Curating the Record of Free Speech in Parliament*

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Abstract: The value of freedom of speech in parliamentary debates is enhanced when it is recorded and communicated beyond the debating chamber and its immediate audience (members, the press, and the public). It can inform and influence a future readership. This paper takes a gentle look at some bruising encounters in the nineteenth and twentieth centuries in the struggle to curate the parliamentary record in New Zealand and across the Tasman. 'Curating' rather than 'editing' the record speaks to the origins of Hansard as an attempt by members to have their speeches reported fully and accurately. The paper takes as its starting point the principle that our understanding of the past can inform how we approach present and future challenges.

INTRODUCTION

The exercise of freedom of speech in Parliament occurs as a brief moment in time, but traditional and social media communicate just a tiny fraction of that parliamentary

¹ This paper draws on ongoing research for my PhD topic, 'The Making of New Zealand's Hansard from 1867 to 1992'. Some of the examples discussed in this article draw upon insights gleaned through that research. The publication of the larger research project will include extensive references to primary source documents. Where possible, examples of this material are referenced in this article. I acknowledge my PhD supervisors, Professor Jim McAloon and Dr Valerie Wallace; the senior leadership team of the Office of the Clerk of the House and Hansard manager Erin Grace, for generous study assistance; Hansard colleagues who have shared my delight in researching the history of New Zealand's Hansard; and Sraddha Venkataraman, who read the draft and offered helpful suggestions.

discourse. As Georgina Stylianou asks, adapting the oft-quoted philosophical question: '... if a political speech is made and nobody witnesses it, does it make a sound?'² Anthony Marinac similarly notes:

Simply allowing any member to express themselves freely in the parliament is of limited utility if their words are only ever heard by those few people able to attend the parliamentary sittings.³

Unlike print and social media, Hansard does not just report the hot-button topics; it records and communicates the lot. It endures across time, serving both a contemporary and unknown future readership. In that sense, it provides access to the free and frank exchange of views of elected representatives and the contest of ideas that play out in parliamentary debates. Hansard therefore has a critical role in giving meaning to freedom of speech in Parliament.

Although Hansard serves a wide range of research purposes, it is not well researched itself. Histories of specific Hansard services have generally been written by Hansard or parliamentary staff. The long evolution of Hansard reporting in Britain has been quite well covered, yet there is a very slim literature on the history of New Zealand's Hansard.⁴ Histories of the many Hansard reporting services in Australia are similarly under-researched.⁵ Hansard's editorial policies have been the subject of research in the domain of historical linguistics, mostly based on the Hansard services in the House

² Georgina Stylianou, 'To engage voters, politicians have to be authentic', *The Post*, 10 July 2023.

³ Anthony Marinac, 'Shaking the foundations of parliamentary privilege', ON LINE opinion – Australia's e-journal of social and political debate, 18 September 2006.

⁴ William Law, *Our Hansard or The True Mirror of Parliament, A Full Account of the official reporting of the debates in the House of Commons*. London: Pitman, 1950; John Vice and Stephen Farrell, *The History of Hansard*, London: House of Lords and House of Commons Hansard, 2017; Kezia Ralphs, 'Recording Parliamentary Debates: A Brief History with Reference to England and New Zealand', *Australasian Parliamentary Review*, 24(2), 2009, pp. 151-163. See also John E. Martin, *The House: New Zealand's House of Representatives 1854—2004*, Palmerston North: Dunmore Press, 2004.

⁵ J S Weatherston, *Hansard: Its Establishment and Development*, Canberra: Commonwealth Government Printer, 1940. The 150th anniversaries of the Victoria and Queensland Hansard reporting services generated a pamphlet publication and exhibition respectively.

of Commons and House of Lords.⁶ That scholarship has demonstrated the variations between what is said in the House of Commons and how that has been reported in its Hansard with differing views on the significance of those variations. Across the Commonwealth, legal scholarship on the use of parliamentary materials in statutory interpretation is a narrow, yet quite rich, field of scholarship that reveals an underlying sense of unease about the reliability of historic Hansards. That unease speaks more to the political environment in which speeches are made, rather than the reporting and editing applied to those speeches.⁷

Today, Hansard has been described as one of four 'democratic parliamentary pillars' because it enables transparency and accountability.⁸ Its hallmarks are impartiality, accuracy, timeliness, readability, and accessibility. But the principles of Hansard reporting that we associate with it today are not fixed in meaning or time. For example, what did 'accuracy of reporting' mean in an era without sound amplification and recording? And what were the trade-offs between readability and accuracy? Do we want to read every single word spoken by MPs if they stumbled their way through a speech? Who even are Hansard's readers in a contemporary sense and in the future?

⁶ Stef Slembrouck, 'The parliamentary Hansard 'verbatim' report; the written construction of spoken discourse', *Language and Literature*, 1(2), 1992, pp. 101-119; Sandra Mollin, 'The Hansard hazard; gauging the accuracy of British parliamentary transcripts', *Corpora*, 2(2), 2007, pp. 187-210; V Michael Cribb and Shivani Rochford, 'The Transcription and Representation of Spoken Political Discourse in the UK House of Commons', *International Journal of English Linguistics*, 8(2), 2018, pp. 1-14.

⁷ See, for example, Gordon Bale, 'Parliamentary Debates and Statutory Interpretation: Switching on the Light or Rummaging in the Ashcans of the Legislative Process', *The Canadian Bar Review*, 74(1), 1995, pp. 1-28. Stepháne Beaulac usefully surveyed the legislative changes relevant to the use of parliamentary materials in statutory interpretation in the Commonwealth of Australia and Australian states, as well as New Zealand and Canada in 'Parliamentary Debates in Statutory Interpretation: A Question of Admissibility or of Weight?', *McGill Law Review*, 43, 1998, pp. 287-324. See also John James Magyar, 'The Evolution of Hansard Use at the Supreme Court of Canada: A Comparative Study in Statutory Interpretation', *Statute Law Review*, 33(3), 2012, pp. 363-389; Allan Bracegirdle, 'The Courts and Parliament: Further Cases and Other Developments in New Zealand', *Australasian Parliamentary Review*, 21(2), 2006, p.164; Graham Steel, 'Who Speaks for Parliament?: Hansard, the Courts and Legislative Intent', *Canadian Parliamentary Review*, 40(1), 2017, pp. 6-11; Catherine J Iorns Magallanes, 'The 'Just do it' Approach to Using Parliamentary History Materials in Statutory Interpretation', *Canterbury Law Review*, 15, 2009, pp. 205-236; Jacinta Dharmananda, 'Using Parliamentary materials in Interpretation: Insights from Parliamentary Process', *University of New South Wales Law Journal*, 41(1), 2018, pp. 4-39.

