

SENIOR AUSTRALIAN HISTORY AND DISCOVERING DEMOCRACY MATERIALS

CASE STUDY: CHALLENGE TO DEMOCRACY THE COMMUNIST PARTY DISSOLUTION ACT 1950

RATIONALE

This case study provides teachers and students of senior level Australian history with the opportunity to engage in active and disciplined investigation of a string of significant events in Australian history which highlight the core principles of democracy.

It requires students to link international and national events in the context of the Cold War and to examine the operations of Australia's political and legal systems in relation to the passing of the Communist Party Dissolution Act, the High Court invalidation of the Act and the subsequent referendum which sought to alter the constitution to give the Commonwealth power to legislate with respect to communists and communism.

The case study engages students in a close examination of specific political and legal issues and encourages them to make judgements about democratic principles and processes. Students will be encouraged to explain the positions taken by political parties, citizens' groups and outspoken individuals and will be challenged to determine whether or not the Act was a threat to Australian democracy. Through these activities students will apply and enhance their understanding of civics and citizenship.

Students will analyse a range of primary sources: referendum material distributed to citizens by the Australian Electoral Office, the government of the day and civil liberties groups; the final voting patterns in the referendum and the media's coverage of these events. These processes will develop in students skills in analysis and critical thinking, reasoning and argument and a range of communication skills – valuable skills for participatory citizenship.

Apart from primary source material, this case study utilises commentary and analysis from secondary sources and Discovering Democracy materials.

CASE STUDY OUTLINE

This case study is drawn from the NSW Modern History Stage 6 Syllabus, but has correspondence with senior history courses in other states and territories. Teachers using this case study would need to match the content and strategies to their specific syllabus outcomes.

The case study is designed around seven one hour sessions.

KEY ISSUES OF THE UNIT

- Survey of political aims of Australia's major parties at conclusion of WWII
- Importance of the Cold War in Australia's relationship with other countries
- Reaction of Australian governments to communism to 1950
- *Communist Party Dissolution Act*: aims, supporters and opponents
- High Court ruling: process and constitutional grounds for invalidation of the Act
- Referendum: 'Yes' and 'No' cases, power of the media to influence political affairs
- Impact of the *Communist Party Dissolution Act* on Australian politics.

TEACHING / LEARNING ACTIVITIES

Please note: Skills focus and teaching / learning strategies may need be adapted to suit specific curriculum requirements of states and territories.

Lesson focus	Strategies	Resources
<p>Establishing the context</p> <ul style="list-style-type: none"> • What was Australia like in the late 1940s? • How was it similar to and different from Australia today? • What were the main social and political concerns of the time? • What was the Cold War and how did it affect Australia? 	<p>SKILL FOCUS: ANALYSE EVIDENCE</p> <ul style="list-style-type: none"> • Viewing newsreels of the time. • Examining pages from contemporary newspapers & magazines. • Identifying personalities and issues in contemporary social & political cartoons. • Teacher exposition on Cold War. • Read & discuss relevant pages from Hirst's Ch 4. 	<ul style="list-style-type: none"> • Pages from relevant state newspapers, <i>Women's Weekly</i> and other publications. • Social & political cartoons of the period. • Newsreel footage of the period.
<p>Profiling Australia's Political Parties and leaders</p> <ul style="list-style-type: none"> • What were the political parties of the time? • What were their principles and policies? • Who were the leaders of the political parties? 	<p>SKILL FOCUS: RESEARCH & REPORT</p> <ul style="list-style-type: none"> • Groups research and produce brief profiles of Australian Liberal, Labor, Country and Communist Parties, their principles and policies. • Groups report findings to class. 	<ul style="list-style-type: none"> • DD Middle Secondary Unit 'Parties Control Parliament', pp 14-30 • www.nma.gov.au/primeministers/info.htm
<p>Reactions of Australian Political Parties to Communism</p> <ul style="list-style-type: none"> • What were the main international events of the Cold War 1945-49? • How did Australian governments respond to communism in the period 1945-1951? 	<p>SKILL FOCUS: IDENTIFY PERSPECTIVES</p> <ul style="list-style-type: none"> • Students construct timeline of international events of Cold War (from resources provided). • Students role play (e.g. parliamentary speech, mock interview or 'hot-seat') likely reaction of Australian politicians to these events. • Teacher provides and explains events on Australian side of the timeline. 	<ul style="list-style-type: none"> • Hirst, J. (In press) <i>Australia's Democracy: A Short History</i>. Ch 4, 'Threats to Democracy 1920-1970'. • School texts on Australian and international history of the period. • Timeline of Significant Events 1949-1951.

