

Duffy, Charles Gavan: Clerk 1901–1917

Stephen Wilks

Charles Gavan Duffy (1855–1932), second and first substantive Clerk of the House of Representatives, was born on 27 August 1855 at Blackrock near Dublin, Ireland, second son of (Sir) Charles Gavan Duffy from Monaghan, Ireland, and his second wife, Susan, née Hughes, of Newry, Ireland. He came to Victoria with his parents in 1856. His father, a prominent Irish nationalist, pursued a varied career as a newspaper editor, member of the House of Commons (1852–55), premier of Victoria (1871–72), and Speaker of the Victorian Legislative Assembly (1877–80). His brother Frank was chief justice of the High Court of Australia (1931–35), and his half-brother John was a minister in Victorian colonial governments.

In 1865 Duffy returned to Britain to attend Stonyhurst, a Jesuit college in Lancashire. He completed his schooling at St Patrick's College, East Melbourne, almost adjacent to Parliament House. After graduating from the University of Melbourne (LLB, 1880), he was admitted to the Victorian Bar but never practised, being one who 'prefers quiet and genial conversation, particularly on Parliamentary affairs, to convicting criminals at the Bar' (*Sydney Mail* 1912, 8). Joining the staff of the Chief Secretary's Office in 1871, he acted as private secretary to his father, who was then premier. He subsequently became secretary to four premiers, among them the controversial (Sir) Graham Berry. In 1878 he transferred to the Legislative Assembly as Assistant Clerk of Committees and private secretary to several successive Speakers, and was appointed Clerk Assistant of the Legislative Assembly in 1891.

On 18 April 1893 at St Mary's Church in the Gippsland town of Maffra, Duffy married Ella McLean, daughter of Allan McLean, later premier and coalition partner of Prime Minister (Sir) George Reid in the Reid–McLean ministry of 1904–05. In 1894 he was secretary to the Victorian royal commission on constitutional reform, working with commissioners who included Premiers Berry, (Sir) James Brown Patterson, (Sir) Alexander Peacock, William Shiels, and (Sir) George Turner, and future national figures Alfred Deakin and (Sir) Isaac Isaacs.

'ORDER, ORDER!'



Figure 22: Charles Gavan Duffy.

Source: Department of the House of Representatives.

Duffy played a supporting but still significant role in the formal steps towards Federation. He acted as assistant secretary to the 1897–98 Australasian Federal Convention and helped (Sir) Robert Garran make corrections to the draft Commonwealth Constitution. Garran recalled how he and Duffy ‘worked feverishly’ (1958, 123) through the night to prepare the final schedule of amendments for the last day of meeting. Duffy developed an exceptional knowledge of parliamentary procedure. In 1894 he produced *Speakers’ Rulings 1856–7 to 1893*, a compendium that organised rulings by such categories as ‘debate’, ‘petitions’, and ‘language’. The last section was derived from a thorough examination of *Hansard* to record the proscribing of such improprieties as ‘he is a coward’, ‘uncalled for and disgusting attacks’, and ‘he goes about in a sneaking manner’. Four years later, he produced *Index to Resolutions Passed in the Legislative Assembly of Victoria*, which, as late as 1992, was described as remaining ‘a valued guide’ (Wright 1992, 61).

After Federation, Duffy moved to Commonwealth service, becoming in May 1901 Clerk Assistant in the Senate. In July the acting Clerk of the House of Representatives, (Sir) George Jenkins, returned to his position in the Victorian Legislative Council. The two contenders to succeed him and become the first substantive Clerk of the House were Duffy and the Clerk Assistant in the House, Charles Boydell. Duffy prompted the Victorian Speaker, Francis Conway Mason, to write to the federal Speaker, (Sir) Frederick Holder, supporting his claim as the more senior of the two. Holder successfully recommended Duffy to Prime Minister (Sir) Edmund Barton, the foremost arbiter of administrative arrangements for the still infant parliament. Duffy commenced as Clerk of the House of Representatives on 8 July 1901. He served through many long and complex debates that helped to lay legislative foundations for the young Commonwealth. In 1901 he drew up ‘Regulations for the Inter-State Press Gallery’ that remained largely in force as the basis for the gallery’s privileges until 1966. For his service to the House of Representatives, he was appointed CMG in 1904.

Duffy hesitated to publicly express his own views on parliamentary matters. In May 1908, he was among the parliamentary and legal experts summoned before a parliamentary joint select committee inquiring into responses to breaches of parliamentary privilege. When pressed, he advocated trial before a judge sitting without a jury, as ‘in cases where a good deal of feeling of one sort or another exists, it is not always easy to get a fair verdict, and it is safer to leave the matter to a Judge’. He added that attempts by parliament itself to deal with such cases ‘generally gives rise to considerable unpleasantness and ill-feeling’ (Aust. Parliament 1908, 6–10). The issue remained unresolved and was to haunt future Speakers and Clerks.

