

1954-55.

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

No. 64.

FRIDAY, 10TH JUNE, 1955.

1. The House met, at ten o'clock a.m., pursuant to adjournment.—Mr. Speaker (the Honorable A. G. Cameron) took the Chair, and read Prayers.

2. BREACH OF PRIVILEGE—ARTICLES IN *Bankstown Observer*—COMMITMENT OF OFFENDERS.—The Clerk of the House read the following Resolution passed by the House on the 9th June, 1955 :—

That Raymond E. Fitzpatrick and Frank C. Browne be notified that at 10 a.m. to-morrow 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 informed the House that Raymond Edward Fitzpatrick and Frank Courtney Browne were in attendance.

Mr. Speaker directed the Serjeant-at-Arms to inform Raymond Edward Fitzpatrick that the House would hear him.

The Serjeant-at-Arms accordingly brought Raymond Edward Fitzpatrick to the Bar.

Mr. Speaker said :—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, 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.

Raymond Edward Fitzpatrick addressed the House and apologized.

Mr. Speaker thereupon directed Raymond Edward Fitzpatrick to withdraw ; and he withdrew accordingly.

Mr. Speaker directed the Serjeant-at-Arms to inform Frank Courtney Browne that the House would hear him.

The Serjeant-at-Arms accordingly brought Frank Courtney Browne to the Bar.

Mr. Speaker said : 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.

Frank Courtney Browne addressed the House.

Mr. Speaker thereupon directed Frank Courtney Browne to withdraw ; and he withdrew accordingly.

Suspension of Sitting.—At nineteen minutes past ten o'clock a.m., Mr. Speaker left the Chair.

Resumption of Sitting.—At ten minutes past eleven o'clock a.m., Mr. Speaker resumed the Chair.

Mr. Menzies (Prime Minister) moved the following two motions :—

FIRST MOTION.

1. That Raymond Edward Fitzpatrick, being guilty of a serious breach of Privilege, be for his offence committed to the custody of the person for the time being performing the duties of Chief Commissioner of Police at Canberra in the Australian Capital Territory or to the custody of the keeper of the gaol at such place as Mr. Speaker from time to time directs and that he be kept in custody until the 10th day of September, 1955, or until earlier prorogation or dissolution, unless this House shall sooner order his discharge.

2. That Mr. Speaker direct John Athol Pettifer, Esquire, the Serjeant-at-Arms, with the assistance of such Peace Officers of the Commonwealth as he requires, to take the said Raymond Edward Fitzpatrick into custody in order to his being committed to and kept in custody as provided by this resolution.

3. That Mr. Speaker issue his warrants accordingly.

10th June, 1955.

SECOND MOTION.

1. That Frank Courtney Browne, being guilty of a serious breach of Privilege, be for his offence committed to the custody of the person for the time being performing the duties of Chief Commissioner of Police at Canberra in the Australian Capital Territory or to the custody of the keeper of the gaol at such place as Mr. Speaker from time to time directs and that he be kept in custody until the 10th day of September, 1955, or until earlier prorogation or dissolution, unless this House shall sooner order his discharge.

2. That Mr. Speaker direct John Athol Pettifer, Esquire, the Serjeant-at-Arms, with the assistance of such Peace Officers of the Commonwealth as he requires, to take the said Frank Courtney Browne into custody in order to his being committed to and kept in custody as provided by this resolution.

3. That Mr. Speaker issue his warrants accordingly.

Mr. Evatt (Leader of the Opposition) moved, as an amendment to each motion, That all words after "That" (first occurring) be omitted with a view to inserting the following words in place thereof:—
"this House is of opinion that the appropriate action to be taken in these cases is the imposition of substantial fines and that the amount of such fines and the procedure for enforcing them be determined by the House forthwith".

Ordered—That Mr. Evatt be granted an extension of time.

Debate continued.

First motion relating to Raymond Edward Fitzpatrick—

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (The Speaker, Mr. A. G. Cameron, in the Chair)—

AYES, 52.

