

6. Parliament Disgraced by its Members

One of the more sensational events involving parliamentary privilege occurred after I arrived in the gallery in 1951. The Treasurer, Arthur Fadden, was to deliver his budget speech in August of that year. On budget day, the lock-up for the gallery began in the afternoon. At the dinner adjournment of the house, Fadden briefed the government MPs on the contents of the budget at a special meeting of the party room. Having been briefed that excise rates were to go up on a range of items—whisky and other spirits and cigarettes—a number of government MPs rushed to the members' bar to order these items before the price rose. 'Insider trading' was an unknown term in those days, but it fitted the situation perfectly. In a savage piece designed to arouse voter fury, Alan Reid reported this grossly opportunistic behaviour in the *Sydney Sun*. Reid also charged MPs with running Parliament as a club solely for their own benefit. At that time beer was in short supply and publicans rationed sales of bottled beer to a weekly quota for their regular customers. Reid's point was that the non-members' bar rationed these hard-to-get items (including cigarettes), while there were no restrictions on sales to MPs from the members' bar. Reid reported that one Sydney-bound MP's car was so loaded with beer that a rear spring broke.

In the gallery there was great concern. While it was widely anticipated that the *Sydney Sun* staff might be kicked out of the Parliament, we feared the non-members' bar and dining room might be closed to all gallery members. This was in the minds of members of the house when they ordered an inquiry by the Privileges Committee—one of the terms of reference asking it to examine 'the wisdom or otherwise of continuing the extension of privileges to other than members of Parliament'.

Fortunately, wisdom prevailed and privileges for gallery members (including Reid) remained. The special meeting of the gallery carried a resolution strongly supporting Reid and declaring 'that the facts contained in it [Reid's article] are correct'. The Privileges Committee conceded that the article was not 'wholly untrue' but was grossly exaggerated and, among other things, conveyed a false impression about the conduct of parliamentarians. It ruled there was a breach of privilege but considered 'the house would best serve its own dignity by taking no further action in the matter'. No doubt all MPs were aware of the danger of a long-running fight with the gallery and, ultimately, the newspaper proprietors by attempting a lockout of the gallery from Parliament.

In 1955 Reid recruited me for his small *Sun* bureau and I was both flattered and excited. Reid was one of the best journalists in the gallery and courageous, as he had shown in his exposure of the greed of MPs raiding the members' bar before excise went up on spirits. Reid's number two, Bill Bissell, was quiet, middle-aged and an experienced journalist. Don Whittington told me that when Reid was young he was an alcoholic. Like others with an alcohol problem, such as Curtin and Bob Hawke, Reid had the grit to turn teetotaler. He was, however, a chain-smoker of 'roll-your-owns'. Towards the end of his life, he lost a lung to cancer, yet he still did not entirely give up the smokes. Reid authored a widely read weekly column and was influential on both sides of the Parliament. He was the first press gallery journalist to 'discover' B. A. Santamaria, the leading figure in the split that tore apart the Labor Party in the 1950s.

In 1957 Don Whittington, a former head of bureau of *The Daily Telegraph*, invited me to join his one-man band: Australian Press Services. For the next 22 years, my life in the gallery revolved around Don and our business. He was a complex character, and I owe him a lot, both as a friend and as an educator on matters of journalism and politics. Educated at Friends High School in Tasmania, he completed a wool-classing course, and worked as a jackeroo, assistant bookkeeper and chauffeur for H. R. Munro at Keera Station in New South Wales, and broke into journalism through contributing articles to various papers. Don and Eric White in 1944 were members of a government-sponsored press delegation to study the war effort in Canada and the United States of America. White, a former journalist, had been at the second Albury conference in 1944 when Menzies was uniting non-Labor parties into the Liberal Party. White became the Liberal Party's first public relations officer. In Washington, they discovered two areas of journalism almost unknown in Australia: political newsletters and public relations operators.

They came back to Australia and Don established, with Eric White, *Inside Canberra* and other newsletters and the Eric White Associates public relations business. They also founded the *Northern Territory News* and the *Mount Isa Mail*, where the well-known journalist Alan Ramsey gained early experience. Don was not at all taken with the 'spin' in public relations work and he and Eric parted company on a sour note. Eric White Associates was a great success and was the first and most prominent company in this business after the war. It recruited mainly journalists on the basis that much of its work consisted of trying to insert 'puff' paragraphs into newspapers, or in some other way get a friendly media mention for a client company. Later, public relations companies developed far greater expertise in the field of commerce and economics and their business consultancy work, in the end, was far more important than press relations.