Issues of precedent and primacy featured prominently for Duffy during these formative years. When the Clerk of the Senate, Edwin Blackmore, ended his leave of absence by formally retiring on 30 June 1908, there was speculation that, as the most senior parliamentary officer, Duffy would return to his former chamber to succeed him and

in doing so assume Blackmore's honorific title of Clerk of the Parliaments. This was a venerable title of British origin, held since medieval times by Chief Clerks of the House of Lords. The issue at once arose of whether this prestigious title should always be accorded to the Clerk of the Senate or could instead be bestowed on whoever was the most senior parliamentary officer, in which case Duffy could stay in the House of Representatives without loss of prestige. Complicating this potential solution was the then employment of all parliamentary officers under the Public Service Act, by which vacancies were usually filled from within a department rather than by external transfer. This procedure favoured the alternative course of promoting Boydell, who was acting Clerk of the Senate. The *Argus* perceived 'a mild conflict between the dignity of the Senate and the authority of the House of Representatives' (1908, 4). Holder advised Prime Minister Deakin that there was no reason the Clerk of the House could not also be Clerk of the Parliaments, but the President of the Senate, Sir Albert Gould, supported Boydell. The government found a resolution by letting the Clerk of the Parliaments title fall into abeyance while promoting Boydell to Clerk of the Senate.

On 27 July 1909, it fell to Duffy, 'in a voice charged with emotion' (*Newcastle Morning Herald* 1909, 5), to announce to the House the death of Speaker Holder. Deakin's eulogy was formally addressed to Duffy, who, as Clerk, was acting as Chairman of the House pursuant to the relevant standing order. The next day the House moved to elect a Speaker. It was Duffy's misfortune that the chamber was still in a highly charged state following the fall of Andrew Fisher's Labor government at the hands of Deakin's newly formed fusion of the non-Labor parties. Labor members stridently objected to the government's attempt to impose Carty Salmon as the new Speaker. A 'wordy war between members' (*Sydney Morning Herald* 1909, 7) raged for hours. Duffy, 'feeling the responsibility very keenly' (*Sydney Morning Herald* 1909, 7), did not assert himself as Chairman. He intervened only to resolve a tied adjournment motion by casting a vote with the noes on the basis that he would not take responsibility for ending the debate. At once, 'Labor members simply flew at the poor Clerk' (*Sydney Morning Herald* 1909, 7) as the House descended into 'a Bedlam of noises and cries and shouts and cross challenges' (*Age* 1909, 6). William Morris Hughes, 'who could hardly speak with excitement' (*Sydney Morning Herald* 1909, 7), challenged the Clerk's right to vote, but Deakin came to Duffy's aid by pointing out that even without a casting vote the motion would still have failed for want of a majority. Once the House had elected Salmon, Deakin thanked Duffy for 'the able manner in which he discharged his duties under extremely trying conditions, which it was impossible for him to foresee, and prepare for' (H.R. Deb. 28.7.1909, 1728).

During the long parliamentary sittings of 1910–11, Duffy became seriously ill. At the end of 1911 he took leave, returning to duty the following year. In July 1915, he became secretary to the Federal Parliamentary War Committee, appointed by the Fisher government as a bipartisan advisory body but which in practice dealt

mainly with recruitment and repatriation. Duffy's famous family and mastery of parliamentary practice gave him a public profile accorded few other Clerks. He was celebrated in a *Truth* cartoon accompanied by doggerel: 'Gavan Duffy is the Clerk/ Up at Parliament/ Not a common sort of clerk/ But a gilt-edged gent/ Duffy is a cultivated chap/ Cute and clever-rather!/ Worthily he bears the name/ Of a famous father' (1914, 6).

When Boydell retired as Clerk of the Senate late in 1916, the President, Thomas Givens, received 'urgent representations' that the replacement should be chosen on the basis of seniority within the whole parliament. Duffy was accordingly appointed Clerk of the Senate on 1 February 1917. He was said by Melbourne *Punch* to have thereby reached the 'Ultima Thule' of a parliamentary officer's career, 'the full achievement of ambition'. *Punch* added (using a variant of his family name) an unsolicited boast that 'a Gavan Duffy is always somebody' (1917, 244). He retired in 1920.

Predeceased by his wife and survived by his son, Duffy died on 23 February 1932 at Ormington Private Hospital, South Yarra. Following a requiem mass at St Joseph's Roman Catholic Church, he was buried in Boroondara Cemetery, Kew.

This article supplements the original Volume 8 ADB biography, published 1981, authored by H. A. Finlay. adb.anu.edu.au/biography/duffy-charles-gavan-6346/text10305

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This text is taken from '*Order, Order!': A Biographical Dictionary of Speakers, Deputy Speakers and Clerks of the Australian House of Representatives*', edited by Stephen Wilks, published 2023 by ANU Press, The Australian National University, Canberra, Australia.

doi.org/10.22459/OO.2023.20