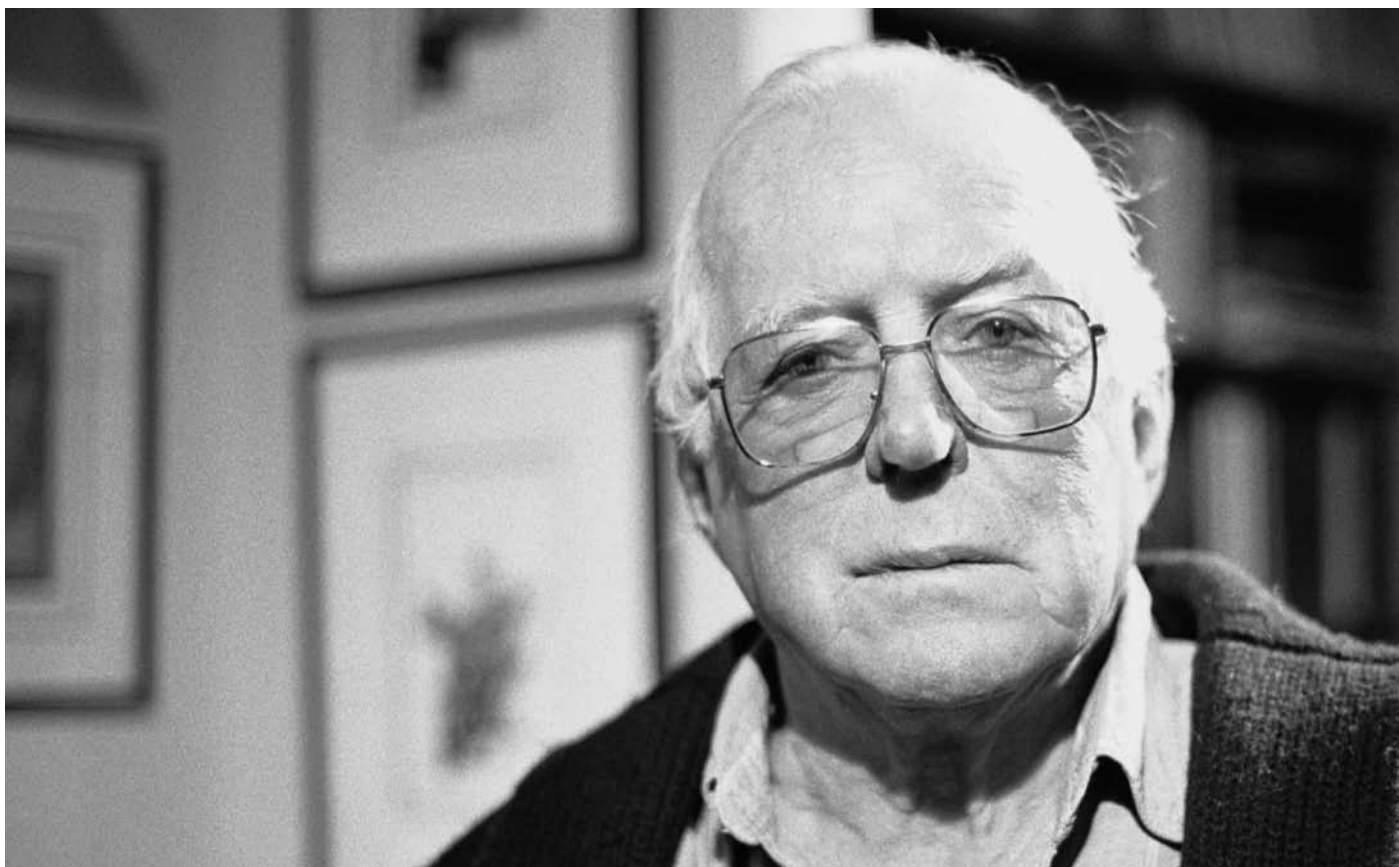


# AUSTRALIAN BIOGRAPHY

SERIES 4

A SERIES THAT PROFILES SOME OF THE MOST  
EXTRAORDINARY AUSTRALIANS OF OUR TIME



## JAMES MCCLELLAND

LAWYER AND POLITICIAN



# JAMES MCCLELLAND (1915-1999)

## INTRODUCTION

This program is an episode of *Australian Biography* (Series 4) produced under the National Interest Program of Film Australia. This well-established series profiles some of the most extraordinary Australians of our time. Many have had a major impact on the nation's cultural, political and social life. All are remarkable and inspiring people who have reached a stage in their lives where they can look back and reflect. Through revealing in-depth interviews, they share their stories—of beginnings and challenges, landmarks and turning points. In so doing, they provide us with an invaluable archival record and a unique perspective on the roads we, as a country, have travelled.

