

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

No. 44.

VOTES AND PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES.

FRIDAY, 5TH APRIL, 1918.

1. The House met, at eleven o'clock a.m., pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. PRIVILEGE.—SEIZURE AT PARLIAMENT HOUSE OF MEMBER'S PARCELS.—Mr. Speaker said: I desire to inform the House that the Serjeant-at-Arms reported to me on Monday, the 25th February, that on the previous Saturday (23rd instant) after office hours, the President of the Senate who stated he was acting for me in my absence, instructed the officer in charge of the North Lobby not to allow certain parcels alleged to contain printed copies of speeches delivered by the honorable Member for Cook (Mr. J. H. Catts) to be removed from the building, and that on the Monday morning these parcels were locked up by the Serjeant-at-Arms.

The President wrote to me on the 25th February hoping that I would approve of his action, which he took on my behalf, and forwarding a copy of a letter from the Minister for Defence, which is as follows:—

Department of Defence,
Melbourne, 23rd February, 1918.

Dear Sir,

I have been supplied with copy of a reprint of a speech delivered in the House of Representatives by Mr. J. H. Catts, M.P., during the debate on the recent "No-confidence" Motion, and I notice that on the fly-leaf the Commonwealth Coat-of-Arms is used and certain words which would indicate that it is an official publication.

On behalf of the Government I wish to take advice as to whether these things are allowed and in order to enable me to do so before the leaflets in question are issued, ask you in the absence of the Speaker to be so good as to direct that the bulk parcels containing these leaflets, which I understand have been delivered at Parliament House, be retained until the legality of the action can be determined.

Yours faithfully,
(Signed) G. F. PEARCE.

Senator the Hon. T. Givens,
President of the Senate,
Federal Parliament House, Melbourne.

The President then wrote to the Minister for Defence informing him of the action he had taken on my behalf, and that the matter now rested with me for my decision.

I then forwarded the following letter to the Minister for Defence:—

Melbourne, 26th February, 1918.

Dear Sir,

Regarding bulk parcels said to contain reprints of a speech by Mr. J. H. Catts, M.P., in the House of Representatives, and which you wish to have withheld from issue pending legal advice concerning them, I have ascertained from the Serjeant-at-Arms that some parcels addressed to Mr. Catts, M.P., have been received at Parliament House from the Government Printing Office, contents unknown.

If they are reprints from *Hansard*, I would point out that regulation governing reprinting to the order of honorable Members, of *Hansard* reports of their speeches are exclusively under the control of the Treasurer, who is the Ministerial Head of the Government Printing Office.

As I have no official control over reprints of Members' speeches, I do not feel justified in authorizing any action involving interference with parcels of such matter, the personal property of Members of the House, in their absence and without their consent.

Faithfully yours,
(Signed) W. ELLIOT JOHNSON,
Speaker.

Senator the Honorable G. F. Pearce,
Minister for Defence,
Melbourne.

5th April, 1918.

I then instructed the Serjeant-at-Arms to have the parcels again placed in the North Lobby.

On the afternoon of the 28th February a military officer in uniform, named Lempriere, accompanied by a detective, waited, in my absence, upon the Clerk Assistant of the House of Representatives and produced a search warrant under the War Precautions Act, signed by General Williams, State Military Commandant for Victoria, giving authority to seize certain parcels said to contain printed copies of speeches delivered by the honorable Member for Cook (Mr. J. H. Catts) in this House on the 15th and 18th January last respectively, and stated that owing to my absence he had been unable to see me on that or the previous day in connexion with the matter.

The Clerk Assistant was asked by the military officer to produce the parcels. The Clerk Assistant informed the officer that they were the private property of the honorable Member for Cook and were not official documents, also that he knew they had been lying for some time in the North Lobby of the building, but where they were at that time he was unable to say. He further said that as officer then in charge of the Department he would take no responsibility in the matter, and that any action the military officer took in the way of searching the building or seizing the parcels of printed matter would be entirely on the military officer's own responsibility.

The officer in charge of the North Lobby, acting under the Clerk Assistant's instructions, refused to give any information as to the whereabouts of the parcels.

The military officer and the detective searched for and found them in the Labour Party room. The parcels were then removed from the building and were taken away in a motor car driven by a soldier in uniform.

In response to my request for information as to the reasons for this action being taken, I received the following letter from the Minister for Defence:—

Department of Defence,
Melbourne, 6th March, 1918.