Mr. Adermann	Mr. Davis	Mr. Holt	Sir P. McBride	Mr. Timson
Mr. Anthony	Mr. Dean	Mr. Howse	Mr. McColm	Mr. Townley
Mr. Bate	Mr. Downer	Mr. Hulme	Mr. McEwen	Mr. Turnbull
Mr. Beazley	Mr. Drummond	Mr. Jack	Mr. McLeay	Mr. Wentworth
Mr. W. M. Bourke	Mr. Drury	Mr. Joshua	Mr. McMahon	Mr. Wheeler
Mr. Bowden	Sir A. Fadden	Mr. Kent Hughes	Mr. Menzies	Mr. Wight
Mr. Brimblecombe	Mr. Failes	Mr. Lawrence	Mr. Opperman	
Mr. Bryson	Mr. Fairhall	Mr. Lindsay	Sir E. Page	<i>Tellers:</i>
Mr. D. A. Cameron	Mr. Francis	Mr. Luck	Mr. Pearce	
Mr. Casey	Sir E. Harrison	Mr. Lucock	Mr. Robertson	Mr. Davidson
Mr. Cramer	Mr. Hasluck	Mr. Mackinnon	Mr. Swartz	Mr. Gullett

NOES, 16.

Mr. Barnard	Mr. Duthie	Mr. Greenup	Mr. Minogue	<i>Tellers:</i>
Mr. Calwell	Mr. Evatt	Mr. Haylen	Mr. Russell	Mr. Fitzgerald
Mr. Cope	Mr. A. D. Fraser	Mr. Lemmon		Mr. Whitlam
Mr. Drakeford	Mr. Fuller	Mr. Makin		

And so it was resolved in the affirmative.

Question—That the first motion be agreed to—put.

The House divided (The Speaker, Mr. A. G. Cameron, in the Chair)—

AYES, 55.

Mr. Adermann	Mr. Downer	Mr. Hulme	Mr. McColm	Mr. Turnbull
Mr. Anthony	Mr. Drakeford	Mr. Jack	Mr. McEwen	Mr. Wentworth
Mr. Bate	Mr. Drummond	Mr. Joshua	Mr. McLeay	Mr. Wheeler
Mr. W. M. Bourke	Mr. Drury	Mr. Kent Hughes	Mr. McMahon	Mr. Whitlam
Mr. Bowden	Sir A. Fadden	Mr. Lawrence	Mr. Menzies	Mr. Wight
Mr. Brimblecombe	Mr. Failes	Mr. Lemmon	Mr. Opperman	
Mr. Bryson	Mr. Fairhall	Mr. Lindsay	Sir E. Page	<i>Tellers:</i>
Mr. D. A. Cameron	Mr. Francis	Mr. Luck	Mr. Pearce	
Mr. Casey	Sir E. Harrison	Mr. Lucock	Mr. Robertson	Mr. Davidson
Mr. Cramer	Mr. Hasluck	Mr. Mackinnon	Mr. Swartz	Mr. Gullett
Mr. Davis	Mr. Holt	Mr. Makin	Mr. Timson	
Mr. Dean	Mr. Howse	Sir P. McBride	Mr. Townley	

NOES, 12.

Mr. Barnard	Mr. Duthie	Mr. Greenup	Mr. Russell	<i>Tellers:</i>
Mr. Beazley	Mr. Evatt	Mr. Haylen		Mr. Fitzgerald
Mr. Cope	Mr. A. D. Fraser	Mr. Minogue		Mr. Fuller

And so it was resolved in the affirmative.

Second motion relating to Frank Courtney Browne—

Question—That the words proposed to be omitted stand part of the question—put.

The House divided (The Speaker, Mr. A. G. Cameron, in the Chair)—

AYES, 52.

Mr. Adermann	Mr. Davis	Mr. Holt	Sir P. McBride	Mr. Timson
Mr. Anthony	Mr. Dean	Mr. Howse	Mr. McColm	Mr. Townley
Mr. Bate	Mr. Downer	Mr. Hulme	Mr. McEwen	Mr. Turnbull
Mr. Beazley	Mr. Drummond	Mr. Jack	Mr. McLeay	Mr. Wentworth
Mr. W. M. Bourke	Mr. Drury	Mr. Joshua	Mr. McMahon	Mr. Wheeler
Mr. Bowden	Sir A. Fadden	Mr. Kent Hughes	Mr. Menzies	Mr. Wight
Mr. Brimblecombe	Mr. Failes	Mr. Lawrence	Mr. Opperman	
Mr. Bryson	Mr. Fairhall	Mr. Lindsay	Sir E. Page	<i>Tellers:</i>
Mr. D. A. Cameron	Mr. Francis	Mr. Luck	Mr. Pearce	
Mr. Casey	Sir E. Harrison	Mr. Lucock	Mr. Robertson	Mr. Davidson
Mr. Cramer	Mr. Hasluck	Mr. Mackinnon	Mr. Swartz	Mr. Gullett

