisement was improper and regrets and apologises for its publication.—Editor, *The Canberra Times*.)

* * *

The Newcastle Morning Herald, 7th September, 1965.

Page 1. Space, box, 1½ in. x 3½ in.

APOLOGY TO FEDERAL PARLIAMENT.

On August 18, 1965, the "Newcastle Morning Herald and Miners' Advocate" published an advertisement which consisted of a photograph of the interior of the House of Representatives of the Federal Parliament at Canberra and of a member purporting to utter certain words. This was published quite unwittingly and without any intention whatever of bringing Parliament or any member of Parliament into contempt or ridicule.

The "Newcastle Morning Herald and Miners' Advocate" sincerely regrets the publication and apologises for it.

* * *

Extract from *The Courier Mail*, Brisbane, 19th August, 1965.

Page 8. Space, 1½ in. x 9 in.

AD. UPSETS THE HOUSE.

CANBERRA.—A motor car advertisement published in Australian newspapers yesterday will be considered by the House of Representatives privileges committee.

The House unanimously decided this yesterday after the advertisement was produced in the chamber by the Opposition Leader (Mr. Calwell).

Mr. Calwell said: "I think this is a dreadful abuse of privilege."

The Prime Minister (Sir Robert Menzies) supporting Mr. Calwell's motion said he was "nauseated" when he saw the advertisement.

The advertisement purported to show a photograph of the House of Representatives in session.

A superimposed "balloon" had a member recommending a brand of car, and text beneath the photograph referred to the 1965 Budget presented on Tuesday night.

Members of the privileges committee are Mr. Clark (Labor, N.S.W.), Mr. Cleaver (Liberal, W.A.), Mr. Drury (Liberal, Qld.), Mr. A. D. Fraser (Labor, N.S.W.), Mr. J. R. Fraser (Labor, A.C.T.), Mr. Galvin (Labor, S.A.), Mr. Gibson (Liberal, Tas.), Mr. Killen (Liberal, Qld.) and Mr. Turnbull (C.P., Vic.).

"RIDICULE"

Mr. Calwell said the advertisement held the House up to ridicule.

"I think the matter ought to go to the privileges committee and I hope committee members will interrogate every editor, every sales manager and the people who were responsible for this and if necessary bring them to the bar of the House to apologise and purge their contempt because it is a gross and awful contempt". Mr. Calwell said.

Seconding the motion, Sir Robert Menzies said "If this goes by undeaht with anybody in this Parliament may be held up to complete ridicule and indeed may inspire the contempt of people by allowing it to be thought that he uses himself or allows himself to be used as the instrument of advertising some commodity."