In many ways, Don was conservative. He regarded the wearing of sunglasses or coloured shirts an affectation and although he was well to the left in politics, most of his best mates, particularly Bill Snedden, were on the Liberal side. Snedden was quite a ladies' man, and, when Immigration Minister in the Holt Government, he made a trip to Europe to inspect Australia's immigration offices. His inspection task in Germany led him to invite a local woman (one of the immigration office staff) to spend some days with him in various parts of Germany. During the course of this affair, he gave the woman a family signet ring. On his return to Australia, he was in a panic about getting the ring back and prevailed upon the Australian staff in Germany to persuade the woman to return it. She did, only after persuading the Australian Immigration Office to provide her with a rent-free flat.

I owe it to Don Whittington for, among other things, acquiring some knowledge of good food and wine (in retrospect, something I could have done without). Don and I toiled away on a number of newsletters as well as the flagship, *Inside Canberra*—still edited weekly by the author. The newsletter business was hard work but the writing was the easy part; far harder was selling subscriptions. We also wrote a weekly political column for newspapers in rural and provincial Australia, *Behind the Headlines*, dispatched by telex to some 60 papers in an era when many were owned and operated by family companies. Some of the small weekly papers received our column for the magnificent sum of 10 s. a week. This source of revenue gradually dried up as papers closed down or sold out to city newspaper interests.

Don Whittington and I also represented United Press International (UPI), a major American wire service, and we believed it was because of this connection that the Chinese refused us visas to travel with Gough Whitlam on his historic visit to China as Leader of the Opposition in 1971. UPI subeditors in the United States had difficulties understanding the intricacies of Australian politics and the Westminster system. The dismissal of Whitlam in 1975 was an example. UPI could not understand why 'this guy Kerr', appointed by the Queen, dismissed Whitlam. To explain to someone in America whose whole experience of politics was in the context of the US Congressional system was beyond me. UPI could not grasp the concept Kerr was acting in accordance with the unwritten 'reserve power' of the Governor-General, having nothing to do with the Queen. 'But, goddam it', said UPI, 'he's appointed by the Queen'. Even more difficult was explaining that if Whitlam had been able to phone the Queen before the dismissal came into effect, he could have had Kerr removed.

For some years, we also provided a political commentary service for Sydney radio station 2CH. Don was afflicted with a nervous stutter. He hardly stuttered at all in conversations with his close friends, but under a little pressure, he could stutter badly. So it fell to me to do the daily commentary for 2CH—a

valuable experience. It occupied up to 90 seconds, and a lot could be said in that time. It was also different from the short commentary—not much more than 30 seconds—I had done as the Ten Network correspondent in Canberra. We also represented a number of rural papers and even though Don had considerable experience of matters rural, and me none, I therefore kept in touch with trade and agricultural issues—often complex and controversial.

Don's main interest was people and he preferred writing politics, mainly party politics and particularly the players in it. He was good at it, so I turned my attention to the fields of business and trade—a vast area of activity I knew little about, and the more I learned from a variety of business and government sources, the more it interested me. Don, possibly because of his break with Eric White, had little time for lobbyists and public relations people. In contrast, I have found them a great source of material. Of course, lobbyists are pushing the interests of their clients at every opportunity, but they need to earn the trust of journalists. They will not earn this trust by pushing false and biased material. I have a good working relationship with many of them and find the skilled lobbyist can provide valuable insights into the attitudes of the Government or political parties towards various issues. Many of the best lobbyists have had considerable experience either in the Public Service or as ministerial staffers.

Only two significant buildings housed government departments when the Parliament moved from Melbourne in 1927: East Block and West Block—both within easy walking distance of Parliament House. East Block accommodated the Prime Minister's Department. The Canberra Post Office and Treasury, among others, occupied West Block. The back bar at the nearby Hotel Canberra was one of the favourite watering holes for senior Treasury people. The Royal Canberra Golf Club's original 18-hole course—built by the Government for the residents of Canberra and for many years maintained by the Parks and Gardens branch of the Department of the Interior—was an important social centre from 1927 on. The clubhouse, a rambling weatherboard building, was to the rear of the Albert Hall—a landmark on Commonwealth Avenue.

