THE NEW TIMES

"Ye shall know the truth and the truth shall make you free"

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EDITORIAL

THE "PRACTICAL SOCIALISTS' ADVANCE

The latest anti-inflation policy of the Commonwealth Government prompts us to draw attention once again to Mr. Menzies' famous statement about how he was a "practical Socialist" and how the electors would accept from a non-Labor Government what they would not accept from Labor Government. We are not astonished in any way by the programme outlined by the Treasurer, Mr. Harold Holt, as he is but the principal public relations officer for the economic planners. And while Mr. Holt and his fellow Ministers uncritically accept as axiomatic present economic and financial "principles," the progressive centralisation of power will continue.

We do not know whether Mr. Holt really believes the nonsense he is talking, but we can tell him now that the programme he is sponsoring will not halt inflation. A slowing down of the rate of new credit expansion will temporarily force producers and retailers to try to prevent prices from rising by cutting their profit margins and, in some cases, drawing: upon any reserves they may have. One major result will be further business amalgamations and takeovers as smaller and medium-sized businessmen desperately seek ways and means of avoiding bankruptcy. But eventually the policy of credit restriction will have to be eased and then the rate of inflation will start to increase again.

It is important to note that every inflation "crisis" is used to increase the level of taxation and to strengthen and to extend centralised financial controls. The banking system may not be legally nationalised, but in fact Dr. Coombs, Socialist planner, now runs the banking system and tells bank managers what they can and what they cannot do. While political necessity may dictate a small reduction in taxation before the Federal Elections next year, we predict now that only portion of the latest increases will be removed. It should also be noted that inflation is being used to progressively increase in the incidence of indirect taxation as a means of economic control. In Soviet Russia, indirect taxation is the principal means of levying taxation.

One of the most revolutionary aspects of the measures outlined by Mr. Holt is the insistence that the Government has the right to direct that certain savings of the people must be invested in Government securities. This is "practical Socialism" with a vengeance, and if the principle can be firmly established that the Commonwealth can insist that savings of any description must be made available to finance Government activities, then one more major step has been taken towards the complete Monopoly State. Only 11 years ago Mr. Menzies was warning the electors that the Chifley Government wanted to tamper with the savings of the people!

As usual, most of the criticism of the Government's programme is completely superficial and makes no contribution towards a rectification of basic causes. The automobile industry naturally is in full cry against the Government, and some excellent points have been made, showing that eventually the increased tax will be reflected in higher transport charges which ultimately will find their way into higher prices for consumer goods. But we have yet to see any statement drawing attention to the fact that present economic and financial policies are inherently inflationary. Taxpayers' organisations have protested against further taxation increases, but no practical suggestions have been made about the true nature of the issues Government spokesmen are so vocal about. Some so-called critics are merely complaining that the Government should have taken similar action earlier, while the Labor Party's contribution is to urge more centralised controls, including price control. While it is relatively easy to put forward limited objective proposals for modifying current economic and financial policies, and although those sufficiently interested can be provided with a number of excellent textbooks outlining financial principles for a genuine economic democracy, the basic problem is how to encourage sufficient people with sanctions to initiate action with a clearly defined purpose.

In our last issue we briefly examined the possibility of Australia's most important export industry, the wool industry, being used as a vehicle for initiating a limited objective programme which is realistic in relationship to the developing international situation. It is now readily admitted that increasing credit creation is essential to try to make the economy work by progressive expansion. But this very expansion and the method by which it is financed, make inflation inevitable. The use of the subsidy technique is the only known method by which credit can be expanded without increasing prices. This is not a matter of opinion, but a question of simple fact.

The economic planners everywhere are opposed to the principle of subsidising prices for the benefit of the consumer. They realise that the application of this principle starts to lead away from the current programme of centralism. We advance the principle of subsidisation, not as a cure-all for the basic problems of our society, but as a limited objective policy, which could be adopted without interfering in any way with an economic structure, which it would be suicide to try to seriously modify until the world crisis is resolved. Failure to make such modifications, in the Western world, makes the problem of resolving the world crisis in favour of the free society increasingly difficult.

D. J. KILLEN'S ADDRESS ON THE CRIMES BILL

The following are extracts from an address on the Crimes Bill by the Liberal Member for Moreton, Mr. D. J. Killen, on October 27:

It is interesting to recall that the Leader of the Opposition, the honorable member for Grayndler, and the honorable member for East Sydney, were three who in 1949 voted for a measure called the National Emergency (Coal Strike) Act. I hope that honorable members will bear with me while I recite one of the more critical and, to my mind, more offensive provisions in that bill—

> Where an organization has committed an offence against this Act, every person who, at the time of the commission of the offence, was a member of a 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 . . .

