

be clearly seen, may I revert to the Commonwealth Industrial Court. I said earlier that this court has judicial functions and therefore its proceedings have a general protection under the sub judice rule. An interesting case which may disprove the rule occurred in May of this year. An official of a trade union had refused to answer questions asked of him by the Industrial Court regarding the non-payment of fines imposed on the union for breaches of the industrial law. He was ordered to be imprisoned until he gave satisfactory answers. In accordance with our Standing Orders—and I will not weary you with the technicalities—a definite matter of public importance for discussion in the House was submitted to me for approval by a leading member of the opposition. Its subject was the necessity to achieve justice and goodwill in industry by, amongst other things, repealing the penal provisions of the Conciliation and Arbitration Act. There was no specific reference to the case which had culminated in the imprisonment of the trade union official, and I was not so naïve as to think there was no connection but, *prima-facie*, this was not evident. In any case, the subject matter was of obvious national interest and importance. I had no hesitation in deciding that the proposed discussion was in order and I therefore put it before the House. The Leader in the House—and I have no quarrel with him—was guided by political considerations and, on the opposition member commencing his case, immediately moved the closure, which was carried on division. The result was that the case of the imprisoned trade union official was not mentioned and it only remains to say that had it been referred to I would have applied the sub judice rule, as debate may have been prejudicial of his interests and the later proceedings of the court.

There are obviously other matters in respect of which, and subject to the paramount needs and duties of the House, the rule may be applied. For example, early last year there was talk of the appointment of a military Court of Inquiry in respect of the action of an army officer. The court was not in fact set up but I had decided that it would be consistent with the spirit of the sub judice rule to prevent any reference to the substance of the matter of the inquiry or the proceedings.

I understand that the United Kingdom Commons has applied the rule, in particular circumstances, to inquiries by the Official Receiver and by the Board of Trade.

Mr. Chairman, the parliamentary rule is not a precise law. It cannot be exactly defined and it cannot be uniformly applied. Every case must be looked at and decided in the circumstances. There are so many considerations, such as that which troubled my colleague, the Speaker of the New South Wales Legislative Assembly. He was disturbed, on entering Parliament, to hear discussion on all aspects of court proceedings ruled out on the ground that they were sub judice, while, at the same time, the matter was being freely debated in the press without the court being offended or embarrassed or the proceedings being prejudiced. Himself a barrister, he queried whether properly constituted courts would be unduly interested in what might be said about the matter in Parliament. He did not believe that the courts would be readily influenced. My colleague's rulings have accordingly been much more flexible.

I now attempt to answer the question posed in this agenda item: By what principles should the Speaker be guided in his interpretation of the rule? As I see them, they are, first, the fundamental right of the House to legislate on any matter. Second, the fundamental right and duty of the House to consider and discuss any matter, if this is thought to be in the public interest. Third, a recognition that, if it is not inconsistent with fundamental rights and duties, the House will avoid setting itself up as an alternative forum or body of inquiry or permitting its proceedings to interfere in the course of justice. Fourth, that, apart from particular matters such as criminal cases, courts martial, civil cases and matters referred by a legislature to a