

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

1971—Parliamentary Paper No. 242

House of Representatives

COMMITTEE OF PRIVILEGES

**REPORT RELATING TO
AN ARTICLE PUBLISHED IN
THE *DAILY TELEGRAPH***

27 AUGUST 1971

together with

**MINUTES OF PROCEEDINGS AND
MINUTES OF EVIDENCE OF THE
COMMITTEE**

Brought up and ordered to be printed

30 November 1971

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CANBERRA: 1972

MEMBERS OF COMMITTEE

Mr E. N. Drury, M.P., Chairman

| | |
|------------------------------------|--------------------------------------|
| Mr N. A. Brown, M.P. | Hon. J. E. McLeay, M.P. ¹ |
| Mr D. M. Cameron, M.P. | Mr H. J. McIvor, O.B.E., M.P. |
| Mr F. Crean, M.P. | Mr W. G. Turnbull, C.B.E., M.P. |
| Mr A. D. Fraser, M.P. | Mr E. G. Whitlam, Q.C., M.P. |
| Mr A. W. Jarman, M.P. ² | |

Clerk to the Committee:

Mr L. M. Barlin, Senior Parliamentary Officer, House of Representatives

¹ Discharged from Committee 14 September 1971.

² Appointed to Committee 14 September 1971.

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EXTRACTS FROM VOTES AND PROCEEDINGS

No. 113 dated 7 September 1971

- 2 PRIVILEGE—ARTICLE IN THE “DAILY TELEGRAPH”—REFERENCE TO COMMITTEE OF PRIVILEGES: Mr Cope raised a matter of privilege based upon an article published in the *Daily Telegraph* on Friday, 27 August 1971 under the heading “‘COUNT OUT’ SHUTS PARLT.”. Mr Cope produced a copy of the *Daily Telegraph* containing the article and gave the names of the printer and the publisher of that newspaper.

Mr Cope then moved—That the matter of the article in the *Daily Telegraph* of Friday, 27 August 1971 be referred to the Committee of Privileges.

Debate ensued.

Question—put and passed.

No. 118 dated 14 September 1971

- 5 COMMITTEE OF PRIVILEGES: Mr Swartz (Leader of the House) moved, by leave—That Mr McLeay be discharged from attendance on the Committee of privileges and that, in his place, Mr Jarman be appointed a member of the committee.

Question—put and passed.

- 7 COMMITTEE OF PRIVILEGES: Mr Holten (Minister for Repatriation) moved, by leave—That the Committee of Privileges, when considering the matters referred to it on 7 and 13 September, 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 of the complaint made in the House of Representatives on 7 September 1971 relating to an article published in the *Daily Telegraph* of 27 August 1971, has agreed to the following Report.

Complaint

2. On 7 September 1971, Mr Cope moved the following motion in the House of Representatives.

That the matter of the article in the *Daily Telegraph* of Friday, 27 August 1971 be referred to the Committee of Privileges.

3. In speaking to the motion, Mr Cope said:

Mr Speaker, I desire to raise a matter of privilege. I refer to an article which appeared in the *Sydney Daily Telegraph* of Friday, 27th August 1971. This newspaper is published by Australian Consolidated Press Ltd. An extract from the article reads:

'A group of ALP Parliamentarians walked out of the Chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.'

This is a deliberate untruth and it is a reflection on the Chair which, at the time in question, was occupied by Mr Lucock, as Deputy Speaker. I travelled to Sydney on the morning of Friday, 27th August, and Mr Lucock was on the same plane. During the wait for our luggage I showed him the article in the *Daily Telegraph* and he stated that the extract that I have read could not be true because he always keeps a close eye on the members of the House to see that no member leaves the chamber when a quorum is called.

As you know, Mr Speaker, this procedure is covered by standing order 47 and is strictly carried out at all times by yourself, the Chairman and the Deputy Chairman. I realise that freedom of the Press is a fundamental principle of democracy and in addition, I know that journalists have to earn a living and that sometimes their reports are exaggerated or misleading in their endeavours to get a story across, but I believe that this House could never condone a deliberate untruth in a matter of this nature.

4. The Leader of the House of Representatives (Hon. R. W. C. Swartz, M.B.E., E.D., M.P.) stated:

Mr Speaker, as this is a matter of some importance to individual members, the Government has no objection to it being referred to the Committee of Privileges.

and the House agreed to the resolution.

5. The article complained of is reproduced as Appendix I to this Report.

Powers, Privileges and Immunities of the House of Representatives, and of its Members

6. Section 49 of the *Commonwealth of Australia Constitution Act* provides 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. Except in relation to a few minor powers, viz., Parliamentary Papers Act (protection of Printer), Parliamentary Proceedings Broadcasting Act (protection of Australian Broadcasting Commission) and Public Accounts Committee Act and Public Works Committee Act (provisions respecting witnesses before these committees), the Parliament has not declared its privileges and they therefore remain those of the House of Commons as at 1 January 1901.

8. In considering the matter referred to it, the Committee had recourse to the practice and precedents of the House of Commons. Relevant cases and precedents are included in the Memorandum of the Acting Clerk of the House attached as Appendix II to this Report.

General

9. In the newspaper article, Mr Reid wrote that 'a group of ALP Parliamentarians walked out of the Chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives'. Later in the same article he wrote that 'though Standing Order 47 states that no member shall leave the Chamber when a quorum is called several Labor men disappeared quickly through the door'.

10. The Committee saw as its first task the need to prove or disprove the accuracy of these assertions.

11. Evidence was taken from the Deputy Speaker of the House of Representatives (Mr P. E. Lucock, C.B.E., M.P.) who was occupying the Chair at the time the quorum was called, from officers of the House who were on duty at that time and from certain Members of the House. None of these persons saw any Member leave the Chamber.

12. The author of the article, Mr A. D. Reid, informed the Committee that he was not present in the Press Gallery in the House of Representatives Chamber when the quorum was called, but proceeded to the gallery while the Members present were being counted. He admitted that he did not see any Member leave the Chamber but stated that he believed what he wrote in the article was correct.

13. Mr Reid further informed the Committee that some of the comments he wrote in the article were based on conversations he had had with two Members of the House (Rt Hon. A. A. Calwell, M.P., and Mr L. H. Irwin, M.B.E., M.P.) and on information supplied to him by two journalists in the Press Gallery of the House of Representatives Chamber whom Mr Reid said he was unable to name at that time. The Committee took evidence from the two Members named by Mr Reid.

14. Mr Calwell agreed that the remarks attributed to him in Mr Reid's article, that it was one of the most disgraceful incidents he had seen in his thirty-one years in the Parliament, were substantially correct. He pointed out, however, that

he had not been in the Chamber when the quorum was called or during subsequent events that day and he could not from his own knowledge say whether or not any Member had walked out of the Chamber. He had never said to Mr Reid that Members left the Chamber when the quorum was called.

15. Mr Irwin informed the Committee that he was not present in the Chamber when the quorum was called but entered the Chamber shortly afterwards. On his way to the Chamber he heard someone say 'We walked out'. Later he told Mr Reid what he had heard. He agreed that he had given Mr Reid the impression that the count-out had been caused as the result of Labor men walking out of the Chamber. In the Chamber he had called out 'They have walked out'.

16. Mr Irwin said that he was 99 per cent certain that it was Mr W. J. Fulton, M.P., who said 'We walked out'. Mr Fulton, however, told the Committee that he had not made this remark.

17. The Committee endeavoured by every means possible to ascertain whether the allegations contained in the *Daily Telegraph* article were correct. No witness saw any Member or Members leave the Chamber when the quorum was called. The Committee is satisfied that the allegations are without foundation and that the newspaper article is an inaccurate report of the proceedings of the House of Representatives.

18. Mr D. R. McNicoll, Editor-in-chief, Australian Consolidated Press Limited, who appeared before the Committee at its request, stated that he accepted responsibility for the publication of Mr Reid's article. He said that although he was not in Canberra at the time of the incident he did not doubt Mr Reid's story.

Matters Incidental to the Inquiry

19. The Committee desires to place on record its concern at an apparent premature disclosure of part of its proceedings. In evidence to the Committee, Mr McNicoll stated that 'our organisation in Sydney has been greatly disturbed and bewildered at the reports which are current in Sydney—that the Committee found Mr Reid not guilty and then later decided that he was to be found guilty' and that 'the three completely outside reports that we received in Sydney were that the Committee had reached a decision favourable to Mr Reid and that this had been reversed for a decision unfavourable to Mr Reid'.

20. In fact, in the absence of three Members, the Committee had by a majority of one vote made a finding that 'the article published in the *Daily Telegraph* of Friday, 27 August 1971 does not constitute a breach of privilege or contempt of the House of Representatives'. At a subsequent meeting, in the absence of one Member, the finding was recommitted and then reversed by majorities of one vote.

21. A breach of the Standing Orders of the House and a breach of a well-established privilege appear to have been committed in that proceedings of the Committee were disclosed prior to the presentation of this Report to the House. The Committee does not know the source of the premature disclosure but it views this matter most seriously and deplores the action of the person or persons responsible.

22. The Committee takes a serious view also of the repeated refusal of Mr McNicoll to state the source of the reports received by his organisation.

Evidence

23. The Committee has decided in view of the circumstances of this Inquiry to include all the evidence as Appendix III to this Report.

Findings

24. In paragraph 20 the Committee has reported that the original finding of the Committee made in the absence of three members was recommitted and reversed at a later meeting in the absence of one member. The Committee desires to record that at its last meeting the later decision was again recommitted when all members were present and the finding upheld on the casting vote of the Chairman.

25. The Committee finds:

(a) That the article published in the *Daily Telegraph* of Friday, 27 August 1971 constitutes a contempt of the House of Representatives, and

(b) That Mr A. D. Reid as writer of the article and Mr D. R. McNicoll as Editor-in-chief, Australian Consolidated Press Limited, are both guilty of a contempt of the House of Representatives in that they were responsible for the publication of a newspaper report which incorrectly described the proceedings of the House and misrepresented the proceedings of Members in the House.

Recommendations

26. The nature and extent of a particular privilege claimed by the Parliament has to be considered in relation to the circumstances. The journalist and the Editor-in-chief were not prepared to acknowledge the errors in reporting or to express regret for the false impression given to readers by their report. In fact, they continued to assert that the report was correct.

27. The Committee recommends to the House of Representatives:

(a) That Mr A. D. Reid be required to furnish to Mr Speaker a written apology for his inaccurate reflections on Members.

(b) That the Editor-in-chief, Australian Consolidated Press Limited, be required to publish on the front page of the *Daily Telegraph* a correction and apology with the position and prominence of the original article.

25 November 1971.

E. NIGEL DRURY
Chairman

MINUTES OF PROCEEDINGS
PARLIAMENT HOUSE, CANBERRA
TUESDAY, 14 SEPTEMBER 1971
(27th Parliament—Eighth Meeting)

Present:

| | | |
|------------------|---------------------|-------------|
| | Mr Drury (Chairman) | |
| Mr Brown | | Mr McIvor |
| Mr D. M. Cameron | | Mr Turnbull |
| Mr Crean | | Mr Whitlam |
| Mr Jarman | | |

The Chairman informed the Committee that the House of Representatives had that day agreed to the discharge of Mr McLeay from the Committee and the appointment of Mr Jarman in his place.

The Minutes of Proceedings of the meeting held on 6 May 1971 were confirmed.

The following extracts from the Votes and Proceedings of the House of Representatives containing resolutions agreed to by the House on the dates indicated, were reported:

7 September 1971—That the matter of the article in the *Daily Telegraph* of Friday, 27 August 1971 be referred to the Committee of Privileges.

13 September 1971—That the matter of the letter to the editor signed by P. Wintle, published in *The Australian* of Monday, 13 September 1971, be referred to the Committee of Privileges.

Resolved: That the Acting Clerk of the House (Mr J. A. Pettifer) be asked to prepare a Memorandum in relation to the article in the *Daily Telegraph* of Friday, 27 August 1971.

The Chairman brought up a Memorandum prepared by the Acting Clerk of the House in relation to the article in the *Daily Telegraph* of Friday, 27 August 1971.

Resolved: That Mr A. G. Turner, C.B.E., Clerk of the House, Mr J. A. Pettifer, Clerk Assistant and, if necessary Mr D. M. Piper, Deputy Serjeant-at-Arms be requested to appear before the Committee at its next meeting to give their account of the proceedings referred to in the article in the *Daily Telegraph*.

Resolved: That the House of Representatives be asked to approve that the Committee of Privileges, when considering the matters referred to it on 7 and 13 September 1971, have power to send for persons, papers and records.

* * *

*** Items which have been omitted from these Minutes of Proceedings relate to an inquiry conducted by the Committee into a letter to the editor published in *The Australian* of 13 September 1971 and may be found in the Committee's Report on that matter.

Resolved: That in respect of the two inquiries currently being undertaken by the Committee, any statements to the Press shall be made by the Chairman after being authorised by the Committee.

The Committee adjourned until Tuesday, 28 September 1971 at 8.30 p.m.

TUESDAY, 28 SEPTEMBER 1971

(27th Parliament—Ninth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr Turnbull

Mr Crean

Mr Whitlam

Mr Jarman

The Minutes of Proceedings of the meeting held on 14 September 1971 were confirmed.

The Chairman informed the Committee that Mr A. G. Turner, C.B.E., Clerk of the House, was unavoidably absent through illness but that Mr J. A. Pettifer, Clerk Assistant and Mr D. M. Piper, Deputy Serjeant-at-Arms, were available to assist the Committee in relation to the matter of the *Daily Telegraph* article.

The Chairman advised the Committee that he had received an extract from the Votes and Proceedings recording a resolution of the House of Representatives that the Committee of Privileges, when considering the two matters referred to it on 7 and 13 September 1971, have power to send for persons, papers and records.

* * *

Mr John Athol Pettifer, Clerk Assistant, House of Representatives, was called and examined in relation to the article in the *Daily Telegraph* of 27 August 1971.

The witness withdrew.

Mr Donald Marden Piper, Deputy Serjeant-at-Arms, House of Representatives, was called and examined in relation to the article in the *Daily Telegraph* of 27 August 1971.

The witness withdrew.

Resolved: That Mr A. D. Reid, journalist employed by Australian Consolidated Press Ltd, be asked to appear before the Committee.

Mr Alan Douglas Reid, journalist employed by Australian Consolidated Press Ltd, was called, sworn and examined.

Resolved: That a document referred to by Mr Reid during his evidence and said to be a transcript of a television interview conducted with the Right Honourable A. A. Calwell, M.P., be received by the Committee.

The witness withdrew.

The Committee deliberated.

Resolved: That the Rt Hon. A. A. Calwell, M.P., and Mr L. H. Irwin, M.P., be requested to appear at the Committee's next meeting to assist in relation to the *Daily Telegraph* matter.

* * *

The Committee adjourned until Thursday, 30 September 1971 at 8.30 p.m.

THURSDAY, 30 SEPTEMBER 1971

(27th Parliament—Tenth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr Jarman

Mr D. M. Cameron

Mr Turnbull

Mr Crean

Mr Whitlam

The Minutes of Proceedings of the meeting held on 28 September 1971 were confirmed.

* * *

The Committee having considered a request by Mr A. D. Reid to be present during the examinations of the Rt Hon. A. A. Calwell, M.P. and Mr L. H. Irwin, M.B.E., M.P.—

Resolved: That Mr Reid be advised that his request to be present during the examinations of Messrs Calwell and L. H. Irwin has not been granted.

The Rt Hon. A. A. Calwell, M.P. was called, sworn and examined.

The witness withdrew.

Mr L. H. Irwin, M.B.E., M.P. was called, sworn and examined.

The witness withdrew.

The Committee deliberated.

Mr D. M. Cameron moved—That Mr W. J. Fulton, M.P. be requested to appear before the Committee to assist in relation to the *Daily Telegraph* matter.

Debate ensued.

Question—put.

The Committee divided.

Ayes, 5

Noes, 1

Mr Brown

Mr Turnbull

Mr D. M. Cameron

Mr Crean

Mr Jarman

Mr Whitlam

And so it was resolved in the affirmative.

The Committee adjourned until Wednesday, 6 October 1971 at 4 p.m.

WEDNESDAY, 6 OCTOBER 1971

(27th Parliament—Eleventh Meeting)

Present:

Mr Drury (Chairman)

| | |
|------------------|-------------|
| Mr Brown | Mr Jarman |
| Mr D. M. Cameron | Mr McIvor |
| Mr Crean | Mr Turnbull |
| Mr A. D. Fraser | Mr Whitlam |

The Minutes of Proceedings of the meeting held on 30 September 1971 were confirmed.

The Chairman advised the Committee that Mr W. J. Fulton, M.P. had indicated his willingness to appear before the Committee in relation to the *Daily Telegraph* inquiry.

* * *

The Committee adjourned until tomorrow at 8.30 p.m.

THURSDAY, 7 OCTOBER 1971

(27th Parliament—Twelfth Meeting)

Present:

Mr Drury (Chairman)

| | |
|------------------|-------------|
| Mr Brown | Mr McIvor |
| Mr D. M. Cameron | Mr Turnbull |
| Mr Crean | Mr Whitlam |
| Mr Jarman | |

The Minutes of Proceedings of the meeting held on 6 October 1971 were confirmed.

Mr A. G. Turner, C.B.E., Clerk of the House of Representatives, was called and examined in relation to the *Daily Telegraph* inquiry.

The witness withdrew.

Resolved: That Mr P. E. Lucock, C.B.E., M.P., Deputy Speaker of the House of Representatives be requested to appear before the Committee in relation to the *Daily Telegraph* inquiry.

The Committee deliberated.

The Committee adjourned until Tuesday, 12 October 1971 at 4 p.m.

TUESDAY, 12 OCTOBER 1971
(27th Parliament—Thirteenth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr Jarman

Mr D. M. Cameron

Mr Turnbull

Mr Crean

Mr Whitlam

Mr A. D. Fraser

The Minutes of Proceedings of the meeting held on 7 October 1971 were confirmed.

Mr W. J. Fulton, M.P., was called, sworn and examined in relation to the *Daily Telegraph* inquiry.

The witness withdrew.

* * *

The Committee adjourned until Tuesday, 26 October 1971 at 4 p.m.

TUESDAY, 26 OCTOBER 1971
(27th Parliament—Fourteenth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr Crean

Mr D. M. Cameron

Mr Turnbull

The Minutes of Proceedings of the meeting held on 12 October 1971 were confirmed.

Mr P. E. Lucock, C.B.E., M.P., Deputy Speaker of the House of Representatives was called, sworn and examined in relation to the *Daily Telegraph* inquiry.

The witness withdrew.

The Committee deliberated in respect of the *Daily Telegraph* inquiry.

The Committee adjourned.

WEDNESDAY, 27 OCTOBER 1971
(27th Parliament—Fifteenth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr McIvor

Mr D. M. Cameron

Mr Turnbull

Mr A. D. Fraser

The Minutes of Proceedings of the meeting held on 26 October 1971 were confirmed.

Mr Brown moved—That this Committee finds that the article published in the *Daily Telegraph* of Friday, 27 August 1971 does not constitute a breach of privilege or contempt of the House of Representatives.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 3

Mr Brown

Mr A. D. Fraser

Mr Turnbull

Noes, 2

Mr D. M. Cameron

Mr McIvor

And it was so resolved in the affirmative.

Resolved: That the Chairman prepare a Draft Report in relation to the *Daily Telegraph* inquiry for submission to the Committee at its next meeting.

* * *

The Committee adjourned until Wednesday, 3 November 1971 at 4 p.m.

WEDNESDAY, 3 NOVEMBER 1971

(27th Parliament—Sixteenth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr D. M. Cameron

Mr Crean

Mr A. D. Fraser

Mr McIvor

Mr Turnbull

Mr Whitlam

The Minutes of Proceedings of the meeting held on 27 October 1971 were confirmed.

The Chairman submitted his draft report in respect of the *Daily Telegraph* inquiry.

Paragraphs 1 to 9 agreed to.

Paragraphs 10 amended and agreed to.

Paragraph 11 amended and agreed to.

Paragraph 12 amended.

Mr Turnbull moved the following further amendment: Omit 'conveyed the same remarks to Mr Reid', insert 'said to Mr Reid that he had heard this remark when walking down the stairs in response to the bells'.

Question—That the amendment be agreed to—put.

The Committee divided—

Ayes, 1

Mr Turnbull

Noes, 6

Mr Brown

Mr D. M. Cameron

Mr Crean

Mr A. D. Fraser

Mr McIvor

Mr Whitlam

And so it was negatived.

Paragraph further amended, and agreed to.

New Paragraph:

Mr Whitlam moved that the following new paragraph be inserted in the Report:

12A. Mr Irwin said that he was 99 per cent certain that it was Mr Fulton who said 'We walked out'. Mr Fulton, however, told the committee that he had not said it.

Debate ensued.

Question—That the new paragraph proposed to be inserted be so inserted—put.

The Committee divided—

Ayes, 6

Mr Brown

Mr D. M. Cameron

Mr Crean

Mr A. D. Fraser

Mr McIvor

Mr Whitlam

Noes, 1

Mr Turnbull

And so it was resolved in the affirmative.

Paragraph 13 amended and agreed to.

The meeting of the Committee was resumed.

Mr McIvor moved—That the resolution of the Committee of 27 October 1971—That this Committee finds the article published in the *Daily Telegraph* of Friday, 27 August 1971 does not constitute a breach of privilege or contempt of the House of Representatives—be recommitted for reconsideration.

Debate adjourned.

The Committee adjourned until tomorrow, at 3 p.m.

THURSDAY, 4 NOVEMBER 1971

(27th Parliament—Seventeenth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr D. M. Cameron

Mr Crean

Mr A. D. Fraser

Mr McIvor

Mr Turnbull

Mr Whitlam

The Minutes of Proceedings of the meeting held on 3 November 1971 were amended and confirmed.

Debate resumed on the following motion of Mr McIvor, viz.—

That the resolution of the Committee of 27 October 1971—That this Committee finds the article published in the *Daily Telegraph* of Friday, 27 August 1971 does not constitute a breach of privilege or contempt of the House of Representatives—be recommitted for reconsideration.

Question—put.

The Committee divided—

Ayes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

Noes, 3

Mr Brown

Mr A. D. Fraser

Mr Turnbull

And so it was resolved in the affirmative.

On recommitment—

Mr Brown's motion, viz.—

That this Committee finds the article published in the *Daily Telegraph* of Friday, 27 August 1971 does not constitute a breach of privilege or contempt of the House of Representatives—

further debated.

Question—put.

The Committee divided—

Ayes, 3

Mr Brown

Mr A. D. Fraser

Mr Turnbull

Noes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

And so it was negatived.

Mr Crean moved—That the Committee finds the article published in the *Daily Telegraph* of Friday, 27 August 1971 constitutes a contempt of the House of Representatives.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

Noes, 3

Mr Brown

Mr A. D. Fraser

Mr Turnbull

And so it was resolved in the affirmative.

Mr A. D. Fraser moved—That the finding—That the Committee finds the article published in the *Daily Telegraph* on Friday, 17 August 1971 constitutes a contempt of the House of Representatives—be recommitted.

Question—put.

The Committee divided—

Ayes, 3

Mr Brown

Mr A. D. Fraser

Mr Turnbull

Noes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

And so it was negatived.

Mr A. D. Fraser moved—That the Committee take note and include in its Report that the first finding was reached by a majority of one vote in the absence of 3 Members, was recommitted by a majority of one vote, was reversed by a majority of one vote, and that the Committee had under notice that Mr Jarman was absent from today's meeting.

Question—put.

The Committee divided—

Ayes, 4

Mr Brown

Mr D. M. Cameron

Mr A. D. Fraser

Mr Turnbull

Noes, 3

Mr Crean

Mr McIvor

Mr Whitlam

And so it was resolved in the affirmative.

Resolved—That (i) the Clerk to the Committee be authorised to ascertain whether it is the Editor or Editor-in-chief of the *Daily Telegraph* who accepts responsibility for publication of Mr Reid's article of Friday, 27 August 1971, and

(ii) that person be requested to appear before the Committee.

The Committee adjourned until Tuesday, 9 November 1971 at 4 p.m.

TUESDAY, 9 NOVEMBER 1971

(27th Parliament—Eighteenth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr D. M. Cameron

Mr Crean

Mr A. D. Fraser

Mr McIvor

Mr Turnbull

Mr Whitlam

The Minutes of Proceedings of the meeting held on 4 November 1971 were confirmed.

The Chairman advised that the Clerk to the Committee had ascertained that Mr D. R. McNicoll, Editor-in-chief, Australian Consolidated Press Limited was prepared to accept responsibility for publication of Mr A. D. Reid's article in the *Daily Telegraph* of Friday, 27 August 1971, and that Mr McNicoll was in attendance.

Mr David Ramsay McNicoll, Editor-in-chief, Australian Consolidated Press Limited was called, sworn and examined in relation to the *Daily Telegraph* inquiry.

The witness withdrew.

The Committee deliberated.

Mr McNicoll was recalled and further examined.

The witness withdrew.

Mr Whitlam moved—That this Committee finds that Mr D. R. McNicoll as Editor-in-chief, *Daily Telegraph* and Mr A. D. Reid as writer of the article, are both guilty of a contempt of the House of Representatives.

Question—put.

The Committee divided—

Ayes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

Noes, 3

Mr Brown

Mr A. D. Fraser

Mr Turnbull

And so it was resolved in the affirmative.

Resolved—That the evidence taken by this Committee during the course of the *Daily Telegraph* inquiry should be attached as an appendix to the Committee's report.

The Committee adjourned until tomorrow at 4 p.m.

WEDNESDAY, 10 NOVEMBER 1971

(27th Parliament—Nineteenth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr D. M. Cameron

Mr Crean

Mr A. D. Fraser

Mr McIvor

Mr Turnbull

Mr Whitlam

The Minutes of Proceedings of the meeting held on 9 November 1971 were confirmed.

The Committee deliberated in respect of the *Daily Telegraph* inquiry.

Mr Whitlam moved—That this Committee recommends to the House that the Editor-in-chief, Australian Consolidated Press Limited be required to publish on the front page of the *Daily Telegraph* a correction and apology with the position and prominence of the original article.

Mr Turnbull moved, as an amendment—That all words after 'That' (first occurring) be omitted with a view to inserting the following words in place thereof; 'as the evidence definitely discloses that no Member or Members left the Chamber when the quorum was called and therefore for this reason and other inaccuracies the article in the *Daily Telegraph* on Friday, 27 August 1971 is incorrect, this Committee recommends to the House that the Editor-in-chief, Australian Consolidated Press Limited (Mr D. R. McNicoll), be instructed to apologise for the inaccurate and damaging statements in the article, such apology to be prominently set on the front page of the *Daily Telegraph*'.

Debate continued.

Amendment withdrawn, by leave.

Question—That Mr Whitlam's motion be agreed to—put.

The Committee divided—

Ayes, 5

Mr D. M. Cameron

Mr Crean

Mr A. D. Fraser

Mr McIvor

Mr Whitlam

Noes, 2

Mr Brown

Mr Turnbull

And so it was resolved in the affirmative.

Mr McIvor moved—That this Committee recommends to the House that Mr A. D. Reid be required to furnish to Mr Speaker a written apology for his inaccurate reflections on Members.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

Noes, 2

Mr Brown

Mr Turnbull

And so it was resolved in the affirmative.

The Committee deliberated.

The Committee adjourned until Wednesday, 24 November 1971 at 4 p.m.

WEDNESDAY, 24 NOVEMBER 1971

(27th Parliament—Twentieth Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr McIvor

Mr Crean

Mr Turnbull

Mr A. D. Fraser

Mr Whitlam

Mr Jarman

The Minutes of Proceedings of the meeting held on 10 November 1971 were confirmed.

The Chairman submitted his revised Draft Report in respect of the *Daily Telegraph* inquiry.

Paragraphs 1 to 6 agreed to.

Paragraph 7 amended and agreed to.

Paragraphs 8 to 10 agreed to.

Paragraph 11 amended and agreed to.

Paragraph 12 agreed to.

Paragraph 13 amended and agreed to.

Paragraph 14 agreed to.

Paragraph 15 amended and agreed to.

Paragraph 16 debated—

Question—That the paragraph stand part of the report—put.

The Committee divided—

Ayes, 5

Mr Brown

Mr Crean

Mr Jarman

Mr McIvor

Mr Whitlam

Noes, 2

Mr A. D. Fraser

Mr Turnbull

And so it was resolved in the affirmative.

Paragraph 17 amended.

Mr Turnbull moved, as a further amendment—That the words 'and the evidence clearly indicates that it is extremely unlikely any Member did so' be omitted from the paragraph.

Question—That Mr Turnbull's amendment be agreed to—put.

The Committee divided—

Ayes, 4

Mr Brown

Mr Crean

Mr Jarman

Mr Turnbull

Noes, 3

Mr A. D. Fraser

Mr McIvor

Mr Whitlam

And so it was resolved in the affirmative.

Paragraph, as amended, agreed to.

Paragraphs 18 and 19 agreed to.

Paragraph 20 amended and agreed to.

Paragraph 21 amended and agreed to.

Paragraph 22 debated.

Debate on the draft report adjourned.

The Committee adjourned until tomorrow at 4 p.m.

THURSDAY, 25 NOVEMBER 1971

(27th Parliament—Twenty-first Meeting)

Present:

Mr Drury (Chairman)

Mr Brown

Mr D. M. Cameron

Mr Crean

Mr A. D. Fraser

Mr Jarman

Mr McIvor

Mr Turnbull

Mr Whitlam

The Minutes of Proceedings of the meeting held on 24 November 1971 were confirmed.

Debate resumed on the Chairman's draft report in respect of the *Daily Telegraph* inquiry.

Paragraph 22 further debated and omitted.

New paragraph 19A inserted, by leave.

Mr A. D. Fraser moved—That the terms of the first finding of the Committee be included in the Report.

Question—put.

The Committee divided—

Ayes, 4

Mr Brown

Mr A. D. Fraser

Mr Jarman

Mr Turnbull

Noes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

The numbers for the 'Ayes' and 'Noes' being equal, the Chairman gave his casting vote with the 'Ayes'.

And so it was resolved in the affirmative.

Paragraph 19A, by leave, amended.

Paragraph 23 amended and agreed to.

Mr A. D. Fraser moved—That the finding of 4 November 1971—That the Committee finds the article published in the *Daily Telegraph* of Friday, 27 August 1971 constitutes a contempt of the House of Representatives—be recommitted.

Debate ensued.

Question—put.

The Committee divided—

Ayes, 4

Mr Brown

Mr A. D. Fraser

Mr Jarman

Mr Turnbull

Noes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

The numbers for the 'Ayes' and 'Noes' being equal, the Chairman gave his casting vote with the 'Ayes'.

And so it was resolved in the affirmative.

On recommital—

Mr Crean's motion of 4 November 1971, viz.—

That the Committee finds the article published in the *Daily Telegraph* of Friday, 27 August 1971 constitutes a contempt of the House of Representatives—

further debated.

Question—That Mr Crean's motion be agreed to—put.

The Committee divided—

Ayes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

Noes, 4

Mr Brown

Mr A. D. Fraser

Mr Jarman

Mr Turnbull

The numbers for the 'Ayes' and 'Noes' being equal, the Chairman gave his casting vote with the 'Ayes'.

And so it was resolved in the affirmative.

Mr A. D. Fraser moved—That reference be included in the Report to the new recommittal decision of the Committee.

Question—put.

The Committee divided—

Ayes, 4

Mr Brown

Mr A. D. Fraser

Mr Jarman

Mr Turnbull

Noes, 4

Mr D. M. Cameron

Mr Crean

Mr McIvor

Mr Whitlam

The numbers for the 'Ayes' and 'Noes' being equal, the Chairman gave his casting vote with the 'Ayes'.

And so it was resolved in the affirmative.

The meeting of the committee was suspended.

The meeting of the Committee was resumed.

New paragraph 23A inserted.

Paragraph 24—

Sub-paragraph (a) agreed to.

Sub-paragraph (b) amended.

Mr Jarman moved the following further amendment: Omit 'falsely', insert 'incorrectly'.

Question—put.

The Committee divided—

Ayes, 4

Mr Crean

Mr A. D. Fraser

Mr Jarman

Mr Turnbull

Noes, 3

Mr D. M. Cameron

Mr McIvor

Mr Whitlam

And so it was resolved in the affirmative.

Mr D. M. Cameron, by leave, moved the following further amendment: Omit 'incorrectly', insert 'wrongly'.