The clubhouse bar was patronised by many senior public servants, including the Secretary of the Treasury, Roland Wilson, and other senior Treasury officers such as Jack Garrett, Colin Conron, John Lloyd and John Stokes. Despite its rather grand name, the Royal Canberra Golf Club was by no means an exclusive establishment and democracy ruled. Anyone could join for a reasonable annual subscription and members included public servants—from departmental heads all the way down to Commonwealth car drivers. In the 1950s, one of the members was Jim Moroney, a colourful character, Secretary of the Department of Agriculture and a dab hand with a billiard cue. When he later moved to Melbourne as General Manager of the Australian Wheat Board, I saw him defeat the Victorian commercial travellers' champion in a snooker challenge. Jim liked

a drink and a yarn. One night in the Royal Canberra bar, Moroney got into quite an argument with another member, a Commonwealth car driver. Punches were thrown and the committee had to decide what to do about it. Moroney's status as one of the exclusive band of public servants at the top—a department head—did not save him. He was given a suspended sentence of about three months—accepted by Jim without demure—and he returned to the club after his period of banishment.

From the 1920s to the 1970s, the Hotel Wellington, opposite York Park on National Circuit, was the late-afternoon drinking venue for most of the press gallery when Parliament was not sitting and the non-members' bar closed at 4 pm. Friday night at the Wello was party night, especially after the introduction of 10 pm closing. In 1976 Prime Minister, Malcolm Fraser, opened the National Press Club on National Circuit. There was a mass exodus from the old pub to the Press Club, which was closer to Parliament than the Wello. Friday nights became even more popular for press people and senior public servants. John Stone, the controversial head of Treasury, was one who enjoyed mixing with the press and frequently breasted the Press Club bar. His utterances were generally blunt and candid and followed closely by journalists. Not that he gave any Cabinet secrets away, but at least, talking to Stone, one could get the drift of what the Secretary of the Treasury thought about many economic and political issues.

When the Molonglo River was dammed to create Lake Burley Griffin, it flooded the old Royal Canberra Golf Course. Amid considerably controversy, in 1962, Royal Canberra moved to the magnificent Westbourne Woods site at Yarralumla with Government House as its neighbour. Westbourne Woods had been developed in the early twentieth century as an arboretum for the Forestry School at Yarralumla. The argument from the environmentalists was that golfers would damage the arboretum. This did not stand up, particularly considering that as early as 1945 the Forestry and Timber Bureau had recommended Westbourne Woods be closed to further public access because of the likelihood of damage to trees and 'because the arboretum would flourish better if it was developed as a golf course'.¹

Despite heavy clay soil on the site, a top-class course was developed, and it became one of the notable courses in Australia. The clubhouse was adequate but not outstanding and the essential egalitarian nature of the club persisted. Gordon Freeth, the Liberal member for the WA seat of Forrest and a senior minister in the Menzies, Holt and Gorton Governments, was a keen golfer at Royal Canberra. For a time, his government car driver was Rex Day, the champion of Royal Canberra. Frequently, Day would chauffeur Freeth in the

¹ Royal Canberra Golf Club 1977, *Royal Canberra Golf Club Jubilee History 1926–1976*, The Club, Canberra, p. 37.

minister's Commonwealth car to the course, bets were laid and, after they played 18 holes, Rex Day usually took the money. Then there would be a few beers in the clubhouse and Day would don his driver's uniform and chauffeur the minister back to his office in Parliament House. With the possible exception of New Zealand, could one imagine this sort of relationship in any government of the Western world?

In the early years of Royal Canberra, prime ministers had a connection to the club. Just seven months after the Duke of York, in May 1927, opened the provisional Parliament House, Prime Minister, Stanley Bruce, drove the first ball to officially open the 18-hole course. George V granted use of the prefix 'Royal'. The privilege was never in doubt, with the application for royal title coming from the Prime Minister, Joe Lyons, President of the club in 1938 and 1939. Royal Canberra has been regarded by other clubs in the district as rather snooty about the royal prefix ever since. Billy Hughes was a keen golfer—described in the official history of the club as a 'golfer whose eccentricities on the golf course were as noticeable as others he displayed in the Prime Ministership and in other cabinet posts'.

The Royal Canberra's history also tells us that Hughes gained a reputation as an indefatigable searcher for a lost ball. Frank McKenna, former Deputy Secretary of the Prime Minister's Department, had a story of how one of Hughes' partners, tired of waiting and searching with him and having first one and then another group pass through them, dropped an almost new ball into a tussock and shouted: 'Here you are, Mr Hughes, here it is.' Billy examined the ball carefully, then replied: 'No, that's not it, brother.' He pocketed the ball and continued searching. I chaired a committee of members tasked with writing the history of Royal Canberra to mark its centenary in 1976. For a book written and designed by a committee, it turned out to be a worthwhile and handsome publication when published in 1977.