⁸ June Verrier, 'Benchmarking Parliamentary Administration: The United Kingdom, Canada, New Zealand and Australia', *Australasian Parliamentary Review*, 22(1), 2007, p. 44.

How have newer technologies redefined not just accuracy but timeliness of delivery and accessibility of Hansard over time?

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Historically, producing the record of free speech in Parliament has not always been straightforward. This paper introduces four aspects relevant to how Hansard reports were assembled or curated in New Zealand in the nineteenth and twentieth century. The first is the importance of impartiality. The second is constraints on achieving accuracy. The third is attempts to retract unfortunate utterances using the members' corrections process. The final aspect is the curious anomaly of, historically, not reporting certain debates where, arguably, the most free and frank expression took place. The historic examples are drawn mainly from New Zealand but also from some Australian jurisdictions. They each exemplify at least one of the defining characteristics or hallmarks of Hansard, and reveal somewhat bruising encounters in the past.

Why are these historic encounters relevant today? This paper makes the case for a nuanced reading of past Hansards and newspaper articles by researchers interested in how the exercise of free speech in Parliaments of the past influenced decisions that have consequences today. But first, the paper discusses the idea of 'curating' rather than 'editing' Hansard reports.

'CURATING' VERSUS 'EDITING' THE PUBLISHED DEBATES

Hansard is often referred to as an edited report of the spoken proceedings in Parliament.⁹ But the term 'edited', with its focus on the structure and wording of the Hansard report, has a fairly narrow scope. In this paper, I suggest thinking about the publishing of Hansard reports more broadly over time as an act of curating the record of free speech in Parliament. That is because the term 'curating' encompasses a range of activities beyond editorial matters. Establishing Hansard as an in-house service was

⁹ Most Hansard reporting services in the Commonwealth refer in some way to their official report as 'edited' or containing edits or being sub-edited. The House of Commons describes its Hansard as 'an edited verbatim record'. Accessed at: https://www.parliament.uk/about/how/publications/hansard/. New Zealand no longer describes its report as an edited report, but does refer to the general editing principles that Hansard editors apply. Accessed at: https://www.parliament.nz/en/pb/hansard-debates/hansard/.

an attempt by politicians to control the narrative rather than leave parliamentary reporting to the whims of the press.¹⁰

Far from it being a simple process of words in, report out, with some editorial tweaks, Hansard reports are the product of an array of challenges overcome, decisions and judgments made, and the combined skills of the many individuals who were involved in its production. The reports reflect the complexity of rendering a spoken language in written form; decisions about what would or would not be included in the report;¹¹ the juggling of limited resources to report lengthy debates; reliance on the human ear and hand to capture sound until at least the mid-twentieth century; and balancing the need to provide a readable, accurate report with getting it published and distributed in a timely manner—all this in a political environment.

IMPARTIALITY

Today we take for granted that Hansard is an impartial record of what is said in the House. But this reputation was hard won, despite the fact that it was the very reason for establishing New Zealand's Hansard in-house in 1867.¹² Unhappy with selective and biased newspaper reporting that could not possibly cover everything, Members were willing to appropriate money to rectify the imbalance. Queensland, Victoria, South Australia, and New South Wales had a similar experience in the nineteenth century.¹³

Even when an in-house Hansard service was in operation in New Zealand, it was not all plain sailing. Members regularly complained about the quality of Hansard reports, and sometimes accused Hansard staff of not reporting impartially. Until the early twentieth century, all the Hansard reporters were former newspaper reporters or editors of

¹⁰ Ralphs, 'Recording Parliamentary Debates', pp. 157-9.

¹¹ Slembrouck, Mollin, and Cribb and Rochford provide examples from the UK House of Commons (see footnote 6). From a sample of a 2006 debate in the House of Commons, Mollin found that 43,793 spoken words were reduced to 35,661 words in the Hansard, a reduction of 18 percent. (Mollin, p. 192)

¹² A point made by both Ralphs, 'Recording Parliamentary Debates', pp. 157-9, and Martin, 'The House', p. 53.

¹³ All four parliaments initially contracted out (or relied on) parliamentary reporting to newspapermen but later moved to in-house reporting: Queensland 1860-64; Victoria 1856-66; South Australia 1857-1914; New South Wales relied on some form of newspaper reporting prior to 1879.

longstanding.¹⁴ They retained their press contacts and sometimes wrote articles themselves, usually under a pseudonym. And even after they were replaced by professional shorthand reporters, some members still accused them of bias.¹⁵ But there were two safeguards against Hansard reporters going rogue and reporting in a partial manner: the members corrections' process and oversight of Hansard by Parliament, whether by a select committee or the Speaker.

Premier Richard Seddon and Chief Reporter J. Grattan Grey

In 1900, a very public stoush between the Premier and the Chief Reporter revealed conflict between the Chief Reporter's freedom to publicly express his own political views and his responsibility for creating an impartial record of parliamentary debates. An important outcome was this idea: impartiality was not just about what is reported in Hansard but also how the reporters conducted themselves outside of their time working for Hansard.

Premier Richard Seddon led a Liberal Government that introduced women's suffrage and elements of the modern welfare state. He loomed large in the popular imagination, partly because he was a renowned orator, an astute politician, and a charismatic personality, but also because he was Premier for 13 years and died in office.¹⁶ To this day, he is memorialised through countless statues, including one on Parliament's front lawn, a small town named Seddon, another settlement called Seddonville, and lots of Seddon Streets scattered around New Zealand. The Chief Reporter was J Grattan Grey. Originally from Ireland, he was a seasoned journalist who came to work in Hansard in the late 1870s. Grattan Grey, like other Hansard reporters at that time, worked only

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¹⁴ John E Martin, *The House, New Zealand's House of Representatives 1854 – 2004*, Palmerston North: Dunmore Press, 2004, p. 161.

¹⁵ The *New Zealand Parliamentary Debates* (NZPD) and reports of the Reporting Debates and Printing Committee contain numerous examples.