Question—put.

The Committee divided—

Ayes, 3

Mr D. M. Cameron

Mr McIvor

Mr Whitlam

Noes, 4

Mr Crean

Mr A. D. Fraser

Mr Jarman

Mr Turnbull

And so it was negatived.

Paragraph, as amended, agreed to.

Paragraph 25 amended and agreed to.

Paragraph 26 amended.

Question—That the paragraph, as amended, be agreed to—put.

The Committee divided—

Ayes, 6

Mr D. M. Cameron

Mr Crean

Mr Jarman

Mr McIvor

Mr Turnbull

Mr Whitlam

Noes, 1

Mr A. D. Fraser

And so it was resolved in the affirmative.

Resolved: That the draft report, as amended, be the Report of the Committee to the House.

The Committee adjourned *sine die*.

APPENDIX I

COPY OF ARTICLE APPEARING IN 'DAILY TELEGRAPH'
FRIDAY, 27 AUGUST 1971

'COUNT OUT' SHUTS PARLT.

From Alan Reid

CANBERRA, Thurs.—The 125-strong House of Representatives ignominiously collapsed today for want of a quorum—42 members.

In the House when a count was taken were five ALP and 35 Government members.

This was the first time the House of Representatives had been counted out for 51 years.

Under Standing Orders the House had to adjourn until Tuesday week.

A group of ALP Parliamentarians walked out of the Chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

Despite this, the Prime Minister (Mr McMahon) made no attempt to excuse the Government parties' absentees and castigated his followers verbally.

PRESTIGE

Mr McMahon condemned their 'failure to answer the bells.'

He said with justification that prestige and authority was involved.

In a tone which suggested his delinquent followers are in for a tongue lashing, Mr McMahon said the incident would be the first matter discussed at the next meeting of the Government parties on Wednesday week.

Mr A. A. Calwell, former Leader of the Opposition, was trying to get into the chamber to help constitute a quorum—one third of the strength of the chamber—when the doors were locked in his face.

'One of the most disgraceful incidents I have seen in my thirty-one years in the Parliament,' Mr Calwell said.

Mr Calwell's attitude has overtones of that taken by another Opposition leader, the late Dr Evatt, on one occasion.

Dr Evatt insisted on entering the chamber to make up the numbers when the late Mr E. Ward had called a quorum and the Government was within a vote of seeing the House of Representatives counted out.

Dr Evatt said: 'The Parliament is more important than a victory for one man on the floor of the chamber.'

Nearly as important as the blow to what Mr McMahon described as 'the prestige and authority of the Parliament' is the fact that the count-out has important Budget implications.

Standing orders require that a fresh start has to be made and the Budget appropriations introduced again.

One man with a cast-iron excuse for his absence was the Speaker (Sir William Aston).

He does not preside over the Budget debate and does not enter the chamber while the Chairman of Committees Mr P. E. Lucock is presiding over the debate as Mr Lucock was on this occasion.

READING

Several members were outside the chamber reading accounts of how they might be in the running to get a rise in parliamentary salaries when the bells were rung.

They ignored the summons.

Convention is that the maintenance of a quorum is a Government responsibility.

But both ALP and Government parliamentarians are paid to attend Parliament—they even get a sitting allowance of \$15 a day—and to keep the Parliament functioning.

The incident started when Mr Lucock was in the chair presiding, and Sir Charles Adermann (CP, Q.) was speaking in the Budget Debate.

Dr R. T. Gun (ALP, S.A.) drew attention to the fact that a quorum was not present in the Parliament.

Though Standing Order 47 states that no member shall leave the chamber when a quorum is called several Labor men disappeared quickly through the door.

The bells were rung for two minutes.

Some members drifted slowly into the Chamber.

When the doors were locked, ALP parliamentarians present were Mr F. M. Daly (N.S.W.), Mr B. P. Hansen (Qld.), Mr T. Uren (N.S.W.), Dr Gun and Mr N. K. Foster (S.A.).

COUNTRY PARTY members present were the chairman, Mr Lucock, the Minister for Trade (Mr Anthony), the Minister for the Interior (Mr Hunt), the Minister for Repatriation (Mr Holten), Mr W. G. Turnbull (Vic.), Mr I. L. Robinson (N.S.W.), Mr J. A. England (N.S.W.), Sir Charles Adermann (Qld.).

Mr J. Corbett (Qld.), Mr J. A. Pettitt (N.S.W.), Mr E. B. Lloyd (Vic.), Mr S. E. Calder (N.T.) and Mr J. M. Hallett (W.A.).

LIBERALS present were: The Treasurer (Mr Snedden), the Minister for National Development (Mr Swartz), the Postmaster-General (Sir Alan Hulme), the Minister for the Army (Mr Peacock), the Minister for the Navy (Dr Mackay), the Minister for Environment and Aborigines (Mr Howson), the Minister for Immigration (Dr Forbes), the Minister for Supply (Mr Garland).

Mr B. W. Graham (N.S.W.), Mr J. G. Gorton (Vic.), Mr G. O'H. Giles (S.A.), Mr E. M. C. Fox (Vic.), Mr E. N. Drury (Qld.), Mr H. B. Turner (N.S.W.), Mr A. A. Buchanan (Vic.), Mr A. A. Street (Vic.), Mr J. D. M. Dobie (N.S.W.), Sir John Cramer (N.S.W.), Mr T. E. F. Hughes (N.S.W.), Mr Les Irwin (N.S.W.), Mr L. H. E. Bury (N.S.W.) and Mr M. J. R. MacKellar (N.S.W.).

Twice those present in the Chamber were counted, but the number was only 40. There were Opposition cries of, 'it's disgusting.'

'There are only five ALP members present' was the Government retort.

'The noble five,' Mr Daly said.

The last time the House of Representatives was counted out (other than on the adjournment which is not viewed as a substantive time) was in August, 1920.

There were two cases in 1912, and one in 1904.

Though the Parliament had been scheduled to sit until 11 p.m. today the House stood adjourned until Tuesday week.

Cabinet had been sitting and this caused the absence of some of the senior Ministers and Mr McMahan.

After the incident Mr McMahan said: 'It is the responsibility of the Government parties to have sufficient members in the house to maintain quorums.

I regret that the quorum was not maintained and I treat the matter extremely seriously both from the point of view of the business of the House and of sustaining the prestige and authority of the Parliament.'

The Deputy Leader of the Opposition (Mr Barnard) said later it was the clear responsibility of the Government to ensure the proper functioning of Parliament at all times.

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APPENDIX II

ARTICLE IN 'DAILY TELEGRAPH' FRIDAY, 27 AUGUST 1971 MATTER REFERRED TO COMMITTEE OF PRIVILEGES 7 SEPTEMBER, FOR INQUIRY AND REPORT

NOTES PREPARED BY THE ACTING CLERK OF THE HOUSE

(MR J. A. PETTIFER)

13 September 1971

The following notes were prepared at the request of the Chairman of the House of Representatives Committee of Privileges.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES

On 7 September 1971, Mr Cope raised a matter of Privilege based on an article published in the *Daily Telegraph* on Friday, 27 August 1971 under the heading '“COUNT OUT” SHUTS PARLT.' Mr Cope produced a copy of the *Daily Telegraph* containing the article and gave the names of the printer and publisher as being Australian Consolidated Press Ltd at 168-174 Castlereagh Street, Sydney.

On the motion of Mr Cope, the matter was referred to the Committee of Privileges.

THE NEWSPAPER ARTICLE

In raising the matter in the House of Representatives, Mr Cope said:

Mr Speaker, I desire to raise a matter of privilege. I refer to an article which appeared in the Sydney 'Daily Telegraph' of Friday, 27th August 1971. This newspaper is published by Australian Consolidated Press Ltd. An extract from the article reads:

'A group of ALP Parliamentarians walked out of the Chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives'.

This is a deliberate untruth and it is a reflection on the Chair which, at the time in question, was occupied by Mr Lucock, as Deputy Speaker. I travelled to Sydney on the morning of Friday, 27th August, and Mr Lucock was on the same plane. During the wait for our luggage I showed him the article in the 'Daily Telegraph' and he stated that the extract that I have read could not be true because he always keeps a close eye on the members of the House to see that no member leaves the chamber when a quorum is called.

As you know, Mr Speaker, this procedure is covered by standing order 47 and is strictly carried out at all times by yourself, the Chairman and the Deputy Chairman. I realise that freedom of the Press is a fundamental principle of democracy and in addition, I know that journalists have to earn a living and that sometimes their reports are exaggerated or misleading in their endeavours to get a story across, but I believe that this House could never condone a deliberate untruth in a matter of this nature. Therefore I move:

'That the matter of the article in the "Daily Telegraph" of Friday 27th August 1971, be referred to the Committee of Privileges.'

The Leader of the House (Mr Swartz) indicated that the Government had no objection to the matter being referred to the Committee of Privileges and the question was resolved in the affirmative.

CONSTITUTIONAL PROVISION: GENERAL CHARACTER OF PRIVILEGE:

Constitution

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.

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

To ascertain the law, it is necessary therefore for recourse to be had to the practice and precedents of the House of Commons. These are dealt with at length in May's *Parliamentary Practice*.

WHAT CONSTITUTES 'PRIVILEGE'—

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

(*May 18, p. 64*)

The particular privileges of the Commons have been defined as:—'The sum of the fundamental rights of the House and of its individual Members as against the prerogatives of the Crown, the authority of the ordinary courts of law and the special rights of the House of Lords'.

(*May 18, p. 64*)

BREACH OF PRIVILEGE AND 'CONTEMPT'

When any of these rights and immunities, both of the Members', individually, and of the assembly in its collective capacity, which are known by the general name of privileges, are disregarded or attacked by any individual or authority, the offence is called a breach of privilege, and is punishable under the law of Parliament. Each House also claims the right to punish actions, which, while not breaches of any specific privilege, are offences against its authority or dignity, such as disobedience to its legitimate commands or libels upon itself, its officers or its Members. Such actions, though often called 'breaches of privilege' are more properly distinguished as 'contempts'. The powers and procedure of each House in dealing with cases of contempt are treated in Chapters IX and X.

(*May 18, p. 65*)

The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights which are 'absolutely necessary for the due execution of its powers'. They are enjoyed by individual Members, because the House cannot perform its functions without unimpeded use of the services of its Members; and by each House for the protection of its Members and the vindication of its own authority and dignity.

(*May 18, p. 64*)

PARTICULAR REFERENCES IN RELATION TO MATTER BEFORE THE COMMITTEE

The matter before the Committee would appear to come within the category of what May (pages 140-149) describes as 'Constructive contempts—Speeches or writings reflecting, on either House, publication of false or perverted reports

of debates, etc., reflections upon Members and misrepresenting Members' proceedings.'

The relevant extracts from *May* are set out below—

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 18, p. 140-1*)

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 18, p. 141*)

On 26 February 1701, the House of Commons resolved that to print or publish any libels reflecting upon any member of the House for or relating to his service therein, was a high violation of the rights and privileges of the House.

'Written imputations, as affecting a Member of Parliament, may amount to breach of privilege, without, perhaps, being libels at common law', but to constitute a breach of privilege a libel upon a Member must concern the character or conduct of the Member in that capacity.

(*May 18, p. 148*)

Wilful misrepresentation of the proceedings of Members is an offence of the same character as a libel.

On 22 April 1699, the Commons resolved, 'That the publishing the names of the Members of this House and reflecting upon them, and misrepresenting their proceedings in Parliament, is a breach of the privilege of this House, and destructive of the freedom of Parliament'.

(*May 18, p. 149*)

MATTERS FOR DETERMINATION BY THE COMMITTEE

Following the statements of the honourable Member for Sydney when raising the matter in the House it would appear necessary for the Committee to ascertain the truth of the statements made in the article by calling for evidence from Mr Cope himself, the Deputy Speaker (Mr Lucock), who was in the Chair at that time, the Opposition Whip, or officers of the House.

If the truth of the newspaper statements seems to be doubtful it would appear desirable to call the author of the article, journalist Mr Alan Reid, to give evidence of his account of the proceedings and other matters relating to the article.

Having in mind the earlier references from *May* the task of the Committee would then appear to be to determine whether the article in the *Daily Telegraph* constitutes a breach of privilege or contempt of the House by being—

- (1) A writing which reflects on the character or proceedings of the House or its Members, or
- (2) A publication of proceedings of the House which is false or perverted, or partial and injurious, or
- (3) A written imputation affecting the character or conduct of a Member or Members of the House, or

(4) A misrepresentation of the proceedings of Members in the Parliament.

To assist the Committee in its judgment on these matters the following cases and precedents are cited.

House of Representatives case—

NEWSPAPER MISREPRESENTATION OF MEMBERS OF THE HOUSE (SYDNEY SUN)—VOTES AND PROCEEDINGS 1951-53/111, 149, 171.

NEWSPAPER MISREPRESENTATION OF MEMBERS OF THE HOUSE.—Mr Corser raised a matter of Privilege based on a statement in the Sydney newspaper *The Sun* of the 2nd October, 1951, regarding Members' purchases in the Parliamentary Refreshment Rooms.

The statements to which the Committee referred in paragraphs 6 and 7 of its report were as follows:

Within minutes of the Budget details being announced and Members learning that whisky, other spirits, cigarettes and shaving gear were to be dearer, there was a concerted onslaught on the parliamentary bar.

The mass movement from the chambers of the House of Representatives and the Senate to the bar is a further manifestation of the manner in which members would prefer to see Parliament House function.

Just as a man cannot be a hero to his valet, the Parliamentarians are no heroes to a staff that sees those MP's sweat and toil for every privilege and concession that is obtainable and then go into the Chamber and denounce the evils of privilege and concession.

In reporting to the House, the Committee of Privileges found (in part)—

- (a) That in respect of the statements referred to in paragraphs 6 and 7 of this report, the Committee considers that a breach of privilege has been committed.
- (b) That the article, while not wholly untrue, contains statements regarding the conduct of Members which are grossly exaggerated and erroneous in their implications, and consequently conveys a false impression.
- (c) That the Committee does not recommend the taking of punitive action against the writer of the article; it considers that the House would best serve its own dignity by taking no further action in the matter.

House of Commons cases—

March 1926—Complaint of certain passages in newspaper *reflecting on the action of certain Members* of this House with regard to an Electricity Bill.

The following passages were referred to—

At the same time, the Ministers . . . will see the depth of the plan which is being engineered by interested members of the Conservative Party to wreck the Bill. The real opponents are a handful of Conservative M.P.'s, influential by the fact that they have sat in the House for a number of years and are directly interested in the control of electricity supply undertakings. . . .

The opposition is being organised skilfully, however, and the names of 'interested' persons are being kept largely in the background, while 'Die-Hard' upholders of the rights and privileges of Parliament are being encouraged to attack the scheme as an infringement of those principles.

The Committee reported to the House on 29 March 1926 as follows—

The Committee are unanimously of opinion that the language of the article in the *Daily Mail* newspaper of 25th March can reasonably be understood as conveying a charge of improper motives and conduct in respect of their parliamentary action against Members of the House, and so constitutes a breach of the privileges of the

House. They have noted the prompt disclaimer of that meaning in the *Daily Mail* of the following day; they have seen the editor, who has repeated that disclaimer and has assured the Committee of his unqualified regret that the language used should have been capable of that construction.

The Committee recommend, in the circumstances, that the House do not take any further action in the matter.

C.J. (1926) 95-100

April 1947—Garry Allighan case of untruthful reporting reflecting on Members in which the newspaper suggested Members accepted payments for information.

Mr Speaker addressed Mr Heighway as follows—

Mr Arthur Heighway, you have been summoned to appear at the Bar of this House in consequence of a report made by a Committee of this House. That Committee was directed to inquire into the matter of an article written by Mr Garry Allighan, a Member of this House, and published on the 3rd day of April 1947, in the *World's Press News* newspaper of which you are the editor and publisher.

You did not seek (so the Committee have found) to establish the truth of the article, nor did you appear willing to admit its obvious implications, but after prolonged examination you made what the Committee were only able to regard as an entirely inadequate apology.

Mr Heighway addressed the House admitting responsibility and apologised and was directed to withdraw.

Mr Allighan was then heard in his place—saying in part that—

I do assure the House that it never entered my mind when I wrote the article, that I was committing a breach of Privilege. Had I given that aspect any thought at all, I should have concluded that, in writing about these subjects, I was not committing a breach of Privilege.

In withdrawing publicly all the unfounded imputations against the integrity of Members, I particularly regret and apologise for the allegation of insobriety which I made against unnamed Members.

Mr Allighan was directed to withdraw.

Both Mr Allighan and Mr Heighway, it was resolved, were guilty of gross contempt of the House.

The House resolved the seriousness of Mr Allighan's contempt and further resolved that he be suspended for six months etc. Motion amended and passed 'That Mr Allighan, for his gross contempt of this House and for his misconduct be expelled from this House'.

Mr Heighway was reprimanded as follows—

Arthur Heighway, the House has adjudged you guilty of publishing in the *World's Press News* of which you are the editor words which contain unfounded imputations against the conduct of Members of this House. These words were untrue, they were a gross affront to honourable Members and they were a contempt of this House. As editor, you had a high responsibility. You were not unaware of the traditions of Parliament, yet you published words calculated to tarnish them. In the name of the House, I accordingly reprimand you for a gross offence against it.

C.J. (1947) 20-22

December 1953 in the case of the *Daily Worker* an article imputing improper motives to some Members of Parliament was raised. The article was headed 'M.P.s Vote Money into their own Pockets'. The words of the article imputed that some Members of Parliament may benefit from increased rentals under the legislation. It mentioned 24 Conservative members by name.

The Privileges Committee reported—

The publication imputes certain motives to Members of the House in the exercise of their votes, a matter the truth of which would be difficult to ascertain, and upon which the Committee of Privileges is not appropriate to pass judgment. It is defamatory of Members of the House in their capacity as Members and is therefore, in the opinion of your Committee, a breach of Privilege. But as your Committee has observed before, it is not every such breach of Privilege which is worthy of occupying the time of the House, and your Committee recommends that no further time should be occupied in the consideration of the offence.

17 December 1956—Case of the *Sunday Express* imputing Members received 'prodigious' petrol allowances.

The article commenced with the following words—

Tomorrow a time of hardship starts for everyone. For everyone? Include the politicians out of that.

Petrol rationing will pass them by. They are to get prodigious supplementary allowances. Isn't it fantastic?

Mr Speaker observed—

There are cases when contempts of this House as a whole have been treated as breaches of Privilege, but, also, there have been many cases in the past where hon. Members of this House have been subjected collectively to a certain amount of journalistic censure, and possibly abuse.

In the past, these matters have not been considered as breaches of the Privileges of this House. Making the best judgment I can, I think that this is an article about the truth of which anyone can have his own opinion. Although the general tone of the whole article may be regarded by hon. Members as very regrettable, I do not myself think that it comes within the category of contempts of the House of a serious character which could make it a *prima facie* breach of Privilege.

The Leader of the House moved that the matter of the complaint be referred to the Committee of Privileges.

18 December 1956—The case of the *Evening News* which reflected on Members and constituted a contempt.

A cartoon showed the Houses of Parliament in the background and New Palace Yard with a crowded car park and a caption underneath, which reads:

'Very thoughtful o' them M.P.s giving themselves such a generous Supplementary . . . Nice there's one place in London where a gent can be sure o' getting a drop.'

Mr Speaker said that, in view of yesterday's decision, he would accept a motion, and the matter was accordingly referred to the Committee of Privileges.

The Committee reported, *inter alia*, with regard to the *Sunday Express* complaint and to Mr Junor, Editor of that paper—

Mr Junor was given every opportunity to express his regret and to apologise for his conduct. He said he did not mean to be discourteous to the House of Commons or to bring it into disrepute and that if it had been interpreted as discourtesy, then he was sorry. Your Committee, having heard these statements, recommend to the House that, in view of the gravity of the contempt committed by Mr Junor, he should be severely reprimanded.

With regard to the *Evening News* complaint (editor Mr C. Willis) the Committee while of the opinion that the caption constituted contempt, in view of the withdrawal of the cartoon at the earliest opportunity and that the paper voluntarily published a full and unqualified apology, no further action was recommended to the House.

On consideration of the report relating to the *Sunday Express* the Leader of the House moved, That Mr John Junor do attend this House tomorrow at a quarter past three o'clock.—agreed to.

Mr Junor accordingly appeared and after speaking was asked to withdraw.

The Leader of the House moved

That this House doth agree with the Committee of Privileges in their opinion that Mr John Junor has been guilty of a serious contempt of this House, but, in view of the apology made to this House by him, this House will proceed no further in the matter.

This resolution was agreed to.

The Report of the House of Commons Select Committee on Parliamentary Privilege (Paper 34 of 1967) contained a list of cases of privilege which occurred in the Commons over the period 1945-65. The appendix is added to these notes as it gives to the Committee, in summary form, an informative statement of action taken by the House of Commons and its Privileges Committee on a variety of privilege matters. Of special interest is the number of cases where the House accepted without further action the recommendation of the Committee and also those cases where, although some technical breach of privilege had been committed, the Committee recommended no further action because an adequate apology had been made or the matter was not worthy of occupying the time of the House.

APPENDIX
SOME RECENT CASES OF PRIVILEGE
1945-65

| Date | Subject of complaint | Report and Recommendation of the Committee of Privileges | Action by the House |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| March 1945 H.C. 63 (1944-45) | Offer of a bribe (Henderson's case) | Offer was a conditional donation—no question of bribery arose and no breach of privilege | Tacit acceptance |
| October 1945 H.C. 31 (1945-46) | Service of a summons within the precincts on a sitting day (Verney's case) | Breach of privilege but particular circumstances did not require further action | Tacit acceptance |
| July 1946 H.C. 181 (1945-46) | Poster designed to intimidate Members (Mrs Tennant's case) | Breach of privilege but too petty in scale to justify further action by House | Tacit acceptance |
| December 1946 H.C. 36 (1946-47) | Assault on Member (Piratin's case) | Member and assailant both guilty of contempt | Resolution: Member guilty of gross contempt, assailant guilty of contempt (10 February 1947) |
| March 1947 H.C. 118 (1946-47) | Improper pressure on Member by Trade Union (W. J. Brown's case) | Nothing improper and no breach of privilege | Resolution: Inconsistent with duty of Member to enter contractual agreements limiting his independence in Parliament (15 July 1947) |
| April 1947 H.C. 138 (1946-47) | Newspaper suggested Members accepted payments for information (Garry Allighan's case) | (1) Grave contempt by newspaper and by Mr Allighan (2) Disclosure of information from party meetings for payment constitutes breach of privilege | (1) Member expelled; Editor summoned to Bar and reprimanded (30 October 1947) (2) This view not accepted by House |
| July 1947 H.C. 137 (1946-47) | Refusal by witnesses before Committee of Privileges to answer certain questions (Case of Schofield and Dobson) | House to take such steps as may seem necessary | Witnesses ordered to attend at Bar of House and examined by Mr Speaker Resolution: Refusal to answer constitutes a contempt (12 August 1947) |

| Date | Subject of complaint | Report and Recommendation of the Committee of Privileges | Action by the House |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| August 1947 H.C. 142 (1946-47) | Personal statement by Member about acceptance of payments by newspaper referred to Committee (Walkden's case) | Member guilty of breach of privilege | Member ordered to be reprimanded for dishonourable conduct (House did not confirm the view of the Committee on breach of privilege) (30 October and 10 December 1947) |
| March 1948 H.C. 112 (1947-48) | Broadcast reflecting on allegiance of Members (Colin Brogan's case) | Inconsistent with dignity of House to examine further | Tacit acceptance |
| July 1949 H.C. 261 (1948-49) | Misrepresentation by newspaper of Member's speech (Case of "Daily Worker") | Technical breach of privilege but no action called for | Tacit acceptance |
| March 1951 H.C. 149 (1950-51) | Broadcast commenting on future decision by House on privilege matter (B.B.C. case) | No contempt | Tacit acceptance |
| March 1951 H.C. 149 (1950-51) | Letters reflecting on integrity of Members (Clan-Briton case) | Letters did not reflect on Members in their capacity as such and therefore no breach of privilege | Tacit acceptance |
| June 1951 H.C. 227 (1950-51) | Disclosure by newspaper of evidence given to Estimates Committee (Case of "Daily Telegraph") | An inquiry into the facts did not reveal any intention to infringe privilege | Tacit acceptance |
| June 1951 H.C. 235 (1950-51) | Speech by Lady Mellor imputed partiality to the Deputy Speaker (Lady Mellor's case) | Words constituted a breach of privilege but circumstances did not require further action by House | Tacit acceptance |
| July 1951 H.C. 244 (1950-51) | Obstruction by police of Member driving to attend House and subsequent summons (John Lewis's case) | No breach of privilege | Tacit acceptance |
| April 1953 H.C. 171 (1952-53) | Lady Member's disrespect in "Sunday Express" article describing other Members (Mrs Ford's case) | Unauthorised reports of proceedings in House amount to breach of privilege; but normally House waives its privileges. Apologies having been made, no further action needed | Tacit acceptance |

| Date | Subject of complaint | Report and Recommendation of the Committee of Privileges | Action by the House |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| December 1953 H.C. 31 (1953-54) | Reflection on Members in newspaper article imputing motives in voting (Case of "Daily Worker") | Breach of privilege; but matter not worthy of occupying further time of the House | Tacit acceptance |
| March 1955 H.C. 112 (1954-55) | Deputy Assistant Chaplain General threatens a subordinate with a view to influencing proceedings in Parliament | No precedent for regarding it as breach of privilege; but matter for responsible Minister | Tacit acceptance |
| November 1956 H.C. 27 (1956-57) | Molestation of Member by telephone (Editor of "Sunday Graphic's" case) | Serious breach of privilege; but in view of humble apology, no further action needed | Tacit acceptance |
| November 1956 H.C. 38 (1956-57) | Imputation in newspaper article that Members were receiving "prodigious" supplementary petrol allowances (Case of "Sunday Express") | Editor of "Sunday Express" guilty of serious contempt and should be reprimanded | Editor ordered to attend at Bar and apology made at Bar of House Resolution: He was guilty of serious contempt (24 January 1957) |
| December 1956 H.C. 39 (1956-57) | Offensive newspaper cartoon reflecting on conduct of Members (Case of "Evening News") | Cartoon constituted reflection on Members and contempt, but in view of withdrawal of cartoon from later editions and publication of unqualified apology, no further action needed | Tacit acceptance |
| January 1957 H.C. 74 (1956-57) | Broadcast and newspaper comment on matter under consideration by Committee of Privileges (Case of B.B.C. and "Romford Recorder" newspaper) | No contempt by B.B.C. or by newspaper | Tacit acceptance |
| April 1957 H.C. 305 (1956-57) | Action by London Electricity Board in threatening to institute proceedings for libel respecting statement in letter by Member to Minister (Strauss case) | Breach of privilege | Resolution: London Electricity Board had not committed any breach of privilege Division: Ayes 219; Noes 196 (8 July 1958) |
| July 1960 H.C. 284 (1959-60) | Letter containing threat to Member (Colin Jordan's case) | Breach of privilege; but no further action needed as offence had not been repeated | Tacit acceptance |

| Date | Subject of complaint | Report and Recommendation of the Committee of Privileges | Action by the House |
|----------------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| March 1964 H.C. 247 (1963-64) | Reflection on allegiance of Members made outside House (Quintin Hogg's case) | No breach of privilege and no contempt of the House; no further action needed | Tacit acceptance |
| February 1965 H.C. 129 (1964-65) | Imputation against Member's drunkenness (Duffy's case) | Gross contempt of House and breach of privilege; but no further action needed following letter from Member withdrawing remarks | Tacit acceptance |
| May 1965 H.C. 228 (1964-65) | Letter threatening Members of House (Case of anonymous threatening letters) | Breach of privilege and improper attempt to influence Members; in their parliamentary conduct; but dignity of House best maintained by taking no further action | Tacit acceptance |
| July 1965 H.C. 269 (1964-65) | Speech by Chancellor of the Exchequer outside House reflecting on Members (Callaghan's case) | No contempt and no further action needed | Tacit acceptance |

APPENDIX III

MINUTES OF EVIDENCE TAKEN BY COMMITTEE OF PRIVILEGES DURING INQUIRY INTO 'DAILY TELEGRAPH' ARTICLE OF FRIDAY, 27 AUGUST 1971

(Taken at Canberra)

TUESDAY, 28 SEPTEMBER 1971

Present:

MR DRURY (Chairman)

Mr Brown
Mr Crean
Mr Jarman

Mr Turnbull
Mr Whitlam

Mr John Athol Pettifer, Clerk Assistant, House of Representatives, was called and examined.

CHAIRMAN—Mr Pettifer, in the absence of Mr Turner, who, as we understand, was at the table on the afternoon of Thursday, 26 August, the day of what we call the no quorum incident, we propose to ask questions of you. You were at the table, acting as Deputy Clerk, on that afternoon, were you not?

Mr Pettifer—That is so.

CHAIRMAN—Will you be good enough to give us your account of what happened on that afternoon? As you know, the matter that has been referred to this Committee for determination is a statement in Alan Reid's article, published in the 'Daily Telegraph' of Friday, 27 August. The statement was:

A group of ALP Parliamentarians walked out of the Chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

That passage was quoted by Mr Cope when he referred the matter to the House. Will you comment on the situation as you saw it at the time?

Mr Pettifer—Sir Charles Adermann was addressing the House. He had about a minute and a half to go, if I remember rightly. Dr Gun called a quorum and we proceeded to count the House in the usual fashion. Finally, after the bells had rung for 2 minutes, we made a check count. I had, on my side, 6 members, one of whom was—

Mr CREAN—When you say 'my side' what do you mean?

Mr Pettifer—The Opposition side. I had 6 members, one of whom, I remember, was Dr Forbes. The rest were Opposition members.

On the other side of the House we had 34, counting Mr Lucock, who was in the Chair. This made 40 members altogether. We double checked the number. Since there was some movement in the chamber at the time, the Clerk asked that the doors be locked so that we could make a definite count. We did, in fact, check again. I have written down the numbers that were present. On the Opposition side of the chamber we had 6.

Mr CREAN—Including Dr Forbes?

Mr Pettifer—Including Dr Forbes. On the Government side, we had 33 members on the floor, plus the Deputy Speaker in the Chair, making 34. There were 40 altogether. In accordance with the Standing Orders, the Deputy Speaker adjourned the House to the next sitting day.

CHAIRMAN—I know that in the ordinary course of events—it is part of your normal function at the table—that while the quorum bells are ringing you are counting the numbers, but would you, as part of that operation, be keeping half an eye on the doors? Would you have noticed if any members had gone out, as well as come in?

Mr Pettifer—That is so, Mr Chairman. We keep an eye on members who might tend to move outside the chamber, from the area in which members are normally seated. For instance, I noticed Mr Uren rise from his seat on the front bench and make towards the Opposition main corridor. I thought he was going out, but he stopped when he got towards the final row of seats and came back again. I saw no members leave the area allotted to members. In talking the matter over with the Clerk, he agreed that he saw no members leaving the chamber on his side. I think it is worthwhile, Sir, to note the wording of the newspaper article. In what appears to be one relevant portion, it says:

A group of ALP Parliamentarians walked out of the Chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

In another portion it says:

Though Standing Order 47 states that no member shall leave the chamber when a quorum is called several Labour men disappeared quickly through the door.

If you read Standing Order 47, you will find that it says:

When the attention of the Speaker or of the Chairman of Committees has been called to the fact that there is not a quorum of members present, no member shall leave the area within the seats allotted to members until a quorum is present or 2 minutes have elapsed.

If we were counting the House we would not count members who were occupying seats normally occupied by visitors or officials. If members came to the door of the chamber, for instance—even if they came a step or so inside, just had a look round, saw that a quorum was being called and went out again—as long as they did not come within the area which is allotted to members, no action would be taken to restrain them. If in fact the newspaper reporter says he saw members coming, say, to the door of the chamber and then disappearing again, this may have been the case.

Mr JARMAN—Did you see anyone come to the door of the chamber and disappear again?

Mr Pettifer—I have no recollection, but it so frequently happens that this could have been going on. We would not have been taking any special notice of it.

Mr CREAN—Is there any strict definition of the area allotted to members?

Mr Pettifer—I think so, Sir. In our mind, it is the area in which the members actually sit and excludes the row of seats at the back of the chamber where visitors normally sit.

Mr CREAN—And the secretaries' benches.

Mr Pettifer—That is so.

