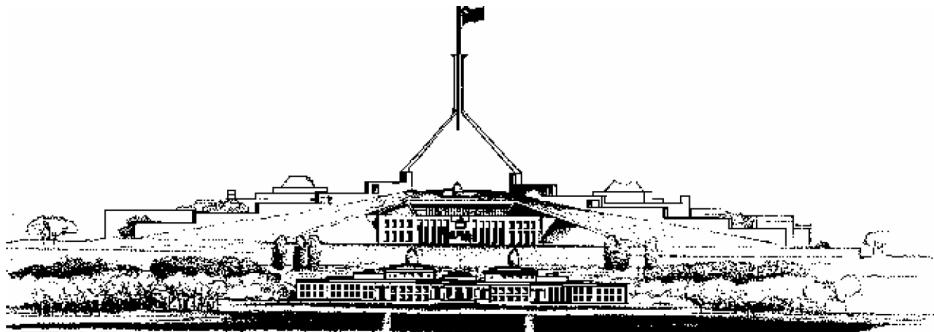




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



# House of Representatives

## Official Hansard

No. 39, 1950  
Thursday, 28 September 1950

NINETEENTH PARLIAMENT  
FIRST SESSION—SECOND PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

# PARLIAMENT OF THE COMMONWEALTH.

NINETEENTH PARLIAMENT—FIRST SESSION : SECOND PERIOD.

## GOVERNOR-GENERAL.

His Excellency the Right Honorable William John McKell, Governor-General and Commander-in-Chief in and over the Commonwealth of Australia, from the 11th March, 1947.

## FOURTH MENZIES GOVERNMENT.

(FROM THE 19TH DECEMBER, 1949.)

Prime Minister .....	..	..	The Right Honorable Robert Gordon Menzies, K.C.
Treasurer .....	..	..	The Right Honorable Arthur William Fadden.
(*)Minister for the Interior .....	..	..	The Honorable Eric John Harrison.
Minister for Labour and National Service and Minister for Immigration .....	..	..	The Honorable Harold Edward Holt.
Minister for Commerce and Agriculture .....	..	..	The Honorable John McEwen.
Minister for External Affairs and Minister for External Territories .....	..	..	The Honorable Percy Claude Spender, K.C.
(*)Minister for National Development and Minis- ter for Works and Housing .....	..	..	The Right Honorable Richard Gardiner Casey, C.H., D.S.O., M.C.
(*)Minister for Defence .....	..	..	The Honorable Philip Albert Martin McBride.
Minister for Health .....	..	..	The Right Honorable Sir Earle Christmas Grafton Page, G.C.M.G., C.H.
Minister for Trade and Customs .....	..	..	Senator the Honorable Neil O'Sullivan.
(*)Minister for Fuel, Shipping and Transport .....	..	..	Senator the Honorable George McLeay.
Minister for Air and Minister for Civil Aviation Postmaster-General .....	..	..	The Honorable Thomas Walter White, D.F.C., V.D.
Minister for the Army and Minister for the Navy Attorney-General .....	..	..	The Honorable Hubert Lawrence Anthony.
Vice-President of the Executive Council .....	..	..	The Honorable Josiah Francis.
Minister for Social Services .....	..	..	Senator the Honorable John Armstrong Spicer, K.C.
Minister for Repatriation .....	..	..	The Honorable Dame Enid Muriel Lyons, G.B.E.
(*)Minister for Supply .....	..	..	Senator the Honorable William Henry Spooner.
			Senator the Honorable Walter Jackson Cooper, M.B.E.
			The Honorable Howard Beale.

## PARLIAMENTARY SECRETARIES.

Commerce and Agriculture .....	..	..	Mr. Charles William Jackson Falkinder, D.S.O., D.F.C.
Interior .....	..	..	Mr. Leonard William Hamilton
External Affairs .....	..	..	Mr. John Brooke Howse.

(<sup>1</sup>) Designations altered on the 21st March, 1950.

(<sup>2</sup>) Designations altered on the 25th October, 1950.

# THE MEMBERS OF THE SENATE.

(FROM THE 1ST JULY, 1950.)

NINETEENTH PARLIAMENT—FIRST SESSION: SECOND PERIOD.

*President*—Senator the Honorable Gordon Brown.

*Leader of the Government in the Senate*—Senator the Honorable Neil O'Sullivan.

*Deputy Leader of the Government in the Senate*—Senator the Honorable George McLeay.

*Chairman of Committees*—Senator Theophilus Martin Nicholls.

*Temporary Chairmen of Committees*—Senators Stanley Kerin Amour, James Jarvist Arnold, William Edward Aylett, Edmund Bede Maher, Richard Harry Nash, Justin Hilary O'Byrne and John Percival Tate.

*Leader of the Opposition*—Senator the Honorable William Patrick Ashley.

*Deputy Leader of the Opposition*—Senator the Honorable Nicholas Edward McKenna.

Amour, Stanley Kerin†	..	..	..	..	..	New South Wales
Armstrong, Hon. John Ignatius‡	..	..	..	..	..	New South Wales
Arnold, James Jarvist†	..	..	..	..	..	New South Wales
Ashley, Hon. William Patrick†	..	..	..	..	..	New South Wales
Aylett, William Edward‡	..	..	..	..	..	Tasmania
Beerworth, Frederick Hubert†	..	..	..	..	..	South Australia
Benn, Archibald Malcolm‡	..	..	..	..	..	Queensland
Brown, Hon. Gordon†	..	..	..	..	..	Queensland
Cameron, Hon. Donald‡	..	..	..	..	..	Victoria
Cole, George Ronald†	..	..	..	..	..	Tasmania
Cooke, Joseph Alfred†	..	..	..	..	..	Western Australia
Cooper, Hon. Walter Jackson, M.B.E.†	..	..	..	..	..	Queensland
Courtice, Hon. Benjamin‡	..	..	..	..	..	Queensland
Crutchley, John Owen†	..	..	..	..	..	South Australia
Devlin, John Joseph‡	..	..	..	..	..	Victoria
Finlay, Alexander‡	..	..	..	..	..	South Australia
Fraser, Hon. James Mackintosh‡	..	..	..	..	..	Western Australia
Gorton, John Grey†	..	..	..	..	..	Victoria
Grant, Donald MacLennan‡	..	..	..	..	..	New South Wales
Guy, Hon. James Allan†	..	..	..	..	..	Tasmania
Hannaford, Douglas Clive†	..	..	..	..	..	South Australia
Harris, John†	..	..	..	..	..	Western Australia
Hendrickson, Albion†	..	..	..	..	..	Victoria
Henty, Norman Henry Denham‡	..	..	..	..	..	Tasmania
Katz, Frederick†	..	..	..	..	..	Victoria
Kendall, Roy†	..	..	..	..	..	Queensland
Large, William James†	..	..	..	..	..	New South Wales
McCallum, John Archibald‡	..	..	..	..	..	New South Wales
McKenna, Hon. Nicholas Edward‡	..	..	..	..	..	Tasmania
McLeay, Hon. George‡	..	..	..	..	..	South Australia
Maher, Edmund Bede†	..	..	..	..	..	Queensland
Mattner, Edward William, M.C., D.C.M., M.M.	..	..	..	..	..	South Australia
Morrow, William†	..	..	..	..	..	Tasmania
Murray, Reginald James†	..	..	..	..	..	Tasmania
Nash, Richard Harry†	..	..	..	..	..	Western Australia
Nicholls, Theophilus Martin‡	..	..	..	..	..	South Australia
O'Byrne, Justin Hilary†	..	..	..	..	..	Tasmania
O'Flaherty, Sidney Wainman‡	..	..	..	..	..	South Australia
O'Sullivan, Hon. Neil†	..	..	..	..	..	Queensland
Piesse, Edmund Stephen Roper‡	..	..	..	..	..	Western Australia
Rankin, Annabelle Jane Mary†	..	..	..	..	..	Queensland
Rankin, George James, D.S.O., V.D.‡	..	..	..	..	..	Victoria
Reid, Albert David‡	..	..	..	..	..	New South Wales
Robertson, Agnes Robertson‡	..	..	..	..	..	Western Australia
Ryan, John Victor†	..	..	..	..	..	South Australia
Sandford, Charles Walter†	..	..	..	..	..	Victoria
Scott, Malcolm Fox†	..	..	..	..	..	Western Australia
Sheehan, James Michael†	..	..	..	..	..	Victoria
Simmonds, Wilfrid Mylchreest‡	..	..	..	..	..	Queensland
Spicer, Hon. John Armstrong‡	..	..	..	..	..	Victoria
Spooner, Hon. William Henry‡	..	..	..	..	..	New South Wales

**THE MEMBERS OF THE SENATE—*continued.***

Tangney, Dorothy Margaret†	..	..	..	..	..	Western Australia
Tate, John Percival†	..	..	..	..	..	New South Wales
Vincent, Victor Seddon†	..	..	..	..	..	Western Australia
Ward, Frederick Furner†	..	..	..	..	..	South Australia
Wedgwood, Ivy Evelyn†	..	..	..	..	..	Victoria
Willesee, Donald Robert†	..	..	..	..	..	Western Australia
Wood, Ian Alexander Christie†	..	..	..	..	..	Queensland
Wordsworth, Robert Hurley†	..	..	..	..	..	Tasmania
Wright, Reginald Charles†	..	..	..	..	..	Tasmania

Dates of Retirement of Senators—† The 30th June, 1953.

† The 30th June, 1956.

# THE MEMBERS OF THE HOUSE OF REPRESENTATIVES.

## NINETEENTH PARLIAMENT—FIRST SESSION: SECOND PERIOD.

*Speaker*—The Honorable Archie Galbraith Cameron.

*Chairman of Committees*—Charles Frederick Adermann.

*Temporary Chairmen of Committees*—Thomas Patrick Burke, George James Bowden, M.C., The Honorable Allan McKenzie McDonald, Rupert Sumner Ryan, C.M.G., D.S.O., Albert Victor Thompson and David Oliver Watkins.

*Leader of the Opposition*—The Right Honorable Joseph Benedict Chifley.

*Deputy Leader of the Opposition*—The Right Honorable Herbert Vere Evatt, LL.D., D.Litt., K.C.

*Leader of the Australian Country Party*—The Right Honorable Arthur William Fadden.

*Deputy Leader of the Australian Country Party*—The Honorable John McEwen.

Adermann, Charles Frederick	..	..	Fisher (Q.)
Anderson, Charles Groves Wright, V.C., M.C.	..	..	Hume (N.S.W.)
Anderson, Gordon	..	..	Kingsford-Smith (N.S.W.)
Andrews, Thomas William	..	..	Darebin (V.)
Anthony, Hon. Hubert Lawrence	..	..	Richmond (N.S.W.)
Bate, Henry Jefferson	..	..	Macarthur (N.S.W.)
Beale, Hon. Howard	..	..	Parramatta (N.S.W.)
Beazley, Kim Edward	..	..	Fremantle (W.A.)
Berry, Douglas Reginald	..	..	Griffith (Q.)
Bird, Alan Charles	..	..	Batman (V.)
Bostock, William Dowling, C.B., D.S.O., O.B.E.	..	..	Indi (V.)
Bourke, William Meskill	..	..	Fawkner (V.)
Bowden, George James, M.C.	..	..	Gippsland (V.)
Brown, Geoffrey William, M.B.E.	..	..	McMillan (V.)
Bryson, William George	..	..	Wills (V.)
Burke, Thomas Patrick	..	..	Perth (W.A.)
Calwell, Hon. Arthur Augustus	..	..	Melbourne (V.)
Cameron, Hon. Archie Galbraith	..	..	Barker (S.A.)
Cameron, Clyde Robert	..	..	Hindmarsh (S.A.)
Cameron, Dr. Donald Alastair, O.B.E.	..	..	Oxley (Q.)
Casey, Rt. Hon. Richard Gardiner, C.H., D.S.O., M.C.	..	..	La Trobe (V.)
Chambers, Hon. Cyril	..	..	Adelaide (S.A.)
Chifley, Rt. Hon. Joseph Benedict	..	..	Macquarie (N.S.W.)
Clarey, Hon. Percy James	..	..	Bendigo (V.)
Clark, Joseph James	..	..	Darling (N.S.W.)
Corser, Bernard Henry	..	..	Wide Bay (Q.)
Costa, Dominic Eric	..	..	Banks (N.S.W.)
Cramer, John Oscar	..	..	Benelong (N.S.W.)
Cremeann, John Lawrence	..	..	Hoddle (V.)
Curtin, Daniel James	..	..	Watson (N.S.W.)
Daly, Frederick Michael	..	..	Grayndler (N.S.W.)
Davidson, Charles William, O.B.E.	..	..	Dawson (Q.)
Davies, William	..	..	Cunningham (N.S.W.)
Davis, Francis John	..	..	Deakin (V.)
Dean, Roger Levinge	..	..	Robertson (N.S.W.)
Downer, Alexander Russell	..	..	Angas (S.A.)
Drakeford, Hon. Arthur Samuel	..	..	Maribyrnong (V.)
Drummond, Hon. David Henry	..	..	New England (N.S.W.)
Drury, Edward Nigel	..	..	Ryan (Q.)
Duthie, Gilbert William Arthur	..	..	Wilmot (T.)
Edmonds, William Frederick	..	..	Herbert (Q.)
Eggins, Eldred James	..	..	Lyne (N.S.W.)
Evatt, Rt. Hon. Herbert Vere, LL.D., D.Litt., K.C.	..	..	Barton (N.S.W.)
Fadden, Rt. Hon. Arthur William	..	..	McPherson (Q.)
Failes, Laurence John	..	..	Lawson (N.S.W.)
Fairbairn, David Eric, D.F.C.	..	..	Farrer (N.S.W.)
Fairhall, Allen	..	..	Paterson (N.S.W.)
Falkinder, Charles William Jackson, D.S.O., D.F.C.	..	..	Franklin (T.)
Fitzgerald, Joseph Francis	..	..	Phillip (N.S.W.)
Francis, Hon. Josiah	..	..	Moreton (Q.)
Fraser, Allan Duncan	..	..	Eden-Monaro (N.S.W.)
Freeth, Gordon	..	..	Forrest (W.A.)

Gilmore, Thomas Vernon ..	..	..	..	..	Leichhardt (Q.)
Graham, Bruce William ..	..	..	..	..	St. George (N.S.W.)
Grayden, William Leonard ..	..	..	..	..	Swan (W.A.)
Griffiths, Charles Edward ..	..	..	..	..	Shortland (N.S.W.)
Gullett, Henry Baynton Somer, M.C. ..	..	..	..	..	Henty (V.)
Hamilton, Leonard William ..	..	..	..	..	Canning (W.A.)
Handby, Herbert Harry ..	..	..	..	..	Kingston (S.A.)
Harrison, Eli James ..	..	..	..	..	Blaxland (N.S.W.)
Harrison, Hon. Eric John ..	..	..	..	..	Wentworth (N.S.W.)
Hasluck, Paul Meernaa Caedwalla ..	..	..	..	..	Curtin (W.A.)
Haworth, Hon. William Crawford ..	..	..	..	..	Isaacs (V.)
Haylon, Leslie Clement ..	..	..	..	..	Parkes (N.S.W.)
Holloway, Rt. Hon. Edward James ..	..	..	..	..	Melbourne Ports (V.)
Holt, Hon. Harold Edward ..	..	..	..	..	Higgins (V.)
Howse, John Brooke ..	..	..	..	..	Calare (N.S.W.)
Hughes, Rt. Hon. William Morris, C.H., K.C. ..	..	..	..	..	Bradfield (N.S.W.)
Hulme, Alan Shalleross ..	..	..	..	..	Petrie (Q.)
Jack, William Mathers ..	..	..	..	..	North Sydney (N.S.W.)
James, Rowland ..	..	..	..	..	Hunter (N.S.W.)
Johnson, Hon. Herbert Victor ..	..	..	..	..	Kalgoorlie (W.A.)
Kekwick, Bruce Huntley ..	..	..	..	..	Bass (T.)
Kent Hughes, Hon. Wilfred Selwyn, M.V.O., O.B.E., M.C., E.D. ..	..	..	..	..	Chisholm (V.)
Keon, Standish Michael ..	..	..	..	..	Yarra (V.)
Lawrence, William Robert ..	..	..	..	..	Wimmera (V.)
Lawson, Hon. George ..	..	..	..	..	Brisbane (Q.)
Lazarini, Hon. Hubert Peter ..	..	..	..	..	Werriwa (N.S.W.)
Leslie, Hugh Alan ..	..	..	..	..	Moore (W.A.)
Lyons, Hon. Dame Enid Muriel, G.B.E. ..	..	..	..	..	Darwin (T.)
Mackinnon, Ewen Daniel ..	..	..	..	..	Wannon (V.)
McBride, Hon. Philip Albert Martin ..	..	..	..	..	Wakefield (S.A.)
McColm, Malcolm Llewellyn ..	..	..	..	..	Bowman (Q.)
McDonald, Hon. Allan McKenzie ..	..	..	..	..	Corangamite (V.)
McEwen, Hon. John ..	..	..	..	..	Murray (V.)
McLeay, John ..	..	..	..	..	Boothby (S.A.)
McMahon, William ..	..	..	..	..	Lowe (N.S.W.)
Menzies, Rt. Hon. Robert Gordon, K.C. ..	..	..	..	..	Kooyong (V.)
Minogue, Daniel ..	..	..	..	..	West Sydney (N.S.W.)
Morgan, Charles Albert Aaron ..	..	..	..	..	Reid (N.S.W.)
Mulcahy, Daniel ..	..	..	..	..	Lang (N.S.W.)
Mullens, John Michael, C.B.E. ..	..	..	..	..	Gellibrand (V.)
Nelson, John Norman ..	..	..	..	..	(N.T.)
Nott, Dr. Lewis Windermere ..	..	..	..	..	(A.C.T.)
O'Connor, William Paul ..	..	..	..	..	Martin (N.S.W.)
Opperman, Hubert Ferdinand ..	..	..	..	..	Corio (V.)
Osborne, Frederick Meares, D.S.C. ..	..	..	..	..	Evans (N.S.W.)
Page, Rt. Hon. Sir Earle Christmas Grafton, G.C.M.G., C.H. ..	..	..	..	..	Cowper (N.S.W.)
Pearce, Henry George ..	..	..	..	..	Capricornia (Q.)
Peters, Edward William ..	..	..	..	..	Burke (V.)
Pittard, Alan Crocker ..	..	..	..	..	Ballaarat (V.)
Pollard, Hon. Reginald Thomas ..	..	..	..	..	Lalor (V.)
Riordan, Hon. William James Frederick ..	..	..	..	..	Kennedy (Q.)
Roberton, Hugh Stevenson ..	..	..	..	..	Riverina (N.S.W.)
Rosevear, John Solomon ..	..	..	..	..	Dalley (N.S.W.)
Russell, Charles Wilfred ..	..	..	..	..	Maranoa (Q.)
Russell, Edgar Hughes Deg ..	..	..	..	..	Grey (S.A.)
Ryan, Rupert Sumner, C.M.G., D.S.O. ..	..	..	..	..	Flinders (V.)
Sheehan, Thomas ..	..	..	..	..	Cook (N.S.W.)
Spender, Hon. Percy Claude, K.C. ..	..	..	..	..	Warringah (N.S.W.)
Swartz, Reginald William Colin, M.B.E., E.D. ..	..	..	..	..	Darling Downs (Q.)
Thompson, Albert Victor ..	..	..	..	..	Port Adelaide (S.A.)
Timson, Thomas Frank, M.B.E. ..	..	..	..	..	Higinbotham (V.)
Townley, Athol Gordon ..	..	..	..	..	Dension (T.)
Treloar, Thomas John ..	..	..	..	..	Gwydir (N.S.W.)
Turnbull, Winton George ..	..	..	..	..	Mallee (V.)
Ward, Hon. Edward John ..	..	..	..	..	East Sydney (N.S.W.)
Watkins, David Oliver ..	..	..	..	..	Newcastle (N.S.W.)
Wentworth, William Charles ..	..	..	..	..	Mackellar (N.S.W.)
Wheeler, Roy Crawford ..	..	..	..	..	Mitchell (N.S.W.)
White, Hon. Thomas Walter, D.F.C., V.D. ..	..	..	..	..	Balaclava (V.)
Wight, Bruce McDonald ..	..	..	..	..	Lilley (Q.)
Wilson, Keith Cameron ..	..	..	..	..	Sturt (S.A.)

# THE COMMITTEES OF THE SESSION.

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## JOINT.

**HOUSE.**—The President (Chairman), Senator Amour, Senator George Rankin, Senator Reid, Senator Tangney, Senator Wedgwood, Senator Wordsworth, Mr. Speaker, Mr. Bryson, Mr. Corser, Mr. Gullett, Mr. Hulme, Mr. Rosevear and Mr. Watkins.

**LIBRARY.**—Mr. Speaker (Chairman), the President, Senator Arnold, Senator Cooke, Senator Kendall, Senator Maher, Senator McCallum, Senator Robertson, Mr. Beazley, Mr. Drummond, Mr. Duthie, Mr. Hasluck, Mr. Haylen and Mr. Wentworth.

**PARLIAMENTARY PROCEEDINGS BROADCASTING.**—Mr. Speaker (Chairman), the President, Senator Maher, Senator Wright, Mr. Bate, Mr. Davidson, Mr. Fraser, Mr. Gullett and Mr. Rosevear.

**PAINTING.**—Mr. Wilson (Chairman), Senator Gorton, Senator Hannaford, Senator Nash, Senator Sandford, Senator Scott, Senator Simmonds, Senator Ward, Mr. Daly, Mr. Haylen, Mr. Leslie, Mr. O'Connor, Mr. Osborne and Mr. Ryan.

**PUBLIC WORKS.**—Senator George Rankin (Chairman), Senator O'Byrne, Senator Annabelle Rankin, Mr. Bowden, Mr. Cramer, Mr. McDonald, Mr. O'Connor, Mr. Edgar Russell and Mr. Watkins.

## SENATE.

**DISPUTED RETURNS AND QUALIFICATIONS.**—Senator Aylett, Senator Hannaford, Senator Harris, Senator Morrow, Senator Piesse, Senator Robertson and Senator Wordsworth.

**REGULATIONS AND ORDINANCES.**—Senator Tate (Chairman), Senator Arnold, Senator Guy, Senator Katz, Senator Maher, Senator Nash, and Senator Wood.

**STANDING ORDERS.**—The President (Chairman), the Chairman of Committees, Senator Aylett, Senator Guy, Senator Maher, Senator Mattner, Senator Morrow, Senator Piesse and Senator Annabelle Rankin.

### Select Committees.

**CONSTITUTION ALTERATION (AVOIDANCE OF DOUBLE DISSOLUTION DEADLOCKS) BILL 1950.**—Senator McKenna (Chairman), Senator Arnold, Senator Ashley, Senator Courtice, Senator Finlay, Senator Nash and Senator Sheehan.

**NATIONAL SERVICE IN THE DEFENCE FORCE.**—Senator McKenna (Chairman), Senator Amour, Senator Arnold, Senator Harris, Senator Murray, Senator O'Byrne and Senator Sandford.

## HOUSE OF REPRESENTATIVES.

**PRIVILEGES.**—Mr. Clark, Dr. Evatt, Mr. Kent Hughes, Mr. McDonald, Mr. McLeay, Mr. Sheehan and Mr. Turnbull.

**STANDING ORDERS.**—Mr. Speaker (Chairman), the Prime Minister, the Chairman of Committees, Mr. Tom Burke, Mr. Clark, Mr. McDonald, Sir Earle Page and Mr. Rosevear.

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# PARLIAMENTARY DEPARTMENTS.

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## SENATE.

*Clerk.*—J. E. Edwards.

*Clerk-Assistant.*—R. H. C. Loof.

*Second Clerk-Assistant.*—W. I. Emerton.

*Usher of the Black Rod.*—J. R. Odgers.

## HOUSE OF REPRESENTATIVES.

*Clerk.*—F. C. Green, M.C.

*Clerk-Assistant.*—A. A. Tregebar.

*Second Clerk-Assistant.*—A. G. Turner.

*Sergeant-at-Arms.*—N. J. Parkes.

## PARLIAMENTARY REPORTING STAFF.

*Principal Reporter.*—W. J. M. Campbell.

*Second Reporter.*—H. H. Temperly.

*Third Reporter.*—B. A. Goode.

## LIBRARY.

*Librarian.*—H. L. White.

*Assistant Librarian.*—L. C. Key.

## JOINT HOUSE.

*Secretary.*—R. H. C. Loof.

# THE ACTS OF THE SESSION.

(FIRST SESSION : SECOND PERIOD.)

## APPROPRIATION ACT 1950-51 (ACT NO. 35 OF 1950)—

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty-one, and to appropriate the Supplies granted by the Parliament for that year.

## APPROPRIATION (WORKS AND SERVICES) ACT 1950-51 (ACT NO. 36 OF 1950)—

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty-one, for the purposes of Additions, New Works and other Services involving Capital Expenditure and to appropriate the Supplies granted by the Parliament for that year.

## AUSTRALIAN SOLDIERS' REPATRIATION ACT 1950 (ACT NO. 34 OF 1950)—

An Act to amend the *Australian Soldiers' Repatriation Act* 1920-1949, and for other purposes.

## BRACHINA TO LEIGH CREEK NORTH COALFIELD RAILWAY ACT 1950 (ACT NO. 75 OF 1950)—

An Act to authorize the Executive by or on behalf of the Commonwealth of an Agreement between the Commonwealth and the State of South Australia, relating to the Construction of a Railway from Brachina to Leigh Creek North Coalfield in the State of South Australia, to provide for the Construction of that Railway, and for purposes connected therewith.

## COMMONWEALTH AID ROADS ACT 1950 (ACT NO. 47 OF 1950)—

An Act to grant and apply out of the Consolidated Revenue Fund sums for the purpose of Financial Assistance to the States to be applied in the Construction, Reconstruction, Maintenance and Repair of Roads and Works connected with Transport, and for other purposes.

## COMMONWEALTH RAILWAYS ACT 1950 (ACT NO. 77 OF 1950)—

An Act to amend the *Commonwealth Railways Act* 1917-1936, as amended by the *Salaries (Statutory Offices) Adjustment Act* 1950.

## COMMUNIST PARTY DISSOLUTION ACT 1950 (ACT NO. 16 OF 1950)—

An Act to provide for the Dissolution of the Australian Communist Party and of other Communist Organizations, to disqualify Communists from holding certain Offices, and for purposes connected therewith.

## CONCILIATION AND ARBITRATION ACT 1950 (ACT NO. 20 OF 1950)—

An Act to enable the Jurisdiction of the Commonwealth Court of Conciliation and Arbitration to be exercised, in certain circumstances, by two Judges.

## CUSTOMS ACT 1950 (ACT NO. 56 OF 1950)—

An Act to amend the *Customs Act* 1901-1949.

## CUSTOMS TARIFF ACT 1950 (ACT NO. 22 OF 1950)—

An Act relating to Duties of Customs.

## CUSTOMS TARIFF ACT (NO. 2) 1950 (ACT NO. 32 OF 1950)—

An Act relating to Duties of Customs.

## CUSTOMS TARIFF ACT (NO. 3) 1950 (ACT NO. 60 OF 1950)—

An Act relating to Duties of Customs.

## CUSTOMS TARIFF (CANADIAN PREFERENCE) ACT 1950 (ACT NO. 33 OF 1950)—

An Act to amend the *Customs Tariff (Canadian Preference)* 1934-1948.

## CUSTOMS TARIFF (EXPORT DUTIES) ACT 1950 (ACT NO. 59 OF 1950)—

An Act relating to Export Duties of Customs.

## CUSTOMS TARIFF (NEW ZEALAND PREFERENCE) ACT 1950 (ACT NO. 23 OF 1950)—

An Act to amend the *Customs Tariff (New Zealand Preference)* 1933-1949.

## DEFENCE FORCES RETIREMENT BENEFITS ACT 1950 (ACT NO. 73 OF 1950)—

An Act to amend the *Defence Forces Retirement Benefits Act* 1948-1949.

## DEFENCE (TRANSITIONAL PROVISIONS) ACT 1950 (ACT NO. 78 OF 1950)—

An Act to amend the *Defence (Transitional Provisions) Act* 1946-1949, and for other purposes.

## EGG EXPORT CONTROL ACT 1950 (ACT NO. 63 OF 1950)—

An Act relating to Membership of the Australian Egg Board pending the holding of Elections of Members to represent Producers in each State.

## EXCISE TARIFF ACT 1950 (ACT NO. 61 OF 1950)—

An Act relating to Duties of Excise.

## EXCISE TARIFF ACT (NO. 2) 1950 (ACT NO. 62 OF 1950)—

An Act relating to Duties of Excise.

## FLAX CANVAS BOUNTY ACT 1950 (ACT NO. 54 OF 1950)—

An Act to provide for the Payment of a Bounty on the Production of Flax Canvas.

THE ACTS OF THE SESSION—*continued.*

- INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ACT 1950 (ACT NO. 49 OF 1950)—**  
 An Act to impose upon Incomes a Tax by the name of Income Tax and Social Services Contribution.
- INCOME TAX AND SOCIAL SERVICES CONTRIBUTION ASSESSMENT ACT 1950 (ACT NO. 48 OF 1950)—**  
 An Act to amend the *Income Tax Assessment Act 1936–1949*, to repeal the *Social Services Contribution Act 1945–1949* and the *Social Services Contribution Assessment Act 1945–1948*, and for other purposes.
- INTERIM FORCES BENEFITS ACT 1950 (ACT NO. 79 OF 1950)—**  
 An Act to amend the *Interim Forces Benefits Act 1947*.
- LIFE INSURANCE ACT 1950 (ACT NO. 65 OF 1950)—**  
 An Act to amend the *Life Insurance Act 1945*.
- LOAN ACT 1950 (ACT NO. 27 OF 1950)—**  
 An Act to authorize the Raising and Expending of a certain Sum of Money.
- LOAN (HOUSING) ACT 1950 (ACT NO. 21 OF 1950)—**  
 An Act to authorize the Raising of Moneys to be advanced to the States for the purposes of Housing.
- LOAN (INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT) ACT 1950 (ACT NO. 74 OF 1950)—**  
 An Act to authorize the Raising of a Loan from the International Bank for Reconstruction and Development and for purposes connected therewith.
- NATIONALITY AND CITIZENSHIP ACT 1950 (ACT NO. 58 OF 1950)—**  
 An Act to amend the *Nationality and Citizenship Act 1948*.
- NATIONAL WELFARE FUND ACT 1950 (ACT NO. 52 OF 1950)—**  
 An Act to amend the *National Welfare Fund Act 1943–1945* and to repeal certain provisions of the *National Welfare Fund Act 1945*.
- PORT AUGUSTA TO ALICE SPRINGS RAILWAY (ALTERATION OF ROUTE) ACT 1950 (ACT NO. 68 OF 1950)—**  
 An Act relating to the Route of that part of the Port Augusta to Alice Springs Railway which lies between Stirling North and Brachina.
- POST AND TELEGRAPH RATES ACT 1950 (ACT NO. 28 OF 1950)—**  
 An Act to amend the *Post and Telegraph Rates Act 1902–1949*.
- SALARIES (STATUTORY OFFICES) ADJUSTMENT ACT 1950 (ACT NO. 51 OF 1950)—**  
 An Act to increase the Salaries payable to the Holders of certain Statutory Offices.
- SALES TAX ACT (NO. 1) 1950 (ACT NO. 38 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 1) 1930–1949*.
- SALES TAX ACT (NO. 2) 1950 (ACT NO. 39 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 2) 1930–1949*.
- SALES TAX ACT (NO. 3) 1950 (ACT NO. 40 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 3) 1930–1949*.
- SALES TAX ACT (NO. 4) 1950 (ACT NO. 41 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 4) 1930–1949*.
- SALES TAX ACT (NO. 5) 1950 (ACT NO. 42 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 5) 1930–1949*.
- SALES TAX ACT (NO. 6) 1950 (ACT NO. 43 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 6) 1930–1949*.
- SALES TAX ACT (NO. 7) 1950 (ACT NO. 44 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 7) 1930–1949*.
- SALES TAX ACT (NO. 8) 1950 (ACT NO. 45 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 8) 1930–1949*.
- SALES TAX ACT (NO. 9) 1950 (ACT NO. 46 OF 1950)—**  
 An Act to amend the *Sales Tax Act (No. 9) 1930–1949*.
- SALES TAX (EXEMPTIONS AND CLASSIFICATIONS) ACT 1950 (ACT NO. 37 OF 1950)—**  
 An Act to amend the *Sales Tax (Exemptions and Classifications) Act 1935–1949*.
- SERVICES TRUST FUNDS ACT 1950 (ACT NO. 67 OF 1950)—**  
 An Act to amend the *Services Trust Funds Act 1947*.
- SOCIAL SERVICES CONSOLIDATION ACT (NO. 2) 1950 (ACT NO. 26 OF 1950)—**  
 An Act to amend the *Social Services Consolidation Act 1947–1949*, as amended by the *Social Services Consolidation Act 1950*.
- STATES GRANTS ACT 1950 (ACT NO. 24 OF 1950)—**  
 An Act to grant and apply out of the Consolidated Revenue Fund sums for the purposes of Financial Assistance to the States of South Australia, Western Australia and Tasmania.
- STATES GRANTS (ADDITIONAL TAX REIMBURSEMENT) ACT 1950 (ACT NO. 25 OF 1950)—**  
 An Act to grant and apply out of the Consolidated Revenue Fund a sum for the purpose of Financial Assistance to the States.