¹⁶ Seddon, Richard John, *Dictionary of Biography*. Accessed at: <https://teara.govt.nz/en/biographies>.

during the session. The rest of the time he worked as a freelance journalist and had been published not only in New Zealand and Australia but also in the United States.¹⁷

In the recess of late 1899, Grey strayed into criticising the Liberal Government's legislation in two stories that he sold to the *New York Times* under his own name.¹⁸ As luck would have it, the first article turned up in New Zealand a month or so later, and one eagle-eyed newspaper editor republished extracts from it.¹⁹ In a two-hour debate in the House of Representatives, Premier Seddon argued that civil servants should keep out of politics. While Seddon's opponents defended Grey, it was conceded he had been 'highly indiscreet and injudicious'.²⁰ Grey was called to the Reporting Debates and Printing Committee, which resolved that Grey and all Hansard reporters were 'not to actively participate in New Zealand politics, by writing articles for publication or otherwise.'²¹ The report was read out to members, tabled in the House but not debated, and widely reported in the newspapers.²²

Grey then requested a substantial pay increase to compensate for potential loss of earnings, but was turned down.²³ The war in South Africa had broken out and, unlike most New Zealanders, Grey strongly disagreed with New Zealand's intentions to

¹⁷ 'Mr James Grattan Grey', *The Cyclopedia of New Zealand [Wellington Provincial District]*, Wellington: Cyclopedia Company, 1897. New Zealand Electronic Text Collection. Accessed at:

<https://nzetc.victoria.ac.nz/tm/scholarly/tei-Cyc01Cycl-t1-body-d3-d13-d18.html>.

¹⁸ Extracts were republished in 'Criticism of Government', *New Zealand Times*, 5 May 1899, p.5.; extract of letter from J Grattan Grey to the *New York Times*, 27 October 1899 [appearing in the *New York Times*, 26 November 1899], reprinted in *Dunedin Evening Star*, 29 January 1900 and in *Appendices to the Journals of the House of Representatives*, 1900, H-29, pp. 1-2.

¹⁹ 'Parliamentary Echoes', Hastings Standard, 4 September 1899, p. 3.

²⁰ 'A Lame Conclusion', *Evening Star*, 15 September 1899, p. 1.

²¹ Minutes of Parliamentary Reporting and Printing Committee [House of Representatives], 14 September 1899, R17688143, Archives New Zealand.

²² For example: 'Stray Notes', Lyttelton Times, 16 September 1899, p. 8; 'The Hansard Staff and Politics', Evening Post, p. 14 September 1899, p. 6; 'The Hansard Staff', Auckland Star, 15 September 1899, p. 2; 'Political Notes— The Hansard Staff', Press, 15 September 1899, p. 5; 'Political Gossip', Evening Star, 15 September 1899, p. 4; 'Public Servants as Critics of Politics', Mount Ida Chronicle, 15 September 1899, p. 7; 'Summary of Business', Nelson Evening Mail, 15 September 1899, p. 2; 'Sessional Notes', New Zealand Herald, 15 September 1899, p. 5; 'The Hansard Staff', New Zealand Times, 15 September 1899, 3; 'The Hansard Chief as a Political Writer', Oamaru Mail, 15 September 1899, p. 4. Similar accounts appeared on 15, 16, and 21 September 1899 in the Otago Daily Times, the Christchurch Star, the Wanganui Herald, the North Otago Times, and the Otago Witness.

²³ New Zealand Parliamentary Debates [House of Representatives], Vol. 110, 23 October 1899, p. 882.

support British and other forces in the Empire, including Canada, India, and Australia. Just four days after his application was turned down, he wrote a second article for the *New York Times*, criticising the Government's decision to send troops to the Transvaal.²⁴ He had a further article published, critiquing the British handover of Samoa to Germany.²⁵ Once again, he was sprung when the *New York Times* reached New Zealand shores in late January 1900 and several newspaper editors seemingly took great pleasure in publicising the Chief Reporter's flouting of the select committee's resolution.²⁶

Seddon wrote a short 'please explain' letter to Grey.²⁷ Was Grey penitent? Not at all. 'I adhere to the opinions therein expressed regardless of the consequences', he replied.²⁸ For the Premier's benefit, he then outlined his case against Britain's and New Zealand's involvement in South Africa, his belief in pacifism, and his role as a journalist to 'stem the current of popular frenzy.'²⁹

Showing that he had learnt from his past experience, Seddon stayed his hand. Having taken it upon himself to despatch the first Chief Reporter into early retirement in 1896 and appoint Grey as his successor, he had spent years weathering Opposition taunts about side-lining both the Speaker and the Reporting Debates and Printing Committee in this and other Hansard staffing matters. So, when interviewed in February 1900, Seddon played the long game. There would be no response, he told one newspaper, until the session was convened in late June, and it would be up to the Speaker and the

 ²⁴ Extract of letter from J Grattan Grey to the New York Times, 27 October 1899, [appearing in the New York Times, 26 November 1899], reprinted in Dunedin Evening Star, 29 January 1900 and in Appendices to the Journals of the House of Representatives 1900, H-29, pp. 1-2.

²⁵ J Grattan Grey to Premier Seddon, 21 February 1900, and extract from the *New York Times* article, 24 December 1899, *Appendices to the Journals of the House of Representatives* 1900, H-29, p. 4.

²⁶ 'A Pro-Boer's Opinions', *Evening Star*, 29 January 1900, p. 1.

²⁷ Premier Seddon to J Grattan Grey, 6 February 1900, *Appendices to the Journals of the House of Representatives* 1900, H-29, p. 4.

²⁸ J Grattan Grey to Premier Seddon, 15 February 1900, *Appendices to the Journals of the House of Representatives* 1900, H-29, p. 2.

²⁹ Letters from J Grattan Grey to Premier Seddon, 12 and 15 February 1900, *Appendices to the Journals of the House of Representatives* 1900, H-29, pp. 1-3.

Parliament.³⁰ But he did release the correspondence, which was widely reported in many newspapers.³¹

Over the next three months there was a feeding frenzy in the press. Much of it went against Grey, but Seddon's political opponents backed Grey, as did those who saw him as a champion for the freedom of the press. Grey was by now a minor celebrity. In April he published an 80-page booklet entitled *A serious menace to Liberty: Mr Seddon, Premier, Mr J Grattan Grey Journalist—an interesting correspondence.*³² He followed that up in May with another lengthy publication: *The Story of the Boers, Things Worth Knowing and Facts Hitherto Suppressed*.