Mr CREAN—I am sure that some years ago, in the time of Mr Speaker Cameron, any member who poked his nose in the House and got within the doors would have been caught.

Mr JARMAN—The wording used was 'walked out of the chamber.' What do you regard as the chamber? Do you regard it as just the area allotted to members?

Mr Pettifer—If you are going to be technical about it, I think that is what you have got to regard as the chamber. The standing order specifically mentions that no member shall leave the area within the seats allotted to members.

Mr JARMAN—But the standing order does not use the word 'chamber' does it?

Mr Pettifer—No.

Mr JARMAN—It refers to the area allotted to members. In his article Reid said 'walked out of the Chamber', so I think we need some sort of definition from some body—I do not know who. What is the chamber?

Mr CREAN—When my colleague, the Leader of the Opposition, knows that he is paired, he simply retreats to the secretaries' seats. On the other hand, if I were sitting on the secretaries' bench, as I often do for reading purposes, and a quorum were called, I would be regarded as being within the precincts and would be expected to come and sit in my place to be counted. What I mean is that there is a fairly flexible concept here. Candidly, my view is that if a member once gets within the doors when a quorum is being called, he cannot retreat.

Mr Pettifer—It is just a matter of degree—of how far he came in.

Mr CREAN—I am not suggesting that that is what happened here. What is suggested here is the reverse—that people were almost in the chamber and then left. Candidly, I do not think that happened, but it is what is said to have happened. I am just trying to delineate, if you like, what the circumstance is. In my view, once a quorum bell or a division bell is rung, if you enter within the heavy glass doors there is no way of retreat. There is a way of retreat as far as a division is concerned but not as far as a quorum is concerned. On the other hand, we accept that if Mr Whitlam is in the House and finds that Mr McMahon is not going to vote, he can go and sit in the first line and not be counted. At least there are differences in definition, if you like.

Mr Pettifer—I raise the point now because if the Committee called the newspaper reporter before it, the point could be raised then. Perhaps the newspaper reporter saw members coming to the door and then not coming in.

Mr WHITLAM—The report refers to members walking out of the chamber. He does not—

Mr CREAN—They should not be able to leave the chamber once a quorum has been called. This, surely, is the point that that we have to determine here. In your view, did anybody walk out of the chamber after the quorum had been called?

Mr Pettifer—No, Sir, they did not.

Mr JARMAN—We have got to decide what is the chamber. Is it just the area where members sit or is it the complete House?

CHAIRMAN—Two separate areas are involved here. The chamber is obviously the whole area within the walls, but, strictly construed, Standing Order 47, does not encompass the whole of the chamber. There are some parts of the chamber that are not allotted to members, and it is only the seats allotted to members that are referred to as the part of the chamber from which members may not depart once the quorum bell starts to ring. I think there are two complete areas here.

Mr BROWN—As I understand it, Mr Pettifer, this problem of definition does not affect your evidence of what you saw.

Mr Pettifer—No, I do not think it does.

Mr BROWN—You did not see anyone leave the area of the chamber which is allotted to members, nor did you see any person leave the other remaining part of the chamber which is not allotted to members. Is that so?

Mr Pettifer—That is so.

Mr BROWN—There is no doubt about that at all.

Mr Pettifer—No doubt about it.

Mr BROWN—You were, in fact, looking to see whether anyone left either area, or both of them?

Mr Pettifer—That is correct.

Mr CREAN—Suppose, for example, that Mr Hayden were sitting in the Speaker's gallery, conversing quietly with friends, and the quorum bell rang. Would he not then be claimed as being within the chamber? He could not leave the chamber at that point. If he tried to do so, you would name him or claim him. Is not that so?

Mr Pettifer—We would not count him.

Mr CREAN—No, but you would not let him leave.

Mr Pettifer—I think if he were that far in, and he was seen—

Mr CREAN—I have been caught in that sort of circumstance myself. My recollection is that even though I wanted to go, I could not go. You have got to come down and be counted in the quorum. I do not know whether anybody was in that position, but I

am trying to make it clear that nobody can be within those glass doors and leave when a quorum has been called, even though, technically speaking, he is not in the part called the chamber. It is different with a division, because a division is a working arrangement. A quorum is a different kind of thing. My understanding, rightly or wrongly, is that anybody caught within the ground floor area—anybody who is actually inside the door when a quorum is called—can be claimed. In other words, he cannot leave. Whether he is counted is a different thing, but he certainly cannot leave.

CHAIRMAN—I think this is a matter that one person in the Chair might interpret in a different way from somebody else.

Mr CREAN—There is some importance in the point.

CHAIRMAN—It seems to me that, on a strict interpretation of Standing Order 47, the Chair would not be in order in claiming somebody who had just looked inside the glass doors, or had even just moved inside, but had not moved into the area allotted to members. He could not be claimed.

Mr Pettifer—I think that is true. I think Mr Crean's point is a good one. If somebody had been sitting there for some time, well inside the doors, and then made to go out, probably the person in the Chair would remind him that he should not leave. On the other hand, there is the circumstance where a person merely puts his head in the doorway.

Mr JARMAN—If we cannot get a definition of what is the chamber and what is not the chamber, can we get some sort of precedent? If people are sitting in a position such as Mr Crean points to, are they normally counted as being present when you count the quorum? What is the usual procedure? Would you normally count them as being present for a quorum?

Mr Pettifer—We would not count them unless they came into the benches normally allotted to members.

Mr CREAN—It would make for some difficulty if I were sitting where I often sit and then went out. Normally, if a quorum is called when I happen to be there, I come forward and sit in a seat. I do not make an effort to go out, because my view is if I did that I would be claimed. I am not suggesting this happened, but it is of some relevance if

members can come to a certain point and not be claimed. I do not think they can. I agree that if you just sort of opened the door and looked in, you would not be claimed. I remember Archie Cameron used to be critical of the Whips yelling 'Division' in loud voices when the bells rang. That often happened in the corridors, and he raised that criticism several times. But I am sure that if anybody once set foot inside the glass doors he would be claimed. If I were sitting in there and a quorum was called, I would reckon I would have to come and form a part of that quorum. I certainly would not reckon that I could go out. This, to my mind, is of some relevance in this current situation. That is the only point I am trying to make.

Mr WHITLAM—Does this really affect the matter, Mr Chairman? What is the contempt or the breach of privilege? Is there a breach of privilege in saying that the presiding officer did not do his job—that the presiding officer let some fellows escape, when, if he had not let them escape, there would have been a quorum and the House would not have lapsed? If this is said to be the breach of privilege, the answer is that if there were some members in the secretaries' boxes or in the Speaker's gallery—that is, inside the doors but outside those seats reserved for members alone—the presiding officer would have been doing nothing wrong at all. He would not have been able to keep them in there. If they wanted to go out, they were entitled to go. The presiding officer would only be falling down on his job if he allowed members who were in seats reserved for members to leave and go outside. The other people who might have committed contempt in respect of which there is a breach of privilege are some Labor men doing this. There again, if the Labor men were in the secretaries' seats or in the Speaker's gallery, they were doing nothing wrong. They were entitled to go out. They would only have procured the lapse of the House, or they would only have aborted a quorum, if they had been in seats reserved for members and had then gone out. I do not really see that the question is affected. The allegation is either that the presiding officer fell down on his job or that some Labor men acted improperly—the presiding officer by letting people leave the chamber, and the Labor men leaving the chamber. Whatever way you look at it, in the facts and the circumstances that Mr Pettifer

has put, there has been a breach of privilege. Either there has been a breach of privilege in criticising the presiding officer for letting people leave areas which they were entitled to leave, or there has been a breach of privilege in criticising members for leaving portions of the chamber which they were entitled to leave. On the other hand, if members were in the area reserved for members and the presiding officer let them escape, or if they themselves decamped, there is still a breach of privilege. It is an obvious one then. In either case, the presiding officer or the members have been held up to hatred, ridicule and contempt, the presiding officer or the members have been disparaged and the institution has been damaged. I do not really see that it matters so much where the men were sitting. The allegation is that by doing something, they were acting wrongly.

CHAIRMAN—I think Mr Whitlam's summing up is very helpful. One of the first things that hit me when I saw this article was that it was an implied reflection on the then occupant of the Chair, Mr Lucock—who by that time, I think had gone overseas—because it was part of his duty, as the presiding officer for the time being, to see that members did not leave the seats allotted to members. He would have been in breach of Standing Order 47 if he had allowed them to leave those seats.

Mr TURNBULL—First of all, I think there is a dividing line between outside the chamber and inside. That dividing line is the doors. The point is that going out and coming in work out in the same way. As to coming in, some members said the door was shut in their faces; they just were not in time to get in. You go out and you come in through the same doors. In my 25 years here, I have seen any number of fellows called back when they were outside the area where the Members sit, I have often seen them called back when they were walking up along the side. Frank Crean has said that if he were sitting in a certain place which is considered only as a token place outside the chamber—the place where the secretaries sit—and it came to a vote, he would then move to the side of the House on which he was to cast his vote. That is very clear. Exactly the same thing happens with a quorum. If a man was inside the chamber—that is, inside the door—he would be called upon by the Chairman or the Speaker to take

his seat in the House. I do not think there is any substance in all this talk about different places. The dividing line is the door. When you come in that door, you have made it; you are inside the chamber then. You move on and sit in your seat. You could not move on and sit in the Speaker's gallery after you came in the door. That is why the door is there; that is why they have attendants set at the door, so as not to let people in. They could not come in just to have a look at what is happening, because the presiding officer would soon call on them to come and take their seats. They would have to take them. That is the rule. I say that once they have made a move—once they have crossed the threshold—they are inside. Members have been very careful, as I have noticed on many occasions, to look inside but not to step inside the doors. They know that the moment they step inside the doors, the man in the Chair, whoever he is, can call them in. They are in the chamber. The chamber is divided, just for convenience, into areas for visitors and for members. To vote, you must be in your right place. It has been said that you can move out. Mr Whitlam might be paired and, suddenly realising that, he might move out of his seat, but the precedent is that he is out of the House.

Mr WHITLAM—You can do it on division but you cannot do it on a quorum.

Mr TURNBULL—No, you cannot do it on a quorum.

CHAIRMAN—I would like to say at this point that I do not think we should keep Mr Pettifer unduly long. We asked him to come before us to clear up a point on which we wanted some elucidation—that is, whether or not he saw any members leaving any part of the chamber, either the area allotted to members or any other part. He has told us that he did not see any members leaving from any part of the chamber.

Mr Pettifer—That is correct.

CHAIRMAN—That was the point that we wanted to have cleared up by Mr Pettifer. Unless you gentlemen wish to ask him any further questions, I do not think that we should detain him from his other duties.

Mr Pettifer—Perhaps I might add, Mr Chairman, that in talking to Mr Lucock after the incident he said that, from the Chair he saw nobody leave the chamber.

Mr BROWN—Mr Pettifer, you said that there was some movement in the chamber. I think you said there was that movement between the 2 counts—after the first count and before the recount. I was just wondering what you meant by that.

Mr Pettifer—I had in mind Mr Fox moving around, counting members and so forth, on the Government side at least. It is rather difficult to count when someone is moving around.

Mr BROWN—But nobody moved outside at that time.

Mr Pettifer—Nobody moved outside.

Mr BROWN—Did anybody leave between the time when Dr Gun called the quorum and the time when the bells were eventually rung? Perhaps I should say between the time when Dr Gun drew the attention of the Acting, Speaker to the state of the House and the time when the bells rang.

Mr Pettifer—I have no recollection of anybody leaving.

Mr BROWN—Were you looking?

Mr Pettifer—I would not be looking especially at that time for members leaving the chamber. I would be counting the Members present.

Mr CREAN—Once the quorum bell is rung, nobody can leave. You say you were not looking, but surely that is what you should be looking for. You should be looking not only for people coming in, but also to see that people do not go out.

Mr Pettifer—There is a few seconds delay. When a member draws attention to the state of the House, we make a quick check as to how many members are in the chamber—

Mr WHITLAM—To see if it is not a false alarm.

CHAIRMAN—We give a chance to all members here. If you do not mind, we will carry on in the usual clock wise fashion.

Mr BROWN—You did not see anybody leave at that time?

Mr Pettifer—No, Sir.

Mr BROWN—But you were not particularly looking?

Mr Pettifer—No—counting.

Mr JARMAN—The only point that I would make is that if anyone did leave in that time, then Mr Reid's statement would

not be inaccurate. He said that a group of ALP parliamentarians walked out of the chamber when the quorum was called. When it was called was when Dr Gun called it. If you were not watching at that time and somebody did walk out during that period, then Mr Reid's statement would be an accurate one.

Mr Pettifer—Yes, it would be a short period of time—

Mr JARMAN—You have said that you were not looking at that time, and you cannot say whether anyone did walk out during that period?

Mr Pettifer—I have no recollection in my mind of anybody leaving, no—not from the time that Dr Gun called the quorum.

Mr JARMAN—The only other question I have to ask arises from what a number of back bench members have asked me. You said that the Clerk asked that the doors be locked. Under what authority did he do that?

Mr Pettifer—He suggested to the Chair that the doors be locked so that we could get a definite number.

Mr JARMAN—Yet there is nothing in Standing Orders to say that the doors should be locked?

Mr Pettifer—No, but the Standing Order requires us to count the House after a lapse of 2 minutes, and in order to determine what the number was at the expiration of 2 minutes, and in order that there might be no more members coming in, the sensible thing to do seemed to be to lock the doors.

CHAIRMAN—Normally a quorum is formed well within the 2-minute period?

Mr Pettifer—That is so.

Mr TURNBULL—I was sitting very close to where everything happened. When the quorum was called I did not see anybody walk out of the House. The whole question is whether certain Labour men walked out, which would not be to their credit. I did not see anybody walk out. As I have already said here tonight, on quite a number of occasions in the years that I have been here, I have seen men called back from the corridor that runs between where the secretaries sit and the wall. Have you seen that, Mr Pettifer?

Mr Pettifer—If they have left the seats allotted to members, they have been called back. That is quite correct, Sir.

Mr CREAN—In my view if anybody draws attention to the state of the House, the House, if you like, freezes at that point. That is why I think it is quite relevant to suggest that it would be highly unusual for anybody to move out at that point. I think it is sheer nonsense to suggest that when somebody calls a quorum the House sits in stunned silence for 5 seconds or so and that then the shrewd people move out. After all, calling for a quorum is a recognised procedure of the Parliament. As somebody has already said, there have been plenty of times when people went to go but were called back. I think that parliamentarians acknowledge that there are certain rules governing the matter and that once a quorum is called they cannot move out. If they are beyond a certain point, they might not want to move back in, but they know that once they have moved in they are claimed. My recollection is that even if you are sitting in what is called the Speaker's gallery—whether it is technically correct, I do not know, but I think there is a kind of honour system that you come in. I must confess, as one who has been here now for 20 years or so, that I have always done that. I did it also in another Parliament. Surely these are relevant kinds of things. To my mind, it is bunkum to suggest that once a quorum was called anybody moved out.

Mr BROWN—Mr Pettifer, from your vantage point can you see out into any of the corridors, particularly the one that is directly in front of you—into Kings Hall.

Mr Pettifer—Not too well, Sir, no.

Mr BROWN—At this time that we are talking about, did you see any members hovering around that area?

Mr Pettifer—I cannot remember if any were there.

Mr BROWN—Nor from any of the other doors, I suppose?

Mr Pettifer—No.

Mr TURNBULL—I read somewhere—probably in this article—that certain members were sitting in the lobby outside studying the likelihood of getting a rise in salary.

Mr Donald Marden Piper, Deputy Serjeant-at-Arms, House of Representatives, was called and examined.

CHAIRMAN—Mr Piper, as you know, we are inquiring into the matter of the 'Daily

Telegraph' article by Alan Reid. We would be grateful if you would give us your account of the events in the chamber on the afternoon of Thursday, 26 August, with particular reference to the claim in Alan Reid's article that:

A group of ALP parliamentarians walked out of the chamber when the quorum was called, well knowing that their action would cause a collapse of the House of Representatives.

I understand you were acting for the Serjeant and were in the chamber at that time. Would you be good enough to give us your account, as you recall it, particularly whether you saw anybody leaving the chamber at any stage?

Mr Piper—I should start off by saying that I did not see anybody leave the chamber. I was very near to the member who called the quorum, at the back of the chamber. I can clearly remember several members being in that area when the bells were rung, but I must say I did not see anybody leave the chamber after the bells commenced to ring.

CHAIRMAN—Would you care to comment on what you consider constitutes the chamber? We have had some discussion on this. Alan Reid refers to Standing Order 47 and says it states that no member shall leave the chamber when a quorum is called. We have just been considering Standing Order 47, which does not mention the word 'chamber' at all. Would you give us your understanding of the rule as it applies to members leaving the chamber, or the area reserved for members when a quorum has been called?

Mr Piper—I would have said under those circumstances anybody who walked outside the side doors—walked right outside the chamber through the side doors—as distinct from the area specially reserved for members. I think, from what I have seen in the chamber, that often when the bells ring members walk to the back of the members' seats to talk to their Whips. I think it is common practice, too, when the bells are rung for a division and members are paired for them to go and sit in the back galleries on the floor of the chamber, but under the circumstances of the bells ringing on that occasion, I would interpret it as anybody who walked out the doors of the chamber into the corridors outside.

CHAIRMAN—But you, on this particular afternoon and at that particular point of time, were not aware of anybody at all leaving the chamber once the bells had started to ring to call a quorum?

Mr Piper—No, I was not aware of anyone going out of any of the doors.

CHAIRMAN—From any part of the chamber?

Mr Piper—No.

Mr BROWN—Do I understand that you mean to imply that at the time when the bells were rung and also during the whole of the time between when Dr Gun drew the attention of the Deputy Speaker to the state of the House and when the matter was determined, nobody left?

Mr Piper—Not to my knowledge.

Mr BROWN—Did you see any members hovering around the doors, half in and half out, or in that small corridor behind where you sit, leading into Kings Hall?

Mr Piper—I did not see anybody in that corridor. I must admit I do not recollect seeing anybody hovering around either of the side doors.

Mr JARMAN—On the seat where you sit—I know you probably do not look up at the Press gallery—you are exactly opposite where Mr Reid normally sits. Did you notice Mr Reid in the House at all?

Mr Piper—I did not.

Mr Alan Douglas Reid, of 7 Hunter Street, Yarralumla, Australian Capital Territory, was sworn and examined.

CHAIRMAN—Mr Reid, before we go any further I would like to give you a little bit of assurance by quoting you Standing Order 362 of the House of Representatives. It reads:

All witnesses examined before the House or any Committee thereof are entitled to the protection of the House in respect of anything that may be said by them in their evidence.

You are completely protected in relation to anything that you say.

Mr Reid—I am privileged in anything I say?

CHAIRMAN—You are under the protection of the House. Another Standing Order that I want to read you is No. 340, in relation to non-disclosure of any evidence to anybody. The Standing Order reads:

The evidence taken by any Select Committee of the House and documents presented to and proceedings and reports of such Committee which have not been reported to the House shall not, unless authorised by the House, be disclosed or published by any member of such Committee or by any other person.

I stress that just to bring home to you that it would be against the Standing Orders, and would amount to a contempt of the House, if any part of the evidence were to be disclosed by you to anyone outside. It is a matter just between you and the Committee.

Mr Reid—At a later stage, though, if I wish to say something outside, I can request permission from you to say, can I?

CHAIRMAN—You could bring that up and we would consider it at the time. Will you give your full name and private address?

Mr Reid—My name is Alan Douglas Reid and I live at 7 Hunter Street, Yarralumla.

CHAIRMAN—What is your official capacity and business address?

Mr Reid—I am a member of the staff of Australian Consolidated Press. My business address in Sydney is 168 Castlereagh Street, and in Canberra is the Press Gallery, Parliament House.

CHAIRMAN—Mr Reid, the evidence that you will give to the Committee tonight will be recorded on tape. You will be furnished with a transcript of the evidence, we hope later this evening, for checking as to accuracy. Any minor amendments that you feel should be made, may be made. However, as you will appreciate, there may not be any alteration of any matter of substance. Let me explain now the procedure that we follow. I will direct to you a series of questions from the Chair. Then we will proceed clockwise. I will invite Mr Brown, as the next member on my left to ask questions, and so on round the table in turn. Have you any papers to table before the Committee?

Mr Reid—No.

CHAIRMAN—Mr Barlin, would you be good enough to show Mr Reid the relevant article in the issue of the 'Daily Telegraph' of Friday, 27 August? Mr Reid, do you verify that to be, to the best of your knowledge, a true copy of that issue?

Mr Reid—Yes.

CHAIRMAN—Containing the article written or purporting to have been written by you?

Mr Reid—It was written by me.

CHAIRMAN—Does the article appear exactly as it was written by you, or has it been edited?

Mr Reid—I could not guarantee that, but broadly it is as written by me. There is nothing in that article to which I would object—of which I would say that it had been substantially subbed.

CHAIRMAN—You wrote, for example, 'A group of ALP Parliamentarians walked out of the chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives'. Is that your wording?

Mr Reid—That is my wording.

CHAIRMAN—Did you write this, appearing on the fourth column:

Though Standing Order 47 states that no member shall leave the chamber when a quorum is called several Labor men disappeared quickly through the door.

Mr Reid—I wrote it.

CHAIRMAN—Were you in the Press Gallery of the House of Representatives chamber when the attention of the Chair was called to the want of a quorum on the afternoon of Thursday the 26th?

Mr Reid—No.

CHAIRMAN—You were not in the Press Gallery?

Mr Reid—No.

CHAIRMAN—Did you see or hear by any means a member of the House calling attention to the want of a quorum?

Mr Reid—That is Dr Gun. No.

CHAIRMAN—You did not hear—

Mr Reid—I was not actually in the chamber when that was done.

CHAIRMAN—You did not hear it over the broadcasting system?

Mr Reid—No.

CHAIRMAN—You only know by hearsay, in other words, that Dr Gun called a quorum that afternoon?

Mr Reid—At that time?

CHAIRMAN—When you wrote the article you only knew by hearsay. You did not know of your own accord?

Mr Reid—I knew of my own accord because I had gone into the chamber, I had witnessed the collapse of the House and I had recorded the members who were present. At that stage I knew that a quorum had been called. As to how I learned it was called by

Dr Gun, I think I probably asked some fellow near me in the gallery who called the quorum and who was speaking. So it was not hearsay once I entered the chamber.

CHAIRMAN—You came into the gallery when the bells had started ringing, but you were not there when Dr Gun drew attention to the state of the House?

Mr Reid—That is correct.

CHAIRMAN—But you did come into the gallery and you did see who was in the chamber at the time?

Mr Reid—That is right.

CHAIRMAN—Which Press Gallery were you in—the main one behind the Speaker's Chair?

Mr Reid—Behind the Speaker.

CHAIRMAN—Did you observe any members leaving the chamber after the bells had started ringing? If so, from which side of the House, or through which doors?

Mr Reid—No, I saw no one leave the House.

CHAIRMAN—You saw no one leave the chamber.

Mr Reid—By the time I arrived in the Press gallery, the bells were ringing.

CHAIRMAN—Had the doors been closed?

Mr Reid—No.

CHAIRMAN—The doors were still open and the bells were still ringing?

Mr Reid—The doors were still open and the bells were still ringing.

CHAIRMAN—And were members still coming into the chamber?

Mr Reid—Yes. For example, I saw Dr Forbes come in. He was particularly noticeable because he sat on the Labor side. So I must have witnessed others come in also.

CHAIRMAN—I just want to get this very clear. Did you see no member at all leave the chamber from the time that you entered the Press Gallery?

Mr Reid—No.

CHAIRMAN—In your article you mention Standing Order No. 47. There may be some slight misunderstanding or misinterpretation here. Your article as you wrote it—and you have confirmed that the wording was yours—says the Standing Order states that no member shall leave the chamber when a quorum is

called. That is not, in actual fact, the way in which the Standing Order reads. This is a matter of interpretation perhaps, but to me the Standing Order is quite clear. It reads:

When the attention of the Speaker or the Chairman of Committees has been called to the fact that there is not a quorum of members present, no member shall leave the area within the seats allotted to members until a quorum is present or 2 minutes have elapsed.

In other words, on a strict reading of the Standing Orders members could be within the chamber and be able to leave, but if they were within the area reserved for members to sit, they could not get up and leave. So your use of the word 'Chamber' is not strictly in accordance with Standing Order No. 47, is it?

Mr Reid—No.

CHAIRMAN—Are there any division lights or division bells in the Press Gallery?

Mr Reid—Several.

CHAIRMAN—You can tell from the Press Gallery, in other words, just what is happening? When the bells start to ring you know whether it is—

Mr Reid—I was not in the Press Gallery when the bells started to ring.

CHAIRMAN—No, but you have been in the Gallery from time to time. Do the red ones show as well as the green ones?

Mr Reid—Senate and Reps both show in sections of the Gallery.

CHAIRMAN—Could there, by any chance, be any confusion in the Gallery? When a Pressman said that bells were ringing, could he conceivably think they were Senate bells when in fact they were the bells of the other House?

Mr Reid—It is conceivable, but usually you look at them to see which House is concerned.

CHAIRMAN—They are quite clearly visible to every Pressman?

Mr Reid—I am not saying they are visible to every Pressman. There are at least 2 in the Gallery, one at each end—in the passageway. One is on the Government side and one on the Opposition side. I think there are only 2; there might be more.

CHAIRMAN—Could we go back to your reference to the group of ALP Parliamentarians? You say:

A group of ALP Parliamentarians walked out of the chamber when the quorum was called, well

knowing that their action could cause the collapse of the House of Representatives.

Could you expound on that a little and explain why you worded it that way?

Mr Reid—On that day, when the bells started to ring, I was somewhere in the new section, going to see somebody in his room. I am afraid I have forgotten who I was going to see. The bells started to ring, I saw they were green. This is not in the Press gallery; this is in the rooms section. I walked back. I met one Labor member walking the other way, away from the chamber. Being a helpful fellow, I said, 'That is your bell'. He said, 'I know', and kept going. I then came down the stairs which lead past the Speaker's suite there. I struck a group of Labor members. Again being helpful, I thought, I said, 'That is your bell'. One of them said, 'It is a quorum; we walked out'. Somebody made some reference to the gallant 11, which I did not understand at the time. I thought, 'This is strange', and I proceeded immediately to the Press Gallery to see what was going on. Then, subsequently—you want to know why I wrote that in the Press?

CHAIRMAN—Yes, please.

Mr Reid—Subsequently, I came down the stairs into the ALP passage. There was a group of Government members standing near the Speaker's entrance, along from the ALP Party Room. There was also quite a flock of ALP members. Both groups converged on me to ask me if I had ever seen this before. I said, 'Not in my time. I have seen the House counted out on adjournments, but never on this one'. I suppose you could almost say that a bit of an argument developed. It was not really an argument in one sense, but they asked me what I thought the effect would be, which Party would gain the advantage out of it. I said that, as far as I saw, neither Party would gain the advantage out of it, that it was damaging to the image of the Parliament, and, in my view, the public would take the common sense view that they should be inside keeping the Parliament proceeding, as they were paid to do. While I was talking there, Mr Calwell was further along the passage, quite audibly castigating several people for being idiots for walking out. I would normally not mention Mr Calwell's name, except for the fact that he repeated this to me and also went on TV. I have a transcript in my pocket, if you would care to look at it, in which he

repeated the same charge that several Labor members had walked out. He is publicly on record as having done so. While I was in the chamber there was chiacking going on from the Government side, across the chamber. Freddie Daly was one of those in there. It was said several times: 'Your fellows walked out'. This was not replied to. I turned to a couple of the younger fellows in the gallery and said: 'What has that got reference to?' They said: 'There was a group of Labor members standing near the door when the quorum was called and they walked out'. I said: 'Who were they?' but they could not remember. I said: 'How many were there?' One fellow said 5 and the other fellow said 3. I said: 'Now, you are both definite that they walked out?' and they said: 'Yes'. On that I wrote that.

Mr BROWN—If I could get the sequence of events right, it would clear my mind, Mr Reid. I am not quite sure that I have it at the moment. You were walking along the corridor when the bells rang and then proceeded towards the Press gallery—that is, the Press gallery in the House?

Mr Reid—Yes.

Mr BROWN—Is it on that occasion that you passed a group of Labor members and one of them said: 'A quorum has been called; we have walked out', or something to that effect? Is that the first occasion when somebody mentioned something to you about walking out of the chamber?

Mr Reid—Yes. The first Labor member I saw said: 'I know', and kept on walking away from the chamber.

Mr BROWN—How many were there in that group when that member said to you that a quorum had been called and that they had walked out?

Mr Reid—I have been trying to recall it to my memory, but I cannot. I would say there were 3 or 5.

Mr BROWN—Did you have a conversation with that member—the one who had said that he and his colleagues had walked out?

Mr Reid—No. They passed me and went away from the chamber.

Mr BROWN—After that conversation you went up to the Press Gallery—that is the gallery in the House, not your office?

Mr Reid—The gallery in the chamber.

Mr BROWN—By the time you got there the bells had stopped ringing, I presume.

Mr Reid—Oh, no, the bells were still ringing.

Mr BROWN—Did you see anyone leave the precincts—any part of the internal portion of the House?

Mr Reid—I did not see anyone leave the chamber.

Mr BROWN—Was it after the Deputy Speaker had adjourned the House until the following Tuesday that you then went out into the Opposition corridor?

Mr Reid—Yes, the House was up.

Mr BROWN—It was on that occasion was it, that you had that further conversation, when you also heard Mr Calwell say what you have attributed to him?

Mr Reid—Yes.

Mr BROWN—There was a group of Government members in the Opposition corridor. Is that what you were saying?

Mr Reid—In the Opposition lobby the Press Gallery stairs come down the same as on the Government side, and they were around the lift area there.

Mr CREAN—Where the Speaker comes in?

Mr Reid—Yes.

Mr BROWN—It was there that there was a group of Government members and also some Opposition members. Is that correct?

Mr Reid—Yes.

Mr BROWN—Do you remember how many Government members there were, approximately?

Mr Reid—There was quite a group of them.

Mr BROWN—What—half a dozen or so?

Mr Reid—Yes.

Mr BROWN—And about the same number of Opposition members?

Mr Reid—No. I would say there would be more in that lobby.

Mr BROWN—More than half a dozen?

Mr Reid—I would think so.

Mr BROWN—Did any of the Opposition members there then say anything to you to the effect that they had walked out?

Mr Reid—I do not think so. I am pretty sure they did not. The discussion went on what effect I thought this would have on the respective parties. I do not think that was mentioned.

Mr BROWN—It was at that point, was it, that you heard Mr Calwell further along the corridor. Is that what you are saying?

Mr Reid—Yes.

Mr BROWN—Could you just say again, because I did not get a note of it, what you recall Mr Calwell saying?

Mr Reid—He was talking about idiots who had walked out. He said, 'It is disgraceful', and he talked about idiots.

Mr BROWN—Were you fairly close to Mr Calwell when he was saying this?

Mr Reid—He has got a stentorian voice. I do not want to describe him in any way offensively, but he is audible.

Mr BROWN—You could hear clearly what he was saying.

Mr Reid—Yes.

Mr BROWN—So far as the reference to walking out is concerned, he said something like, 'You have walked out, you idiots'—something to that effect? Is that what you meant?

Mr Reid—He said, 'If you walked out, you are idiots'. He said, 'It is disgraceful.'

Mr BROWN—When he said that, did anyone deny it?

Mr Reid—No. Mind you, I was listening with 2 ears, one to the conversation I was having and the other to Mr Calwell.

Mr BROWN—With respect to any of those to whom he was addressing these remarks, did you at that time or any other time go up to them and speak to them about the accusation he had made?

Mr Reid—No.

Mr BROWN—I think you said also—or was this just repeating what you said—that he, Mr Calwell, then repeated the same charges?

Mr Reid—Yes, he repeated them to me and then went on TV that night and stated—

Mr BROWN—Just before we come to the transcript, he repeated them to you in the corridor then or later on that day?

Mr Reid—Not in the corridor then. I am afraid I could not tell you the location. I think it might have been in his room.

Mr BROWN—You remember going to see him to pursue the matter, do you?

Mr Reid—Well, 'pursue' is an overstatement.

Mr BROWN—To verify the facts before you phoned your copy through to the newspaper.

Mr Reid—Even then it is an overstatement, I think. Rather than me seeking, he was volunteering.

Mr BROWN—How did you get to his office? Did he call you there?

Mr Reid—I think he did. I am sorry. I could not be positive on that.