- STATES GRANTS (ADMINISTRATION OF CONTROLS REIMBURSEMENT) ACT 1950 (ACT NO. 64 OF 1950)—**  
An Act to make provision for the grant of Financial Assistance to the States in connexion with the administration of the Control of Prices and Rents.
- STATES GRANTS (IMPORTED HOUSES) ACT 1950 (ACT NO. 66 OF 1950)—**  
An Act to make provision for the Grant of Financial Assistance to the States in connexion with the Importation of Houses into Australia.
- STATES GRANTS (MILK FOR SCHOOL CHILDREN) ACT 1950 (ACT NO. 72 OF 1950)—**  
An Act to make provision for the Grant of Financial Assistance to the States in connexion with Provision by the States of Milk for School Children, and for other purposes.
- STATUTE LAW REVISION ACT 1950 (ACT NO. 80 OF 1950)—**  
An Act to revise the Statute Law of the Commonwealth.
- SUPERANNUATION ACT 1950 (ACT NO. 76 OF 1950)—**  
An Act to amend the *Superannuation Act 1922–1948*, and for other purposes.
- SUPERPHOSPHATE BOUNTY ACT REPEAL ACT 1950 (ACT NO. 53 OF 1950)—**  
An Act to repeal the *Superphosphate Bounty Act 1941*.
- SUPPLY ACT (NO. 2) 1950–51 (ACT NO. 18 OF 1950)—**  
An Act to grant and apply a sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty-one.
- SUPPLY (WORKS AND SERVICES) ACT (NO. 2) 1950–51 (ACT NO. 19 OF 1950)—**  
An Act to grant and apply a sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and fifty-one, for the purposes of Additions, New Works and other Services involving Capital Expenditure.
- TRACTOR BOUNTY ACT 1950 (ACT NO. 57 OF 1950)—**  
An Act to amend the *Tractor Bounty Act 1939–1947*.
- WAR PENSIONS APPROPRIATION ACT 1950 (ACT NO. 17 OF 1950)—**  
An Act to grant and apply out of the Consolidated Revenue Fund a sum for War Pensions.
- WHEAT INDUSTRY STABILIZATION (REFUND OF CHARGE) ACT 1950 (ACT NO. 50 OF 1950)—**  
An Act to provide for the Payment, through the Australian Wheat Board, to Growers of Wheat of a certain Season of certain Moneys in the Wheat Prices Stabilization Fund.
- WOOL (CONTRIBUTORY CHARGE) ACT (NO. 1A) 1950 (ACT NO. 70 OF 1950)—**  
An Act to amend the *Wool (Contributory Charge) Act (No. 1) 1950*, and for other purposes.
- WOOL (CONTRIBUTORY CHARGE) ACT (NO. 2A) 1950 (ACT NO. 71 OF 1950)—**  
An Act to amend the *Wool (Contributory Charge) Act (No. 2) 1950*, and for other purposes.
- WOOL (CONTRIBUTORY CHARGE) ASSESSMENT ACT (NO. 2) 1950 (ACT NO. 69 OF 1950)—**  
An Act to amend the *Wool (Contributory Charge) Assessment Act 1945*, as amended by the *Wool (Contributory Charge) Assessment Act 1950*.
- WOOL PRODUCTS BOUNTY ACT 1950 (ACT NO. 55 OF 1950)—**  
An Act to provide for the payment of Bounty on the Production of certain Wool Products.
- WOOL SALES DEDUCTION ACT (NO. 1) 1950 (ACT NO. 30 OF 1950)—**  
An Act to provide for the Payment to the Commonwealth of a Proportion of the Sale Value of Wool sold or otherwise disposed of by Producers on or after the twenty-eighth day of August, One thousand nine hundred and fifty, otherwise than for Delivery out of Australia.
- WOOL SALES DEDUCTION ACT (NO. 2) 1950 (ACT NO. 31 OF 1950)—**  
An Act to provide for the Payment to the Commonwealth of a Proportion of the Appraised Value of Wool exported from the Commonwealth by Producers on or after the twenty-eighth day of August, One thousand nine hundred and fifty.
- WOOL SALES DEDUCTION (ADMINISTRATION) ACT 1950 (ACT NO. 29 OF 1950)—**  
An Act to provide for the Collection and Recovery of Amounts payable under the *Wool Sales Deduction Act (No. 1) 1950*, and the *Wool Sales Deduction Act (No. 2) 1950*, and for the application of those Amounts.

**BILLS OF THE SESSION.**

- ACTS INTERPRETATION BILL 1950.** Initiated in House of Representatives. Second Reading.
- CONSTITUTION ALTERATION (AVOIDANCE OF DOUBLE DISSOLUTION DEADLOCKS) BILL 1950.** Initiated in House of Representatives. Report of Select Committee of Senate presented.
- CONSTITUTION ALTERATION (PRICES) BILL 1950.** Initiated in Senate. Second Reading in House of Representatives.
- COMMONWEALTH BANK BILL 1950.** Initiated in House of Representatives. Consideration of Senate's Message.
- COMMONWEALTH BANK BILL 1950 [NO. 2].** Initiated in House of Representatives. Second Reading in Senate.
- NATIONAL SERVICE BILL 1950.** Initiated in House of Representatives. Second Reading in Senate.

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**TAXATION.**

Mr. EDMONDS.—Has the attention of the Treasurer been drawn to a statement that a radio personality named Dyer is to be engaged by a soap manufacturing company to conduct radio "quizzes" and is to be paid a salary of £33,000 per annum, which is £4,000 more than is paid to the whole of the Cabinet, and more than three times the amount paid to the Governor-General of Australia? If the right honorable gentleman has seen the statement, does he consider that such a payment constitutes an attempt by the company concerned to evade taxation by a most selfish and unpatriotic method? If he agrees with that view, will he consider the eventual amendment of the taxation laws to provide that payments of such a nature will not be allowable as deductions for taxation purposes?

Mr. FADDEN.—I have not seen the statement to which the honorable member has referred, but he may rest assured that Mr. Dyer's income will be assessed in accordance with the taxation laws of the country.

Mr. EDMONDS.—I am interested not so much in Mr. Dyer's income as in the deductions for income tax purposes allowed to big companies in respect of advertising.

Mr. FADDEN.—I shall be astonished if Mr. Dyer does not pay more tax on that huge salary than the company would pay in company tax if the arrangement had not been made. I remind the honorable gentleman that the taxation laws are the same as those which were in operation during the eight years the party with which the honorable member is associated was in office.

*Opposition members interjecting.*

Mr. SPEAKER. — Order! When Ministers are answering questions they are entitled to a fair hearing. The Treasurer has not received it.

**IMMIGRATION.**

Mr. HOWSE.—My question is directed to the Minister for Immigration. I have received representations from many people, including the president of the Cowra High School Parents and Citizen's Association, that migrant children from

**House of Representatives**

*Thursday, 28 September, 1950.*

Mr. SPEAKER (Hon. Archie Cameron) took the chair at 2.30 p.m., and read prayers.

**PENSIONS.****PETITION.**

Mr. DAVIES presented a petition from 3,451 citizens of New South Wales, praying that action be taken to increase pensions to at least 50 per cent. of the basic wage, with provision for quarterly wage adjustments.

Petition received and read.

the Cowra camp, of whom there are about 500, should receive their primary education at the Cowra primary school. In view of those requests, and because of the great advantage of allowing migrant children to mix with our own during their early education, would the Minister favorably consider this matter? If there is no accommodation available at the Cowra primary school could he make provision for additional buildings to be erected at the primary school to accommodate these children?

**Mr. HOLT.**—The previous Government and this Government have both given much consideration to the question of the education of migrant children. I agree with the view expressed by the honorable member that it is most desirable that, wherever practicable, migrant children should be allowed to attend school with Australian children so that they may more rapidly become assimilated into our community. At the present time there are many thousands of migrant children being educated in this way. It is not always found practicable to arrange this method of education immediately and the practice is for an officer at the centre to approach the State education authorities to ascertain whether accommodation is available at the school nearest to the centre. If accommodation is available, the migrant children attend that school. If it cannot be readily provided the facilities of the centre itself are used and the school is established there. In that way we avoid the unnecessary use of building materials which are required for other purposes. However, our object is to get as many as possible of the migrant children educated with Australian children, and that will continue to be our policy.

**Mr. HOWARTH.**—Yesterday the Minister for Immigration, in reply to a question, stated that it was the intention of the Government to bring to this country an increased number of German migrants. In view of the fact that there are now resident in Australia many thousands of displaced persons with vivid memories of the appalling treatment that they received during the war at the hands of Germans, particularly those belonging, during the Hitler régime, to organizations such as the Volk Deutche, will the Minis-

ter, in order to allay the fears of these displaced persons who are now qualifying for Australian citizenship, increase his vigilance in the screening tests in European centres? Will the Minister also take whatever further steps are necessary in this country to ensure that members of organizations such as I have referred to will not be allowed to remain in Australia should any of them be successful in avoiding detection either at the point of embarkation overseas or of disembarkation in Australia?

**Mr. HOLT.**—All persons who wish to come to Australia under Government nomination or selection schemes from Europe are subject to very close investigation and scrutiny by the selection officers. Where necessary such investigation is fortified by further scrutiny by security officers who may be our own officers or those of the British or American security services. This system has been examined not only by our departmental officers from time to time but also by an official delegation representing the Returned Sailors, Soldiers and Airmen's Imperial League of Australia which declared it to be very satisfactory. However, all care will be taken in future, as it has been in the past, to ensure that persons who are objectionable as citizens to this country are not admitted. In addition, we have ample power to deport any persons if evidence of their unsuitability is received after their arrival here or if, as the result of their conduct in Australia, it is found that they are undesirable.

**Mr. THOMPSON.**—Has the Minister for Immigration investigated allegations that have been made by British migrants, who have brought their wives and children to this country, about the charges that have been levied upon them for their board and accommodation at Port Adelaide? Has he also inquired into allegations to the effect that the promise that was given, or the statement that was made to them, that they would be housed in converted military huts has not been given effect to because they have been placed in converted wool stores in a locality adjacent to the docking area of Port Adelaide on one side and salt bush country on the other? I am familiar with the place, and I know that it is completely

unsuitable as a living area for women and children. Can the Minister take any action to have them housed in a more suitable area, and will he ensure that, in future, when British tradesmen and their families are brought to this country as Government-nominated migrants, we shall carry out any undertakings that have been given or understandings that have been reached with respect to them? Will he also ensure that they are accommodated in reasonable places?

**Mr. HOLT.**—Allegations of the kind to which the honorable member has referred have not come directly to my own notice, but they may have been made to the Department of Immigration. I shall make inquiries into the matter.

**Mr. THOMPSON.**—I have written to the Minister myself on the subject.

**Mr. HOLT.**—Many people write letters to me which do not reach me. We receive approximately 1,000 letters a week, and I cannot read all of them. However, I shall ask whether complaints of the kind to which the honorable member has referred have been received by the department, and if I find that they have been, I shall ascertain the details. The honorable member also referred to the unsuitability of some accommodation that is provided for British migrants. I inform him that before any British migrants came to this country under the Government-nominated scheme, the accommodation that was proposed for them was inspected by representatives of the United Kingdom Government, who advised the department that they were satisfied with it. They recognize, as I think most sensible people recognize, that, under existing conditions, we can provide only temporary accommodation for British migrants who desire to come to this country as many of our own people urgently require homes. We are trying to bring to this country a big proportion of tradesmen, particularly building tradesmen, and we are directing or placing, so far as is practicable, a large proportion of our migrant labour in industries that are directly associated with the construction of homes and the building programme generally. We expect that, in that way, they will be able to make a contribution not merely to their own requirements of accommodation in

the future, but also to the housing problem generally. However, I shall examine the allegations to which the honorable member has referred, and if anything can be done to alleviate the position in any way, I shall ensure that the necessary action is taken.

**Mr. JAMES.**—Is the Minister for Immigration aware of the adverse comments that were made recently by a judge at the Newcastle Quarter Sessions, and also by the Bishop of Armidale, the Right Reverend J. S. Moyes, about the Government's policy of separating the members of migrant families? As the Minister is doubtless aware, teen-age daughters have been separated from their parents at Greta Camp, while in some instances husbands have been sent to Queensland cane-cutting. The judge's comments were prompted by the evidence that was given against a migrant who had been charged with seriously assaulting another migrant by stabbing, because of the latter's alleged illicit relations with his wife. Surely the Government considers that it is highly desirable that happy family relations should be promoted in migrant camps. We all like family life, and it is only right that the members of migrant families should have the contentment of living together in close association.

**Mr. HOLT.**—I appreciate very fully the concern of the honorable member, and his desire that migrant families should be kept together as much as possible. I hope that he and his colleagues will assist the Government in this connexion by ensuring that coal, steel, and the other commodities required for our building programme, come forward in sufficient quantity. The present Government is experiencing precisely the same difficulty as did the previous Government that the honorable member supported, in providing sufficient homes for migrant families in places where work has to be carried out by them. As the honorable member is aware, Greta is a holding camp. Unless accommodation can be provided in the areas where migrants go to work, there is no alternative but to continue to accommodate their wives and dependent children at the holding centres. As far as is practicable, within the limited accommodation available to us, we do all

that we can to keep the migrant families united. We encourage them to seek alternative accommodation with employers, if they can get it, but when their wives and families continue to live at the holding centres we encourage the migrants to return to those centres at the week-ends. No extra charge is made for their board, if they are paying hostel accommodation for somewhere else. I assure the honorable member for Hunter that this problem is very much in the mind of the department and of the Government. We are doing all that we can do to ease the problem by promoting the building programme. If the honorable member will inform me of any way in which more relief can be given, I shall be glad to investigate the suggestion immediately.

MR. C. W. FROST.

Dr. EVATT.—I ask a question of the Prime Minister concerning the High Commissioner for Australia in Ceylon. Is it a fact that Mr. C. W. Frost, who was a Minister of State for some years, and a respected member of this House for a considerable time, was appointed to the position of High Commissioner for Ceylon on a contract with the Crown for a term of years? Is it also a fact that he has carried out his duties to the satisfaction of every person having any knowledge or dealing with Australia in connexion with Ceylon? Although I realize that the Prime Minister is only acting as Minister for External Affairs, I ask him to inform me whether it is a fact that recently Mr. Frost was recalled to Australia without any cause being assigned, or suggestion made that he has not carried out his duties satisfactorily? Is it correct that the Department of External Affairs undertook to pay Mr. Frost, by way of compensation for the unjustified breach of contract, the full sum of salary for the balance of his term of office? Is it also a fact that that agreement has not been carried into effect by the Department of External Affairs?

Mr. MENZIES.—There are some matters of detail involved in the right honorable gentleman's question that I desire to be advised upon, and I shall therefore treat his question as being on the notice-paper and give him an answer on the next day of sitting.

WOOL.

Mr. POLLARD.—I address a question to the Prime Minister in relation to wool. The right honorable gentleman will recall that the previous administration succeeded in obtaining a substantial reduction of tariff duties on Australian wool imported into the United States. Has the Government followed up those negotiations with a view to having the remaining American duty on Australian wool entirely eliminated? Is it a fact that at the international wool conference that is now being held in London at which Australia is represented by the Minister for Commerce and Agriculture, American interests have advanced a plan, under which, if it be adopted, the United States of America may accumulate a stock-pile of Australian wool at ceiling rates substantially below the current Australian auction prices? If so, has the Government issued instructions to the Minister for Commerce and Agriculture that in no circumstances shall such a plan be adopted, or even considered? Has any suggestion been made by American interests that there should be a reciprocal arrangement under which Australia would be enabled to import high-priced American goods at rates below the prices prevailing for such goods?

Mr. MENZIES.—The question to which the honorable member has referred has not, of course, escaped the attention of the Government. The matter has been continually under discussion. It would be plainly impossible for me to make any partial statement at this time about what any party is proposing at the conversations now proceeding in relation to wool and at which Australia is being represented by the Minister for Commerce and Agriculture. The honorable member may rest assured that my colleague is fully in possession of the views of the Cabinet which, I think, would be the views of all honorable members upon the subject of the vital interests of the Australian wool industry and also of Australian trade and commerce generally. Those matters will be well protected.

Mr. W. M. BOURKE.—In view of the Prime Minister's recent statements that,

in reality, Australia is in a state of war, and in view of the fact that the potential aggressor that the right honorable gentleman has in mind is Soviet Russia or one of its satellites, how does he justify the continued sale of enormous quantities of Australian wool to the Soviet, thus assisting Russia to develop its war potential as well as contributing substantially to the present fantastically high price of wool and to the increasing inflationary spiral in this country?

Mr. MENZIES.—Without literally accepting the opening gambit of the honorable member's question, I may say that the purchase of wool in Australia by the Soviet have not been as great as is commonly thought. The whole question of whether any commodity should be denied to some particular country is obviously one which deserves close international consideration. The matter to which the honorable member has referred in common with other matters relating to the supply of and the demand for wool, will receive that consideration.

#### SECURITY.

Mr. BERNARD CORSER.—In view of the recent alarming losses of vital supply stores and damage caused to naval ships and dock yards in the United Kingdom and the United States of America as the result of sabotage and in view of the action taken by those countries in immediately establishing special intelligence corps to deal with such activities, I ask the Minister acting for the Minister for Defence what action has been taken, or is contemplated, by the Government to check similar enemy activity in Australia? Is a special force being created for this purpose? If so, would it be advantageous to send representatives overseas with a view to investigating the methods being employed by the United Kingdom and the United States of America to combat traitors and match-happy enemies within their shores?

Mr. FRANCIS.—Information about acts of sabotage on ships of the Royal Navy has been supplied to the Australian Naval Board. All points that may be of assistance to us have been made available to us, and every precaution has been taken to ensure that those acts of sabotage shall not be repeated in this country.

#### STEEL.

Mr. BERRY.—I desire to direct a question to the Minister for Supply. It has been brought to my notice by the management of the shipbuilding yards in Brisbane that this very vital industry is suffering from an acute shortage of steel, although approximately 10,000 tons of steel are awaiting shipment from Newcastle to Brisbane. Owing to the slow turn-round of ships on the Australian coast, it is uncertain when those supplies of steel can be shipped to Queensland. Can the Minister inform me when regular supplies of steel can be expected in Queensland, so as to enable those shipyards to carry on an uninterrupted programme of work?

Mr. BEALE.—It is true that there is an accumulation of undelivered steel from the Broken Hill Proprietary Company Limited in Newcastle. When I was in that city about three weeks ago, the lag of steel on the wharfs and in the sheds awaiting shipment was approximately 65,000 tons compared with the pre-war figure of 10,000 or 15,000 tons, and I read in the press yesterday that the quantity had since increased to approximately 75,000 tons. That is due chiefly, of course, to stoppages on the wharfs and the slow turn-round of the ships. The shipyards at Brisbane, in common with other industries in this country, are being heavily penalized thereby. I know that the Minister for Labour and National Service, and the Minister for Fuel, Shipping and Transport are doing all that they can to deal with the problem. My own department is troubled about the position. Should it become worse, we shall have to consider freighting steel by air to ensure some regularity of delivery. The honorable member may rest assured that we shall do everything possible to ensure that steel supplies shall be kept up to the shipbuilding industry.

#### HEALTH AND MEDICAL SERVICES.

Mr. ROSEVEAR.—I ask the Minister for Health whether he, or his publicity officer was responsible for a recently published newspaper report which contained the following paragraph:—

Sir Earle said the Government hoped to control the Senate within six months, when it

would initiate complete legislative provision for its national health scheme, which, he claimed, had been frustrated by the Labour-controlled Senate.

Who was responsible for that untrue statement? Is it not a fact that the Minister for Health has not yet produced his health scheme either to this House or to the Senate, and that consequently, it is quite untrue to say that the Senate has frustrated such a scheme? Does the right honorable gentleman, as a medical man, consider it right to give such misleading information, when addressing a conference of matrons?

Sir EARLE PAGE.—It is not my intention or that of the Government to introduce national health legislation into the Parliament as at present constituted, for it to be mangled as the child endowment legislation was mangled by the Senate earlier this year. Whatever progress we have been able to make so far with a national health scheme has been achieved in spite of the imperfections of existing Labour legislation which is so restrictive that it prevents the full implementation of our plans.

#### COMPULSORY MILITARY TRAINING.

Mr. ADERMANN.—Will the Minister for the Army give an assurance that when the Government's compulsory military training scheme is introduced, dry canteens will be provided in the camps?

Mr. FRANCIS.—I can give that assurance now without any qualification.

#### AGRICULTURAL MACHINERY.

Mr. LESLIE.—As the Minister for Labour and National Service is undoubtedly aware, one of the factors contributing to the shortage of agricultural machinery is the non-availability of the requisite volume of labour to the manufacturers of such machinery, which is vital to the maintenance and development of Australian primary production. I ask the Minister whether any proposals have been made for the employment of new Australians in the agricultural machinery manufacturing industries, whether any such labour has been made available to those industries, and, if not, whether he will investigate the suitability of that class of labour for such work?

Mr. HOLT.—I assure the honorable member that this matter has received a great deal of consideration within the Department of Labour and National Service. It is true that there is an acute shortage of labour in industries engaged in the manufacture of agricultural implements. In order to show just how serious the situation has become, I inform the House that one big establishment which employed 2,600 workers at its factory in 1939 now has only 1,500 factory employees. The back log of demand for its products goes back for many years. One of the problems in supplying the necessary labour is that of finding housing accommodation for the workers. In an effort to solve that problem to the best of our ability, we have been housing immigrants in emergency accommodation of the wool store type, a policy, I point out, that was adopted by the previous administration also. We have been able to supply a certain amount of labour for one big establishment at Sunshine in Victoria by providing such accommodation for immigrant labour although we have not been able to satisfy in full the demand for labour of the company concerned. We are continuing our efforts in that direction, and if the honorable member has in mind any specific cases in which assistance can be given to manufacturers in this way, I shall be glad if he will bring them to my notice.

#### TEXTILES.

Mr. HAYLEN.—During the recent Parliamentary recess, the Minister for Supply made a public announcement about the purchase from Japan of clothing materials for the armed services. I now ask the honorable gentleman what quantity of khaki cloth has been ordered by his department from Japan for Australian servicemen's uniforms, what organization in Japan is handling the order, and whether the firm concerned is a member of the textile trust that was a part of the Zaibatsu, which was said to have been dissolved under the terms of the MacArthur directive for the breaking up of Japanese combines? Is the Minister aware that the textile industry in Japan is conducted by the cheap labour of children at coolie level? Was every effort made to place the order in Australia before it was placed in Japan?

**Mr. BEALE.**—I shall answer the last question first. Yes; every opportunity was taken to try to persuade Australian manufacturers to supply the need, which was then very urgent, for mercerized material for shirts and khaki drill for trousers for the Army. Mercerized shirting material is not, and never has been, made in Australia. There was a completely inadequate supply of khaki drill material in Australia, and the manufacturers told us that they were unable to fulfil our order. In the circumstances, as we had no chance of obtaining any of the material that we wanted in Australia, we looked about in order to find from what country it could be supplied. It could not be found in Great Britain nor anywhere but in Japan. We were very fortunate indeed in being able to locate a parcel of this material in Japan, and the Department of Supply made what it regards as a favorable contract for the supply of mercerized shirting and khaki material.

**Mr. WARD.**—Are the Japanese our allies now?

**Mr. BEALE.**—We must clothe our troops for defence purposes. This position would not have arisen but for the complete negligence and incompetence of the previous Government. In reply to the other questions of the honorable member, I do not know the conditions under which the materials are manufactured in Japan. I do not know who the manufacturers are. I know that we made our contract with an Australian agent for Japanese firms. I am prepared, and the Government is prepared, to stand up to the common-sense and reasonableness of obtaining this essential material in whatever market it is obtainable.

#### AUSTRALIAN PRISONERS OF WAR.

**Mr. TRELOAR.**—Has the Prime Minister received a report from the special committee that was appointed to consider the claims of ex-prisoners of war? If not, when does he expect to receive it?

**Mr. MENZIES.**—I have received a report, and I anticipate that within a few days it will be possible to make it public, but before doing so it is desirable that the Cabinet should have an oppor-

tunity to consider it. I have seen the report, and have not yet had an opportunity to study it.

#### PENSIONS.

**Mr. CLYDE CAMERON.**—Can the Treasurer say whether the Government has decided to increase age and invalid pensions by 25s. 6d. a week? If so, does the Government propose to make the increase retrospective in order to compensate pensioners for the delay that has occurred in the preparation of the budget by the Government and for the terrible increase that has taken place in the cost of living since it assumed office?

**Mr. FADDEN.**—All matters concerning pensions and finance will be disclosed at the right time, which will be when the budget is introduced.

#### CALL FROM THE CHAIR.

*Several honorable members having risen for the call,*

**Mr. SPEAKER.**—In order to discourage large numbers of honorable members from rising to their feet to seek the call, I may as well announce to the House now that I will not call any honorable member who asked a question yesterday until all other honorable members who desire to ask a question to-day have received a call.

#### MINISTERIAL VISITS OVERSEAS.

**Mr. CURTIN.**—Will the Prime Minister inform the House of the detailed cost to the taxpayers of the trips around the world that have been made during the short period since the Government assumed office by the right honorable gentleman himself; the Minister for External Affairs, who has already had three trips; the Minister for Air and Minister for Civil Aviation; the Minister for Commerce and Agriculture; and the Minister for Defence, who is now Resident Minister in London? Will the right honorable gentleman also inform the House of the expenditure incurred by the huge army of bureaucratic experts and professors, private detectives and security police who accompany Ministers wherever they go? Will he also give the House an assurance that he will recall absent Ministers to Australia,

and instruct them to curtail useless expenditure and get back to the job of assisting him to keep his pre-election pledge to restore value to the £1?

Mr. MENZIES.—The honorable member's curiosity is very natural and proper. If he cares to submit a motion I shall have a return prepared of the items of expenditure to which he has referred, and, since I always like to err on the right side, the return will be retrospective to cover all such expenditure incurred in the last five years.

#### RICE.

Mr. WATKINS.—Can the Minister representing the Minister for Commerce and Agriculture say whether Asia is now endeavouring to sell large quantities of rice to Australia? If this be so, does the Government consider that the compulsory export of rice from Australia is still necessary and serves a useful purpose? In view of the improved position, in regard to rice supplies, is it now possible to release rice for consumption by the Australian public?

Mr. ANTHONY.—I am not familiar with the facts regarding rice, but I have read in the press that Burma is trying to sell rice to Australia. I shall cause the matter raised by the honorable gentleman to be examined and shall supply him with an answer to his question as soon as possible.

#### NORTHERN TERRITORY.

Mr. NELSON.—Has the Prime Minister read the annual report of the Administrator of the Northern Territory for the year 1948-49, in which it is suggested that a department of the Northern Territory, with its own Minister to control it, be established? If the right honorable gentleman has read the report, which was tabled yesterday, will he say what action he proposes to take in relation to the suggestion, which is endorsed by all sections of the population of the Northern Territory?

Mr. MENZIES.—I regret to say that I have not read the report to which the honorable gentleman has referred. I shall take up the subject-matter of the question with the Minister for the Interior.

#### PHARMACEUTICAL BENEFITS.

Mr. BRYSON.—Is the Minister for Health aware that members of the British Medical Association are now using the official prescription forms provided by the Chifley Government for the supply of free medicine to patients? Does this action show that the opinion of the members of that association in relation to the provision of free medicine has changed, or does it prove that the association has been playing party politics at the expense of sick members of the community?

Sir EARLE PAGE.—It was necessary to issue the prescription forms provided by the Chifley Government in order to comply with the provisions of the legislation, which cannot be altered by regulations. A regulation has now been published which permits doctors to use their own forms. The members of the British Medical Association have always refused to prescribe under the McKenna formulary on the ground of its restriction. They are still refusing to use the formulary, in conformity with the stand that they have taken since 1943.

#### EDUCATION.

Mr. KEON.—I ask the Prime Minister whether the Government has rejected or failed to pass a recommendation of the Universities Commission relating to the provision of secondary school scholarships and designed to ensure that there will be a sufficient number of matriculated youths available to take advantage of the 3,000 university scholarships that are to be awarded in 1951? The chairman of the Universities Commission is reported to have said that only 150 applications have been received so far for these 3,000 scholarships. Will the right honorable gentleman give immediate attention to the commission's recommendation?

Mr. MENZIES.—I am surprised at the numbers that have been quoted by the honorable gentleman. If there is a special report on this matter that awaits attention, I shall have it examined at once.

#### WHEAT.

Mr. CREMEAN.—In the absence of the Minister for Commerce and Agriculture, I ask the Prime Minister to state the conditions relating to salary,

allowances, &c., under which Mr. J. S. Teasdale was appointed as Chairman of the Australian Wheat Board? Do the conditions include the payment of a living-away from home allowance at the rate of £1,000 per annum? Was treasury approval obtained for the payment of that allowance? As the head office of the Australian Wheat Board is in Melbourne, and as it is reported that Mr. Teasdale has disposed of his Western Australian home and is now living in Melbourne, will the right honorable gentleman cause an investigation to be made to ascertain whether the allowance should be continued? Finally, if the payment of the living-away-from-home allowance has ceased, what payment had been made to Mr. Teasdale prior to the cessation of the payment?

**Mr. ANTHONY.**—I shall endeavour to ascertain the information that has been sought by the honorable member in his series of questions, and furnish him with it.

#### COAL-MINING DISASTER IN GREAT BRITAIN.

**Mr. PEARCE.**—Has the Prime Minister's attention been drawn to the recent coal-mining disaster in Great Britain? If the right honorable gentleman has not already done so, will he, on behalf of the Australian nation, send a message of sympathy to the bereaved and suffering, and also consider the sending of tangible relief to them?