Dear Sir,

In reply to your letter dated 1st March, 1918, asking for certain information in regard to some reprints of a speech by Mr. J. H. Catts, M.P., which were removed from Parliament House by a military officer, the reason for such removal was that the parcels addressed to Mr. Catts contained pamphlets, the contents of which are detrimental to the safety of the Commonwealth, and the printing and publishing of such are, I am advised, a breach of the War Precautions Regulations.

The officer ordered to take possession of these documents endeavoured, by my order, on two occasions to see the Speaker, before taking action, but was informed that the Speaker was absent.

Yours faithfully,
(Signed) G. F. PEARCE.

The Hon. W. E. Johnson, M.P.,
Speaker, House of Representatives,
Melbourne.

The proceedings being unusual, and, as far as I have been able to ascertain, without precedent in Parliamentary history, I thought it right to report the incident to the House.

It will be noted that the ground of the request for detention of the parcels differs from that given for their seizure.

The first was to allow of inquiry being made as to the legality of the use of the Commonwealth Arms on the reprint of a speech without reference to the nature of the matter contained therein. The latter was on grounds of military necessity, involving the safety of the Commonwealth.

Mr. Tudor moved, That the intrusion into and invasion of Parliament House by a Military force for the purpose of search and seizure without the consent of Mr. Speaker constitutes a breach of privilege of this Honorable House.

Debate ensued.

Question—put.

The House divided—

Ayes, 18.

Mr. Blakeley	Mr. Nicholls
Mr. Brennan	Mr. Riley
Mr. J. H. Catts	Mr. Tudor
Mr. Charlton	Mr. Wallace
Mr. Considine	Mr. Watkins
Mr. Finlayson	Mr. West
Mr. Higgs	
Mr. Mahony	<i>Tellers:</i>
Mr. W. Maloney	Mr. Fenton
Mr. McDonald	Mr. Mathews

Noes, 35.

Mr. Archibald	Mr. Lamond
Mr. Atkinson	Mr. Lister
Mr. Bayley	Mr. Livingston
Sir Robert Best	Mr. Lynch
Mr. Chanter	Mr. Mackay
Mr. Chapman	Mr. Maxwell
Mr. Joseph Cook	Mr. Orchard
Mr. Corser	Mr. Poynton
Mr. Falkiner	Mr. Rodgers
Lord Forrest	Mr. Sinclair
Mr. R. W. Foster	Mr. Bruce Smith
Mr. Glynn	Mr. Spence
Mr. Greene	Mr. Story
Mr. Gregory	Mr. Webster
Mr. Groom	
Mr. Heitmann	
Mr. Jensen	<i>Tellers:</i>
Mr. Jowett	Mr. Laird Smith
Mr. Kelly	Mr. John Thomson

And so it was negatived.

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3. LEAVE OF ABSENCE TO MEMBERS (MR. ANSTEY, MR. FLEMING, MR. MANIFOLD, AND MR. YATES).—Mr. Joseph Cook moved, by leave, That leave of absence for the remainder of the Session be given to the honorable Member for Robertson (Mr. Fleming) and the honorable Member for Adelaide (Mr. Yates), who are absent from the Commonwealth with the Australian Imperial Expeditionary Forces; also to the honorable Member for Corangamite (Mr. Manifold) and the honorable Member for Bourke (Mr. Anstey) who are absent on urgent private business.

Question—put and passed.

4. RESIGNATION OF MEMBER FOR FLINDERS (SIR WILLIAM IRVINE).—Mr. Speaker read to the House the following letter :—

Selborne Chambers,
5th April, 1918.

The Hon. the Speaker,
House of Representatives.

Sir,

I have the honor, under the provisions of section 37 of the Constitution, to resign my place in the House of Representatives.

I am, yours respectfully,
W. H. IRVINE.

5. ADJOURNMENT.—Mr. Joseph Cook moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

And then the House, at a quarter to five o'clock p.m., adjourned until Wednesday next at three o'clock p.m.

MEMBERS PRESENT.—All Members were present (at some time during the sitting) except—Lieut.-Col. Abbott^a, Mr. Anstey*, Mr. Bamford, Mr. Burchell^a, Mr. Fleming^a, Sir William Irvine, Mr. Manifold*, Mr. McGrath^a, Mr. Page, Mr. Pigott, Brigadier-General Ryrie^a, Mr. Watt, Mr. Wise, and Mr. Yates^a.

* On leave.

(a) Joined Australian Imperial Expeditionary Forces.

WALTER A. GALE,
Clerk of the House of Representatives.