

Nairn, Walter Maxwell: Speaker 1940–1943

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Walter Maxwell Nairn (1879–1958), lawyer and tenth Speaker of the House of Representatives, was born on 17 March 1879 at Alberton, South Gippsland, Victoria, third of four children of Scottish-born William Nairn, farmer, and his Victorian-born wife, Margaret, née Merritt. William's death in 1890 imposed hardship on the family, but Walter won a scholarship to South Melbourne College, where he was the school sports champion and also excelled in the classroom, matriculating in 1894. In May 1896, he left depression-ravaged Victoria to follow his brother, William Ralph Nairn, to Western Australia.

In Perth Nairn initially found employment as a proofreader and then as a journalist at the *Morning Herald* and subsequently the *West Australian*. Court reporting decided him on pursuing a legal career and he became a law clerk, initially for the barrister and parliamentarian Norman Ewing and later for the Perth solicitors Penny & Hill. He married Philomena (Mena) Antonia Boladeras at St Mary's Cathedral, Perth, on 13 May 1902, but she died just two years later. On 29 December 1905, he married Mary Josephine Bertram, daughter of an officer of the British Indian Army, at St John Berchmans Catholic Church, Camberwell, Victoria. Sadness returned with the loss of their first child in 1906, but this was followed by the births of a son and a daughter.

With his brother, William, Nairn became active in politics. In 1907 he was the founding secretary and treasurer of the Western Australian Protectionist League. The league supported the Lyne tariff of 1908 that significantly increased protection for Australian manufacturers and, as secessionist voices began to be heard in the west, affirmed its loyalty to the young Commonwealth. After three years of study and articles, he was, in August 1909, admitted to the Western Australian Bar; his employer was accordingly recast as Penny, Hill and Nairn. A sharp-tongued local newspaper predicted that, having been 'an energetic and able pressman', he would make 'a reliable and pushing lawyer' (*Truth* 1909, 4). He was indeed energetic, serving

'ORDER, ORDER!'

