

The Outlook of Federation

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The Outlook of Federation

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by the Hon. Premier of New South Wales

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The Outlook of Federation.

[Introduction]

FOUR Parliaments have laid a solid electoral foundation for Australian Federation. In population these Parliaments represent about 3,000,000 souls, or five-sixths of the total number of human beings upon the continent. In realised wealth, in compactness of condition, and in facility for union, New South Wales, Sth. Australia and Victoria stand in an even more favorable position. West Australia has passed an act to enable representatives of that rising colony to take part in the Federal Convention, but these, unlike the elected representatives of the three colonies just named and Tasmania, will be chosen by the two Houses sitting together, if chosen at all.

A doubt intrudes here. Sir John Forrest's opinions have always been adverse to the main lines of action, and apparently the inducement to come in which weighed most with him was the prospect of Queensland being represented. That prospect has disappeared, and a General Election is to happen in Western Australia, so Sir John informs me, in April or May. Upon the latter phase, he suggested the postponement of the Convention until the end of the year a very bold suggestion for anyone much in earnest to make. My immediate reply was, we will make the Convention a little earlier, and you can make your elections a little later, and thus surmount the difficulty; but as for a postponement until the end of the year, I would regard that as practically shelving the whole project. I have not yet received a rejoinder, but I happen to know that the Cabinets of the four colonies working so well together in the matter look upon any long postponement in the same light. I shall be sorry if Sir John, and nine other good men and true, do not come to the Convention from Western Australia; but the Convention itself must meet during the present prorogations, or I do not think it is likely to meet at all.

Why Federation has Lingered.

When a complete history of the Federal movement is written, I do not think the historian will be found to express a very great surprise at the delay that has occurred. In all young communities, rivals in numerous paths of production, each sufficiently enamoured of its prospects and claims to admiration, there will be found many jealous susceptibilities, and not a few extreme views. The smallest Australian settlement is tremendously robust and self-assertive, as befits the pioneer stage; and as leading politicians in most of these colonies are ardent Protectionists, and tax their brother Australians even more vexatiously—being neighbours—than they tax distant foreigners, can we wonder that the task of bringing the Australias together has many difficulties?

Then, the movement never stood on a popular basis until recently. The taxpayers have much more at stake than the politicians; and until it is made clear to them that Federation means economy, not extravagance, they will not set their seal to it. The Convention of 1891 was a meeting of eminent men, firmly resolved to frame an acceptable basis of union; but they failed to fully realise that the only basis of union leading to anything practical is a widespread conviction that union will be a good thing for the masses of the people. So little in evidence at the time was any such popular conviction, that the meetings of the Convention did not attract to the galleries rifty intelligent spectators. The whole enterprise was unreal; it looked massive and impressive—but, like the beautiful forests of the scenic stage, it had no roots. The conduct of those who drew up the Draft Bill, when they returned to their respective colonies, proved this. Both sides of the different Houses were represented, but neither seemed very ready to push the matter through. The chief blame rests with the mother colony. The matter was kept in the forefront of the programme of two Governments for three years, but the Assembly never got into Committee on the Draft Bill. The signs of “dry rot,” which grew and multiplied, were all attributable to one cause — the Draft Bill was an official, not a national, inspiration.

A New Basis for Federation.

Coming into office in August, 1894, after a general election, I stood pledged to a programme of urgent domestic legislation, made necessary by a reversal of the fiscal policy of the country, which had been effected behind the backs of our electors. An adjournment of six weeks at Christmas enabled me, with the concurrence and support of my colleagues, to take up this great question of general concern. I invited the Premiers of Australia to meet at Hobart in January, 1895, naming Hobart and that time because I knew most of the Premiers would be there to attend the Federal Council and the Federal Convention, never dreaming of the small-minded rancour that would be occasioned by the suggestion. When we met I asked my brother Prime Ministers to make an entirely fresh start, upon the basis of the electoral franchise, and that a new Convention for the purpose of drawing up a Constitution should meet, composed of representatives chosen by the electors. These views were cordially shared by Mr. Turner, Mr. Kingston, and Sir Edward Braddon. Sir John Forrest stood by the old lines, and Mr. ∥now Sir Hugh∥ Nelson, though not without doubt and certain reservations, fell in with the views of the majority. In the light of subsequent events it is only fair to Sir Hugh to state that he was by no means certain that he had not gone further than the Parliament of his colony would approve. A Federal Enabling Bill was forthwith drafted by Mr. Turner and Mr. Kingston, and approved. I was then urged to promise to bring in the Bill at once. This I refused to do, for the reasons already stated. I mention this because statements of an opposite character have been made. I could not at that time abandon the battle of fiscal reform that was impending. As soon as it was over, however, I brought in the Bill, and it passed both Houses.

