

Report of Royal Commission:

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THE STATE OF VICTORIA.

REPORT OF ROYAL COMMISSION.

Inquiring into the origins, aims, objects
and funds of the Communist Party in Victoria
and other related matters.

Royal Commissioner - SIR CHARLES LOWE, K.B.,

A Justice of the Supreme Court
of Victoria.

To His Excellency The Governor of Victoria
General Sir Dallas Brooks, K.C.B., C.M.G., D.S.O.

May it please Your Excellency:

I have the honour to forward my findings of fact in relation to the matters which I was asked to inquire into and report upon in Letters Patent of Royal Commissions granted to me on the 19th day of May and the 14th day of June, 1949, and duly published in the Government Gazette.

The Commissions were issued pursuant to Act No. 5366, which empowered the Governor-in-Council to appoint a Royal Commissioner to inquire into and report upon the origins, aims, objects and funds of the Communist Party in Victoria, and the operations and activities in Victoria of that Party and members thereof, and organizations and persons associated therewith.

SITTINGS OF THE COMMISSION AND PERSONS REPRESENTED.

The Commission first sat on the 6th June, 1949, when matters preliminary to the hearing were discussed. Mr. Sholl, K.C., Mr. Lewis, K.C. and Mr. McInerney, all of the Victorian Bar, appeared to assist the Commission. Many other applications were made by Counsel or individuals for leave to appear, all of which, with one exception, I deferred dealing with until it should appear that the applicants were affected by the evidence adduced before me, and I gave leave to the applicants to renew their applications if that event should happen. *Now applications were not renewed.*

The exception was in the case of the Communist Party. I said that since the inquiry directly related to

(of the Victorian Bar), Mr. M.N. Julius (of the Queensland Bar) and Mr. E.A.H. Laurie (of the Victorian Bar) then announced their appearance for the Communist Party in Victoria. They cross-examined witnesses called to assist the Commission, called what witnesses they thought proper, including leading members of the party such as Hill, Johnson, Chandler, Brown and Mrs. Samson, put in written evidence and generally acted as Counsel would in litigation between parties. As the hearing progressed the representation changed. After some weeks Mr. Paterson ceased to appear. Later Mr. Julius returned to Queensland. Still later Mr. Hill withdrew as Counsel, and afterwards gave evidence for the Communist Party. Mr. Laurie remained to represent the Party until the close of evidence.

Of Counsel assisting the Commission Mr. Sholl was in January of this year appointed to the Supreme Court Bench, and did not thereafter appear before the Commission.

PERSONS ONLY INCIDENTALLY AFFECTED BY EVIDENCE.

During the hearing the names of many persons were mentioned by witnesses, and a considerable number of those who thought the implication injurious to themselves applied either by Counsel or in person for leave to deny, rebut, or qualify statements affecting themselves. As such statements had been made on oath, I required that the answer should be made on oath, but when an undertaking was given to me that the applicant would make his statement on oath, I gave each such person or his Counsel leave to cross-examine the witness making the challenged statement, and I heard on oath his reply.

She was so referred to in the press during the sittings of the Commission, and my reasons for not allowing her name to be published are recorded in the Transcript. Those reasons still operate, and hence her name is not now given.

MARGINAL REFERENCES AND FOOTNOTES.

I should add that (with few exceptions) the marginal references are to the pages of the Transcript of the evidence or the exhibits on which I rely for my finding, while the footnotes give references to passages in works not in evidence that I have come across, and which seem to me either analogous to the evidence, or to give a possible significance to matters dealt with in my findings. There are many other passages in the evidence corroborative of those indicated in the margin, but limitations of space and of human endurance have prevented my giving them.

APPENDICES.

In the course of the Inquiry many documents were put in evidence, a general knowledge at least of which is advisable if not necessary for a full understanding of the bases of the answers I have given to the questions submitted to me. The length of many of them makes it highly inconvenient, if not impracticable, to set them out at length in my Report. I have therefore included the most important of them in the Appendices to this Report. The rest of the documents are available among the exhibits. I have adopted the same course of putting in the Appendix matters which are concerned with detail, whose inclusion in the Report would break the continuity of the narrative and impede the intelligent reading of it. Such are the 11 witnesses called and the members of the C.P. whose

appeared on the hearing.

ACKNOWLEDGMENTS.

I acknowledge at once my indebtedness to Counsel for their assistance in the marshalling, presentation and sifting of the evidence. Without their assistance the performance of this onerous task would have been quite impossible. I acknowledge, too, the great help I have received from the Secretary of the Commission, Mr. E. W. Lawn. His knowledge of the exhibits has been quite remarkable, and has led to much economy of time. Both Mr. Lawn and Mr. C.P. Allen of the Crown Law Department have helped me much in the checking of marginal notes in the preparation of the Appendices.

SUBJECTS OF INQUIRY.

The matters into which I was commissioned to inquire and report upon were:-

"The origins aims objects and funds of the Communist Party in Victoria and the activities and operations in Victoria of that party and of members thereof and of organizations and persons associated therewith and, in particular -

- (a) whether that party by its constitution or propaganda, or any of its members or any of such organizations or persons by propaganda or otherwise, advocates or encourages the overthrow by force or violence of established government;
- (b) whether the activities or operations of that party or any of its members

Act No.
5366.

representative or democratic
institutions;

- (ii) the subversion of law and order;
- (iii) the attainment of social economic industrial or political ends by force violence intimidation or fraudulent practices;
- (iv) the dislocation or disruption of services safeguarding, or essential to the maintenance of, the life health and welfare of the community;
- (v) the dislocation disruption or retardation of industrial production;
- (vi) the indoctrination of children and young people with beliefs or ideas calculated or likely to result in activities and operations of the nature hereinbefore referred to."

BACKGROUND OF MATTERS INQUIRED INTO.

I shall in this Report make detailed findings, so far as the evidence allows me, on all these matters, but the nature of Communism and the activities of the party and its members can only be understood as the current phase of events having their origins long prior to the French Revolution but which began to be violently agitated about the time of the Communist Manifesto prepared Ex.124 by Karl Marx and Frederick Engels and published in 1848. Rather than describe it myself, I quote from