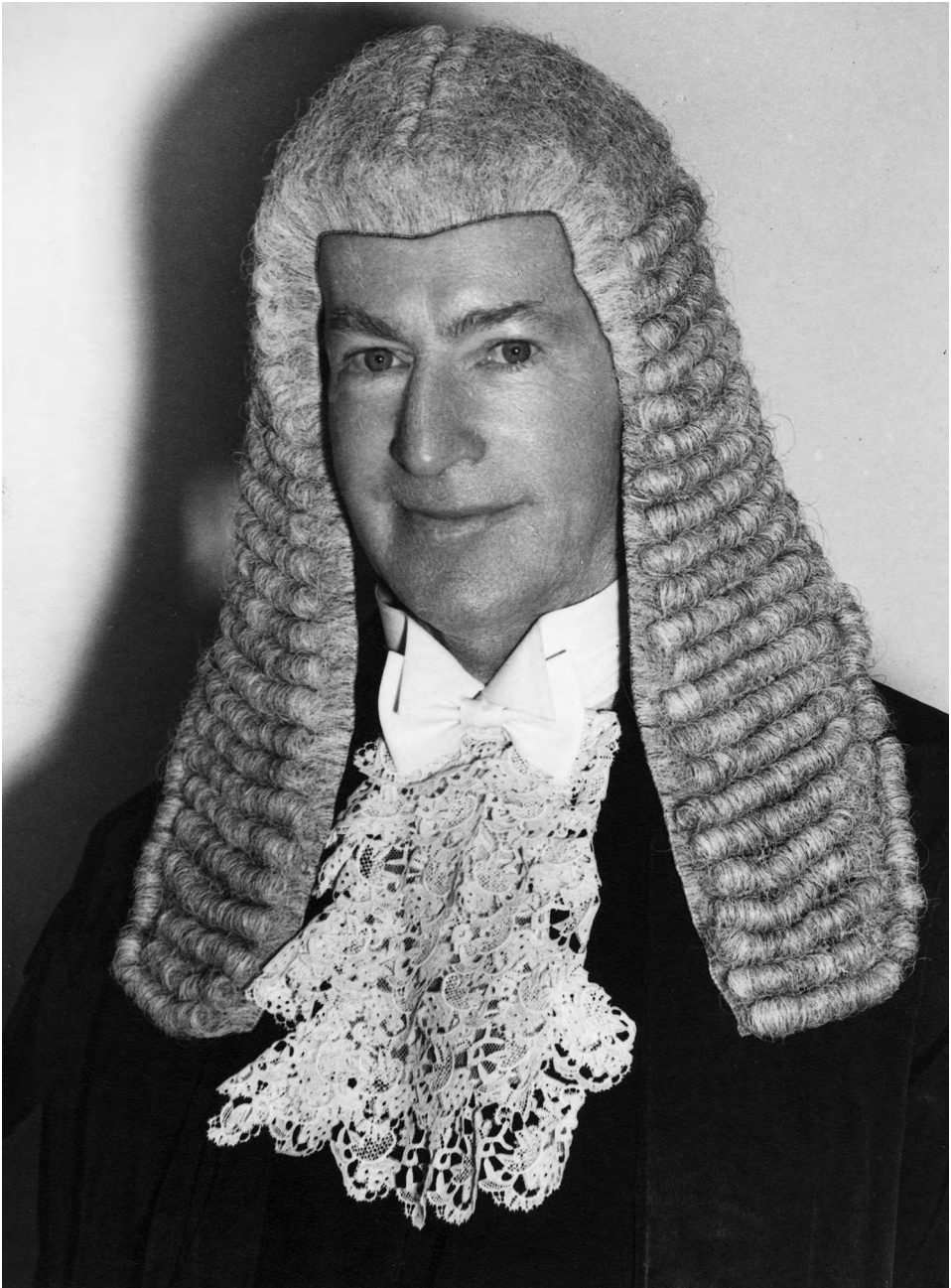


Figure 48: Walter Nairn.

Source: Department of the House of Representatives.

on the committees of the Western Australian Law Students' Society and the North Perth Bowling Club, as well as helping to organise junior sports. His other outdoor enthusiasms included cross-country athletics, lacrosse, tennis, golf, and motoring.

Nairn entered public office in 1909 by winning an extraordinary vacancy on the North Perth municipal council. He resigned before his term was complete to contest the Legislative Assembly seat of North Perth at the election of October 1911. In a campaign speech, he declared that 'he was standing as a Liberal in the truest sense of the term' and held that, as the Labor Party 'gave its best endeavors to a particular class, and not in the interest of the people as a whole' (*West Australian* 1911, 11), it did not deserve to govern. The voters disagreed, and he was defeated as Labor won its first majority in Western Australia. Brother William became the Liberal member for the Legislative Assembly seat of Swan in 1914.

Although Nairn turned to establishing his legal practice, he remained active in the league and its successor Nationalist Party, chairing committees and public meetings. His law career thrived. In 1917 he became junior counsel representing the new Liberal government of Frank Wilson at a royal commission inquiring into the government contract with the British financier S. V. Nevanas to erect the Wyndham freezing works. This ill-managed arrangement had precipitated the fall of the Labor government led by John Scaddan. In April 1924, as royal commissioner, he reported to the Nationalist government of Sir James Mitchell on the affairs of the failed Gosnells Estate Company.

In 1921 Nairn set up his own firm, Nairn and McDonald, in partnership with the brother of the prominent lawyer and future state Liberal Party leader Ross McDonald. The press reported that as 'a nice, quiet, unassuming chap, he was popular amongst the law fraternity' (*Nelson Advocate* 1927, 4). His growing professional reputation was publicly demonstrated in 1927 when a fund was raised in the Kimberley to pay him to represent members of the police party under investigation by the Wood royal commission into the alleged Forrest River Mission (or Oombulgurri) massacre. He was combative in defending the police, arguing that hearsay and rumour had replaced the rules of evidence, drawing the ire of the commissioner. The horrors recounted and denied were reported extensively, as was the subsequent preliminary hearing of murder charges against two constables, which failed due to insufficient evidence.

His reputation as 'a perfect family solicitor' (Makin c. 1962), prominence in local sports, and extensive community service made Nairn an ideal parliamentary candidate. He was persuaded to stand for the Nationalist Party in the federal seat of Perth at the October 1929 election precipitated by the defeat of the Bruce–Page government on the floor of the House of Representatives. The government lost the election, but he won Perth on the preferences of the independent Edward Mann, who, as the previous Nationalist member for Perth, had voted in the House against his own government. He held the seat at four subsequent elections.