In late June, the House voted unanimously for a select committee inquiry into Grey's actions.³³ Before Grey was examined, he took the opportunity to insert into the Hansard a letter written by Seddon's Agent-General in London.³⁴ The letter had been referred to by a member during the course of a debate, but not read out. It criticised the British campaign in South Africa and New Zealand's involvement. Premier Seddon was all for Grey being called to the bar of the House to be questioned, but the Speaker said it would not be 'consonant with the dignity of the House to bring one of its paid officers to the bar in order to hear him either vindicating himself or apologising for what he has done.' The House decided to wait for the select committee inquiry into the original complaint.³⁵

Appearing before the committee, Grey defended his actions on technical grounds.³⁶ Yes, he was familiar with the committee's instruction that reporters refrain from

³⁰ 'The Chief of Hansard avows himself a pro-Boer and glories in his rank republicanism', *Evening Star*, 23 March 1900, p. 4.

³¹ According to the *New Zealand Herald* correspondent, 'The Premier made public certain correspondence which had passed between Mr Grey and himself.', 'An Extraordinary Correspondence', *New Zealand Herald*, 28 March 1900, p. 5.

³² J Grattan Grey, *A Serious Menace to Liberty, Mr Seddon, Premier, Mr J. Grattan Grey, Journalist, An Interesting correspondence*, No. 1, City Printing Co., Wright & Grenside: Wellington, 2 April 1900. Accessed at: https://nzetc.victoria.ac.nz/tm/scholarly/tei-Stout76-t12.html.

³³ New Zealand Parliamentary Debates, Vol. 111, 29 June 1900, p. 159.

³⁴ New Zealand Parliamentary Debates, Vol. 111, 11 July 1900, p. 433-34.

³⁵ *New Zealand Parliamentary Debates*, Vol. 111, 13 July 1900, pp. 536-39.

³⁶ Examination of J Grattan Grey, 17 July 1900, I-3, R17688255, Archives of New Zealand.

writing political articles, but it was never communicated directly to him, nor had the House debated the select committee's report. As such, he claimed, a committee's recommendation could not trump the terms of his contract which allowed him to earn a living outside the session. For the committee, the key point that counted against him was 'his refusal to recognise the authority of the committee' even when asked several times whether he would recognise its authority.³⁷ They therefore recommended his services be dispensed with.

Their report was read out and tabled in the House that afternoon, and debated two days later.³⁸ Grattan Grey was present in the gallery for the entire debate taken in committee of the whole House, which lasted several hours.³⁹ It ranged widely over the extent of the limits, if any, on the right of Hansard staff to publish their own views on Government policy and the extent of Parliament's right to interfere with work that staff did in the recess. Seddon had prepared for the debate by seeking legal opinions about the status of Grey as Chief Hansard Reporter. He now revised his earlier view. Hansard staff were not part of the civil service, 'but are servants of the House itself.'⁴⁰ By a majority of 44 to 12, the committee resolved to accept the recommendation and the House adopted the committee's report at 2 a.m.⁴¹ Shortly afterwards, the Speaker, by letter, advised Grey he was removed from his job with immediate effect.⁴² The letter appointing his successor spelt out clearly that while he was free to undertake reporting work during the recess, he was 'not to take part in New Zealand politics'.⁴³

Hundreds of articles in dozens of newspapers throughout the country were published over the next month under headings such as 'The Chief of Hansard Staff', 'Civil Servants and Politics', 'The Case of Grattan Grey', 'Grattan Grey's Case', 'Mr Grey's retirement',

³⁷ Reporting Debates and Printing Committee, House of Representatives, Report, 17 July 1900, R17688255, Archives New Zealand.

³⁸ New Zealand Parliamentary Debates, Vol. 111, 17 and 19 July 1900, pp. 12, 596.

³⁹ Something noted by gallery journalists, which was reported in several newspapers, including the *Mataura Ensign*, 31 July 1900, p. 2.

⁴⁰ New Zealand Parliamentary Debates, Vol. 112, 19 July 1900, p. 14.

⁴¹ New Zealand Parliamentary Debates, Vol. 112, 19 July 1900, p. 50.

⁴² New Zealand Parliamentary Debates, Vol. 112, 19 July 1900, p. 53.

⁴³ Premier Seddon to Silas Spragg, 2 August 1900, R24861456, Archives New Zealand.

'Liberty of Speech', 'An Inevitable Decision', 'The Grey case', 'The Grattan Grey Episode', 'Despotic Tyranny', 'The Grattan Grey Incident', and so on. The *Otago Daily Times* considered the debate and its outcome to be 'One of the most interesting incidents in the parliamentary annals of New Zealand for a number of years', and pointed out that Grey's more recent behaviour had ultimately forced the issue: 'A spirit of insubordination was manifest in his bearing when he appeared before the Reporting Debates Committee; and insubordination cannot be tolerated even in a chief of the Hansard staff'.⁴⁴ Conversely, the Catholic newspaper *New Zealand Tablet* reported 'intense indignation at the Government's treatment of Mr. J. Grattan Grey' and the appointment of a committee to hold a public meeting 'to decide as to the course of action to be adopted.'⁴⁵

Inevitably, much of the press coverage focused on free speech and the unpopularity of Grey's pro-Boer, anti-war stance. Some, though, wrote about the irreconcilable position of a parliamentary officer engaging in political activity in defiance of parliamentary direction and criticised the journalists who defended Grey: '... Mr Grey being sacrificed to a spirit of rampant Jingoism is just so much sheer, unadulterated rubbish'.⁴⁶ Grey left New Zealand a few months later, eventually settling in Perth, where he continued to write about causes dear to his heart—ridiculing New Zealand and Australian politicians, anti-imperialism, Home rule for Ireland, and advocating against conscription in the First World War.⁴⁷ But he did so as a journalist, not as Chief Reporter of Hansard. The letter appointing his successor explicitly stated 'You are not ... to take part in New Zealand politics.'⁴⁸

Relevance of the clash in the twenty-first century

In various ways, the past and the present collide and the passage of time produces its own ironies. In its prominent position on Parliament's front lawn, Seddon's statue has come to symbolise the idea of Parliament as a place of free and frank debate. It is

⁴⁴ 'Political Intelligence—The Hansard Chief', *Otago Daily Times*, 20 July 1900, p. 3.

