

The Conference of Premiers at Hobart

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The Conference of Premiers at Hobart

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by the Hon. Premier of New South Wales

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The Conference of Premiers at Hobart.

[Introduction]

The recent Conference at Hobart has been the innocent cause of some startling disillusion. The meeting was suggested by me for a month when our Parliament would be under adjournment, and for a place honoured by the meetings of the Federal Council. I cordially concurred in a date suggested by a Councillor as that most convenient for the four Prime Ministers belonging to that body. I was sanguine that a meeting designed, as ours was, to breathe new life into the larger scheme of Federation, would be hailed by the Federal Council with sincere pleasure, for the members of that body have always had a reputation for Federal ardour. I went to Hobart, therefore, with the expectation that the mission of the Premiers would be cheered by the presence and enthusiastic sympathy of the hon. members of the Council. There was another feeling in my mind, of which I made no secret. Sharing the opinion held in New South Wales, that under its present constitution the Federal Council is a lame body, I nevertheless had felt a growing disposition to favour its reconstruction with New South Wales included, if, after a determined, an earnest, and honest attempt to bring the nobler and better form of Federal Union into being, that consummation was beyond measurable distance.

A Disillusion.

In view of all these facts, the conduct of some of the Federal Councillors was profoundly disappointing. I found childish sneers where I expected brotherly cordiality. The assembled heads of the Australian Governments, including his own most worthy chief, were described in the courteous phrase of the Attorney-General of Queensland as “six persons outside.” Surely this was an ill-conceived method of swelling the importance of that hon. and learned gentleman and his rather idle associates. But, putting all personal considerations aside, was it not truly lamentable that men of “light and leading” in the Federal movement, sworn members of a Federal body, should put the vulgar clay in their compositions so much in evidence, and should try so hard to discount the mission of the Premiers, who, having the control of the executive power of the continent, had met to arrive at an agreement for the exercise of that power in the great cause of which their own body is, after all, a feeble and transient forerunner?

An Orator Gone Wrong.

Another startling disillusion came from an even more unexpected source. The political literature of Australia is full of the high-minded speeches of Sir Henry Parkes. If young Australia wishes to learn, in their most attractive forms, the beauty of unselfishness, the virtue of humility, the odiousness of self-seeking and personal vanity, and the grandeur, above all, of loyalty to a great cause—say, that of Australian Federation—he could not do better than study those speeches. When Sir Henry Parkes was at the helm of the Federal movement his speeches and his actions harmonised in the most delightful way. But now that the eloquent preacher is called from the highest post of active service, by admitted personal infirmity, after a most distinguished and prolonged career of public service, what a falling off is there! The broad spirit, the unselfish support, the sweet counsel of the great preacher, where are they, now that he has descended from the seat of power, and others lead the way? It is easy for a king to preach loyalty from a throne—for those in command to wax eloquent upon the merit of faithful service. It is when the king is dethroned, and when those accustomed to command return to the rank and file, that the best chance of showing the honesty of their own teachings presents itself. Granted that in former years I crossed the path of Sir Henry Parkes, and that whilst I believe I had good right to do so, he naturally takes an opposite view; an ordinary man, with few professions, might, without exciting much surprise, sacrifice principle to revenge. But Sir Henry Parkes is not an ordinary man, and he has for many years posed before the public as an extraordinary embodiment of high and unsullied devotion to great principles, above all, to the cause of Federation. That a public man, so old and so eminent, should display a spirit in keeping with his professions was the one thing all had a right to expect.

The Surprise of it All.

Yet the naggings and petty jealousies of the Federal Councillors were the milk of human kindness compared with the outbursts of Sir Henry Parkes. The effort of the Premier of New South Wales to give Federation new life earned for him the epithet of “babbling lunatic.” He and the Premiers of Victoria and South Australia were only “three travelling lawyers.” The Conference of Premiers had devised a scheme “so preposterous” that no “sane” man could entertain it; and so forth. If the meeting of Premiers was a mistake, those who say so seem wise after the event. For several months the project was known, and apparently approved. Not one word of protest that I know of was uttered in any Australian Parliament, or by any leading Federalist. The whole body of Federal sympathy, up to the date of meeting, seemed to be with us.