Jack Fingleton, a prominent journalist in the gallery, was a friend of my father's; the two had written for the long since defunct Sydney sporting paper *The Referee*, part of the Joynton Smith newspaper group, notably including *Smith's Weekly*. Jack opened the batting for Australia in the 1930s and worked as a journalist on the *Sydney Sun* and the *Sydney Morning Herald* from 1928 to 1942. In the gallery, he was correspondent for English, Indian and South African newspapers and the author of outstanding cricket books, including *Cricket* and *Brightly Fades the Don*. I met his closest friend, Bill (Tiger) O'Reilly, one of Australia's greatest bowlers and for many years a cricket correspondent for the *Sydney Morning Herald*, when Tiger occasionally came to Canberra to spend time with Jack. Covering test cricket for a number of papers was one of Jack's principal sources of revenue. As a consequence, he was frequently away from the gallery covering these matches.

I acted as backstop for him when he was away for the English-language Argus newspaper group in South Africa. Jack instructed me that the main stories of interest from Australia for the group were anything to do with sharks or Aborigines. Jack, like many Australians of his generation, would today be described as a racist and, like Menzies, he believed white rule must continue for many years in South Africa. Menzies cultivated Jack and wrote forewords for a number of his books. Menzies would frequently invite him for a drink and then ask technical questions about cricket, such as why such and such a batsman was frequently caught in the covers. Jack would give an explanation, later put by Menzies as his own expertise when discussing cricket with the great and famous or in the commentary box. Menzies was the first prime minister to put himself before voters as a keen follower of sports—something later followed by Bob Hawke, John Howard and Kevin Rudd. Only Hawke possessed any sporting prowess.

A letter Fingleton wrote to my father on his first trip to South Africa in 1931 with the Australian test team says a lot about the attitude of young men at the time. On the letterhead of the Royal Hotel Durban, dated 25 November, he wrote:

Dear Robert,

Come to Africa lad! A man of your genius would knock these niggers cold. What a country! What girls! Stand back there! Believe me, I have never seen such glorious looks & figures—& are we popular. At the moment I'm afraid I will have to send to Aussie for some men to help me through. Rushing like hell, son. All the best. Will write later. Drop me a line.

Yours Jack F.

When I arrived in the gallery, Jack was friendly to me, although he rarely asked after my father—nor did Bobby ask after his friend. I suspect the two might have fallen out over racism. My father had changed and was appalled by racism. He was a strong supporter of the campaign to end apartheid in South Africa and Jack was certainly not. I suspect they might have had a disagreement over this issue. As the letter makes clear, Jack as a young man was keen on girls, yet, following his marriage to Philippa, daughter of Laurence Street (later Sir Laurence, Chief Justice of New South Wales) and noted feminist and social worker, Jessie Street, he adopted a strict Catholic approach to his children. Young men attracted to his lovely daughter, Belinda, were rigorously vetted. Jack was very much opposed to communism and worried about its possible progress in South Africa. His social and political views were very much at odds

with the decidedly leftish outlook of his mother-in-law, Jessie Street. She visited Moscow before the war and expressed pleasure that women in the Soviet Union had equality of work with men.

At the golf club, Jack objected when the 'f' word was sprayed around. Jack was by no means a wowser, but had what many would regard as an old-fashioned view of what constituted acceptable behaviour. He once told me that in reporting a major cricket match (I think at the Sydney Cricket Ground), he was shocked to see star batsman Doug Walters smoking as he came to the players' gate, pausing before going onto the ground to stamp out his cigarette. Jack was a splendid fielder and on one occasion a brown snake put his skills to the test at the Royal Canberra Golf Course. I was playing a round with Jack and we found a large brown snake sunning itself in the middle of the sixth green—conveniently, for the snake, close to the waters of Lake Burley Griffin. From about the distance of a cricket pitch, Jack began hurling clubs at the offender. He was way wide of the mark, but finally this attracted the attention of the snake and it departed.

Menzies began the tradition of a Prime Minister's XI playing a one-day cricket game against touring international teams at Manuka Oval. Menzies being filmed in the press box at Wimbledon or at a cricket test match discussing the game with commentators reinforced his reputation as a sports enthusiast, but he was not an achiever. Evatt, on the other hand, although not an outstanding athlete at the University of Sydney, was a keen team player—secretary of the university cricket club and chairman of inter-faculty football. In recognition of his services to sport, he was elected a Life Member of the University of Sydney Sports Union.² Yet unlike Menzies, Evatt hardly ever mentioned sport in his political career.