Queensland.

Most of the delay since that time has been caused by Queensland; and by my resolve to give that colony every possible chance of coming in. I have never concealed from the distinguished gentlemen at the head of the other Australian Governments, the importance New South Wales attached to the co-operation of Queensland, so long as there was any reasonable chance of such co-operation. I was prepared to wait. But, unhappily, the question, after a four-months wrangle last session, got into such a tangle that a little earnestness of purpose was needed to unravel it. Unfortunately, the earnestness of purpose was missing. It was suggested to me that if we deferred further steps for a year, next session a Bill might be passed, but as I pointed out, there was no guarantee of any better result then, and, if they were not prepared to put a short Bill through now, there could be little genuine feeling about the whole affair. And so it was. Among those who are powerful in Queensland just now, there does not seem to be any ambition above the level of the Federal Council. I said in Hobart to Sir Hugh Nelson and his co-Federal Councillors from Brisbane, and said again in Brisbane recently, that if they joined us in an honest attempt to bring about the larger Federal Union, which has been aimed at for the past six or seven years, and it was shown to be impossible to succeed, I would be quite prepared to consider the propriety of New South Wales joining the present Federal Council, its constitution being thoroughly reformed. Nothing but an absolute break-down in the possibilities of a Federal Union worthy of the name could justify anyone in falling back upon what has always been regarded in New South Wales as a miserable expedient.

The advantages of the new departure, so far as its points of direct contact with the electors are concerned, are great in every sense. The duty that will shortly be cast upon the electors of the four united colonies—for they are already united for the purpose by identical laws and action—involves a direct appeal to their patriotism and intelligence. When I speak of their patriotism, I allude to that larger national spirit which is broad enough in sympathy and brotherhood to embrace the welfare and prosperity of all Australians; when I refer to their intelligence, it is in the hope and belief that the electors will rise to the dignity of the first national vote cast in these southern lands, a vote to secure for the difficult, momentous, and illustrious task of framing a Federal Constitution, men well fitted for that far-reaching responsibility. Of course, abstention from the polls will not mean unfriendliness to Federation in all, or even the majority, of cases. But it is a legitimate course for the opponents of the movement to adopt. The

speeches and manifestoes of the candidates, the proceedings of the public meetings, the deliberations of the Convention, the revision in each colony by both Houses, the final settlement of the Constitution by the re-assembled Convention—all these public and interesting events must at last elevate the Federation movement to a position worthy of its transcendent importance, if it does not at once complete a natural fabric.

The Popular Will.

Those—of whom I am one—who feel no sort of fear in connection with the extension of the power of the people in political affairs, will await the result of the Federal elections with composure. There is no doubt that many Conservatives have made up their minds for glaring instances of foolish choice, as the result of the popular method of election. I anticipate no such disaster, feeling sanguine, where the whole community is made one electorate, and must exercise the franchise to the full extent of the ten vacancies, that as good, perhaps a better, and certainly a weightier choice, will be made than if the two Houses had filled the positions. Then, it will be a choice by principals, instead of agents—which is a great advantage. The result may, indeed, be so nearly the same at the ballot-box as it would have been in the Parliamentary Chambers, that some may talk of useless expenditure. I believe that if it were perfectly certain the choice of the electors would have been the choice of the Chambers, the expenditure and trouble of the elections would still be justifiable. There is nothing in the whole range of State laws which warrants a choice of the framers of a Federal Constitution by Parliament.

Theoretically, the powers of Parliament are supreme in regard to individuals—but in their exercise they can only be warranted by an inference of electoral approval. Actually, of course, in a multitude of cases, the representatives act upon their own unaided judgment, and may seem to be free agents. In reality they never are. Their responsibility for everything they do is admitted, and the responsibility is to the electors—no one else. Let it once be known that there is a decided majority of the people opposed to a given measure, and paralysis or Nemesis will follow. At an election the electors, as a rule, are careful to choose the representative who will most nearly act as they would be likely to do; and the successful candidate knows well that he holds a power of attorney which is not likely to be renewed unless his acts commend themselves to his principals. Such being the true relationship between elector and member, a project of Federation, which will change the political responsibility of the people in many vital ways, which proposes to pull down the State fabric of government in order to re-build it upon different lines, and in order to build an entirely new fabric of national government, with all its superior powers and attendant consequences, is a something entirely outside the ordinary category of provincial politics, and requires, in my humble opinion, the personal warrant and direction of the electors themselves. Besides, even the statesmen of 1891, when they had finished their great, however imperfect,