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NOES, 16.				
Mr. Barnard	Mr. Duthie	Mr. Haylen	Mr. Russell	<i>Tellers :</i> Mr. Fitzgerald Mr. Fuller
Mr. Calwell	Mr. Evatt	Mr. Lemmon	Mr. Whitlam	
Mr. Cope	Mr. A. D. Fraser	Mr. Makin		
Mr. Drakeford	Mr. Greenup	Mr. Minogue		

And so it was resolved in the affirmative.

Question—That the second motion be agreed to—put.

The House divided (The Speaker, Mr. A. G. Cameron, in the Chair)—

AYES, 55.				
Mr. Adermann	Mr. Downer	Mr. Hulme	Mr. McColm	Mr. Turnbull
Mr. Anthony	Mr. Drakeford	Mr. Jack	Mr. McEwen	Mr. Wentworth
Mr. Bate	Mr. Drummond	Mr. Joshua	Mr. McLeay	Mr. Wheeler
Mr. W. M. Bourke	Mr. Drury	Mr. Kent Hughes	Mr. McMahon	Mr. Whitlam
Mr. Bowden	Sir A. Fadden	Mr. Lawrence	Mr. Menzies	Mr. Wight
Mr. Brimblecombe	Mr. Failes	Mr. Lemmon	Mr. Opperman	
Mr. Bryson	Mr. Fairhall	Mr. Lindsay	Sir E. Page	<i>Tellers :</i> Mr. Davidson Mr. Gullett
Mr. D. A. Cameron	Mr. Francis	Mr. Luck	Mr. Pearce	
Mr. Casey	Sir E. Harrison	Mr. Lucock	Mr. Robertson	
Mr. Cramer	Mr. Hasluck	Mr. Mackinnon	Mr. Swartz	
Mr. Davis	Mr. Holt	Mr. Makin	Mr. Timson	
Mr. Dean	Mr. Howse	Sir P. McBride	Mr. Townley	

NOES, 11.				
Mr. Barnard	Mr. Duthie	Mr. Haylen	<i>Tellers :</i> Mr. Fitzgerald Mr. Fuller	
Mr. Beazley	Mr. Evatt	Mr. Minogue		
Mr. Cope	Mr. A. D. Fraser	Mr. Russell		

And so it was resolved in the affirmative.

Mr. Speaker directed the Serjeant-at-Arms to bring Raymond Edward Fitzpatrick to the Bar.

The Serjeant-at-Arms, bearing the Mace, accordingly brought Raymond Edward Fitzpatrick to the Bar.

Mr. Speaker informed Raymond Edward Fitzpatrick of the terms of the Resolution relating to himself which had been passed by the House.

Mr. Speaker then directed the Serjeant-at-Arms to place Raymond Edward Fitzpatrick in custody. Raymond Edward Fitzpatrick withdrew.

Mr. Speaker directed the Serjeant-at-Arms to bring Frank Courtney Browne to the Bar.

The Serjeant-at-Arms, bearing the Mace, accordingly brought Frank Courtney Browne to the Bar.

Mr. Speaker informed Frank Courtney Browne of the terms of the Resolution relating to himself which had been passed by the House.

Mr. Speaker then directed the Serjeant-at-Arms to place Frank Courtney Browne in custody. Frank Courtney Browne withdrew.

3. JUDICIARY BILL 1955—SENATE'S AMENDMENT.—The Order of the Day having been read for the consideration in Committee of the whole House of the Amendment made by the Senate in this Bill—Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

The Committee proceeded to consider the Amendment, which is as follows :—

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE.

Page 2, leave out clause 2, insert the following clause :—

“ 2. Section thirty-five of the Principal Act is amended by omitting from sub-paragraphs (1) and (2) of paragraph (a) of sub-section (1.) the words ‘ Three hundred pounds ’ and inserting in their stead the words ‘ One thousand five hundred pounds ’ ”.

Appeals from
Supreme
Courts of
States.