⁴⁵ 'Archdiocese of Wellington', New Zealand Tablet, 2 August 1900, p. 3.

⁴⁶ 'The Hansard Staff', *Marlborough Express*, 27 July 1900, p. 2.

⁴⁷ *Trove* reveals a substantial legacy of newspaper and journal articles and several books.

⁴⁸ Premier Seddon to Silas Spragg, 2 August 1900, R24861456, Archives New Zealand.

enmeshed in every protest staged there. Sometimes it has been a prop for protest. For example, in 2004, protestors against legislation that assumed Crown ownership of the foreshore and seabed popped the Māori tino rangatiratanga flag into Seddon's hand— so that he was holding aloft the banner for Māori sovereignty. In 2019, Extinction Rebellion Aotearoa attached a ball and chain to his ankle and put up a sign at the base of the statue proclaiming 'Colonisation = exploitation = climate change'.⁴⁹ In 2020, a petition was got up to remove the Seddon statue—the #DitchDick campaign—accusing him of being a 'notorious autocrat, imperialist and racist'.⁵⁰ And in 2022, the statue found itself right at the heart of a 23-day occupation of Parliament grounds and surrounding streets that ended in rioting and fires.⁵¹

While Seddon's reputation is seemingly tarnished in the modern era, Grey has been recently redeemed as a stout defender of freedom of speech. In a 2014 biography of Seddon and a 2021 history of New Zealand's involvement in the war in South Africa, Seddon is said to have hounded Grey for criticism of New Zealand's position. The Speaker's dismissal of Grey is cast as a most serious injustice, and Grey emerges as the brave journalist who refused to be intimidated by Premier Seddon—a martyr to the cause of the defence of free speech.⁵² But for Hansard, Grey's legacy is quite different. He served as a reminder to staff until at least the mid-1970s that, as servants of

⁴⁹ Vita Molyneux, 'Extinction Rebellion Aotearoa Vandalises Statute Outside Parliament to Protest Colonisation, Climate Change', Newshub, 8 October 2019. Accessed at: https://www.newshub.co.nz/home/new-zealand/2019/10/extinction-rebellion-aotearoa-vandalises-statue-outside-parliament-to-protest-colonisation-climate-change.html.

⁵⁰ Scott Palmer, 'Campaign launched to pull down Parliament's Richard Seddon statue', *Newshub*, 13 June 2020. Accessed at: https://www.newshub.co.nz/home/new-zealand/2020/06/campaign-launched-to-pull-down-parliament-s-richard-seddon-statue.html.

⁵¹ Adrian Lambert, 'Covid-19 anti-mandate protest, Parliament's grounds' [image], Museum of New Zealand/Te Papa Tongarewa Collections. Accessed at: https://collections.tepapa.govt.nz/object/2080677; 'Shaping the Parliamentary Grounds'. Accessed at: https://www.parliament.nz/mi/get-involved/shaping-the-parliamentary-grounds/.

⁵² Tom Brooking, *Richard Seddon, King of God's Own*, Penguin Books, 2014, pp. 331-32; Nigel Robson, *Our First Foreign War, The Impact of the South African War 1899-1902 on New Zealand*, Massey University Press: Auckland, 2021, pp. 84-86, 338.

Parliament, they should not engage actively in politics.⁵³ And while Grey has retreated from the institutional memory, this important principle has not.

Editor of Debates attempts to bypass Clerk of the House of Representatives

Concerns about Hansard's reputation as an impartial reporting service reappeared briefly in the mid-1980. New Zealand's first female Editor of Debates, Eileen Edwards, set out to win independence for Hansard from the various institutions within which she, as manager, operated. These included the Legislative Department, its successor the Parliamentary Service, and the State Services Commission, which played a role in staff establishment and grading of positions. Further, Edwards wanted Hansard to be responsible solely to Parliament via the Speaker; that is, to bypass the Clerk of the House of Representatives, Charles Littlejohn.⁵⁴ Although she firmly believed that Hansard's reputation for impartiality was at stake, difficult working relationships with senior staff on staffing and operational matters lay behind her quest, rather than concerns about political or other interference with editorial matters.⁵⁵

After the Clerk of the House was established under its own statute in 1988, with its own vote, Edwards advocated that the Editor of Debates should enjoy the same standing as the Clerk of the House—in that way, achieving independence from both the Clerk of the House and the General Manager of Parliamentary Service. Lacking any support whatsoever for the idea of Hansard having its own statute and vote, she failed. Instead, the role of Editor of Debates was disestablished in 1992, and responsibility for Hansard transferred to the Clerk of the House of Representatives.⁵⁶ But the transfer

⁵³ Allan Conway, Editor of Debates, 'The New Zealand Hansard Staff', Paper presented to first conference of the Australasia and Pacific Hansard Editors Association, 30 January 1974, Melbourne, OCB00656, Office of the Clerk.

⁵⁴ See representations made to Speaker Kerry Burke and the Parliamentary Commission in the file 'An Independent Hansard', held by Office of the Clerk.

⁵⁵ There is a substantial record of this conflict in States Services Commission and Parliamentary Service files held by Archives New Zealand: Occupational Classification - Hansard (reporting and editorial) 1975 to 1983, R22446831; Occupational Classification - Hansard (reporting and editorial) 1983 to 1986, R22446832; Occupational Classification - Hansard (proof reading and typing) 1986 to 1987, R22473318; Occupational Classification - Hansard (reporting) 1986 to 1988, R22446833; Hansard Administration - Transfer of Hansard, R24491780, Archives New Zealand.

⁵⁶ Clerk of the House of Representatives Act 1988 (NZ), s3(e) as amended, on 1 February 1992, by Parliamentary Service Amendment Act 1991 (NZ), s10.

met the spirit—if not Edwards' preferred modus operandi—of maintaining the reputation of Hansard as an impartial reporting service of the spoken proceedings in Parliament. And this case demonstrates the extent to which Hansard managers continued to fiercely guard that reputation.

