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Mr Big of Bankstown, The Scandalous Fitzpatrick and Browne Affair, Andrew Moore, UWA Publishing, 2011, 251 pages, ISBN 9781742582788, \$34.95

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Reading this book for review has been a confronting experience. It centres around a infamous (especially in legal circles) event in 1955 when two men, Ray Fitzpatrick and Frank Browne were gaoled for breach of parliamentary privilege on the grounds that they had conspired 'to blackmail a member of Parliament into silence (p119). Picking up the book for the first time I was delighted that someone had published a non-legal book on this apparent outrage of free speech and the most basic of democratic rights, that of a public fair trial with legal representation. Even if these men had 'merely' been fined these events were *prima facie* outrageous. The fact that they had been imprisoned for three months, made the denial of legal representation and public trial even worse.

The author, Andrew Moore is an associate professor of Australian history at the University of Western Sydney, and author of four previous books two of which were shortlisted for important awards. Thus my expectations were high.

Reading about Ray Fitzpatrick was like reading about minor Tony Soprano. Despite Professor Moore's attempts to paint a somewhat sympathetic picture of Fitzpatrick, he seems to have been a thoroughly despicable character guilty of various crimes from intimidation and racketeering to arson and possibly worse. His close links to the NSW Labor Party and the police appeared to have protected him. Despite recent events in the last decade in NSW, Moore comments that

The 1950s were a high-water mark of corrupt practice in government in New South Wales, rivalled only by the subsequent Askin era, or the Rum Corps ... A royal commission into the liquor trades ... identified corruptions within the NSW police' (p8).

The tie to Ray Fitzpatrick is quickly made through the then Chief Secretary, responsible for gaming in NSW, CA 'Gus' Kelly, described as a 'colourful character' on the take. Moore states that 'it seems likely that Gus Kelly was Ray Fitzpatrick's principal conduit into the inner sanctums of power in New South Wales. While Moore treads carefully in his claims his description of Fitzpatrick is of a man, who at the very least, was a thug,

Ruggedly handsome, bullet-headed, narrow-eyed and square-jawed, Fitzpatrick was six feet tall and powerfully built. He was also handy with his fists and all too willing to use them as a negotiation tool' (p17) ... it was alleged in 1955 that

Fitzpatrick had beaten an 'elderly contractor' almost to death, and blown up another rival's dredge (p20).

... A central plank of the 'legend' of Ray Fitzpatrick is that he had all ranks of the police force in his pay. To be sure the police commission at this time, Colin Delaney, is one of those whose integrity has been questioned' (p21).

If that were not protection enough, Fitzpatrick was helped, in Moore's words, 'by a man who became known in the press as 'Mr Wig; Judge Stanley Cassin Taylor, President of the NSW Industrial Commission' (p39). Fitzpatrick (and his family) amassed wealth and power through contracts with the Bankstown Council in particular. The rorting was exposed in 1954 in the Local Government Inspector's Report into the affairs of the Bankstown Council. Tenders for the supply of sand and gravel from Ray Fitzpatrick and Co. in 1950 and 1951 had been accepted unconditionally with eight price increases requested by the contractor and paid by the council, even though 'on five occasions council had not approved the price increases' (pp31-32).

By the start of chapter five of the book, I had become utterly repelled by Ray Fitzpatrick who appears, above all, to have been, a low-life protected by his acts of intimidation and violence and by politicians, a judge and the police. Any sympathy I felt for his being treated to very rough justice at the hands of the federal parliament was quickly disappearing. My thoughts turned to Al Capone and the use of the tax laws to convict him. Whatever it takes ... and good riddance. Three months' imprisonment seemed ludicrously slight for such a man.

Obviously there is another side to this picture. Federal parliament is not and cannot be involved in judging any of the above described accusations of criminal behaviour by Fitzpatrick. Federal parliament and Fitzpatrick became embroiled through Bankstown's local federal MP, Charles Morgan. Morgan alleged in parliament, under parliamentary privilege that during the Second World War, Fitzpatrick had been engaged in massive racketeering defrauding the Commonwealth government (pp54-55).

Following these attacks on Fitzpatrick, there were counter-attacks by Fitzpatrick on Morgan which centred on claims that Morgan had run immigration rackets during the war. These claims were based on at least one Security Department file on Morgan to which Fitzpatrick had gained access. There were a number of inquiries and much political mileage gained by the non-Labor Opposition under Bob Menzies on the 'Morgan affair'. Fitzpatrick continued to use his skills and contacts and protections to avoid serious criminal prosecution.

There is another major player who was involved, and gaoled, the journalist Frank Browne.

As one reads the second part of this book, it becomes apparent that, in many ways, it is Frank Browne who was the real political target of the federal parliamentary

machinations. From 1946 to 1975 Browne published a weekly newsletter *Things I Hear* (the equivalent then of *Wikileaks* today combining 'astute political analysis with salacious gossip (p81), largely about Canberra politics. In addition he wrote political commentary for newspaper magnates, Ezra Norton and Rupert Murdoch (p80). He was employed by Fitzpatrick to edit the *Bankstown Observer* and shown the documents from the missing security file on Morgan.

On 28 April 1955 Browne wrote the article that led to the gaol term, attacking Morgan and claiming that he was totally unfit to be a member of the federal parliament. That was the 'trigger for the privilege case' for Morgan claimed loudly in parliament that this was a 'brazen attempt to intimidate me in the course of my public duties' (p88) and hence a breach of parliamentary privilege.

Top quote from *Fact Sheet 204* of the National Archives
(<http://www.naa.gov.au/collection/fact-sheets/fs204.aspx>)

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.

Andrew Moore recounts every step of the processes and every event large and small. There are problems with such an approach, not only because of the density of the material but because, for example, the political environment of the day receives only a little more discussion than the narrative of Browne and Fitzpatrick's stay in Goulburn Gaol. Moore, through his narrative, shows that the affair did no one any credit. While Moore quotes Sir Anthony Mason's powerful indictment of parliament for a denial of due process and nature justice (p208), somehow the narrative itself does not bring those points home.

Yet this is an extraordinary period and 1955 an extraordinary year involving the split in the ALP and the Petrov Royal Commission for example. Politics in the 1950s involved many challenges to the nature of Australian parliamentary democracy and to free speech.

The tension in this book is that it, necessarily, is trying to tell two stories. One story is that of the main title: '*Mr Big of Bankstown*'; the other is that of the sub-title, '*The Scandalous Fitzpatrick and Browne Affair*'. While it is essential to understand Ray Fitzpatrick, Mr Big, and his entire political environment, that story of skull-duggery is very different in its style, substance and importance to the discussion of an issue about the nature of Australian parliamentary democracy. The historical narrative is necessary for each of these stories; however the issue of parliamentary privilege needs a level of philosophical and political analysis as well. As a political scientist, and student of parliament, rather than a political historian, I felt those needs were less well served in this book.

Perhaps I expected too much. In the end it was probably an impossible task to tell these two stories, as carefully and as accurately as possible and shift levels of analysis in the middle to the book. ▲