

TRUE TO HIMSELF HE DID THINGS HIS WAY

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While the theological and ecclesiastical dimension of the lay vocation is becoming much more developed, we have always been blessed with men and women who used their talents to promote the good of society by serving it in a way consonant with their Catholic beliefs and values. Think of outstanding people in various professional fields. Here in Queensland we have Premier T. J. Ryan, various members of the O'Sullivan family, and Catholics who have been well represented in the legal, medical and teaching professions. There are architects, pioneers and graziers, businessmen, and many as yet unsung heroes and heroines. It is time to open a new book on our Catholic laity.

As an example, take Neil Francis Macgroarty, a man of whom history can say he remained true to himself and did things his way. Born in Brisbane in 1888, he studied law and was admitted to the bar in 1911. In 1929 he was persuaded to enter politics as Nationalist Party member for the seat of South Brisbane, which included his own home suburb of West End. He was a parliamentarian for only one week when he was chosen for the new cabinet of the A. E. Moore Government and given the portfolio of Attorney-General. Nobody before or since had such a meteoric rise. The marriage of law and politics requires a most delicate balance. Neil Macgroarty obviously perceived the dynamic connection between the two.

Law is a conservatising force, stable, predictable. Politics in those days, as in our own, had its radical elements - something that did not seem to trouble Macgroarty - but for some time there had been hints of corruption in high places - and that did stir him. He held firmly to the belief that political activity must serve ethical ends. His own life-style was simple in the extreme, but he knew that in politics there were men over-attached to egotistical interests, that the world he was entering was full of complexities and confrontations.

At 41 he felt ready for the challenge. He was aware of a certain detachment in himself, an interior leisure to think in his sometime long walks to church for daily Mass and a little contemplation. Brisbane was then a smaller place and enjoyed a great deal of community support. South Brisbane had a good percentage of Catholics, and he was president of the Irish Association. He had many good friends among his colleagues.

He was quickly plunged into the maelstrom that was to test his fortitude. The march of events included two public scandals brought to his attention as Attorney-General. One was the mysterious death of a beautiful young woman. The other involved the Premier of the previous Queensland government, "Big Bill" McCormack, and his friend the Federal Treasurer, Edward Grenville Theodore, both accused of the abuse of public office for private financial gain in what was known as the Mungana affair.

First, however, Macgroarty had a year or so to savour a taste of political life. We may sample a few items. At the first meeting of the new cabinet, on May 23, 1929, it was announced that Squadron-Leader Hinkler was presenting his aeroplane to the nation. There were a few run-of-the-mill matters discussed, and then came the tip of the long shadow of unemployment when the Ministers had to reconsider the rural workers' award, a problem that has cropped up again here in Queensland more recently.

The Labour Government had brought this award into action in March, 1928. It enforced a 44-hour week and overtime, and preference was to be given to AWU members.

Because many employers could not afford the wage bill, hundreds of rural workers were being stood down, so the award was suspended. A few days later Macgroarty presented his commission as Attorney-General to the Full Court, consisting of Mr Justice Macrossan, Mr Justice Webb, Mr Justice Henchman and Mr Justice E. E. Douglas. Three out of the four of these were Catholics.

Macrossan conveyed the felicitations of the judiciary. He had known Macgroarty, he said, since boyhood and viewed his opponent with unfeigned personal pleasure. More importantly, the State had a son of its own, young, energetic and capable, to fill the highest legal position it could give. Macgroarty enjoyed the goodwill, loyalty and co-operation of his brothers in most branches of the legal profession, he concluded. The flowing compliments underlined the fact that a qualified man was once more in exercise of the duties of the office of Attorney-General, for Macgroarty was a member of the Bar Board and also of the Council of the Bar. A concert in his honour was arranged by the Queensland Irish Association. The Association regarded him as a good, straight, honourable man, one who held their trust.

Macgroarty was all this and more, as he demonstrated in his handling of the problems laid before him. Like his father, Daniel Canon Macgroarty, he was in advance of his time in some of the opinions he expressed. For example, the question arose as to why legal wrangles should have to be referred to the Privy Council in London, an anomaly that lasted right up to recent years. Macgroarty was forthright in his opinion. The *Brisbane Courier* of August 26, 1929, quoted him as saying that when litigants brought an action before the Full Court of Australia, the whole of the appeal work should be settled in this country, not be referred to the Privy Council.

As to divorce, while Macgroarty deplored it in his personal belief, he recognised that the law of the land was for a pluralist society, but as a barrister he pointed out the inequalities in the administration depending on where one lived in Australia. Macgroarty believed that there should be Commonwealth legislation in this matter for all states.