Where was the onus of proof? What has the Leader of the Opposition to say about that? He advocated a measure, which, in the most explicit language, put the onus of proof upon the defendant. Where was the honorable member for East Sydney when that act was put upon the statute book? He voted for it. Where was the honorable member for Grayndler? He voted for it.

That is not the complete performance. The Approved Defence Projects Protection Act, which was passed in 1947, also by Labor Government, related to approved defence projects either within or outside Australia. Members of the Opposition protested against the "proclaimed country" provision of this legislation. Can they justify their stand there? Can they honestly square with their consciences their attitude today and their actions of thirteen years ago? We heard a protest from the honorable member for Grayndler about the wiping out of the jury system. That is something about which I shall have something to say as I progress through an examination of the bill. Under the Approved Defence Projects Protection Act, to which I have referred, an offender could be prosecuted summarily or upon indictment. Was there any guarantee of a jury under that act?

Mr. Pearce. —Who passed that act?

Mr. KILLEN. —It was passed by a Labor Government. For heaven's sake, let us make a genuine, honest effort to examine the merits of the measure, instead of simply getting hold of the bill, as the honorable member for East Sydney did, and saying, "The whole proposal is no good." There are some people who are genuinely disturbed about some of the provisions of the bill, but the test of their genuineness is their preparedness to listen to reason. I shall return later to those people whom I describe as being genuinely disturbed.

I think it is one of the most singular political and historical facts concerning this measure that the Communist Party of Australia has unleashed against this Government, and against everything for which this Government stands, the most intensified propaganda campaign ever unleashed in this country. Armed with the murderous pretence that they, the members of the Communist Party, have a trifling interest in liberty, they are seeking to destroy public opinion or to weaken it so that it will break and this Government will say, "We must not press on with this measure."

Now I turn to those people whom I consider to be genuinely disturbed about this measure. The first point to consider is whether it is necessary to protect the State. I do not summon to my cause any political figure. I summon two eminent jurists, who have expressed themselves publicly in the courts on this great issue. I refer, first, to Lord Justice Scrutton, who had this to say—

> Very wide powers had been given to the executive to act on suspicion in matters affecting the interests of the State. The responsibility for giving those powers rested not with the judges, but with the representatives of the people in parliament. Professor Dicey, to whom I would hope even the pomposity of the Deputy Leader of the Opposition (Mr. Whitlam) would succumb and who, I hope, the latter would accept as a respectable authority, had this to say in "Laws of the Constitution" in relation to the United Kingdom Official Secrets Act, than which the bill we are now considering is an infinitely milder measure—
>
> These enactments are in fact framed in the widest terms to prevent the publication of any matter which is detrimental to the public interest . . . The avowed object of the acts is not, of course, to control the liberty of the press or to restrict discussion of matters of political interest, but to prevent the betrayal to a potential enemy of matters relating to national defence.

Let us look at recent experience in several countries of matters of espionage and sabotage, their effects upon the governments of those countries and the subsequent actions of those governments. Let us take, first, the experience of Canada. In 1946 a royal commission was appointed to inquire into these matters, and in their report the commissioners recommended—

> 1. That the Official Secrets Act 1939 be studied in the light of the information contained in this Report and in the Evidence and Exhibits, and if it is thought advisable that it be amended to provide additional safeguards.
>
> 2. That consideration be given to any additional security measures which would be practical to prevent the infiltration into positions of trust under the Government of persons likely to commit acts such as those described in this Report.

What did the Canadian Government do? It substantially amended the Official Secrets Act 1939, not because of the caprice of any one individual or because of the ideas held by a group of individuals in the Government, but on the basis of experience of what had happened in the way of the massive betrayal that had occurred when Alan Nunn-May gave information to the Soviet Union.

What of our own experience in Australia? The royal commission of 1955 had this to say in its report: —

> Apart from the difficulties arising from the law of evidence, it seems that the law of Australia is inadequate to combat espionage, particularly in time of peace.
>
> Because of the uncertainty of the meaning of Section 78—

That was Section 78 of the Crimes Act at that time—

> We prefer not to say whether any communication was made in breach of that Section. Our reluctance is fortified by the fact that even if breaches of Section 78 did occur, there is no evidence legally admissible in a court of law, which would be sufficient to warrant a prosecution in respect thereof.

I have been a little surprised, although not completely so, to hear some of the extravagant and highly imaginative arguments presented by Opposition spokesmen in the course of this debate. If one takes those arguments and considers them in complete isolation, one would come to the conclusion, of course, that this bill is a dreadful piece of legislation. But is that the case?