Mr BROWN—Anyway, you ended up in his office.

Mr Reid—I was in his office.

Mr BROWN—You had a conversation with him about this matter?

Mr Reid—Yes. I had a conversation with him.

Mr BROWN—How did the conversation start off? Did it begin by you referring to what he had said in the corridor, or what you had heard him say in the corridor, or what was the gist of it?

Mr Reid—I think the conversation was initiated by Mr Calwell and was largely conducted by him.

Mr BROWN—You see, all that you have said so far is that he repeated the same charges. I would like to know what he said.

Mr Reid—He said they were a collection of idiots. He said, 'I am a parliamentary man; I have always been a parliamentary man'. He said, 'I do not believe in folding the place up on quorums'. I can recall something else now. I said, "Neither did Doc Evatt," and he said 'What are you talking about?' I said, 'Do you remember the occasion when Wardy nearly had the House counted out and Doc Evatt insisted on going in?' Mr Calwell said, 'That is correct.' I said, 'I have got a very clear memory of it, but I cannot remember the year.' He said, 'Neither can I', and he said the whole affair was disgraceful. I said, 'Do you want to say that for publication?' He said, 'Yes.' I said, 'Now, what do you want to say for publication?' He told me and I

included it in this. I do not know whether it is still in the story or not.

CHAIRMAN—Yes, it is.

Mr BROWN—Your reference in the article specifically is to ALP Parliamentarians. Did Mr Calwell refer to ALP Parliamentarians or just to 'them' or 'the idiots' or whatever? Did he say which Party the people he was referring to belonged to?

Mr Reid—He said Labor.

Mr BROWN—Did he?

Mr Reid—Yes. Well, I take it for granted he would not expect the Government to walk out when they were calling a quorum.

Mr BROWN—I was just interested in what he said to you.

Mr Reid—He said Labor—the same as he said on TV.

Mr BROWN—Perhaps we could go to this transcript that you have brought. Did you hear this television interview before you wrote your story?

Mr Reid—No.

Mr BROWN—You wrote it afterwards. You watched the television programme after you had written the story and phoned it through.

Mr Reid—I did not watch the television programme.

Mr BROWN—So that did not influence you at all in what you wrote in your article?

Mr Reid—No. I found out subsequently that he had said this, and I thought in view of the fact that there was this Committee inquiry I would ensure that I had a transcript, which I have.

Mr BROWN—What we are concerned about, I think, is the basis on which you wrote your comments.

Mr Reid—I did not know he had appeared on TV, actually.

Mr BROWN—So the basis on which you made your comments in the article was the fact that you had heard these conversations that you have told us about tonight, and I presume you were placing more emphasis on what Mr Calwell told you than perhaps on what you had heard in the corridor?

Mr Reid—And also the fact that my colleagues in the gallery told me that a group walked out from the ALP side and were ALP men. I must confess that logic probably

operated there. If somebody walked out, I could not see it being a Government member. It would be a darned good story if they did, and it was not suggested to me that that happened. It would be a better story than the one that appeared.

Mr BROWN—Yes, but it is the paper you can trust.

Mr Reid—I am interested in the story. If a Government member had walked out, it would have been a very good story and I would have reported it with greater emphasis than this.

Mr BROWN—You believed when you wrote this that it was an accurate report of what had happened?

Mr Reid—I did, and I still do.

Mr JARMAN—What about the transcript? Is it very long?

Mr Reid—No. The relevant portion I have underlined.

Mr JARMAN—Would you read it?

Mr Reid—Would you like the lot read?

CHAIRMAN—Is that agreeable to the Committee?

Mr TURNBULL—I do not think we should have anything until after we have finished the first round of questions.

CHAIRMAN—Do you mind deferring that, Mr Reid, until we have been round the table? We can come back to the question of the transcript.

Mr JARMAN—You have mentioned that when you came into the gallery several other Press people told you that—

Mr Reid—Not several. I think there were 2 there. Two young fellows were sitting alongside me.

Mr JARMAN—There were 2 other Press people who told you that the ALP walked out?

Mr Reid—They told me that a group of ALP members had walked out. They also added—I do not think I said this earlier but my recollection is that they said they were standing at the door and shot through.

Mr JARMAN—Could you tell us who these 2 people were?

Mr Reid—I cannot, at the moment. I have made no attempt to, because I have no desire to involve them with this Committee. If I had

to call witnesses I would prefer that they were parliamentarians.

Mr JARMAN—You just—

Mr Reid—I have made no inquiry as to who they were.

Mr JARMAN—It would seem to me, Mr Reid, that you have said people said this to you. I think it would be relevant to this Committee—

Mr Reid—I would have to go through them and see which of them recalls sitting next to me.

Mr JARMAN—But you cannot remember now?

Mr Reid—I cannot remember.

Mr JARMAN—As a preface to the next question, I must say that my actions apparently paralleled yours somewhat on that day in that I did come down the stairs apparently at the same time as you, and I did pass at least one other Labor member going up the stairs. Now, are you sure? All I can say on that—I would like you to think on this—is that that member was leaving the area of the chamber rather than that he left the chamber. Do you think that your impression may have been much as mine was—that he was, on reflection, leaving the area of the chamber rather than actually leaving the chamber?

Mr Reid—I am sorry. You have got me there.

Mr JARMAN—All I am getting at is this: Coming down the stairs, I passed at least one—there may have been more, but I cannot say at this stage—and he said to me words to the effect: 'There is a quorum. I do not have to go. You do.' I continued on down, and as I got to the door of the chamber it was locked in my face. All I could say was that he was walking away from the area of the chamber. I could not make the positive statement that he left the chamber. All I can say is that he left the area.

Mr Reid—Neither could I.

Mr JARMAN—The situations are similar in that regard. I was present in the area near the Speaker's door when you were asking questions after the fall of the House, and my impression was that you were checking with a list that you had made of who was in the chamber.

Mr Reid—That is correct.

Mr JARMAN—I think you asked one or two people—at least one—whether they had been in the chamber.

Mr Reid—That is right. What happened was that as soon as I realised that the House was going to collapse I started taking the names of the people present. It is a case of looking at and writing it, and I had virtually completed it when the doors were unlocked and a surge came in on the Government side of the Speaker's door. There were 3 people there and I knew one of them had walked in, so I was checking which of those 3 had walked in. Aside from that, the other names I had recorded.

Mr JARMAN—The Chairman mentioned to you that there was some discussion previously as to what was meant by the Chamber. Would you have any idea whether these Press people who said to you that somebody shot through meant that they shot through from the outer area of the chamber?

Mr Reid—The only thing I have there is an impression. I must confess I was applying the word 'chamber' to the whole chamber.

Mr JARMAN—When you talk about this in your article you are referring to the whole chamber?

Mr Reid—I am talking about the whole chamber.

Mr JARMAN—Inside the doors?

Mr Reid—Inside the doors. My impression from what they said was that they were standing near the doors and shot through then. In other words, they could quite easily have been outside the area of the seats reserved for members. There is quite a space there.

Mr JARMAN—If you made inquiries, you do feel that you would be able, perhaps with their permission, to tell us who these 2 Press people were?

Mr Reid—I might. I honestly do not know at the moment.

Mr JARMAN—But you feel that you may be able to find out?

Mr Reid—They were alongside me. I could shop around to try to find out, but whether I do or not is another thing.

Mr JARMAN—The only reason I asked this is because it would verify your story that somebody told you.

Mr Reid—You can leave that part of the story out. I do not mind.

Mr JARMAN—No.

Mr Reid—I am quite happy if you leave that part of the story out.

Mr JARMAN—You made a statement that 2 people told you. I think if that could be verified it would make this Committee feel that—

Mr Reid—I do not feel inclined to go chasing around among my colleagues to find out which of the 2 said it and bring them down here to a disciplinary committee—this Committee has powers of discipline—and have them verify something. I would sooner stand on the other evidence that I believe I can produce. It is a matter of indifference.

Mr TURNBULL—With due respect to my colleagues, I think that all the questions that have been asked so far do not mean a thing. I do not think that what Arthur Calwell said matters at all—no matter what he said. He could say the moon was blue or was made of green cheese as far as I am concerned, and it would not make any difference. It does not make any difference what the other members of the Press Gallery said to Mr Reid. That does not matter. The whole thing is that this meeting would not be held if this article had read in this way: 'I understand a group of ALP parliamentarians walked out of the chamber' or 'I was told that a group of ALP men walked out of the chamber'. That is the crux of the situation, and nothing else matters. I do not want to ask Mr Reid any questions. He says, according to this article, that a group of ALP parliamentarians walked out of the chamber. If I said there was a lion in the Kings Hall, you would expect to see a lion there, but if I said that I understood there was one or had been told there was one, you would go up to see if what I was told was right.

CHAIRMAN—You have no questions then?

Mr TURNBULL—I am not finished yet. I do not want to ask any questions, I want any comment of Mr Reid's on what I am saying. There are only about 2 words that matter to me. The rest of the story does not matter at all. What Calwell said has no more to do with this than a plane going to the North Pole. What is said here is that a group of parliamentarians walked out of the chamber.

Now, you might ask Mr Reid to bring some of his colleagues down here to say they told him that. If they did come down here that would not make any difference to me; I do not care who they are or what they told him or anything else about the whole question. It is just unfortunate that one of two other words were not put in your article. If you said: 'I was told this', or: 'I understand that they walked out', well, the thing is finished. Would you comment on that?

Mr Reid—All I would like to comment on is your lion in King's Hall. If the lion is not in King's Hall by the time I get there and Mr Whitlam and Mr Crean tell me that they saw the lion with their own 2 peepers, and there are lion tracks around the place, they are people whose word I would accept and I would say there was a lion in King's Hall; I would not say I was told.

Mr TURNBULL—You would say there was one there.

Mr Reid—I would say there was one there. If there are lion tracks there and Mr Whitlam and Mr Crean tell me they both saw it with their own 2 eyes, I would say there was a lion there. I cannot be in the House—you are expecting the impossible of a pressman or anyone when you say that. Nobody can be omnipresent. You have to rely on the words with the addition of circumstantial evidence and I think the circumstantial evidence completely justified me of what I said in every way.

CHAIRMAN—Have you got any further points?

Mr TURNBULL—Yes. I have not been half the time the others have been so far. I might have something else. It would have clarified the position, I suppose, if you said: 'I understand they walked out' or: 'I was told they walked out'?

Mr Reid—Yes, it would.

Mr TURNBULL—Would you agree then that this meeting would not be held if you had said that?

Mr Reid—Well, I do not know. Let me reply to that. You say this meeting would not be held. I do not know.

Mr TURNBULL—Well, would it appear to you that there would be no justification for this meeting?

Mr Reid—I do not think there is any justification for this meeting at the moment but it is not my prerogative to say that.

CHAIRMAN—Mr Turnbull, have you any further questions?

Mr TURNBULL—No.

CHAIRMAN—Mr Whitlam.

Mr WHITLAM—First of all, on the circumstantial evidence: You have been present on scores of occasions over the years when a quorum was being called?

Mr Reid—Yes.

Mr WHITLAM—Have you ever previously seen men leave the chamber after a quorum has been called?

Mr Reid—Yes.

Mr WHITLAM—You have heard and seen the Presiding Officer rebuke people for going to leave the chamber?

Mr Reid—I have seen them pursued, I think, and pulled back in. I have also seen them leave and get away with it when the count has gone around.

Mr WHITLAM—Can you help the Committee by recalling any persons, members of Parliament or of the Press gallery, or any other categories of people who told you that ALP men had left the chamber after the quorum was called?

Mr Reid—I think I have recited everything that added up to it.

Mr WHITLAM—I think you said that you could not remember the names of the members who left the chamber after the quorum was called.

Mr Reid—I think I have recited everything that added up to it.

Mr WHITLAM—I think you said that you could not remember the names of pressmen, that you did not want to involve them before the Committee.

Mr Reid—I am afraid I do not even know their names. Quite honestly I do not know all my younger colleagues. There are a couple of the younger fellows—

Mr WHITLAM—You could not help us by recalling, or even going out and thinking over it, and then identifying any pressman who told you this.

Mr Reid—No. I would have to shop around in the gallery to find whoever it was. I can, I think, help you to this degree, that in the chacking across the chamber—when I was pencilling when the chacking was taking place across the chamber about people going

out—there was somebody close to Mr Brown who said something.

Mr BROWN—I regret to say I was not there at the time.

Mr Reid—I am sorry. Well, near your seat, should I say. Somebody said something. Mr Dobie was there and Les Irwin certainly shot in several interjections across about your fellows walking out.

Mr BROWN—For the purpose of the transcript what do you mean by 'your fellows'?

Mr Reid—He was addressing across the chamber and speaking to the Opposition benches. Mr Daly replied to some of the interjections but never replied to that one. I think Mr Daly was saying things like: 'Our 5 is worth the whole lot of yours', and things like that.

Mr WHITLAM—You cannot recall who the pressmen were who told you that men had left the chamber?

Mr Reid—No, they were just alongside me.

Mr WHITLAM—Can you recollect any members of Parliament who told you that members had left the chamber?

Mr Reid—Yes, Mr Calwell.

Mr WHITLAM—Is he the only one?

Mr Reid—I think there was one other Liberal. I cannot remember.

Mr WHITLAM—Did Mr Calwell tell you that he had seen any members leave the chamber?

Mr Reid—I do not think so. No, he could not have because he arrived at the—no, he arrived as the doors were locked in his face.

Mr WHITLAM—Now there were no persons other than pressmen or than Mr Calwell, who told you—did you say Mr Calwell told you members had left the chamber after the quorum was called?

Mr Reid—Yes, left the chamber.

Mr WHITLAM—Mr Calwell told you that members had left the chamber after the quorum was called?

Mr Reid—I do not know that he used the word 'after'. I think he used the word 'when'. No, I have no recollection of him saying 'after'. I do not think he could have because he could not have known when the quorum was called.

Mr WHITLAM—Did Mr Calwell say to you that members had left the chamber when the quorum was called?

Mr Reid—Yes.

Mr WHITLAM—Did any other member say to you—

Mr Reid—The group of Labor members that I passed in the lobby—sorry, that I passed near where you go from the passageway into where the Speaker's entrance is, said they had walked out.

Mr WHITLAM—Can you remember any of them? Can you remember any of their names?

Mr Reid—Not with clarity. At that stage I was not anticipating the House being counted out and it did not register as it would have had the events been turned upside down.

Mr WHITLAM—When your article was referred by the House to this Committee did you then think back as to who these men were who told you—

Mr Reid—I attempted to think back but if you will recollect the course of events, this happened on a Friday and I think the reference back was a week later, and there was no reason for me to keep anything in my mind over that period.

Mr JARMAN—The House was up for a week.

Mr Reid—Yes, the House was up for a week. That is my memory. There was a gap of a week.

Mr WHITLAM—Well, then a Thursday, not a Friday.

Mr Reid—I am sorry. I am a bit vague on that.

CHAIRMAN—The House rose on Thursday, 26 August.

Mr Reid—And then I think the House met again on about the 7th.

Mr WHITLAM—There were 2 pressmen whom you cannot identify who told you that members had walked out when the quorum was called?

Mr Reid—That is right.

Mr WHITLAM—There were some members in the corridor who told you, as you were going to your gallery, that they had walked out?

Mr Reid—That is right.

Mr WHITLAM—When the quorum was called?

Mr Reid—Yes.

Mr WHITLAM—And you cannot remember their names?

Mr Reid—No.

Mr WHITLAM—Were there any other persons who told you that members had walked out when the quorum was called?

Mr Reid—There was the chiacking across the chamber.

Mr WHITLAM—This was in the chamber?

Mr Reid—In the chamber, which I suppose in a kind of way is telling you, isn't it?

Mr WHITLAM—And I think you said Mr Irwin said that they walked out.

Mr Reid—I think he did. I am not positive on that.

Mr WHITLAM—Can you think of any other members who in the chiacking said other members had walked out?

Mr Reid—No, the only other memory I have is of the gallant 11. The allusion that I—it went over my head at the time and it was not until later in a different conversation that I realised that the gallant 11 should have been the gallant 12. I think it was a reference to the vote in which 12 voted for 6 o'clock closing. And I think there was a mistake made on the 11; I think it was 12, that division.

Mr JARMAN—I thought they talked about the gallant 5 meaning the 5 Labor members who were in the House.

Mr Reid—No that is another 5. That was Freddy Daly in the House. The other reference was to the gallant 11. That was quite common around the place after the event.

Mr WHITLAM—So the 2 pressmen whom you cannot identify, and who told you that members had walked out when the quorum was called—they were in the Press gallery.

Mr Reid—Yes, they were in the Press gallery when I arrived. I just sat there. I doubt if they even looked at me.

Mr WHITLAM—The members who told you that they had walked out when the quorum was called were in one of the corridors?

Mr Reid—Yes.

Mr WHITLAM—The members who, in the course of chiacking, said that other members had walked out, were in the chamber.

Mr Reid—Yes.

Mr WHITLAM—And of those members in the chamber, Mr Les Irwin is the only one that you think that you can recall.

Mr Reid—Yes, and somebody sitting near where Mr Brown usually sits.

Mr WHITLAM—You cannot remember who it was?

Mr Reid—No. Near Mr Drury, too, in that area of the House.

CHAIRMAN—Behind me? There are 2 vacant seats alongside where I sit. I was in the chamber but there are 2 vacant seats always left alongside me. There could have been someone behind me.

Mr Reid—I am sorry. I could not tell you at this point of time. I have a memory of somebody over there. I have a memory of Les Irwin.

Mr WHITLAM—Was the man whom you are trying to identify in the area between Mr Drury and Mr Brown, in his usual seat?

Mr Reid—I could not even tell you that. Most of the time I have my head down pencilling the names of the people who were present and glancing up to take the men and I am listening at the same time to this chiacking across the chamber, which was largely on the Labor side from Mr Daly, and on the other side there were 2 involved in it. Mr Irwin was one and there was somebody else.

Mr WHITLAM—Have we got a seating list of the House? Then the only person who told you that members had walked out of the chamber when the quorum was called were these 2 pressmen in the gallery, a group of members in a corridor, and Mr Irwin and another member—

Mr Reid—Possibly.

Mr WHITLAM—Possibly another member?

Mr Reid—Possibly Mr Irwin. I am not too sure.

Mr WHITLAM—Possibly Mr Les Irwin?

Mr Reid—I think it was he.

Mr WHITLAM—And possibly another member?

Mr Reid—Yes.

Mr WHITLAM—Crying across the House.

Mr Reid—Yes, chiacking across in the House. Plus Mr Calwell.

Mr WHITLAM—But did you not say that Mr Calwell did not tell you—

Mr Reid—He told me that men walked out and repeated it on TV the same night in exactly those words.

Mr WHITLAM—You agree he did not tell you that he saw them come out?

Mr Reid—No.

Mr WHITLAM—Well, that is all I want to ask, Mr Chairman, unless we can get one of the seating lists.

CHAIRMAN—Here is the seating list now so you might like to proceed on that, Mr Whitlam.

Mr WHITLAM—You think that the member, other than Mr Les Irwin, who might have said something about members leaving the chamber, in the course of chiacking across the chamber, was sitting between Mr Brown and Mr Drury?

Mr Reid—Well no. In that block somewhere.

Mr WHITLAM—In that block. You mean in that row?

Mr Reid—In that block somewhere.

CHAIRMAN—It could have been somebody just behind me where Mr Bruce Graham sits, for instance.

Mr Reid—It could have been Bruce Graham. Could I have the list of who was in the chamber at that time, which is on page 2, I suppose.

CHAIRMAN—Yes, there is a section there.

Mr WHITLAM—Well, let me take the row in front. Was it Mr Turner?

Mr Reid—I do not know. I have said that, that I do not know.

Mr WHITLAM—No, I know. I am trying to refresh your recollection. Was it Mr Bate?

Mr Reid—I do not know.

Mr WHITLAM—Was it Mr Dobie?

Mr Reid—Was Mr Bate in the chamber? I do not know this.

CHAIRMAN—Mr Graham and Mr Whittorn were in the chamber in that area.

Mr Reid—I do not know which one.

Mr WHITLAM—Mr Turner was in the chamber. You do not remember if it was he?

Mr Reid—No.

Mr WHITLAM—Well, perhaps I should put it: Was it he?

Mr Reid—I do not know.

Mr WHITLAM—Mr Dobie was in the chamber. Was it he?

Mr Reid—I do not know.

Mr WHITLAM—Mr Whittorn was in the chamber. Was it he?

Mr Reid—I do not know.

Mr WHITLAM—Mr Jarman was in the chamber.

Mr JARMAN—No. I was locked out.

Mr WHITLAM—I beg your pardon. I am very sorry. I did say that Mr Whittorn was in. Was he?

Mr JARMAN—I think so.

Mr Reid—I think he was.

Mr WHITLAM—No, he was not. I am sorry. I am a little edgy. I am sorry.

Mr Reid—Mr Dobie was, was he not? Yes. Mr Dobie was. I think you asked me about him.

Mr WHITLAM—Mr Brown was not.

Mr JARMAN—It was not Mr Drury, I take it?

Mr Reid—No.

Mr WHITLAM—Mr Drury was in the chamber. Was it he?

CHAIRMAN—Yes, I was in the chamber but I was very quiet.

Mr Reid—I do not know.

CHAIRMAN—I was the next speaker on the Government side.

Mr WHITLAM—Mr Fox was in the chamber. Was it he?

Mr Reid—I do not know.

Mr WHITLAM—Mr Giles was in the chamber. Was it he?

Mr Reid—I do not know.

Mr BROWN—Mr Gorton was there.

Mr WHITLAM—Was it he?

Mr Reid—I do not know. Can I add that I should not imagine so. Is that all right?

Mr WHITLAM—Mr Graham was in the chamber. Was it he?

Mr Reid—I do not know.

Mr WHITLAM—That is all the men who were in the chamber at that time. You cannot remember that it was any of them?

Mr Reid—No.

Mr CREAN—First, I would like to explain, for Mr Reid's benefit, that the Privileges Committee is not a disciplinary committee. It is a committee to examine and preserve what it thinks are the privileges of Parliament. We have got quite a number of definitions that I do not want to go into as to what privilege is. In your article you refer to Standing Order 47, you say it says that no member shall leave the chamber when a quorum is called and you go on to say: 'Several Labor men disappeared quickly through the door'. In the first place, you were not there to witness that.

Mr Reid—That is correct.

Mr CREAN—As you said, you were not in the chamber when the quorum bells rang. I speak with some long knowledge of parliamentary service, and I would hope that I could be described, as you described Mr Calwell, as a Parliament man. My experience of Parliament is that once a quorum is called, whilst technically there can be the freeze of a few seconds while the Clerk, whoever it is, makes a momentary count, my belief of the good behaviour of Parliament—and to some extent this is what is under question here—is that no member would leave the chamber once a quorum was called. Mr Whitlam asked you if you had seen this and you said that you had noticed some but there had also been examples where people had been called back. I quoted my own experience. I sometimes sit, as you know, behind the House and if a quorum were called I would feel obligated to come and make part of the quorum. This is one of the things that you have referred to specifically in your article. The only point I make is that this was hearsay as far as you were concerned on this occasion—that the Labor men disappeared quickly through the door.

Mr Reid—I do not think it is hearsay.

Mr CREAN—You did not see it.

Mr Reid—I did not see it.

Mr CREAN—The article is written under your name, but you did not see it; you were not there. As you know, during that day—at least, I think you would know—quorums had been called persistently. They had been called by Mr Cope. I feel a little aggrieved about this incident because I think it is the only 10 minutes of the whole day that I was not in the chamber. Physical exhaustion had led me out to take a cup of tea at that stage. This is why, candidly, I dispute the point that there was any plot at this point about calling a quorum.

Mr Reid—Could I just cut in? There is no suggestion of a plot in there, is there?

Mr CREAN—There is when I come to the other part of the article that I want to refer to. Quorums had been called all through the day. What I am wondering is why you particularly came to this one. Had you attended any of the other quorums?

Mr Reid—No, I had not.

Mr CREAN—Why this particular one?

Mr Reid—Well, the minute they said that they had walked out—

Mr CREAN—Mr Reid, you are getting past the point. I do not think they said at that point that they had walked out. The bells rang—

Mr Reid—Let me take you back to it again to clarify it. I went to see somebody in his room. I have forgotten who it was. The bells started to ring. I thought, 'I will not be seeing him'. On the way back the bells were ringing. I passed one solitary member. I said: 'That is the green bell'. He continued on. I met the others. I said: 'That is the bell ringing; that is the green bell—your bell'. They said—

Mr CREAN—But you might have passed them seven or eight times previously.

Mr Reid—Yes, but they do not say to me; 'We have walked out'.

Mr CREAN—Mr Reid—

Mr Reid—Let me tell you. You asked me the question. You asked me what excited my curiosity.

CHAIRMAN—Order, please. When a question is directed to the witness, he must be given a fair opportunity to answer without further interruption.

Mr Reid—You asked me what excited my curiosity to go in. That excited my curiosity

to go in—the statement that they had walked out. I went in thinking that——

Mr CREAN—But, Mr Reid, if I may say so, there is only a period of 2 minutes in this case between the time the bells rang and all these sort of incidents took place. How many quorums had been called during the day?

Mr Reid—I think there had been 3 that day.

Mr CREAN—I was a bit like the boy who cried ‘Wolf’. I thought: ‘The bells have been ringing all day; what does it matter this time?’ Somebody happened to turn on the public address system in the parliamentary refreshment rooms and I heard the House had been counted out. That was a matter of astonishment to me, to say the least. You have talked about members saying: ‘A quorum has been called and we walked out’. I would say that it would be more correct to say that what happens mostly when a quorum is called is that members say: ‘We will not walk in’.

Mr Reid—That is correct.

Mr CREAN—Why this sort of phraseology—‘A quorum has been called and we walked out’? I do not think that is what happened at all.

Mr Reid—The very fact that it was said to me excited my curiosity to such a degree that I went into that quorum when I had ignored the ones earlier in the day. A very unusual statement of that nature piqued my curiosity to the degree that I went inside. Had they said: ‘We are not going in; to hell with that’, I would probably never have gone near the place.

Mr CREAN—But you had not seen anybody earlier in the day when the other quorums were called—Mr Cope’s quorums, to put it in that way.

Mr Reid—I probably had en passant, but they had not piqued my curiosity in the way that this one did.

Mr CREAN—We are a little intrigued as to why this one piqued your curiosity, if it is one that, as I say, did not seem to me to be any different from——

Mr Reid—But you said yourself that the very difference was in the phraseology. The very reason that you say the phraseology is there is the reason my curiosity was piqued.

Mr CREAN—But you will not say who it was who used the words: ‘A quorum has been called’.

Mr Reid—I am sorry; I cannot remember.

Mr CREAN—I can remember hundreds of times over a good number of years—our view is that it is the Government’s job to keep the numbers. We say: ‘Is it a quorum?’ We do not say we will deliberately walk out. What we say is: ‘We are not going to walk in’.

Mr Reid—That is right. If they had said that, it would probably not have piqued my curiosity at all. I probably would not have gone near the House.

Mr CREAN—You are not prepared to say who it was who used these words.

Mr Reid—I cannot say.

Mr CREAN—In the earlier paragraph you said that a group of ALP parliamentarians walked out of the chamber when the quorum was called. You were not there to witness that. Then you go on to say—and I admit that this is journalese:

well knowing that their action could cause the collapse of the House of Representatives.

What ground did you have for making the statement that not only did they go out but that they well knew that the——

Mr Reid—They well know that if the numbers are not there that the House collapses, and that is what happened on that day.

Mr CREAN—Yes, but the point is that the bells ring. Nobody can leave the House once the bells ring.

Mr Reid—But you have just explained to me that you can leave the House when the bells ring.

Mr CREAN—But you are suggesting this happened——

Mr Reid—You can leave if you are standing outside the seating area.

Mr CREAN—Oh, but where——

Mr Reid—It has not happened that way in practice, as we both know.

Mr CREAN—I know it has not.

Mr Reid—But they have left on occasions.

Mr CREAN—I believe that these 2 assertions are bunkum. I do not believe this is what happened at all.

CHAIRMAN—I do not think that line of questioning is quite fair to the witness. I think the procedure is to ask Mr Reid questions, not to brow-beat him and say what you think is the position. I think we should try to

elucidate the truth and the facts by asking him questions.

Mr CREAN—I hope Mr Reid does not think I am brow-beating him. I am trying, as I believe, to protect the rights that we are here for. There are 2 definite statements there which have been underlined by us all—firstly, that the Standing Order states that no member shall leave the chamber. I am trying to suggest from my experience that I cannot remember when there has been any attempt of members to leave. I think members observe the code of good behaviour and that once a quorum is called, those who are in there, whether they like it or not, stand there to be counted. Mr Reid has made the statement that several Labor men disappeared quickly through the door. Candidly, I do not think this would or could happen. Perhaps it could happen but I do not think it would happen. The other statement is that a group of ALP parliamentarians walked out. I can accept the point that Liberal or Country Party members are not going to walk out because they acknowledge the right to keep the numbers. This is fair enough. But the statement is made and it is my party that is under reflection, and I do not believe that they did this or would do it. It says a group of ALP parliamentarians walked out of the chamber when the quorum was called. That was written under Mr Reid's name, but he has said that he was not there to see it. This is fair enough.

Mr Reid—I said that.

Mr CREAN—Yes, you were not there. But then you go on to say, 'well-knowing that their action could cause the collapse of the House.' Perhaps you could expand on that. When you wrote those words, were they just the imagination of the journalist or were they based on some kind of substantive fact?

Mr Reid—I have given you the substantive facts on which I based them. It is up to you to believe them or not, but you cannot disregard the fact that the substantive facts are there. You can disbelieve them if you like.

Mr CREAN—On what do you base your assertion that the Labor members acted deliberately, knowing that their action would cause the collapse of the House?

Mr Reid—All I can do is to take you through the same process again—the meeting in the lobby, the chacking across the floor, the later statements by Mr Calwell. All I can

do is to take you through the same process. I cannot vary the process.

CHAIRMAN—I think Mr Reid has already outlined that several times in the course of his evidence. I think we should be fairly clear on that.

Mr CREAN—Could I ask him then if he would elaborate on what he describes as the meeting in the lobby? When did the meeting in the lobby take place? He mentions Mr Calwell. Mr Calwell was not in the chamber and would have had some difficulty, in terms of a period of 2 minutes, in getting there. All I am suggesting is that a lot of these statements have been made after the event.

Mr Reid—Hearsay? Well, when the lion disappears from King's Hall you either follow the tracks or you speak to people who witnessed the presence of the lion in King's Hall.

Mr CREAN—Or you can go out and look for the lion.

Mr Reid—You cannot look for the lion once it has disappeared.

Mr CREAN—What has happened here is that there has been a lot of chasing after the event. What we are trying to find out is what happened at the time.

Mr Reid—I provided you with circumstantial evidence as to what happened at the time.

Mr CREAN—It is circumstantial evidence. I am trying to get behind the circumstances.

Mr Reid—But you cannot get me into the position in which I say I was there and witnessed it, because I did not, and I have stated that several times already.

Mr CREAN—But there is nothing in this article to suggest you were not there.

Mr Reid—No. The evidence is circumstantial. I accept the evidence as circumstantially presented. The evidence, in my view, which I have stated to you, justified me in every way in saying that.

Mr CREAN—In the light of what has transpired since, do you still believe that a group of ALP parliamentarians walked out of the chamber when the quorum was called?

Mr Reid—I have said this before. I do. I believe that is quite right.

Mr BROWN—Mr Jarman and subsequently Mr Whitlam asked you about the 2 colleagues in the Press gallery who said something over your shoulder.

Mr Reid—I think actually they were seated there. One might have been standing over my shoulder.

Mr BROWN—I do not want to place the emphasis on the standing. They were there. I think you said, in effect, that you would have been quite prepared to write this article even if they had not been there and you had not heard them say anything at all.

Mr Reid—I do not think I said that, but I probably would have been, in the light of the circumstantial evidence that was produced.

Mr BROWN—I am not trying to put words into your mouth, but I just want to get an understanding of what your appreciation of this is. Am I right in saying that you would have been prepared to write this article exactly as you have written it, solely on what Mr Calwell had told you?

Mr Reid—I decline to answer that one.

Mr BROWN—Do you?

Mr Reid—Put it this way. I have been round this place a long time, and I know that people tell you things that are not strictly accurate, and I like to have second and third checks. I would probably have written it on what Mr Calwell had told me, but I would have liked second and third checks. I had them in the shape of my encounter on the stairs, the chacking across the floor, my colleagues and the subsequent conversations down in the lobby. I am not saying that in any offensive sense against anyone. People misunderstand things.