What we Did.

It is time now to examine the scheme we adopted. Is there anything in that to explain, the extraordinary outburst of Sir Henry Parkes? There are three main points—(1) the election of a Convention, representing all the colonies, to frame a Federal constitution; (2) that constitution to be submitted for the “Yes” or “No” of the electors of each colony; (3) if approved by three colonies or more, the Parliaments of those colonies to transmit the constitution by address to the Queen, praying for the necessary Imperial legislation.

The main and essential point of that scheme is an Australasian Convention of specially selected representatives of the electors of the colonies. Granted the assembling of this body, and as a product of its labours an acceptable constitution, how that constitution is accepted in each colony is not a matter of vital consequence. For instance, if Queensland choose to accept it by Parliamentary ratification, that is not a matter about which the other colonies need quarrel. The deed, and not the formalities attending its execution, is the really vital point. In New South Wales, Victoria, South Australia, and Tasmania the constitution will probably be submitted for the direct acceptance or rejection of the electors.

As to the third point of the scheme, it matters little whether a constitution framed by people's representatives and accepted by the electors is sent for Imperial legislation, through the Government or through Parliament. But, upon the whole, we came to the conclusion that as the entire scheme would be the creation of Parliament, it was only right that Parliament should be the connecting link with the Imperial Parliament, when everything had been concluded.

The Bill of 1891.

In discussing the first and most important step as to the election of a Convention by the people, we first asked ourselves this question: "Is it practicable to go on, in our respective Parliaments, with the Bill drafted by the Convention of 1891?" We came to the conclusion that it was not. In that opinion we were not at all singular. The Sydney Federation League, headed by Mr. Edmund Barton, one of the framers of the Draft Bill, had adopted a scheme founded upon that view. The Victorian Federation Leagues had done the same. In 1892 Sir Henry Parkes gave, in the New South Wales Parliament, a sketch of the breakdown in the various Legislatures of the consideration of the Draft Bill, which is equally and exactly true in 1895, three years later. He said—

"Only in two of the other colonies has an attempt been made to do anything better than we who have attempted nothing have done. An attempt has been made in Victoria and in South Australia, but in reality they have arrived at no satisfactory determination, and Queensland, Tasmania, and West Australia have done nothing. Queensland alleges that she is waiting for the lead of New South Wales."

Again—

"There is no possibility of Parliament considering this question (Federation) except when it is convened at a sufficiently early period of the year to transact the business which properly belongs to the colony, and to the colony alone, and to take charge of this great question in addition. That, combined with other causes, has induced me to take every view of which my mind is capable of this question, and I have arrived at the conclusion that Parliament is a very unfit body to deal with it."

In the same speech (March 1st, 1892) Sir Henry Parkes went on to say:—

"Parliament is elected to transact the business of the country. Persons are sent here because, in many instances, they have an intimate acquaintance with the local affairs of the district they represent; in many instances, because in addition to that they enjoy the confidence of neighbours, and those who have known them, and frequently without any determining political bias, in addition to those considerations. But, take the higher ground. Take the ground of the fittest men elected to represent the electorates in this House, still they are not elected upon this exceptionally large question, and it is simply a matter of moral impossibility, in view of what little experience we have had, to get—what? Not to get this House to assent to rational amendments in the Draft Bill of the late Convention, but to get fourteen Houses, every one of them with powers equally

independent of ourselves, to give their assent to amendments in the Draft Bill.”

We came to the same conclusion, and for similar reasons.

A Rejected Plan.

There was, therefore, up to the very day of our Hobart Conference a consensus of opinion that the Federal movement must have a fresh start upon more popular lines. This state of things was certified to by one of the leading and most cautious organs of public opinion in Australia. I refer to the *Sydney Morning Herald*. In a leading article, published the day (January 22nd) of my departure from Sydney to attend the Conference, the *Herald*, one of the foremost admirers and champions of the Convention of 1891 and the Draft Bill, described the situation in these words, "We may assume that the Parliaments are not to be asked to proceed with the consideration of a constitution for the Federation. It appears on all sides to be agreed that six or seven Parliaments working independently, and perhaps at cross purposes, do not form a system of machinery suited for the production of a consistent and workable constitution. Parliaments are not adapted to this purpose, and they have, it would seem, no time for it." The members of the Conference, with one exception, took the same view. I have given abundant proof that, in all quarters, proceeding with the Draft Bill in the fourteen Houses of Parliament was regarded as the worst possible course to adopt. We did not adopt it. The next practical question was, "Since the old plan is to be discontinued, what new plan should be tried?"

