

The Browne–Fitzpatrick privilege case, 1955

In On 3 May 1955 Charles Albert Aaron Morgan, member of the House of Representatives for the electorate of Reid, New South Wales, informed Parliament that an article appearing in the *Bankstown Observer* for 28 April 1955 had impugned his personal honour and challenged his fitness to be a Member of Parliament.

In an article headed 'MHR and Immigration Racket', it was alleged that Morgan, a lawyer before entering Parliament, had engaged in corrupt schemes involving refugee migration from Europe to Australia before World War II. The *Bankstown Observer*, a free weekly newspaper distributed throughout areas of suburban Sydney that included the Reid electorate, was owned by Raymond Edward Fitzpatrick, a Bankstown businessman and political rival of Morgan. Morgan ended his speech by moving that the newspaper article be referred to the House of Representatives Standing Committee of Privileges (the 'Privileges Committee') for investigation. The House approved the motion.

Over the ensuing weeks, the Privileges Committee met on a number of occasions to deal with the matter. Morgan, Fitzpatrick and Frank Courtney Browne (the editor of the *Bankstown Observer* at the time) appeared before the Committee and were questioned by its members. The Committee report, presented to the House of Representatives on 8 June 1955, concluded that a breach of privilege had occurred and recommended that the House take appropriate action.

The House determined that Browne and Fitzpatrick be required to appear before the Bar of the Chamber on 10 June 1955 to answer the charges brought against them. Having heard statements from both men, the House, on a motion from Prime Minister Robert Menzies, voted that Browne and Fitzpatrick be committed to 90 days in gaol. Subsequent appeals to the High Court of Australia and the Privy Council were unsuccessful and the sentences were served in the Canberra police lock-up (while appeals were pending) and Goulburn Gaol.

Records relating to the Browne–Fitzpatrick case

Records relating to the Browne–Fitzpatrick case held by the National Archives are listed below. In addition to records of the Privileges Committee inquiry (including transcripts of evidence given by Morgan, Fitzpatrick and Browne) released by resolution of the House of Representatives on 7 December 2000, they include records from agencies such as the Prime Minister's Department, the Cabinet Secretariat, the Attorney-General's Department and the Solicitor-General of Australia.

Unless otherwise indicated, all records are held by the National Archives in Canberra.

House of Representatives Standing Committee of Privileges (CA 724)

Title or description of record	Date range	Series, item number
<u>Articles in Bankstown Observer – matter referred to the Committee on 3 May 1955 – general file</u>	1955	A11866, 1
<u>Articles in Bankstown Observer – matter referred to the Committee on 3 May 1955 – proceedings in the House following presentation of the Committee report</u>	1955–64	A11866, 2
<u>Transcript of proceedings in the High Court of Australia in the case of The Queen v Edward Richards, ex parte Raymond Edward Fitzpatrick and Frank Courtney Browne</u>	1955	A11866, 3
<u>Proceedings before the Privy Council appeal on petition for special leave to appeal – The Queen v Edward Richards, ex parte Raymond Edward Fitzpatrick and Frank Courtney Browne</u>	1955	A11866, 4
<u>Articles in Bankstown Observer – other matters not directly connected with Committee's investigations</u>	1955	A11866, 5
<u>Articles in Bankstown Observer – evidence of Mr CAA Morgan MP, Mr Raymond E Fitzpatrick and Mr Frank C Browne</u>	1955	A11866, 6
<u>Bankstown Observer – copies for May 1955</u>	1955	A1866, 7
<u>Mr Joske's copies of papers on the Browne–Fitzpatrick case</u>	1955	A11866, 8
<u>Chairman's copies of papers on the Browne–Fitzpatrick case</u>	1955	A11866, 9
<u>Spare copies of some papers on the Browne–Fitzpatrick case</u>	1955	A11866, 10

Prime Minister's Department (CA 12)

Title or description of record	Date range	Series, item number
<u>R Fitzpatrick and F Browne – breaches of parliamentary privilege</u>	1944–60	A463, 1957/158
<u>Investigation of RE Fitzpatrick's haulage contracts by the War Expenditure Committee</u>	1944–56	A1209, 1957/4799

Secretary to Cabinet/Cabinet Secretariat (CA 3)

Title or description of record	Date range	Series, item number
<u>Browne–Fitzpatrick – privilege case</u>	1955	A4940, C1372

Attorney-General's Department (CA 5)

Title or description of record	Date range	Series, item number
<u>Regina v Richards, ex parte Browne and Fitzpatrick – application for writ of habeas corpus</u>	1950–56	A432, 1955/555 part 1
<u>Browne and Fitzpatrick – removal to NSW gaol</u>	1955–56	A432, 1955/555, parts 2
<u>Browne and Fitzpatrick – removal to NSW gaol</u>	1955–56	A432, 1955/555, parts 3
<u>Privilege case – The Queen v Edward Richards ex parte Raymond Edward Fitzpatrick and Frank Courtney Browne</u>	1955–56	AA1985/58, 12
<u>Raymond Edward Fitzpatrick (CIS file)</u>	1955	SP1714/1, N32646*

Papers of Sir Kenneth Hamilton Bailey (Solicitor-General) (CP 71)

Title or description of record	Date range	Series, item number
<u>Browne and Fitzpatrick – removal to New South Wales</u>	1955	M1505, 456
<u>Bankstown affair</u>	1955	M1505, 111
<u>Browne and Fitzpatrick – habeas corpus</u>	1955	M1505, 455

Collection references

Title or description of record	Date range	Series, item number
<u>Press file – political – imprisonment of Messrs Browne and Fitzpatrick for breach of parliamentary privilege</u>	1955	A5954, 1962/1
<u>Australian Parliament – privilege of – article by Geoffrey Tebbutt re Dr Enid Campbell's book Parliamentary Privilege in Australia, dealing with cases of Browne and Fitzpatrick, Hugh Mahon and JA Alexander</u>	1966	A5954, 1174/20

* Item held in Sydney