## SYNOPSIS

In 1915 James (Jim) McClelland was born into a working-class Catholic family. He followed in his father's footsteps, taking work on the railways. There he was introduced to left-wing politics. Initially attracted to Marxism, McClelland soon came to doubt that Marx's theories could be applied in reality.

McClelland served in the armed forces during World War Two and after the war, studied law and opened a practice in Sydney specialising in industrial relations.

Always politically active, Jim McClelland played an important part in Australian politics during the 1970s. He was elected to the Senate in 1971 and the following year became a Cabinet Minister in the Whitlam Labor Government.

'Diamond' Jim McClelland retired after seven years in parliament and was appointed to the bench of the NSW Industrial Commission. He later became Chief Justice of the NSW Land and Environment Court and headed the Royal Commission into British atomic tests at Maralinga.

He had a close involvement with the media as both a commentator and columnist. He was a champion of media independence and remained active and outspoken on a number of issues until his death in 1999.

## CURRICULUM LINKS

This program will have interest and relevance for teachers and students at secondary and tertiary levels. Curriculum links include SOSE/HSIE, Legal Studies, History, Civics and Citizenship, Science and Religious Studies.

### Communism in Australia

In the program Jim explains that his interest in politics was renewed by conflict across the trade unions between the communists and the 'industrial groups' in the 1940s and 50s. Much of his practice as a solicitor involved acting for anti-communist elements within the union movement.

While the Communist Party of Australia had a rather marginal place in Australian politics, it did have a strong influence within the trade union movement during the 1940s. The communist presence was most concentrated in those unions representing workers in critical transport and infrastructure industries, where labour conditions were also very poor. Control over unions meant control over industrial action such as strikes and negotiations with business.

The emergence of the Stalinist regime in the Soviet Union following the Second World War heightened concerns over communist influence in the unions, which was both justified and exaggerated. In 1945, B. A. Santamaria established the 'industrial groups' within the union movement to combat and eliminate the communist presence. The period was a divisive time for the unions.

The onset of the Cold War also agitated the communists against Australia's military support for the US and Britain. For example, when Chifley established the Woomera rocket range for British weapons testing, the building unions, encouraged by communist leaders, attempted to disrupt the site's construction.

This kind of action, however, did more harm to the communists than good. As they became drawn increasingly into the ideological debate of the Cold War, and away from the issue of improving wages and conditions for workers, they lost ground in the unions. The militant industrial action was also perceived as a cause of the country's slow post-war economy.

By 1949, communist influence in Australia was on the decline. That same year, a national election was held where communism figured in a different way. As part of his election campaign, federal Liberal leader Robert Menzies promised to ban the Communist Party. Following Menzies' successful election, he introduced the Communist Party Dissolution Bill. Among other things, the Bill placed the onus of proof on a person accused of being a communist, with the potential risk of innocent people being charged.

After some initial challenges, the Bill was eventually passed. However, when challenged in the courts, the law was held to be unconstitutional by the High Court. Menzies made a second attempt by holding a national referendum on the issue in 1951, which was voted down.

Despite this, communism continued to be a declining political force in Australia, especially following the collapse of the Soviet Union and the end of the Cold War.

- How does Jim feel about Marxism and communists?

- Why does he think he was attracted to it? What attracts people to ideas and belief systems?
- How does Jim describe the Stalinists within the union movement?
- What do you understand by the term 'communism'?
- Should there be a point where social ideas are restricted? Discuss in relation to the recent events around the west's 'War on Terror'.

### Activities

1. Research project. Investigate one of the following historical events about communism in the west during the Cold War. Write a report on what happened and combine with some visual or audiovisual artefacts from the event to help tell the story. In particular, consider the perception of communism on the 'home front' of the Cold War.
  - » Menzies attempts to ban the Communist Party of Australia
  - » The Petrov Affair
  - » McCarthyism in the United States
  - » Santamaria, anti-communism and the Catholic Church
2. 'isms' table. Working as a class, collect a list of phrases, words and ideas you associate with the following political ideas: communism, democratic socialism, liberalism, capitalism and fascism.

### Australian Labor Party

Upon returning from the war, McClelland became a member of the Australian Labor Party (ALP) and would later become a federal ALP politician and minister.

The ALP is the oldest of Australia's political parties, and the first trade union-based political party to govern a nation (1904).

The party grew out of the trade union movement and was formed in 1891 as a voice for workers in parliament. Throughout its history, the ALP has continued its association with trade unions, although it has not always been a smooth relationship.

From an ideological perspective, the ALP is perhaps best described as representing 'democratic socialism', with a concern for social justice and equity. While liberalism tends to believe in individual rights, democratic socialism is more concerned with group or community rights.