The New Plan.

I need not say that this question gave scope for a great deal of anxious thought. We eventually arrived, by a majority of five to one, at the conclusion that one united Australian body should be convened to frame a constitution for all Australia, and that it should consist of representatives, specially selected by the Australasian electors for the purpose. We all felt that such a body would naturally take the Draft Bill as a basis for their deliberations, but obviously we could not impose a stipulation of that nature upon such an exalted and representative body.

Australian public opinion clearly pointed to some such project of restoring reality to the Federal movement. In the speech already adverted to, Sir Henry Parkes shadowed forth such a Convention as “the only step that can be taken if we are in earnest.” His exact words are—

“Now, if my contention be at all sustainable, that Parliament is not elected to deal with this question, but that, on the contrary, it ought to be elected to deal with quite different questions, we are driven to inquire what steps should be taken, and though we may be excused from our inexperience in not adopting this step at an earlier stage, still it seems to me to be the only step that can be taken if we are earnest in desiring to bring this great question of the union of the colonies to a successful issue—that is for the people themselves, the electors who sent us into this Assembly, the electors themselves throughout the colonies, to elect another convention to revise the draft constitution of the late Convention, and to frame a new one, if in their wisdom they think proper to do so. I do not see how anybody can object to the course I point out.”

The *Herald* came to precisely the same conclusion as to the state of public opinion, in these words, taken from the article referred to, “Public opinion seems to have settled down on the point that the work of framing a constitution for Australia, to be done at all, must be done by a single body, one convened specially for that purpose, and representative of the people and the colonies of Australia.”

The Sydney League favoured State Conventions, as opposed to one general body for the whole of the colonies. This was very carefully considered, but we thought the broader Convention more desirable. Besides, the members of the latter, elected by each colony, can, and practically will, form themselves into the State Conventions desired, both before and whilst attending the meetings of the larger body.

The Place Assigned to the Parliaments.

The main point being settled as to the best machinery for the purpose of framing a federal constitution, the next practical question was, "What is to be done with the Federal constitution, when framed?" We decided that, when the representatives had done what they had been commissioned to do, those who commissioned them should be asked to pronounce judgment upon it. The question could not be put and answered over the heads of the people. Still less could the handiwork of the peoples' specially-elected instruments be submitted for Parliamentary revision. For two reasons: First, because such a course would consign the whole project to the same series of quagmires as that in which the draft Bill of 1891 was slowly stifled to death. Secondly, because the affair belongs more to the people than to members of Parliament, whom the electors return for other purposes, never for the supreme decision of the national *status* of the community without reference to the constituencies, especially when that decision is irrevocable.

What other course could we take than the course we adopted, if the first decision—to have an elected Convention—was right, as all authorities, before the event, thought it was? Could we have adopted a double reference for consideration and approval, one to the electors and the other to their local members? Picture the confusion that would result, to say nothing of the inherent absurdity of such a course!

The Referendum.