A much less grand ball than the King's Hall variety was the annual gallery ball at the Albert Hall, next door to the Hotel Canberra in Commonwealth Avenue. The ball was held in mid-winter, and the old hands knew the trick of putting newspapers on their windscreens, held on by the wipers, to keep the frost off. One of the annual balls in the early 1950s was a lively affair and finished with some drama. Ray Maley (*The Argus*, later Menzies' press secretary) and his number-two, Fred Coleman, got into an argument with the constabulary outside the Albert Hall. Fred was trying to calm it all down, yet could not shut Maley up. Ray asked a constable, 'Don't you know who I am?' They finished up in the police lock-up in Civic.

Unaware of these goings on, I got back from the ball to my room at the Hotel Civic, which was directly opposite the police station in Northbourne Avenue. In the middle of the night, I was woken, I think by John O'Hara, who was doing

² Buckley, Ken, Dale, Barbara and Reynolds, Wayne 1994, *Doc Evatt: Patriot, internationalist, fighter and scholar*, Longman Cheshire, Melbourne.

a whip-around to raise the bail for Ray and Fred. Next morning, they fronted the magistrate, who happened to be none other than Frank Green, Clerk of the House, who filled in as a judge when necessary. Green was a great mate to the gallery and, whilst not reflecting on his magisterial independence, the gallery believed he must have decided that Ray and Fred's run-in with the coppers had already cost them several hours in the lock-up and they were let off with a severe lecture from the Bench.

Menzies' arrogance was on display in 1955 following the dramatic events arising from a claim by Charles Morgan, a Labor backbencher representing the seat of Reid (NSW), including Bankstown, of breach of privilege of Parliament. Morgan had been engaged in an ongoing dispute with Raymond Edward Fitzpatrick, a wealthy businessman, who, among other things, owned *The Bankstown Observer*, a small suburban paper. Morgan had been launching attacks on Fitzpatrick under parliamentary privilege and, to counter this advantage, Fitzpatrick hired Frank Courtney Browne, a Sydney freelance journalist who ran a somewhat scurrilous newsletter, *Things I Hear* (known in the gallery as *Things I Smear*). I had a passing acquaintance with Browne in the 1950s. He was a drinking mate of Don Whittington, and I joined them at times when in Sydney at the Newcastle Hotel, in George Street, close to Circular Quay—then a haunt for an arty Sydney crowd.

There was nothing arty about Browne. He was a boots-and-all style of journalist and just the man to do what Fitzpatrick admitted he wanted done: 'stop' Morgan's mouth. *Things I Hear* cast its net widely for material, often insulting and frequently amusing. Sir Francis Chichester made the first single-handed yachting voyage around the world, following the clipper route and, on arrival in Sydney—his only stop—he spent several weeks relaxing and repairing his yacht, *Gipsy Moth IV*. His wife flew out from England to join him during his stay. Browne reported that anyone who had met Lady Chichester 'could well understand Sir Francis's predilection for long, solitary ocean voyages'. Browne was not a member of the Australian Journalists' Association and therefore was not bound by its ethics code. Apart from Don and I, Browne had few friends in the gallery, and he had made many enemies on both sides of the Parliament. Clem Lloyd said of Browne, '[a]lthough his writings were often scabrous, Browne was a formidable pamphleteer, able to transfix an unfortunate victim with venom and invective'.³ This made Browne the ideal victim for an unbridled and unjustified use of parliamentary power never before attempted at the federal level.

So vigorous was the Browne onslaught in *The Bankstown Observer* that Morgan claimed privilege in the house in 1955, claiming an attempt was being made to

³ Lloyd, C. J. 1988, *Parliament and the Press: The Federal Parliament Press Gallery 1901–88*, Melbourne University Press, Melbourne.

intimidate and silence him. The house referred his complaint to the Privileges Committee. In a star-chamber procedure, the committee met in private, denied legal representation to Fitzpatrick and Browne and submitted them to cross-examination. Fitzpatrick freely admitted the aim was to stop the attacks by Morgan in the Parliament. The committee found both guilty of a breach of privilege, yet advised the house to 'best consult its dignity' and let the matter drop. The house accepted the finding of the committee and the two were brought before the bar of the house to explain themselves.

I was in the house to witness and report on one of the most dramatic moments ever in the Australian Parliament. First Fitzpatrick and then Browne were called to the bar of the house on Friday, 10 June 1955. They came through the main door of the house from King's Hall accompanied by the Serjeant-at-Arms. At the entrance to the chamber itself there was a horizontal metal bar, placed across the end of the passageway, and they each in turn stood at this bar, directly facing the Speaker, Archie Cameron. The house was packed for this historic injustice. It is worth turning to Hansard to understand what happened:

Friday, 10 June, 1955

Mr. Speaker (Hon. Archie Cameron) took chair at 10 am. and read prayers.

NEWSPAPER ARTICLES.

Report of the Committee of Privileges.