The longest serving ALP federal government was the Hawke–Keating Government between 1983 and 1996. Following Keating's defeat by the Howard-led Coalition Government, the ALP was out of office for 11 years federally. For much of this time, however, the ALP governed in the states and territories. On 3 December 2007, the federal ALP returned to power under the leadership of Prime Minister Kevin Rudd.

- What made McClelland enter formal politics?
- How does he describe his experience getting into cabinet as an ALP politician?
- Identify some of the values the ALP might stand for.
- What other political parties exist in Australia? Where do you feel they stand in terms of values?
- McClelland touches on the unions' close relationship with the ALP. What other organisations in civil society do political parties have associations with?

### Activities

3. Party policies. Choose one of Australia's political parties. Research their policy positions on education, industrial relations, health, social welfare, telecommunications, foreign affairs and human rights. In groups, discuss the similarities and differences.
4. Timeline. Create a timeline showing which political parties were in power since Federation federally and in your state/territory. Use colour to differentiate between each party.

### Royal Commissions

In 1984, McClelland was appointed to head the Royal Commission into British Nuclear Tests in Australia.

Royal Commissions are a Westminster institution that exist in most Commonwealth nations. They are major public inquiries appointed by the executive government, with those presiding over the inquiry often given broader investigatory powers than usual public inquiries.

In Australia, Royal Commissions are established by the Crown—namely, the Governor-General or state governors, on the advice of the Prime Minister or Premier—through Letters Patent, which set out the scope of the inquiry and appoint commissioners to head the inquiry. Royal Commissions are held at both a federal and state level. In recent decades, the number of Royal Commissions held has declined.

Royal Commissions are established for a variety of reasons, though chiefly to either:

- » investigate allegations of improper behaviour in government or the community (for example, the Wood Royal Commission into the NSW Police Service, 1994–97);
- » investigate major disasters or accidents (Royal Commission into the Failure of West Gate Bridge, 1970–71); or
- » provide advice to government on specific policy areas (Royal Commission on Human Relationships, 1974–78).

While, as with public inquiries generally, they can invite submissions from the public and hold hearings, Royal Commissions

have fairly extensive powers of investigation—they can summon and examine witnesses, and subpoena documents. At the conclusion of the investigation, the commissioners are required to present a final report to the executive government. This reports on their methodologies, findings, submissions received and, most importantly, recommendations for government and others to follow up.

- Why might McClelland have been a suitable appointment to the Royal Commission? What qualities would you expect a commissioner to have?
- The inquiry was the first Australian Royal Commission to be held overseas. What issues and difficulties do you think this would raise? How did Britain respond?
- When might it be appropriate to call a Royal Commission?

### Activity

5. Report. Choose a Royal Commission and write a brief report. Discuss the inquiry's 'terms of reference', what they found and what recommendations were made. Also report on what action was taken to respond to the inquiry's recommendations.

### Nuclear tests in Australia

The US atomic bombing of Hiroshima and Nagasaki in August 1945 set in motion an international arms race in nuclear weapons that would shape international relations throughout the Cold War and beyond. Soon after the bombings, other global powers, particularly the Soviet Union, would develop their own nuclear weapons capacity as a means of gaining equality or advantage in international relations.

In the 1950s, Britain, while an ally of the US, was keen to develop its own nuclear weapons program. Of course, this involved research and testing, and Britain was on the lookout for appropriate test sites distant from any human population or important ecology. This is one of the reasons why Australia was seen as an attractive option. Indeed, Britain had already established the Woomera Protected Area (South Australia) in the late 1940s for testing its ballistic missiles.

After some negotiation, in May 1951, the Menzies Government agreed to Britain's proposals for a nuclear test site in Australia.

The first test, Operation Hurricane, was conducted on 3 October 1952 in the Monte Bello Islands off the West Australian coast. According to Winston Churchill, 'the object of the test was to investigate the effects of an atomic explosion in the harbour.' The test was judged a success and marked Britain's entry into the ranks of atomic powers alongside the US and Soviet Union.

This was followed by Operation Totem—two mainland nuclear tests conducted at Emu Field, about 480 kilometres northwest of Woomera (SA) on 15 and 27 October 1953.

While this test was being planned, the British and Australian governments were considering a permanent testing site near Emu Field. Federal Cabinet agreed to the proposed site, called 'Maralinga', and made a formal public announcement on 4 May 1954. Four tests, Operation Buffalo, were initially conducted at Maralinga in 1956, later followed by several other major tests and some 600 minor tests.

Use of the Maralinga site, and nuclear testing in Australia generally, came to a close in the early 1960s. There were a number of factors for the change.