Apparently the point of dislike is the fact that the “Yes” or “No” of the electors would involve recognition of the principle of the referendum; a principle which is greatly detested by Australian conservatives, although rather fashionable amongst some English conservatives. Before Federal union, as before the marriage ceremony, the referendum seems absolutely sound. Those who are to be tied for life ought to have a voice in the arrangement, and that voice must say “Yes” or “No.” The referendum is quite a familiar feature in municipal legislation, and is never suspected. Surely, if it is right to give rate-payers the option of “Yes” or “No” as to a loan, it is right to give electors the same option as to a new form of national existence? Even in national affairs, the referendum is a thoroughly well-established principle, both of the British and of all colonial constitutions. When a Ministry are defeated on a great principle of public policy, they have a plain right to appeal to the constituencies, both in Great Britain and Australia. What is that but a referendum to the electors? What is that but a struggle to get the electors to say “Yes” to that great principle, or to say “No” to it? True, the referendum in such a case is obscured by side issues, but it is a referendum, whether obscured or not. The side issues, the local considerations, which make it difficult to distinguish whether the electors have said “Yes” or “No,” are so many blemishes on the reference. Those who look placidly on that reference when it is disfigured by those drawbacks, ought surely not to object to it when free from them, when the voice of the people can be heard clearly, honestly, and directly! The objection that a reference to the electors by referendum gives the go by to the Upper Houses is founded on a fallacy, the existence of which shows how dimly the principles of a Parliamentary constitution can be perceived. What is the central principle of a constitution which embraces responsible Government and a political franchise, in other words, a constitution of the British type? Is it not that the will of the electors, clearly and finally expressed, is the supreme will of the Commonwealth, and must be carried out by lords and commons alike? In what way, then, can it be said that our decision to allow the electors to express their will, and to decide, is harder on one House of Parliament than another? Have some people yet to learn that the electoral will is supreme equally over both, and that it is just as much the duty of a Legislative Council to bow down to that will, when, as I have said, clearly and finally expressed, as it is for any member of a House of Commons or Legislative Assembly?

What the Convention of 1891 Said.

The Australasian National Convention of 1891 was a most distinguished body of colonial politicians, many of them members of Upper Houses. Every rank Conservative in the colonies looks upon that body, and its work, with a warmth of admiration which naturally has excited some suspicion in other quarters. Yet that body, at the close of its proceedings, adopted a resolution recommending the Parliaments of the colonies to submit their draft constitution to the popular referendum. These are the exact terms of the resolution:—

“That this Conference recommends that provision be made by the Parliaments of the several colonies for submitting for the approval of the people of the colonies respectively the constitution of the Commonwealth of Australia as framed by this Convention.”

This makes it perfectly clear that the Convention expressly adopted the referendum as the best method of ascertaining the will of the people. Why should those who approved the referendum in the case of the Draft Bill of 1891 denounce it so bitterly when it is adopted by the Conference of Premiers in 1895? Why should those who asked the Parliaments in 1891 to let the Draft Bill alone, and ascertain only what the electors thought of it, so bitterly attack the Conference of 1895 as making little of those Parliaments?

The Two Plans.

The official stages of the Federal movement, commenced in 1889, actual and contemplated, up to its lapse, were as follows:—

1. Conference of nominees of Governments in 1890.
2. Convention of Parliamentary delegates to frame a constitution in 1891.
3. Convention proposal that Parliament should submit the Draft Bill, “as framed,” to the electors.
4. Consideration of the Draft Bill by the Legislatures—still as far off as ever.

Now consider the Premiers' scheme for giving the movement a fresh start:—

1. Meeting of Premiers to determine future action.
2. Meeting of a Convention, consisting of elected representatives of the Australian people, to frame a Federal constitution.
3. Reference of constitution for the acceptance or rejection of the electors.
4. If approved, its transmission by Address of both Houses for Imperial legislation.

The popular Convention would begin with the advantage of the Draft Bill as framed by the Parliamentary Convention of 1891.

It seems to me that we were bound to avoid a Parliamentary revision of a draft Federal constitution, for that was the rock on which the whole movement had been shipwrecked. If Parliamentary revision had to be avoided, what possible methods could be suggested other than those we have adopted?

What the New Plan Ensures.

There are these great advantages, it appears to me, in what we propose:— (1) The several Parliaments will be compelled to show at once whether they are in earnest about Federation. (2) If they prove in earnest, the attitude of the electorates can speedily be ascertained; if that is Federal, solid ground is reached, and we can begin the work of building up the Federal compact in one Federal Parliament, instead of the scattered 14 Councils and Assemblies. This, the vital principle of what has been called “the Premiers' scheme,” will probably be found to be its best recommendation. In that Federal Assembly we would get a vivid representation of the power and life of the Commonwealth that is to be. Australians, chosen by the future nation itself, would meet face to face, oblivious, I hope, of their artificial differences, and inspired by resolves worthy of the greatness and destiny of these free peoples.

A NEW AUSTRALIAN WRITER.

LOUIS BECKE, Author of “By Reef and Palm.”

With Portraits. NEXT MONTH.