On the motion of Sir Eric Harrison (Vice-President of the Executive Council), the Amendment was agreed to, after debate.

Resolution to be reported.

The House resumed ; Mr. Adermann reported accordingly.

On the motion of Sir Eric Harrison, the House adopted the Report.

4. AUSTRALIAN CAPITAL TERRITORY SUPREME COURT BILL 1955—SENATE'S AMENDMENT.—The Order of the Day having been read for the consideration in Committee of the whole House of the Amendment made by the Senate in this Bill—

Mr. Speaker left the Chair, and the House resolved itself into a Committee of the Whole.

(In the Committee.)

The Committee proceeded to consider the Amendment, which is as follows : --

SCHEDULE OF THE AMENDMENT MADE BY THE SENATE.

Page 2, leave out clause 2, insert the following clause :—

“ 2. Section fifty-one of the Principal Act is amended by omitting from paragraphs (a) and (b) of sub-section (1.) the words ‘ Three hundred pounds ’ and inserting in their stead the words ‘ One thousand five hundred pounds ’ ”.

Appeals from
Supreme Court
in civil cases.

10th June, 1955.

On the motion of Sir Eric Harrison (Vice-President of the Executive Council), the Amendment was agreed to, after debate.
Resolution to be reported.

The House resumed; Mr. Adermann reported accordingly.
On the motion of Sir Eric Harrison, the House adopted the Report.

5. MESSAGE FROM THE GOVERNOR-GENERAL—ASSENT TO BILL.—A Message from His Excellency the Governor-General was announced informing the House that His Excellency, in the name and on behalf of Her Majesty, had assented to the following Bill :—

8th June, 1955—*Message No. 56—Courts-Martial Appeals 1955.*

6. MESSAGES FROM THE SENATE.—Messages from the Senate were reported returning the following Bills without amendment :—

9th June, 1955—*Message—*

No. 85—Parliamentary Retiring Allowances 1955.

No. 86—Meat Agreement (Deficiency Payments) 1955.

No. 87—Meat Export (Additional Charge) 1955 (without requests).

No. 90—Cocos (Keeling) Islands 1955.

7. SPECIAL ADJOURNMENT.—Sir Eric Harrison (Vice-President of the Executive Council) moved, That the House, at its rising, adjourn until a date and hour to be fixed by Mr. Speaker, which time of meeting shall be notified by Mr. Speaker to each Member by telegram or letter.

Question—put and passed.

8. LEAVE OF ABSENCE TO ALL MEMBERS.—Sir Eric Harrison (Vice-President of the Executive Council) moved, That leave of absence be given to every Member of the House of Representatives from the determination of this sitting of the House to the date of its next sitting.

Question—put and passed.

9. ADJOURNMENT.—Sir Eric Harrison (Vice-President of the Executive Council) moved, That the House do now adjourn.

Retirement of Mr. F. C. Green, Clerk of the House.—Sir Eric Harrison referred to the approaching retirement of Mr. Green after eighteen years as Clerk of the House, paid tribute to the excellent service given by him to the Parliament, and wished him well in his retirement.

Several other honorable Members associated themselves with the tribute paid to Mr. Green.

Question—put and passed.

And the House, at eight minutes to five o'clock p.m., adjourned until a date and hour to be fixed by Mr. Speaker, and to be notified by him to each Member by telegram or letter as determined by Resolution of the House at this sitting.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except Mr. Allan, Mr. Andrews, Mr. Beale, Mr. Bird, Mr. Bland, Mr. Bostock, Mr. Brand, Mr. Brown, Mr. Bruce, Mr. T. P. Burke, Mr. C. R. Cameron, Mr. Chambers, Mr. Clarey, Mr. Costa, Mr. Crean, Mr. Cremean, Mr. Curtin, Mr. Davies*, Mr. Edmonds, Mr. Fairbairn, Mr. Griffiths, Mr. Hamilton, Mr. E. James Harrison, Mr. James, Mr. Johnson, Mr. Joske, Mr. Keon, Mr. Lawson, Mr. McLeod, Mr. Mullens, Mr. Nelson, Mr. Osborne, Mr. Peters, Mr. Pollard, Mr. Riordan, Mr. Thompson, Mr. Turner, Mr. Ward, Mr. Watkins and Mr. Webb.

* On leave.

F. C. GREEN,
Clerk of the House of Representatives.