CONSTRAINTS ON ACCURACY

Before the advent of sound amplification and recording, accurate reporting depended on the reporter's ability to hear and understand what was said, to take it down in shorthand, and transform those notes into a readable report. Unsurprisingly, the reporting style placed an emphasis on readability. All of the characteristics of spoken language were trimmed from the report—the false starts, the stumbles, the repetitions, the excess verbiage, the broken syntax, and the slips of the tongue.⁵⁷ But the combination of poor acoustics and considerable editorial licence opened the door to misinterpretation. Hence the convention of allowing members to check the draft of their speeches prior to publication emerged, which sometimes raised questions about the integrity of Hansard as a truly accurate record of spoken proceedings.⁵⁸

Speaker Henry Willis and Chief Reporter Charles Robinson

There is perhaps no better example of the difficulties faced by Hansard staff before sound could be recorded than what occurred in 1911 in the New South Wales Parliament. This case involved their first Principal Reporter, Charles Robinson, standing on a point of principle against alterations that the Speaker was making to the Hansard. Henry Willis's short stint as a Speaker was marked by controversy partly because of the iron hand he wielded as Speaker, but also because he was elected Speaker in a hung Parliament.⁵⁹ Willis had taken it upon himself to delete parts of the Hansard that he

⁵⁷ Slembrouck and Mollin list in detail the differences between spoken and written discourse (see footnote 6) ⁵⁸ John E Martin, *The House*, pp. 53-55.

⁵⁹ See David Clune and Gareth Griffith, *Decision and Deliberation: The Parliament of New South Wales, 1856-2003,* Sydney: Federation Press, 2006, pp. 216-221; Anne Twomey, 'How to Succeed in a Hung Parliament', *Quadrant* Online, 1 November 2010. Accessed at: https://quadrant.org.au/magazine/2010/11/how-to-succeed-in-a-hung-parliament/.

considered objectionable after the Principal Reporter refused to do so.⁶⁰ These were alterations to speeches given by other members. In December 1911, an acrimonious exchange of correspondence between them was tabled in the Legislative Council and reported on by the newspapers.⁶¹

A debate in the Legislative Assembly on the following day quickly descended into chaos with the Opposition taunting Speaker Willis about whether he intended to sack Charles Robinson.⁶² Willis responded: 'Any officer of this House who is disrespectful to the chair will be dismissed immediately', but he anticipated that Robinson would apologise. Such was the uproar that Willis had to eventually be escorted from the debating chamber. In the lobby, it was reported that 'one or two members had their coats off and others were talking fight.'⁶³ Inevitably, Willis suspended Robinson because he had not apologised.⁶⁴ Once suspended, Robinson apparently felt able to defend himself publicly. He disputed Willis' version of the events.⁶⁵ The Government ordered an inquiry.⁶⁶

Willis detailed a long list of Robinson's offences:

disobedience, wilful insubordination, disrespect, petulance, flouting authority, offensive language, disparaging and belittling remarks, presumptions, superabundant correspondence, disloyalty, treachery, wastefulness, ill temper and giving vent to unbridled opinions upon Mr Speaker.⁶⁷

Robinson emphatically denied the charges and quoted various testimonials from Premiers and Speakers over 30 years. On the facts, Willis argued that he had issued instructions to cut down speeches 'because members of the Hansard staff did not use

⁶⁰ Braidwood Dispatch and Mining Journal (NSW), 23 December 1911, p. 2.

⁶¹ Advertiser (Adelaide), 18 December 1911, p. 9.

⁶² Argus (Melbourne), 18 December 1911, p. 13.

⁶³ Sydney Morning Herald, 19 December 1911, p. 8.

⁶⁴ Sun (Sydney), 20 December 1911, p. 7.

⁶⁵ Singleton Argus (NSW) 6 January 1912, p. 4.

⁶⁶ Leader (NSW), 11 January 1912, p. 2.

⁶⁷ Sydney Morning Herald, 13 January 1912, p. 15.

their literary faculties in making speeches readable, but recorded every word of a long rambling oration'. Robinson countered that the parts Willis had excised were those that reflected 'disrespectfully on the House and the Chair.'⁶⁸ The judge who presided over the Royal Commission of inquiry found that the Speaker had 'rightly exercised his power in suspending Mr Robinson, who was guilty of insubordination.'⁶⁹ The Cabinet decided to compulsorily retire Robinson but, in light of his faithful and lengthy service, granted him a pension.⁷⁰

This case shows how Hansard staff navigated a difficult course between accurately reporting without any technological aids and the editorial role assumed by a difficult presiding officer. It also reveals a tension between upholding the integrity of both the office of the Speaker and that of Hansard, when those interests were in conflict. That tension was never more apparent than in the treatment of members' requests for corrections to the Hansard.

MEMBERS CORRECTIONS' PROCESS

It is self-evident that mishears could occur when members spoke inaudibly and there was no audio record. Allowing members to check the draft of their speeches prior to publication was therefore an important step in ensuring that the meaning of what was said in Parliament was not altered. But allowing members to check for misreporting or misunderstanding sometimes opened the door to actual, or suspected, retrospective revision of speeches, and a corresponding degree of cynicism about the truthfulness of the Hansard report. For example, when Hansard reporting staff in Perth went on strike for better pay in 1908, a local reporter thought the strikers would enjoy the 'hearty support of the public' because they would not have to

⁶⁸ Muswellbrook Chronicle (NSW), 17 January 1912, p. 4.

⁶⁹ Age (Melbourne), 31 January 1912, p. 10.

⁷⁰ Sun (Sydney, 19 February 1912, p. 8.

[wade] through the garbage ... which frequently represents not what a member has said; but what, after revision, he thinks will please his constituents.⁷¹

From time to time, similar sentiments were expressed about New Zealand's Hansard; that is, that members had a free hand to rewrite the Hansard for political purposes. These comments cropped up occasionally in the parliamentary debates and in newspaper articles.⁷² Although such gibes were usually aimed at denigrating members, they reflected poorly on the reputation of the Hansard debates.⁷³

However, contrary to what members may have believed, they did not have freedom to amend their draft Hansards however they pleased. Since 1896, the first port of call in New Zealand was a Hansard Supervisor, who sent drafts out to members and dealt with any requests for change.⁷⁴ Decisions were usually straightforward—simple corrections from mishears or misunderstandings. The Speaker would only intervene when the Hansard Supervisor did not agree with a request.⁷⁵

Only a few such requests have survived. One that did, from 1928, is a notable exception where the Speaker allowed a 223-word exchange to be excised from the Hansard on the grounds of reputational damage to the Prime Minister. In the exchange, an Opposition member had accused Prime Minister Gordon Coates of 'justly earning the title of the Mussolini of New Zealand' after his Government bypassed the Railways Board to directly appoint a general manager.⁷⁶ Even though Coates could not have anticipated the disastrous consequences of Mussolini's fascist rule for the next 17

⁷¹ Reprinted in *Waikato Argus*, 1 August 1908, p. 2.