work, by a majority of thirteen, I think, resolved that the Draft Bill should go to the electors for their “Yes” or “No.” What possible chance of success had a Constitution which was to come before the electors in that way?— which treated the real masters of the situation as if they were silly children, who should “shut their eyes and open their mouths,” and be thankful for what their betters chose to bestow upon them?

A Clear Basis.

The lines of the present movement begin well, in beginning on the direct initiative of those for whom the Constitution is intended; and whose province it will be to accept or reject it. I do not quarrel with those who say that the main object is to get a good Constitution, and who, perhaps, think that what we may gain in popular interest will be purchased, and dearly purchased, at the expense of good work. Whether a given draft Constitution is a piece of good work or not, will always be a matter of opinion; and that opinion will depend, mainly, upon the views entertained by the critic upon a number of political theories or principles. The finest assemblage of Conservative statesmen in the world would not be likely to perform the task so as to give satisfaction to men of a more advanced school; just as the ablest Liberal or Radical convention that could be brought together could never by any chance, if true to their principles, adopt a draft that would meet with Conservative approval. Questions of mere draftsmanship can be determined perhaps by authority, but the only authority that can determine whether the work in its essential parts has been well or ill done, is public opinion—that is to say, in this case, the bulk of the electors of the four colonies in whose judgment the verdict lies. This supplies those who wish Federation to succeed with a clear basis of action. The task becomes one with a condition that the work shall be done in such a way as a majority of the electors shall approve. If done in any other way, it may be everything besides, but it will not be a success. I believe a majority of the electors will act in making up their minds as other sensible people do when they have to decide upon any important question. They will not expect that everything shall be quite in accordance with their views. But they will not tolerate vital defects—in other words, that the main principles shall be bad, or that the whole design shall be deficient in provisions securing the certainty, at least, that it will work.

What the Convention has to do.

That brings out the true objects of a successful Convention, which are two in number:—

1. To frame a Constitution that a majority of the electors in each colony, or a majority of the colonies represented, will accept as based on sound essential principles.
2. To satisfy the same judgment that the Constitution is not only sound in its essential principles, but is also sound in its provisions for securing smooth working; or, at any rate, finality, without deadlock, collapse, or chaos.

The second requirement will be found as full of the materials for political discussion as the first, because it contains the crux of the contest between the Conservative and the Progressive parties, intensified by the differences between those who would set State rights above National power, and those who would set National power above State rights; in other words, it contains this vital issue —if a deadlock arises, or a breaking strain sets in, what, or who, is to give way, to enable Government and legislation to be carried on, and to save the machine from destruction?

The importance of the second requirement, however, will rise in the scale, or fall, according to the manner in which main principles are settled. For example, if the provisions relating to Money Bills are such as to satisfy the advocates of popular rights, those advocates may consent to a method of avoiding deadlocks more favourable to State rights than they would if they were not.

The Federal Machine.

If any such were necessary, these tests would show the immediate futility and ultimate disaster of any attempt to introduce provincial party issues into the General Elections for the Convention. When a Constitution is being framed, the main point is to so construct it as to secure that it will work well and fairly, giving effect to the National will, whatever that National will may happen to be. Therefore, in choosing representatives, you need the men best qualified for this task. When you order a chaff-cutting machine, you do not inquire into the politics of the maker, because you know the machine will cut imported hay and locally grown hay impartially. So, when you frame a Federal Constitution, so long as it will turn out a tariff of high duties and many of them, or low duties and few of them, with equal facility, all that is wanted is accomplished, because the tariff question cannot pass through the Parliamentary machine until that machine is made, and the Convention will meet to make the machine only, leaving to the electors of the Federation, when Federation comes, to decide whether they will send in representatives to work the machine in one direction, or in the other; that is the time when patriotic Free-traders and patriotic Protectionists should and will raise their war cries. At the ensuing election they can both work loyally together in preparing a Constitution that will faithfully reflect the will of the people in whatever shape it may assume, when the time comes. These considerations must be apparent to every reasonable mind. It almost passes belief, therefore, that the Protectionist party of New South Wales held a meeting in Sydney the other day, to consider the question whether the elections should be conducted on fiscal lines or not! There were signs of extremists working without direction, and let us hope the meeting was called by the more moderate members of the party to prevent further mischief. Do what moderate and sensible men will, there will be party feeling to some extent in the election; and I will probably suffer the most from it as the chief agent during the last two years in bringing about certain changes which are bitterly resented by those, or rather by some of those, whose pecuniary interests I have seriously assailed, or whose political principles I have trampled in the dust. Still, I am sure moderate men on the other side will sink such antagonisms in view of their belief, if they happen to entertain the belief, that I may be a useful representative of all parties.