Pursuant to the resolution passed by the House on the 9th June—That Raymond E. Fitzpatrick and Frank C. Browne be notified that at 10 a.m. tomorrow the House will hear them at the bar before proceeding to decide what action it will take in respect of their breaches of privilege.

The Serjeant-at-Arms having informed Mr. Speaker that Raymond Edward Fitzpatrick and Frank Courtney Browne were in attendance on the House.

Mr. Speaker: Inform Raymond Edward Fitzpatrick that the House will now hear him.

Mr. Raymond Edward Fitzpatrick having appeared at the bar of the House.

Mr. Speaker: Raymond Edward Fitzpatrick, the House has adjudged you guilty of a serious breach of privilege by publishing articles intended to influence and intimidate a member, the honorable member for Reid (Mr. Morgan), in his conduct in the House and in deliberately attempting to impute corrupt conduct as a member against the honorable member for

Reid for the express purpose of discrediting and silencing him. Have you anything to say in extenuation of your offence before the House determines what action it will take? You may now speak.

Mr. Fitzpatrick: I would like to apply for permission for Mr. Mason, my counsel, to act on my behalf.

Mr. Speaker: The resolution of the House entitles you to speak personally, not your counsel.

Dr. Evatt: Mr. Speaker...

Mr. Fitzpatrick: I would like to apologize to the House for what I did. When the article was published in the newspaper I had no idea that it was against parliamentary privilege. I humbly apologise.

Mr. Speaker: Have you anything further to say?

Mr. Fitzpatrick: No.

Mr. Speaker: Raymond Edward Fitzpatrick, you will withdraw from the chamber while the House deliberates.

Mr. Fitzpatrick having withdrawn.

Mr. Menzies: I suggest we hear the other person charged.

Mr. Speaker: Serjeant-at-Arms, inform Frank Courtney Browne that the House will now hear him.

Mr. Frank Courtney Browne having appeared at the bar of the House.

Mr. Speaker: Frank Courtney Browne, the House has adjudged you guilty of a serious breach of privilege by publishing articles intended to influence and intimidate a member, the honorable member for Reid, in his conduct in the House and in deliberately attempting to impute corrupt conduct as a member against the honorable member for Reid for the express purpose of discrediting and silencing him. Have you anything to say in extenuation of your offence before the House determines what action it will take? You may now speak.

Mr. Browne: Mr. Speaker and honorable members, I have something to say in extenuation and mitigation of my offences, but it must remain a slightly impersonal plea, because I have been convicted of an offence which, according to Australian justice, has not been fully proved. I base that on this: It is considered right...

Mr. Speaker: You will take your hands off the bar. [In his emotion, Browne had been gripping the bar. At this point and not recorded in Hansard, he took a step back, clicked his heels and gave the Nazi salute to Cameron. The Speaker was powerless to do anything about this calculated insult, other than visibly fume. Browne continued with even greater passion.]

Mr. Browne: It is considered the right of every Australian citizen charged with an offence that he, first, must be charged; and secondly, he must have legal representation. That is denied to me even here. He must have the case against him proved, and he need not answer incriminating questions. Then there is the fact that he must have the right to cross-examine his accuser. And lastly, he must have the right to appeal. There is also another inherent right, which is observed in every court in this Commonwealth, and every court where there is any reasonable conception of justice—that he shall present his case in an atmosphere which shall not have had the effect of prejudging him before he comes in.

Now, Mr. Speaker, let me ask you how what has happened to me this week squares up with that. First, I have been convicted and never charged. Secondly, at no time have I had legal representation. Thirdly, the case against me has not been properly proved. Fourthly, I have never had the right to cross-examine my accuser. And fifthly, I have no right to appeal. As far as the last is concerned, it is the inherent right for a man to have his case taken in an atmosphere that does not allow him to enter the court-room with the hatred, not only of spectators but of practically everyone in the court-room, including the jury, stirred up against him to a point where, if this was a community of another type, I doubt very much whether he would get into the court at all; he would be lynched on the way in.

I come to that last point. Last night, the right honorable the Prime Minister, the greatest orator in the history of this country—and you can put Alfred Deakin in, too—and, I suggest, one of the most vindictive men in the history of this country, rose and, in the way that only he can do, poured scorn on me. It has been done before; I know that, but never quite under these circumstances. In effect, last night he acted as a stage manager, and the purpose of his stage management was one thing and one thing only—‘Bring Browne in here to grovel for mercy, and if he does not grovel for mercy, put him in for life’.