Mr BROWN—I know you are not.

Mr Reid—I like a double check.

Mr BROWN—There were no indications of that nature in the question. I was just trying to get—

Mr Reid—It was an awkward one to answer in the way in which you framed it.

Mr BROWN—Well, you answered it very well. It is really a combination of all of those factors that you have mentioned that is the basis for the article, and you would still have written the article as you have, quite apart from your colleagues being in the Press gallery.

Mr Reid—Yes.

Mr BROWN—Can I clarify something which perhaps you have already clarified? When you came down from the corridor when the bells rang—you recall that you were

going to visit someone and you came back and met a group of Opposition members for the first time. I think you said before that you do not remember the name of the member who said something to this effect: 'It's a quorum and we've walked out'.

Mr Reid—I do not even recall the name of the fellow who made the reference to the gallant 11. That one was completely over my head at that stage. I did not grasp the allusion at all.

Mr BROWN—I suppose, just looking at it generally, that you or any journalist for that matter must write a lot of stories which are not based on things you actually see. For instance if you are writing a report on some action in Vietnam, obviously you did not see it; you rely on the briefing that you get from the Department of Defence or another department as the case may be.

Mr Reid—If I am bringing it closer to home, I have not yet—and I regret it—been invited to one of your Party meetings nor have I ever to my knowledge been invited to an ALP Party meeting but I have written about both meetings, tracking the lion on its way and accepting the evidence of people whose evidence I think can be accepted.

Mr BROWN—Yes, well I was really just trying to establish the point which I think you have established yourself, that it is only a small proportion of articles written in newspapers by members of the Press Gallery that are in fact based on things they actually see or know of from their own actual knowledge. In other words you are driven, are you not, by the very nature of your profession to rely on what you are told.

Mr Reid—Yes.

Mr BROWN—That is a fair statement?

Mr Reid—That is a fair statement. There are a lot of things you actually see. For example, unlike the Liberals the ALP holds its federal conference in public and you see and hear every word that goes on in their policy making. There are a lot of things like that. You see the lions in action.

CHAIRMAN—Any more questions, Mr Brown?

Mr BROWN—No, thank you.

CHAIRMAN—Mr Jarman—do you want to ask this witness anything?

Mr JARMAN—Just a couple of short ones. As there are no doors locked in the

Press gallery, were you in the chamber when the Deputy Chairman called for the doors to be locked?

Mr Reid—Yes.

Mr JARMAN—So you were actually in the Press gallery over the chamber before the doors were locked?

Mr Reid—Yes. I can remember particularly from one incident. Dr Jim Forbes came in, sat on the Labor side, and for some extraordinary reason—do not ask me why—this stays in the memory, he was wearing a very flash pair of shoes. Why that stays in my memory I do not know but they were a most unusual and sharply pointed pair of shoes.

Mr WHITLAM—He had got them from a migrant.

Mr JARMAN—The only other thing is that there was a statement in your article which has not been questioned yet, that several members were outside the chamber reading accounts of how they might be in the running to get a rise in parliamentary salaries when the bells were rung. This is just journalese to give colour to the story.

Mr Reid—I do not know about journalese. One of them told me he was actually doing that and I said: 'You clot, that is the way you won't get a rise'.

CHAIRMAN—Mr Turnbull, have you any other questions?

Mr TURNBULL—It is over my head still about this gallant 11. Are they supposed to have walked out or what is it?

Mr Reid—I gathered that there were 12 who voted for the 6 o'clock closing and I gathered they felt a certain unity of purpose.

Mr WHITLAM—Was this the one on the Standing Orders?

Mr Reid—I think Mr Martin moved an amendment, and you (Mr Turnbull) opposed it vigorously. I am sure of that.

Mr TURNBULL—I have another question, too. As parties have been mentioned—the Liberal Party and the Labor Party—I do not know whether I should feel aggrieved—

Mr Reid—Why should you? You had the highest membership there.

Mr TURNBULL—I know that but that is not the question. I do not know whether I should be aggrieved and ask you the question: Have you ever written any articles about the Country Party meetings?

Mr Reid—Yes, I have written some good ones actually.

Mr TURNBULL—Actual meetings?

Mr Reid—Yes. Actual meetings.

Mr TURNBULL—Well, I have never seen them.

Mr Reid—I will produce you a couple of extremely good ones.

CHAIRMAN—I think this might be a little irrelevant. Any further questions?

Mr TURNBULL—Yes. The question I have to put to you is really that Mr Reid has come here and he has quite fairly said he was not there, he did not see it and everything he has said so far, as far as I am concerned, he has stuck to and he has not changed his opinion on it—Mr Calwell or anybody else or whatever it is—he has given his account about what has been happening. He was not there. Therefore I go back to my very, very short little question I put at the start, or the statement I made. The point is that Mr Reid was told that a group of ALP parliamentarians walked out of the chamber. He has told us that. You have told us that?

Mr Reid—True.

Mr TURNBULL—So, your article in that part is circumstantial evidence.

Mr Reid—Yes.

Mr TURNBULL—That is the whole point that I have been making all the time. All these questions about who you met and what they said and what Mr Calwell said—I cannot see how this has anything to do with it, only to create the circumstance, of course. That is all I want to say.

Mr CREAN—May I just ask Mr Reid did he know at the time that the quorum was called that there was a meeting of the Cabinet taking place?

Mr Reid—No, I did not.

Mr CREAN—This is one of the reasons why you people did not come in.

Mr Reid—At some stage during that day I knew there was a Cabinet meeting on but whether or not—

Mr Crean—All that I was suggesting—

Mr Reid—I think I probably knew at the period that I wrote the story, if you let me go on, because it would be written before 8 I

should imagine. I should guess anyway I knew there was a Cabinet meeting on that day even though I might not have known that Cabinet was actually sitting at the moment of the quorum.

Mr CREAN—All I am suggesting is that this, as I understand, was one of the reasons why the quorum did not emerge.

Mr Reid—It was not a Cabinet by the way; it was a cabinet sub-committee, I think.

Mr CREAN—Well, the sub-committee. If they had been there the numbers would have been present. I am entitled to be zealous because the blame in this article is laid upon the Labor members and I just think that this is quite wide of the truth.

CHAIRMAN—Have you any other question Mr Crean?

Mr CREAN—No.

CHAIRMAN—If there are no further questions—

Mr JARMAN—Mr Chairman, did we not say earlier that we deferred the hearing of the transcript of Mr Calwell.

CHAIRMAN—That is right. I was coming to that. If there are no further questions, is it the wish of the Committee to hear Mr Reid on the transcript of Mr Calwell?

Mr TURNBULL—No, I am against it. I do not see what it has got to do with it.

Mr CREAN—Could we have a motion on this or could it be tabled? You have got no objection to losing this thing at all?

Mr Reid—None at all.

Mr JARMAN—Mr Chairman, it has been mentioned so much during the course of tonight and those of us who have not seen it and did not see the show I think, should be entitled to know what he did say on that occasion.

CHAIRMAN—Would you be prepared to table it?

Mr Reid—Surely.

Resolved (on motion by Mr Crean, seconded by Mr Brown):

That the transcript of the interview with Mr Calwell be tabled.

CHAIRMAN—Thank you, Mr Reid.

Mr Reid—Could I just say something, Mr Chairman?

CHAIRMAN—Yes, if you have anything else to add.

Mr Reid—Yes, I would like to add this: If the Committee decides to proceed further on this matter after what I have put, I would like the right to call witnesses and I would also ask that while those witnesses were giving their evidence that I be present to look after my own interests.

CHAIRMAN—We will record that request and we will consider it, Mr Reid.

Mr WHITLAM—Would it be convenient for Mr Reid to give us the names of the witnesses because, if for instance we decided to call them and then have to call Mr Reid back—

CHAIRMAN—I think that that is a good suggestion of Mr Whitlam's. Could you give the names?

Mr Reid—The 2 that I have in mind are Mr Calwell and Mr Les Irwin.

Mr WHITLAM—Contemporaries.

Mr Reid—Well, they are right across the political spectrum and respectable open characters.

CHAIRMAN—This is a suggestion that the Committee will consider, Mr Reid. We will take a note of your suggestion and your request to be present in the event of the Committee's deciding to call these 2 gentlemen. Thank you very much, Mr Reid. You have been helpful to us. Sorry to have kept you so long.

Committee adjourned

(Taken at Canberra)

THURSDAY, 30 SEPTEMBER 1971

Present:

MR DRURY (Chairman)

| | |
|-------------------|-------------|
| Mr Brown | Mr Jarman |
| Mr Donald Cameron | Mr Turnbull |
| Mr Crean | Mr Whitlam |

Rt Hon. Arthur Augustus Calwell, Member of the House of Representatives, was sworn and examined.

CHAIRMAN—Mr Calwell, it would not be necessary, as far as you are concerned, to mention, firstly, as I normally do to a witness before the commencement of hearing any evidence, that it is confidential, and secondly,

that you have the protection of the House in relation to any evidence that you may give to the Committee. I know in your case it is not necessary to mention that, and only as a matter of form I do so. And, of course, you would know that we have before us an article which appeared in the 'Daily Telegraph' on Friday, 27th August 1971, headed 'Count-out Shuts Parliament', written by Mr Alan Reid. The Committee is particularly concerned about one or two portions of this article, and I will read these two particular portions to you. The first portion is:

A group of ALP parliamentarians walked out of the chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

The second paragraph in Mr Reid's article which concerns us, is:

Though Standing Order 47 states that no member shall leave the chamber when a quorum is called, several Labor men disappeared quickly through the door.

The Committee is concerned as to whether these parts of the article give a correct account or a false account of the proceedings on the afternoon of Thursday, 26th August. Mr Allan Reid, from whom we took evidence on Tuesday night, suggested that we might call you on this matter, Mr Calwell, and Mr Alan Reid in fact tabled, when he was with us, what he described as a transcript of a television interview which you had given in relation to this matter—I think on the night of the 26th.

Mr Calwell—The 26th?

CHAIRMAN—I am sorry, I was speaking from memory; it was Friday, the 27th. The only point really which the Committee wants to establish is whether a group of ALP parliamentarians walked out of the chamber when the quorum was called. Before putting to you 2 or 3 questions Mr Calwell, I think perhaps I should mention that we did point this out to Mr Reid that in relation to Standing Order 47, which you will probably recall, he misquoted the Standing Order actually in his article as there is no reference to the word 'chamber' in Standing Order 47. It reads:

When the attention of the Speaker or of the Chairman of Committees has been called to the fact that there is not a quorum of Members present, no Member shall leave the area within the seats allotted to Members until a quorum is present or 2 minutes have elapsed.

This could be of some significance in consideration of the evidence. My first question, Mr

Calwell, is this: Were you present in the chamber of the House of Representatives on the afternoon of Thursday 26th when a quorum was called by the Member for Kingston, Dr Gun?

Mr Calwell—No, I was not, Mr Chairman, I was in my room. I heard the bells ringing and I heard them continue to ring. I thought: Something has happened, and I had better go and see what it is. I felt that something unusual was happening. Because of the osteoarthritis from which I suffer in each knee I find it difficult to get around for quorums, but when I did reach the door I saw quite a lot of members—as I recollect it now—members from both parties, about 8 or 9 or more—there could have been 12—standing at the door. The door at that time had not been opened, and the bells were still ringing. I understood that there was a provision in the Standing Order whereby the Presiding Officer could, if he found there were not sufficient members in the chamber to form a quorum, delay proceedings for a little while and then ring the bells a second time. I found afterwards that that was wrong; I was under a great misapprehension. But I saw quite a number of people there and some were smiling, and I cannot recollect now who they all were or, indeed, any of them. They were standing around. As I said on television the night afterwards, I think it was accidental largely. I do not think that anybody on either side would have wanted to do this sort of thing—count the House out deliberately. I have read this transcript of what I said and it is completely accurate as far as I am concerned. I have nothing to change in it. I felt upset when I found that the chamber had been counted out when the doors were opened and that the House was adjourned for a couple of days; and I did turn to some of our fellows, particularly, and said: 'Well this is disgraceful'. I said: 'There are no votes in this for us'. I did say something, I think, about its being the work of a lot of idiots. Of course, in my quieter moments I got a better balanced view of it and I said, as I explained in the television interview, that it was accidental largely. But from what I heard at the door—there was a lot of talking and goings on—I did get the impression that some of our members had walked out. Now, this is not an unusual thing to happen—for a man to call a quorum, or just before he calls a quorum he notifies some of his young supporters to walk

out, for 2 reasons: Firstly, he wants to embarrass the Government and secondly, he does not want to run the possibility of being fired out of the chamber under the misinterpretation of rule 303 instituted by Mr Speaker Cameron that if a member calls for a quorum when there is a quorum present, he is liable to be named or put out under the same rule. That is all that I can add, or contribute, of any value anyhow, to your deliberations, Mr Chairman.

CHAIRMAN—Just a second question, Mr Calwell: I take it from what you say you were just physically not able to get into the chamber because by the time you got there, the door was closed.

Mr Calwell—Absolutely.

CHAIRMAN—The bells were still ringing. The door was closed so you did not enter the chamber at all.

Mr Calwell—I did enter the chamber, when the doors were opened, to see what had happened because it was all so unusual, and I found that by then the House had been adjourned.

CHAIRMAN—That being the position in which you found yourself I take it you cannot say from your own observations whether or not a group of members actually walked out of the chamber when the quorum was called or while the bells were ringing for the calling of the quorum.

Mr Calwell—That is right. I cannot say that from my own knowledge.

CHAIRMAN—The remarks attributed to you in Mr Alan Reid's article are substantially correct, are they?

Mr Calwell—Yes, indeed. He spoke to me and I expressed my views, and I think he has reported me substantially accurately.

CHAIRMAN—Are you able to help us at all with our main problem, and that is to ascertain the truth or otherwise of Alan Reid's statement, the statement which appeared under Alan Reid's name in the 'Daily Telegraph', that a group of ALP parliamentarians walked out of the chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives?

Mr Calwell—I have no information on that matter at all, and when I read that statement of Mr Reid I presumed that he was in the

Press gallery at the time and had seen what had transpired and whatever he wrote was based upon his own personal knowledge. But I did not hear anything from anybody to substantiate what Mr Reid said or to derogate from what he said.

CHAIRMAN—So, as far as you are concerned, Mr Calwell, your knowledge of what happened in the chamber, as to members walking out, and if so, who or how many walked out, would only be second-hand or third-hand?

Mr Calwell—Indeed. It was just hearsay—rumour, if you like, but then rumour ever was a lying jade.

CHAIRMAN—We are in some difficulty over this. Are there any other points that you would like to add, Mr Calwell?

Mr Calwell—Not anything with regard to that particular incident, except to say that the parliamentary system should be maintained and Parliament should be treated with the utmost respect. I feel that if the authority of Parliament were ever diminished in the public eye a heavy blow would be struck at democracy. And whilst it is reasonable enough for members to play tricks when they are in Opposition—and both sides have done that—and whilst it is the duty of the government of the day primarily to keep the House in session, there is also an obligation on members of the Opposition to see that the House does not collapse for lack of a quorum. On occasions I have gone in quite often to save the situation, and have told others to come in and save the situation, and we have had some unfortunate incidents where the authority of Parliament has been brought into ridicule. I recall an incident way back, I think, in 1962, when some members on the Opposition side played a joke on Mr Wentworth and one of them wore a waiter's coat and touched Mr Wentworth on the arm and said: 'The green cart is waiting for you'. That was amusing. I was the Leader of the Opposition at the time, but I was not in the House at the time. I felt upset about that because the Press would turn it against Parliament, and, I feel would always turn it against the Labor Party—anything that happens is always ultimately sheeted home to the Labor Party. Then there was an incident in 1970 when the House was suspended by Mr Speaker Aston from 12.45 a.m. to 2.15 a.m.—that was on 9 April 1970—and I think that was a terrible

scene. There was no credit due to the Opposition members who took part in it or to anybody else who helped to create the scene that led to that unprecedented action on the part of the Speaker. I might say too that Standing Orders need to be reviewed both in regard to the powers of the Presiding Officer in the House in the matter of quorums and adequate time being given, and a discretionary power, too, being given to the Speaker to make another call for a quorum. In addition, I think, there ought to be amendments to the Standing Orders to provide for stronger disciplinary action in respect of members who make a farce of Parliamentary proceedings.

CHAIRMAN—Thank you, Mr Calwell. We shall take a note of those suggestions and pass them on to the appropriate authorities.

Mr BROWN—Mr Calwell, you said that at some stage you got the impression that some of your members had walked out of the chamber. I would like to ask you if you got that impression at the time when you were talking to the members in the corridor or did you get the impression in the afternoon in light of further reflection?

Mr Calwell—I formed an impulsive conclusion, seeing quite a number of our members there, and knowing that this sort of thing had happened.

Mr BROWN—So you formed that impression when you were in the corridor?

Mr Calwell—That is so. And I could have been completely wrong.

Mr BROWN—And I think you said something to this effect, in answer to the Chairman, that you said to some of the members that they were idiots, or something to that effect?

Mr Calwell—Yes.

Mr BROWN—Did you say—

Mr Calwell—I did not mean any of the Opposition members only, as I have said. There were Government members—everybody. I said: 'Behaving like a lot of idiots.'

Mr BROWN—Did you say something like: 'You were idiots if you walked out of the chamber'?

Mr Calwell—No.

Mr BROWN—You did not? Nothing like that at all.

Mr Calwell—No. It was a sweeping gener-

ality—however the situation was created, or whoever was responsible for creating it—either by the Government side by not going in or the Opposition side by walking out—or when they saw the situation developing seriously, they were around and not going in.

Mr BROWN—Or by members of either party walking out?

Mr Calwell—Oh, yes.

Mr BROWN—So you did not say anything to the effect that these people to whom you were speaking were idiots because they had in fact walked out when the bells had been rung?

Mr Calwell—No.

Mr BROWN—Did you subsequently have a conversation with Mr Alan Reid?

Mr Calwell—Yes. He spoke to me in the corridor a little time afterwards.

Mr BROWN—He spoke to you in the corridor?

Mr Calwell—Yes. He hurried down—well, he came from somewhere, and I presumed that he had hurried down from the gallery as soon as the doors were opened to see what was the scene outside.

Mr BROWN—Just before you go on Mr Calwell, with respect to that conversation in the corridor, did you have another conversation in your room later on?

Mr Calwell—I cannot recollect that. He might have come around to check something afterwards, but my impressions are the impressions of an angry old man who thought that the Parliament was slipping in popular esteem, and I said what I wanted to say; and if he came around later it was for something of minimal importance. He did not cross-examine me on anything that I had said, or suggest that I should say anything else. He had nothing else to say as far as I can recollect.

Mr BROWN—He had nothing else to say because you had said it all to him in the corridor?

Mr Calwell—That is right—all I wanted to say.

Mr BROWN—Could you tell us what you said or the substance of that conversation in the corridor?

Mr Calwell—Repeating that again, I said: 'This is disgraceful!' And: 'There are no votes in this for us'. And in that regard I was

addressing the Labor men. Then I said: 'You have behaved like a lot of idiots'. And that was a generalisation.

Mr BROWN—There were members present when you were saying this to Mr Reid?

Mr Calwell—Yes, members of both sides.

Mr BROWN—I see; it was not as if you had one conversation with the members and later on another conversation with Mr Reid?

Mr Caldwell—No. He must have picked that up.

Mr BROWN—It was just the one conversation, was it?

Mr Calwell—That is right. He might have checked something with me—'Did you say this?'—or something like that; but I did not add anything more to what I had already said. It was one good blast, and I felt so disgusted about it all I went back to my room. I thought: Here, when this country was in a terrible plight, growing unemployment, rural industry in a desperate position, pensioners claiming they were not getting enough, the Parliament should be dissolved for a period and then members had to come back after a day or 2—on the next sitting day—to resume the debate, and hours had been lost—I had the impression that Parliament intended to sit that night until 3 a.m. or 4 a.m. to get this legislation through—and I thought we were presenting an awful picture of ourselves as parliamentarians, regardless of party affiliations, by the way we misbehaved.

Mr BROWN—The fact, though, is that you did not say to Mr Reid then, or on any other occasion, that ALP members of the Parliament had walked out?

Mr Calwell—No, never.

Mr BROWN—Even although you had that impression?

Mr Calwell—That is right. But I had nothing to go on, and I formed an impression which I could believe now was not correct, but it could have been correct; but I had no evidence to justify either conclusion.

Mr BROWN—It was an impression that you kept to yourself and did not convey to Mr Reid?

Mr Calwell—That is right; I did not tell him specifically, as you have suggested, anything that would reflect on our people, saying that they had caused it all. What I did say when I was on television—there is nothing

inconsistent there with what I have said here tonight.

Mr JARMAN—Mr Calwell, with respect, there is one difference that I see in the statement made in the paper by Mr Reid and the statement made by you on television. His wording is: 'A group of ALP parliamentarians walked out of the chamber'. Your words are: 'But unfortunately some Labor men just walked out'. The words 'of the chamber' are not used in your television interview. Was there any reason for this? You could say somebody just walked out of something, not necessarily meaning they had just walked out of the chamber—meaning that they abdicated their responsibility to be in there, sort of thing.

Mr Calwell—Yes, there are 2 situations that have to be dealt with: One is the situation created by a man who walks out knowing that a quorum is going to be called and then abdicates his responsibilities. The other one is the situation where, when a quorum is called for, members walk out. Now, I was not certain as to what had happened at that time. It could have been the latter, which would have been far worse. The other would have been legitimate enough, according to Parliamentary practice or inter-party practice, to make the Government keep the quorum and take the consequences.

Mr JARMAN—I was in a similar situation to you. I came down the stairs at the same time and probably arrived about the same time as you did, in time to have the door shut in my face. I did pass at least one Labor member, and it could have been several Labor members, on the stairs going up as I came down.

Mr CREAN—Down? From where?

Mr JARMAN—Coming down from the top floor where my office is.

Mr CREAN—That is the U-level?

Mr JARMAN—Yes, the U-level, coming down those stairs just behind the Speaker's office—just above where your office is. And I was conscious of one of them saying something to me to the effect: 'Oh! It's only a quorum. It's your job to be there', or words to that effect. I got the impression that obviously he was coming from the area of the chamber and that he felt that it was not his duty to go in. But I did not necessarily assume, as apparently Mr Reid had assumed,

that he has walked out of the chamber. With that in mind, you feel probably, as I do, that both you and I, who were in a similar situations in that time, were not in a position to really say that anyone walked out of the chamber.

Mr Calwell—No.

Mr JARMAN—But we were perhaps conscious of people not going into the chamber.

Mr Calwell—I agree with that.

Mr DONALD CAMERON—Mr Calwell, in the group of Labor and Government members gathered outside the locked chamber, did you hear any of them make any comment to the effect that they had stayed away from going in or having walked out?

Mr Calwell—No, I did not. They all seemed to be perplexed at what was happening inside with the bells still ringing and the doors locked.

Mr DONALD CAMERON—Do you recall Mr Reid being near a group such as we have just described in the precincts, or in the area outside the chamber, with you present?

Mr Calwell—When I first saw Mr Reid he was nearer to our Whip's office, Mr Duthie's office, and as I have said I do not know where he came from; but I know that he was there and he must have been able to hear whatever comments were made. The first thing I would have said when I got there was: 'What's happening'—a natural sort of question—'What's it all about?' And somebody said: 'There is a quorum' And I said: 'Who closed the doors? What's it all about?' And nobody seemed to know.

Mr DONALD CAMERON—Had people in that group been claiming that they had precipitated this closing of the Parliament by walking out or staying away? If they had been talking in that sense, you would have heard it?

Mr Calwell—I would have heard it.

Mr TURNBULL—It is just as well for Mr Calwell to know that I have taken the stand that it did not make any difference whether things were said outside the House or not. The point is that Mr Reid said in his article that a group of ALP parliamentarians walked out of the chamber. He did not say he was told they walked out or that he understood they walked out; he just said they walked out. So whatever anybody said outside does not make any

difference at all. That is number one. I think that 303 rule is not operative now; I do not think it is in the Standing Orders.

Mr Calwell—It is still there. It was put into the Standing Orders in 1949, I think at the instigation of Mr Frank Green. It was based on something in the Commons Standing Orders; I am not so sure. It was intended to help the Speaker, the Presiding Officer, to get rid of a fellow who might happen to be drunk, or disorderly, in a quick manner, without the House having to debate a motion that he be suspended, and having to subject itself to prolonged interruption. I think Mr Speaker Cameron completely misapplied that; and so did Mr Speaker McLeay, on one occasion. I was wishing to speak, and as I was the Leader of the Opposition, I called a quorum. Members were walking in after I called the quorum and within a minute or so he counted the numbers and then he upbraided me for calling the quorum. I said I thought I was entitled to call a quorum, and I was sure there was not the required number present when I called the quorum. I went into his room afterwards and had an argument with him, and he said: 'I should have named you under 303'. I said: 'Well, that is the end of it, Jack'; and I walked out and I never went into his room again for 2 or 3 years. I did make my peace with him before he departed for quite retirement; but in his mind he just had to follow the precedent set down by Mr Speaker Cameron. I think 303 ought to be looked at.

Mr TURNBULL—What I said was that it is not operative now.

Mr Calwell—No, but it is still there and it could be operative.

Mr TURNBULL—When you came along the passage you said the doors had closed?

Mr Calwell—Yes.

Mr TURNBULL—Therefore, the bells had been ringing, the time had elapsed and the doors were closed. So they were not shut in anybody's face.

Mr Calwell—I would not know that because I did not get there until the bells had been ringing for—not 3 minutes—for 5 minutes.

Mr TURNBULL—As soon as you got near, you could see that they were closed?

Mr Calwell—Yes, there were people outside. I think there were other pressmen rushing around. It was an opportunity for them to try and exploit some excitement because of its news value. I do not know whether there were pressmen on the Government side, whether there were members standing around on the Government side where the doors were locked too. It could have been so, because I understand—I do not know for sure—that some Ministers were locked out too.

Mr TURNBULL—There were a lot of people locked out. Anyway, you said you did not think there was any plot, or you did think there was a plot—I do not know. The point about it is that—

Mr Calwell—I had no evidence that there was.

Mr TURNBULL—Just for your information, I did not leave my seat, and I was the nearest possible to where the whole thing took place. I am sure there was no plot. The next thing I ask is this: You made the remark that on certain occasions—perhaps this can be clarified for everyone—when the bells were ringing and then there was not a quorum, there was a sort of a pause—not this time but other times—and then the bells rang again. Of course, this peculiar circumstance this time can be explained—and I hope that you will agree with me on this: The Deputy Speaker was in the chair, and when it happened, as you say, that the bells rang and then there was a pause and they rang again, it was in the Committee stages. The Chairman of Committees was in the chair and under the rules of this House if he is in the chair and there is not a quorum, he has to report it to the Speaker, and then the Speaker gets up in his seat in the Parliament and says: 'Ring the bells!' And they rang again. Now this accounts for what you said.

Mr Calwell—I find it hard to ever disagree with you, Mr Turnbull.

Mr TURNBULL—Thank you. That is what happens: he reports it to the Speaker. Mr Lucock was in the Speaker's chair and he could not report it to the Speaker. This was the peculiar circumstance. That is all I wish to say.

Mr CREAN—It is not my turn, but could I just clear up one point at this stage. My recollection is the House was not in Committee, that the House was in session, that it was

the Budget debate. Now, surely, this should be cleared.

Mr TURNBULL—The Chairman of Committees takes the chair in the budget debate.

Mr CREAN—No, no; but he was the Acting Speaker, we were not in Committee.

CHAIRMAN—We were not in Committee. Mr Lucock was presiding in his capacity as Deputy Speaker in accordance with the normal practice during the second reading of the main appropriation bill.

Mr Turnbull—In the explanation I have made I said it was not in Committee; he was in the Speaker's chair. Had he been in Committee and he had been in the chair he would report to the Speaker.

Mr WHITLAM—It was the second reading of the Appropriation Bill, and therefore—

CHAIRMAN—Mr Turnbull, have you any further questions?

Mr TURNBULL—No, as long as others understand what I said; and this is correct.

Mr WHITLAM—My question is just to ascertain whether a group of ALP parliamentarians walked out of the chamber when the quorum was called or, when a quorum was called, several Labor men disappeared quickly through the door. You have told the Committee, Mr Calwell, that nobody told you when you reached the door that members had walked out.

Mr Calwell—That is right.

Mr WHITLAM—Again, just to find the facts. The night of the following day on the TV you said: 'But unfortunately some Labor men just walked out.' Now, between the Thursday afternoon and the telecast of Friday night, had any member told you that he or another member had walked out?

Mr Calwell—No.

Mr WHITLAM—Had any other person told you that any member, or members, had walked out?

Mr Calwell—No. It was an impression that I got and a conclusion which, I say now, could have been completely wrong—that some members may have walked out but they walked out because they had been told a quorum was going to be called and they ought to disappear to make the Government bring more people in. But I was never firmly of the opinion, and I had no evidence on

which to base it, that members walked out after the quorum was formed. I thought it was the old game practised so often. And we had some splendid practitioners in that art in other days. Eddie Ward was one, and there were others too, who would go around quietly and disappear.

Mr CREAN—Mr Calwell, you said earlier that there had been quite a number of ringings of the bells during the day, as you know. Why did you feel there was something unusual in this particular ringing of the bells?

Mr Calwell—The bells rang so long and they kept ringing, and then when I got in to help to make a quorum, as I thought I was and as I was trying to do, I found the doors locked and the bells still ringing. I was a bit perplexed.

Mr CREAN—This seems to me to be part of the difficulty. I had not realised, until this sort of thing came up, that there was a limit of 2 minutes on the ringing of the quorum bells. This is what seems to me to be somewhat odd about this thing, that the thing had rung all day. As I said here the other night, I was like the boy who cried wolf. I had sat in that chamber literally almost from the beginning to the end of the day and I had just gone out for a cup of tea, at approximately 10 to 5, and I thought, 'Oh well, blow the things; they have been ringing all day'; and then all I heard over the blower was the House was—for the first time in my knowledge in 21 years this had happened. And I am like you. I think it was an innocent happening. I do not think anybody willed it. But you had said, and Mr Reid who had been listening all day, or had been present all day, seemed to think that there was something different in this particular ringing of the bells from the other ringings. Now what was different about it?

Mr Calwell—The fact that they rang for so long. It was not 2 minutes; they were ringing and ringing and ringing—for 6 minutes.

Mr CREAN—The other thing I would like to ask is: You say you met Mr Reid and you presumed he had hurried down from the gallery. You do not really know where he came from?

Mr Calwell—I do not know where he came from.

Mr CREAN—This is one point. The other one I would like to ask you: You are like me.

I am a good Parliament man; my knowledge is that when a quorum is called nobody who is in there walks out.

Mr Calwell—I have not had much experience in members walking out when a quorum was formed.

Mr CREAN—No, but when a quorum is called, in my view as I described it the other night, when a quorum is called and the House freezes, whoever is there, says: 'Well, I am caught whether I want to or not, I am staying in'. In my view it would be extremely odd, once a quorum was called, for anybody to walk out. I can understand a lot of people, when they knew a quorum had been called, would not want to walk in.

Mr Calwell—That is right.

Mr CREAN—But what is part of the difficulty here is that it is said, firstly, that people walked out, and secondly, that the people who walked out were Labor people. After all, you are in no position to say this nor was Mr Reid the other night. Neither of you was in the chamber. But at least it is described that when the quorum was called, Labor members walked out. Candidly, I do not believe this happened. Nevertheless your knowledge is over the years—you have been there when the great Eddie Ward called quorums—that mostly we said: 'Well, we are here and nobody can go out.' We waited for a long time, perhaps hoping nobody would come in, but mostly in all the years they did; and I am like you, I think it is a shameful thing this happened, but I think it is quite wrong that the Labor Party in particular should be blamed for what happened. To my mind this is the great question that is under discussion. But at least you do not know, they were not there and you have said that you know of nobody who walked out. You might have seen people out in the corridor who should have walked in; but that is a different proposition.

Mr Calwell—There were a number there grinning—I think I used the word before—perplexed; they were wondering what was happening, and nobody said why they were grinning. No-one could really offer an explanation of what was happening inside. But on the question of members walking out, I have known Mr Speaker Cameron and Mr Speaker McLeay ordering members back.

Mr CREAN—That is right.