Probably because it was publicly known that he was legally the best qualified Attorney-General for many years, pressure was heavily on Macgroarty to revise a number of antiquated laws. The expectations seemed to be that by waving a magic wand he could dispel all anachronisms in the twinkling of an eye. Thick and fast came the demands from both the press and private people for him to deal with the Companies Act, the Police Offences Act, the Matrimonial Causes Act, the Fencing Act and the Ejectment Act. Urgency was given even then to the need for a new "Snow" Act, because of the lenient sentences for the use of cocaine. "The eyes of Queensland are upon you, Mr Attorney", one paper warned (*Truth*, July 24, 1929).

The situation that most desperately emphasised the need for his intervention was one that held both press and public captive for months through 1929 and 1930. It was the scandal surrounding the death of a Brisbane beauty, Dulcie Barclay. At first, the papers reported that she had committed suicide in a Brisbane barrister's office where she had been a secretary. It was the kind of tragedy that seemed to mix mystery, romance and beauty. It turned many into amateur sleuths. Was there a note? That was a question that could not be answered immediately. But yes, there was a note. Later still, it appeared that there was a child, too. Then the surmises and innuendos ran riot. Macgroarty accused the *Truth* in particular of boosting its sales by prolonging this kind of prurience. More sober papers as well demanded an inquiry. The girl's mother expressly and publicly protested against the move. So did other citizens who wished to spare the distressed woman. But the call for an inquiry went on.

A legal argument started concerning the powers of the Magisterial Inquiry Court. The crux of the matter seemed to be the inadequacy of the 1866 Act concerning the

inquest of death. Here was another task for the Attorney-General. In future, to avoid the need for later exhumation of the body if there should be a similar inquiry, it was determined that the Magisterial Inquiries Officer should see the person before burial to pronounce on the cause of death (*Courier*, December 18, 1929).

More than any other event during his first year of public office, the Barclay case, with all the excitement and confusion it generated, turned the spotlight on the role of the Attorney-General. The *Courier* (December 11, 1929) expressed the general opinion: "The law enters so closely into almost every phase of social and civic life, and its maintenance is so essential to the welfare of the State, that it ought to be made so plain that the ordinary man can grasp the essential principles". Macgroarty agreed and promised that a new Act be put through Parliament next session.

The rough and tumble of politics is no place for the sensitive soul. Before Macgroarty's maiden speech in Parliament, an ominous heading appeared in a newspaper hostile to the new government: "Waiting for Mac". The promised heckling and disruption met the 'novice' with more than ordinary heaviness. Mac did not shrink from verbal battles. It is possible that his witty repartee even attracted men like the insufferable Bedford to keep their sharpest barbs for Mac.

When the newspapers grumbled about him, it seems to be for two main reasons. The first was his alleged "invisibility". Why did he not go about among the people more? The same charge was laid at the door of the other cabinet ministers, almost before they had time to breathe after the elections. For example, the *Daily Mail* (June 21, 1929) headed its complaint "Moore's Mystery Ministry: What is done behind closed doors? Why the secrecy?" Then it proceeded to analyse the defects of the ministers one by one. "The Attorney-General," it stated, "shrouds himself in a mantle of invisibility. An attempt was made to open written communication with him through his private secretary," it asserted, but to no avail. Later on it made out that a wooden barricade had gone up outside his office in the Treasury Building, with Captain Darracott standing guard to hold off intruders or honest inquirers.

Thus on one hand there was the expectation that the Attorney-General would turn out a new statute book in record time, and on the other that he should be on public view as if there were no homework.

The second ground of complaint was Macgroarty's repudiation of the kind of socialism espoused by some members of the Labor Party. The *Daily Standard*, for example, (September 4, 1929) in a piece headed "The Roar of Macgroarty" reported the Attorney-General as dismissing with a lordly gesture the whole theory of socialism as impracticable because of human selfishness. He had in mind, no doubt, something simmering in the background of the public consciousness for a few years, and soon to spill over into the press. It was the confused and troubling question of the Mungana mine, one that was to tax his energy and ingenuity for the rest of his parliamentary career.

There was an ethical aspect of the Mungana affair: it involved conflict of interest in public figures. There was a financial aspect, the mining operation swallowed up government investment. There were logistic aspects, the Mungana mine could not supply enough ore for the smelting done in Chillagoe, the machinery got worn out, and a glance at the map will reveal the enormity of distance for transport of replacements. Now a ghost town and rarely heard of, Mungana was once a household name and had enough significance to figure in Frank Hardy's novel, *Power Without Glory*, in the reference to "The Mungana Company".

Hardy only slightly disguises the name of a politician closely associated with Mungana, for "Ted Thurgood" is none other than Edward Theodore. The end of the story

may be told at the beginning, for what mattered most was the public conscience at work in between the beginning of the story and its end. The end was that a civil suit was brought against Theodore, but he was declared innocent. Gough Whitlam stands up for Theodore. "The dishonour of Mungana," he wrote, "lay not with Theodore but with those of both parties who used Mungana to destroy a great Australian's career, and a great Australian." Neil Macgroarty's political career ended with Theodore's.