First, the tide of popular opinion turned against the tests as people increasingly feared the possibility of 'fallout' and contamination. Second, the US and Britain entered negotiations enabling them to share weapons data. By 1962, the two nations were conducting joint tests on US territory, which meant Britain had less use for its sites in Australia.

Finally, and perhaps most critically, Britain was one of 113 nuclear and non-nuclear nations that signed the Partial Test Ban Treaty in 1963. The treaty banned atmospheric nuclear tests. While underground tests could continue, Maralinga posed significant political and geological problems for underground testing.

On 23 September 1967, the Maralinga site was closed down and the British commenced clean-up operations.

Some 20 years later, the federal government set up the Royal Commission into British Nuclear Tests in Australia, headed by McClelland. The Royal Commission was tasked with investigating the tests, including the impact of remaining contamination on an Aboriginal community that had recently been granted rights to the land.

The Commission found that the site, by 1984/85, was unacceptable in its condition and ordered clean-up. One key recommendation was that the UK Government be ordered to bear the costs of clean-up given the inadequacy of their clean-up in the late 1960s. The Australian Government responded by negotiating a contribution from the British in 1993. The British contribution would total \$45 million, about 42 per cent of the total cost of clean-up (\$104 million).

- How does McClelland describe the state of the testing grounds once Britain had cleaned up?
- Identify some of the short- and long-term impacts (human, ecological and geological) of nuclear testing.
- Discuss reasons that might have warranted nuclear testing during the period. What do you think they were seeking to find out?
- What other countries have come under criticism for conducting nuclear testing, particularly offshore?

### Activities

6. Mapping. Students research nuclear test sites around the world, identifying which nations tested where, and present them on a map.
7. Research. Choose one of the countries in possession of nuclear weapons and write a report on their testing and use, as well as public opinion and crises.

8. Timeline. Track the history of key events in nuclear proliferation and the anti-nuclear movement since the Manhattan Project, presenting the information creatively in a timeline.
9. Newspaper article. Put yourself in the position of a journalist who has been invited to sit in on one of the tests. Write a feature article reporting on the test and its impact on the test site, drawing on your own research into nuclear testing. Your role is to give the public an objective insight into the issue.

### Governor-General

McClelland served under the Whitlam Labor Government at the time of its controversial dismissal by then Governor-General Sir John Kerr. It was not the first time McClelland had contact with Kerr, having used him as a barrister when practising as an industrial relations lawyer. During the interview, McClelland shares some of his views on Kerr and the position of Governor-General.

Under the Constitution, the office of Governor-General is Australia's official head-of-state. The Governor-General is appointed by the Queen upon the advice of the Prime Minister, an arrangement that makes Australia a constitutional monarchy.

The regular role of the Governor-General is to grant 'royal assent' or approval to proposed laws once they have passed through both Houses of Parliament. Other powers include appointing government ministers and acting as 'commander-in-chief' of the armed forces.

In exercising these powers the Governor-General must act on the advice of government, usually the cabinet ministers.

There are a few powers that do not require the Governor-General to act on the advice of government. These are called 'reserve powers' and are held as a matter of convention. Two of these 'reserve powers' are the power to appoint and dismiss a Prime Minister.

It was these powers that Sir John Kerr, as Governor-General, exercised when he dismissed Labor Prime Minister Whitlam in November 1975. The dramatic series of events leading up to the dismissal stemmed from a refusal to pass money supply bills by Liberal and Country Party senators. These bills were necessary to give the government funds for public spending. The threat of economic instability was the main justification used for Whitlam's dismissal.

Since then, the dismissal has been the focus of much scholarly and public debate. Some legal and political commentators argue the dismissal was unconstitutional. Others argue that even if it were constitutional, it is undesirable for an unelected official to dismiss a democratically-elected government.

- How does McClelland feel about the Whitlam dismissal? Where might he place the blame?
- McClelland discusses in some length his belief that Kerr was a 'closet homosexual'. How does he see this as affecting Kerr's judgement? Do you agree?
- What qualities should be sought in a Governor-General?
- Do you think the Governor-General should have power to dismiss a government? Give reasons to support your position.

### Activities

10. Biography. Write a brief report on one of Australia's former Governor-Generals, giving details of their background and the historical climate of their term in office.
11. Debate topic. Hold a debate around the following statement and with reference to the Whitlam dismissal. 'While unelected, the Governor-General is an effective and appropriate check on political power in Australia.'
12. Research. Choose another nation in the Commonwealth. Write a report on whether there is an equivalent office to the Governor-General and if so, detail what constitutional powers they have.

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# AUSTRALIAN BIOGRAPHY: JAMES MCCLELLAND

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