**Mr. MENZIES.**—I am obliged to the honorable member for his suggestion.

#### KOREA.

**Mr. MENZIES.**—Honorable members will be interested to know that the Australian ground force for Korea arrived in Korea to-day. I have no doubt that it carries with it all the good wishes of everybody in Australia.

**HONORABLE MEMBERS.**—Hear, hear!

#### COMMUNIST PARTY DISSOLUTION BILL 1950 [No. 2].

Motion (by Mr. MENZIES) agreed to—

That leave be given to bring in a bill for an act to provide for the dissolution of the Australian Communist Party and of

other Communist organizations, to disqualify Communists from holding certain offices, and for purposes connected therewith.

Bill presented, and read a first time.

#### DECLARATION OF URGENCY.

**Mr. MENZIES** (Kooyong — Prime Minister).—I declare that the Communist Party Dissolution Bill 1950 [No. 2] is an urgent bill.

Question put—

That the bill be considered an urgent bill.

The House divided.

(**MR. SPEAKER**—HON. ARCHIE CAMERON.)

Ayes .. .. ..	68
Noes .. .. ..	44
	—
Majority .. .. ..	24

#### AYES.

Adermann, C. F.	Hulme, A. S.
Anderson, Charles	Jack, W. M.
Anthony, H. L.	Kekwick, B. H.
Bate, Jeff	Kent Hughes, W. S.
Beale, Howard	Lawrence, W. R.
Berry, D. R.	Leslie, H. A.
Bostock, W. D.	Mackinnon, E. D.
Bowden, G. J.	McBride, P. A.
Brown, G. W.	McColl, M. L.
Cameron, Dr. Donald	McDonald, A. M.
Casey, R. G.	McLay, J.
Corser, Bernard	McMahon, W.
Cramer, J. O.	Menzies, R. G.
Davis, F. J.	Opperman, H. F.
Dean, R. L.	Osborne, F. M.
Downier, A. R.	Page, Sir Earle
Drummond, D. H.	Pearce, H. G.
Drury, E. N.	Pittard, A. C.
Eggins, E. J.	Robertson, H. S.
Fadden, A. W.	Russell, Charles
Faithes, L. J.	Ryan, R. S.
Fairbairn, D. E.	Swartz, R. W. C.
Fairhall, A.	Timson, T. F.
Francis, J.	Townley, A. G.
Freeth, G.	Trelour, T. J.
Gilmore, T. V.	Turnbull, W. G.
Graham, B. W.	Wentworth, W. C.
Grayden, W. L.	Wheeler, R. C.
Hamilton, L. W.	White, T. W.
Handby, H. H.	Wight, B. M.
Hasluck, P. M.	Wilson, K. C.
Haworth, W. C.	
Holt, H. E.	
Howse, J. B.	
Hughes, W. M.	

Tellers:  
Davidson, C. W.  
Gullett, H. B. S.

#### NOES.

Anderson, Gordon	Holloway, E. J.
Andrews, T. W.	James, R.
Benzley, K. E.	Johnson, H. V.
Bird, A. C.	Keon, S. M.
Bourke, W. M.	Lawson, George
Bryson, W. G.	Lazzarini, H. P.
Burke, Tom	Minogue, D.
Chambers, C.	Morgan, C. A. A.
Chifley, J. B.	Mulcahy, D.
Clarey, P. J.	Mullens, J. M.
Clark, J. J.	O'Connor, W. P.
Costa, D. E.	Peters, E. W.
Cremeann, J. L.	Pollard, R. T.
Curtin, D. J.	Riordan, W. J. F.
Drakeford, A. S.	Rosevear, J. S.
Duthie, G. W. A.	Sheehan, T.
Edmonds, G. W. F.	Thompson, A. V.
Evatt, Dr. H. V.	Ward, E. J.
Fitzgerald, J. F.	Watkins, D. O.
Fraser, A. D.	
Griffiths, C. E.	
Harrison, E. James	
Haylen, L. C.	

Tellers:  
Cameron, Clyde  
Daly, F. M.

**PAIRS.**

Lyons, Dame Enid	Calwell, A. A.
Falkinder, C. W. J.	Russell, Edgar
McEwen, J.	Davies, W.

Question so resolved in the affirmative.

**ALLOTMENT OF TIME.**

Motion (by Mr. MENZIES) proposed—

That the time allotted in connexion with the bill be as follows:—

- (a) For the second reading, until 4.30 p.m. on Tuesday, the 3rd October.
- (b) For the committee stage, until 10.30 p.m. on Tuesday, the 3rd October.
- (c) For the remaining stages, until 11 p.m. on Tuesday, the 3rd October.

**Dr. EVATT** (Barton) [3.21].—I ask the Prime Minister (Mr. Menzies) to allow some additional time for this matter. He has moved that the second reading be completed by 4.30 p.m. on Tuesday. The House assembles on Tuesday at 3 p.m. and I presume that there will be an hour's questions in accordance with normal procedure. That leaves the very limited time of half an hour on Tuesday for the second reading. It has been proposed that the committee stage, which is more important than the second-reading stage, shall last from 4.30 p.m. until 10.30 p.m. on Tuesday. That allows an hour and a half before the evening meal and two and a half hours afterwards—four hours in all to deal with what is essentially a committee measure.

During the consideration of a bill very much like this one about three months ago the same process of the "guillotine" and the gag was applied with the result that many amendments were put in the bill without adequate discussion. The Prime Minister had certain rights in committee as the speaker for the Government, but other honorable members who spoke on certain amendments were confined to a very short space of time. Issues that then arose between the two sides in this House were related to the machinery necessary for the just administration of the measure. Debate occurred on whether ordinary safeguards should be included in the bill. That question requires close consideration of quite a number of clauses. However, the number of clauses involved does not indicate the precise area of disagreement because many amendments are consequential. I submit that this is quite

an inadequate programme for such an important bill and that the time should be extended for the second reading and the committee stage. The Opposition is quite dissatisfied with this schedule and considers it to be completely inadequate.

**Mr. ROSEVEAR** (Dalley) [3.29].—I support the submission of the right honorable member for Barton (Dr. Evatt). I do not know what is in the Prime Minister's mind but I have a clear recollection that on the last occasion on which a bill similar to this was before the House honorable members were told that there were to be no amendments. Yet before the bill reached the committee stage about four pages of Government amendments and two pages of Opposition amendments were tabled. It is difficult to know what may arise during the second-reading debate or what views may be put forward which might induce the Government to alter its opinion on some of the matters upon which there is contention between the Government and the Opposition. If the time allotted is totally inadequate we may have a repetition of what occurred on the last occasion on which the "guillotine" was applied when we had the shocking exhibition of one honorable member monopolizing the time to the exclusion of almost all others.

**Mr. SPEAKER**.—Order! The honorable member may not refer to what occurred during a previous debate in the same session.

**Mr. ROSEVEAR**.—I do so for no other reason.—

**Mr. SPEAKER**.—The reason does not matter. It may not be done.

**Mr. ROSEVEAR**.—I have often given a similar ruling; there is no harm in getting away with it if I can do so. This bill contains 27 clauses, most of which are highly contentious. There may be a possibility of reaching agreement on some of them, though in my experience in this Parliament I have never seen any agreement or compromise reached on a bill that was "guillotined" through the House. The application of the "guillotine" invariably evokes a spirit of resistance in the minds of the Opposition, and it may possibly engender in the minds of those who vote for the motion for the

allotment of time resistance to arguments against the bill.

**Sir EARLE PAGE.**—Honorable members opposite have their instructions.

**Mr. ROSEVEAR.**—The Minister for Health (Sir Earle Page) has said that we are under instructions. How many honorable members who sit behind him will cross the floor of the House when the vital vote is taken, whether they are under instructions or not? They may need some of the doctor's free medicine then.

**Mr. SPEAKER.**—Order! There is no reference to free medicine in this bill.

**Mr. WARD.**—There is nothing free in this bill.

**Mr. ROSEVEAR.**—I agree with the honorable member for East Sydney (Mr. Ward) that there is nothing free in the bill. In fact, it constitutes an attempt to curtail freedom. I ask the Government to take into consideration the very potent fact that the bill does not end here and that if we are denied a proper opportunity to debate it whatever time is gained in this House may be lost by a prolongation of the debate in another place. The Opposition will have the final voice in that matter. An honorable member has asked whether there will be an election on this issue. He may take my tip that there will not be an election on this issue. I hope that the Government will see the wisdom of agreeing to the request of the Opposition that the time to be allotted for the consideration of the bill be extended. It is ridiculous for the Government to introduce a contentious measure consisting of 27 clauses at a time like this and to expect honorable members on both sides of the House to pass it without providing opportunity for adequate discussion of its general principles at the second-reading stage.

**Mr. SPEAKER.**—Order! The honorable member's time has expired.

**Mr. DALY** (Grayndler) [3.34].—I oppose the motion. The provisions of this measure, which, as previous speakers have pointed out, contains 27 clauses, are extremely far-reaching. Legislation of this kind has not previously been introduced in a democratic parliament. Despite the statements of the Prime

Minister (Mr. Menzies) and other members of the Government we have no guarantee that the Government will not alter this bill as extensively as it altered the provisions of the earlier measure. It is significant that in a legislative chamber of more than 120 members the time proposed to be allotted under the motion will permit only ten honorable members to participate in the second-reading debate. That establishes conclusively the contentions of honorable members on this side of the House, and the submission of the motion drives home very forcibly the fact that the Government is afraid to let the public know what is implied in the bill. It is also significant that what is considered to be a "gag" under a Labour government, is called, under the régime of this Government, by the diplomatic name of "guillotine". If the Government has nothing to be afraid of it should allow full discussion of this measure. It should also be prepared to allow honorable members on this side of the House to show up the weaknesses in this measure and to demonstrate to the people the type of legislation that it really is. When a similar measure, in not such a drastic form, was introduced in America it was vetoed by President Truman himself. There are many liberal minded people in this country who are apprehensive about this bill.

**Mr. SPEAKER.**—Order! The honorable member is debating the measure. At this stage he must deal with the proposed allotment of time and nothing else.

**Mr. DALY.**—I bow to your ruling, Mr. Speaker, and point out to honorable members on the Government side that they cannot hide from the people of Australia the dangerous provisions of this measure.

**Mr. SPEAKER.**—Order! The honorable member is now dealing with the measure itself. He must not do that.

**Mr. DALY.**—I say that the time proposed to be allotted will not permit the members of the Opposition to have a full opportunity to debate at length the contentious provisions of the bill. In justice to the 49 per cent. of the Australian people represented by the Labour

party, we shall have to take the necessary steps in another place—

**Mr. SPEAKER.**—Order! The honorable member cannot anticipate anything that may take place in another chamber.

**Mr. DALY.**—In other circumstances, Mr. Speaker, we shall have to ensure that the provisions of this bill shall be explained for the benefit of the Australian public. I protest strenuously on behalf of honorable members on this side of the House against this ruthless gagging of a section of the Australian people which, although a minority, is a very large proportion of the population. I repeat to the people of this country and to the members of this Parliament that the action of the Government is a deliberate attempt to hide from the light of day the provisions of one of the most contentious bills ever introduced in a democratic parliament.

**Mr. GULLETT** (Henty) [3.38].—Concerning the remarks addressed to you, Mr. Speaker, about the time schedule proposed in connexion with the debate on this bill, never since I have been a member of this House have I listened to such a lot of humbug. Honorable members know perfectly well that only a few months ago this bill was before the House and that ample opportunity was given at that time to every honorable member to say all that he wanted to say about it. Indeed, many said a great deal more than we wanted to hear.

*Opposition members interjecting,*

**Mr. SPEAKER.**—Order! Honorable members on my left must cease interjecting.

**Mr. GULLETT.**—Honorable members opposite raised every objection that they could possibly think of when this measure was previously debated. The issue is now clear. They can either take it or leave it. It is perfectly obvious that, although alteration has been suggested, and indeed the honorable member for Dalley (Mr. Rosevear) said that maybe some alteration could be agreed upon during the committee stage, no alteration of this bill is possible at this time. The honorable member for Dalley certainly knows that. In any case no alteration is intended.

Therefore, I say that the time proposed to be allotted for debate is more than sufficient. Furthermore, this is a most urgent measure. It is a bill to deal with subversive elements in this country, and to-day in the light of a question asked by an honorable member opposite it may be said that this country is virtually in a state of war. This is a bill to deal with that situation and to deal with subversive elements in Australia.

**Mr. SPEAKER.**—Order! The honorable member must deal only with the time element.

**Mr. GULLETT.**—I am dealing with the matter of urgency, Mr. Speaker.

**Mr. SPEAKER.**—The matter of urgency has been decided by the House.

**Mr. GULLETT.**—The time proposed to be allotted is sufficient, because to-day we have been informed that our overseas forces have gone into action, and the sooner this bill becomes law the safer the country will be.

**Mr. POLLARD** (Lalor) [3.40].—I appeal to the Prime Minister (Mr. Menzies) for greater liberality in regard to the allotment of time to deal with this measure. If the Labour party had prevented the passage of its major provisions, one could understand the attitude of the Government, but that is not the case. Notwithstanding the fact that while honorable members on the Government side were in Opposition they were most vociferous objectors to the application of the “guillotine”, they apply it with alacrity in this case. The fact which seems to have been forgotten by many people is that in this House the Opposition allowed the passage of practically all, if not all those clauses which are relevant and necessary to protect the people of this country from the menace of communism.

**Mr. SPEAKER.**—Order!

**Mr. POLLARD.**—I suggest that by virtue of the fact that we were generous—

**Mr. SPEAKER.**—Order!

**Mr. POLLARD.**—By virtue of the fact—

**Mr. SPEAKER.**—Order! The honorable member is now dealing with something that is outside the terms of the

motion. The motion deals with the allotment of time and with nothing else.

**Mr. POLLARD.**—I return to order, Mr. Speaker. I suggest that in the circumstances that I have outlined you will not prevent me from referring to—

**Mr. SPEAKER.**—Order! I am afraid I must prevent you.

**Mr. POLLARD.**—An additional period of time should be allotted if this measure is to be adequately dealt with. After all, most honorable members represent about 42,000 people, and many of our constituents endorse the opinions of the Opposition. They expect us to have the courage to express those opinions, even though they represent the views of the minority. For the Government to deny, in the consideration of an important measure like this, a great many of the 123 members of this House any opportunity of expressing their opinions, favorable or otherwise, is an outrage to democracy and the initiation of a Hitler régime in this country.

**Mr. SPEAKER.**—Order! The honorable member must not use terms such as that.

**Mr. POLLARD.**—I have heard members of the Government parties refer to Stalinite acts and make all sorts of allegations against the Labour party.

**Mr. SPEAKER.**—Order! The honorable member will deal only with the proposed allotment of time.

**Mr. POLLARD.**—It is not long since the Prime Minister went to Ballarat and read a letter that I wrote to a constituent of mine—

**Mr. SPEAKER.**—Order! The honorable member will resume his seat.

**Mr. TURNBULL (Mallee) [3.43].**—During the last Parliament I was one of the members who objected on numerous occasions to the use of the “guillotine”. To-day the case is quite different. Never, during the last Parliament, was a bill before the House for a long time, then before another chamber, and then returned to this House. We are not debating this bill for the first time to-day. It was fully debated in this chamber on a previous occasion, and to-day it is being re-introduced. The provisions of this vital and urgent legislation have been

explained throughout the length and breadth of the country for months and months, and it is futile to hold it up any longer by an unnecessarily long debate. If it were debated again at length, every member of the Opposition would merely repeat what he said previously, and so unnecessarily delay its passage. The honorable member for Lalor (Mr. Pollard) was told to resume his seat—

**Mr. SPEAKER.**—Order! The honorable member need not worry about the honorable member for Lalor.

**Mr. TURNBULL.**—I support the motion for the allotment of time because I believe that the measure was debated sufficiently when it was previously introduced in this House and that no good purpose can be served in the interests of either the Parliament or our democracy by further unnecessary debate. The best thing that this democratic chamber can do is to pass the bill as quickly as possible, as the Prime Minister (Mr. Menzies) intends that it shall be passed, and thus enable the Government to get down to the job of ridding Australia of the Communist menace.

**Mr. WARD (East Sydney) [3.45].**—I oppose the allotment of time set out in the motion because such restriction of debate on so important a measure is a negation of democracy. I do not know whether honorable members have studied the timetable proposed. The allotment under it of four hours for the debate in committee means that if every one of the 123 members of this House wishes to exercise his right to speak—and it will be a negation of democracy if the constituents of any electorate are disfranchised by their representative being prevented from expressing their views—each honorable member will have approximately only four seconds to discuss each of the 27 clauses contained in the bill. The honorable member for Mallee (Mr. Turnbull) said that no change of feeling in respect of this measure has taken place since it was last discussed in this House. The Parliament has been in recess for some months and honorable members have had the opportunity to spend that period in their electorates and to discuss the bill with their constituents. During that period many electors have changed their

views with respect to the provisions of the measure.

Mr. SPEAKER.—Order! The time allowed for the consideration of this motion has expired.

Question put—

That the motion (*vide* page 79), be agreed to.

The House divided.

(MR. SPEAKER—HON. ARCHIE CAMERON.)

Ayes .. ..	.. 67
Noes .. ..	.. 44
	—
Majority .. ..	23
	—

AYES.

Adermann, C. F.  
Anderson, Charles  
Bate, Jeff  
Beale, Howard  
Berry, D. R.  
Bostock, W. D.  
Bowden, G. J.  
Brown, G. W.  
Cameron, Dr. Donald  
Casey, R. G.  
Corser, Bernard  
Cramer, J. O.  
Davis, F. J.  
Denn, R. L.  
Downer, A. R.  
Drummond, D. H.  
Drury, E. N.  
Eggins, E. J.  
Fadden, A. W.  
Failes, L. J.  
Fairbairn, D. E.  
Fairhall, A.  
Francis, J.  
Freeth, G.  
Gilmore, T. V.  
Graham, B. W.  
Graydon, W. L.  
Hamilton, L. W.  
Handy, H. H.  
Ensluck, P. M.  
Haworth, W. C.  
Holt, H. E.  
Howse, J. B.  
Hughes, W. M.

NOES.

Anderson, Gordon  
Andrews, T. W.  
Beazley, K. E.  
Bird, A. C.  
Bourke, W. M.  
Bryson, W. G.  
Burke, Tom  
Calwell, A. A.  
Chambers, C.  
Chifley, J. B.  
Clarey, P. J.  
Clark, J. J.  
Costa, D. E.  
Creman, J. L.  
Curtin, D. J.  
Davies, W.  
Drakford, A. S.  
Duthie, G. W. A.  
Edmonds, W. F.  
Evatt, Dr. H. V.  
Fitzgerald, J. F.  
Fraser, A. D.  
Griffiths, C. E.

PAIRS.

Falkinder, C. W. J.  
Lyons, Dame Enid  
McEwen, J.

Lazzarini, H. P.  
Russell, Edgar  
Sheehan, T.

SECOND READING.

Mr. MENZIES (Kooyong—Prime Minister) [3.53].—I move—

That the bill be now read a second time.

The bill is in terms identical with those in which it was expressed when it last left this House. In other words, what is now before us is precisely the bill as it was approved of in its ultimate form by the House some months ago. There is no novelty now about its provisions. They were discussed in this chamber for a long time back in May. In point of fact, the second-reading debate and the committee debate on the measure in this House then lasted seven complete sitting days and there was a further debate over a total period of ten sitting days in the Senate. Consequently, I do not propose to occupy much of the time of the House in what can be merely a repetition of the discussions that have occurred in the Parliament and throughout Australia. This bill was declared to be an urgent bill when it was originally introduced. Once more it has been declared an urgent measure. It is rather an ironical commentary on our conception of urgency that this legislation, having been foreshadowed before the last general election, was in fact introduced in this House five months ago. For five months, the bill has been “hanging fire”. For five months, the Communists in Australia have been allowed, in consequence, to escape the provisions of this legislation. That is something in which the people of Australia are vastly interested. I propose to discuss this matter on one simple footing. The people of Australia, by an overwhelming majority, demanded this legislation, and insist that it be placed on the statute-book.

Mr. WARD.—That is an over-statement.

Mr. MENZIES.—We shall see. Time will tell. Put it to the test!

Mr. WARD.—Hear, hear!

Mr. MENZIES.—I have no fear of what the decision of the people will be on the matter.

Mr. WARD.—Why not move that the question be put?

Mr. MENZIES.—All that I need to do is to say this: that this bill contains

Question so resolved in the affirmative.

a series of provisions, all of which are very well-known. I merely restate them as briefly as possible for the sake of refreshing memories. In the first place, the bill contains in its preamble an account of the activities of communism abroad and in Australia.

Mr. WARD.—It is contrary to the report of Mr. Justice Lowe..

Mr. MENZIES.—It is an account of communism that has never been challenged by any member of this House. I heard the honorable member for Lalor (Mr. Pollard) say a little while ago that there are matters in this bill that are common ground. I am indebted to him for that reminder. One of the astonishing things about it is that the preamble is common ground, because in all the time that the matter has been before the people of Australia I have not heard any supporter of the Labour party say that the statements in the preamble are false. Therefore, it is well for us to recall to our own minds, and to the minds of the people, the words of the preamble, because I repeat that it is a common indictment of communism, to which everybody in this House subscribes.

Mr. CURTIN.—Including the Prime Minister.

Mr. MENZIES.—Yes, and, indeed, I am happy to say, including the honorable member for Watson (Mr. Curtin). Let me remind the House of the allegations. The first of them is as follows:—

The Australian Communist Party, in accordance with the basic theory of communism, as expounded by Marx and Lenin, engaged in activities or operations designed to assist or accelerate the coming of a revolutionary situation, in which the Australian Communist Party, acting as a revolutionary minority, would be able to seize power and establish a dictatorship of the proletariat.

Mr. CLYDE CAMERON.—They are not the only people that the Prime Minister is after.

Mr. MENZIES.—I am not concerned with "the only people that I am after". What I am concerned with is to establish what I have just said. That statement in the preamble is unchallenged in this House.

Mr. CURTIN.—The Prime Minister is trying to break the trade unions.

Mr. MENZIES.—Let the honorable member try to draw a red herring across the trail if he so wishes. I repeat—and I remind honorable members that there was a significant pause when I stated it before—that that statement about communism in Australia has passed unchallenged in this House. Yet honorable gentlemen opposite, whilst pretending to support that statement here, use such a majority as they possess elsewhere to protect from this law the very people who come within the terms of that condemnation.

Mr. WARD.—The Prime Minister may take action against them under existing laws, if he wishes to do so.

Mr. JAMES.—I would not protect the Communists. I would sooner shoot them.

Mr. MENZIES.—The next allegation—

Mr. JAMES.—Be honest!

Mr. MENZIES.—The next allegation in the preamble states—

The Australian Communist Party also engages in activities or operations designed to bring about the overthrow or dislocation of the established system of government of Australia and the attainment of economic, industrial or political ends by force, violence, intimidation or fraudulent practices.

If that is an over-statement, no honorable member here has said so; and if it is a fair and accurate statement, then the people of Australia will very properly want to know why it is that, over a long period of five months, through the insistence of one party in this Parliament, the law to deal with those people has not reached the statute-book. The next allegation states—

The Australian Communist Party is an integral part of the world communist revolutionary movement, which, in the King's dominions and elsewhere, engages in espionage and sabotage, and in activities or operations of a treasonable or subversive nature and also engages in activities or operations similar to those, or having an object similar to the object of those referred to in the last two preceding paragraphs of this preamble.

The preamble also states—

Activities or operations of, or encouraged by, the Australian Communist Party, and activities or operations of, or encouraged by, members or officers of that party and other persons who are communists, and designed to cause, by means of strikes or stoppages of work, and

have, by those means, caused, dislocation, disruption or retardation of production or work in those vital industries.

Those allegations are not challenged. They make up an indictment that is not denied by any honorable member, regardless of the political party to which he belongs. That being so, let us remind ourselves of the provisions of the bill. In the first place, it provides for the dissolution of the Australian Communist party.

Mr. CLYDE CAMERON.—We have agreed to that.

Mr. MENZIES.—I am coming to that very point. In spite of all the nonsense that we have heard about trials, appeals and the onus of proof, honorable members opposite agree to the dissolution of the Australian Communist party without trial and without appeal.

Mr. CLYDE CAMERON.—Why give them a trial?

Mr. MENZIES.—Exactly; but in the next breath honorable gentlemen opposite want to give some body a particular, fancy, expensive and delaying form of trial. They tell us that they support the dissolution of the Communist party.

Mr. JAMES.—That is true.

Mr. MENZIES.—I take leave to say that I do not believe it.

Mr. POLLARD.—We never believe the Prime Minister.

Mr. MENZIES.—Each to his choice on that matter. I know that many honorable gentlemen opposite want to abolish the Communist party. We all know that many honorable gentlemen opposite would like to support this bill in its present form.

Mr. JAMES.—That is what you think.

Mr. MENZIES.—But we also know that there are other honorable members opposite, who, having been opposed in the last Parliament, and during the last general election to the imposition of any ban upon the Communist party, are standing by their guns. It is true that, for form's sake, they will vote in this House for the particular clause, but they do not really want it to come into operation. What sort of nonsense is it for a political party to say, as the Labour party says, "Yes, we are quite prepared to support the ban on the Communist party

proper; but we are not prepared to support a ban upon some alias that the Communist party may take"—an alias such as the Eureka Youth League, or some other high-sounding body that comes into existence as a kind of front for the Communist party? After all, that is the second purpose of the bill, namely, to chase the Communist into his new form.

I come now to the third object of the measure, and I shall discuss it only briefly, because I am merely giving the House a quick reminder of these matters. It deals with a body that has been declared to be an organization of a subversive kind, like the Communist party, and that appeals to the appropriate court. The old argument then arises about the onus of proof. Let me remind the House of the provision that relates to that matter.

Clause 5 (5.) reads as follows:—

At the hearing of the application, the applicant shall begin;—

There is no harm in that—

If evidence is given in person by such officer or officers of the applicant as the court is satisfied is or are best able to give full and admissible evidence as to matters relevant to the application, the burden shall be upon the Commonwealth to prove that the applicant is a body to which this section applies, but, if evidence is not so given, the burden shall be upon the applicant to prove that the applicant is not a body to which this section applies.

Do honorable members opposite really challenge that?

Mr. CHIFLEY.—It is a sham and a farce.

Mr. MENZIES.—The Leader of the Opposition says "It is a sham and a farce". That describes to perfection the right honorable gentleman's own attitude towards this legislation. He has never believed in the abolition of the Communist party. He has said so time after time in this place. It is quite true that, once or twice, he has damned with faint praise one or two provisions of the bill, but when it comes to the stooge bodies of the Communists, then we are told that although we may abolish the Communist party, we must not put the poor official of the Eureka Youth League into the position of being required to give evidence on oath if the onus of proof is to move to the Crown. A sham did the right honorable gentleman say? A farce, did the right honorable gentleman say? I am

indebted to him for the terminology with which he has provided me.

The next thing that the bill does—continuing my hasty recapitulation of its provisions—is to create certain offences that may be committed in relation to banned or dissolved bodies. I need not take up the time of the House with that matter, because the onus is on the Crown from beginning to end. However, there are provisions for criminal offences, and we have adhered strictly to the view that where a criminal offence is charged, the onus should be on the Crown from first to last. So far as I am aware, those provisions have not inspired open hostility at least on the part of honorable members opposite.

Next, the bill provides that individuals may be declared by the Governor-General, on the advice of his Ministers. The Governor-General must be satisfied that a person about whom a declaration is to be made is engaged, or is likely to be engaged in activities prejudicial to the security and defence of the Commonwealth, or to the execution and maintenance of the Constitution or of the laws of the Commonwealth.

**Mr. CLYDE CAMERON.**—Is there a right of appeal against such a declaration?

**Mr. MENZIES.**—I shall tell the honorable member about that. I regret that he has not given this bill the attention it deserves. That is why I find it necessary to recapitulate the main points of the legislation. Honorable members opposite apparently have to be reminded of these things. There is a provision that before the Executive Council advises the Governor-General to declare John Smith or Bill Jones, the material upon which such advice is founded must first be considered by a committee consisting of the Solicitor-General, the Secretary of the Department of Defence, the Director-General of Security, and two other persons nominated by the Governor-General. No politician, mark you, but five people of high standing who will bring objective minds to bear upon the matter. That is the next thing that is worth reminding honorable members about in this bill. Then, of course, there is the provision that should an individual decide to exercise his

right of appeal, he shall have the burden of proof placed upon him unless he gives evidence; but the moment he goes into the box, takes the oath and exposes himself to cross-examination as any other citizen has to do in a court of law, the onus of proof rests upon the Commonwealth.

The next provision of the bill deals with the fate of a person about whom a declaration has been made. He is not to be sent to gaol. I have heard some wild statements about this provision. A person about whom a declaration has been made, and in respect of whom an appeal against the declaration has been unsuccessful, will be ineligible to hold office under, or to be employed by, the Commonwealth or any authority of the Commonwealth. In other words he will go off the Commonwealth's pay-roll. A country would be indeed incapable of defending itself if it had to keep people of that description on its pay-roll, exercising some public function. Secondly, a declared person will be unable to hold any office in an industrial organization to which the bill applies, or in any branch of such an organization. I remind the House that an organization to which this legislation applies is an industrial organization that has been declared to be, in effect, a key organization in a key industry, vital to the safety and defence of Australia. Honorable members opposite will be hard put to persuade the ordinary people of Australia, and even hundreds of thousands of their own supporters, that a man who has been declared under this measure should be allowed to occupy a key office in a key trade union in which he will be able to do his dirty work against Australia in the event of war or any kind of preparation for war.

I do not propose to discuss the remaining provisions of the bill. They are, in reality, machinery provisions. Some of them were much criticized when they were introduced originally. Many of them have been remoulded since, and I do not believe for one moment that they are the cause of any real controversy. That being, in effect, a conspectus of this bill, I do not propose to take up any more time, beyond asking this: Does any honorable member believe that the problem of communism in Australia has become less important this year? Does

any one suppose that there is less need for action now against the Communists than there was five months or nine months ago? Does any one really believe that at a time when Australians are fighting and dying in a war against aggressive communism overseas, we in Australia should be so spineless as to leave the aggressive Communist agents at home free to do their work? If an error is to be made, surely it should be made on the side of severity in dealing with these people!

Mr. DUTHIE.—Why don't you?

Mr. MENZIES.—Somebody asks, "Why don't you?" I do wish the Opposition could resolve its ambiguities. At one moment we are told that the bill goes too far, and, at the next, judging by that interjection, that it does not go far enough.

Mr. BEAZLEY.—Like the wool tax.

Mr. MENZIES.—Honorable members opposite should talk to Professor Copland about the wool tax. He seems to be the only man with first-hand knowledge of it. However, I sympathize with the honorable member for Fremantle (Mr. Beazley). His interjection was very good. If I were in his place I, too, would be endeavouring to make interjections about something other than the Communist party. That is an old technique, and I admire it when I see it well performed.

Dr. EVATT.—It is a technique in which the right honorable gentleman himself excels.