To understand what the controversy was all about, we need a flashback to 1915. It was then that T.J. Ryan headed the first Labor Government as Premier. Denis Murphy's biography of this moderate Catholic politician illustrates the kind of State enterprise he favoured in order to counter monopolies and to lower consumer prices. It was a mild form of socialism, well received by miners and farmers, but opposed by private business interests. Ryan's deputy was E. G. Theodore.

Between then and our period, that is when Arthur Edward Moore became Premier. The Chillagoe mining field had a chequered history. By then there were charges and counter-charges of swindling and false balance-sheets in connection with the Chillagoe and Mungana mines. To clear up the matter there was talk of a Royal Commission. That placed Macgroarty in a key position, because on him and on the Mines Minister depended whether there should be one.

A Royal Commission is not a court. People summoned before it are bound to answer questions, but any admission they make of malpractice may not be used against them in later criminal proceedings. Documentary evidence seemed to point to four men in particular as public figures involved in conflict of interest. One of these was "Big Bill" McCormack, the Premier of the Labor Party before Moore's term. The other was E. G. Theodore, at particular time Federal Treasurer, and very soon to be Deputy Prime Minister in the absence overseas of Prime Minister Scullin. The situation was explosive.

Edward Granville Theodore was born in South Australia in 1884, grandson of a Greek Orthodox bishop of Romanian birth. Theodore had experience in Broken Hill mines before arriving at Chillagoe in 1906. That is where he became a Labor leader, at first struggling for more human living conditions and better pay, then starting a union to confront the Chillagoe Company. From there he went on to a political career, being elected for Chillagoe in 1909, and later he became Deputy Premier to Ryan. He succeeded Ryan as Premier in 1919.

Then McCormack came on the scene as Premier. Thus from 1915 we had three Labor premiers in succession until Labor was beaten by the Moore government in 1929. Two of these, Theodore and McCormack, took their place at the centre of the Mungana affair.

McCormack was born in north Queensland in 1879, and he also had worked in the Chillagoe field, and like Theodore, influenced the trade union movement. He became Speaker in the T. J. Ryan government, and later a Member for Cairns, a position he still held when he was ousted as Premier by A. E. Moore. From the beginning of McCormack's term in 1926, Mungana became the source of bitter party clashes. Financial losses there were linked with charges of impropriety and conflict of interest on the part of both Theodore and McCormack. Theodore fought allegations of improper dealing. They were raised, he said, by conservative politicians under the shelter of parliamentary privilege to discredit Labor leaders.

It was decided to go ahead with the Royal Commission. This did not prevent Theodore from being returned with a record majority in his New South Wales electorate of Dalley. Theodore was fiercely defended by many elements in Queensland. It is significant that McCormack was not. Neither man, however, would appear before the Royal

Commission. McCormack had gone to London for treatment for a heart complaint. Theodore disdained to explain his absence. This waiting concerning the outcome for Theodore set the Federal caucus in disarray. In July, 1930, Theodore journeyed to Brisbane to demand prosecution. Moore and Macgroarty had a stormy meeting with him. Then Macgroarty pressed for legal action with support from the party. It was to be a civil action, not a criminal one.

There were legal complications involved in this decision that time does not permit us to sort out. Macgroarty's intention was to make it easier for Theodore and the others named in the report of the Royal Commission to clear their names. But feelings were running high, and when Macgroarty explained that he would have to amend an old 1874 Act called the Crown Remedies Act, somebody in the opposition roared, "This is special legislation to suit the Government," and there was chaos in the Assembly. In the eyes of the Labor Party, the object of the whole exercise was a government trap, and they would not be conciliated.

The newspapers were divided on the merit of Macgroarty's intervention. The Brisbane *Courier* approved, the *Daily Standard* condemned. Even though in the end Theodore was declared innocent, his position in federal politics was untenable. He resigned as Treasurer, joined Frank Packer to found Consolidated Press, and went into goldmining in Fiji.

The Labor Party pursued Macgroarty, published a pamphlet reacting against his part in the Mungana affair, saying he was motivated by political malice. People who knew Macgroarty saw his action in another light, namely as a defence of integrity in politics and of a refusal to be enriched by political opportunism. His defeat in the subsequent election was by a few votes, and to V. C. Gair, a Labor man. The economic downturn and the 1931 redistribution of seats played their part. The Mungana affair was laid to rest, but there have been a few old regrets among the Catholics of South Brisbane - always potentially Labor sympathisers - that Macgroarty had thrown in his lot with a party of a different colour.

Macgroarty did not seek re-election. He had married just before Christmas in 1929 and became a family man. He had found his years in Parliament exhilarating, but he did not over-romanticise them to his children, for there was the darker side, too, and the memory of pressures placed upon him by powerful people like Wren who wanted things done their way.

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