Nairn entered the House of Representatives committed to the Nationalist platform of sound finance and rationalisation of the arbitration system. He also promised as a Western Australian representative to resist further tariff increases. Upon returning to Perth after his first experience of parliament, he provided the *West Australian* with some 'Sidelights on Canberra', showing that he was still a sharp wordsmith. Unimpressed by the still underdeveloped 'Siberia' that was Canberra, he thought the site better suited to rearing sheep but did concede its attractive outlook. Parliament's foremost figures impressed him in different ways: James Scullin was a fine public speaker, who 'fills the office of Prime Minister with dignity'; the treasurer, E. G. 'Ted' Theodore, projected 'a suggestion of reserve power behind his utterances'; opposition leader Sir John Latham was, contrary to reputation, 'one of the most unassuming and approachable of men'; and the Country Party leader (Sir) Earle Page, although a man of 'too many words', had the great asset of 'personal popularity' (Nairn 1930). The impartiality of Speaker Norman Makin also made a favourable impression, but 'two fat men' whom Nairn spotted on the House of Representatives benches remained discreetly unidentified.

With an exemplary record of attendance, speaking briefly and to the point, Nairn soon proved to be a conscientious parliamentarian. He moved amendments and asked numerous questions, particularly concerning parliamentary rectitude and government expenditure, and took an early interest in the standing orders, calling for them to be observed both 'in the spirit and the letter' (H.R. Deb. 17.3.1931, 279). When in April 1931 Makin banned the journalist Joseph Alexander from the House for refusing to divulge the source of leaked cablegrams, Nairn was quick to assert that the standing orders did not give the Speaker authority 'to take cognisance of an offence committed outside the House' and that there was nothing to oblige a journalist to divulge a source of information (H.R. Deb. 24.4.1931, 1281).

During Nairn's first few years in parliament, growing Western Australian support for secession was a pressing issue. Although he had opposed secession, he also recognised the need for change if the Australian Federation were to remain intact. Neither major party was responsive to the burden that ever-rising tariffs imposed on states that were more dependent on exports of primary products than on domestic manufacturing. Without redress, he feared, demands for secession could spread to South Australia and Tasmania. He called for the revival of the then dormant Interstate Commission to resolve issues of interstate trade; when this came to no avail, he proposed that Western Australia apply its own tariffs and customs laws. The Commonwealth Grants Commission established in 1933 was, he felt, flawed, as, by focusing on state 'needs' rather than on the 'disabilities' imposed by Commonwealth policies, it effectively transformed Western Australia into a 'mendicant' (H.R. Deb. 26.8.1937, 207). While the grants allotted to states by this agency gradually defused secessionism, he continued to monitor tariff issues closely for the remainder of his parliamentary career.

The functioning of the Federal Bankruptcy Act also engaged Nairn. His legal practice had exposed him to the limitations of the legislation and, in 1932, as a member of the new United Australia Party (UAP) that had succeeded the Nationalist Party, he was appointed to a parliamentary committee to consider amendments to the Act, becoming its chairman in 1937. The committee consulted widely before submitting its report, but he was disappointed by the lack of an effective government response. In 1933 he was appointed one of the Temporary Chairmen of Committees, giving him his first experience of presiding over the House. He was also appointed to the Joint Standing Committee on Public Works (1937–40) and the House of Representatives Standing Orders Committee (1937–43). His committee work helped build his reputation among his parliamentary peers as ‘a careful and thorough man’ (Makin c. 1962).

Nairn’s election to the Speakership on 20 November 1940 was unopposed, but in the party room it had been close-run. When (Sir) George Bell did not seek re-election, Nairn was one of five nominees who contested the ballot. His win over the former minister Sir Charles Marr was so unexpected that it sparked press speculation that Marr would have his name put forward in the House in the hope of drawing support from the opposition and dissident UAP members; in the event, he scotched this by himself nominating Nairn. Opposition leader John Curtin, a fellow Western Australian, welcomed Nairn’s elevation as ‘evidence of the increasing facility with which the disabilities of Western Australia disappear’ (H.R. Deb. 20.11.1940, 22). Nairn was the first Speaker from that state, and the re-election of John Prowse as Chairman of Committees produced a Western Australian pairing.

Finely balanced party numbers and growing political pressures on Prime Minister (Sir) Robert Menzies made presiding over the House challenging. The new Speaker coped well. Herbert Vere Evatt later recalled Nairn’s ‘coolness and courtesy’, and Menzies described him as ‘quiet, relevant, clear, and greatly respected’ (H.R. Deb. 17.2.1959, 15). Makin observed that ‘May’s *Parliamentary Practice* was a constant companion with this man’ and thought his rulings ‘well-founded’ (c. 1962). Nairn’s manner and judgement served him well. When the short-lived government of (Sir) Arthur Fadden lost the support of the House in October 1941 and was replaced with a Labor government headed by Curtin, Nairn remained Speaker with the blessing of his own party. In the midst of wartime, this provided some much-needed stability and was welcomed by a new government that lacked a parliamentary majority in its own right and effectively gained a vital extra vote in the House from Nairn’s continuation.