<p>Communist Party Dissolution Act 1950</p> <ul style="list-style-type: none"> • How are acts of parliament created? (Review) • What was the aim of the CPDA? • Did this Act infringe on citizens' rights? • Was this Act democratic? • What is the role of the High Court in relation to laws and the constitution? (Review) • Why did the High Court invalidate the Act? 	<p>SKILL FOCUS: SOURCE ANALYSIS</p> <ul style="list-style-type: none"> • Students review DD material and construct simple diagram to show how acts of parliament are created. • Working in groups, students read sections of the Act and identify how it infringed citizens' rights. • Groups report to whole class, enter findings onto summary table. • Students review DD material and explain role of High Court in interpreting whether or not laws are constitutional. • Students read High Court decision then write an explanatory text outlining why the High Court invalidated the CPDA. 	<ul style="list-style-type: none"> • DD Lower Secondary Unit Law: 'Who has the final say about laws in Australia?' pp 55-57. • Text of the Communist Party Dissolution Act 1950. Appendix II in Webb, L., (1954) <i>Communism and Democracy in Australia</i>. • Hirst, J., Ch 4 contains an excellent collection of primary source material incl. posters, cartoons, photographs, election handbills & document extracts.
<p>1951 Referendum (2 lessons)</p> <ul style="list-style-type: none"> • How and why are referendums conducted? (Review) • What were the opposing arguments in the 1951 referendum? • What role did H. E. Evatt play? • How did the media report the issues? • What is the role of the media in influencing public opinion? • What were the results of the referendum? • How do the results of this referendum compare with other Australian referendums? 	<p>SKILL FOCUS: SOURCE ANALYSIS</p> <ul style="list-style-type: none"> • Review DD material to explain how and why referendums are conducted. • Read primary source material issued by both sides in the referendum. • Conduct a class debate using main arguments of each side. • Examine newspaper reports of the 'Yes' and 'No' cases, analyse language and images used. • Discuss results of the referendum, Explain who supported and who opposed it why people voted as they did. • Compare with results of other referendums. • Hypothesise what might have happened to Australian society if the referendum had been successful. 	<ul style="list-style-type: none"> • Text of Evatt's 'Bondi Speech' 20.9.1951, Evatt Collection, Flinders University. • Pamphlet issued by Commonwealth Electoral Office <i>The Referendum (Constitution Alteration) Act, 1951</i>. • <i>The Answer is Yes: Prime Minister Menzies States the Case against Communism's Fifth Column</i>. Kooyong, 1951. • <i>The People Must Decide</i>, pamphlet produced by the Democratic Rights Council, Sydney 1951. • <i>DD Discovering Democracy through Research</i>. 'Citizens have a say', p.127 Referendum Results • <i>DD Middle Secondary</i> (pp25-30) Parties Control Parliament–Menzies Policy speech p30, Human Rights pp58-59, Law pp55-58, A Democracy Destroyed pp78-79 &100.
<p>Impact of the Communist Party Dissolution Act on Australian Politics</p> <ul style="list-style-type: none"> • What effect did the CPDA have on the Australian Labor Party? • What international commitments did the Australian government enter into in order to combat the spread of communism? • Does the Communist Party exist in Australia today? 	<p>FOCUS SKILL: CAUSE & EFFECT</p> <ul style="list-style-type: none"> • Students read and discuss 'Communism and the Catholics' section of Hirst's chapter. • Students extend timeline from Lesson 3 to include anti-communist actions from Korea to Vietnam. • Using National Library website, current political parties. 	<ul style="list-style-type: none"> • Hirst, J. (In press) <i>Australia's Democracy: A Short History</i>. Ch 4, 'Threats to Democracy 1920-1970'. • School core text on Australian history. • www.nla.gov.au/oz/gov/party.html

ASSESSMENT: Culminating text of 1000 words requiring students to:

- a) outline issues and events leading to the Communist Party Dissolution Act

- b) explain why the High Court ruled the Act invalid
 c) describe the main arguments presented for and against the referendum.

LINKS WITH DISCOVERING DEMOCRACY MATERIAL

Lesson Focus	Discovering Democracy Material	Other Resources
Establishing the context		<ul style="list-style-type: none"> Pages from SMH, Women's Weekly and other publications, Social & political cartoons of the period.
Profiling Australia's political parties and leaders	DD Middle Secondary Unit 'Parties Control Parliament', pp 14-30	<ul style="list-style-type: none"> www.nma.gov.au/primeministers/info.htm
Reactions of Australian political parties to communism	DD Lower Secondary Unit 'Men and Women in Political Life': pp 113-118.	<ul style="list-style-type: none"> Hirst, J. (In press) <i>Australia's Democracy: A Short History</i>. Ch 4, Threats to Democracy 1920-1970. Timeline of significant events 1949-1951
Communist Party Dissolution Act	DD Lower Secondary Unit 'Law': Who has the final say about laws in Australia? pp 55-57.	<ul style="list-style-type: none"> Text of the Act Appendix II in Webb, L., (1954) <i>Communism and Democracy in Australia</i>. Hirst, J., Ch 4.
Referendum	DD Discovering Democracy through Research. 'Citizens have a say', p.127	<ul style="list-style-type: none"> Pamphlet issued by Commonwealth Electoral Office: The Referendum (Constitution Alteration) Act 1951. <i>The Answer is Yes: Prime Minister Menzies States the Case against Communism's Fifth Column</i>. Kooyong, 1951. <i>The People Must Decide</i>, pamphlet produced by the Democratic Rights Council, Sydney 1951. Text of Evatt's 'Bondi speech' available from Evatt Collection, Flinders Uni. S.A. Hirst, J., Ch 4.
Impact of the Communist Party Dissolution Act on Australian politics.		<ul style="list-style-type: none"> Hirst, J., Ch 4. www.nla.gov.au/oz/gov/party.html