Mr Calwell—After the quorum was called they started to get out, and they were ordered to come back.

Mr WHITLAM—Have you ever known anybody to escape after a quorum has been called?

Mr Calwell—No. If he had gone out he would have breached Standing Orders and he would have been dealt with by the Speaker.

Mr TURNBULL—He would not have been in the passage outside and brought back.

Mr CREAN—No, but Mr Calwell, my view is like yours, that there is a kind of honour system among members—not an honour system—it is a kind of recognition, if you like, of what the business of the House is, and after all, as we explained to one of the witnesses the other night, we are not here to gaoil anybody or to condemn; we are here to protect the rights and privileges of members. I have been here and in another place now for something like 25 years and my knowledge of this sort of thing is that once a quorum is called, nobody who was in the chamber would leave and mostly anybody who was even technically in the precincts would believe he was entitled to be claimed, and I find it incredible, candidly, that it can be said seriously that once the quorum was called there was a mass exit of anybody from any part.

Mr WHITLAM—A group or several.

Mr Calwell—No, I do not know.

Mr BROWN—Mr Calwell, in respect of the television interview you gave on Friday, 27 August 1971, and the statement that you made there: 'But unfortunately some Labor men just walked out'. You will see those words in the transcript. That clearly was the belief that you had then on that occasion when you gave the television interview?

Mr Calwell—That is right, but could I say that I had no evidence. I had what seemed to me to be sufficient; I felt I had moral certitude.

Mr BROWN—At least on that occasion, at the time of the television interview, that was your belief, or perhaps 'impression'—the word you used earlier?

Mr Calwell—Well, the Edwardian touch; I thought it operated—they were wised up; they were told to walk out before the quorum was called.

Mr BROWN—Yes.

Mr Calwell—But when I heard the details afterwards, I thought Dr Gun acted with the best of motives; he was wishing to get a house for Norman Foster. He is a fellow South Australian.

Mr BROWN—Just to follow this up and to go back to the occasion when the event happened, I am just wondering whether from those words that you used in the television interview, 'But unfortunately some Labor men just walked out'—is it fair to say that that accurately sums up the belief that you had at the time of that conversation in the corridor?

Mr Calwell—Yes. I thought that possibly some Labor men who had congregated outside had been told to move out and had walked out to embarrass the Government and force the Government to make the House. That was an honest idea and I expressed the same thing the night after. I did not discuss it with anybody after the discussion with Mr Reid or with any members of either side of the House.

Mr BROWN—That is between the time of the conversations in the corridor and the time when you gave the television interview?

Mr Calwell—That is right, yes.

Mr BROWN—I think we are of one mind, are we not, because what I am suggesting to you is that what you said in that sentence on the television interview; 'But unfortunately some Labor men just walked out', does accurately summarise the impression, or the belief, that you had at the time of the conversations in the corridor.

Mr Calwell—Yes.

Mr BROWN—Both the conversations with the members of parliament and with Mr Reid?

Mr Calwell—I would not consider what Mr Reid had written, because Mr Reid was the pressman. There were about 70 of them up in that gallery—about 10 times more than was necessary, in my view—and there is only one bit of news and they all tear it to shreds; they all try to give it a new interpretation.

Mr BROWN—But you did have that conversation which you told us about before, with Mr Reid?

Mr Calwell—Yes.

Mr BROWN—So this sentence from the television interview that I have been reading out to you does accurately summarise the belief, does it not, that you had at the time of those conversations?

Mr Calwell—That is right, but I also had the belief—and I hope I expressed it here—that it was the Government's duty to maintain the House, and that the whole thing was an accident really and never should have happened. I did say this on the television—I remember saying it too: 'that for the purpose of preventing Parliament from sitting for hours and causing an adjournment for a week in a most important debate, a debate that affects the livelihood of every Australian, is deplorable'. And that is the burden of what I was saying.

Mr JARMAN—Just in preface to what I want to say—I have not been in this place for very long. I have only been here for 5 years and I respect the fact that you, Sir, have been here for 31 years. But I disagree with your statement, I know it is a precedent that it is the Government's duty to keep the House, but as a backbench member I believe that every member has the right to be in that House when he is required. It is a duty, yes, to be there when he is required, and I would like to go into the record too because that is my view on it. I think we are all paid to be members of parliament and we all should be there if we are required, but that has got nothing really to do with the question I wanted to ask you. Just to sum up and clear it in my mind I would take it that there were 3 sorts of situations that could have occurred: Firstly, people did not go in when the bells rang, secondly, they left after the quorum was called; or, thirdly, they walked out, as you have said, before the quorum was called, knowing that it was going to be called. I gather from what you have said that you know of no instance of anyone walking out after a quorum was called and not being called back. Is that right?

Mr Calwell—I have seen them try to walk out, and they have either been called back—

Mr JARMAN—But you have never seen them get away with it?

Mr Calwell—No, I have never seen anybody get away with it.

Mr JARMAN—So it seems that although Mr Reid's statement says that a group of ALP parliamentarians walked out of the

chamber when the quorum was called, you really feel that you have no evidence to agree with the statement.

Mr Calwell—No, none at all.

Mr JARMAN—So, the only other thing that could have happened would be perhaps that they did not go in or they walked out before the quorum was called?

Mr Calwell—That is right.

Mr JARMAN—The only other thing I wanted to ask you, and it is slightly away from the point, but it is a matter that concerns me—the locking of the doors. I asked the Clerk the other day during his evidence how the doors came to be locked, and my questioning was: 'You said that the Clerk asked that the door be locked. Under what authority did he do that?' And he, Mr Pettifer this is, said: 'He suggested to the Chair that the doors be locked so that he could get a definite number.' Then I said: 'Yet there is nothing in Standing Orders to say that the door should be locked?'. And Mr Pettifer replied: 'No, but the Standing Order requires us to count the House after a lapse of 2 minutes, and in order to determine what the number was at the expiration of 2 minutes, and in order that there might be no more members coming in or going out, the sensible thing seemed to be to lock the doors.' In view of your 31 years in Parliament and your experience, have you any knowledge of the doors having been locked previously in this situation?

Mr Calwell—No, never.

Mr JARMAN—And if those doors had not been locked, the House would not have fallen?

Mr Calwell—That is so. This is the strangest thing of the whole lot to me—the doors being locked.

Mr JARMAN—Would you care to express an opinion whether you thought it was wrong that those doors were locked when there was nothing in Standing Orders to say so?

Mr Calwell—Yes. If the Standing Orders did not make provision for the doors to be locked, they should not have been locked.

Mr DONALD CAMERON—I am pleased to learn that I was not the only one who was rather excited as I was hammering on the door, that you felt some sense of sorrow. Remembering that Mr Reid quoted you in his article, do you consider that he was justified

in using you as an authority on what had happened on that day?

Mr Calwell—I never thought that he used me as an authority on what had happened so much as he heard me make certain statements and then I think confirmed them with me, and that was all. But I did not pose as an authority, because I knew of no precedent. I could not see any justification for the doors being locked and I had the wrong impression, as it turned out, that the Speaker, the Presiding Officer, had a discretionary power that after 2 minutes he could again call for the bells to be rung.

Mr DONALD CAMERON—Would you have given Mr Reid the impression that a number of Labor members had, in fact, walked out?

Mr Calwell—As I said, that could have been the impression in my mind, yes.

Mr DONALD CAMERON—But did you give him that impression?

Mr Calwell—I cannot answer that. I did not say specifically to him that this did happen, because I did not know; but I had the impression that the House was counted out as part of a manoeuvre, and it was legitimate enough even if you do try to be idealistic and try to be always present in the House at all times, which is a physical impossibility anyhow if you have other things to do. I did not try to create any impression in Mr Reid's mind. I just explained and he reported me and that was it.

Mr TURNBULL—Mr Reid says:

Mr A. A. Calwell, former Leader of the Opposition, was trying to get into the chamber to help constitute a quorum, one-third of the strength of the chamber, when the doors were locked in his face.

Now this, Sir, is not literally true, is it?

Mr Calwell—This is journalese. The door was not locked in my face; it had been locked some minutes before.

Mr TURNBULL—That clears that. We are talking about the locking of doors and nothing about Standing Orders. But it is in Standing Orders that when a quorum is called that the bells ring for, say, 2 minutes or whatever it is. At the end of that period, the 2 minutes period, the number in the House then is what decides whether there is a quorum or not. Whether the doors are locked or whether the bells ring for a quarter of an hour or not does not make any difference.

The number in the House after the bells have rung for 2 minutes and after the Clerk says the 2 minutes are up, is the number that decides whether there is a quorum or not. It has nothing to do with the other things at all. Is that right?

Mr Calwell—I think that is an accurate summation on the situation.

Mr WHITLAM—Mr Calwell, did you say to Mr Reid that members had left the chamber when the quorum was called?

Mr Calwell—Never. I was not in a position to say what had happened, I was trying to get into the chamber in order that the House would not collapse. There had been a lot of bell ringing that day and, you know, sooner or later something does happen if there is a long sustained campaign of calling quorums and so on.

Mr CREAN—Have you any previous knowledge of the House being counted out?

Mr Calwell—Not in my own personal experience, but I do know, yes. It was counted out once on the adjournment by the old Lang group in the thirties. They were then residing in accommodation at Queanbeyan and they put their hats on and ostentatiously bade everybody farewell and went out and got into their cars and drove around for a mile or so. No, this was another thing. They came back to the House anyhow and played some trick on the Government. I would not be able to say whether it had been done before, but it was the view of Mr Curtin and Mr Chifley that once the motion for the adjournment was moved it did not matter if the House was counted out or not; they were not that greatly interested in what did happen. I think there have been occasions—I speak vaguely now—there could have been occasions when the House was counted out on the motion that the House should now adjourn.

Mr CREAN—The other sort of thing that I am still in some doubt about and I have asked Mr Brown for this and he has given me standing order 45 which provides that if any member takes notice that a quorum of members is not present the Speaker shall count the House. I am not too sure if the Speaker technically does; I think it is generally done by the Clerk. If a quorum be not present within 2 minutes he shall adjourn the House until the next sitting day. Now, I think there is some possibility of a gap between the time

that a member takes notice that a quorum is not present and the Speaker counting the House, but my view still is that once any member takes notice nobody would leave the House once that had been done. I must confess that with all my years here I have not known that the 2-minute rule applied. You can sit in that House all day almost and you suddenly decide to go out for some refreshment of one kind or another. You hear the bells ringing and you say: 'Blow it, I am not going in this time', or you get halfway down the corridor and you say: 'That is a quorum'. But you have always the suspicion that it might be a division. On this day nobody had any suspicion it was a division because we were at a stage where there was nothing to divide upon and it seems a bit odd to me that the rule was invoked quite as suddenly as it was. I do not know whether, even after the 2 minutes, he might not have said: 'Well ring the bally bells again'. You said earlier that there seemed to be something unusual in the particular ringing of the bells. Now there could not be anything unusual if the bells stop at the end of 2 minutes.

Mr JARMAN—But they did not.

Mr CREAN—Yes, I know.

Mr Calwell—The Clerk did not know that the bells were ringing.

Mr CREAN—That remark was not directed to Mr Calwell, but I think it is relevant at least.

CHAIRMAN—If we can get evidence from some other source it may transpire that perhaps somebody forgot to switch the bells off at the end of 2 minutes but I do not think this is very relevant now.

Mr Calwell—I did think I should tell you—and it just came to my recollection—that I did see the Speaker afterwards and say it was a deplorable happening and that something ought to be done about the Standing Orders. He thanked me for what I had suggested to him and then the Clerk, Mr Turner, came into the Speaker's room and we discussed the matter further and I expressed my views pretty strongly about it. I remember saying: 'Why did the bells ring so long?' and Mr Turner said: 'I forgot to switch them off'.

CHAIRMAN—Well, that is a simple explanation to that one. Has anybody any more questions? Do we need to go around again? Mr Calwell, you have been very

patient; you have given us a full hour of your time. Thank you very much indeed for your help.

Mr Leslie Herbert Irwin, Member of the House of Representatives, was sworn and examined.

CHAIRMAN—The first couple of points I would like to just make briefly, Mr Irwin. We mention this in the case of every witness coming before the Committee. You would no doubt be familiar with it. Standing order 362 provides that all witnesses examined before the House or any Committee thereof are entitled to the protection of the House in respect of anything that may be said by them in their evidence. I mention that so that you will feel completely free to speak your mind and not feel inhibited in any way, because you have the protection of the House. You would also be familiar with standing order 340, the provision that any evidence given is confidential and must not be disclosed to any person outside this Committee. You would realise that of course. The particular matter that is concerning this Committee, as you would realise, is the 'Daily Telegraph' article written by Mr Alan Reid which was published on Friday, 27 August 1971 under the heading: 'Count out shuts Parliament'. The Committee is particularly concerned about 2 portions of the article. The first reads:

A group of ALP parliamentarians walked out of the chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

The second paragraph which is concerning us reads:

Though standing order 47 states that no member shall leave the chamber when a quorum is called several Labor men disappeared quickly through the door.

What we are concerned about is to ascertain, if we can, whether these parts of the article give a correct account of the proceedings of the afternoon of Thursday, 26 August, or whether in fact they are a false account. Mr Alan Reid has suggested that the Committee might hear you on this matter and he also suggested that we hear Mr Calwell, which we have just done. The evidence that you give us will be tape recorded and a transcript of the evidence will be furnished to you for checking in relation to any minor amendment that may be necessary just as soon as that can be done. I will commence by addressing two or three questions to you. Then I will go round

the table and ask each member of the Committee in turn if he has any questions to direct to you. That is the way we proceed. My first question is: Were you present in the chamber on the afternoon of Thursday, 26 August, when the member for Kingston, Dr Gun, drew Mr Lucock's attention—Mr Lucock then being in the chair—to the state of the House.

Mr Irwin—No.

CHAIRMAN—You were not in the chamber at that time?

Mr Irwin—No.

CHAIRMAN—Did you enter the chamber during the ringing of the bells as the result of the quorum being called?

Mr Irwin—I did.

CHAIRMAN—The doors were then open and you came straight in to your normal seat.

Mr Irwin—No, I sat on the front bench.

CHAIRMAN—That being so, you were there within the 2-minute period then, obviously, because the doors were closed at the end of 2 minutes. While you were sitting there could you give us an account of what you saw. In particular, did you see any parliamentarians leave the chamber or any part of the chamber and go out through any of the doors—in other words, not remaining to be counted as part of the quorum?

Mr Irwin—I think, without being positive, that one member did walk out and come back, Mr Uren came in and I congratulated him for remaining. I think there were only a few people of the Opposition there, and there was some backchatting between myself and the honourable member for Grayndler, and I stated: 'They have walked out'. I am of the opinion that I said: 'I congratulate the honourable member for Reid for remaining after he was told in regard to the matter'.

CHAIRMAN—There was some movement, was there? Did you observe any movement of other members around the chamber during that 2-minute period?

Mr Irwin—No, I have no recollection. What is Dr Gun's electorate?

CHAIRMAN—Kingston.

Mr Irwin—I remember looking at—and I did remember something of what I said to him. I cannot recall now. It would mean that his Party had placed him in an invidious position, but I could not remember the exact words.

CHAIRMAN—As far as any members leaving the chamber were concerned during that period from the time you came into the chamber, you did mention Mr Uren; he made to go out and then came back again, and you said something to him. Was there any other crossfire between yourself and other members?

Mr Irwin—I think there was between Mr Daly and myself. It is difficult because I did not know of any circumstances in regard to this. I do remember Mr Daly offering his hand to congratulate the member for Kingston but that is all I can remember in regard to that.

CHAIRMAN—If any member had gone out of the chamber during that time do you feel sure you would have seen that happening?

Mr Irwin—Only because they would have had to go out the door where the Opposition generally enters, or behind the Speaker. That would be the only one, but there were so few people there that—

CHAIRMAN—Do you feel certain in your own mind, sitting as you were on the ministerial front bench during that period, that no member left the chamber either from behind the Speaker's chair or out into the Opposition lobby?

Mr Irwin—No.

CHAIRMAN—Or through the door, opposite the Speaker's chair?

Mr Irwin—I seem to have a recollection that one person—I think it may have been Mr Uren—it may not be fair to say that, but I think it was—walked out and then came back.

CHAIRMAN—He came back again?

Mr Irwin—He came in, only temporarily, and then came and remained in the chamber.

CHAIRMAN—Do you recall noticing, for example, any of the Party Whips moving around? Would that have obscured your view in any way?

Mr Irwin—I think the Government Whip was walking around.

Mr WHITLAM—Panicking. There are not many people he was hoping to secure.

CHAIRMAN—Did you notice any of the Ministers come in on the Opposition side?

Mr Irwin—No. See, the people on the Government side would be behind me and I would have no interest in what was happening really in regard to the matter. The natural thing was to use your quorum bells and the quorum would form.

CHAIRMAN—I have no further questions at this point. Mr Brown, would you like to direct some questions to Mr Irwin?

Mr BROWN—Just one, I think. Mr Irwin, could you just repeat what it was you said, what you called out across the chamber? I think you said you called something out. What did you say?

Mr Irwin—‘They walked out’.

Mr JARMAN—When you said that they did walk out or that they walked out, did you have the impression that they had walked out or were you just saying this in banter?

Mr Irwin—Oh, no. When I was coming down the stairs I met other people coming and a body of people came and one exclaimed: ‘We have walked out’.

Mr JARMAN—Your remark across the chamber was as a result?

Mr Irwin—Oh no, this had nothing to do with the chamber. It was when I was coming down from my office and in the passageway there were people coming down the stairs behind me. There were people proceeding to the chamber and about 6 or 7 people were walking—I take it—to their offices, and I heard one exclaim or state: ‘We have walked out’, whereupon certain other members turned and returned to their offices.

Mr JARMAN—Yes, but the point I am trying to get out is that the reason you made this remark across the chamber: ‘You walked out’, was not because you personally saw anyone walk out, but because somebody had said to you, when you passed them on the stairs: ‘We walked out’.

Mr Irwin—Yes, that is the position.

Mr JARMAN—You actually did not see anyone walk out of the chamber?

Mr Irwin—No. No. Except that one person—

Mr JARMAN—Mr Uren.

Mr Irwin—I think it was. I do not want to make any misstatement but I have an idea that I can remember someone walking out—I think it was Mr Uren—and returning to the chamber.

Mr DONALD CAMERON—Mr Irwin, at any stage after the House rose that afternoon did you convey an impression to Mr Reid that it had happened because members of the Opposition had walked out?

Mr Irwin—I cannot remember. I did intend to congratulate him and I did make a statement—

CHAIRMAN—Congratulate whom?

Mr Irwin—Mr Uren.

Mr DONALD CAMERON—The question was: After the House had risen did you at any later stage that afternoon convey to Mr Alan Reid the impression that the fall had been caused as the result of Labor men walking out of the chamber?

Mr Irwin—Yes. I first went to the Prime Minister’s secretary and acquainted him with what I have told you, that it was a walk out and that I had heard as I have expressed here. Later on I did have conversation with Mr Reid and told him what I had heard.

Mr DONALD CAMERON—Did you see Mr Reid in the Press gallery at any stage during the lock door session or whilst the quorum was being called?

Mr Irwin—I have no recollection in regard to that. As I stated, I just walked in and sat down. I would not know who was in the Press gallery.

Mr DONALD CAMERON—I am not trying to be unkind, Mr Irwin, but would you say that your conclusion that the Labor members had walked out was somewhat premature in view of the evidence that you had?

Mr Irwin—Well that is a stupid question, I saw 6 or 7 people coming along and I heard one exclaim: ‘We walked out’.

Mr DONALD CAMERON—Well, remember that I just had to take a phone call. I missed that answer to the last question by Mr Jarman. Do you feel that Mr Reid would be justified in going ahead and writing an article and, by virtue of the fact that he has asked for you to be a witness here tonight, that he was fully justified in using your comment to him for the basis of his article.

Mr Irwin—That is a hypothetical question and I am not going to answer that. I do not know his reasons for writing the article. That is his own prerogative. Do not ask me to answer a stupid question like that.

Mr DONALD CAMERON—I do not regard that as a stupid question, Mr Chairman. Many hours have been spent already in this Committee, and I think anything—

Mr Irwin—Well, please do not ask me a question as to what animated a certain person to do something. He is his own keeper; I do not keep him. It is stupid.

Mr DONALD CAMERON—That is all at the moment, Mr Chairman.

Mr TURNBULL—It would be quite unfair for me to question Mr Irwin for the reason that I was in the chamber all the time in a most advantageous position, the nearest possible to Dr Gun, and the nearest possible to Mr Norman Foster, and I knew that Norman Foster urged Dr Gun to call it. I heard him urge him 2 or 3 times when Charlie Adermann was speaking. I do not think that you should have been called to answer any questions at all, because when the bells started to ring you had to get into the chamber. So 25 or 30 people could have walked out before you came into the chamber at all. That is right, is it not? You only came into the chamber. You heard the bells and you came down. As soon as the bells start to ring they have to stay in but they could have walked out. You would not really know that, would you, and you have said that?

Mr Irwin—I did not see anybody walk out except the one. I was just stating what happened when I came down the stairs.

Mr TURNBULL—That is right but the point we are making is that they could have walked out of the House before you came in.

Mr Irwin—Yes.

Mr TURNBULL—Therefore, as far as the witness is concerned if he only came in the House it would take him a minute—he would have to be mighty quick, too—to get into the House, and there was a minute left when he sat in the House and watched. You are all asking the witness to say who walked out and who did not. Now if there is anything silly this is it, for the simple reason that I was in an advantageous position and I will not ask any questions because I know what happened.

CHAIRMAN—Well, if I may just interpolate there to put the record straight. Mr Alan Reid made a request on Tuesday night, and this Committee agreed—I do not remember whether you personally agreed—to call Mr Calwell and Mr Irwin at the request of Mr

Alan Reid and that is why we have asked Mr Irwin to be here tonight.

Mr TURNBULL—Well, all right.

Mr JARMAN—I think Mr Reid said that Mr Irwin could perhaps substantiate the reason for his writing that article.

Mr TURNBULL—This is really, I think, the most friendly possible question. You have already said that you came into the chamber when you heard the bells so therefore only after a certain period of the bells ringing and you came in and sat down would you be able to give an answer at all?

Mr Irwin—No. I just want to state what happened. I was coming down the stairs and 6 or 7 people who I recognised as members of the Opposition—at the foot of the stairs I heard one exclaim: 'We walked out'. Whereupon the others proceeding to the chamber turned and went—I do not know where they went—they did not proceed further.

Mr TURNBULL—Mr Alan Reid as you say, Mr Chairman, asked Mr Irwin to be called, but he was only to be called in relation to what happened in the chamber. Nothing was said by Mr Reid that happened, he was told, walking down the stairs. Therefore you are 100 per cent right as far as I am concerned.

Mr WHITLAM—You think that it was Mr Uren whom you heard say: 'We have walked out'?

Mr Irwin—No, he was not with that phalanx of people that were walking. I think he came from the opposite direction. I do not know where he came from, but he walked in and was astounded and had, I think, conversation with Mr Daly. I think he might have proceeded to the door and come back. In regard to Mr Uren I did have great admiration for him and I think I expressed it across the chamber.

Mr CREAN—I think it was said by the earlier witness, Mr Reid, that Mr Irwin had shouted across the chamber. I think he used the word 'chiacked' saying: 'You walked out'. You might have said that but you would say it in a kind of—

Mr Irwin—It was only banter.

Mr CREAN—That is right. This is what I mean. I have heard you say some other things and you are a good politician in that respect but you would not be saying it because you

had seen them. Obviously you had not seen them walk out.

Mr Irwin—I did not see anybody; I only heard what they said and they were walking away.

Mr CREAN—Did you at any stage see Mr Reid in the upstairs gallery?

Mr Irwin—I have no recollection.

Mr CREAN—You could have seen him from where you were, from the front bench.

Mr Irwin—Whether he was there or not, I do not know.

CHAIRMAN—Has anybody else any other questions?

Mr JARMAN—I have no other question, Mr Chairman, but I think it should be clear, seeing that what we are saying is going in the minutes, that the reason we called Mr Irwin was at Mr Reid's request on the basis that Mr Reid said that part of the reason he wrote his article was the remark made across the chamber by Mr Irwin. That is the reason we asked Mr Irwin to come here and I think that should be recorded in the minutes after what Mr Turnbull has said.

Mr Irwin—I do want it recorded, too, that I reported the incident immediately afterwards to the Prime Minister's secretaries and I remonstrated in a particular place with the Prime Minister for taking the responsibility. I said: 'It was a walk-out'. That was after—nothing to do with the circumstances—but I remonstrated with the Prime Minister and told him that he had no right to accept the responsibility as from what I knew and heard, it was a walk-out.

Mr DONALD CAMERON—I asked the couple of questions that I asked before because I am endeavouring to see what motivated Mr Reid to write an article which has been challenged. My questions were in fairness to Mr Reid because he did suggest you as a witness. What would be your interpretation of the political consequences of that afternoon as far as the institution of Parliament is concerned?

Mr Irwin—My interpretation is not evidence. I only can say what I saw. I can only tell you factually what I saw. My interpretations and opinions do not count.

Mr CREAN—Mr Irwin says he went to the Prime Minister and said that it was a walk-out. The walk-out would be opinion rather than fact as you did not see the walk-

out, but you formed the conclusion it might have been a walk-out?

Mr Irwin—One sees 6 or 7 people walking away from the chamber and the bells are ringing and you hear one say: 'We walked out'. That is all I am saying. I am only telling you gentlemen what happened.

Mr CREAN—No, but I think the point has been made before that mostly quorums are not matters of walk-outs; they are matters of not walking in and this seems to me—

Mr Irwin—Well I would not have had the expression or the phrase but for it being stated—it would never have come into mind where people go and what they do, but I heard the expression stated and I reported it.

Mr CREAN—But you saw no one walk out?

Mr Irwin—How could I? I was in my office and walking down the stairs.

CHAIRMAN—You did not identify or could not identify the person who said that there had been a walk-out?

Mr Irwin—Well, one has to be fair. I have a good idea in regard to who said it, but one has to be scrupulously fair. I do not want to mention the man's name and perhaps—

CHAIRMAN—I take it that you could not be sure?

Mr Irwin—I think I would be 99 per cent right, but then I might be wrong and I do not want to mention the man's name.

Mr WHITLAM—Mr Irwin, we appreciate that you want to be fair to the man about whom you are 99 per cent sure. I put it to you that the whole House in some circumstances—certainly at this stage this Committee—must be fair to Mr Reid whose article has been referred by the House to the Committee. One has to be fair to Mr Reid. I put it to you: Are you prepared to state the name of the person of whom you are 99 per cent sure to enable us to ask him as we have asked you and Mr Calwell to give evidence concerning, for or against Mr Reid?

Mr Irwin—Well, I will do it if the Chairman and you few people desire. It was Bill Fulton. Then again, he was walking along and it would only be by his voice that I would know him, but I am almost certain—99 per cent certain—that it was Bill Fulton that said it.

CHAIRMAN—Thank you, Mr Irwin.

Mr Irwin—But you got that out of me under duress, because I do not like putting somebody in unless I am positive.

CHAIRMAN—We will not record it as a categorical statement.

Mr TURNBULL—There is one thing I would like to say. I do not think that this question to the witness and his answer saying 'Mr Fulton' should be recorded at all. I think it is completely wrong that it should be recorded for the simple reason—as I have said all the time in this inquiry—that it does not make any difference what someone said outside at all. It has no relevance to the case whatever what somebody said outside. That has nothing to do with it.

CHAIRMAN—We are in a difficult position in this matter and I think that we should follow up any clue. We are not branding anybody as saying anything, but I do feel that it is our task, given to us by the House, to find out the truth or otherwise of this article by Mr Reid, and in particular these 2 paragraphs that we have been most concerned about. I rule from the chair that in my opinion it is perfectly in order for Mr Irwin to have been asked that question and to have answered the question in the way he did. He is not committing anybody and he is not making an allegation. He is merely at our request giving a name for us to consider a follow up. That is all. There is no suggestion that Mr Fulton or anyone else made a statement. It is just that he believed that Mr Fulton was the person whose voice was identified and if the Committee then decides to call Mr Fulton we are only fulfilling our duty in endeavouring to ascertain the truth of this position. That is all.

Mr TURNBULL—But, Sir, the point really is: At this stage should you give a ruling on this, because I want to move that the evidence or the statement made that it was Mr Fulton be not so recorded in our evidence. I want to move that. If no one likes to support it, it is all right, but I want to put myself in the clear.

CHAIRMAN—I rule that the evidence was in order but if you wish to move a motion of dissent from that it is quite in order.

Mr TURNBULL—All I am saying is that there was no reason for you to rule that at the time. You only ruled it in anticipation that I may move a motion, so you got in ahead of me. After I have moved the motion,

then if you rule it, all right, but you cannot rule it beforehand because there was no reason for it.

CHAIRMAN—Mr Turnbull, I am sorry. But if you wish to move a motion and there is a seconder, then we can discuss your motion and put it to the meeting.

Mr TURNBULL—I do want to move it. What I want to move is that in the record it be not recorded that Mr Bill Fulton's name was mentioned at this inquiry by Mr Irwin. Now that is the motion.

CHAIRMAN—What was the motion?

Mr TURNBULL—The motion is that it be not recorded in our minutes that Mr Bill Fulton's name was mentioned by Mr Irwin, who was the witness.

Mr JARMAN—Can we have your reasons?

Mr TURNBULL—My reasons are that it has no bearing whatever on the case.

CHAIRMAN—Is there a seconder to Mr Turnbull's motion?

Mr BROWN—Mr Turnbull did say 'minutes'. I think he meant 'evidence'.

Mr TURNBULL—Yes. I am not worried if anybody supports it or not, only I put myself in the clear.

CHAIRMAN—I ask for a seconder. Otherwise the motion lapses. Is there no seconder for the motion? There being no seconder, I declare the motion lapsed. I am sorry, Mr Turnbull.

Mr TURNBULL—That is quite all right.

CHAIRMAN—Thank you very much, Mr Irwin for what you have given the Committee.

Mr Irwin—Thank you.

Committee adjourned

(Taken at Canberra)

THURSDAY, 7 OCTOBER 1971

Present:

MR DRURY (Chairman)

| | |
|-------------------|-------------|
| Mr Brown | Mr McIvor |
| Mr Donald Cameron | Mr Turnbull |
| Mr Crean | Mr Whitlam |
| Mr Jarman | |

Mr Alan George Turner, Clerk of the House of Representatives, was called and examined.

CHAIRMAN—I declare the meeting open. I have an apology from Mr Fraser who has gone home ill. Mr Turner, as you know, we are inquiring into the matter of the 'Daily Telegraph' and Alan Reid's article which appeared on 27 August. Am I right in saying that you were at the table on the afternoon of Thursday, 26 August, at the time Dr Gun called the quorum?

Mr Turner—That is so, yes.

CHAIRMAN—The matter that we are looking at is Alan Reid's article, and the statement that is particularly concerning us reads:

A group of ALP parliamentarians walked out of the chamber when the quorum was called well knowing that their action could cause the collapse of the House of Representatives.

That passage, you may recall, was quoted by Mr Cope when he referred the matter to the House. Would you be good enough to give us your account as you recollect it of what happened on that afternoon during that period?

Mr Turner—Yes, Mr Chairman. The passage of time has perhaps blurred some of the edges. My recollection is that, with Sir Charles Adermann addressing the House, Mr Gun called a quorum and, as is our practice, the Clerk counts those on the right of the chair but including the occupant of the chair, and the Deputy Clerk or whoever is acting for him counts the left of the chair. This was done and we keep a running commentary which goes on my side 12, 14, 16 and on his side 6, 8, 10 and there is a mental calculation. It was obvious that there was not a quorum there. I have forgotten the precise number but it would have been well under 42. I then turned round to the chair—Mr Lucock was acting as Deputy Speaker at the time—and reported that on our count there was not a quorum, and he ordered the bells to be rung. I think anyone at the table, either on the Clerk's side or on the Deputy Clerk's side, is always conscious of the standing order which states that no member shall leave the chamber after a quorum has been called. Although it is quite impossible to be 100 per cent accurate on this—because we are counting at the time and one's eyes are going from the Bar of the House round to the right; on the Deputy Clerk's side it is from the Bar of the House round to the left—I think that generally speaking we are aware of any attempt on the part of a member to leave. The count continued and when the sand had

run out the number appeared to be 40 or 41—the uncertainty was due to some extent to movement on the Government side of the House; movement in this way does make it very difficult for the Clerks because it is possible to count a man twice or not count him at all. Now this immediately presented to my mind the possibility that it could have been 42, which is a quorum. The 2 minutes had elapsed. The sand had run out and there was this doubt as to whether the number was 40, 41 or conceivably it could have been 42. It seemed to me that the reasonable thing to do on the part of the Chair was to take such action as would be necessary to prevent any other member entering the chamber and enable him to determine with complete accuracy the number present. This was suggested to the Chair who agreed and the doors were locked. As a result of the count and recount and even a recheck it appeared there were only 40 members there, 6 on the left of the chair and 34 on the right, including Mr Lucock sitting in the chair. At this stage Mr Lucock, having no doubt made his own count, agreed that there was not a quorum present and he adjourned the House to the next day of sitting.