In mid-1942 Nairn’s Speakership was marred by controversies that revolved about the relationship between parliament and the press. When the President of the Senate, James Cunningham, banned all staff of the Sydney *Daily Telegraph* and *Sunday Telegraph* from the Senate chamber and precincts because of an article seen to ridicule senators, Nairn followed suit for the House, as there was ‘a duty upon this House

to support and co-operate with the Senate in the maintenance of the dignity and honour of Parliament' (H.R. Deb. 3–4.6.1942, 2187). The editors of the offending newspapers refused to provide the unreserved apologies sought, with the result that the ban and attendant controversy dragged on until late September, when they produced a suitably worded statement. Nairn departed from parliamentary tradition when, on the same day that the House adopted the Senate ban, he moved an amendment to the Australian Broadcasting Bill. As the House was in committee, he was not in the chair at the time, but this was the first occasion a Speaker had in any circumstances moved an amendment to a bill. While the amendment—to exempt totally and permanently disabled veterans from radio licence fees—was hardly contentious, it was nonetheless greeted with surprise before it was withdrawn soon after being proposed; there were also times when Nairn voted against the Curtin government in committee.

Nairn came under further attack for an article he wrote for the *Nationalist*, the monthly journal of the Western Australian National Party and UAP. He had been contributing to this organ since it commenced in 1936, mostly through 'Canberra Notes', a column of often light-hearted political reflections published under his name and title as Speaker. Some of its content was party political in nature and, in his column of 11 June 1942, he pondered: 'Can Labour [sic] Govern?', stating that 'public confidence in the capacity of Labour appears to be on the wane' (Nairn 1942, 4). Despite ending with 'however there is a war on and I am getting into party politics' (Nairn 1942, 4), the article sparked an outcry. William Morris Hughes, leader of Nairn's own party, professed astonishment at this airing of political views by the Speaker. The *Daily Telegraph* reported a growing desire among Labor members to replace him. His response that the whole matter was 'much ado about nothing' (*West Australian* 1942, 7) did not repair the damage to his reputation. A *Canberra Times* editorial linked the two controversies in accusing him of 'playing party politics' in a way that was 'a distinct departure from the traditional impartiality of the Speakership' (1942, 2). Undeterred, he continued producing 'Canberra Notes' until the end of his Speakership.

By remaining as Speaker after his party had lost government, Nairn was already treading on uncertain ground. His anomalous position and the string of controversies drew increasing criticism from both sides of politics. Menzies defended him publicly late in 1942 by reiterating that Nairn remained Speaker 'in accordance with the wishes of the opposition parties' (*Kalgoorlie Miner* 1942, 2). This changed suddenly on 21 June 1943, when Nairn resigned the Speakership in anticipation of Fadden as leader of the opposition moving a motion of no confidence in the Curtin government the following day.

The first Speaker to resign mid-term, Nairn explained that in October 1941 he had remained Speaker with the concurrence of his party 'for the better prosecution of the war' (*Age* 1943, 3). But the imminent no-confidence motion necessarily terminated

the bipartisan cooperation and therefore his Speakership. His decision attracted harsh criticism, with the *Canberra Times* labelling it a 'travesty' that 'degrades the high office of Speaker' (1943, 2). Nairn was caught in the disjuncture between the Westminster ideal of a Speaker above party politics and the reality of how the office had evolved in Australia.

A general election in August 1943 saw a major national swing to Labor. Nairn's parliamentary career ended with his defeat in Perth by Labor's Tom Burke. He resumed legal practice, initially alone but later with the firm of Jackson, McDonald, Connor & Ambrose, the successor to his old partnership. He continued to practise up to the time of his death on 12 December 1958 at Claremont. Survived by his wife and two children, he was given a state funeral and was cremated at Karrakatta cemetery. His death attracted little public attention. Makin recalled him as being somewhat reserved for a politician, 'not what you would call a colourful man' (c. 1962), with a slightly hesitant and staccato manner of speech. His resignation as Speaker had been a decisive signal that, in a choice between party and parliament, the former had priority. A portrait by William Rowell hangs in Parliament House.

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