Mr. MENZIES.—Maybe. Even I have been on the wrong side sometimes, but not on this bill. The right honorable member's ingenuity will be exercised to the fullest in the next week or two trying to discover ways and means of keeping this bill away from the country. He knows perfectly well that the people of Australia realize that if communism was a real menace to us internally or externally nine months ago, it is an immeasurably greater menace to us to-day. Looking at the present state of the world, nobody but a child can doubt the existence of a Communist conspiracy. The Communists are working to a carefully designed pattern. The people with whom this bill proposes to deal are the agents of

communism in Australia. I say, a plague on those agents! Let the Parliament put this bill through. Let us get to work to deal with them. The people expect it, and it is up to this House, and to the Opposition in particular, having as it does, either accidentally or by careful planning, a majority in the Senate, to determine whether the people of Australia are to have this legislation. But, if the time should come, honorable members opposite need not go whining to the people and say, "Yes, we loved the bill. We all were in favour of its major projects, but there were one or two things about it that we did not like and so we thought that you were not entitled to any of it". They would have a little difficulty in explaining that to the Australian people. Anyhow, time is short. We shall get on with this matter. There is no occasion for a lot of vain repetition; every argument on this matter is as familiar as the town clock. Let us go through with it. Let us vote on this matter, let the Senate vote on it, and let the Australian people then say what they have to say about it.

Dr. EVATT (Barton) [4.15].—I think that it can be shown, if honorable members will follow the argument, that the Prime Minister (Mr. Menzies) has entirely evaded the real issue between the Government parties and the Opposition party in relation to this bill. The issue that divides the parties can be determined to some degree by reference to the speech made by the right honorable gentleman but chiefly from our own knowledge of the history of the dispute. The Prime Minister pointed out in the opening part of his speech that the Communist party of Australia, which is sought to be dissolved, declared illegal and deprived of its property without compensation, has been free from the operation of the bill for five months. That is perfectly true, and I think that I can establish that the delay has been entirely, or substantially, due to the action of the Government in refusing to accept the bill in the amended form in which it was returned to this House from the Senate. The consistent attitude of the Prime Minister in the past indicated that he was an exponent and supporter of the rule of law and justice in this country. His attitude in

relation to this bill, however, represents a complete departure from that attitude.

The real issue between the parties is a narrow one, though it is vitally important. Shall justice be administered in the operation of the legislation in relation to individuals and groups or societies declared by the Government of the day? How shall their cases be determined? In what courts shall they be determined? Shall they be determined in accordance with the established rules of justice or in accordance with the procedure advocated by the Government, which would represent a complete departure from the established British principle of the rule of law? All those questions can be resolved, I believe, to the satisfaction of everybody who has an open mind on this matter. The fact is that at the end of the last sessional period, this House, at the instigation of the Government rejected the bill in the form in which it had been passed, with certain amendments, by the Senate. The bill was not printed in that form, although we asked that it should be printed so that honorable members could see what the Government was asking them to reject. Our request was refused. That important fact should be noted. My opinion is that the Government did not print the bill in that form, notwithstanding a promise that was made by the Minister for Commerce and Agriculture (Mr. McEwen), because it feared that the people of Australia would realize at once that it lacked sincerity in its attitude to the measure.

The fair way in which to test this issue is to consider the bill in the form that was approved by the Senate after considerable debate, but rejected by this House after inadequate debate. In that form it contained the desired provision for the dissolution of the Communist party of Australia. The Senate accepted that provision. It contained provision for the future suppression of all activities of the Communist party. The Senate accepted that. All the property of the Communist party, its newspapers and other assets, were to be forfeited to the Commonwealth without compensation. That provision was accepted by the Senate and by the Opposition in this House. The amended bill contained provision for the most drastic imple-

mentation of its crucial clauses. That also was accepted by the Senate. The Labour party did not oppose, either in this House or in the Senate, the primary and central part of the bill because it recognized that, at the previous general election, the people of Australia had given a sufficient mandate for the enactment of that portion of the measure. Furthermore, the bill, as it was passed by the Senate, contained drastic provisions for the treatment of subsidiary groups and individuals alleged to be associated with the Communist party of Australia or to be advocates of communism in the terms of the wide definition contained in the bill. Under the bill in that form, such groups would have been destroyed and their property would have been expropriated without compensation, and individuals would have been liable, subject to proper legal processes, to lose any offices that they held in key trade unions or in the Commonwealth Public Service. All of those powers were contained in the bill as it was returned to this House by the Senate.

I want attention to be concentrated on that amended bill, although it was never published as a document. It contained unprecedented proposals of a severity not equalled in any other part of the British Commonwealth as far as I know. The bill in that form was wantonly rejected by the Government. That action was avowedly taken because of the nature of certain amendments that had been made by the Senate. All of those amendments provided for the safeguarding of the fundamental principles of justice so as to enable groups and individuals declared under the bill to exercise the general right of Australian citizens to require that serious charges and imputations made against them should be proved according to the ordinary processes of justice. That was all that the Labour party demanded. Those amendments made by the Senate, which were rejected by this House, in many instances without even being debated, provided that a judge and, if so desired by the persons affected, a jury should be given certain powers to pronounce verdicts on any charges made under the bill by the government of the day to the effect that

a group, or an individual, first, was Communist in character or in the nature of its activities and, secondly, had engaged in activities likely to prejudice the defence of the country.

The Prime Minister did not point out to-day, and I do not think that it is yet sufficiently appreciated by the public, or even by members of this House, that any declaration made by the Governor-General under the terms of the legislation proposed by the Government, which would represent only the opinion of the Cabinet or some members of the Cabinet, would contain two charges against an individual. One charge would be that the individual was a member or an ex-member of the Communist party. The second charge, in substance, would be that he was disloyal and a traitor to his country. The first intimation that he would have of that condemnation under that shocking provision would be its publication to all the world in the official *Gazette* of the Commonwealth. He would not be charged and he would not have the right to be heard before the declaration was published. No more damaging action against the self-respect of any man who might be innocent of such grave charges could ever be conceived. The Senate demanded that certain procedures should be followed before the consequences of any declaration should flow. What were to be the consequences? First, in the case of a group, its property was to be taken without compensation. That provision related not only to the Communist party of Australia but also to alleged subsidiary bodies. I shall not go into the details of that because all those issues have disappeared from the scene. An individual who was employed by a trade union, would lose his employment and if he were a public servant of the Commonwealth he would be dismissed—not, after a hearing by the courts, but immediately upon the publication of the declaration. The Labour party and the Senate considered that before such an irrevocable prejudice, not merely to the employment but also to the standing of an individual in the community should be perpetrated, and before those drastic consequences should flow and sanctions be inflicted upon him, he should have the right to require

the Government, which would be the accuser, to establish the truth of the charges to the satisfaction of a judge, and, if necessary, of a judge and jury. After all, the fact that the declaration will be issued over the Governor-General's name does not mean anything more than that an individual has been accused by a group of politicians who constitute for the time being, the advisers to the Governor-General. The demands made in the name of democracy by the Opposition in this chamber and by the Senate have been resisted by the Government. There is no justification for that resistance, and I submit that the people of Australia will be able to determine what is the real purpose of the Government in bringing up the measure again without conceding the amendments demanded by the Senate.

I summarize my argument by saying that under the provisions of the bill as originally submitted, which have been insisted upon by the Government with such obstinacy, a person could be declared without any formality or consideration other than that which the Cabinet of the day might care to give to the matter. Some reference has been made to the appointment of a committee to consider the evidence on which declarations would be published. The point is that even if such a committee functioned it would not be bound to inform an accused person of its deliberations. No safeguards of that kind are included in the bill. The first intimation that an accused person will have of the action of the Government will be when he reads the notification of his declaration in the *Commonwealth Gazette*. That declaration will accuse him of two offences: first, of Communist activities, which may include all kinds of matters; and, secondly, of treasonable tendencies. Lord Macaulay, one of the greatest historians and liberals in British history—and I use the word that is spelt with a small "l"—had the following to say on this matter:

To punish a man because he has committed a crime, is not persecution. To punish a man, because we infer from the nature of some doctrine which he holds, or from the conduct of other persons who hold the same doctrines with him, that he will commit a crime, is persecution, and is, in every case, foolish and wicked.

This bill goes much further than the tyranny contemplated by Lord Macaulay

when he referred to persons being punished because their likelihood to commit a crime had been inferred solely from their political beliefs. The fact is—and honorable members opposite must face up to this when they are discussing the matter with their electors—that both organizations and individuals who are accused of Communist association will be deprived by the bill of the presumption of innocence that is enjoyed by accused persons in criminal charges. Ordinarily, the onus of proof lies upon the Crown, and not upon an accused person. It is nonsense for the Government to claim that this general principle will be satisfied by the procedure in the bill to which the Prime Minister referred this afternoon. That procedure provides that the onus of proof shall shift back to the Commonwealth, but, honorable members will note, that will happen only after the accused person has been forced to go into the witness box at the outset of the case. In other words, an accused person must begin, and not the Commonwealth or his accusers. What the Leader of the Opposition (Mr. Chifley) said this afternoon by way of interjection is absolutely true, and I believe that, after inquiry, the lawyers of Australia will overwhelmingly endorse his view. Shortly stated, that view is that the provisions of the clause with which I have been dealing not only contravene the rule of law and the principles of British justice, but also have been specifically invented for this occasion, and have no precedent anywhere. In other words they are a sham, a delusion and a snare. The bill proposes that an accused person shall be forced to go into the witness-box. What for? In order that he may be subjected to interrogation and inquisition by the Commonwealth. Honorable members will realize that once an accused person has entered the witness-box he can be asked about any matter at all that might possibly have some relation to the case.

Mr. McCOLM.—That is the object of the provision.

Dr. EVATT.—Yes, but that object is unjustifiable, and a little consideration on the part of honorable members will show how grossly unfair it is. An accused person will not be given particulars of the

charge against him before he enters the witness-box. All he will know is that a declaration has been published accusing him of being a Communist and alleging that his activities are likely to be prejudicial to the security of the country. He will have to go into the witness-box if he wants to deny those grave charges; and it is plain that the procedure provided in the bill has been inserted for the specific purpose of subjecting him to cross-examination in order to determine whether a case can be substantiated against him. That is a method of procedure for which no analogy can be found in the legislation of any civilized country to-day, and it reproduces some of the worst excesses of the totalitarian régimes. Indeed, it is the very method that was adopted by Hitler after the reign of terror in Germany in 1933, and it is the kind of method that was adopted in Russia when the Trotskyites were tried. It recalls the civil and religious persecution of the past. The provision is perfectly scandalous, and when the people of Australia realize how scandalous it is, they will pronounce a severe judgment upon it.

*Government supporters interjecting,*

Dr. EVATT.—Honorable members who support the Government do not like having to face up to what I have said. The Senate inserted certain amendments in the original bill, and those amendments were inserted for only one purpose. That purpose was to carry out the will of the Labour movement, which is to ensure that every Australian citizen shall be tried according to the fundamental rules of justice and shall retain the right to have his case tried, according to law, by a jury of twelve of his fellow citizens. That right is enjoyed by any Australian, even by those who are accused of the most serious treasonable or criminal offences. If the accused person is guilty, then the allegations made against him can be proved in the proper way in a court of law. Trial by jury in the ordinary way is the method proposed by the Senate as an alternative to the proposal of the Government, under which a person will be tried in the secrecy of the Cabinet chamber and condemned before the declaration is published, and will not even know that his guilt is being considered.

Who thought of this outrageous procedure? Why was not the normal procedure adopted of charging an accused person before the courts of the land? Under our time-honoured system of justice an accused person is given a fair trial, at the conclusion of which he is either convicted or found not guilty. Why "declare" a man first and try him afterwards? Why condemn him first and find out whether he is guilty afterwards? Such a procedure cannot be justified, and no amount of eloquence from the Prime Minister or from any other member of the House can evade the issue.

What I have said about the burden of proof understates the gravity of the grave intrusion made by the present bill upon legal safeguards. Although the subject of onus of proof loomed large in our previous discussions, it is overshadowed, in my view, by an even more serious matter. Honorable members will ask what that matter is. It is this: the declaration against an individual or a group will allege, as I have pointed out, not only that he or it is not only of a Communist character—on which allegation there is, of course, a right of appeal to a judge, although the onus of proof will be twisted in the way I have endeavoured to explain—but also that the individual is likely to engage in seditious activities, prejudicial to the defence of Australia. And against that most serious allegation there will be no right of challenge in any court of justice. The individual will not receive any prior notice of the charge, he will have no right of appeal, he will be branded forever as a disloyal, subversive or treasonable person, and will never be able to have his case inquired into by the courts of law. In short, although the declaration can be appealed from on the ground that the individual or group is not a Communist or a Communist-controlled body, it cannot be appealed from in order to show that it is a slander and a lie against an individual who is, in truth, innocent and a person whose loyalty has been assailed unjustly by governmental declaration. He cannot get that set aside. He cannot be heard on it. He cannot put his case on it. This bill has been devised deliberately to enable a person to be slurred and defamed without having an

opportunity to meet the charge. The charge is not one made by some obscure officer, but a charge put in the name of the King's representative in this country by the politicians responsible for this legislation.

I repeat that even in the most acute crisis of war, when this country was under the threat of immediate invasion, persons with Japanese, German and Italian associations who had been arrested or detained were enabled to present their cases to boards so that their loyalty could be investigated and, if necessary, a report made recommending their immediate release. Even those provisions are to be denied to Australian citizens at the present time, although the situation existing now is nothing like the grave situation that confronted us when the Japanese were so close to invading this country. Is there any honorable gentleman—I care not what his politics be, of the right, left or centre—who can justify that? How can it be justified?

A permanent slur will be cast upon an individual by saying, first, that he is disloyal, and, secondly, that he is a Communist. He can go to a court and prove that he is not a Communist, but, if he does, he will be interrogated, and the Commonwealth will doubtless try to extract from him admissions of some associations that it hopes may satisfy the court that he is a Communist. The court may be satisfied that he is not a Communist, and, even under the provisions of this bill, may decide in his favour. It is quite possible that that may occur in certain instances. But what good will that do to the man? He will have a declaration against him that he is, not only a Communist but also a disloyal person. If he be a trade union secretary, he will be "sacked" before his case comes before a court, and he will lose his salary. He may go before a court and prove that he has no association with the Communist party at all. The judge may say, "He has been interrogated. An inquisition has gone on for several days. The Crown cannot prove its case, and I shall find in his favour.", but the man will walk out of the court still branded as a traitor to Australia, and he will not be able to rid himself of the brand, because it is in the declaration. Who thought of that?

Mr. CURTIN.—Hitler.

Dr. EVATT.—I do not think Hitler thought of anything like that. He adopted more summary methods. No attempt was made by Hitler to give the appearance of a fair trial. I object to the elaborate machinery in this bill of pretence and evasion, designed to suggest that a man will have a real opportunity to go before a court and prove that he is not a traitor. He may be a man with a magnificent war record and a person against whom nothing can be alleged, but he will not have an opportunity to prove that he is not a traitor. He can win his case only on the subordinate ground that he has no association with communism.

Mr. ANTHONY.—What about the Harley Matthews case?

Dr. EVATT.—I have debated the Harley Matthews case with the Postmaster-General (Mr. Anthony) before. The people in that group who were not guilty owe their release to my intervention, and they received compensation. Even in time of war the people to whom I have referred had an opportunity of a just hearing before a court on the question of their loyalty, but under this bill Australian citizens will not.

I submit that these provisions are tyrannical and oppressive. We heard a lot from the Prime Minister about tyranny. When we are attacking one form of tyranny and one kind of subversive activity, we must not establish a tyranny of law and a denial of justice, because that would interfere with the very basis of Australian citizenship and the due administration of justice. Provisions of the character that I have tried to sum up would not be passed by any Parliament that had any respect for justice or for the dignity of man as man. The clauses that the Government has inserted in this bill would be derided in Great Britain, not only by the Labour party and the Liberal party, but also by the Conservative party. The Prime Minister, during his recent trip abroad, hawked this bill from capital to capital, indicating the action he was taking against Communists, but he received no support from any responsible leader of opinion in Britain. Not one member of the British Parliament would support it. On one occasion a back

bencher of the House of Commons asked whether the British Government would consider the introduction of similar legislation, and the answer of the Prime Minister of Great Britain was very short and pithy. He said, "No". How could we expect the Mother of Parliaments to adopt such legislation?

Why cannot the Government, at this stage, give the individual an opportunity to have the matter to which I have referred dealt with fairly in a court of justice? That is what the Labour party is fighting for. It has accepted the provisions providing for the dissolution of the Communist party and the very drastic provisions in relation to expropriation, but it says that the rest of the bill is completely unjustifiable so far as the administration of these appeals is concerned. As I have said, the provisions would be derided in Great Britain. I have quoted from Macaulay in order to give an illustration of the traditional view in Britain. What responsible person in this country, apart from the supporters of the Government, would support these provisions? Practically the whole of the learned staffs of the universities of this country have condemned the provisions to which I have referred. Why cannot the Government reconsider them and give the people concerned the opportunity of a fair trial and a guarantee that they will receive British justice? Do honorable gentlemen opposite believe that the great Liberal leaders of Great Britain would have supported a bill of this character? Again I emphasize that the liberalism of Britain was true liberalism and that the so-called liberalism of this country is really, if this is an illustration of what we may expect from it, the most reactionary conservatism. Do honorable gentlemen opposite believe that great political leaders in Britain like Gladstone, Campbell-Bannerman, Asquith and Lloyd George would have supported a bill of this kind? Do they believe that Mr. Churchill would do so? Of course he would not, and no such suggestion has been made in Britain.

It is absurd that the House and the country should have been treated to this exhibition by the Government. All that the Labour movement is saying is, "Let us have a fair trial. Prove your case.

If you have facts that would warrant condemnation of an individual, present those facts to a court and obtain its verdict". What is wrong with that system? The only persons who object to it are the totalitarians—the fascists and the Communists. It is not only the Communists who are at large in this country. There are people of fascist tendencies at large too. History shows how the totalitarians distrust the rule of law. They do not want to have to prove facts before a judge and jury, because a jury is there representing the ordinary sense of justice of the people and the judge is there to ensure that the law shall be strictly administered. The Labour party is trying to give fair effect to the mandate received by the Menzies Government at the last general election. The only difference between us is that we say that in the machinery for which provision is made in the bill the safeguards of justice shall be retained and not thrown to the winds, as they would be by a denial and an obstruction of justice. That is why many independent citizens, not Communists or sympathetic to communism, have publicly come out in opposition to these provisions. Distinguished professors and teachers of the universities have described the bill as "a dangerous and unwise method of opposing communism", and they have especially condemned it "because it departs from the fundamental democratic principles of constitutional and criminal law, in outlawing supporters of certain doctrines and associations rather than prosecuting definite actions directed against the State". Other university groups also have contended that "the main effect of the bill will be outside the courts. It may become the normal practice to question applicants for any appointment about their political beliefs and associations. A sense of insecurity and fear may pervade all spheres of life". This was, in broad principles, the contention of the honorable member for Watson (Mr. Curtin). Protests came not only from Sydney and Melbourne, but also from other Australian capitals.

I am convinced that, irrespective of party, class, or creed, most fair-minded Australians will agree that it is the innocent who would suffer from this measure;

I believe that the people of Australia consider that the legal procedures of so drastic legislation should guarantee preservation of fundamental principles of justice. That is no more or less than what the Labour movement is doing. The history of the bill up to the present shows that the intervention of the Labour party has already removed some gross features of the bill. That is a very cogent factor. Originally there was provision for unlimited right of search of private homes. As a result of the criticism of members of the Australian Labour party the Government introduced amendments both in the House of Representatives and in the Senate. For instance, the extravagant right to search private homes was modified. But the bill, in its present form, still contains some glaring defects. The onus of proof has not been accepted by the Commonwealth. The individual is to be subjected to cross-examination, interrogation and inquisition to see if the charge previously made by the Government and carried into effect by dismissal from office, in the case of an individual, and by loss of property, in the case of a group, can be strengthened. Why did not the Government accept the bill as passed by the Senate three months ago? Had it been accepted as passed by the Senate on the 16th June, the Communist party would have ceased to exist. Groups proved guilty of the charges made against them by the Government could have been dissolved and their property confiscated, while individuals could have been deprived of office. But the Government baulked when it came to the question of proving guilt in accordance with the dictates of justice. It wanted first to condemn, disqualify and forfeit the property of the group, and afterwards, by compulsory examination on oath, see if it could extort from the people already injured, sufficient material to bolster up the charge. The honorable member for Hunter (Mr. James) has asked about those found to be innocent. If they succeeded in their proof of innocence they should get compensation because of being wrongfully deprived of their positions between the date of declaration and the date of the court finding. Some of the clauses of the bill

are so opposed to fair play that the members of the legal profession in Australia are prepared to proclaim that the unjust procedures still persisted in to-day are completely opposed to the principles of British justice. Some professors of law have already made public statements to this effect. I do not want to talk at length about the rule of law, because it sounds somewhat technical. In effect it means that individuals are entitled to a fair go when a serious charge is made against them. It can be called natural justice. We read in the letters of Pliny that the early Roman emperors, even in connexion with charges made against minorities, were astute enough not to deny the right of an accused to meet the accuser face to face. If the accuser made a false charge he was penalized. That system was more just than that contemplated in this bill. The inatter is summed up superbly in the leading article in to-day's issue of the *Argus*, which reads—

#### THE FACTS OF THE ANTI-RED BILL.

The Communist Party Dissolution Bill, as amended, was passed by the Senate on June 16. If the Government had not then thrown the bill under the table the Communist party to-day would have ceased to exist in Australia, for the bill, as amended, gave the Government all the power it needed to carry out its election mandate to dissolve and suppress the party and to forfeit its property without compensation. It gave power also to "declare" certain groups and individuals associated with communism, with the consequence that the groups would be dissolved and the individuals would lose any office they held in trade unions or in the Commonwealth Public Service. But this was not enough. The Government wanted something else—to introduce a totalitarian idea into Australian justice—and it has allowed the Communist party three months' grace in an attempt to arouse public opinion on what is, in fact, an irrelevant issue.

**Mr. WILSON.**—Did the right honorable member write the article that he is reading?

**Dr. EVATT.**—I did not write it, but I am citing it as an accurate summary of the facts. The article continues—

Mr. Menzies made this issue—onus of proof, which the Senate insisted should rest upon the Crown—the issue of the Victorian election and, so far as the results gave any verdict at all, the verdict was against him. It is essential that the Communist conspiracy against Australia should be destroyed, but it is contrary to the national interest of

Australia that this bill should be made a major issue while the economic crisis now facing the country is not even tackled.

Mr. Menzies should have accepted the bill as amended—if the powers which it conferred had proved inadequate he could have come now and asked for more. But this course, which would have met fully the requirements of the electorate, he did not choose to take. A raucous minority in the Cabinet—

**Mr. FADDEN.**—Did the right honorable gentleman say "caucus"?

**Dr. EVATT.**—I could amend the words and say "raucous caucus". However, the words of the article read—

A raucous minority in the Cabinet wanted something else and Mr. Menzies was not strong enough to resist it.

I submit that this is a very fair summing up of the position. The Prime Minister really has not dealt with this point at all. When dealing with these matters he says to us, "I know that you know all about it. I won't be long. I don't want to deal with these questions that everybody knows". I wonder how many honorable members could answer a quiz on difficult sections of the bill.

The Prime Minister referred to the Korean fighting and implied that the conflict in Korea had altered his position. That only emphasizes what I think is the complete misconception that some people have of the United Nations in connexion with matters such as those with which the bill deals. Many such people are giving lip support to the United Nations now. The United Nations is not only a body designed to put down aggression by force. It was also established for the very purpose of insisting on universal respect for human rights and fundamental freedoms. It is very wrong that the important part of the United Nations Charter, by which I mean the part containing articles 55 and 56, and the subsequent Declaration of Human Rights of the United Nations General Assembly, should be treated by the Government, as it is in this procedural question which deals with the administration of justice, with complete disrespect. The United Nations is supported by the Government, many of the members of which were opposed to the United Nations when they sat in Opposition. I say that the declaration clearly implies that no man shall be penalized in his person or his property except as a result of just procedures after a fair hearing in respect

of the charge made against him, and that he be given time to prepare his case, and that, if necessary, the matter can go to a judge or jury. I cite as a contrast to the provisions of this bill the prosecutions that have taken place in the last few years relative to charges of sedition. The former Labour Government prosecuted certain persons for sedition. Some of the cases went to a jury and others were determined before a magistrate. This measure alters the onus provision as well as the rule that a charge shall be proved to the satisfaction of the appropriate tribunal. In these matters it is very important that real justice be maintained. I ask this question of the House. Why is the Government so obdurate as to press ahead with a bill that contains the unjust features that I have specified. I submit that its objects in so doing are apparent to all the world. The Government parties gave certain electoral pledges to which the Prime Minister has referred. The right honorable gentleman has gone beyond those pledges in the case of the Communist party. During the election campaign he indicated that if he was returned to office he would suppress the Communist party, but he also indicated that individuals who might be declared to be Communists would have a complete right of appeal to the courts. I deny that the bill contains a proper or a full right of appeal.

The Prime Minister and his followers at the last general election gave other pledges affecting such matters as the cost of living. The stage has been reached at which Australia is entering a most acute financial and economic crisis, with costs rising higher and higher. The Government's plans to deal with that position have not been announced, but it now hopes, by recommencing a discussion on the admitted evils of communism, to cloud the issue. The Prime Minister's objective in pressing on with this bill is simply to provide a beautiful smoke-screen behind which the Government hopes to avoid carrying out the solemn promises that its members made at the last general election in relation to reducing the cost of living, reducing the strength of the Commonwealth Public Service, and all their other promises that have not been honoured. In other words,

to use the expression of the Minister for Labour and National Service (Mr. Holt), who was in the chamber when the Prime Minister spoke, the Government is the victim of its own propaganda.

Therefore, in accordance with the principles that I have stated, the Opposition will introduce, at the committee stages of the bill, a number of amendments designed to assure a person charged under the bill of a fair trial, and of the right to trial by jury if he demands it. Our amendments will also be designed to put the onus of proof where it belongs, that is, on the prosecution, and to give persons declared under the bill a full right of appeal. Our amendments relating to the right of appeal will be designed to replace the clauses in the bill that provides no proper right of appeal whatsoever. Let honorable members search the law books, the histories and the records of any other country whose history is analogous to that of Australia, and they will find nothing resembling a denial of a full right of appeal on such a serious charge as the charge with which the bill deals. Even now I ask the Government if it is really intent on passing this legislation, to consider, bowing to the dictates of justice, and making the provisions of the bill accord with the principles outlined in the United Nations Charter. If it does so the bill will pass through the Parliament. If it will not do so then I say that it is not really interested in the suppression of the Communist party but wishes to use the bill merely to conceal the fact that the nation is entering a financial and economic crisis, and that the Government does not know what to do about it.

**Mr. ANTHONY** (Richmond—Postmaster-General) [5.1].—I congratulate the right honorable member for Barton (Dr. Evatt) on his speech, which constituted the most earnest advocacy for the protection of the Communist party that I have heard in this chamber. The former Prime Minister of this country (Mr. Chifley) stated time after time in this House, while he was in office, that the Labour party would have no hand in banning the Communist party. Question after question was directed to

him on that subject. During the general election campaign he went to the people and said that the Labour party was not in favour of banning the Communist party. The right honorable gentleman has not changed his mind. He is still not in favour of the banning of the Communist party, despite the fact that the issue has been forced to a point where Labour party members have to give some sort of approval to this bill. However, as a result of the devices of the right honorable member for Barton, who is one of the most expert jurists in this country, the bill would be so emasculated by the amendments proposed by the Opposition that the intentions of the Leader of the Labour party would become effective—that is, there would be no real banning of the Communist party in this country. The right honorable member for Barton has risen in high indignation and said in effect, "We stand for British justice, for justice within the law, for everything right down to Magna Charta". He made a most impassioned plea in which he introduced the Declaration of Human Rights, the United Nations Charter and other matters. If the right honorable member for Barton did not have behind him a record that can be pointed to—and I shall refer to that record later—we might treat his remarks with a great deal more respect than we do. Yet despite his own record regarding the onus of proof he now seeks to destroy this anti-Communist legislation. He has shown that when he is in office he does one thing and when he is in Opposition he says the opposite. A few years ago I directed attention to a very important event. Quite a number of men of very high standing in this community had been suddenly interned. They were called members of the Australia First Movement. They had been framed by the Communist party and were later shown to be completely guiltless of every charge that had been directed against them. I was one of those who took up the gage on behalf of these Australia First members. I asked that they be treated fairly and this is the reply that the right honorable member for Barton (Dr. Evatt), then the Attorney-General, gave me in this House. It appears in *Hansard*, vol. 186 of the

*Mr. Anthony.*

15th March, 1946, a date which was long after the war had ended. He said—

I altered the regulation to make it mandatory on the chairman of the tribunal to say to every person appearing before it, "The charge against you is this. What is your answer to it?" It is perfectly true that the proceedings were not open to the public. How could they be when the very matter being investigated by the tribunal affected the security of the country? We all know that there were enemy agents in Australia. If the proceedings had been open, information given to the tribunals would have come into the possession of those enemy agents and the very disaster which detention was designed to avoid would have been facilitated.

The very disaster which this Government is trying to prevent happening could be facilitated if the amendment submitted by the right honorable member for Barton were accepted. Our security service works under the very greatest difficulty as it is in securing information to track down these Communists and enemy agents. If they are compelled to come into open court as is designed by the Opposition's amendment and expose their persons and sources of information the very thing that the Government is trying to avoid in the protection of the interests of this country, in the words of the honorable member for Barton, would be facilitated.

I have shown what the honorable member for Barton did when he was a responsible Minister of the Crown. His remarks, which I have just read, apply to the conditions which obtain to-day because this country is in just as great a danger as it was at any time during the last war. The right honorable member put himself forward as the defender of the common man and as one who will stand, come what may, for the essential principles of British justice and who will see that no man is put on trial unless a charge has been properly laid against him. What did the right honorable member do in respect of certain black-marketing offences which were committed when he was Attorney-General? A butcher was sent to gaol because he overcharged 1d. on 1lb. of steak. The onus of proof was put on him. It has also been placed on people under other laws including those relating to bankruptcy and income tax.

The greatest reflection of all on the right honorable member arises not from what he did to the people I have just

referred to, but from what he did to members of his own Labour party. Although he did these things to other people he now comes forward and says that the Communist must be protected, and that he must have all the advantages of British law to a greater extent than many other people in the community. What did the right honorable gentleman do during the coal strike? The right honorable gentleman was the Attorney-General whose office formulated the National Emergency (Coal Strike) Act of 1949, section 11 of which reads—

Where the organization has committed an offence against this Act, every person who, at the time of the commission of the offence, was a member of the committee of management or an officer, of the organization or of a branch of the organization shall be deemed to be guilty of the offence, unless he proves that the offence was committed without his knowledge or that he used all due diligence to prevent the commission of the offence, and shall, upon conviction, be punishable by a fine not exceeding one hundred pounds or imprisonment for a term not exceeding six months, or both.

#### Section 12 reads—

In any prosecution for an offence against this Act, a payment or receipt, or a promise to make a payment, shall, unless the contrary is proved, be deemed to have been a payment or receipt, or a promise to make a payment, for the purposes of assisting or encouraging directly or indirectly, the continuance of the strike.

The right honorable member for Barton initiated legislation directed against members of his own party. The men affected were all professedly union leaders and they had the onus of proof placed upon them by the right honorable member, who now stands up as the defender of the Communists, saying that they shall not be subjected to the same sort of procedure as his own Labour people were subjected to.

When the right honorable gentleman speaks of the onus of proof we should examine his record in order to come to a conclusion as to the bona fides of the amendment that he has put before this Parliament. The acceptance of his amendment, which is designed to protect the Communist party, would destroy the effectiveness of the bill because of the facts that I have enunciated. The things which the Government desires to avoid in the interests of the security of the country

would, in the words of the ex-Attorney-General, be facilitated by adopting any other than the measures that the Government proposes.