Sir, I am not asking for any rights for myself. I know very well that I have made personal enemies of members on both sides of this House

in the course of doing what I believe to be right, no matter what other people think about it. There is no question about the attitude of the right honorable the Prime Minister, sir, towards me—none whatever. There is no question about the attitude of my erst-while great and good friend, the Right Honourable the Treasurer [Fadden], towards me. There is no question, sir, about the attitude of some of the members on the Opposition side of the House. I have been facetious at least about some of them; I have been more than facetious about some of them. But that is by the by.

I am not asking merely for myself. I am not standing here as Frank Browne. What happens to Frank Browne in this assembly does not matter very much. He is an obscure and inconspicuous figure in the community—not a newspaper Barron [sic], sir, not a man who can command a might[y] organ with which really to intimidate a member if he tried. No, I cannot do that. I produce an obscure suburban newspaper of four sheets of foolscap a week, so I am not a very big figure. You might say that I am a worker—a phrase that is frequently bandied about which I think I can be classed as. So that I am asking not for myself, sir, but for those who may follow me, that this House does not seek to impose very strict punishment, but that it will delegate my trial to a body, a legal tribunal, in which I will have my rights, and if I am then shown to be guilty—well, the hardest gaol in the land is too good for me. And there would be no appeal. I would not plead mitigation. I am prepared to take my chance under those circumstances. All I ask for is that the general public be shown, sir, that you do not bring people here to Canberra to deprive them of their rights, that the law-makers do not set themselves above the law, and do not place their good name better than that of the constituents they represent. Surely that is not too much to ask, sir.

I say that, if this Parliament establishes a precedent and takes the right of punishment into its own hands, the rights that have been fought for since 1215, and even before, are seriously endangered. You talk about intimidation, sir. You visit exemplary punishment—or, for that matter, the degree of punishment does not matter to me—and what happens? There will not be a journalist in the land, not a newspaper proprietor in the land, who will feel free, because once you establish a precedent you might say, 'Oh, yes, Browne did an awful thing.' But you will not wait for someone else to do an awful thing. You will get a border-line case and inevitably in a border-line case you get somebody who says, 'Throw him to the lions; crucify him,' and they crucify him. That has been the lesson of tyranny in every country. There is not a thing that Hitler did that he

could not justify—not a thing. Read *Mein Kampf* and you will wonder how he ever went to war and, when he did go to war, how we could ever reconcile it with our consciences to fight.

The law of this country has ample provision for any punishment that I have earned. I ask that this House will not take a final step of inflicting punishment, because with any move in that direction, however tempered—if it consists of an apology—the principle has gone. Sir, it establishes the fact that here is not only a court, but a court which absolves itself of every idea that we have had inculcated into us on the score of natural justice when a person is charged with an offence—in fact, a court that is prepared to convict him without charging him. Even the Star Chamber, that body which is bandied around every time somebody wants to justify himself as a true blue democrat, did not go that far. I say this, and I say it quite sincerely—that what you do to me is of no moment, perhaps, in a physical sense to anybody but me—no moment whatever.

But you are exporting locomotives and other things to those countries that are struggling towards democracy in South-East Asia. If you export the locomotives and you neglect to export some of the elemental principles of justice which they know nothing about, well, it will all be in vain. Your Colombo plan will be nullified. Everything you give them they will misuse, including the rights of legislative bodies. Now, sir, I do appeal to you. It is not a question of the merits of the case, and it is not a question of the rights of the case. I know that you have unlimited rights. If I were tried for murder and convicted after due trial, I suppose I would look forward to being out in about fifteen years, if I were good. But, sir, I do not know what I can look forward to here. You may say, in effect, 'Put him away and shut him up', and what welcome news that would be to some of the members present!

Sir, if you fall back on your rights—and your rights are 300-year old rights—to deal with me here, you will have forfeited any right—not you personally, but every member here—to stand at next election time on the stump and sing hymns about liberty, equality and fraternity.

Mr. Speaker: Have you concluded?

Mr. Browne: Yes.

Mr. Speaker: Frank Courtney Browne, you will withdraw from the chamber while the House deliberates.

Mr. Browne having withdrawn.

Mr. Menzies: Mr Speaker, I propose that, these addresses having been made to us, you suspend the sitting for half an hour so that we may take them into account.

Sitting suspended from 10.19 to 11.10 a.m.

When the sitting resumed, Menzies told the house that Browne had shown unparalleled arrogance in his appearance before the bar and exhibited his contempt for the Parliament. Menzies, instead of following the advice of the Privileges Committee that the house should 'consult its own dignity', insisted on severe punishment and moved the motion for a three-month jail term.