⁷² John E Martin, *The House*, pp. 53-55.

⁷³ The members corrections' process continued to generate headlines from time to time. See Cecilia Edwards, 'The Political Consequences of Hansard Editorial Policies: the case for greater transparency', *Australasian Parliamentary Review*, Vol. 31(2), 2016, pp. 145-161.

⁷⁴ Premier Seddon to Marcus F Marks [backdated letter of appointment], 20 September 1898, R24835766, Archives New Zealand

⁷⁵ Specific cases are documented in the Office of the Clerk files: Hansard correspondence 1896 – 1966, barcode: OCR005361-67.

 ⁷⁶ Auckland Star, 23 August 1928, p. 10; Evening Post, 23 August 1928, p. 12; Evening Star, 23 August 1928, p. 10;
Hawera Star, 23 August 1928, p. p. 9; Poverty Bay Herald, 23 August 1928, 7; Sun (Auckland), 23 August 1928, p. 11.

years, he did not wish to go down on the official record as 'the Mussolini of New Zealand', and sought the excision of the entire exchange between him and the Opposition member.⁷⁷ But the newspapers had a field day and reported the exchange widely.⁷⁸ Unfortunately for Coates, the digitisation of old newspapers has ensured its survival into the twenty-first century, even if not in the Hansard, which highlights the value of reading both the Hansard and contemporary newspaper reporting for research purposes.

The availability of Parliament TV and video replays in the twenty-first century reduced the potential for any sleight of hand through the members corrections' process, because members and staff can freely check the written record against the video. In 2011 the New Zealand Parliament agreed to move away from a 'substantially verbatim' reporting style to a 'more verbatim' style, recognising 'the convergence of audio, video, and print publishing'.⁷⁹ This substantially limited the scope for misinterpretation in the reporting and of members' requests for correction. In this way, new technologies have greatly enhanced the integrity of the record of free speech in Parliament.

DEBATES NOT REPORTED

Until 1996, New Zealand did not report debates of the committee of the whole House.⁸⁰ There were practical reasons for not reporting these debates: there simply weren't enough staff, and the cost for printing all those extra volumes was another factor particularly before time limits for debates were introduced progressively from 1894.⁸¹ Instead, for the first 129 years, Hansard provided a summary of important

⁷⁷ Speaker's secretary to Hansard Supervisor, 11 September 1928, Hansard correspondence 1924-1935, File barcode: OCR005357

⁷⁸ See footnote 75.

⁷⁹ Report of the Standing Orders Committee, Forty-Ninth Parliament, I.18B, September 2011, p. 10. The report's recommendations were subsequently adopted by the House. See *Journals of the House of Representatives*, Forty-Ninth Parliament, No. 11.23, 5 October 2011, p. 1351.

⁸⁰ McGee, *Parliamentary Practice in New Zealand* (eds. Mary Harris and David Wilson), 4th ed, Auckland: Oratia, 2017, p. 88.

⁸¹ McGee, Parliamentary Practice in New Zealand, 4th ed, p. 222.

contributions to debates on supply (financial estimates) and recorded any votes that took place in committee.⁸² But for any of the content and flavour of what was discussed, researchers must fall back on the newspaper coverage—the very source that contemporary politicians found to be selective, partial, inaccurate, and generally unreliable. For historians, the lack of reporting of committee debates is a shame, because committee discussion was generally very free and frank—to such an extent that the debates often went well into the early hours and sometimes continued over a matter of days if a stonewall was in progress.

In rare cases, other debates were not reported, which contributed to a significant gap in Hansard. One reason was security concerns. In May 1940, the Parliamentary (Secret Session) Emergency Regulations were approved. They enabled the exclusion of strangers from the Galleries and Hansard staff from the floor of the House. The measure was to prevent 'the possibility of information of value to the enemy being disclosed' and it was used on at least 24 sitting days, particularly between 1940 and 1942. In place of a Hansard report, a brief description was inserted into the Hansard, based on the Clerk's notes, broadly listing the topics. A 21-hour debate on the outbreak of the war in the Pacific was described in just 126 words.⁸³ In Hansard terms, the missing content over 24 sitting days can be estimated at about 1,900 pages between 1940 and 1944.⁸⁴

Another reason was concerns about matters of public taste. In the following example, Hansard reported a debate in 1888 on the Contagious Diseases Bill, but the House then resolved to suppress its publication because the talk about sexually transmitted diseases was deemed too risqué and offensive to women readers.⁸⁵ The newspapers were similarly unable to publish the discussion, but referred coyly to 'the social evil'

⁸² Full reports of debates of the committee of the whole House first appear in volume 553 of the *New Zealand Parliamentary Debates* (from 21 February 1996). Prior to that, McGee estimates that just 10 percent of deliberations by the House in committee ended up in the Hansard (McGee, 4th ed, p. 88).

⁸³ New Zealand Parliamentary Debates, Vol. 261, 11 December 1941, pp. 26-27.

⁸⁴ Calculated using the average number of Hansard pages generated per sitting day.

⁸⁵ New Zealand Parliamentary Debates, Vol. 60, 1 June 1888, p. 416.

and 'interesting subjects'.⁸⁶ Another paper simply noted that the Ladies Gallery had been cleared for the debate because 'Language and arguments [were] indelicate.'⁸⁷

Seemingly, there are few, if any, topics considered too sensitive for publication in the twenty-first century on the grounds of morality. But fear of inciting harm led to a notable decision in 2006 by the Legislative Council in the South Australian Parliament to excise from the online Hansard parts of a speech that detailed methods of self-administered euthanasia.⁸⁸ The historic record remained intact, to a certain extent, however, because they allowed its publication in the printed volume.