CHAIRMAN—Thank you, Mr Turner. There is a point, a technical point. Alan Reid does not quote correctly standing order 47. I do not know whether you recall that he said that Standing Order 47 referred to members leaving the chamber. But in point of fact, the chamber is not mentioned, as you know. Standing Order 47 simply states that no member shall leave the area within the seats allotted to members until a quorum is present or 2 minutes have elapsed. This is only a technicality, I suppose, yet it is possible that a member or members might have been in, say, some part of the Speaker's gallery behind Mr Duthie, for example, or behind Mr Fox, and have gone out through the doors. Strictly, under Standing Order 47, they would have been entitled to leave, would they not, if they had not already been in the seats reserved for members?

Mr Turner—If I might answer the first part at this stage: I was not aware, nor do I think my Deputy was aware, or was the Chair aware, of anyone having left the Chamber after Mr Gun had called for the quorum. It is, I think, a fairly well established practice that when a quorum is called any member who is sitting in the public galleries downstairs, the diplomatic galleries, the

Speaker's gallery, the officer seats, or perhaps even in the attendants' box is not counted. But if he were to get up and take himself outside those seats, he would be counted; he is present in the Chamber. He cannot leave.

Mr JARMAN—If he got up to leave that area he would be counted.

Mr Turner—Yes. The moment he stepped outside the gallery seats or the officer seats, or came in through the Bar of the House from the attendants' box, he would be counted and he would then be subject to Standing Order 47.

CHAIRMAN—If a member or members were standing just inside the doors and then decided that as it was a quorum they did not intend to wait and then went out, they could not be recalled; they just would not be within the meaning of Standing Order 47, would they?

Mr Turner—My own view would be—and this is consistent with the practice—that they would be recalled.

Mr JARMAN—And would be counted?

Mr Turner—Yes.

Mr CREAN—If they happened to be behind that sort of curtain where you could not see you would have no jurisdiction, but if they were talking to friends in the Speaker's gallery on either side—and this is what I have said on another occasion—they would feel almost *honour bound* that they were trapped as it were. They could not leave but mostly, my view is, they would say: 'I had better come forward'.

Mr Turner—Whilst they remain in the gallery seats or in the officer seats or in the attendants' box, they are not seen officially, or counted.

Mr JARMAN—But they would be counted.

Mr Turner—No, but the moment they step outside those areas into the aisle they are in the House.

Mr JARMAN—You mean the moment they come in, but what if they go out the door?

Mr Turner—No, because then they put themselves back in the chamber—using 'chamber' in the sense of the legislative section.

Mr JARMAN—Then they would be counted. So that if a man was sitting in the

gallery seats talking to a visitor and he stayed there, you would not count him as far as a quorum is concerned.

Mr Turner—No.

Mr JARMAN—But if he got up and went to walk outside the double doors, and even perhaps came back and sat back where he was sitting, you would then count him?

Mr Turner—The moment he stepped outside the line of the gallery seats into the aisle—the side aisle—

Mr JARMAN—I do not mean that; I am talking about his going out the double doors.

Mr Turner—Which double doors?

CHAIRMAN—The glass doors.

Mr Turner—But there are 3 sets of double doors.

Mr JARMAN—Any set. Say he is sitting there in the Speaker's gallery talking to a visitor. You would not count him as part of the quorum.

Mr Turner—No, not at that stage.

Mr JARMAN—I am not talking about his coming down into the seats, but if he got up and walked out through the glass double doors you would not recall him?

Mr Turner—Yes.

Mr JARMAN—And if you did recall him and he went and sat back where he was sitting previously—

Mr Turner—No, he could not do that because he is technically then leaving the House and contravening Standing Order 47.

Mr JARMAN—I see. He would be expected to go and sit in his seat in the House.

Mr Turner—It would not matter what he did, Mr Jarman. The moment he took himself outside the protective area, if I might use that term, he is counted.

Mr JARMAN—Through the glass doors?

Mr Turner—No, the moment he gets outside the Speaker's gallery seats—I am talking about the aisles, which start from the double doors and come down.

Mr JARMAN—I see.

Mr Turner—That area, in practice, is an area in which a member must be counted, and from which he cannot leave.

Mr JARMAN—And he would then have to go and sit in his proper seat?

Mr Turner—Or stand there. But if he then attempted to sit down in the Speaker's gallery I would think that the Chair would be obliged to say: 'Return to the chamber. Return to the area allotted to members.'

Mr CREAN—There might be some sort of difficulty. I am thinking more of the left of the House. If a member were, say, in the most extreme left corner you would have some difficulty in detecting whether he had slipped into that curtained area.

Mr Turner—That could be so. This is human frailty.

Mr CREAN—This is one of the sort of things you accept. I have said here in earlier evidence that my view of most members is that if a quorum is called, if they are sitting in the chamber, they sort of freeze at the point and say: 'We are caught whether we like it or not'. My view is that mostly if a member were even with friends in the gallery he would tend to come and reckon: 'Well, I have to be claimed'. This is my description as I know it over a long period. He would not go out because he would reckon he would be in breach of the spirit of the system.

Mr Turner—That may well be so, yes.

CHAIRMAN—Actually, Mr Turner, the point that we are really concerned with—this is a technicality, I suppose, that we have been discussing—is whether or not any ALP parliamentarians or any members were seen walking out of the chamber. Your answer is quite clear.

Mr Turner—I have no recollection of anyone leaving the chamber. The nearest to it would have been a member on the Opposition side who started to walk towards the centre doors but returned before he got there. But I have no recollection at all of any Member leaving. In fact, to be fair, I must speak in relation to the right of the Chair because that is my province but at the same time one does tend to look round. But I have no recollection at all of anyone having left the chamber after the quorum had been called.

CHAIRMAN—And who was the other officer on your left?

Mr Turner—Mr Pettifer, who was Acting Deputy at that stage.

Mr JARMAN—Could you say categorically that no-one left the chamber or would you just say you were not aware of anyone leaving the chamber?

Mr Turner—I was not aware of anyone leaving the chamber.

Mr DONALD CAMERON—Did you see any movement before the calling of the quorum in the Opposition benches whereby someone moved round and members moved out?

Mr Turner—No. I would not necessarily be aware of that because ordinarily I am trying to catch up on odd jobs at the table and would only pick my eyes up when a quorum was called.

Mr CREAN—When a quorum is called—I have used this word; it is my own—does not the House tend to 'freeze' as to those who are present in the House? Once a quorum is called, nobody in the House would think that he should leave the chamber. I accept that momentarily you would look up when the quorum is called. My view of the ethics, if you like to use such a term, is that anybody in the House—I will explain later what I mean by that—would not leave once somebody drew the attention of the House to the numbers.

Mr Turner—There is a certain area of grey in this respect, Mr Crean, if I might say so. I think you are quite right to say that ordinarily a member would not leave but there is quite a history of members—a quorum having been called—having attempted to leave.

Mr CREAN—Oh yes, but that is different. This is not quite the point. We will come to that in a moment. My view would be that once anybody—let us say it is Jim Cope who had been doing it all day but was not the one on this occasion—draws the attention of the Speaker or the Chairman, as it may be, to the state of the House, everybody looks up and my view would be that at that point nobody would leave.

Mr Turner—Not at that very moment.

Mr CREAN—Or within seconds. The House freezes, as it were. We say: 'I wish I had gone out 30 seconds before; I cannot now'.

Mr Turner—That could well be so, I think, as a general rule but I do repeat that there is quite a history of members having been recalled, having attempted to leave the

chamber after a quorum has been called, and this could be done on the initiative of the Chair, or by the Chair—his attention having been drawn to it.

Mr CREAN—On this particular occasion, as you recall it, nobody was struggling to get out when the quorum was called. The other thing I would like to ask about is that one of the difficulties here is that the doors were locked. In your experience how often have the doors been locked when a quorum has been called.

Mr Turner—Never before.

Mr CREAN—I think this is of some significance. Why were the doors locked on this occasion?

Mr Turner—I dealt with this point a bit earlier when I said that when the sand had run out there was some doubt as to whether the number was 40 or 41 and it conceivably could have been 42 which is a quorum. This placed the Chair, or could place the Chair, in a most embarrassing position. Let us assume that he had said: 'There is a quorum present'. Mr Gun having called the quorum and done his own mathematics assisted by some of his colleagues, might on the following sitting day rise as a matter of order and say: 'Mr Speaker, your Deputy last Thursday did not adjourn the House for lack of a quorum, when in fact there were only 41 there'. Alternatively, let us assume that he adjourned the House as he did. The Government Whip might easily have been taking his own count supported by someone else and be prepared quite categorically to say: 'There were 42 there. You should not have adjourned the House'. If there had been only 36 or 37 or 38 the thing would have been completely beyond doubt; there would not have been a quorum. But, as I say, on account of the movement, mainly on the Government side of the House, there was doubt as to whether it was 40 or 41. To put it more precisely, there was doubt whether there were 34 or 35 on the right of the Chair. This must, I think, quite reasonably raise a doubt in one's mind as to whether in fact there might not have been 42 in total. The only way in which the Chair could be protected properly—and one has to protect the Chair—was, in effect—to use your word—to 'freeze' the situation at that point. Now this could only be done by locking the doors to prevent any members from coming in and conceivably any members

going out. This was the suggestion which I made to the Deputy Speaker, who considered it for some seconds and then agreed that this was the only thing to do. He then ordered the doors to be locked.

Mr CREAN—I still find some difficulty. I have mostly been in the chamber when these sorts of things have happened. You make your count and at a certain point you say: 'Quorum present'. I have never known anybody to dispute and say: 'Are there actually 42 present?' This is the first point. The second point is: If there were not 42 present why did not the bells continue to ring? I did not know until it was raised the other night that the standing order apparently says that the bells will ring for 2 minutes.

Mr McIVOR—The bells did continue to ring for 2 minutes.

Mr CREAN—I have known for a long time that the bells do continue for more than 2 minutes.

Mr WHITLAM—Do they?

Mr CREAN—On quorums, Yes. For a division it is a different thing. There is some confusion because of what happens in a division. This is, I think, part of the difficulty about members being present in the galleries. They may well be paired if it is a division, but when it is a quorum and you know it is a quorum, in my view anybody in the precincts will come in. The other thing is that I am sure that I have known the bells to ring for more than 2 minutes when it was a quorum call.

Mr Turner—With all respect, Mr Crean, I must disagree with that. On this particular occasion the bells continued to ring, as you know. That was completely my fault. It was simply because I was engaged in trying to do a recount and a recheck. I think someone on the Government side was trying to have a conversation with me at the same time. Unfortunately, the flashing light under the clock was not flashing. We have had that repaired since. There was a considerable amount of noise so we could not hear the bells. It was entirely my own fault that the bells continued to ring. But this did not affect the issue at all.

Mr CREAN—I think it is established that this sort of event had not happened in most people's memory, and certainly over a 20-year period that the House had been counted out.

Mr Turner—It has.

Mr CREAN—When?

Mr Turner—On adjournments.

Mr Crean—At no stage when a quorum has had to be called—as distinct from a division—have the bells rung for longer than 2 minutes?

Mr Turner—No, they would not have rung for more than 2 minutes.

Mr CREAN—I suppose one does not really know. When the bells do ring and you sense it is a quorum rather than a division—there is often some doubt as to which is which—you tend not to worry very much. In all those times, the bells have never had to ring more than the 2 minutes?

Mr Turner—Ordinarily, of course, the bells would not ring for 2 minutes, because a quorum could be formed in 60 seconds or 90 seconds and the bells then are automatically turned off.

Mr CREAN—But if it goes more than 2 minutes the House would be counted out?

Mr Turner—That would be so. From memory I would think that in the life of the Federal House there have been some 50 occasions—I am subject to correction on that—on which the House has been counted out.

Mr CREAN—When was the last one prior to this?

Mr Turner—I would think possibly 15 years ago.

Mr JARMAN—That was on a quorum?

Mr Turner—That was on a quorum. Again talking from recollection, it could be some 50 years since there was a substantive count-out, that is, a count-out when there was substantial business before the House.

Mr CREAN—You mean on the adjournment?

Mr Turner—No, no. It is 50 years since there was a count-out when the House was engaged in business, not on the adjournment.

Mr CREAN—This is one of those points that I want to get quite clear. I have been here for 20 years and unless my memory is wrong, this is the only occasion I have known this to happen.

Mr Turner—Mr Barlin might have more precise figures on this than I have. My recollection is that it certainly happened during the regime of Mr Speaker Cameron.

Mr CREAN—During ordinary business?

Mr Turner—No. I am saying that the only occasion on which there has been a substantial—

Mr CREAN—I am trying to separate the adjournment situation—I can understand that—from what might be called the normal business, as this was. To my mind it was a unique sort of circumstance. I assume that I could be wrong about it but I would have thought that on some other occasions when a quorum had been called during 'substantive' business to use your term, the bells rang for more than 2 minutes. I am only trying to establish fact about this. A couple of other witnesses thought the circumstances were different on this occasion because the bells were ringing longer. It was said afterwards that someone—I think you were the person involved—had forgotten to turn the bells off. Whether this actually happened on this occasion I do not know. All I am saying is—I can be quite wrong because I have never checked—that on other occasions I have thought that the bells rang for more than 2 minutes when a quorum was called.

Mr Turner—No. The length of the bells is determined by Standing Order 45.

Mr CREAN—If I am labouring the point I am sorry, but this is my recollection of things. I would have thought that on many occasions the bells had rung for more than 2 minutes when a quorum was called.

Mr WHITLAM—It is really irrelevant.

CHAIRMAN—It does not really affect the issue, does it?

Mr CREAN—Well, I think it does.

Mr Turner—Mr Chairman, if I might answer Mr Crean. It is quite true that the bells on this occasion rang for more than 2 minutes, but that was purely my fault. It was an accident and it is the first time it has happened. The maximum time for which the bells can ring for the purpose of establishing a quorum is 2 minutes. Ordinarily, a quorum is established before 2 minutes and therefore the length of the bells might be 60 seconds or 90 seconds or some time later than that. The fact that the bells in fact continued to ring on this occasion was of little importance because the standing order then operated at the end of 2 minutes. That was when the sand ran through and the Chair was faced with having to make a decision on his own count or on

such advice as he wished as to whether a quorum was present. If a quorum was not present he had to adjourn the House. Getting back to what I said, some seconds might have passed between the end of the 2 minutes and the count-out as a positive act, but the fact that the bells continued to ring was of little moment. If I might say this, Mr Chairman, I have no recollection—and I think this is the view which my Deputy had too—of any member having left the chamber after the quorum had been called, and even although there was a lapse of time which might have been 20 seconds between the sand having run out and the Deputy Speaker's adjourning the House, no member entered the House in that time.

Mr JARMAN—What about the locking of the doors?

Mr CREAN—Well, I am coming to that. We are going round the table as I understand it. I am sorry if I may appear to be obtuse about this, but all I am saying is that I have been here for 20 years, which is longer than most people have been here, and I must confess that until the point was raised the other night I perfectly understood that as far as divisions were concerned there was a limit to the running of the sand, but I had not been aware of that as far as a quorum was concerned. All I would say—and I have no means of checking—is that I would have thought there had been plenty of times when the bells rang for longer than 2 minutes, but obviously I am wrong. The other point I want to get to—you have said this—is that this was the first time in your recollection that the doors were locked for a quorum. This seems to me to prove the point that you are making that never on any other occasion have the quorum bells rung for longer than 2 minutes; the quorum has been filled without the doors having to be locked.

Mr Turner—Except on 64 occasions. I have the figures. Lack of a quorum has called for the adjournment of the House of Representatives on 64 occasions. On 10 of these occasions the business of the House has been interrupted and on 54 occasions the count-out has occurred during the adjournment debate.

Mr JARMAN—The doors were never locked on those occasions?

Mr Turner—For the very simple reason that there was a very obvious lack of a quorum in those cases. It was just that the

numbers were so close on this occasion that the Chair had to be given an opportunity to make a proper determination.

Mr CREAN—Have you records of the 10 occasions not on the adjournment, what sort of instances they were and when they happened.

Mr Turner—I have not got them with me, but I can obtain them for you if you wish.

Mr CREAN—But were they in recent times?

Mr Turner—No. I have just been given a statement on this. Of the 10 occasions on which a lack of a quorum has interrupted the business of the House, 2 have occurred during the debate on a Bill, in August 1920 and August 1971—that is the one we are discussing; once on a ministerial statement in September 1904; 3 when in Committees of the whole, in August 1906, November 1912 and April 1935; 2 when in the Committee of Supply, in November 1904 and August 1912; 1 when in the Committee of Ways and Means in December 1907—

Mr CREAN—Which is now abolished.

Mr Turner—And one delayed the sitting of the House in September 1913. So these are in the main all long before my time.

Mr CREAN—That is right. This establishes the point, if you like, that never in living memory has this sort of thing happened.

Mr WHITLAM—There is not even an instance in Alan Reid's files.

Mr CREAN—The doors were locked; you say you have never known of that before. When the doors were locked and the count was then made, was there no choice open to the Deputy Speaker other than to adjourn the House until the next day?

Mr Turner—No, because that is required by the standing order: 'He shall adjourn the House if a quorum be not present within 2 minutes'. He must adjourn the House until the next sitting day, he has no choice.

Mr CREAN—But I think it is fair enough to say that this sort of happening had never occurred in the memory of most people. It could hardly be said, taking into account the number of comparatively new members and some doubt as to whether anybody left the chamber, that in Mr Alan Reid's very colourful words members left, well knowing that this would mean the cessation of the business

of the House. You could hardly reckon that in the knowledge of most people this was a cunning kind of contrivance, that they deliberately, did not come in or that they went out—which was what his emphasis was. I can well understand people not coming in, because of the view that the quorum should be kept by the Government, but I certainly have very strong views that nobody goes out once anybody is in. I question the accuracy of this phrase that they left the chamber, well knowing that if they did the business of the House could collapse. As far as you know, this sort of thing has not happened since about 1912. Mr Reid almost makes out that it is the kind of thing we do almost every second day, saying: 'If you are not careful, boys, we can stop the business of the House any day by walking out'. That is not the fact of life really, is it?

Mr Turner—No, I have no personal recollection at all of any previous experience of this kind, but of course it is one of the interesting facets of parliamentary life that despite the years that have elapsed something new comes up every week.

Mr WHITLAM—Is an attempt to leave the chamber when a quorum is called a breach of standing orders to which members are very little prone?

Mr Turner—I would agree.

Mr WHITLAM—Is an attempt to leave the chamber when a quorum is called a breach of standing orders which is very easy to establish?

Mr Turner—That is established by the standing orders.

Mr WHITLAM—How long have you been accustomed to watch for breaches of this particular standing order?

Mr Turner—From actual experience at the Table, some 22 years.

Mr WHITLAM—And to the best of your information and observation was this standing order breached on this occasion?

Mr Turner—No.

Mr JARMAN—You were talking about when the doors were locked. You would say that the Deputy Speaker had no choice at the end of 2 minutes even though the count was not definitely certain; at the end of that 2 minutes he would have to adjourn the House whether the doors were locked or not.

Mr Turner—At the end of 2 minutes or at such later time—perhaps a count of seconds—at which he establishes to his own satisfaction that there is not a quorum, he must then adjourn the House.

Mr JARMAN—That is what I am getting at. If the doors had not been locked and somebody had come in one second after the end of the 2 minutes, he would still have been duty bound to adjourn the House.

Mr Turner—Oh, yes. But the danger was that someone could have come in unknown.

Mr JARMAN—Yes, And therefore the locking of the doors was purely to freeze the situation to use Mr Crean's word.

Mr Turner—To freeze the situation in order that the Chair might be quite sure as to what the exact position was.

Mr TURNBULL—Mr Crean appears to think that because he has been here a certain number of years that gives him an advantage, so therefore I must claim advantage too because I have been here a lot longer than he has. I have been here 25 years and 9 months and whenever a quorum has been called, or very shortly afterwards, I have been there, and I did not miss this one either. One thing I have stated in this inquiry, at either the last meeting or the one before which has already been substantiated by Mr Turner is that it does not matter how long the bells ring; the point is that when the quorum is called the bells start to ring; they ring for 2 minutes; at the end of the 2 minutes the people in the House are the ones who either make a quorum or do not make a quorum. It does not matter if they ring for the next 24 hours; that has no bearing on it.

Mr Turner—No.

Mr TURNBULL—The whole point is, as you have already said, that the locking of the doors was just to make absolutely certain that the number was correct.

Mr Turner—Yes. I might just emphasise again, Mr Chairman, that if the count had been 36 or 37 there would have been no question. It was just this narrowness that made it important for the Deputy Speaker to put himself in the position where he was positive as to what the number was.

Mr CREAN—Yes. If there had been 36 or 37 he would have simply declared the House adjourned.

CHAIRMAN—Yes. I think Mr Turner has already made that clear more than once.

Mr TURNBULL—Yes, it has been made clear by others.

Mr WHITLAM—Mr Crean is still not in the clear. Why did he not turn up in the chamber? I am still not satisfied on this.

Mr TURNBULL—He says he is a good parliamentary man.

Mr CREAN—All I am sorry about is that what I have taken to be serious is regarded in some quarters as jest. I think this is a little unfortunate. I still must say that while my experience is several years less than Mr Turnbull's it is not much less. It shows, I suppose, the abysmal ignorance of all of us, but I still had not realised that the quorum was subject to the 2-minute rule. I think all of us knew about divisions but most of us thought the quorum was a little bit flexible and it was the rigidity on this occasion that seems to have confused us all.

CHAIRMAN—I think that point has already been cleared up.

Mr CREAN—I might be a slow thinker or a slow learner but it was not clear in my mind.

Mr BROWN—Well we will let you off on parole.

CHAIRMAN—Thank you very much, Mr Turner. We have kept you a long time. You have been helpful to us.

Committee adjourned

(Taken at Canberra)

TUESDAY, 12 OCTOBER 1971

Present:

Mr DRURY (Chairman)

| | |
|-------------------|-------------|
| Mr Brown | Mr Jarman |
| Mr Donald Cameron | Mr Turnbull |
| Mr Crean | Mr Whitlam |
| Mr Allan Fraser | |

Mr William John Fulton, M.P., of 259 McLeod Street, Cairns, was sworn and examined.

CHAIRMAN—For your reassurance, Mr Fulton, let me read to you, as we do to all witnesses, standing order 362, which states:

All witnesses examined before the House or any Committee thereof are entitled to the protection of the House in respect of anything that may be said by them in their evidence.

In other words, you are 100 per cent under parliamentary privilege, so please do not feel inhibited in any way in anything you wish to say. Let me refer you also, as we do in the case of all witnesses, to standing order 340, which states:

The evidence taken by any select committee of the House and documents presented to and proceedings and reports of such committee which have not been reported to the House shall not, unless authorised by the House, be disclosed to or published by any member of such committee or by any other person.

You will understand from that, Mr Fulton, that what you say to us is strictly confidential between you and us and that we would be in breach of the standing order if we disclosed it before we reported to the House. The evidence that you give to us will be recorded and the transcript of the evidence will be made available to you as soon as possible. You will be permitted to make any necessary changes to the transcript to ensure its accuracy but, as you will appreciate, no alteration involving any matter of substance can be permitted. The particular point that is before the Committee at present is an article by Alan Reid which appeared in the Sydney 'Daily Telegraph' of Friday, 27th August under the heading 'Count-out Shuts Parliament'. There is one paragraph of the article which has been and still is of concern to us and it raises a question to which we must find an answer in one way or another. I refer to the truth or falsity of the statement in it that:

A group of ALP parliamentarians walked out of the chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

There are other statements in the article, but our prime purpose is to ascertain the truth or falsity of that statement. Were you in the building on the afternoon of Thursday, 26th August when Dr Gun called a quorum?

Mr Fulton—Yes.

CHAIRMAN—Were you in the chamber at the time?

Mr Fulton—No. I was there about a quarter of an hour prior to that. I came out and went into my room.

CHAIRMAN—At a quarter to 4 you went from the chamber to your office?

Mr Fulton—A quarter to 5.

CHAIRMAN—It would be a quarter to 4. It was at about 4 o'clock that Dr Gun called the quorum. Sir Charles Adermann was speaking and he had 1 minute to go. I was in the chamber, so I know that. Also, it has been verified in earlier evidence. You were not in the chamber when Mr Lucock directed that the bells be rung for a quorum?

Mr Fulton—No.

CHAIRMAN—You had left about a quarter of an hour before?

Mr Fulton—Yes.

CHAIRMAN—At about a quarter to 4 you left the chamber to go to your office?

Mr Fulton—Yes.

CHAIRMAN—You were in the building—in fact you were probably in your office—when the bells rang?

Mr Fulton—I had phoned my secretary and I had left my office to get a packet of cigarettes. I was half way back along the corridor when the bells rang.

CHAIRMAN—You did not know whether they were division bells or quorum bells?

Mr Fulton—No.

CHAIRMAN—What did you do then? Did you start moving to the chamber?

Mr Fulton—I got through the doors to where my office is, straight opposite the chamber, and I saw 4 or 5 Labor Party parliamentarians outside. They said: 'It's a quorum', so I went straight into my office. When I came out again, the bells were still ringing and I got a shock when I saw the doors close. That is all I know about it.

CHAIRMAN—Did the 4 or 5 parliamentarians who were in the lobby on the Opposition side give any indication that they had been in the chamber and had come out, or did you get that impression?

Mr Fulton—They could not have been in the chamber because they said they did not know what it was all about.

CHAIRMAN—What did you do then?

Mr Fulton—I stopped with them and talked with them to find out what was going on. The doors were locked and we could not get in. I did not know what was going on. I was anxious myself to find out what was going on.

CHAIRMAN—You were there when the doors were locked at the expiration of the 2 minutes?

Mr Fulton—Yes, I saw the doors locked.

CHAIRMAN—You did not make any attempt yourself to get into the chamber?

Mr Fulton—I was going there but I did not make any attempt to go in because the rest of the members who were there had not gone in themselves.

CHAIRMAN—Did you hear any member of that group make any comment in connection with members walking out of the chamber because it was a quorum?

Mr Fulton—No.

CHAIRMAN—You did not hear anyone make any comment along those lines?

Mr Fulton—No. It is most unusual if they do come out. I have never seen it happen before.

CHAIRMAN—Having gathered that it was a quorum from what those 4 or 5 parliamentarians said, you left them and went on into your office; is that right?

Mr Fulton—That is right.

CHAIRMAN—You did not hear at any stage anyone make any comment about members walking out of the chamber?

Mr Fulton—No.

Mr BROWN—Do you recall passing any Government members as you were walking down the corridor to get your packet of cigarettes?

Mr Fulton—I cannot recall.

Mr BROWN—You went to buy the packet of cigarettes before the bells rang?

Mr Fulton—Yes, they rang when I was coming back.

Mr BROWN—Do you recall passing any Government members as you were coming back?

Mr Fulton—Yes. Several of them were going towards the chamber.

Mr BROWN—That was at the time the bells were ringing?

Mr Fulton—Yes.

Mr BROWN—Did you have any conversation with any of them?

Mr Fulton—No.

Mr BROWN—Did you say anything to any of them?

Mr Fulton—No. I cannot even recall now who they were.

Mr BROWN—You did not have any conversation with them?

Mr Fulton—No, I did not.

Mr BROWN—Nor did you say anything?

Mr Fulton—No.

Mr BROWN—There was no one-sided conversation with any of them?

Mr Fulton—No.

Mr BROWN—At any other time during this series of events did you have any conversation with any Government member?

Mr Fulton—No, only with my own people.

Mr BROWN—Only members on your own side?

Mr Fulton—Yes.

Mr BROWN—At any stage of these proceedings did you say anything at all to any Government member?

Mr Fulton—No.

Mr JARMAN—I am not quite sure where your office is.

Mr Fulton—Straight opposite, between the Leader and the Deputy Leader.

Mr JARMAN—It is exactly opposite the double doors of the chamber.

Mr Fulton—That is right.

Mr JARMAN—Do you remember where you went when this affair was over and the House had adjourned?

Mr Fulton—I went straight into my room. Martin Nicholls is in the same room, and we both went in.

Mr JARMAN—You did not walk down any corridors?

Mr Fulton—No.

Mr DONALD CAMERON—If someone said that he was 99 per cent certain that he heard you voice shouting the words: 'There has been a walk-out', you would deny that?

Mr Fulton—I have never used that term.

Mr TURNBULL—You walked across to your office, which is straight opposite the doors of the chamber. On no occasion at that time did you walk down the stairs?

Mr Fulton—No.

Mr TURNBULL—Nor did you say: 'We have walked out'?

Mr Fulton—No.

CHAIRMAN—Mr Crean has refreshed my memory. Apparently I was in error when I said that the quorum was called at about 4 o'clock. It was nearer to 5 o'clock, so you were right, Mr Fulton. I apologise for my error and thank you for your attendance.

Committee adjourned

(Taken at Canberra)

TUESDAY, 26 OCTOBER 1971

Present:

MR DRURY (Chairman)

| | |
|-------------------|-------------|
| Mr Brown | Mr Crean |
| Mr Donald Cameron | Mr Turnbull |

Mr Philip Ernest Lucock, C.B.E., Chairman of Committees, House of Representatives, was sworn and examined.

CHAIRMAN—Mr Lucock, this is really not necessary in your case but, as a matter of form, I have been explaining to all witnesses that, under Standing Order 362, they are entitled to the protection of the House in respect of anything that may be said by them in their evidence. You are as familiar with that provision as is anyone else here. I have been informing witnesses also that under Standing Order 340 the evidence taken by any select committee of the House, and documents presented to and proceedings and reports of such committee, which have not been reported to the House shall not, unless authorised by the House, be disclosed or published by any member of such committee or by any other person. It is clearly a formality to do that in your case. The only other point that I want to mention is that a tape recording of the evidence is being made and that a transcript will be made available to you as soon as possible. Would you be good enough to check it for accuracy? As you will appreciate, no major or substantive alterations are permissible but you may make grammatical alterations or any amendments that you think are necessary in the interests of accuracy. As you know, Mr Lucock, we are inquiring into an article by Alan Reid which appeared in the Sydney 'Daily Telegraph' of 27th August.

The particular matter that the House has asked us to look into and report on is the following statement in that article:

A group of ALP parliamentarians walked out of the chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

That is the only really significant part, except that in the third column, in relation to yourself, the article says:

The Speaker does not preside over the Budget debate and does not enter the chamber while the Chairman of Committees, Mr P. E. Lucock, is presiding over the debate, as Mr Lucock was on this occasion.

Is that a correct statement? Were you presiding on that occasion?

Mr Lucock—That is a correct statement, yes.

CHAIRMAN—At the expiration of 2 minutes, did you instruct that the doors be locked?

Mr Lucock—Yes. Quite frankly, I think it was a little after 2 minutes. I looked down at the sand bowl and saw that it was empty. Then I looked around the House, made a quick count and decided that we were fairly close. It was for that reason that I had the doors locked. If 2 or 3 members had come in after that, there could have been no real guarantee that there were only 40 there. Had there been, say, 20—which would obviously have been short of a quorum—it might not have been necessary to have the doors locked, but it was necessary to have the doors locked so that we could have a check on the numbers, without there being any danger of any member coming in, who could then say: 'Look, I was in before the bells stopped ringing'.

CHAIRMAN—This would be an unusual procedure, would not it? Have you ever had occasion to have the doors locked after a quorum call?

Mr Lucock—No, I have never experienced it.

CHAIRMAN—After Dr Gun had called the quorum and during the period of just over 2 minutes that elapsed before the doors were locked did you notice any members from either side of the House leaving the chamber?

Mr Lucock—No. There were 2 members who were standing, as far as my recollection goes. One was Dr Forbes and the other was

Mr Daly. Both of those members moved about the chamber, and Mr Fox moved about the chamber, but no one actually left the chamber—not that I was aware of.