Mr. Allan Fraser. —Yes!

Mr. KILLEN. —The honorable member for Eden-Monaro says "Yes." I would hope that in the course of the next few minutes—and conceding that he is a reasonable man—he will be open to some measure of persuasion. If one looks at the existing Crimes Act, one finds that in section 24A(2.) there is in a very real sense, a diminutive Magna Carta. I will read the provisions of the sub-section, which says—

> It shall be lawful for any person—
>
> (a) to endeavour in good faith to show that the Sovereign has been mistaken in any of his counsels;
> (b) to point out in good faith errors or detects in the Government or Constitution of the United Kingdom . . .
> (c) to excite in good faith His Majesty's subjects to attempt to procure by lawful means the alteration of any matter in the Commonwealth as by law established; or
> (d) to point out in good faith in order to their removal any matters which are producing or have a tendency to produce feelings of ill-will and hostility between different classes of His Majesty's subjects.

The very worst that can be said about it is that there is a small measure of doubt that the principle expressed by that section runs through the entire act. But would it not be a fair proposition to suggest that the honorable members of the Opposition should say. "We are conscious of an anxiety that is felt concerning industrial matters. We are doubtful whether or not these proposals will curb free speech"? Why not then say to the Attorney General, in a reasonable way. "Will you ensure that these provisions prevail throughout the entire act?" As I have said, the fact is that at the very worst there is but a small doubt that these provisions do not permeate the entire act, and I am quite certain that if the Attorney-General were asked in a reasonable way—and I do ask him, I hope, in a reasonable way—to ensure that these provisions prevailed throughout the act he would gladly accede to that request. I say to the Leader of the Opposition (Mr. Calwell), who has, if one can judge from his speech tonight, been ill advised by a lot of fifth-class lawyers, that it is fundamental in the consideration of any doctrine that you take the doctrine as a whole. You do not take one line or one paragraph or one section and say, "This represents the law." Because they have done this, the Leader of the Opposition, the honorable member for East Sydney (Mr. Ward) and the honorable member for Grayndler have found themselves floundering this evening. They have taken hold of but one element of a particular offence and they have said, "This represents the entire offence." They have not recognized the fact that in a court every element of an offence must be proved, and that unless every element is proved the prosecution fails.

I must disregard the interjections and press on, and I turn now to the major amendments. It has been suggested that there is no guarantee of trial by jury. Treason is an indictable offence. Offences against proclaimed countries are indictable offences. Sabotage, assisting prisoners of war to escape, and espionage are all indictable offences. In view of these faults, what is the meaning of the proposition put forward by the Opposition? Is it contended that the Attorney General, by his persuasiveness and eloquence, will domineer and capture a jury? Is there no one in this House who has watched a jury at work, or who has sat as a member of a jury and observed the way in which it arrives at its conclusions? On this aspect of the legislation the case for the Opposition amounts to a massive sneer at the jury system. In every one of the major alterations to be made to the legislation there is provision for a jury trial. It is complete and utter humbug for any honorable gentleman opposite to suggest that such is not the case.

I turn now to a brief examination of what appears to be one of the more sensitive issues in the debate on this legislation. It revolves around the scope of the words "assist by any means," which are to be found in proposed new section 24AA, sub-section (1.). There is nothing novel about these words. I am very surprised that the Deputy Leader of the Opposition (Mr. Whitlam), who has a modest reputation for a knowledge of the law, and a reputation that I am bound to say he thoroughly deserves, should take the view that there is something new about these words "assist by any means." I suggest that the Deputy Leader of the Opposition should consult Hale and Blackstone, and also Stephen, who used these words in his "Digest of the Criminal Law"—

> Every one commits high treason who, either in the realm or without it, actively assists a public enemy at war with the Queen.

Similar words were part and parcel of the criminal code drafted by Sir Samuel Griffiths in 1879. The phrase used in that case was as follows—

> Assisting any public enemy at war with Her Majesty in such war by any means whatsoever.

In the celebrated Casement case, the court had this to say—

> In our view, the words "giving aid and comfort to the King's enemies" are words in opposition to explain what is meant by being adherent to the King's enemies.