Evatt, as Opposition Leader, was put in a difficult position. Browne and Fitzpatrick were in deep trouble because of the actions of a Labor MP. Caucus decided on a free vote for Labor MPs. Evatt moved, unsuccessfully, that instead of a jail sentence the offenders should be fined. It was decided the Parliament did not have power to do this, only to impose a jail term.

Evatt told the house the procedure was improper, the offenders did not face any specific charge, they had no right of appeal and their guilt had become an accomplished fact in their absence. All this after Frank Green, Clerk of the House, had told Menzies there was no breach of privilege. Menzies would have none of this and insisted on the severe punishment of jail. Evatt had no sympathy for the miscreants but, in his judicial way, regretted the Parliament had not drawn up its own procedures for dealing with privilege and instead had simply accepted the House of Commons process. Evatt said the house had to refer to the 'musty precedents of another country'.

The house voted overwhelmingly for Menzies' motion—55 to 12 in the case of Fitzpatrick and 55 to 11 in the case of Browne. Many Labor and Liberal voters abstained from the vote. Whitlam surprised the gallery by voting for imprisonment—a forgotten piece in the history of the former Labor Prime Minister. Of the three men steeped in the law and regard for British common law, it was Evatt who shone through while Menzies and Whitlam voted for injustice. Morgan, whose complaint led to this travesty of justice, was the last speaker against the Menzies motion and suggested Browne and Fitzpatrick not be imprisoned, but released on payment of money and meeting certain conditions. He abstained from voting when the question was put.

Lawyers immediately applied to the ACT Supreme Court for *habeas corpus* to allow the two to be freed from custody from the police lock-up in Civic, but as so often happens with cases involving the behaviour and proceedings of Parliament, the court refused to tell the Parliament what to do and the appeals of the lawyers were turned down. Media and public reaction to the jailing of Browne and Fitzpatrick were mixed. *The Age*, then owned by the Syme family, published a grovelling editorial.

As the Prime Minister has pointed out, it was not simply a question of whether a Member of Parliament had been defamed. Attacks had been made on a member in an attempt to prevent him from carrying out his duty to his constituents. The Government had acted promptly to safeguard its institutions and its principles. On the other hand, the *Sydney Morning Herald*, in an angry comment, said:

Two men were ordered to be imprisoned for three months in Canberra yesterday. They were convicted and sentenced without trial, in the ordinary sense of the word, without being allowed representation by counsel and finally, so far as the House of Representatives was concerned, without the right of appeal...And it has risked a strong public feeling that no citizens, of this free country, whatever their misdemeanours, should be gaoled except by due process of the law and the Courts.

Eric Baume, dashing journalist and broadcaster and my first editor on the *Mirror*, did not wait to pick up the public mood on the Browne–Fitzpatrick case. The day after their sentencing, in his *This I Believe* commentary for radio 2GB Sydney, Baume ripped into the Parliament, in language itself risking a charge of breach of privilege. Baume was an independent and gutsy character. Well-known journalist Valerie Lawson, in her entry on Baume in *The Australian Dictionary of Biography*, records that in 1938 Baume, in a 2GB commentary, was critical of Nazi Germany. This led to a complaint from the German Consul-General and the disgraceful removal of Baume from the air.

It is almost unbelievable a parliament would have the audacity to jail a journalist for attacking a politician. In the aftermath, Menzies agreed to bring at least a sense of fair play to citizens required to front the Committee of Privilege by, for example, allowing anyone accused to have the right to a lawyer to defend them. Nothing ever came of this. No such outrage has occurred since and it is unlikely (but not impossible) to be repeated in the future, and the powers of the Parliament to mistreatment of citizens remain untouched.

Richard Woolcott was appointed in 1964 by one of Canberra's top mandarins, head of the then Department of External Affairs, Sir Arthur Tange, as the department's first public information officer. Woolcott was personable, above average height, dark and handsome. Dick, as everyone knew him, was an authority in the field of foreign policy, a lucid and able communicator; he soon became a valuable source for the gallery. Prior to his appointment, less senior officers were cautiously allowed to give some basic background about issues to gallery journalists. Woolcott, however, was given a remarkably free hand to 'background' the gallery on issues. 'Background', in journalistic parlance, means material that can be used in a story, but not attributed; 'off the record' is material not be used at all; and 'on the record' is material that can be directly attributed to an informer. Journalists should generally shun accepting 'off

the record' material. If they later come by the material from another source or research, the original provider might claim a breach of journalistic ethics. The aim is to get usable material.

There was, however, plenty of even more interesting material in Parliament House relating to indiscretions by prominent parliamentarians—affairs, drunken escapades and the like—some of which was usable and much that was not.