CHAIRMAN—When you are in the Chair, do you find that normally you can keep an eye on all the various entrances and exits?

Mr Lucock—I would think that, within reasonable limits, I could say 'Yes' to that. You are sort of looking round the chamber at that particular stage. You are watching for people coming in, not so much for people going out, but if you noticed a member who was in the chamber getting close to the door, you would naturally keep a fairly close eye on that member, knowing that members are not supposed to leave the chamber. It has happened that I have called members back who have gone out of the chamber at the time I have been watching.

CHAIRMAN—Would you say that it would be extremely unlikely that any members left the chamber during the period in question?

Mr Lucock—I would say it would be extremely unlikely.

CHAIRMAN—Can you say positively that no members walked out of the chamber?

Mr Lucock—Within the framework of what I have said previously I think I would say fairly emphatically that no member walked out. Can I put it this way? It would be extremely unlikely that any member could have left the chamber without my noticing, because I was looking around both sides pretty quickly to see that they did not. The only possibility is that somebody went out of one of the doors in the corners on the right and left hand sides of the Chair, which are actually behind the Chair, but as no members were in that vicinity I would say again that no members went out.

CHAIRMAN—As to the doors behind the Speaker's Chair, when you were sitting in the Chair you would, from the corner of your eye, have seen if anyone went out?

Mr Lucock—Anybody would have had to pass my vision to get out the doors directly behind the Chair.

CHAIRMAN—If anybody had been heading out that way you certainly would have seen them?

Mr Lucock—I would have noticed them.

Mr DONALD CAMERON—When the quorum was called, were there many members in the House?

Mr Lucock—There were not many, but I would not like to hazard a guess as to how many there were.

Mr DONALD CAMERON—You used the words 'There were not many', so it would have been very difficult for anyone to walk out without your noticing him. That is what it boils down to, does not it?

Mr Lucock—With so few in the House, I think it would have been obvious, particularly as the 2 members that I have already mentioned were already standing and I was keeping a fairly close eye on them to see that neither of them went out.

Mr DONALD CAMERON—Do you recall during the quorum count any members, to use the word that was used earlier, chattering across the chamber, accusing each other of having walked out or anything like that?

Mr Lucock—Not that I can recall.

Mr CREAN—I would like to ask Mr Lucock the question that I have asked of everyone else. When a quorum is called, or when someone draws attention to the state of the House, is the normal reaction of a member who is in the chamber at that time that he is trapped? I have used the expression that the House freezes at that point. Members certainly move around but if anyone made a move to go out you would claim him, would you not? I have also expressed the view that even members who were circulating in the lower galleries would feel that they were obliged to come in and make up the numbers.

Mr Lucock—I think you will find that if any members go out—it did happen once that 3 members walked out during the ringing of the bells—those members are actually in the process of going out beforehand. They are going out to have a cup of tea or to attend a committee meeting and it does not actually register with them that the bells are ringing and they are supposed to stay in the chamber. I know that when I called one member back on one particular occasion, he apologised to me and said that he was not aware of the fact that the bells were ringing.

Mr CREAN—From my own experience, some of your colleagues say: 'You cannot go out now a quorum has been called'.

Mr Lucock—Just so.

Mr CREAN—It is different with a division, because some people may be paired or may have made some arrangement not to be counted, but it seemed to me that this was simply a piece of journalistic imagination.

CHAIRMAN—There is a point that came up in discussion with some of the other witnesses. The fourth column of Alan Reid's article states, perhaps a little inaccurately:

Though Standing Order 47 states that no member shall leave the chamber when a quorum is called, several Labor men disappeared quickly through the door.

That was not one of the paragraphs referred to us, but I take it that that is one of the questions for determination for this Committee. I have been asking the witnesses whether they have any comments to make on that.

Mr Lucock—The only thing that could happen—I do not say that it would—would be for members to be near the door and, at the moment the member got to his feet and started to call attention to the state of the House, to go straight through the door. At that stage, you would not really be looking out for any members leaving, with a view to making them stay in, because until a member draws your attention to the state of the House that situation does not arise. A person close to any of the doors could disappear through a door while a member was calling attention to the state of the House, but when a member has called attention to the state of the House, that is the finish. You have to make sure that those who are in the House stay there. Otherwise, there is no point in calling a quorum. There is another factor here. You will recall that the late Archie Cameron made a rule that if anyone called a quorum and there was a quorum present, that person was immediately named. That might be strong action to take, but if you allow someone to go out the moment a member calls attention to the state of the House, it destroys that sort of restriction. I would say that, within the framework of what it is possible to say, no one went out from the time that the member for Kingston got to his feet and the bells were rung.

CHAIRMAN—In other words, you are satisfied that in that 2-minute plus period no member left the chamber?

Mr Lucock—No one left the Chamber.

Mr TURNBULL—I recall an occasion when a member walked out of the House into

the passage and the Speaker sent the Serjeant-at-Arms to bring him back in, which he did.

Mr Lucock—I think I know the person you are referring to. It was in the time of the late Archie Cameron's speakership. I have called members back myself. I sent the Serjeant-at-Arms after them and he brought them back. One of the members concerned apologised to me. He said he was not aware that the bells had been ringing. He had not actually been aware of the fact that somebody had called a quorum—which is understandable.

Mr CREAN—There is nothing in the Standing Orders to say that if a person calls a quorum and in fact a quorum is present, he can be punished, is there?

Mr Lucock—The late Archie Cameron took action on the basis that you were disrupting the proceedings in the House unnecessarily.

CHAIRMAN—Thank you very much for your help, Mr Lucock.

Committee adjourned.

(Taken at Canberra)

TUESDAY, 9 NOVEMBER 1971

Present:

MR DRURY (Chairman)

| | |
|-------------------|-------------|
| Mr Brown | Mr McIvor |
| Mr Donald Cameron | Mr Turnbull |
| Mr Crean | Mr Whitlam |
| Mr Allan Fraser | |

Mr David Ramsay McNicoll, 75 Kambala Road, Bellevue Hill, Editor-in-Chief, Australian Consolidated Press, 168 Castlereagh Street, Sydney, was sworn and examined.

CHAIRMAN—There are 2 Standing Orders of the House, Mr McNicoll, which I would like to read to you. Standing Order 362 provides that all witnesses examined before the House or any Committee thereof are entitled to the protection of the House in respect of anything that may be said by them in their evidence. That is merely to assure you that anything you say is privileged. The second one, Standing Order 340, relates to the non-disclosure of evidence given before this Committee, if I may read it:

The evidence taken by any Select Committee of the House and documents presented to and proceed-

ings and reports of such Committee which have not been reported to the House shall not, unless authorised by the House, be disclosed or published by any member of such Committee or by any other person.

So you will appreciate that the evidence you give is purely between yourself and the members of the Committee, and will not be disclosed. The evidence that you give us this afternoon, Mr McNicoll, will be recorded by tape and the transcript will be made available to you as soon as possible for checking as to accuracy. You will appreciate there may be no alteration of any matter of substance but minor matters may be tidied up. Have you any papers to table before the Committee?

Mr McNicoll—No, I have nothing.

CHAIRMAN—I will ask the Clerk, as a formality, to show you page 1 of the 'Daily Telegraph' of 27 August, containing the greater part of Mr Reid's article. Do you verify that as an authentic copy of part of the issue of the 27th?

Mr McNicoll—That is authentic.

CHAIRMAN—That page covers the particular paragraphs which were referred by the House to this Committee. In particular, if I may just refresh your memory, this particular paragraph concerned the House and we were asked to look into it; it reads:

A group of ALP parliamentarians walked out of the chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

The other paragraph that was of concern to the House reads:

Though Standing Order 47 states that no member shall leave the chamber when a quorum is called several Labor men disappeared quickly through the door.

Those are the 2 particular paragraphs that we have been instructed to investigate and report to the House upon. Mr McNicoll, do you accept responsibility for the publication of Mr Reid's article?

Mr McNicoll—Yes, I do.

CHAIRMAN—Could you say whether any attempt was made by any officer of your staff, by yourself or anyone under you to check the accuracy of the allegations contained in Mr Reid's article?

Mr McNicoll—It would not be considered necessary.

CHAIRMAN—Was Mr Reid's copy treated any differently on this occasion from the way in which his copy is normally treated in your office?

Mr McNicoll—I would not think so, no; I would think that it just went through the sub-editors' table in the normal way. I would think it was largely untouched.

CHAIRMAN—It was not edited or altered in any way to your knowledge?

Mr McNicoll—No, certainly not the relevant paragraphs.

Mr DONALD CAMERON—Mr McNicoll, your comment that there was no checking or anything of that nature would imply that you would take everything that Mr Reid wrote for gospel?

Mr McNicoll—In a situation such as this, relating to anything he wrote of what is happening in the House, yes.

Mr DONALD CAMERON—Would you normally expect that your staff—if I may refer respectfully to Mr Reid as such—would go to great lengths to check out the accuracy or otherwise of a story prepared for your newspaper?

Mr McNicoll—Every member of the staff does his utmost to see that every story is accurate, but if you went to extreme lengths you would never get a paper out.

Mr DONALD CAMERON—Would you regard the word of one person only as being a sufficient basis to take the facts as presented or as alleged, as being correct?

Mr McNicoll—With somebody of Mr Reid's length of experience here, yes.

Mr DONALD CAMERON—You would?

Mr McNicoll—Yes.

Mr BROWN—I do not at this stage have any specific question to put to you, Mr McNicoll, but, with all respect to the Chairman, I do not know whether he gave you an opportunity to say what you wanted to say. It may be that you have something that you want to say about this overall business.

CHAIRMAN—I propose to invite Mr McNicoll at the end of the series of questions to offer any comments he may wish to make.

Mr ALLAN FRASER—After those comments there will be an opportunity for questioning, will there?

CHAIRMAN—I am keeping to the usual procedure of questions around the table first, Mr Fraser.

Mr ALLAN FRASER—I am not raising that point; I am simply asking: If we give Mr

McNicoll the opportunity of making comments, will we be able to ask questions on those comments? Will there be a second round of questions?

CHAIRMAN—Yes.

Mr TURNBULL—This is not a question altogether, Mr McNicoll—I had not intended to ask any questions—but I do not know whether you are aware of this: Mr Reid has said before this Committee that he was not in the Press Gallery at the time this happened.

Mr McNicoll—I understand that is so.

Mr TURNBULL—Without asking a question, I just put it to you as a statement, it would be most difficult to write an article under those circumstances.

Mr CREAN—You have reasonable confidence in Mr Reid's competence in this field?

Mr McNicoll—We have tremendous confidence in his competence.

Mr CREAN—And mostly you would accept without question that what he wrote he wrote in good faith?

Mr McNicoll—I cannot think of any instance in which we have had any cause to doubt anything that he has written.

CHAIRMAN—As there are no further questions at this stage, Mr McNicoll, perhaps I might ask: Would you care to make any comments in addition to those you have already made?

Mr McNicoll—I must say, if I may, with great respect, Mr Chairman, that our organisation in Sydney has been greatly disturbed and bewildered at the reports which are current in Sydney—that the Committee found Mr Reid not guilty and then later decided that he was to be found guilty. Everybody—from our legal men and everybody—is quite bewildered and staggered at this having happened. It seems to us something which, if it eventually sees the light of day, as I have no doubt it will, must call for some explanation and I think that we, as a newspaper, deserve an explanation for this.

CHAIRMAN—You will appreciate that whatever may be current in Sydney is only hearsay and does not emanate from this Committee. I am not in a position to comment on what you have just said at this stage because we have first of all to put in our report to the House. When our report eventually goes to the House, of course, it will be

debated in the House and will become a public paper. At this stage I cannot comment on your remarks. Gentlemen, would you like to go round the table again and ask any further questions? Mr McIvor, have you any further questions?

Mr McIVOR—Only, Mr Chairman, by way of a remark: I am rather surprised that Mr McNicoll can tender the information that he has just tendered to the Committee. I thought that the work of this Committee was sacrosanct and was not to be discussed until the report was presented to the House. I am rather surprised that this sort of information can be taken to the general public before any final decision has been made on the matter.

Mr DONALD CAMERON—You ignored a question from Mr Turnbull. You chose not to comment before when he asked you whether or not you would agree it would be difficult to write a story accurately, or to write a story, if one was absent from the Press Gallery.

Mr TURNBULL—It was not really a question.

Mr McNicoll—I do not think Mr Turnbull asked a question.

Mr DONALD CAMERON—Did you make a statement, Mr Turnbull?

Mr TURNBULL—Yes.

Mr DONALD CAMERON—Well, would you agree that it would be extremely difficult to present an accurate story, relying only on hearsay from others you go to ask?

Mr McNicoll—Not if you fully trusted the people from whom you heard it, no.

Mr DONALD CAMERON—And to trust somebody who possibly would have had a long association with him as a contact for background.

Mr McNicoll—That would be likely.

Mr BROWN—I wish just to repeat what I said before and to ask Mr McNicoll whether there is anything else that he wants to say. I just preface that, Mr McNicoll, by asking you to leave to one side the question that you have already addressed your mind to, namely, the possibility of the Committee's having changed its mind—that having reached one decision, it may have changed it to another. I do not think I can comment on that at the present. However, on the assumption that the Committee decides that this does amount to

breach of privilege, and that that is the final decision of the Committee, is there anything that you wish to say about that? You, after all, are here on the understanding that you are responsible and, indeed, you have said in your evidence that you are responsible for the publication of the article. I just want to be absolutely sure in my own mind that you have been given plenty of opportunity to say anything you wish to say about that particular decision of the Committee, assuming that it is a finding of a breach of privilege.

Mr McNicoll—I shall be sorry if the Committee does reach that decision. I cannot express any regret myself because I cannot agree with the decision of the Committee. You make it very difficult for me. I regret your decision, but I must say that I agree with Mr Reid.

Mr BROWN—You agree with Mr Reid?

Mr McNicoll—I agree with Mr Reid's story. I do not doubt Mr Reid's story.

Mr BROWN—This agreement, presumably, arises because, as you said before, you have confidence, faith or whatever it is in what he wrote?

Mr McNicoll—Yes.

Mr McIVOR—Would you be surprised to know, Mr McNicoll, that the word 'guilty' has never appeared in any report of ours or in any decision that we have made up to date? You said that the report showed Mr Reid to be guilty. Would you be surprised to know that that has never been said?

Mr McNicoll—May I phrase it differently? The 3 completely outside reports that we received in Sydney were that the Committee had reached a decision favourable to Mr Reid and that this had been reversed for a decision unfavourable to Mr Reid. I say that instead of the word 'guilty'.

CHAIRMAN—Have you any further questions Mr Brown?

Mr BROWN—Yes. May I put it this way, Mr McNicoll: I think you said you would express regret if the decision was made. Do you say that because of the position of a journalist in the Press Gallery of the House of Representatives and the method of his operation?

Mr McNicoll—Yes; also because when this Committee first summoned Mr Reid, I questioned Mr Reid very closely, no doubt as closely as this Committee has, and nothing

came out of that questioning which caused me in any way to doubt the fact that the story as he wrote it was correct.

Mr TURNBULL—The only question that I have is that Mr McNicoll has said that he has the greatest faith in Mr Reid and Mr Reid's statement being accurate, and that his paper has the greatest confidence in him as a true reporting journalist.

Mr McNicoll—Yes.

Mr TURNBULL—Now, if there is no cause to doubt his articles, would your paper—not you—maintain the accuracy of the statement that a certain number of Labor men left the chamber when the quorum was called? Are you adamant in maintaining that they did leave the chamber? I ask this question, for I was in the chamber.

Mr McNicoll—All that I can say is that I was asked by the Chairman if I accepted responsibility, which I do. Having accepted responsibility, I now say that I accept Mr Reid's story. I do not think I can go much further than that.

Mr TURNBULL—Therefore, you are of the opinion that a certain number of Labor men left the chamber after the quorum was called?

Mr McNicoll—I am prepared to accept Mr Reid's story, yes, that that is so. That is what he says in his story.

Mr WHITLAM—I must apologise for not being here when the earlier questions were asked or when you opened the proceedings, so that I run the risk of doubling up on things that have already been asked. Pardon me if I do. You have been told, Mr McNicoll, that there are 2 sentences in the story from Mr Reid which the 'Daily Telegraph' published and to which exception was taken. Firstly, the statement:

A group of ALP parliamentarians walked out of the chamber when the quorum was called, well knowing that their action could cause the collapse of the House of Representatives.

The other is:

Although Standing Order 47 states that no member shall leave the chamber when a quorum is called, several Labor men disappeared quickly through the door.

You realise that those are the 2 statements to which exception was taken. I take it you have also been told that the Committee finds that those statements were not accurate.

Mr McNicoll—No, that has not been told to me.

Mr WHITLAM—I withdraw the question then. I take it you have been told that the evidence to the Committee indicated that no member left the chamber when the quorum was called.

Mr McNicoll—No, that is not so.

Mr ALLAN FRASER—I make a point of order. I thought it was understood by all members of the Committee that the contents of evidence presented to the Committee was not conveyed to witnesses, but only conveyed to the Parliament.

CHAIRMAN—I do not see it as the function of this Committee to give information to Mr McNicoll. I am asking and inviting members around the table to ask Mr McNicoll the usual kinds of questions that we ask witnesses but, of course, any information that is elicited will remain with this Committee. I am not actually passing on information to Mr McNicoll; merely eliciting information and his views.

Mr WHITLAM—Could Mr McNicoll withdraw for a while?

(The witness withdrew and the Committee deliberated.)

(The witness having returned):

Mr WHITLAM—Mr McNicoll, you realise that those 2 statements to which exception was taken were serious reflections on members of the House and on the Presiding Officer?

Mr McNicoll—Yes.

Mr WHITLAM—I believe you have told the Committee that you have no basis for knowing their accuracy or inaccuracy except from Mr Reid himself.

Mr McNicoll—That is so. Since this whole thing started, as you know, one of the members of the House said things at that time, and I have had a talk to him about it.

Mr WHITLAM—That is Mr Irwin.

Mr McNicoll—Yes.

Mr WHITLAM—But, apart from Mr Reid or Mr Irwin, there are no persons on whom you can draw to form a conclusion as to the accuracy or inaccuracy of these 2 statements to which exception was taken?

Mr McNicoll—I have not discussed these particular paragraphs with anybody except Mr Reid and Mr Irwin.

Mr WHITLAM—If the Committee or the House were to find that those statements were inaccurate, what would your attitude be then as editor of this paper?

Mr ALLAN FRASER—That is a hypothetical question.

Mr McNicoll—If the Committee were to find that, I would be quite prepared to publish the fact that the Committee had found that.

Mr WHITLAM—In that case, would you express any view in the newspaper as to your responsibility for publishing an inaccurate—

Mr McNicoll—No, I would express no regret whatsoever for the story.

Mr CREAN—When a paper publishes something about an actual incident, particularly when it comes under an individual name, as this story did, you would hope that the journalist should be accurate about what he wrote.

Mr McNicoll—Yes. Our experience, Mr Crean, is that he is an accurate journalist and I would have complete faith in him in what he writes.

Mr CREAN—The second thing is that the person who writes, the journalist, should also believe or think he is accurate.

Mr McNicoll—The journalist himself?

Mr CREAN—Should believe or think that what he writes is accurate.

Mr McNicoll—I am sure that that is so, and I am sure that Mr Reid still holds that view.

Mr CREAN—The other thing is—you have had a pretty long experience over the years of editing and, I presume, of writing in papers—that the man may believe that he is accurate but in fact may not be accurate.

Mr McNicoll—That, of course, is always a possibility, yes.

Mr CREAN—In a sense, that seems to me to be the task that confronts us here. None of us, I suppose, likes some things that are written in papers at times, but if they are true there is not much we can do about it. On the other hand, if things are published which he who wrote them might think are the facts, and you or someone else knows that they are not, then there are proper procedures to try and correct what is wrong.

Mr McNicoll—If Mr Reid were to tell us that he now believes that the story that he wrote was inaccurate—I do not think that for a second. I am sure Mr Reid still believes in his story, and we believe in Mr Reid's story. It is as simple as that.

Mr McIVOR—Mr McNicoll, you have given me some concern in the statement that you made that you were given information from 3 sources, or it is apparent to me, from 3 persons. This involves contempt of Parliament. Would you be prepared to name your 3 informants?

Mr McNicoll—No, Sir.

Mr DONALD CAMERON—By implication, Mr McNicoll, where you said that you 'would express no regret, or no apology or any such thing'—

Mr McNicoll—Wait a minute. Did I say—

Mr DONALD CAMERON—'Express no regret.'

Mr McNicoll—I personally would express no regret.

Mr DONALD CAMERON—The paper would express no regret. You would print the finding of the Committee.

Mr McNicoll—The paper would print the finding of the Committee that in the Committee's opinion the story was inaccurate.

Mr DONALD CAMERON—Full stop.

Mr McNicoll—Yes.

Mr DONALD CAMERON—If Mr Reid informed you that he had formed the opinion that he was in error, you would accept that?

Mr McNicoll—If Mr Reid—

Mr DONALD CAMERON—If Mr Reid came to you and said: 'Mr McNicoll, I feel I have made a mistake'.

Mr McNicoll—That would put a very different complexion on it.

Mr DONALD CAMERON—In other words, you are rejecting in your own mind the finding of this Committee if we find other than what Mr Reid told you?

Mr McNicoll—We would be quite happy to publish the findings of this Committee.

Mr DONALD CAMERON—Would you mind just answering that question? Would you reject, yourself, the findings of this Committee as being inaccurate?

Mr McNicoll—I, myself, yes. I would have to stick with Mr Reid on this.

Mr McIVOR—Only for your loyalty to Mr Reid. We admire—or I do at any rate—your loyalty to Mr Reid. In spite of the fact that we would find there is not a shred of truth in anything in his article, you would find in favour of Mr Reid—out of your loyalty to your staff?

Mr McNicoll—I would have to see all your evidence as opposed to Mr Reid's evidence.

Mr McIVOR—I beg your pardon.

Mr McNicoll—I would have to see all your evidence as opposed to Mr Reid's evidence—all the evidence on which you based your conclusion.

Mr DONALD CAMERON—Would you be indirectly suggesting incompetence on the part of this Committee?

Mr McNicoll—I think that is a very unfair question.

Mr DONALD CAMERON—It is a natural follow-through from your early answers. I am not trying to be unfair. I just want to establish an attitude.

Mr McNicoll—I am not suggesting incompetence but I am suggesting that if this Committee is based on elements of normal justice it is rather strange that a man who is found to have no case against him suddenly finds that he has a case against him. You must say that this puts the Committee under some sort of scrutiny.

Mr DONALD CAMERON—The next question is: In view of the fact that the article was originally printed on page 1, Mr McNicoll—you have already said you would be prepared to print the Committee's findings—would you give it exactly the same prominence as you gave the original article?

Mr McNicoll—We always adopt that policy—that if we publish something of that sort we give it equal prominence.

Mr DONALD CAMERON—Same print, same page?

Mr McNicoll—Yes. It might not be at the top of the page but it would be on page 1.

Mr ALLAN FRASER—You were not present in Canberra on the night when the House was counted?

Mr McNicoll—No.

Mr ALLAN FRASER—You had no personal knowledge, and you still have no personal knowledge, of the happenings that took place in the House?

Mr McNicoll—No. I used to see a lot of that sort of thing going on in the times when I used to cover the House.

Mr ALLAN FRASER—You are not able to say of your own knowledge, and you are not purporting to say of your own knowledge, that members left the chamber after the quorum was called.

Mr McNicoll—No, I am not.

Mr ALLAN FRASER—You say that you accept responsibility for the accuracy of the story. That is not based on any personal knowledge of your own, but on the fact that you accept responsibility for what is published in the paper.

Mr McNicoll—Yes, I do.

Mr ALLAN FRASER—And on the fact that, having questioned Mr Reid, you found no reason to doubt the accuracy of the article.

Mr McNicoll—That is so.

Mr ALLAN FRASER—Then may I come to a hypothetical question? If you subsequently became convinced, either from Mr Reid or by other information that came to you, either that the article, even though published in good faith and on available evidence, nevertheless inaccurate, would you be prepared, in that event, to consider publishing a correction and an expression of regret? That is, if you became convinced?

Mr McNicoll—If we became convinced that Alan Reid was wrong in his story naturally we would express regret.

Mr ALLAN FRASER—I refer now to something that you said earlier in your evidence. I just want to see that the meaning of it is clear—that there is no misunderstanding in any way. Have you conveyed to the Committee that your company has consulted lawyers and that you have decided on a certain course, and you are going to follow it no matter what this Committee recommends, or what the Parliament does, and that your company intends to challenge the Committee and the Parliament on this issue? Has any such decision been made?

Mr McNicoll—No.

Mr ALLAN FRASER—Mr Whitlam asked you: 'Do you recognise that the 2 statements are serious reflections on the members of the House and on the Presiding Officer?', and you replied: 'Yes'. I want to know what you meant. Were you going so far as to say that the article imputed discreditable or unworthy conduct either to the members or to the Presiding Officer?

Mr McNicoll—I would not describe it as being dishonourable conduct. I would regard it as being a fairly natural reaction on the part of parliamentarians under certain circumstances. I do not see anything dishonourable.

Mr ALLAN FRASER—Later on, you said that you would not necessarily reject any finding of the Committee that the story was inaccurate; you would make your decision by looking, if you had the opportunity, at the evidence of the Committee and by looking at the evidence of Mr Reid. Here is the hypothetical question. If you found, on examining the records of the Committee, that its findings were made by a majority of one—in other words, that some members of the Committee had not agreed with the statement and others had—and if you found that the Committee had in fact made 2 opposite findings, reversing its first one, again by a majority of one vote, would that tend to increase your faith in the accuracy of the Committee's final findings?

Mr McNicoll—It would tend to confuse me more.

Mr TURNBULL—Mr McNicoll has said, in answer to a question, that he was not in Canberra nor in the chamber or the House at the time when this happened, and therefore has no personal knowledge of it.

Mr McNicoll—That is so.

Mr TURNBULL—And therefore is depending completely on what was said by Mr Reid. That is so, is it not, Mr McNicoll?

Mr McNicoll—Yes.

Mr TURNBULL—Can you answer me this. Was Mr Reid in a position to see what happened when the quorum was called?

Mr McNicoll—I understand that he was not in the House when the bells rang.

Mr TURNBULL—Mr Reid is not prepared to say that he saw a certain number of members leave the chamber, but he is prepared to

say that a certain number of members left the chamber when the quorum was called. As he was not in the Press Gallery, he was, therefore, like yourself, not in a position to see what happened. I really appreciate your great loyalty to Mr Reid, and as far as Mr Reid is concerned I am quite friendly with him. But I cannot see how he is in any different position to you, because he was not there either.

Mr McNicoll—I would have to see the evidence refuting Mr Reid to form any decision.

Mr WHITLAM—I would like to follow the last of Mr Fraser's hypothetical questions with one of my own. If it were to transpire that all the members of the Committee found that Mr Reid's 2 statements, to which exception is taken, were inaccurate, would that affect your own conclusions as to their accuracy?

Mr BROWN—May I interpose before that question is answered, Mr Chairman. With respect, I do not think that is an accurate summary of what has happened.

Mr DONALD CAMERON—It is a hypothetical question.

Mr BROWN—It is a double hypothesis, with respect. What you meant to say, and perhaps overlooked saying, was: On the evidence that was put before us.

Mr WHITLAM—I will certainly include that.

CHAIRMAN—I think Mr Whitlam is entitled to ask his questions in his own way, Mr Brown.

Mr WHITLAM—If it were to transpire that the whole of the Committee, after considering the evidence given before them, concluded that Mr Reid's statements were inaccurate, would that affect your own conclusions as to the accuracy of his statements?

Mr McNicoll—It would certainly make me take another look at the whole situation, yes.

CHAIRMAN—Mr McNicoll, if I remember rightly, a day or so after this Committee had been appointed by the House to conduct this inquiry an editorial was published in which the appointment of the Committee and its inquiry were criticised. As nearly as I can recall the words ran something like this: 'Instead of harassing journalists, the Committee should direct its inquiries to those members of the House who were not in the chamber at the time.' Did you write that article?

Mr ALLAN FRASER—Mr Chairman, on a point of order, could we have the editorial before us?

CHAIRMAN—I am sorry, but I have not got it. This has just come to my mind. It is not one of the particular matters we are investigating, but I thought it might be relevant.

Mr McNicoll—I saw it, too. Just at the moment, I honestly do not recall writing it.

CHAIRMAN—I do not wish to press that, because it is not a matter which we have been asked to investigate. There is a matter, however, which I am rather concerned about and that is this. You stated, Mr McNicoll, that you heard from 3 sources that there was one finding and then that that finding was reversed and another finding was made by this Committee. I regard this as quite serious, because if any information has been given out it has been unauthorised. I am not commenting on the accuracy or the inaccuracy of the information, but it constitutes a contempt of the Parliament for any information to be given out. The second thing that concerns me quite a lot—and I refer to Erskine May's 'Parliamentary Practice', which is the bible as far as privilege is concerned—is that you declined to indicate the 3 sources. May, at page 673, says:

A witness is, however, bound to answer all questions which the Committee see fit to put to him and cannot excuse himself, for example, on the ground that he may thereby subject himself to a civil action, or because he has taken an oath not to disclose the matter about which he is required to testify, or because the matter was a privileged communication to him, as where a solicitor is called upon to disclose the secrets of his client, or on the ground that he is advised by counsel that he cannot do so without incurring the risk of incriminating himself or exposing himself to a civil suit, or that it would prejudice him as defendant in litigation which is pending, some of which would be sufficient grounds of excuse in a court of law.

We are not a court of law. We are bound by what is laid down here. I am concerned, quite frankly, at your refusal to name these 3 sources because this is bound up with the possibility of a contempt of the House—the very fact that these stories have got out. If they do reflect the truth—and I am not saying one way or the other—this could constitute a contempt of the Parliament and could have further developments in the House, I am rather concerned at your refusal to indicate the 3 sources because there could be further developments. I do not wish to press either of

those matters further at this stage. I wish merely to register my quite deep concern about them.

Mr McIVOR—I wish to take Mr McNicoll's mind back to the situation when he first came in. He indicated to us that he had been informed from 3 sources of a reversal of a decision. He said that this gave him quite a lot of alarm and consequently had been discussed with his solicitors, and that, whatever decision this Committee came to, his connections and his paper would make it open to challenge. That is different from what Mr Fraser put. I would like the tape to be played, in fairness to Mr McNicoll.

Mr McNicoll—Yes, I would like to hear it too.

Mr McIVOR—I think that the tape should be played to indicate whether Mr McNicoll did make that statement.

CHAIRMAN—Is that the wish of the Committee? Yes. Could we have that done?

(The tape having been replayed):

Mr McIVOR—That satisfies me that I was quite correct in my interpretation of the matter.

Mr DONALD CAMERON—Just one more question, Mr McNicoll. I wish to quote you again. I wrote this down so that there could be no misunderstanding. You said: 'If we became convinced, naturally we would express regret'. That is a conditional suggestion.

Mr McNicoll—'if we became convinced —'

Mr DONALD CAMERON—'Naturally we would express regret.'

Mr McNicoll—If we became convinced, that would mean that we acknowledge that we were wrong.

Mr DONALD CAMERON—Now, we all know, and you know, for you were here for some years, that you do not see the actual evidence we take; you see only a final report which does not incorporate the evidence.

Mr McNicoll—As far as I know, that is so.

Mr DONALD CAMERON—Now, let me put a very simple final question. How will you become convinced?

Mr McNicoll—I thought I had made that clear: I would have to see the evidence.

Mr DONALD CAMERON—But if you cannot see that evidence you will go through life with this big doubt.

Mr McNicoll—And without expressing regret.

Mr DONALD CAMERON—Without expressing regret in your paper or personally?

Mr McNicoll—Well, personally. The paper might call for a decision by the board of directors, which could easily overrule anything I said.

Mr DONALD CAMERON—Or there could be a decision by this Parliament to require an apology.

Mr McNicoll—If you required us to apologise, of course, we would be bound to, I suppose.

Mr DONALD CAMERON—Good.

CHAIRMAN—Mr McNicoll, in fairness, I feel that I should give you a further opportunity, if you wish to avail yourself of it, to name these 3 sources of information.

Mr McNicoll—No, I am not prepared to name them, Mr Chairman.

CHAIRMAN—Thank you very much, Mr McNicoll for your attendance.

Committee adjourned