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- * Commonwealth Electoral Office, *The Referendum (Constitution Alteration) Act*. Canberra, 10th August 1951.
- * Commonwealth of Australia, *Text of Communist Party Dissolution Act. No. 16 of 1950*.
- Dalziel, Andrew, *Evatt the Enigma*, Lansdowne Press, Melbourne 1967.
- * Democratic Rights Council, *The People Must Decide*, Sydney 1951.
- Evatt Foundation Conference, *Seeing Red: The Communist Party Dissolution Act 1951: Lessons for Constitutional Reform*. NSW Parliament House and the Law School of the University of Sydney, April 1991.
- * Evatt, Herbert, Public address for the 'No' case in the referendum, Bondi Esplanade, 21 Sep 1951.
- Michelle Grattan (Ed), 2000, *Australian Prime Ministers*, New Holland Publishers.
- * Robert Menzies, *The Answer is Yes: Prime Minister Menzies states the case against communism's fifth column*. 1951 Kooyong Victoria.
- Tennant, Kylie, *Evatt Politics and Justice*. Angus and Robertson, 1970, Sydney.
- Webb, Leicester, *Communism and Democracy in Australia*. F. W. Cheshire, Melbourne 1954.

* Denotes primary source material.

It is assumed teachers will use their school texts on Australian and international history as base texts for this unit.

Timeline to be used in Lesson 3

**TIMELINE OF SIGNIFICANT POLITICAL EVENTS 1949-1951
STUDENTS TO COMPLETE**

Australia	Date	International
<ul style="list-style-type: none"> Nationality & Citizenship Act comes into force, creating the status of 'Australian citizen'. Australian Security Intelligence Organisation (ASIO) established. Government of Victoria conducts Royal Commission into the activities of the Communist Party. National Emergency (Coal Strike) Act passed, freezing union funds and forbidding support for strikers. Commonwealth government orders troops to operate mines. Coal strike collapses & miners resume work. L.L. Sharkey, chairman of the Australian Communist Party (ACP) is sentenced to three years' jail for 'uttering seditious words'. Chifley Labor government defeated in Federal election. R.G. Menzies becomes Prime Minister. 	<p>26 Jan 1949</p> <p>25 Mar 1949</p> <p>May 1949</p> <p>29 Jun 1949</p> <p>1 Aug 1949</p> <p>15 Aug 1949</p> <p>17 Oct 1949</p>	
<ul style="list-style-type: none"> Communist Party Dissolution Bill introduced into House of Reps by Menzies. Menzies places two RAN ships at disposal of UN forces in Korea. RAAF aircraft begin operational duties in Korea. First Australian troops land in Korea. 	<p>27 April 1950</p> <p>25 June</p> <p>29 June 1950</p> <p>17 Sep 1950</p>	<ul style="list-style-type: none"> Communist North Korea invades South Korea.
<ul style="list-style-type: none"> Communist Party Dissolution Bill passed by both houses of parliament and became law. 	19 Oct 1950	
<ul style="list-style-type: none"> Communist Party and ten unions bring action before the High Court to declare the Act illegal. 	19 Oct 1950	
<ul style="list-style-type: none"> High Court granted an interim injunction forbidding action against individuals and organizations under the Act. 	20 Oct 1950	
<ul style="list-style-type: none"> High Court hears a challenge to the validity of the Communist party 	14 Nov- Dec 20	

Dissolution Act.	1950	
<ul style="list-style-type: none"> Majority of judges in High Court rule that the Act is unconstitutional. 	9 Mar 1951	
<ul style="list-style-type: none"> PM Menzies obtains double dissolution of parliament. 	19 Mar 1951	
<ul style="list-style-type: none"> Menzies returned to office with a reduced majority in the lower house but control of the senate. 	28 Apr 1951	
<ul style="list-style-type: none"> Menzies calls for a referendum to alter the constitution to enable parliament to act against the communist party. 	6 June 1951	
<ul style="list-style-type: none"> Death of Ben Chifley, leader of the Labor Party. Herbert Evatt, an opponent of the referendum, became leader of the Labor Opposition. 	13 June 1951	
<ul style="list-style-type: none"> Referendum to give the Commonwealth government power to ban the Communist Party is defeated with 50.48% voting 'no' 	22 Sep 1951	

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