There is very good reason for the right honorable member for Barton's attempt to protect the Communist party. He is very anxious to return to the treasury benches. Ever since the last government was thrown out of office its members have been working like beavers to create a situation which would be favorable to them if there were an appeal to the country. One important factor is the rising level of prices. What is contributing more to the skyrocketing of price levels than the activities of the Communist party in Australia, which is obstructing production, staging strikes, advocating go-slow tactics, and all those things that diminish the flow of goods and services to the community? As long as the Communist party exists and is protected, it will continue to serve the propaganda purposes of the Labour party, particularly that of the right honorable member for Barton who has broadcast weekly talks on this subject of rising prices. His allies, the Communists, are assisting him. First, they stage a protest about wages—they want increased wages—and in the next breath, they demand pegged prices.

Mr. SPEAKER.—Order! The honorable gentleman must discuss the bill.

Mr. ANTHONY.—I shall do so. Opposition members do not like to hear these things. They have heard enough of them—probably too much already.

Mr. CURTIN.—We have heard enough from the Minister.

Mr. SPEAKER.—Order! If the honorable member for Watson (Mr. Curtin) interjects again, I shall deal with him as I shall also deal with one or two others.

Mr. ANTHONY.—I realize that one of the methods of those who want to silence an opponent—and incidentally it is one much favoured by the Communists—is to make a personal remark which is completely irrelevant to the discussion, in order to distract attention from the real argument. Such an attempt will not prevent me from saying what I intend to say.

This Government was elected to office almost twelve months ago on a very definite policy. The Government parties promised the electors that if they were returned to office they would enact legislation which would destroy the Communist party in Australia, prevent Communists from occupying executive positions in trade unions and debar them from the Public Service. Although the right honorable member for Barton became very indignant about the penalties that might be imposed under this legislation, during the coal strike last year he initiated legislation under which trade union leaders were fined £100, or six months imprisonment, and which placed the onus of proof on the defendant. All that the Government proposes to do in respect of the Communists is merely to remove them from office in key unions and the Public Service. This legislation includes no provision for imprisonment or fine. It merely gives expression to the determination of the Government to remove Communists from positions in which they may wreck the economic life of this country. There is no comparison between what the Government proposes to do and what the right honorable member for Barton, when he was Attorney-General, enacted in legislation which was aimed at the working class. The Government obtained a mandate from the people and is doing its utmost to carry it out, but it is being hindered at every step by the Opposition. All the legal technicalities that the brains of the honorable gentlemen opposite can devise have been resorted to in an endeavour to delay the passage of this legislation. After the original bill had been argued at great length in this House it was transmitted to the Senate where more delaying tactics were employed. In the six months during which the bill was under discussion the Communists were able to dispose of their assets; to sell Marx House in Sydney, and Soviet House in Melbourne; and to prepare all their underground organization. Their thanks must be due to the members of the Opposition in this Parliament who so willingly helped them, but not to all of them, because it is very well known that although the Labour executive is evenly divided on this issue, a great body of

opinion in the political Labour movement supports this bill. When this Parliament went into recess some months ago it was reported that eighteen members of the Labour caucus were in favour of supporting this legislation. As honorable members opposite well know, those who support it have gained a great accession of strength since then and now a very large number of honorable members opposite favour the bill even though they may not be prepared to vote for it. They are just as eager as are Government supporters to pass this legislation, but they will be prevented from giving effect to their determination to stamp out the Communist menace in this country by the Leader of the Opposition and the right honorable member for Barton. If the Labour party continues that course, whether it is opposed to the Communist party or not, honorable members opposite must accept personal responsibility for what the Labour party is doing in its efforts to obstruct this legislation.

There is a great determination on the part of this Government either to pass this legislation in its present form or to go to the country and obtain the verdict of the people on the issue. If Opposition members really believe that what we are doing has not the approval of the great majority of the people of this country, let them bring the crisis to a head in the most rapid possible way. Let us have a double dissolution, and let the people of Australia decide the matter.

**Mr. WARD** (East Sydney) [5.22].—The right honorable member for Barton (Dr. Evatt) correctly summed up the situation when he said that the purpose of the Government in re-introducing this measure is to put out a smoke-screen behind which it hopes to escape responsibility for having done nothing to honour its more urgent election promises. It promised to reduce the cost of living, to provide houses for our people and to improve social services. Because of its failure to tackle any of those problems it now seeks to divert attention from its shortcomings by this smoke-screen. The Postmaster-General (Mr. Anthony) made a great feature, as did the Prime Minister (Mr. Menzies), of what he described as the breathing space that had been given to the Communist party during the period

that has elapsed since the Parliament first dealt with the original measure and its re-introduction during these sittings. Let us examine the situation. If honorable members opposite would read the preamble to their own bill, and realize the seriousness of the charges made in it against persons who may be declared under its provisions, one would naturally assume that if they really believed that such a state of affairs existed in this country the Government should be exercising its powers to curb the activities of the Communists under the existing law, and bring to book the people whom they claim are responsible for such criminal offences. But the Government has taken no action against anybody under the existing law which provide penalties much more drastic than are those proposed in the legislation now before us. Under the Crimes Act it could, if it so wished, deal with persons who are guilty of espionage and treason. For those who are found guilty of such offences there is a much greater penalty than mere dismissal from the Commonwealth Public Service or deposition from official positions in certain trade unions. Section 24 of the original Crimes Act which was passed in 1914 provides—

Any person who assists by any means whatever any public enemy shall be guilty of an indictable offence and liable to the punishment of death.

That is the penalty under the Crimes Act for an offence indicated in the preamble to this bill. If there is any person in this country guilty of any such crime, and the Government has evidence of his guilt, it can invoke the Crimes Act and have a penalty imposed much more severe than that provided for in this legislation. The vast difference, however, between the provisions of the two measures is that under the Crimes Act the person charged is given a fair trial, whereas under this bill he would be dealt with by the executive government. That is the precise difference between the methods of a democracy and those of a dictatorship such as the Government hopes to establish in this country. There is a great deal of similarity between the situation existing now in this Parliament and that which existed some

years ago in the German Reichstag. Hitler asked the Reichstag to give him complete power. Some of the members of that body were foolish enough to believe that Hitler wanted to use those powers only against a particular minority, and that they themselves would not be affected. No sooner did Hitler obtain the required powers than he invoked them against the most important part of his opposition, the Social Democratic party. That was the party representing the great German trade union movement, and it was ultimately destroyed. The first aim of dictators is the destruction of free speech. Honorable members should not imagine that the present leader of the Government has not fascist tendencies and does not believe in the establishment of a police state, because I could make numerous quotations from his past speeches indicating such tendencies and beliefs. However, on this occasion I propose to make only one. After one of his frequent trips overseas, just prior to the outbreak of war in 1939, he said—

Australians should realize that democracies have much to learn from other systems of Government. Democracies cannot maintain their place in the world unless they are provided with leadership as inspiring as that of the dictator countries.

One of the things that he believes we should learn from the dictator countries is the necessity for Tory and reactionary governments to exercise their authority, when they have it, to destroy free speech, to destroy the Labour movement and to destroy democracy itself. The Prime Minister also said—

Why was Hitler able to tear up the Treaty of Versailles, absorb Austria and the Sudetenland without firing a shot? The dominating reason why he was able to do it all is that he gives the German people leadership to which they render unquestioning obedience.

That is what the Prime Minister wants now. He wants unquestioning obedience to his leadership. It will be a sorry day for the Australian people if they are ever foolish enough to place in the hands of this pseudo dictator the powers that he is seeking. He continued—

If you and I were Germans sitting beside our own fires in Berlin we would not be critical of the leadership that has produced such results.

In the light of that statement, can there be any question about his Fascist tendencies. When Sir Keith Murdoch was his chief of information, they proposed a censorship regulation numbered 42A. They did not persist with their intention because of the clamour from an outraged public. The regulation was designed to deal, among other things, with people who had the audacity to question or criticize the financial policy of the then Government. In the light of those facts it is misleading for the Postmaster-General to talk about what happened during a period of actual war. It may be that the Government is attempting to create hysteria so that it can succeed with its plans by making people believe that this country is involved in a life and death struggle, when the Government itself believes no such thing. Honorable members of the Government assert that the position now is as grave as or graver than it was during the preceding two world wars. I suggest that nothing could be further from the truth, and that honorable members on the Government side know it.

The Postmaster-General referred to the Australia First Movement, and listening to him one would imagine that every member of that movement who was interned on the information in the possession of the military intelligence authorities was subsequently proved to be completely free from any guilt. Such is not the case. Certain of the members were subsequently proved to be free from guilt, but it is also true that there was evidence against some of them to prove that they were pro-Japanese and fascist. The Postmaster-General, who, to-day attacked the then Attorney-General, was the man who took up the cudgels, on behalf of every member of the Australia First Movement, many of whom were engaged in sedition and espionage. A proper examination of the facts will disclose that the then Attorney-General acted in the only possible way in that situation.

Some reference has been made to division in the ranks of the Labour party. There is no division in the ranks of the Labour party in regard to this measure, as the members of the Government will find when we go to the country. Every

Mr. Ward.

member of the Labour party to-day, although some may have been a little slower than others in seeing the danger ahead, recognizes the real purpose and intention of this Government. Once the Government is able to stifle free speech and prevent criticism of its acts, the way is clear for it to impose its will on the Australian community. It will then be found that, if this Government imposes conscription for overseas service and declares that soldiers are necessary to fight communism in some part of the world, any one who dares to raise his voice against the Government upon the issue of conscription will be declared to be a Communist. He will be branded a Communist because he is opposed to conscription which the Government has considered necessary in the battle against international communism. If that is not a possibility let any honorable member get up and tell us why, if the Government's real and only purpose was to deal with the Australian Communist party and its members, it did not confine the provisions of the bill to that organization. The preamble to the bill shows that its scope is much wider. It recites—

... activities or operations of, or encouraged by, members or officers of that party and other persons who are communists ...

If this bill becomes law, strike action by workers will be no more in this country, no matter what the issues. That would please the wealthy supporters of the Government. The Leader of the Opposition (Mr. Chifley) has said, and I repeat, that we hope the day will never arrive when workers will lose their right to strike after having tried every other method of obtaining justice. The Government wants to take that right from them, and it can do so under this measure. If an industrial dispute brought about a stoppage of work, the Government itself, not a judicial body, could declare the leaders of the strike to be Communists under the definitions contained in this bill. By taking their leader from the striking workers the anti-Labour Government could most likely cause the collapse of the strike in a very short space of time. Therefore, the real purpose of the measure is to destroy freedom of speech and to deprive the workers of the right to exert every endeavour to remedy what they may regard as an injustice.

Opposition to the bill is not confined to the Labour movement or the trade unions. Men who have been politically opposed to Labour in the past have pointed to the dangers inherent in it. I commend to supporters of the Government a pamphlet written by Dr. Frank Louat, entitled *Government Must Guarantee Free Speech*, in which he issues exactly the same warning as members of the Labour party have done. In that pamphlet, Dr. Louat states—

That is why a dictator who plans to deprive the people of their rights must begin, and has always begun, by taking away from them their primary right to disagree with what he is doing. Once public opinion is suppressed all things are possible.

Under this measure, the Government seeks to stifle the voice of Labour and to destroy the great trade union movement and if it succeeds the people will find it hopeless to endeavour to remedy injustices. Another gentleman, Mr. Norman Cowper, who, I may say for the benefit of new members on the Government side of the chamber, has stood as a candidate against Labour on a number of occasions, criticized this measure in a statement published in the *Sunday Telegraph* of the 23rd April last, in which he said—

I well remember being assured by responsible citizens that the country would be ruined unless the unions were suppressed . . . No group of men which seeks to remedy abuses or encourage unpopular doctrines will be safe

. . . Already there is a tendency to brand as Communists all who differ from opinions generally held or who are dissatisfied with conditions as they find them.

I repeat that Mr. Norman Cowper is a supporter of the Government parties. Even in this chamber supporters of the Government have falsely suggested that certain members of the Labour Opposition, if they are not actually members of the Communist party, believe in the theories and philosophy of communism. Those honorable members have said that there is no difference between communism and socialism. Government supporters in their propaganda during the last general election campaign described Labour members, not as members of the Labour party, but as Socialists. If there is no difference between socialism and communism, the Government, in effect, is asking the Opposition to give it power to destroy the Labour party. How foolish

we would be to help the Government to destroy our party! When the Prime Minister (Mr. Menzies) was making his second-reading speech on this measure when he originally introduced it in May last, I asked by interjection certain questions, and in reply to them he indicated that the powers which the Government is seeking under the bill were sufficiently wide to enable it to declare members of the Labour party. That fact reveals the wide scope of the bill.

I shall now examine some of the amendments that the Opposition proposed in May last in the interests of the community. First, I refer to the onus of proof provision. I am not a lawyer, but, probably, I know a great deal more about what might be regarded as British justice than do some of the "six-and-eightpenny" lawyers who sit on the Government benches in this chamber. The Government claims that under the bill as drafted the onus of proof will pass to the Crown if a declared person merely goes into the box and swears that he is not a Communist. That is a complete deception, because that will not happen. A person who is declared will be obliged, if he wishes to oppose the declaration, to give evidence in person, but when he enters the box to give evidence on oath he will not know the nature of the charge preferred against him other than that, broadly, he is a Communist and is engaging, or likely to engage, in activities prejudicial to the safety of the Commonwealth. He will not be furnished with any details of the charge, but he will be subject to cross-examination and, regardless of the result of the cross-examination, the Crown will not be obliged to call one witness to prove its case because under the measure the declaration itself will be *prima facie* evidence of the charge. The judge will then decide the issue and should he have the slightest doubt in his mind he must find in favour of the Government.

What would be the position of a declared person who happened to be a trade union leader? Is it not probable that a judge might be prejudiced against him solely on the basis of reports that had been published from time to time in the press about the accused in respect of his trade union activities? Let us assume that such a person was

declared and from the box denied that he was a Communist or that he was engaged or was likely to engage in activities prejudicial to the safety of the Commonwealth. The Government need not attempt to prove its charge. The declaration would be *prima facie* evidence of the charge and in such circumstances the judge would probably tend towards the view that the Government would not have taken action against the accused unless it had sufficient information to justify it doing so. Consequently, when the judge came to decide the issue between the Government of the country on the one hand and an individual on the other, I have no doubt that in 99 cases out of 100 the accused would not have a chance. In such circumstances the judge's mind would obviously tend in favour of the Government.

Why does not the Government put this issue in its proper perspective and undertake to produce evidence in support of any charge it may make against an individual who is prepared to swear that he is not guilty? The Government steadfastly refuses to do that. On the contrary, it resorts to deception in an attempt to lead the public to believe that the Opposition's objection to the onus of proof provision has been met. The Labour party will not accept that position. Government supporters claim that if the onus of proof were placed upon the Crown, officers of the security service would be obliged to give evidence from the witness-box and would thus expose the sources of their information. However, in the United States of America members of the Federal Bureau of Investigation invariably enter the witness-box and give evidence under oath. Recently, ten or eleven members of the Communist party in the United States of America were charged with engaging in activities prejudicial to the safety of that country, and as the hearing proceeded the American Government was obliged to produce evidence in support of the charges through witnesses who were subject to cross-examination. What does this Government propose to do in similar instances?

All honorable members are aware of the widespread public criticism that has been levelled against this legisla-

*Mr. Ward.*

tion. The mere fact that the Government was obliged to effect so many amendments to the bill as it was introduced originally in order to allay doubts in the minds of the people is proof that the measure was shoddily drafted. Now, Government supporters are trying to delude the people by indulging in high-sounding phrases. One might be led to believe from the references that have been made to the Governor-General in Council that the Governor-General himself would decide what persons were to be declared, but we know that the Governor-General in Council means the Government itself. Indeed, one or two Ministers may decide who may be declared. In order to meet that criticism the Government agreed to amend the original measure to provide that a declaration shall be made only after a committee of five persons consisting of the Solicitor-General, the Secretary of the Defence Department, the Director-General of Security, and two other persons to be appointed by the Government has considered the available evidence. But that committee will peruse only evidence that is submitted to it by the Government.

That provision will not give any protection to the individual, because a person who is declared will still not be informed of the nature of the evidence or the name of the person submitting it on which the declaration will be made. In fact, a person will not know that he has been declared until the declaration has been published in the *Gazette*. Furthermore, what sort of evidence will this committee be obliged to rely upon? Probably, it will have to form its judgment upon the contents of an anonymous letter, or some report that has been given to the Government by some pimp, or a report that may be submitted to the Government by officers of the security service. Security officers are obliged to exercise discretion, but the Government has not yet said that the material to be submitted to the committee will be confined to reports by such officers, who would be responsible to a Minister, or to a government department. But the bill does not provide that the information upon which the Government will act shall be restricted

to the information that is obtained by members of the Security Service. I believe that the Government will act on any information and, in many instances, it will act on no information whatsoever. The Government wants to dragoon certain members of the community with whose views it disagrees, and whose activities it regards as dangerous, not to the community, but to itself. Therefore, anybody who suggests that our objection in respect of the onus of proof has been met, has not examined the amendments, or what the Government has submitted as an alternative.

I believe that the Government is not anxious to deal with the Communists. The position is ridiculous. If the Government really means business, why does it not do as it originally declared that it would do if it were elected to office? The Government did not say, when it constituted the Opposition in this chamber, that, if given the opportunity, it would bring down legislation of this kind. Indeed, honorable members opposite stated from time to time that if they were returned to office, they would not take action against the Communists until a proper investigation had been conducted. The Prime Minister himself, speaking as the Leader of the Opposition in this House on the 9th October, 1947, said—

I want above all things that we should have in Australia, as there has been in other countries, a searching inquiry into what these people are doing and how they manifest themselves; and on the result of that inquiry the whole future policy of the party which I have the honour to lead will depend.

No such inquiry has been made. The Government of Victoria appointed Mr. Justice Lowe a royal commissioner to inquire into the activities of the Communist party, and I regard it as significant that honorable members opposite have not read extracts from his findings either in this debate or in the previous debate on this bill. The Government is avoiding any mention of Mr. Justice Lowe's report, because His Honour did not find evidence to support the contentions in the preamble of this bill.

I shall now examine another aspect of this legislation. When the Chifley

Labour Government vacated office, there was no evidence in its possession that anybody in this country was engaged in the activities that are specified in the preamble. Had there been any evidence of those activities, the Chifley Government would not have waited to introduce special legislation, but would have immediately taken action under existing legislation. The Menzies Government has been in office for nearly twelve months. If it possesses any evidence to show that Communists are guilty of the series of crimes to which reference is made in the preamble, why has it not taken action against them? Let us examine what the Government proposes to do. I listened with great interest to the speech of the Prime Minister, who stated that he could not understand why the Opposition was insisting upon trial by jury, and why it wanted the onus of proof to be placed on the Crown. The right honorable gentleman said that, under this bill, criminal charges would not be preferred against any person, that if deemed guilty they were not to be put in gaol, and that no action was to be taken against them other than to dismiss them from the Public Service or from the positions that they occupied in key unions. Those statements are evidence of great hypocrisy, because, in point of fact, if the preamble is not a recital of the gravest of crimes in the calendar, I do not know the meaning of the English language. After the Prime Minister had accused and condemned Communists as guilty of those grave offences, what did he propose to do? He said, in effect, "We do not propose to destroy them completely, under the provisions of the Crimes Act. We do not propose to put them in gaol or to intern them. We do not propose even to deprive them of their liberty". Those men will be permitted to roam at large, and to continue their activities as enemy agents, as members of a fifth column. This bill permits them to do so. Is that not indicative of the hypocrisy of the Government?

I shall tell the House why the Government has not instituted criminal proceedings against those men. It knew that if they were charged with criminal offences, the Australian public would insist upon the observance of the legal

principle that a man's liberty should not be taken from him until he had had a fair trial, in which the onus of proof had been placed upon the Crown. If the Government has evidence against the men whom the Prime Minister has named, or against certain organizations in this country, that they are engaged in criminal activities it should institute proceedings against them under the Crimes Act, which provides for the imposition of substantially heavier penalties where guilt is proved. However, each of the accused would have a fair trial, and the onus of proving the offences would rest upon the Crown. I shall reveal to the House what was in the mind of the Government when it introduced this bill. It proposed to give to various authorities who could be appointed by the Minister, the right to force their way into the home of any Australian citizen for the purpose of searching for evidence that might be used against him. That could have meant a repetition in this country of what has happened in Fascist countries overseas, because if ever there was legislation designed to establish a police state, it is this bill.

It makes me sick to hear honorable members opposite, particularly members of the legal profession, talk continually about preserving the rule of law and then deny this protection to certain people in this country. The legislation does not specify that its provisions shall be applicable only to members of the Australian Communist party. It could be made applicable to any person with whom the Government feels displeased. That person would not have the right to claim a fair trial, and would not be able to elect to have his appeal heard by a jury. Many people in this country will look very suspiciously at certain honorable members who always talk about defending democracy but who act like fascists.

**Mr. SPEAKER.**—Order! The honorable member has exhausted his time.

Motion (by Mr. TOM BURKE) negatived—

That the honorable member for East Sydney (Mr. Ward) be granted an extension of time.

**Mr. TOM BURKE.**—I thought the "Ayes" had it.

**Mr. SPEAKER.**—Do honorable members desire a division?

**OPPOSITION MEMBERS.**—No.

**Mr. WARD.**—Mr. Speaker, I understand I have been granted an extension of time.

**Mr. SPEAKER.**—No; I stated that the question had been resolved in the negative.

**Mr. WARD.**—I misunderstood the position. I thought that some honorable gentlemen opposite said, "The 'Ayes' have it" and that others called off the division.

**Mr. BEALE.**—Members of the Opposition said that they did not require a division.

**Mr. WARD.**—Will you, Mr. Speaker, re-state the question?

*Mr. Speaker having re-stated the question and having declared it resolved in the negative,*

**Mr. WARD.**—I, too, think that the "Noes" have it.

**Mr. SPEAKER.**—As the "guillotine" is now in operation, I should like honorable members to indicate whether they wish me to suspend the sitting until 8 o'clock.

**OPPOSITION MEMBERS.**—No.

**Mr. SPEAKER.**—Very well. I call the honorable member for St. George (Mr. Graham).

**Mr. GRAHAM** (St. George) [5.52].—I support the bill. At the outset, I should like to refer to some of the remarks that have been made by the right honorable member for Barton (Dr. Evatt) and the honorable member for East Sydney (Mr. Ward). I remind the House of the circumstances in which the bill was introduced in this chamber. During the last ten, or even fifteen years, the people of Australia have become increasingly aware of the menace of communism in their country. They have repeatedly seen under Labour administrations as under non-Labour administrations, evidence of the political and industrial chaos that has been caused by the Australian Communist party. By way of example, I need cite only the general strike on the coal-fields in 1949, and the references by the then Prime Minister, Mr. Chifley, to the Communist party and its conspiracy against the Australian people. It

was the considered opinion of the Australian Labour party that in July, 1949, the Australian Communist party had entered into a conspiracy against the Australian people in order to cause confusion, loss of production and the complete overthrow of constitutional authority in this country. I believe, with good reason, that members of the Australian Labour party at that time would have supported, and, in fact, I know that they did support, their Prime Minister and the then Attorney-General, Dr. Evatt, in the action that was taken by the government of the day against the Communist party during the whole strike.

The House will recall that the present Prime Minister (Mr. Menzies), who was then the Leader of the Opposition, endorsed the action of the Labour Government when it ordered the army to work the coal mines in New South Wales in order to break the strike which, the Government had stated, was inspired by the Communists. Ever since the Liberal party came into existence five years ago we have contended most vehemently that the Communist ideology, and the Communist party itself, must be outlawed in Australia. In 1949, the banning of the Communist party was the principal plank in our platform, and the people of Australia who elected the Liberal party-Australian Country party Government at the general elections last December, have expected us to take positive action to give effect to our mandate, and to honour our election promises. I am confident that when this bill was originally brought before the Parliament early this year, the people of Australia hoped that the Australian Labour party, acting with that sense of national responsibility and duty that we are entitled to expect of any great political organization that has the interests of Australia in mind, would lend its enthusiastic support to the measure which we all knew to be vital and urgent. Instead, the bill was opposed on purely political grounds. We heard from Opposition speakers hypocritical statements and invalid arguments. We know, however, that in their hearts members of the Australian Labour party, except perhaps those who believe communism to be a form of political philosophy, recognize the need for this

measure. If communism were, in fact only another political philosophy, to be tolerated as other political ideologies are tolerated, there would be no need or justification for this bill, but that is not so. Members of this Parliament, and the people of Australia, have had it made abundantly clear to them that, unless we take positive action against the Communists, Australia is doomed. In the course of debates in this House on defence and international affairs, we have been warned again and again that the sands of time are running out in Asia, and particularly in the Pacific area. There is evidence that, with the growth of Russian strength in Europe, the sands of time are running out there, also. I myself have given illustrations of that. I have pointed out that the German army captured at Stalingrad and now indoctrinated with communism, is an organized co-ordinating force in Eastern Germany that can be used to further the plans of the Politburo.

*Sitting suspended from 6 to 8 p.m.*

Mr. GRAHAM.—The urgency with which we treat this measure is dependent upon a proper appreciation of international problems as well as domestic problems. If we do not defeat the Communist menace internally, we shall have no hope in the long run of defeating it externally because it is operating in every member country of the United Nations. Many references have been made in this House during the last four or five months to the international activities of the Communist party in Greece, Poland, Czechoslovakia, Eastern Germany, China, Malaya, Indo-China and elsewhere. I propose to refer briefly to the campaign in Korea because I believe that that struggle has brought home to the people of the world a full realization of the magnificent and terrifying efficiency of the Communist organization. In Korea we have seen evidence of the formation of a corps of fighting men which has been trained within a few years to handle modern equipment and weapons. We take years to train our own brigades to achieve such results as have been achieved by the North Korean forces. Those are plain military facts that this House would be ill-advised to ignore and they give urgency to this

bill, which is designed primarily for the defence of the realm. The security of Australia is involved.

There has been a great deal of conjecture and misguided and ill-advised talk about the onus of proof provision that is contained in the bill. I confidently believe that a great majority of the members of all parties represented in this Parliament agree in their hearts that, if the Crown is to accept the onus of proving that a declared person is a Communist, that person should be prepared to go into a court of law and swear on oath that he is not a person who should have been declared under the terms of the legislation. No decent Australian would hesitate to come forward and swear that he was not a Communist. References have been made to the numerous legal difficulties that would be involved in the proposed procedure, and I should not attempt to pit myself on those issues against such authorities as the right honorable member for Barton (Dr. Evatt). However, I say that the House would do well to consider some of the statements that were made in this chamber earlier to-day, when it was clearly shown that legislation similar in essence to the bill that is now before us had been introduced previously for proper purposes involving the security of the nation. I consider that the human element of possible wrongful declaration is adequately guarded against in the provision which relates to the collection of evidence by our security organization and its examination by a special committee of the kind that is specified. It would be absolutely absurd to imagine that such people as the secretary of the Department of Defence, the Solicitor-General and the Director-General of Security would be unjust and anti-British. Furthermore, any proposed declaration must be submitted to the Cabinet which, in effect, would be a jury consisting of nineteen of the most responsible citizens in Australia. It would be improper to suggest that such men, who would reflect the political opinions of the majority of the electors, should not have at least some firm say in relation to the defence of the country. I am convinced that many people whose political views are opposed to those which I entertain agree with me on those points

and I appeal to them to elevate this issue to its proper position.

This is a national issue and we should not, merely for political reasons, engage in chicanery and absolutely idle criticism in an endeavour to sabotage the bill. The people of Australia want communism to be outlawed. They want its activities to be terminated promptly and completely and, unless the Opposition party in this Parliament acknowledges to the full the national responsibility that rests upon it, the electors will express their disapproval in unmistakable fashion. The Government fortunately is in a position to defy the Opposition and say, "Let us get on with the job quickly because national security is at stake". The men who are fighting to-day in the Korean campaign, on the sea, on the land, and in the air, will expect us to make a determined effort to defeat communism in Australia. We and the people of Australia owe a great debt to them because they are fighting Australia's battles in Korea. That campaign is being waged in defence of our Commonwealth and all other members of the United Nations. I deplore the introduction of personal criticisms into debates in this House. Such departures from the proper standards of this Parliament are objectionable to all decent Australians and are an affront to the nation. Therefore, I deem it my duty to remind the honorable member for East Sydney (Mr. Ward) that, although he may consider that it is his privilege to criticize the Prime Minister as he did earlier in this debate, the representatives of the peoples of the United Kingdom and the United States of America in London and Washington recently expressed opinions that differed markedly from those that he uttered. Films that have been exhibited in Sydney recently show that the elected representatives of the people of the United States of America assembled in Congress, gave our Prime Minister a tremendous welcome. We should realize with great pride that the right honorable gentleman is the finest representative of this country ever to have left these shores. No doubt the honorable member for East Sydney may consider me a little harsh in the view that I am about to express concerning him, but I cannot help feeling that if

he had undertaken a trip overseas to represent Australia similar to that recently made by the Prime Minister he would not have received nearly so flattering a welcome as that which was accorded to the Prime Minister.

I propose now to refute some of the statements made by the honorable member. He said that the offences referred to in the preamble to the bill are already covered by the Crimes Act, and that indictable offences against the security of the country render a person who commits them liable to punishment by death. On examination of the Crimes Act I find that the penalties provided for offences against the security of the country vary according to the circumstances of the offence; but it is typical of the honorable member and many of his colleagues that he should attempt to mislead the House by stating a half-truth. Sub-section 1 (b) of section 24 of the Crimes Act provides that—

Any person who within the Commonwealth or any Territory assists by any means whatever any public enemy, shall be guilty of an indictable offence and shall be liable to the punishment of death.

It is perfectly clear that the crime contemplated by that sub-section is the offence of treason in time of war. Section 30c provides that a similar offence committed in time of peace shall render the offender liable to a penalty of two years penal servitude.

As I have said before, the bill is intended to safeguard the security of the country and is not intended to punish saboteurs and those who do evil things in the community. The whole object of the bill is to prevent damage being done to the security of the country. It is idle to provide elaborate punishment for saboteurs after the offence has been committed and the damage has been done. Therefore, the present bill seeks to safeguard the security of the country by enabling prospective saboteurs to be dealt with before they can harm us.

Mr. WARD.—The honorable member has not read the bill. It is plain that he does not understand it.

Mr. GRAHAM.—The bill aims at dealing with prospective saboteurs before they have an opportunity to sabotage us. Under the Crimes Act it is necessary for the Crown to call corroborative witnesses

and to tender the most complete evidence in order to prove the guilt of an accused person.

Mr. CLYDE CAMERON.—How do we know that the honorable member himself will not be accused of carrying out some act of sabotage?

Mr. GRAHAM.—I have held some responsible positions in the service of His Majesty the King in times of war, and I believe that on those occasions I was considered to be a trustworthy person.

Mr. CLYDE CAMERON.—And so are some of the trade union secretaries.

Mr. GRAHAM.—I do not contest that. In fact, I know that amongst the trade union secretaries are some of the finest and most loyal citizens we have. The honorable member for Hindmarsh (Mr. Clyde Cameron) has said that I might be adjudged guilty of some form of disloyal conduct, and I was merely endeavouring to rebut that assertion.