Another aspect of historic non-reporting is when speeches were not reported in the language delivered. This was a particular challenge for New Zealand from 1868, when the first Māori members were elected to the House of Representatives. Speeches delivered in their own language were interpreted in the House, the Hansard reporters took down shorthand notes of the interpretation, and wrote their report based on that.⁸⁹ By 1913, there were no interpreters and Māori members were expected to deliver their speeches in English.⁹⁰ Not all did, especially after the Second World War, when some members chose to address the House in their own language. They were then expected to provide the text for Hansard.

There were clearly some practical barriers to reporting their speeches in the Māori language, such as the lack of a Māori language skills by Hansard reporters and the lack of a shorthand writing system for the Māori language at this time. But reporting speeches given in Māori using only a summarised form of the English interpretation has consequently created a massive gap in the historic record of Māori oratory at a time when significant legislation was passed; legislation that resulted in confiscations following the wars of the 1860s/1870s, land loss, and cultural and material

⁹⁰ Martin, The House, p. 216.

⁸⁶ 'Parliamentary Notes', Auckland Star, 9 July 1888, 8; 'Parliamentary Notes', Bruce Herald, 5 June 1888, p. 3.

⁸⁷ 'Notes on Change', *Wanganui Herald*, 2 June 1888, p. 2.

⁸⁸ Anthony Marinac, 'Shaking the foundations of parliamentary privilege', ON LINE opinion, 18 September 2006.

⁸⁹ Evidence given to the Legislature Expenditure Committee, *Appendices to the Journals of the House of Representatives* 1886, I-10, pp. 3, 7, 14.

dispossession, with ongoing consequences that are still being investigated by a standing inquiry, the Waitangi Tribunal, and effects that are felt to this day.⁹¹

Nevertheless, there exists a record of sorts in the Māori language. From 1881 until 1906 a Māori version of Hansard was published. It took the English translations of speeches delivered in Māori and printed in the *New Zealand Parliamentary Debates* and translated them back into the Māori language. But the interpretation that the English translation was based on was given on the fly, and summarised just some of the speech content, which the Hansard reporter would have then tidied up into a concise report. Consequently, the Māori Hansard can only be a pale reflection of the original speeches.⁹² It was only in the 1990s, and with technological advances, that Hansard was able to include not just speeches delivered in Māori but also a translation into English.

In the twenty-first century, the challenge of providing a comprehensive report of speeches delivered in indigenous languages is not to be underestimated, particularly where there is more than one indigenous language. Hansard reporting services across the Commonwealth originated from a mono-lingual model, which means that countries like New Zealand and Australia have much to learn from our Pacific neighbours who cater not just for dual languages but multiple languages within the debating chamber or in the Hansard report itself.⁹³

⁹¹ The Waitangi Tribunal, established under the Treaty of Waitangi Act 1975, has inquired into and issued hundreds of reports since 1978, supported by thousands of historical reports, oral histories, and a vast archive of documents. Accessed at: https://www.waitangitribunal.govt.nz/publications-and-resources/bibliography/>.

⁹² 'Nga Korero Paramete 1881 – 1906', Wellington: New Zealand Electronic Text Centre, 2009. This is an online version of *Niu Tireni: nga korero Paremete: nga whai korero a nga mema Maori*, Wellington: Government Printer, 1881-1906.

⁹³ Julian R. Murphy surveys these issues generally in 'Indigenous Languages in Parliament and Legislation – comparing the Māori and Indigenous Australian experience', *Māori Law Review*, July 2020. Accessed at: https://maorilawreview.co.nz/2020/07/indigenous-languages-in-parliament-and-legislation-comparing-the-maori-and-indigenous-australian-experience/.

CONCLUSION

This paper ranged widely across aspects of curating a report of the parliamentary debates from the nineteenth century until today. The stories of Chief Reporter Grattan Grey and Principal Reporter Charles Robinson, who, on a point of principle, took on the Premier and Speaker and lost are instructive. In Grey's case, it is a reminder that impartiality remains an important principle for Hansard's reputation as a trusted and reliable source of information. In contrast, Robinson entered the public arena to defend the integrity of Hansard, but the integrity of the office of Speaker carried more weight. And in the way that past defeats sometimes become today's victories, Chief Reporter Grey's reputation has been recovered as a champion of free speech and Premier Seddon's is legacy is increasingly challenged.

The advent of new technologies in the twentieth century very much helped the accuracy of the published debates, not just by amplifying sound but also recording it. Since then, computer technology has sped up production times and allowed greater accessibility via the web. The availability of videoed debates has greatly reduced the potential for clashes over corrections to the draft Hansard between members, the Hansard staff, and the presiding officer. Newer technologies have made it possible to provide comprehensive coverage of all debates. While it remains challenging to provide a bi-lingual or multilingual Hansard service, there is now a greater understanding of its important for contemporary and future readers.

Today, we are the future readership of Hansard debates published in the nineteenth and twentieth centuries. To read and use those debates with confidence for research purposes requires some understanding of the limitations that applied to the way they were historically curated. This paper pointed to the strong commitment for Hansard to function as an impartial reporting service and suggests that instances of members tampering with the report were the exception rather than the rule. The paper listed matters that were not reported on in New Zealand's Hansard during most of the nineteenth and twentieth centuries; specifically, debates of the committee of the whole House, debates during the Second World War that were held in secret session; and contributions given in the Māori language that were rendered in translation only. In New Zealand the digitised newspaper collection *Papers Past* is an invaluable archive of many newspapers, as is *Trove* in Australia.⁹⁴ Articles in these collections represent the highlights or the controversies that took place in the debating chamber, just as they did when they were first published. Despite any flaws and omissions in the way that Hansard reports were historically assembled or curated, newspaper articles are no substitute for the record of the entire debate in Hansard. When both are read together, however, present-day researchers are better able to understand what lay behind decisions made by Parliaments of the past that have consequences for the world we now inhabit. In that sense, the enduring legacy of the privilege accorded to the exercise of free speech in Parliament is twofold: the freedom of the press and a Hansard reporting service based on the principles of impartiality, accuracy, timeliness, readability, and accessibility, however they were defined over time.

⁹⁴ Papers Past, National Library of New Zealand. Accessed at: <https://paperspast.natlib.govt.nz/>; Trove, National Library of Australia. Accessed at: <https://trove.nla.gov.au/>.