I turn to what appears to be yet another point of sensitivity in regard to these proposals. I refer to the admission of evidence of a person's character as proved. There is nothing new about this proposal, either. It was put into the Crimes Act originally by a Labor government. Subsequent Labor governments have left it there undisturbed; they have done nothing about it whatsoever. Now it is proposed to extend the provision regarding a person's character to a number of other sections in the act. It is hysteria to imagine that all you have to do to prove the whole offence is to prove that a person has a particularly bad character. Where on earth the honorable member for Grayndler got that crazy, impossible, cranky idea, I do not know. The honorable member said that if a person were caught and it was found that he had not paid his bus fare on one occasion, he could be hung. Dear me, that sort of argument is unworthy of any person who sits in the National Parliament. Possibly the Leader of the Opposition, with his ready anxiety to bring himself up to date, would care to look at the case "R. v. Fairbairn," which is

reported in 33 Criminal Repeal Reports, and in particular at the words of Lord Chief Justice Goddard, one of the greatest jurists that the British people have ever known. It is a pity that Lord Goddard never had an opportunity of having the honorable member for East Sydney, who is now interjecting, brought before him. Lord Chief Justice Goddard said—

A man with previous convictions of dishonesty cannot be arrested merely because he is walking down a street. That, of course, would be absurd. It has to be shown that a man with a bad character, and known to the police as a person with a bad character, is acting in such a way as to justify an arrest. The provision that I am now referring to had its genesis in the Prevention of Crimes Act of 1871. It has been in operation for nearly 100 years. There is nothing novel about the provision; it is a fined down provision. It will have reference to a person's character only in relation to a particular act. It is quite absurd to say that, in the case of a person who is found in the act of breaking and entering a particular establishment, the whole offence can be proved merely by invoking the fact that five or ten years previously he evaded payment of a fare. Under this measure, it is necessary to prove the actual act and also that it was done for a purpose prejudicial to the defence and security of this country.

Mr. Allan Fraser. —Are you satisfied with the provision?

Mr. KILLEN. —If my honorable friend cannot see that point, I am not at liberty now to take him through the whole provision in a detailed way. But I hope that over the weekend he will make some effort to see what it really amounts to. This provision has been in the Crimes Act for 46 years. It has not been used, let alone abused, for 46 years.

THE CAMPAIGN AGAINST THE CRIMES BILL

When the Crimes Bill was first introduced we expressed general support for the purpose of the proposed amendments to the Crimes Act, but suggested that some modifications would probably be necessary. After an examination of the debates, both inside and outside Parliament, we strongly adhere to our original opinion.

Those talking so loudly about "British justice" have clearly taken no trouble to study the legislation. It is certain that most of the critics have never read, for example, the British Official Secrets Act. The Crimes Act is very mild compared with the British Act.

The widespread campaign against the Crimes Bill is yet another example of how the forces of subversion work in a society in which liberty is interpreted to mean licence. The first major criticism of the Crimes Bill came from the pen of Professor Geoffrey Sawyer of the National University and, significantly enough, was published by *Nation*, the Australian Bible of Australian left wing intellectuals. Sawyer's material was then used uncritically all over Australia. Those using it apparently never thought it necessary to seek the opinion of eminent legal authorities not directly associated with politics. These authorities have given a completely objective view of the legislation.

It is now claimed that the new amendments circulated by the Attorney General, Sir Garfield Barwick, are an admission that his critics were correct and that he has yielded to public opinion. The truth is that these amendments only express in statutory form what was clearly implicit in the original Act and the amendments. Under the circumstances, Sir Garfield was wise to take this action. But to claim that these further amendments in any way modify the basic features on the Bill is further evidence of either deliberate ignorance or pitiable ignorance.

For the information of our readers we publish in this issue a balanced address on the Crimes Bill in the Commonwealth Parliament by Mr. D. J. Killen, who is a student of law.

Pre-Christmas House Party Saturday, December 10

Melbourne metropolitan and near metropolitan supporters will be pleased to know that Mr. and Mrs. Eric Butler are again making their home available for a pre-Christmas Social Credit House Party. Unfortunately, they were unable to arrange this usual annual event last year.

The House Party will be held on Saturday, December 10, and guests who so desire may arrive in the late afternoon and prepare their own barbecue in the lovely surroundings. Barbecue facilities will be available, but those coming must bring their own food.

The House Party will provide excellent relaxation and enjoyment for all, both young and old. Special arrangements are being made to ensure that this last Social Credit social evening for the year is the most enjoyable yet held. There will be billiards, table tennis, dancing and other forms of enjoyment. Supporters may bring their friends.

The entrance charge will be only 5/-. All profits made from the evening will be donated to the Movement's funds. Please note:

Those intending to attend the social would assist in the catering arrangements if they indicated that they will be present.

Those desirous of attending, but lacking personal transport, should let us know at their earliest convenience.

Make A Note Of The Date Now. This Will Be A Night Of Real Enjoyment.

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