The honorable member for East Sydney made one assertion which I considered to be rather humorous. He said that there was no division of opinion in the Australian Labour party about the merits of this legislation. The honorable member went further and said that all members of the Labour party would go out to the people together to fight this legislation. I observe that he has since left the chamber. In reply to his rather bold assertion, I say that if honorable members opposite persist in their attitude towards this bill and refuse to accept their responsibility to the nation or to discharge their duty to the people who have fought and worked for Australia in two world wars, then they will assuredly be met with an angry challenge by the people to come into the open and say whether they are for or against communism. Concerning the honorable member's assertion that members of the Australian Labour party will go to the people as a united group, it is hardly necessary for me to remind members of the Opposition that we know that they cannot, and will not, obtain unity amongst themselves in opposition to this measure.

We know that despite the menace of Communist sabotage throughout the years when Labour was in office, that party made no attempt to legislate against it.

Of course, in making that statement I realize that many of the members and supporters of the Australian Labour party would have welcomed action against the Communists, which proves that a great many of them are loyal citizens and good Christians, who cannot possibly acquiesce in the attitude of their party towards this legislation. That is why I refute the statement made by the honorable member for East Sydney that there is no division of opinion in the Labour movement about this bill. I know, and the honorable member knows, that there is a great deal of division of opinion on the matter.

**Mr. CLYDE CAMERON.**—Like the division of opinion in the anti-Labour parties about the imposition of a tax on wool!

**Mr. GRAHAM.**—The wool-growers in my electorate have not been vocal. I refer now to the statement made by the honorable member for East Sydney that the Government is using the bill as a smokescreen to cover other difficulties with which it is beset. One of the greatest, if not the greatest, factor in the present inflationary spiral is the disruption in industry and consequent curtailment of production caused by the Communist party as a deliberate part of its plan to destroy democracy everywhere.

Undoubtedly the Government is beset by many problems at the present time, but the greatest problem that confronts it is the proper defence of the realm. It will not avail us to develop this country if we shall not be permitted to continue to occupy it. To-day Asia presents the greatest threat that Australia has ever known. Let me refresh the memories of honorable members by recalling that during the recent war the Japanese moved from Kota Bharu to Timor in two months. Do not let us imagine that the armies of Mao Tse-tung are not as ruthlessly efficient as the Communist forces of northern Korea have proved themselves to be, or that they are not capable of repeating the rapid thrust of Yamashita and his Japanese troops during the recent war. They are quite capable of driving to Timor in two months.

**Mr. WARD.**—And the Government which the honorable member supports wants to re-arm the Japanese!

**Mr. GRAHAM.**—In reply to the honorable member, let me say at once that no Australian, and certainly no Australian who has fought the Japanese, would want to re-arm them. I have previously expressed my view that, if the \$8,000,000 Japanese people were removed from the face of the earth, their disappearance would not be any loss to the world. However, if it becomes necessary, for strategic reasons, to re-arm the Japanese and to make of Japan a virtual aircraft carrier in order to protect the democracies and to preserve our freedom—and that is the view taken of Japan by General MacArthur and other authorities on military strategy—

**Mr. SPEAKER.**—Order! The honorable member must not develop that theme any further. This is not a debate on international affairs.

**Mr. GRAHAM.**—I have dealt with the reference made to the Crimes Act by the honorable member for East Sydney. Let me say now that during the last five months while the progress of this measure has been obstructed by the Opposition, the internal saboteurs have been given a wonderful opportunity to re-organize themselves in order to continue their resistance underground. If that resistance is allowed to continue it must inevitably sabotage the security of Australia. I conclude, therefore, by expressing my hope that the Opposition will realize its responsibilities, and will give the country an opportunity to defend itself against this internal menace.

**Mr. CHIFLEY** (Macquarie—Leader of the Opposition) [8.19].—Concerning the speech of the honorable member for St. George (Mr. Graham), I desire to say only that his remarks are almost entirely irrelevant to the real issues in the debate. The honorable member devoted a great deal of time to discussing the menace of communism, although I felt this afternoon that the right honorable member for Barton (Dr. Evatt)—irrespective of the attitude of honorable members opposite towards his political beliefs—had given a brilliant exposition of the real points in the debate and of the real differences between the point of view of the Government and that of the Opposition in this matter. That was elaborated, in eloquent terms, by the honorable member for

East Sydney (Mr. Ward), who gave some very pointed illustrations of what could happen under a bill such as this one. I should not have felt obliged to repeat the points that were so clearly made by the right honorable member for Barton had it not been that the honorable member for St. George traversed the same ground that has been traversed repeatedly by Government supporters. The Prime Minister (Mr. Menzies) has sufficient intelligence to realize that the Labour party has done nothing to stop the Government from banning communism.

Mr. WHITE.—Except by its opposition.

Mr. CHIFLEY.—The interjection of the Minister for Air (Mr. White) shows that it is necessary for me to repeat the facts. I shall enumerate them only very briefly, because it is apparent that honorable gentlemen opposite have said what they have said only for political reasons. The members of the Government are not so unintelligent that they cannot discern the real issues in this debate.

First, the bill as amended by the Labour party majority in the Senate gave to the Government absolute and untrammelled power to ban the Communist party completely and to confiscate its property, without compensation. I do not think any honorable gentleman opposite will deny that such powers were contained in the bill as amended by the Senate.

Mr. TURNBULL.—Of course they were.

Mr. CHIFLEY.—It is just as well that Government supporters should admit that straight away. The bill, in the form in which it was returned to this chamber from the Senate and in which it was laid aside by the Government, gave to the Government complete authority to ban the Communist party in this country, and to confiscate all its property without paying any compensation. It also gave to the Government complete authority in regard to the trade union officials about whom its supporters have spoken. Some Ministers of the Government, since they assumed ministerial office, have conferred with those trade union officials upon trade union affairs, as some honorable

gentlemen on this side of the chamber well know, because they are officers of some of those unions. Ministers of this Government have not been so high and mighty in the conduct of their administrative duties as to refuse to confer with some of the persons about whom they have spoken and who are avowed Communists.

The second point is that nothing that the Opposition majority in the Senate did would have prevented the Government from declaring as illegal any organization that it considered to be in some way a subsidiary of the Communist party, or from making a declaration against any individual in the community that it believed to be a Communist, or to be engaged, or likely to engage—which almost calls for mind-readers—in activities prejudicial to the security of the Commonwealth. I do not propose to go into details, but those are the outstanding characteristics of the bill in the form in which it was returned to this chamber from the Senate. Under the bill in that form, the Government had complete and untrammelled power to ban the Communist party and to confiscate its property without compensation, and the Communist party would have no right of appeal. It also had complete authority to remove from office any trade union officials that it deemed to be Communists, and to declare as illegal any organization that it considered to be a subsidiary of the Communist party.

Mr. McCOLM.—It had no power to make the bill effective.

Mr. CHIFLEY.—I am dealing with facts, not with generalizations. If any Government supporter denies any of the statements that I have made, it will be apparent that he does not know anything about the contents of the amended bill, which, I say in passing, the Government refused to have printed, despite a request for that to be done which was made by the right honorable member for Barton. The Government was afraid to let the country know the contents of the bill in the form in which it had been approved by the Labour majority in the Senate.

Mr. SPEAKER.—Order! I point out to the right honorable gentleman that

that is a matter for the Senate, not for this House.

**Mr. CHIFLEY.**—I was referring to a request made by the right honorable member for Barton to the Minister for Commerce and Agriculture (Mr. McEwen), who was then in charge of the House, that, for the information of honorable members, the Government should arrange for the amended bill to be printed. The Minister said that he had no doubt that the request would be acceded to, but next day we were told that, on somebody's orders—doubtless those of the Prime Minister—the bill would not be printed. Mr. Speaker, I apologize if I transgressed by referring to another place. I wanted to confine my remarks to what has happened in this chamber, and to what the Prime Minister or the Government has done in relation to giving information to honorable members of this House.

The essential differences between the Government and the Opposition on this matter were stated very clearly by the right honorable member for Barton. I am concerned particularly with the effect of the bill upon individuals. It is useless for the honorable member for St. George or any other honorable member opposite to make threats to me about political consequences. If I believe that something is right and just, and that it should be fought for, I do not allow threats or the chances of electoral defeat to deter me from fighting for it. I do not propose to elaborate the attitude of the Labour party in regard to organizations. Provision was made in the bill in the form in which it was returned from the Senate for a declared organization to have a right of appeal upon the question of whether it was a Communist organization, and also upon the question of whether its activities were, or were likely to be, prejudicial to the security of the country.

I regard clause 9 of the bill as a most dangerous provision. I do not make that statement for any political reason, but because, in my inmost heart, I believe it to be true. I am speaking now as one who has been associated actively with trade unionism and with the fight, through the years, on behalf of people who cannot claim to

*Mr. Chifley.*

belong to the higher social strata of this community. I refer to the ordinary men and the ordinary women in the community, who, when they are in trouble, usually have not many friends. I shall deal with clause 9 particularly, but my remarks refer also to clause 5. The Opposition is not asking the Government to deny itself the right to declare an individual to be a Communist or a person whose activities are prejudicial to the security of the country, or are likely to be prejudicial to it, which is a most extraordinary provision. I do not know how the committee that the honorable member for St. George has mentioned would be able to read people's minds, and say what they were likely to do. The Opposition asks for no more than that the ordinary principles of British justice and the ordinary processes of law should be used to try a person who is charged under any statute. We ask that he should be given an ordinary fair trial by an ordinary judicial process. A "Communist", as defined in the measure before the House, need not be a Communist as the term is ordinarily understood. The average citizen regards a Communist as a person who is a member of the Communist party, or is a close fellow-traveller of Communists. He does not think that all types of people who have never had anything to do with communism, or have never been members of the Communist party, or have never advocated the principles of communism, should be declared. Although influential people in the community could afford to engage high-class legal advocates to defend them, the ordinary men and women in the community, including trade union officials and trade unionists, may not be in that position. We must realize that, as the measure stands, any person in the community, including the honorable member for St. George (Mr. Graham) could be declared to be a person likely to do something to the prejudice of the security of the nation, not by an open court or an ordinary judicial process, by men trained and specially appointed to be impartial and above partisanship, but by politicians, on evidence of which he is not aware. If any honorable member, or any member of the community for that matter, were

charged with being a Communist, or with anything reflecting on his honesty or loyalty, or with conduct alleged to be treasonable, he should have the right to be judged according to the ordinary processes of law. As matters stand in this measure he could be declared without even being aware of the information filed against him, and without a charge having been made against him in a court. The onus of proving his innocence rests not on the Crown but on the declared person. In order to do so he would have to go into the witness-box and be subjected to cross-examination by highly skilled and highly paid advocates especially placed there for the purpose of convicting him. As the right honorable member for Barton (Dr. Evatt) has already pointed out, as soon as the Crown submitted its declaration the odds would be in favour of the conviction of the man without the Crown having produced one tittle of evidence to support the charge that he was a Communist or that his actions were dangerous or prejudicial to the security of the country. That is unhappily right. This afternoon the Prime Minister made it perfectly clear that the declared person begins the case "if he gives evidence in person". He is then in the hands of the court.

Mr. GRAHAM.—And then the onus of proof is on the Crown.

Mr. CHIFLEY.—I have been advised by eminent lawyers that, having entered the witness-box, the declared person could be convicted on the charge of being a Communist, or that he was a person whose conduct was prejudicial to the security of the nation, without the Crown submitting a tittle of evidence other than the declaration.

The honorable member for St. George referred to the committee that is to be constituted to advise the Executive Council. Although the integrity of Sir Frederick Sheddell, Professor Bailey and Colonel Spry is beyond question I realize that they may be in their present positions to-day and engaged on other duties to-morrow. However, the fact remains that there is no question about their standing. Those men are to be members of the committee because of the offices that they hold. However, I point

out that the decision that a person should be declared would not rest with them. A person whom the committee recommended should be declared would have absolutely no opportunity of appearing before a Cabinet sub-committee or any other body to disprove charges made against him in secret. The Prime Minister has stated that a declared person would not have to go to gaol. Let me outline the position of an ordinary citizen in the community, such as a fitter and turner or toolmaker in a factory. On a report made to this committee by a person who may be a security officer, that man could be declared a Communist and a person whose actions were prejudicial or likely to be prejudicial to the security of the nation. In all fairness, how could that committee, with no personal knowledge of the man at all, conscientiously judge what he was likely to do in relation to security or sabotage?

My real concern in connexion with this matter is the welfare of the ordinary people in the community. The proposed system could have the approval only of people who, for political purposes, want to develop an hysteria in the community. But, I repeat, honest men with a sense not only of what constitutes British justice, but also of what constitutes natural justice, will agree that any man who has been charged with an offence has a right to know upon what grounds the charge has been laid, and that he should have the right to appeal against a decision. That is all that the Labour party is fighting for in connexion with this measure. The Labour movement is not concerned with what the Government does about Communists. We of the Labour movement have fought communism for a long time. The platform of the Labour party has for decades prohibited a Communist from being a member of that party. Some men who were Communists at one time and whom we would not permit to become members of the Labour party, have since become very close adherents of those who now advocate Naziism. I can recall the history of some of the famous Communists of the world. For instance, there is Ernest Reuter, the present Lord Mayor of Berlin, who was one of the greatest Communists in Europe at one time and

who is to-day praised by the allied occupation forces in Germany as being one of the greatest opponents of communism. I must add that in my own conversations with Herr Reuter I was tremendously impressed by his great ability and sincerity. But times change and opinions change. This afternoon the Prime Minister made an indirect reference to people changing their minds, or something to that effect. I cannot recall his exact words. But I remember very well that there was a time in this House when the most violent opponent of the banning of communism was the present Prime Minister, who expressed his opposition in elegant language and pretty phrases. His quotations about liberty and the sanctity of freedom are classics of expression. He has certainly undergone a great change himself. A few years ago we were told in this House that the only worthwhile Germans were dead Germans. To-day we are talking about re-arming the Germans. Some German war criminals were executed at Nuremberg, but for a number of years no executions of German war criminals have occurred. I have heard no suggestion from the Government that the Japanese will be re-armed, but I read recently—

Mr. SPEAKER.—Order! The Leader of the Opposition must confine his remarks to the measure.

Mr. CHIFLEY.—I wished only to link up that aspect with the fact that a very strong Communist element exists among the Japanese people. I base that statement on official records about the number of Communists in Japan. That means that if we arm the Japanese we also arm the Communists among them. A report in a newspaper, which may or may not have been a reliable report, credited the Prime Minister with saying that during his recent trip abroad the only place in the world in which he did not require a bodyguard was Japan. Apparently he was among friends at last. Possibly the newspaper misreported the Prime Minister's statement, which may not have been made in those particular words.

I return now to the one essential point relating to the measure. I have very strong convictions and I can understand

hatred of communism and of Russian imperialism. In fact I can understand hatred of any form of imperialism, and not only of Russian imperialism, which is hated in many parts of the world. I can understand hatred of the methods of the police state that are associated with communism. The Labour party has long known about those methods and has always fought against them. Democracy requires three elements only—freedom to vote without intimidation, freedom to worship, and freedom of expression. When you have those three things you have democracy, but the result of the right to vote must not be questioned just because some people do not like the government that has been elected. The right honorable member for Barton made a very pertinent observation this afternoon in reply to a reference that another honorable member had made about the Korean affair. The right honorable member pointed out that one of the objectives of the United Nations in Korea was to resist aggression, and that one of its general objectives was the preservation of human rights. I consider that that was an apt retort to those who now seek to load the United Nations with no task but that of going out to fight communism wherever it may appear, or to fight some other movement as vast as communism which might appear.

Honorable members will recall that at San Francisco, Lake Success and Flushing Meadow one of the outstanding principles dealt with by the United Nations related to the preservation of human rights. That principle was not designed to ensure the preservation of human rights for large nations to a greater degree than for small nations. It is in accordance with that principle that the fight is on in Korea. The forces that are fighting in Korea on behalf of the United Nations, including the American forces and the Australian forces which have given valuable aid commensurate to their limited numbers, are fighting for human rights. They are fighting for the right of the people of South Korea to be free from aggression by the people of North Korea, no matter whether the aggressor state is a police state or a democratic state. Despite all cheap eloquence and flurry and talk we

come back to the fact that, as the Prime Minister himself has admitted in his recent broadcasts, the danger to the security of Australia itself is now probably less than it has been at any time during the last twenty years. I think that that is admitted, because as we do not now face in the Pacific a strong Japanese naval or military force the actual danger to Australia is, I repeat, less than it has been at any time during the last two decades.

I do not wish to discuss such side issues in detail so I shall return to the simple issue, which is the right to justice of any citizen in this country, whatever his views, whether he is a Nazi or a fellow-traveller or an ordinary innocent citizen—and ordinary innocent citizens are the people about whom I am concerned, because I am not concerned about what the Government does about communism. I have had as much trouble with communism in my own electorate as anybody else has had. The Labour party in my electorate years ago rooted out any member who showed the slightest disposition towards an association with communism. There is no question about where the people who support and work for me in that electorate stand. The eloquence in which the Prime Minister has indulged in connexion with this matter—and he does it very well, I admit—constitutes an effort to trade upon hysteria raised in the minds of the people of this country, in order to establish a condition which in other countries has been the beginning of the police state. The present measure seeks power to take action for which there is already ample legal power. The Labour party is quite prepared, in another place, to give power to the Government to ban communism, to declare individuals and organizations, and to confiscate Communist property, but it asks that a very simple provision be included in this bill so that innocent people may not be victims of injustice. As I have stated before, it is the innocent people about whom we are concerned. We are not concerned about guilty people. The Healy's, McPhillipses, the Thorntons and their like are all Communists. They concede that they are and everybody knows it. It is not necessary to go before

any court to find out that they are Communists. But there are hundreds of people in the community who have radical views. When once the Government starts to establish the degree to which a man may lean towards some point of view, and then action is taken upon secret information that is not open for rebuttal by the accused person a fundamental principle of British justice and of natural justice is ignored. That principle is that an accused person shall be informed of what he is charged with and be given the right to defend himself under the ordinary processes of the law. [*Extension of time granted.*]

I am the descendant of a race that fought a long and bitter fight against perjurors and pimps and liars and I should be very ashamed to stand for any principle that did not give the ordinary men and women of the community the right to know what they are charged with, the right to defend themselves and the right to have their case heard in public as is done in America and Canada and elsewhere. These people should not be judged by politicians because, as honorable members opposite will admit, it is difficult for a politician not to be biased in regard to a particular line of thought that he has been pursuing. I do not think that even the Prime Minister, with his legal knowledge, would like to be called upon to judge whether a man should be ruined for life by being declared a traitor or guilty of treason and not given the right to defend himself against the charges that are being made. I do not think that any one who has engaged in politics would like to have that task. This bill could affect ordinary people who may be scatter brained or foolish or reckless in their words, but who have no association with communism. They may be trade unionists or other militants. I would hesitate to give to some of the Ministers in the present Government the power to judge any unionist about anything. There are four or five Ministers in this Government whose own utterances show that they not only hate trade unionists but also hate everything associated with trade unions. I am quite prepared to name them because their utterances are in *Hansard*. They have made bitter and violent

attacks on anybody associated with communism. If those honorable members were left the task of judging whether a man were likely to do something I think I know which way their judgment would go. It is wrong to give to any politician, even the Prime Minister, who has been able to change his mind about communism, the power to sentence a man on the evidence of spies and liars and perjurers without the accused having the right to know what the charges are.

The Government's defence of its onus of proof clause is a sham and a farce. Any allegation that the Labour party has prevented the Government from banning the Communists, or confiscating Communist property or declaring any one who is a danger to the security of the country is a political lie. In this country there are men of high integrity and ability in State and Federal courts who have been appointed as judges for their great legal knowledge and whose impartiality has been ensured by their high salaries and generous pensions. To ruin a man's reputation by classing him as a traitor without giving him a right of appeal seems to me to be a departure from the principles, not only of British and American justice, but of natural justice. I think that, if the question were put frankly and plainly to the men and women of Australia, they would say that the individual should be given a fair trial and an opportunity to defend himself against definite charges.

**Mr. TURNBULL** (Mallee) [8.56].—The Leader of the Opposition (Mr. Chifley) has stated that the danger to the security of Australia has never been less in the past twenty years than it is now. That would be great news if it were true. The Prime Minister (Mr. Menzies) has just returned from a trip round the world, in the course of which he conferred with experts at every place he visited. He brought back a story concerning the present world situation which is poles apart from the situation outlined by the Leader of the Opposition. Experts all over the world who have studied the position, not in the isolation of Australia, but at the seat of operations, have said that it only needs a slight flicker to set the whole world ablaze.

There is no need for me to describe afresh the menace of communism because every one knows it is in our midst. It is creeping across the continents of the world and if we had a great world war the children in the street could name the enemy and the people inside Australia whom this bill is designed to put out of operation because they are agents of this foreign power. Of course, every one knows that that power is Russia. At the last general election the people of Australia gave a mandate to this Government to put into operation a measure such as that which is now before the House. This bill for the banning of the Communist party is the basis of action to halt post-war inflation. Without it, any other action would not be thoroughly effective. The Opposition is putting up a smoke-screen in order to prevent the Government from giving effect to its mandate. It is endeavouring to throw the country into confusion in order to gain a political advantage.

For many years Labour had an opportunity of bringing such a bill forward. Was there any talk about it when Labour was in power? None whatever. Only recently have we heard some members of the Labour party speak against communism. I spent two or three years in this House before I heard one member of the Labour Government utter any word against this menace in our midst. It was just as bad then as now but nothing was said about it. Now honorable members of the Opposition say that they are in favour of a bill to ban the Communists. Their statement that they have given this Government certain power is incorrect. When they were in power they did nothing about this matter. In those years the Communist party gained ground in this country and caused confusion. It brought down production on many occasions. The honorable member for East Sydney (Mr. Ward) this afternoon said that there was no evidence of Communist activities in Australia when Labour left office on the 10th of last December. He must have been asleep because every one in Australia knows of the activities of Communists in sabotaging production and in bringing about the condition of inflation that was already well on the way when

the Labour Government left office. The right honorable member for Barton and other honorable members, on numerous occasions, during this debate and when the original bill was before the House, have said, "If a person is declared to be a Communist the stigma will remain on him for the rest of his life". To-day I asked the right honorable member for Barton to say how we should apprehend a Communist.

Mr. CURTIN.—Post him a letter!

Mr. TURNBULL.—Yes, a scented one. The honorable member for Watson (Mr. Curtin) would probably send him a valentine. Although the right honorable member for Barton very courteously answered a question asked of him by the honorable member for Hunter (Mr. James)—

*Opposition members interjecting.*

Mr. SPEAKER.—Order! I ask Opposition members on the front bench to restrain themselves. The guilty ones are chiefly former Ministers of State.

Mr. TURNBULL.—Although the right honorable gentleman courteously answered the question of the honorable member for Hunter he wisely kept clear of the question that I addressed to him. In what other manner could the Government take action against a Communist than by declaring him? Do Opposition members suggest that he be arrested, caught in a man trap or lassoed?

Mr. CURTIN.—Put him in a rabbit trap.

Mr. TURNBULL.—The decision to declare a Communist is to be made not by politicians alone but by a special committee which is to be established, as described by the Prime Minister. How are Communists to be approached? Are they to be untouchable and unapproachable? If objection is taken to a person being declared a Communist, he is to be immune from the law. That is the real purpose behind the opposition to this bill.

Much has been said about affiliated organizations. It has been said that the bill refers to Communists and others and as has been explained on numerous occasions, the "others" are the affiliated organizations. The Opposition is indignant that we should even think of approaching them. It has been said in this House so frequently that I hardly need

repeat it, that if the Communist party were banned it would continue its activities under another name. The Prime Minister, other Ministers and members of the Liberal and Australian Country parties have made it quite clear that the purpose of the bill is to pursue Communists wherever they may go and to stop their activities irrespective of the name by which they may choose to call their party. If the Opposition is able to convince the Government that it must keep its hands off organizations affiliated with the Communist party the Communists will be pleased and will continue merrily to sabotage this country.

The honorable member for East Sydney repeated an old speech, but clothed it in a slightly different garb. He spoke about democracy, as also did the Leader of the Opposition and the right honorable member for Barton. I wonder whether they realize what democracy is?

Mr. WARD.—The honorable member might tell us.

Mr. TURNBULL.—I shall do so. The Labour party's interpretation of democracy as reported in to-day's *Canberra Times* is as follows:—

At the Labour Caucus meeting yesterday, Mr. Chifley told members that the executives had spoken on the bill, and they must accept the decision.

That is the Labour view of democracy. True democracy can only obtain if we have a democratically elected parliament, each member of which records his vote as he thinks fit.

Mr. JAMES.—Does the honorable member believe everything he reads in the newspapers?

Mr. TURNBULL.—Does the honorable member for Hunter contend that the paragraph I have read is untrue?

Mr. JAMES.—Yes.

Mr. TURNBULL.—I believe that it is a true report. I have also been led to believe that even the Labour executive is divided on this issue. Thus, only a small majority of the members of the executive dictates what every Opposition member in this Parliament shall do. Honorable members opposite have said how wonderful democracy is. The honorable member for Grayndler (Mr. Daly) said this afternoon that 49 per

cent. of the Australian people represented by the Labour party in this Parliament must have their views expressed. Almost one half of the members of that party, and especially honorable members representing Victorian constituencies, do not wish to associate themselves with the opposition to this bill.

Mr. POLLARD.—That is not true.

Mr. TURNBULL.—Therefore those opposed to the bill represent only 25 per cent. of the total population.

*Opposition members interjecting,*

Mr. SPEAKER.—Order! If Opposition members do not cease interjecting there will be vacancies in their ranks.

Mr. TURNBULL.—We are well aware that all Opposition members do not wish to associate themselves with the opposition to this bill. Yet all of them talk about democracy and how democracy is operating in this country.

Mr. JAMES.—Tell us something about the bill. The honorable member usually talks only about rabbit traps.

Mr. SPEAKER.—Order! The honorable member for Hunter (Mr. James) must restrain himself.

Mr. TURNBULL.—The honorable member for Hunter has asked me to tell him something about the bill. I realize that I do not tell him anything that he does not already know when I say that the opposition to it is being dictated by a few and that that position makes him uneasy and causes him to break into an uproar.

Mr. JAMES.—I should like the honorable member to say something about the bill.

Mr. TURNBULL.—As I have said so often, we must go to Abraham Lincoln for a definition of true democracy. As everybody knows, Abraham Lincoln defined democracy as government of the people by the people for the people. The important matter to decide is who are the people.

Mr. CURTIN.—The members of the Australian Country party.

Mr. TURNBULL.—The members of the Australian Country party constitute the cream of the people and Australia

depends for its stability and progress on the primary producers whom the members of that party represent.

Mr. SPEAKER.—Order! The honorable member must discuss the bill. There is nothing in the bill about primary producers or the Australian Country party.

Mr. TURNBULL.—Who are the people in this democracy? Are they those who owe allegiance to a foreign country, who are not loyal to our King or to the British Commonwealth of Nations and who are disrupting industry? Of course they are not! Democracy, as defined by Abraham Lincoln, has no place for those who owe allegiance to a foreign power. Democracy gives us great privileges and it demands great sacrifices. Are the Communists prepared to make great sacrifices for this country and for the democracy of which we are members? Certainly not. They are prepared to make sacrifices for the extension of the power of the Soviet Union, and everybody knows it. Because the Opposition is tied down by a Labour executive, which must be controlled by some other executive, its members are prepared to throw overboard this country's chances of progress for the next 50 years. They are prepared, as was indicated by the Leader of the Opposition, to try to make the people believe that the danger to Australia is less to-day than it has been at any time during the last twenty years. That is surely an ostrich-like attitude, because any man who has no stubborn opinion must comprehend what is happening in the world, and must take notice of what military experts, such as Lord Montgomery, are saying. The Leader of the Opposition said that once upon a time the present Prime Minister did not favour banning communism. That may be correct, but, assuming that it is correct, it must be remembered that being consistent is a matter not of keeping to one opinion but of being willing to change one's mind if one sees reason to do so. The Leader of the Opposition will never understand that. He makes a decision and sticks to it through thick and thin, whether it is right or wrong, whether world conditions change or not, and in spite of what the experts think. He assumes that his opinion must

be right because it has been put forward by his party on some previous occasion. The honorable member for East Sydney also holds the same views. The latter gentleman said that under the American legislation it is proposed to put the security officer in the witness-box. I do not know whether that is right or wrong, but I do know that America has a far-reaching anti-Communist bill that has been approved by an overwhelming majority in the United States Senate, and I know that America is also prepared not only to attack the Communists inside its borders but also to send its troops to any corner of the world to wipe out this menace wherever it is to be found.

The provision dealing with the onus of proof seems to be one of the main things exercising the minds of honorable members opposite. When a man is declared to be a Communist according to this bill, he sets out his case but cannot be forced to go into the witness-box and give evidence. As was said by an honorable member to-night, there is no reason why any decent Australian should refuse to go into the witness-box. But if he refuses to give evidence then the onus of proof falls on him. If he goes into the witness-box and gives evidence on oath the onus of proof passes to the Commonwealth. I cannot see anything wrong with that.

Mr. WARD.—The only thing wrong with it is that it is not right.

Mr. TURNBULL.—It is absolutely right, as all honorable members know. The same procedure is followed in any other court once a man goes into the witness-box. The one thing that the Communist does not want to do is to enter a witness-box. If he does he may disclose the secrets of his party, further implicate himself or commit perjury. Therefore, above everything else, he wants to keep out of the witness-box, and the Opposition wants to help him to keep out. The honorable member for East Sydney made a statement which is against the best interests of this country, and does not display a democratic outlook. He said, "A judge would not give a true decision in 99 cases out of 100".

Mr. WARD.—Why does not the honorable member quote me correctly?

Mr. TURNBULL.—I am quoting the honorable member correctly.

Mr. WARD.—That does not quote my statement as it was made.

Mr. TURNBULL.—The honorable member added as a reason for his contention, "because the case for declaring the man in the box would be a government case and he would be swayed by that". I do not agree with the honorable member. I believe that courts in this country have standards as high as those of courts in any other country in the world. I believe that persons appearing before them get a fair and square deal on every occasion. The Leader of the Opposition said that if the Senate amendments were accepted the Government would have complete power to ban Communists. He said, "Let any man in this House deny it", and of course we immediately did so. If the demands of the Opposition were acceded to a declared person could remain dumb and the case could be carried no further.

Mr. WARD.—The Leader of the Opposition said "communism", not "Communists".

Mr. TURNBULL.—There is no difference between the terms. The Leader of the Opposition said that he was fighting for the ordinary man and woman in the street, who, when in trouble, did not have many friends. I say that this bill is put forward to help the ordinary man and woman in the street. The Leader of the Opposition cannot convince any one that the man and woman in the street are going to be at some disadvantage through this bill. The right honorable gentleman said that they would be judged by politicians. That is not so, because the Prime Minister has stated that a special panel will be set up which will fully investigate each case. He also described how such a panel would be constituted. It will be composed of men of the highest standing in their respective positions in this country. In this House the Leader of the Opposition's statement that citizens will be judged by politicians is absolutely incorrect. Opposition members have also stated time and again that no right of appeal exists. New members of the House who were not here during the previous Parliament will not

remember, but others of us well remember our representations to the previous Prime Minister to provide for a right of appeal from decisions of conciliation commissioners and the absolute refusal of the Government to make provision for any right of appeal whatsoever. Honorable members opposite seem to be taking a different view now. It is not correct to say that there will be no appeal under this bill, but it cannot be denied that there is no appeal from the decisions of conciliation commissioners. Opposition members are merely talking humbug in the light of their own past actions when they speak about there being no right of appeal. The Leader of the Opposition said, "Has the present Government lost all sense of national justice?" The answer is "No, but the Opposition has lost all sense of national responsibility". The Government has the great national responsibility of getting on with the job of removing the Communist menace. Because of the deadlock caused by another place we have been unable to move forward. Knowing present world conditions and being aware of their effect upon this country, the Opposition should approach the bill on a non-party national basis and co-operate with the Government in the job of ridding Australia of the Communist menace. Since the original measure was rejected by the Labour Opposition in the Senate, the Communists have had months in which to make their preparations for the day when the bill shall become law. The Labour party must accept the blame for that delay and its results.

I support the bill absolutely. The Leader of the Opposition contended that the Government should accept the Senate's amendments. He said that the Opposition will not accept the bill in its present form. However, certain members of the Opposition approve of the measure. Does the honorable member for East Sydney suggest that those of his colleagues who do not object to it have not studied its provisions?

Mr. WARD.—We are a solid party.

Mr. TURNBULL.—The Opposition is a solid party only because the Federal Executive of the Australian Labour party has cracked the whip. The Leader of the

Opposition, himself, said, "The executive has spoken". Honorable members opposite must accept that decision. I stand for the fundamental principles of our democracy which include the maintenance of law and order, greater production and economic stability, and the banning of subversive elements such as the Communist party. Therefore, I whole-heartedly support the measure.

**Mr. CLYDE CAMERON** (Hindmarsh) [9.22].—The bill is aimed specifically at two sections of the community: first, members of the Public Service and other employees of the Commonwealth; and, secondly, officials of the trade unions. Under the bill in its present form the Government can penalize as Communists only persons who come within those categories.

Mr. OSBORNE.—That is not correct.

**Mr. CLYDE CAMERON**.—The only classes of persons who can be penalized under the bill in its present form are members of the Commonwealth Public Service and Commonwealth employees and officials of trade unions.

Mr. OSBORNE.—That is not correct.

**Mr. CLYDE CAMERON**.—It is correct. That interjection and the statements that the honorable member for Mallee (Mr. Turnbull) has just made convince me more than ever that supporters of the Government do not understand what the measure is all about. It is obvious that they are not aware that a bookmaker, publican, café proprietor or any other person in the community who is not a member of the Commonwealth Public Service or a Commonwealth employee or a trade union official cannot be penalized at all should he be declared under this measure. Under the bill the Government also makes the stupid proposition that whilst a member of the Communist party or a person coming within the very wide definition of "Communist" provided in the measure—which, as I shall show later, could embrace 90 per cent. of the population—can be declared, only members of the Commonwealth Public Service and Commonwealth employees and trade union officials can be penalized under it. That presupposes that a person who is

not a Communist but who may be engaged in subversive activities will be perfectly free to continue his subversive activities.

Mr. OSBORNE.—Has the honorable member read the bill?

Mr. CLYDE CAMERON.—Yes; and when the people have been given an opportunity to read it they will find that what I am saying is correct.

Mr. SPEAKER.—Order! Honorable members on my right must cease interjecting.

*Mr. Curtin interjecting.*

Mr. SPEAKER.—Order! I have already warned the honorable member for Watson. He is one of the most persistent interjectors. I shall not warn him again.

Mr. CLYDE CAMERON.—The people do not fully understand this measure. Certainly, the supporters of the Government do not understand it. The honorable member for Mackellar (Mr. Wentworth), who, in his own opinion I have no doubt, is one of the most learned members of the House, has taken the trouble to write a pamphlet entitled, "The Truth about the Anti-Communist Bill". I shall quote some untruths from that pamphlet and shall expose them for the benefit of the honorable member himself and in the interests of the people. He commenced the pamphlet with a recital of portions of the policy speech that the present Prime Minister (Mr. Menzies) made at the last general election, and from that recital I quote the following:—

Subject to appeal the Attorney-General will be empowered to declare other bodies substantially communist; . . .

The words "subject to appeal" must surely have conveyed to the electors the impression that the appeal proposed would be in accordance with the ordinary processes of law. The bill provides for a limited and useless right of appeal on only one aspect of a declaration and does not provide for any right of appeal on the other aspect. I repeat that no person can be declared under this bill unless he is, first, a member of the Communist party or a Communist as the term is so widely defined in the measure; and secondly, who in the opinion of the Government, is engaged, or is likely to engage, in sub-

versive activities. A person who may be declared will have a limited right of appeal on whether he is a Communist, but no right of appeal at all on the charge that he is engaged, or is likely to engage, in subversive activities. Thus, the Government seeks to introduce in this democracy which at the moment is fighting for liberty in Korea—

Mr. OSBORNE.—Fighting the Communists.

Mr. CLYDE CAMERON.—Yes, because if the Communists in Korea had their way, they would abolish every semblance of democratic life. Yet, under this measure the Government is seeking to institute in this democracy a worse form of tyranny than the Communists seek to establish in Korea.

*Government members interjecting.*

Mr. SPEAKER.—Order! Honorable members on my right must cease interjecting. I shall not give them any further warning.

Mr. CLYDE CAMERON.—I repeat that the bill does not give a right of appeal to a person who is declared to be engaged, or is likely to engage, in subversive activities. That is most important. The honorable member for Mackellar made another inaccurate statement in his pamphlet when he wrote—

However, an organization cannot be "declared" unless a committee consisting of the Solicitor-General, the Secretary of the Department of Defence, the Director-General of Security and two other persons has vouched both for the fact that it is Communist, and also that its continued existence is prejudicial to security and defence or to the maintenance of law and order.

That statement is not true. It is not correct to say that a person cannot be declared unless the committee mentioned vouches for the fact that he is both a Communist and a danger to national security. All that the committee can do is to consider the matter. The bill does not empower it to veto the declaration of a person, nor to recommend that a person be declared. Although the committee might be against the declaration of a person, the Government would still have complete authority to declare him. The honorable member

for Mackellar was completely confused about that position. He also wrote—

If the officers of the organization are willing to go into the witness box, the full onus of proving that the organization is in fact Communist lies on the Crown.

That statement is not true. These matters are important, and they should be fully understood by every member of the community. Clause 5 reads, in part—

At the hearing of the application, the applicant shall begin; . . .

I shall explain the legal position, and I hope that the Minister for Supply (Mr. Beale), who is a lawyer, is listening to my words.

**MR. BEALE.**—I am fascinated by them.

**MR. CLYDE CAMERON.**—I am gratified to have that intimation. I thought that the Minister would be fascinated by them, because he is about to hear something that will be of great value to him later. The position, described in legal terms, is that before a person hears the nature of the charge against him, before he hears any evidence in support of it, and before he has an opportunity of meeting his accusers in open court, and of hearing their evidence and of cross-examining them, he himself must submit to interrogation and cross-examination by counsel representing the Commonwealth. A person who is accused, or suspected of murder, must be informed of the charge against him, and is given the right to hear the evidence in support of the charge, and to cross-examine the witnesses who give evidence against him. Under this bill, an accused person will not have such a right.

Perhaps it will be argued that the Parliament should not give those democratic rights to union officials and to public servants, and that they are not entitled to the same rights as are granted to a person who is suspected of murder, because we are passing through a period of grave national danger and disturbance. As the Prime Minister has explained, the authority that this bill seeks to take is based upon the defence power of the Commonwealth. The right honorable gentleman has admitted that the legislation can stand only so long as the Commonwealth can satisfy the High Court, in the event of an appeal against the validity of the measure, that it has

the right to invoke the defence power in this instance. The preamble begins with a reference to the defence power, and in order to dovetail with that declaration, the bill concludes with a clause that gives to the Governor-General the right to repeal it by proclamation.

Here is the peculiar point that reveals the hypocrisy of the Government in this matter. Although the bill allegedly is based on the defence power of the Commonwealth, which may not be exercised until the country is in dire danger, the only penalty to which a Communist who is guilty of subversive activities may be subjected is disqualification from employment as the secretary of a union or as a public servant. The real Communists in this country have little to fear from this legislation. For instance, all that will happen to a man like Healy is that he will be prohibited from continuing to hold his position of general secretary of the Waterside Workers Federation. However, the bill will not prevent him from continuing to work on the waterfront, from remaining a member of the Waterside Workers Federation, from attending all the meetings of the union, and from submitting motions that are designed to fashion the policy of the organization. If Healy is declared under this bill, the prestige that he already enjoys in the Waterside Workers Federation will be considerably enhanced, because the Government will make a martyr of him, and he will have an even greater influence in the federation. Whether he is standing at the back of the hall, or sitting at the table as the general secretary of the organization, will not matter one iota. Jim Healy will still determine the policy of the Waterside Workers Federation.

How does the Government propose to overcome that problem? How does it hope to achieve any tangible results by removing Healy from his position as general secretary of the Waterside Workers Federation, if he is permitted to remain a member of the union, to attend union meetings, and to submit motions that are designed to bring about the very situation that the Government claims this bill will avoid? Healy will be able to continue to move freely in the community, and to do the things the doing of which has been alleged against

him. Another way of dealing with Healy, and with Communists who are subversive, is by invoking the Crimes Act. The Labour party has consistently advocated the adoption of that course. That act empowers the Government to take really effective action against a Communist who is engaged in subversive activities. For instance, it gives to the Government the right to remove such a person from his position as an officer of a trade union, and from the union itself, and to place him in prison, where every person who is engaged in subversive activities should be placed during a period of national emergency. This puerile bill will not curb the activities of the Communists. It merely provides that they shall not be employed in the Public Service, or hold office in trade unions. They will be completely free to roam the countryside and carry out their nefarious activities as they please.

Mr. DUTHIE.—They are supposed to be traitors.

Mr. CLYDE CAMERON.—That is so. According to the preamble, they are supposed to be traitors, and capable of carrying out, as, in fact, they probably are carrying out, some of the most heinous crimes possible against society. Yet the only penalty that is provided in the bill is disqualification from employment in the Public Service, and from holding office in a trade union. Apart from that, the Government proposes to allow them complete freedom to roam the country, to do as they please, to attend union meetings, to determine union policy, to submit motions at union meetings, and to decide whether members of the organization shall strike. Nothing can be done to prevent them from doing any of those things. It is futile for the Government to claim that the provisions of the Crimes Act are not sufficiently strong to meet that position. If loopholes have been discovered in that act, the Government has a bounden duty to the people who returned it to office at the last general election, to carry out another of its promises that it has conveniently forgotten. I refer, of course, to the promise to review the laws that relate to subversive activities and sedition. If those laws have proved to be inadequate

for the purposes for which they were intended, they should be suitably amended. Nothing at all has been done in that direction.

I shall return now to the bill, so as to explain to the House just how far the Australian Labour party has been and is prepared to go. The Prime Minister, in his policy speech, said—

Communism in Australia is an alien and destructive pest. If elected, we shall outlaw it. That was a clear statement, and there can be no question about the mandate that the Government received. It is true that the electors generally may not have voted for the Government parties specifically because of that promise. Some may have voted for them because of their child endowment promises, or because they promised to abolish petrol rationing and to put value back into the £1, but, undoubtedly, others voted for them because they promised to outlaw the Communist party. The Labour party therefore agreed that the Communist party should be outlawed. I challenge any honorable member opposite to say that clause 4 of the bill, which gives to the Government the right to outlaw the Communist party, has been opposed by the Opposition in this chamber or in the Senate. The Opposition has supported that clause completely. The Prime Minister also said in his policy speech—

The Communist party will be declared subversive and unlawful, and dissolved.

A receiver will be appointed to deal with its assets.

Again I say that neither in this House nor in the Senate has the Opposition sought to deny the Government the power that it seeks under this measure to confiscate the property of the Communist party. The Prime Minister's policy speech continued—

No person now a member of the Communist party shall be employed or paid a fee by the Commonwealth; nor shall any such person be eligible for any office in a registered industrial organization.

That is all that the right honorable gentleman can claim as his mandate. However, when the bill was introduced we found that it was not confined to members of the Communist party. That is one of

our main objections to the measure. Had the bill been confined to members of the Communist party, as the Prime Minister promised, the Labour party would have made an entirely different approach to it. However, the bill gives to the Government power to deal with, not only members of the Communist party, but also Communists as defined by the bill, and the bill defines "Communist" in such a way that not 10 per cent. of our population could escape the danger of declaration. The bill defines "Communist" as follows:—

"Communist" means a person who supports or advocates the objectives, policies, teachings, principles or practices of communism, as expounded by Marx and Lenin.

That proves my point that 90 per cent. of the population of this country could be gathered into the net.

Let me tell the House some of the policies of communism as expounded by Karl Marx. They include a graduated income tax. Therefore, anybody who supports such a tax is also supporting one of the policies advocated by Karl Marx in his manifesto, and could be declared under this measure. It is of no use for the honorable member for Mackellar (Mr. Wentworth) to laugh. He made so many inaccurate statements in his pamphlet called "The Truth about the Communist Party Dissolution Bill" that he should not laugh at anything that any one else says on the subject. The Communist manifesto also advocated free education, the nationalization of banking and decentralization.

Mr. TURNBULL.—Is that all?

Mr. CLYDE CAMERON.—No. The Communists believe in many things that I do not believe in, but I shall not refer to those matters at this stage. I am confining my attention to certain teachings of Karl Marx which, I contend, are supported by 90 per cent. of the Australian people. Honorable members opposite may argue that that does not give to the Government the right to declare 90 per cent. of the people, because not 90 per cent. of the people are subversive. But that would be a tragic mistake. This bill does not give a person the right to challenge a declaration that he is subversive. He may only challenge a dec-

laration that he is a Communist. Therefore, even if a declared person goes into the witness box and proves that he is not a Communist because he does not believe in such things as free education or a graduated income tax, he cannot succeed because he has no appeal against the charge that he is subversive. Labour is willing to give to the Government full power to ban the Communist party and to remove Communists from union offices and from the Public Service, subject, of course, to proper provision for appeal against such action. We are not denying the Government full power to confiscate Communists' funds, to declare other organizations that are substantially Communist, and to confiscate their funds, but we do insist that a declared person be given the right to prove his innocence; we do insist that no politician shall have the right to declare a person to be subversive without proving that charge; and we do insist that a person who is charged with being subversive shall have the right to appeal to an ordinary court against that charge. The Government says that it is prepared to permit a special committee of civil servants to consider the whole of the material on which a person is to be declared subversive, but it steadfastly and specifically refuses to give to the courts of this land—even the supreme courts or a judge of the High Court—the right to examine such material. Surely that is a grave reflection upon our State and Federal judiciary. It is of no use for the Government to try to delude itself that this bill places the onus of proof where it properly belongs or to claim that if a declared person is willing to go into the witness-box and give evidence in support of his appeal, the onus of proof will rest upon the Commonwealth, because that claim is made on false pretences, as I shall prove. I shall quote now the opinion of one of the leading King's Counsel in the Commonwealth. He is not a member of the Labour party, and most certainly is not a Communist, but one who loathes communism.

Mr. BEALE.—Who is he?

Mr. CLYDE CAMERON.—The practice in legal circles is not to disclose information of that kind. This is what he has to say about the Government's claim that it is prepared to accept the onus of proof

if a declared person goes into the witness-box—and again I remind honorable members that a person has no right of appeal against the charge that he is subversive—

A man cannot be declared unless he is supposed to be both a communist and guilty of subversion. The right of appeal is specifically restricted to only one part viz., whether the person is a "communist". He has no right of appeal on the question whether he has been subversive. Even on the question whether the person is a communist, the right of appeal is very much a false pretence. The proposed amendment, it is true, provides that, if the person declared "gives evidence in person", the burden of proof shall be on the Commonwealth. Every one knows how difficult it is to prove a negative. It would be specially difficult to prove positively that a person is not a communist within the very wide definition of communism which is given in this Bill. It is not limited to the revolutionary and unconstitutional aspects of communism. If, on the oral evidence adduced, the Court cannot make up its mind positively as to whether a person is or is not a communist, the appeal would have to be dismissed, because the proposed amendment says that the declaration, which is the subject of the appeal, is to be *prima facie* evidence of its correctness. If that *prima facie* evidence is not displaced by oral evidence which enables the Court to find affirmatively that the person is not a communist, then the appeal must be dismissed.

The Commonwealth, therefore, under its proposed amendment, in those circumstances, would discharge its burden of proof by merely proving its own declaration—the very thing which is challenged and subject to the appeal.

This bill strikes vitally at the fundamental principles of liberty, and honorable members should remember that liberty is like the air that we breathe: we do not know that we have lost it until it has been taken away.

**Mr. SPEAKER.**—Order! The honorable member's time has expired.

**Mr. HULME** (Petrie) [9.52].—One or two of the arguments that were employed by the honorable member for Hindmarsh (Mr. Clyde Cameron) definitely require correction. In the first place, the honorable gentleman said that the proposed committee that would consider evidence would not be able to veto or recommend a declaration. I refer him to clause 5 (3.), which states—

The Executive Council shall not advise the Governor-General to make a declaration under the last preceding sub-section unless the material upon which the advice is founded has first been considered by a committee . . .

No reasonably-minded person would suggest that the committee for which that sub-clause provides would not have the right to make a recommendation to the Cabinet. In the second place, the honorable member said that the secretary of a trade union, if declared, would have greater opportunities after his removal from office than he had had previously to propound Communist propaganda. Clause 7 (1.) (b) provides that a person shall not knowingly—

carry or display anything indicating that he is or was an officer or member, or is or was in any way associated with, an unlawful association.

The penalty provided for such an offence is imprisonment for five years. Therefore, to suggest that the only penalty that would attach to a declaration under the bill would be removal from office in a trade union or from a position in the Public Service is sheer nonsense.

The speech made by the honorable member for Hindmarsh has clearly indicated the necessity for a review of some of the most important clauses of the bill. Obviously he misinterpreted many of its provisions. After quoting the definition of "Communist", which I need not repeat, he said that 90 per cent. of the people of Australia could be declared under it. If the honorable gentleman would only study the preamble to the bill in addition to that definition he would realize that the measure is designed to deal with persons who engage in activities or operations designed to assist or accelerate the coming of a revolutionary situation and who belong to an organization that is an integral part of the world Communist revolutionary movement, which engages in espionage and sabotage and in activities or operations of a treasonable or subversive nature. Does he suggest that 90 per cent. of the people of Australia fall within that category? The persons to whom this measure is intended to apply are of the same character as those who have brought millions of people in Europe and Asia under absolute domination and who have endeavoured, with a regrettable measure of success, to disorganize industry in Australia.

The definition of "Communist" in clause 3 is followed by this definition—

"Industrial organization" means an organization of employers or employees associated for the purpose of protecting and furthering their interests in relation to terms and conditions of employment or for purposes including that purpose.

It has been suggested by some sections of the community which the Opposition claims to represent in this Parliament that trade unions will be liable to declaration under the terms of the bill. Everybody who has examined the measure intelligently must know that that is nonsense.

The Opposition has pledged its complete support for the important provision in clause 4 for the dissolution of the Australian Communist party. That clause denies the party any right of appeal and provides for the appointment of a receiver of the property of the party. The honorable member for Hindmarsh suggested that the Opposition had agreed to that provision because it was all that was necessary for the suppression of the Communist party. Every intelligent person must realize that it is not only the organization of the Communist party that is involved in this issue. Unless the individual who is part and parcel of the organization is brought under control, the bill will be completely ineffective. Clause 5 deals with affiliated organizations that may be declared to be unlawful. These are organizations of which Communists have control and direction and organizations that support and advocate the teachings of Marx and Lenin. The clause also provides for the declaration of organizations, the continued existence of which would be prejudicial to the security and defence of the Commonwealth or to the execution or maintenance of the Constitution or of the laws of the Commonwealth. The description set out in that provision is sufficient to justify its inclusion in the bill. Clause 9 refers to individuals who fall into the same categories as are specified for organizations in clause 5. Members of the Opposition should keep in mind the fact that, under the terms of the bill, declared individuals must be Communists and also persons whose activities are prejudicial to security and

defence or to the execution or maintenance of the Constitution or laws of the Commonwealth.

For the sake of clarity, I shall reiterate the process by which a declaration may be made. The first step will be taken by the security service, whose members have been referred to by members of the Opposition in previous debates in this chamber as pimps. I remind honorable members opposite that the security organization was brought into existence by the Labour party when it was in power. The structure of the organization has not been altered by this Government. We have the assurance of the Prime Minister (Mr. Menzies) to that effect. That organization will collate and present the evidence concerning the guilt of any individual or organization, and that evidence will be placed before a committee composed of the Solicitor-General, the secretary of the Department of Defence, the Director-General of Security and two other individuals. I think that every member of the House must feel satisfied that when the evidence has been sifted by that committee very little doubt can remain about its sufficiency or otherwise to warrant a declaration. In any event, no valid criticism of the proposed committee has been made by any member of the Opposition. The committee, after carefully considering the evidence available, will submit a report to the Cabinet, which will again subject it to close scrutiny. Honorable members will realize, therefore, that before any person is declared the evidence available against him will be very thoroughly considered. Furthermore, an individual affected by this legislation will be given a right of appeal which can be exercised at any time within 28 days after the publication of his declaration.

The proposed right of appeal has caused the major difference of opinion between the Government and the Opposition on this measure. Differences exist, first, about the nature and the right of appeal, secondly about the Opposition's proposal for the introduction of trial by jury, thirdly, about the payment of compensation to a person who is found to have been wrongly declared, and fourthly, about the onus of proof in any appeal proceedings. I propose to

deal with the points in that order. Concerning the right of appeal, the Opposition contends that it should exist in respect of both portions of the declaration, that is to say, the assertion that an individual charged is a Communist, and the accompanying assertion that his activities are prejudicial to the security of the country. The Government believes that a right of appeal should exist only in respect of the declaration that a person is a Communist. Members of the Opposition argue that the members of the Cabinet, who will recommend to the Governor-General the publication of a declaration, are not suitable persons to decide whether an individual's activities are prejudicial to the security of the country. They contend that a court is a better judge of such matters.

The honorable member for Hindmarsh (Mr. Clyde Cameron) went so far as to suggest that the proposal contained in this measure is an affront to the judiciary, inasmuch as the judiciary will not be permitted to determine whether a suspected Communist's activities are prejudicial to the community. However, I suggest that the people who must accept responsibility to the electors for making such a decision are the proper people to determine that matter. Certainly, no reflection is intended on the judiciary by the Government. The decision whether a person's activities are prejudicial to the security of the country is not, after all, a question of law, but is one of fact, and is more suitable to be decided by the Government of the people's representatives, who are responsible to the people, than by members of the judiciary, who are not responsible to the people. Undoubtedly many members of the Opposition feel that if a declared person were permitted to appeal against that portion of his declaration which alleges that he is engaging in activities that are prejudicial to the security of the country, a barrister who appeared for him in court might be able to raise in the mind of a judge a judicial doubt which would have the effect of setting aside the declaration. That is, I believe, the real objective of the Labour party in urging that declared persons should be permitted to appeal against the declaration that they are engaging in subversive activities. In

adopting that attitude members of the Labour party are not concerning themselves with the security of the country but are endeavouring to provide some loophole to enable suspected persons to carry on their subversive activities. Concerning the proposed right of appeal to a court against the first part of a declaration, which recites that an individual is a Communist, honorable members of the Opposition suggest that such a person should have a further right of appeal to a higher tribunal. I point out at once that such a procedure would cause considerable delay. However, the Labour party is apparently willing that such delay should occur, notwithstanding that it would afford declared persons further opportunities to carry on their subversive activities.

Dealing now with the proposal for trial by jury, I point out that during the debate on the measure that was originally introduced to this chamber no mention was made by any member of the Opposition of trial by jury. That idea entered the mind of some one who was fighting a delaying action on behalf of the "Reds" when the measure was being debated in the Senate. I think that it is only necessary to point out that if an appeal against a declaration is to be determined by a jury the decision of the jury must be unanimous. Every member of the House knows perfectly well how difficult it is for twelve individuals to agree on an issue. In considering any declaration it is almost inevitable that at least one of the twelve jurors would have some doubt in his mind, however slight, about the guilt of the person who had been declared. Whilst I believe in the desirability of the jury system as an integral part of British criminal justice, I do not believe that the correctness or otherwise of declarations under this legislation is a suitable matter to be decided by a jury.

Coming now to the matter of compensation to persons who are found to have been wrongly declared, the Opposition suggests that such persons should be entitled to compensation because of damage to their reputation and for the loss of time they incur during the judicial proceedings. I believe that the contention is just so much humbug. When we bear in mind all the steps that will be taken before a person is declared, I think honorable

members will agree that very few innocent individuals will be likely to suffer under this legislation. Furthermore, I remind honorable members that under the criminal laws of Australia no compensation is payable to an accused person who is acquitted at his trial or to one who is convicted and subsequently succeeds on appeal in having his conviction set aside. No doubt people who are subjected to criminal proceedings and are declared innocent suffer considerable loss of time and damage to their reputations, but no one has ever seriously contended that they are entitled to monetary compensation. Still less do I believe that a person who has been adjudged guilty of subversive activity is morally entitled to compensation, and I do not think that there is any sound basis for the suggestion that compensation should be paid to such a person.

The next point is the matter of onus of proof. In simple language the clause dealing with onus of proof amounts to this: If a declared person goes into the witness box and denies the charge, then the onus of proof rests upon the Crown, but if he does not do so, the onus of proof rests on the individual. The honorable member for Mallee (Mr. Turnbull) has indicated that one of the reasons for the inclusion of the clause is that the Communists do not like to go into the witness box. They fear that if they submit themselves to cross-examination they may have to reveal some of the inner secrets of the Communist party. That view is undoubtedly correct, and for that reason I find it very difficult to understand the attitude adopted by the Leader of the Opposition (Mr. Chifley), the right honorable member for Barton (Dr. Evatt) and other members of the Opposition on this matter of onus of proof. No innocent person has any objection to entering the witness box in order to sustain his innocence, and the inherent decency of the Australian community will prevent people from taking an unfair view of any individual who proves that he has been wrongly declared. The Opposition suggests that the proposed procedure is opposed to British justice. To refute that suggestion, I shall read a passage from a statement of that great jurist, Sir Isaac Isaacs. It was read in the previous debate on this bill, but I believe it to be

so apt as to be worthy of being read again. It is as follows:—

The burden of proof at common law rests where justice will be best served, having regard to the circumstances, both public and private. The broad primary principle guiding a court in the administration of justice is that he who substantially affirms an issue must prove it. But, unless exceptional cases were recognized, justice would be sometimes frustrated, and the very rules intended for the maintenance of the law of the community would defeat their own object.

I have not time to read the sections of Commonwealth legislation which place the onus of proof upon the person charged, but we know that sections of that type are contained in the Crimes Act, the Income Tax Assessment Act, the Customs legislation and the National Emergency (Coal Strike) Act 1949—a measure introduced into the Parliament by the Labour party when it was in power. When the present Opposition was in power, not only did it make no attempt to remove from any of the legislation to which I have referred provision placing the onus of proof upon the person charged, but also it provided for the imposition of a fine of £100 or a term of imprisonment for six months under the provisions of the section of the National Emergency (Coal Strike) Act which placed the onus of proof on the person charged. Let me give a very simple illustration. We all know that if we walk down the street of a capital city carrying a parcel, a police officer can demand that we open the parcel. If it contains, say, a new pair of shoes, he can say to us, "I suspect that those shoes have been stolen. Come along with me." That is an example of the onus of proof resting on the individual, merely because a police officer thinks that the shoes have been stolen. I suggest that this provision is not opposed to British justice. I believe it to be an established principle of British and Australian law, and I have no hesitation in supporting its inclusion in this bill.

I turn to clause 10. It is well for us to remind ourselves—and the honorable member for Hindmarsh referred to it, but at the same time he endeavoured to confuse the issue—that the only penalties for which provision is made in this measure, other than the one in clause 7, are that a declared person shall not hold

office in the service of the Commonwealth or in certain—I emphasize that word—trade unions concerned with industries such as coal mining, iron and steel, engineering, building, transport and power, that are vital to the security and defence of this country.

I believe that I could not complete my remarks in a better manner than by quoting a statement made by Mr. Winston Churchill in relation to the menace that this bill is designed to combat. He said—

The Communist party gives lip service to democracy, but it is essentially undemocratic. The methods by which the Communists seek to gain power disregard altogether the obligation to maintain standards of conduct which alone make life possible in civilized society.

It is because we want a civilized society in Australia with decent standards of conduct and because we do not want to lose our individual freedom and our Christian democracy that this bill has been introduced into the Parliament. I am certain that if the Labour party persists in complying with the instruction that it has received from outside the Parliament and this issue is submitted to the people of Australia, the people will wholeheartedly support the bill and return this Government with an even greater majority.

**Mr. FRASER** (Eden-Monaro) [10.15].—I shall make no comment upon the baseless smears upon the Opposition that have just been made by the honorable member for Petrie (Mr. Hulme), because they are exactly in line with the kind of legislation that he is supporting. I shall confine myself to correcting him on one statement of fact. The honorable member for Hindmarsh (Mr. Clyde Cameron) was perfectly accurate in stating that the definition of a Communist in the bill could cover over 90 per cent. of the population of Australia. The honorable member for Petrie is completely in error in assuming that the meaning of "Communist" is as set out in the preamble. The meaning of "Communist" is exactly as set out in the definition, and that definition, I should imagine, is wide enough to cover every member of this House and at least 90 per cent. of the population of this country. The honorable member for Petrie is also completely in error, as are so many of his colleagues,

on the question of the onus of proof. Although that matter has been explained very fully several times to-day by honorable gentlemen on this side of the House, it is so tremendously important that I propose to deal with it again later in my speech.

The honorable member for Petrie concluded his remarks by quoting from a statement made by Winston Churchill, although he knows perfectly well that he can find no quotation from any of the speeches made by that great Englishman that would support legislation of this kind. The honorable gentleman had the audacity to endeavour to mislead the people by quoting a few words spoken by Winston Churchill as though they favoured this type of legislation, when he knows very well that Winston Churchill is completely opposed to legislation of this kind. I defy any member on the Government side of the House to deny that statement.

The most important point about this debate as compared with the debate that took place some months ago is that the field of controversy between the two sides of the House has been narrowed. Three or four months ago, we were discussing a measure of 27 clauses, containing many contentious provisions on which there was room for opposing shades of opinion, but the issues that the Australian Parliament has to decide now have been narrowed considerably. On all the clauses but two the vote has been given and the power has been conferred. Only two clauses out of 27 now remain in dispute. The issues are simple. The Opposition has said to the Government, "You claim a mandate from the people to dissolve the Communist party and confiscate its funds without appeal. We are prepared to give you everything for which you asked in your mandate, and by our vote we have given it to you. We are prepared to give you all the powers you have sought to deal with the Communist party, but we cannot allow you to abolish trial by jury or wipe out the sound rule of British justice that the man who makes a charge must substantiate it". Any opposition, whatever its political colour, would feel compelled to refuse to give such powers to a government unless the granting of those powers had been endorsed specifically

by the Australian people. The Opposition is His Majesty's Opposition, and it has a part in the parliamentary system equally important with that of the Government. It has a plain duty to impose checks on the excessive use of power to which any government is prone unless it is faced with a virile and vigilant opposition. The question for the people to decide is whether on this occasion the Labour Opposition in this Parliament is using its powers legitimately and whether it is exercising a proper check on an excessive use of power by the Government, when it says, in effect, "We will not allow the Government to abolish trial by jury in this community, or to establish conviction by accusation instead of conviction by the process of law in our courts". That is the only issue now confronting the Australian people. Whether the Communist party ought to be banned; whether it is useful to ban it; and whether a valuable result will be achieved by banning it are not now matters for discussion, since the Government has already been given power to act by a vote of the Parliament.

That brings us to a consideration of the mandate that was given to the Government on the 10th December last. The people are now being invited to be angry because their mandate has been defied. I am merely reiterating what the Prime Minister (Mr. Menzies) said this afternoon. Of course their mandate has been defied! I would not for a moment deny that that is so, because the mandate has not been carried out. The people gave a mandate to the Government to dissolve the Communist party, to confiscate its funds, and to deal with other organizations into which Communists may go. In fact, the people gave the Government a mandate in the complete terms of the Prime Minister's election speech. Although nearly a year has passed the Government has not done one thing in the exercise of that mandate, which was confirmed by the Parliament. The Opposition has given the Government every particle of power that it sought. The Prime Minister has said that the members of the Communist party have been permitted to escape the penalties provided by this legislation for the past five months. Of course they have! But

whose responsibility is that? Who has defied the mandate of the people in this respect? Is it not true that the people's mandate has been given full effect to by the legislation that was passed by the Parliament? There was no reference in the Prime Minister's appeal to the people prior to the last general election about abolishing trial by jury or shifting the onus of proof. The people's mandate was confirmed by the Parliament and it is the Government which, for the past four months, has failed to exercise it. Why is the bill not in operation to-day? Was it the Government or the Opposition that threw the bill into the waste-paper basket? That was done by the Government, which would not take the bill in the form in which it asked the people for a mandate but insisted on other provisions for which it had not sought the approval of the people. The powers that have already been conferred on the Government by the bill to deal with the Communist party are actually wider in their application than any for which the Government asked at the general election, and wider than any powers that have been conferred on any other government in the whole history of the British parliamentary system. Although the Government has had those powers at its disposal for several months past, if it chose to exercise them, the Government has taken no action whatever against the Communist party. If, in the light of experience, the Government found that the powers that had been conferred on it were not adequate, it could have raised the matter again in the Parliament and shown in what respect further powers were required. Instead, however, it has chosen not to use the most extensive powers that it was given by the Parliament several months ago. I suggest that it is not necessary to look very far to discover the reasons why the Government has not used those powers. The first reason is that allowance must be made for the natural timidity and weakness of the Prime Minister, who speaks from time to time in a loud and arrogant voice, but who shows no disposition to take action to match his words. The Government that the right honorable gentleman leads is a government of complete inaction. It is not prepared to act on anything; it is not prepared to

carry out a decision on anything at all. In my opinion the Government never genuinely wanted these powers against the Communist party. It has always appeared to me that there was a very close alliance between honorable members of the totalitarian camp opposite and the Communist party. Their interests seem to link very closely together, and apparently it is valuable to each of them to have the other in existence. I suggest that the Government did not want these powers for the purpose of banning the Communist party. Having been given the opportunity to do that, it failed to do so. In my opinion the Government wanted these powers in order to be able to terrorize individuals in this country who might take a stand against its proposals to establish military conscription for overseas service, and against its plans to entangle the people of this country in an overseas war. The Government wanted power to terrorize and penalize men who might dare to stand up and expose its failure to carry out the pledges that it made prior to the general election on matters really vital to the welfare of every household in Australia. We were told, when we proposed amendments to this legislation, that we were protecting traitors—

Mr. McCOLM.—You are!

Mr. FRASER.—That is a very serious charge, because treachery is a crime of great enormity. Does the honorable member for Bowman (Mr. McCollm) consider that because our system is such that a man charged with murder must be tried by a jury of his peers, murderers are being protected? That is the ordinary right of a citizen who may be innocent. A man who makes a charge of murder against another must produce evidence in support of his accusation so that the ordinary rights of men and women in our community shall be protected. The Australian Labour party is prepared to stand up against the allegation that it is protecting Communists. It is merely doing what I have already stated, which is protecting the ordinary rights of ordinary men and women that have been long established in an ordinary British society. In my opinion there has been no greater misstatement about this bill than the continual statement that if the appelle-

ant goes into the witness-box the onus of proof is transferred to the Crown. The declaration is on two grounds, first, that the man is a member of the Communist party or a Communist, and second, that his activities are prejudicial, or likely to be prejudicial, to the security and safety of the Commonwealth. We all agree that the declaration is on two grounds, and not one member on the Government side will deny that on one of those grounds, there is to be no right of appeal whatever to any kind of court anywhere in the country.

Mr. LAWRENCE.—A person would not be declared unless he was both.

Mr. FRASER.—What an extraordinary statement! The honorable member who made it shows that he accepts the declaration itself as proof of the offence, which is exactly what the Labour party is protesting against and why it is endeavouring to arouse the people of Australia to a realization that what is at stake in this bill is not the fate of the Communist party, which is sealed by the powers already given by this Parliament, but the fate of non-Communists who may dare to oppose the Government, who may dare to become nuisances to the Government, who may dare to become unpopular or difficult in the eyes of the Government and who may be branded as traitors without any charge being laid publicly against them, and, indeed, without knowing that they have been declared until they read about it in the *Gazette* or the daily press. They will have no right of appeal on that first ground of their conviction. The second ground is that a man is a member of the Communist party or a Communist, two descriptions that in the eyes of ordinary men and women would amount to the same thing. That is a great example of the tyranny of words, because everybody in this chamber knows that the definition of a Communist in the bill has nothing whatever to do with membership of the Communist party, that it is as different from it as chalk from cheese, and that in the terms of the definition in the bill you may as well say that a man is a Communist because he has heard a test cricket broadcast, or because he has disagreed with the leading article in the

*Sydney Morning Herald.* There is no relationship between the definition of a Communist in the bill and membership of the Communist party. I shall quote the definition of "Communist", which has already been quoted by the honorable member for Hindmarsh (Mr. Clyde Cameron), and is as follows:—

"Communist" means a person who supports or advocates the objectives, policies, teachings, principles or practices of communism, as expounded by Marx and Lenin;

Including free education! Including progressive income tax! Including half a dozen things in which every member of this chamber believes. I believe that under this provision the honorable member for Mackellar (Mr. Wentworth) could not disprove that he was a Communist and that even you, Mr. Speaker, would be liable to declaration under the bill as a supporter of some of the principles advocated by Marx or Lenin. Even the Minister for Supply (Mr. Beale), who is now at the table, could not enter the witness-box and honestly swear that he did not believe in any of the practices, principles, and teachings of Marx and Lenin. I doubt very much whether there is any one in Australia who could honestly do it. But unless a man can do so, then he will be a Communist in the eyes of the court, because the declaration that he is a Communist is itself to be accepted by the court as evidence in support of the charge that he is a Communist. Who, in the light of that statement of fact—and I suggest that nobody can deny that it is a statement of fact—can say now that the meaning of the clause is that if a man goes into the witness-box the whole onus of proof is thrown upon the Crown? It is not thrown upon the Crown with relation to the brand of treachery that has been placed upon him, because there is no legal appeal of any kind in that regard. And on the point on which there is an appeal the wording of the definition has been made so wide that nobody whom the Government wants to catch can escape the net.

I turn now to the matter of trial by jury because here again is a question an understanding of which does not require any great legal brains. That subject can be clearly understood by every ordinary man and woman in this community. We

are told that the rights of ordinary men and women are to be protected because a committee of five high officials will meet in secret and decide their fate. I ask honorable members, just as I ask the ordinary men and women of Australia, whether they would prefer to be dealt with by a jury of their peers in open court in accord with the principles of British justice, or would prefer the new-fangled method of placing their affairs in the hands of a secret conference of Government officials. I have not the least doubt about what the answer of the Australian people will be to that question when they have the opportunity to answer it.

The ordinary men and women of this country may not know very much about the technical side of this very technical bill, but there are very few people in Australia who were not born and bred to reverence the principle of trial by jury. There are very few of us who did not learn at school something of the struggle that our forefathers made to gain that very precious right for us. There are few of us who do not know something of the sacrifices that were made, for example, by the jury in the William Penn case and by dozens of other juries in the days when the Crown tried to break down the right of trial by jury. Yet now we have a Parliament of elected representatives of the people itself trying to break down that right. The people of Australia will never confirm that attempt. They will stand firm for the principle of trial by jury.

There is one other aspect from which this bill ought to be examined as a serious contribution to the problem of dealing with traitors in Australia, because if we read the preamble we see that the bill is intended to deal with traitors, with that most pernicious breed of men who are treacherous to their own country, to their own soil, to their own families, to their own fellow citizens. Those are the people with whom the preamble states this bill is intended to deal. What does the Government propose to do with men against whom it claims to possess proof of their treachery? It proposes—and this is all it proposes—to dismiss them from government employment and prevent them

from holding office in a trade union! Then, in what the Prime Minister says is actually a time of war, it leaves them free to engage in any other form of activity in this country, free to walk the streets, free to continue their treachery. What sort of bill is this? The Government claims that it will not take action except on the most carefully sifted evidence of the treachery of these men. When the Government has carefully sifted the evidence and has satisfied itself that these men are traitors, it proposes to leave them free to continue along the path of treachery in our midst. There is no sincerity in a government which puts forward a proposal of that nature. What right has any government to allow traitors to walk free in Australia? It proposes that they shall not be allowed to work in the Commonwealth service. It already has power to remove them from any position in which the country's security can be affected. It proposes that they shall not be officers of any key union, but yet they will be allowed to work in the industry covered by such a union. If the Government has the evidence to satisfy itself that such men are traitors, this bill surely represents the very height of hypocrisy and a failure of the Government to carry out its duty, when, despite the evidence that it holds, it will allow these men to operate freely in the community during what, according to the Prime Minister, is practically a time of war. The fact that the Government proposes to allow these men to remain free surely shows that it does not regard them as traitors. No, the bill is not intended to deal with traitors. That is only a mask for the real intention, which is to terrorize and victimize inconvenient opponents and outspoken critics of this Government. Those who demand this legislation without the amendments safeguarding it, which the Labour party proposes, are insisting on clauses which ignore four basic democratic rights—the right to criticize, the right to hold unpopular beliefs, the right to protest, and the right of independent thought.

In conclusion, I quote the words of Senator Margaret Smith, a Republican senator of the United States of America.

In a speech made in Washington on the 1st June, she said—

The exercise of those rights should not cost one single citizen his reputation or his right to a livelihood. Nor should he be in danger of losing his reputation or livelihood merely because he happens to know some one who holds detested beliefs. If it were so, none of us could call his soul his own.

I believe that Australians dread the developing atmosphere in this country in which men dare not speak their minds, except at the cost of being politically smeared as "Communists", or "fascists", by their opponents. If this bill is passed without the amendments that have been proposed by the Opposition it will be possible for men to bear the burden of an unfair accusation of treachery for the rest of their lives. Because of the Government's failure to tackle the real problems of the nation, it is using this bill as a smoke-screen to direct attention away from that failure. It is casting aside political honesty and intellectual honesty in a wild journey to its political fate, driven on by the four horsemen of calumny—fear, ignorance, bigotry and smear. I do not believe that the people of Australia will uphold any party which puts political exploitation above national interest and personal freedom. That is what the Government parties are now doing.

**Mr. HANDBY** (Kingston) [10.43].—The House has just listened to a classical exposition of verbal somersaulting. It is amazing to find an honorable member of the Opposition telling the House that 90 per cent. of the people could be declared under the present bill and that it jeopardizes the freedom of the people, and yet preface his remarks by saying that the Labour party fully endorses the bill, except for two clauses. If I alone held those views in this House, regardless of my party, I would definitely say that I was opposed to such a thing. Allegations that were made by the honorable member for Eden-Monaro (Mr. Fraser) were, in many respects, pure fabrications. The honorable member mentioned that the Opposition disagreed with the clauses concerning onus of proof and trial by jury. He said that, by granting trial by jury, the Government would gain the help of the

ordinary men and women. Such an alteration to the bill would result in a grave threat to the nation, because while trials by jury were going on to decide cases, the country could be subjected to the severest subversive activities by the Communists who were allowed to go unchecked. It was fourteen months before the trial of the Communists in America resulted in a decision. They went out of their way to undermine the health of the judge. It took seven weeks to get a jury because of the continual challenging of jurors. One of the arguments that they put up was that they would be tried by capitalists, and people opposed to communism. Eventually a jury of ordinary, everyday American citizens was set up. As a result, after fourteen months, during which time people were found guilty of contempt of court and of perjury, the court gave a unanimous verdict that the accused were guilty. It took fourteen months to convict a handful of Communists. How long would it take us to convict the Communists in this country under a system of trial by jury?

Members of the Government have been accused of trying to create hysteria among the people, in order to whip them up in support of this bill. It is not so very long ago that the people realized that what the Government stood for was true, because there was an attack on Southern Korea by the North Korean Communist army. The United Nations forces, which were present in order to prevent aggression, were suddenly forced back into a shrinking area, and the truth was brought home, not only to members of the Government, but to the members of the Opposition and the people of Australia. Now that the United Nations forces have, to some extent, become victorious, we are told that because we sounded this warning of what would happen to Australia we are trying to create hysteria.

During the latter part of 1941, and the early part of 1942, our enemy was in islands far removed from this country, and few thought that he could invade Australia. To-day, Australia faces exactly the same threat as it faced then. From Asia, down through the

Malayan States, there are countries which are spilling over with populations under Communist dictation, or Communist influence. Because that was our danger, it was foolish to try to provide adequate defences to meet an enemy while we had enemies within our own shores, and the Government realized that it was necessary to bring in a bill to ban the Communists. The Government had the full support of nearly all the people on the 10th December, and this bill was brought down. Now, honorable members of the Opposition state that the only two clauses of the bill to which they object are those concerning onus of proof and trial by jury. Honorable members have heard the word "principle" bandied from one side of the House to the other, and it appears that some members of the Opposition consider that "principle" is something that you can turn on and off like a tap. They have forgotten that the word "principle" is a reverent word. It is inviolate and is associated at all times with British justice, which we support and uphold. Because Opposition members consider that the onus of proof clause is a violation of British justice, an abrogation of British principle, and a transgression of civil rights, they claim that it is reasonable for them to oppose this bill. I remind the House that the principle of the onus of proof is embodied in legislation which has remained on the statute-books of Great Britain and Australia for very many years. On this point I should like to quote briefly from the tenth edition of Powell on *Evidence*, which was published nearly 30 years ago. At page 139 the learned author states:—

There are many cases, moreover, in which the legislature has enacted that, on proof of certain facts, a presumption shall arise against persons charged with certain criminal offences and imposes on them the burden of disproving their guilt.

I remind honorable members that that was written nearly thirty years ago. Coming closer to the present time we find that almost every state and Commonwealth law places the onus of proof on the individual. What right have declared Communists to expect to be excluded, when other citizens are forced to bear the onus of proving their innocence of charges made against them?

Before any person is declared the evidence in support of his declaration is sifted by a committee which makes a recommendation to the Governor-General on whose authority the declaration is issued. If a declared person goes to court and is prepared to give evidence on oath, the onus of proof is immediately transferred to the Crown. If that constitutes an abrogation of British justice what have Opposition members to say about the onus of proof provisions in existing Commonwealth and State legislation? At no time have the members of the Labour party ever thrown up their hands in pious horror at this imagined abrogation of British justice.

The honorable member for East Sydney (Mr. Ward) has said that we could take action against the Communists under the provisions of the Crimes Act. I remind him that the Crimes Act specifically provides that action may be taken against persons who assist a common enemy. Will any Opposition member declare in this House who is a common enemy of this country at this time?

Mr. ROSEVEAR.—The Prime Minister is public enemy No. 1.

Mr. HANDBY.—Such a statement is expected from the honorable member for Dalley (Mr. Rosevear). The honorable member may think that the Prime Minister is a public enemy, but I remind him that the right honorable gentleman stands very high in the esteem of the world today and that he has brought greater credit to his country than has any other Prime Minister who has graced this House.

Mr. BRYSON.—The right honorable gentleman stood in the same regard in 1941, but the party to which the honorable member belongs sacked him.

Mr. HANDBY.—I remind the honorable member that in 1941 the House was differently constituted from what it is today. If the honorable gentleman did not appreciate the qualities of the Prime Minister in 1941, he should do so now. The members of this Government certainly appreciate them and the people will show how they appreciate them if we have a double dissolution, as honorable members opposite will learn to their sorrow.

The honorable member for Eden-Monaro (Mr. Fraser) has said that although the Government has been in office for nearly twelve months it has done nothing. I remind him that the Government acted promptly to prevent the recent threatened shipping hold-up in Brisbane. One of the reasons why the threat petered out very rapidly was given by Mr. Bird, a gentleman who is well known to honorable members opposite, when he said—

We want to make a show of obeying law and order until we can gather sufficient forces to carry on the struggle.

While the Communists are carrying on the struggle members of the Opposition are saying, "We want you to amend this clause and that; we want trial by jury". This Government realizes that communism must be dealt with quickly. We are prepared to accept and face up to these issues boldly. We will not resort to the expedients of ineffective solutions or passive compromise to pass from crisis to crisis only to find that our defence policy, our system of stabilizing industry and our efforts to promote industrial peace are held up. We refuse to fiddle around with matters of no consequence. With the exception of two clauses, the provisions of this bill are generally accepted by the people of Australia. If we allow the Communists to pursue their activities much longer we shall be faced with the position that faces the socialist government in Great Britain. The honorable member for Eden-Monaro has said that Mr. Winston Churchill does not support the banning of the Communist party. I remind him that many members of the British Government favour such a course. Recently an English newspaper published a statement by a prominent British Labour politician who said that in order to prevent sabotage in British naval dockyards the Communists would have to be put in their proper place. This Government has decided that because of the danger of the subversive activities of the Communist party, it will give full effect to its mandate from the people to ban that party. It will not submit to the desire of the Opposition to delay the passage of the bill in order to enable the Communists to continue their nefarious work. If the Opposition really

believes that the people of Australia do not support the Government's view, let us have a double dissolution and let the people decide what should be done. An Opposition member has told us to-day that they will not fight a double dissolution on this bill. Honorable members opposite know that if there is a general election they will be defeated. That indicates that the majority of people are for this measure, and therefore it is the duty of His Majesty's Opposition to see that this bill goes through and that the security of Australia is preserved.

Debate (on motion by Mr. CLAREY) adjourned.

#### ADJOURNMENT.

AUSTRALIAN SHIPPING BOARD—PARLIAMENT HOUSE: HEATING OF CHAMBER—BOOKLET ON INTERNATIONAL AFFAIRS.

Motion (by Mr. BEALE) proposed—  
That the House do now adjourn.

Mr. DUTHIE (Wilmot) [11.1].—I shall not detain the House for long, but I wish to bring before honorable members a most important matter concerning the vessels under charter to the Australian Shipping Board. For some time I have been of the opinion that a quiet form of sabotage of these vessels has been taking place. Two days ago I received a letter from the seamen of one of our E boats that seems to endorse my opinion. The letter is dated the 22nd September and is written from Strahan, on the west coast of Tasmania. It is written by a man whom I have known for many years and who has been a merchant seaman for about seven years. The letter raises a very serious matter indeed. The ship upon whom this seaman is serving is *Eugowra*, a motor vessel of 500 tons, classed as an E boat, and chartered by the board. According to the letter the vessel has just completed a run from Melbourne to Strahan. On that run the ship travelled empty, and the fifteen members of the crew who have signed the letter that I received say that they can prove the statements contained in the letter. They say that on 90 per cent. of the voyages that this boat has made from Melbourne to Strahan it has carried nothing in its holds.

Mr. BEALE.—Can the honorable member say whether the ship is being operated directly by the Australian Shipping Board or whether it is under charter?

Mr. DUTHIE.—I think it is under charter.

Mr. BEALE.—Does the honorable member know to whom it is under charter?

Mr. DUTHIE.—I do not know. I think it might be the Union Steamship Company, but I shall ascertain that. Cargoes are always available for the west coast of Tasmania, which is an isolated part of the island. It will be a most scandalous thing if this Commonwealth vessel continues to run empty. Vessels of private companies trading to the west coast of Tasmania always have cargo on board. The letter also states that recently *Kamona* was in dry dock in Melbourne. That is a Union Steamship Company ship, but even so *Eugowra* sailed for Strahan empty, cargo being held back until *Kamona* was ready for sea again. I regard this as a serious state of affairs, and unless a very good reason is given by the Australian Shipping Board, one is justified in believing that deliberate sabotage of Commonwealth-owned vessels is taking place. It should be remembered that fifteen members of the crew of *Eugowra* have signed the letter, which states that on 90 per cent. of the trips to Strahan the vessel has travelled empty.

Mr. GULLETT.—Could the honorable member say how long that has been going on?

Mr. DUTHIE.—For eighteen months as far as I know, since this seaman has been on the vessel.

Mr. GULLETT.—He should have raised the matter before.

Mr. DUTHIE.—I received the letter only two days ago and I knew nothing about this matter until I got the letter. Not only is the running of the empty vessel to Tasmania a criminal waste of time, space, fuel and men, but the ship is much harder to handle when empty and sometimes in bad weather she has to run for shelter, thus causing unnecessary delay in reaching port and loading for the return trip. If part of the answer to my charge is that there is not enough cargo on the outward trip to warrant loading

Commonwealth vessels, why is it that these are the vessels inevitably singled out to run empty? Why do not privately owned vessels share in the losses thus incurred? I believe the reason is that this is part of an Australia-wide plan by private interests to sabotage the whole Commonwealth shipping set-up, to increase the losses on the running of these splendid river class, D class and E class vessels, and finally to come to the anti-Labour Government with a story that the line does not pay, and should be sold out as cheaply as possible. In other instances a quiet form of sabotage has been going on. One method is for Commonwealth ships to be allocated cargoes such as timber, which do not produce the freight income that other cargoes produce. The better paying cargoes find their way into the holds of privately owned vessels. In this way the Commonwealth losses mount up. Delays in unloading of Commonwealth vessels in certain ports have also contributed to losses on this line. Therefore the whole thing is a miserable story of selfish interests out to torpedo a fleet of 28 Commonwealth-owned vessels by subtle means, so that eventually, as in 1924-28, they will be sold to private shipping monopolies. If this happens to Tasmania, to which shipping is life-blood, the island will again be at the mercy of monopolies. I believe that healthy competition in the shipping industry is good and will benefit Tasmania, but that State has been under the control of monopolies for years, as must be agreed by all Tasmanian members in this House. The selling of this line, which seems to be the intention of the Government, would be a serious blow to Tasmania.

Mr. BEALE.—Would it not be better for the honorable member to detail the facts so that they might be investigated. The whole matter may turn on whether these ships are under charter. If they are, the method of running them has nothing to do with the Government.

Mr. DUTHIE.—I should like the Minister to look into the matter in any case.

Mr. BEALE.—I intend to do that.

Mr. DUTHIE.—Some one sends these ships from a port and some one decides what cargoes are to be sent. I ask the

Minister to investigate these charges, and if they are not true I shall be very pleased to know it. The Commonwealth should continue to operate ships, and the Australian Government should protect the assets of the people from the grasping hands of vested interests who want to fatten their monopolistic shipping companies with these vessels. If the Commonwealth relinquishes control of these ships, it will be to the great disadvantage of Tasmania. I trust that the Minister will thoroughly investigate the matter that I have raised, because in my view and, I am sure, in the opinion of all honorable members from Tasmania it is a grave state of affairs when ships are allowed to leave for Tasmanian ports with their holds empty when cargoes are awaiting shipment.

Mr. CALWELL (Melbourne) [11.10].—I desire to raise two matters. First, Mr. Speaker, I draw your attention to the heating arrangements in this chamber. At certain periods of the day the atmosphere is oppressive. Too much hot air is being introduced artificially; and, of course, we must add to it the hot air that honorable members generate in another sense. At this season of the year there is no need to heat the chamber to the degree that it is now heated. Quite a number of honorable members have suffered discomfort for that reason. Earlier to-day the honorable member for Maribyrnong (Mr. Drakeford) and I made representations on this subject to the temporary occupant of the chair. At one period, I had to leave the chamber because I could not bear the temperature.

The second matter to which I wish to refer is the publication of a booklet entitled, *Select Documents on International Affairs—Korea*. I should like to know from the Prime Minister (Mr. Menzies), who is acting Minister for External Affairs, how many copies of this booklet have been issued, what was the cost of their publication, and to whom the booklets were distributed? The booklet purports to tell the story of Korea and it tells it very well as a propaganda document issued at the public expense in order to boost the Government; and, of course, the Government is in need of boosting these days when its fortunes are

fading. I propose to justify that statement by some references to the contents of the booklet.

Dr. EVATT.—We used only to roneo such documents.

Mr. CALWELL.—The booklet consists of 120 pages. It includes a map and sets forth 70 documents. A section which is headed, "Australian Statements", consists of 27 pages enumerating documents 28 to 43. All of those documents are statements that were made by the Minister for External Affairs (Mr. Spender), himself, or by other Ministers. The booklet does not contain any statement that was made on Korea by any member of the Opposition or any statement upon the attitude of the Parliament on that subject. The only reference to any statement by members of the Opposition is contained in Document 34, which includes the following quotation from the speech made by the Minister for External Affairs in this House on the 6th July last—

I am sure that the House is exceedingly satisfied to have heard the contributions by the Leader of the Opposition (Mr. Chifley) and the right honorable member for Barton (Dr. Evatt) in support of the motion.

Although the booklet contains nothing that any member of the Opposition said I find that a lot of space is devoted to the recital of documents which present in detail speeches made by Soviet leaders. They are documents 57 and 59, which extend from page 59 to page 76 and all of that matter presents the views of the Soviet on Korea. Those views may be interesting to some people, but the great majority of Australians who will receive this booklet will not be interested in the efforts of the department in circularizing propaganda speeches of our enemies on this question. Those pages could have been more fittingly occupied by the speeches of the Leader of the Opposition (Mr. Chifley) and the right honorable member for Barton (Dr. Evatt), to which the Minister for External Affairs made only passing reference. The booklet also contains quotations from statements by persons who are not of great consequence to this country. Three documents relate to speeches by representatives of the Governments of Pakistan and India and speeches by various

minor personages in the British Commonwealth of Nations. The whole booklet makes it appear that only those persons whose speeches are quoted expressed any views at all on this matter. Mr. Winston Churchill, who has expressed very definite views on the subject, is not quoted. If there is to be a recital of events which led up to the Korean conflict it is far more important to present the opinions expressed on behalf of His Majesty's Opposition in both the British Parliament and this Parliament rather than to regale readers of the booklet with the views of Soviet representatives and other persons no matter how friendly or worthy they may be.

I take strong exception to a section headed "Australian Statements", which commences on page 21 of the booklet. The correct title of that section should be, "Government Statements", because that is really what they are. In order to justify the heading "Australian Statements", the context should present statements by responsible people in Australia. The booklet should not be used to mislead the people into believing that the statements published in it are the only statements that have been made by responsible people in this country. The peregrinating Minister for External Affairs wrote the foreword to the booklet, from which I quote the following:

The promptitude with which Australia has acted, the substantial nature of her help and the unanimous support which her people have given to their Government provide ample evidence of the high place which freedom and justice hold in their approach to the many and pressing questions which are assailing the world at the present time.

I make two observations upon that paragraph. In it the Minister endeavours to identify the unanimous support that the Australian people have given to the cause of the United Nations as unanimous support of the Government's policy in respect of Korea and, incidentally, in respect of other things. That is pure propaganda. Let the Government call this sort of thing propaganda, if it will; but it should not put out a publication of this kind as an official document and say that it must be accepted by the Australian people as a statement of fact. I also comment upon the audacity of the Minister in identifying freedom and

justice with this Government. Those terms are not to be associated lightly with everything or, indeed, with many of the things that the Government does. However, he tries to make out that because the Government did the right thing with respect to Korea the Opposition supported it and also the Australian people as a whole supported it. The people supported not the decision of the Government but that of the Parliament. The Government is endeavouring to cash in on the cause of freedom and justice. That is straining the credulity of the people far too much. When I was Minister for Information all sorts of charges used to be made about the misuse of public money for propaganda purposes in support of the cause of the government of the day. Those baseless charges were thrown around quite lightly. But this booklet is the worst example of misuse of public money that I know of. I ask the Minister at the table to tell me the whole story in due course. I urge him to request the Prime Minister to stop the Minister for External Affairs and his department misusing public money in the way it has been misused in the publication of this booklet. The department may be guilty of other wrong-doings. If that be so the Prime Minister should straighten it up. At least, he should prevent it from doing this sort of thing.

**Mr. BEALE** (Parramatta—Minister for Supply) [11.20].—*in reply*—I shall bring the remarks made by the honorable member for Melbourne (Mr. Calwell) to the attention of the Prime Minister (Mr. Menzies). The honorable member said that the booklet to which he referred was a propaganda document. Well, he should know. When he was Minister for Information we were constantly regaled with a stream of documents, on the covers of which was depicted his smiling face and in which propaganda was disseminated at the taxpayers' expense. The booklet to which he has referred is of the ordinary class of booklet put out by the Department of External Affairs.

**Dr. EVATT**.—But this was never done before.

**Mr. BEALE**.—Earlier, I heard the right honorable member for Barton say, "We used to roneo them". From that

remark, I gather that his only complaint is that his name has been printed instead of being roneoed. Perhaps the real story is that whereas speeches by the Prime Minister and the Minister for External Affairs are included, and the Leader of the Opposition (Mr. Chifley) has received an honorable mention, the honorable member for Melbourne does not receive any mention. However, I shall direct the attention of the Prime Minister to the matter, and no doubt he will have it closely and fairly examined, and justice will be done.

The matter which the honorable member for Wilmot (Mr. Duthie) has raised will be brought to the attention of the Minister for Fuel, Shipping and Transport (Senator McLeay). I have some knowledge of Commonwealth shipping activities because from time to time that subject comes within my orbit as the Minister in charge of shipbuilding. I think that I am correct in saying that the Commonwealth does not run any ships. If it does, the number of vessels is very few. It is true to say that, in the sense of running a government line, the Australian Shipping Board does not operate any vessels. It charters them to various companies, or, in some instances, it uses private companies as the agents of the Government. The honorable member will understand immediately that if the vessel which he has mentioned has been chartered to one of the private companies, the matters of which he has complained are obviously for the company itself, and do not affect the Commonwealth.

**Mr. DUTHIE**.—But they should be investigated.

**Mr. BEALE**.—I agree that there may be other circumstances which make the honorable gentleman's observations of some significance. If he will give me the letter, I shall refer its contents to the Minister for Fuel, Shipping and Transport and ascertain whether the complaints are justified. I undertake that the names mentioned in it will not be used. I should point out that the system of operating the vessels is identical with that which was in force under the previous Government. Indeed, it has been in operation for some years, and

if it has led to irregularities or undesirable features, this Government is not responsible for the situation, but has inherited it. I do not mean to say that if it is wrong, we shall not correct it. In fact, we shall correct it. We are correcting several things which we have discovered and which we consider are not in the best interests of the Commonwealth. If the honorable member will supply me with all the facts, I shall have them investigated. I am certain that if those things are wrong, the Minister for Fuel, Shipping and Transport will take action to ensure that they are corrected.

Mr. DUTHIE.—I shall hand the letter to the Minister provided the men concerned are not victimized.

Mr. BEALE.—If the honorable member will give the letter to me, I shall see that there is no victimization.

Mr. SPEAKER (Hon. Archie Cameron).—I shall provide the honorable member for Melbourne (Mr. Calwell) next week with the information that he requires about the heating system. I am in complete agreement with him that the atmosphere is very oppressive.

Question resolved in the affirmative.

House adjourned at 11.24 p.m.

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