The proper view is to regard the trust as one placed in the hands of a successful candidate of men of all parties for National purposes, and a due regard to the interests of the colony he represents, considered broadly and

without any reflected tinge of local selfishness. It is so regarded by me. If leading Protectionists, whose names have been published, are elected, I can see no possible obstacle in the way of leading Free traders working amicably with them in this great task. Differences of opinion there may be, but they will be differences of view upon Constitutional matters, and upon such questions it might well happen that some leading Protectionists would be found siding with Mr. Brunner, Mr. Carruthers, and myself ∥if we are elected) and some leading Free-traders siding with Mr. Lyne, or Mr. Barton, or Mr. O'Connor, if they are elected. There may be other points, such as those affecting the interests of the colony as distinguished from the interests of the other colonies, and if such points fairly arise, I think it will be found that the ten elected will work together.

Lines of Cleavage.

But, I regard this as one of the best results of the new departure. The representatives of the colonies in the Convention of 1897 will occupy a position vastly different from that of the status of the delegates to the Convention of 1891. The latter went as one body chosen with reference to the state of provincial parties, without any reference whatever to their individual connections, either on Constitutional points or any other points. So far as the terms of their commission were concerned, they could take any conceivable course not directly adverse to the whole project, although Sir George Dibbs found even that attitude possible, and no person could call them to account. Upon such a basis the tendency was towards the cohesion of delegation, as against the cohesion of the Convention; in other words it was a meeting not only of one body, but of several. Upon the new basis the tendency will be to obliterate provincial lines, and to unconsciously, perhaps, establish national lines. The line of cleavage between the Conservative and the Liberal will be broader, and will run right through the whole Convention. Each representative will have to fulfil his election pledges, and in doing that must occupy a position more or less independent, even of his own colleagues: The Convention must occasionally deal with important subjects, in which the provincial element must have fair and equal treatment, because, unless in some matters each colony properly safeguards its legitimate interests, the whole of the work, however done in other respects, may fail. But the members of the Convention in most of the large questions will act, and feel bound to combine, not according to their colonies, but according to their declared opinions. When I referred to a probable line of cleavage between Conservative and Radical, I should have pointed out one complication that may establish another line of cleavage quite apart from the broad one alluded to. That complication may arise on points affecting rights of the colony as distinguished from the rights of the federated community. For instance, one and the same gentleman may be a warm advocate for the whole Radical programme as applied to the franchise of the electors of the commonwealth, and yet be equally determined that his colony, with perhaps 30,000 electors, shall have as much power in the Senate as a colony with 300,000 electors. However, the main point will be not the method of Senate representation, but the powers given to that body in relation to the House of Representatives.

Questions for Candidates.

I should think that the electors of Australia will expect from every candidate for their suffrages a pretty clear statement upon certain important points. I hope in my address to the electors I issue to make such a statement. I purposely make the list a full one, because it is well that both electors and candidates should concentrate their attention now upon the practical bearings of the question the Convention will have to debate and decide upon. In placing these questions I follow, to some extent, the arrangement of the Draft Bill of 1891, under the heading of "Power of Parliament." I only mention debatable points of prominence:—

1.—Governor-General

1. Powers and Salary?
2. Shall communications with the Imperial Government all pass through his hands, or shall the respective colonies have their independent channels of communication?

II.—The Federal Parliament

Shall it consist of two chambers or one?

III.—Privileges of Parliament

Shall the Federal Parliament have power to proclaim its own privileges, or shall they be defined within the Constitution?

IV.—The Senate

1. The number of Senators?
2. Shall they be paid?
3. Shall representation in the Senate be based on the principle of equality, i.e., an equal number of Senators for each colony, or on population, or on the number of electors in each colony?
4. Term of office?
5. Shall Senators be elected by the provincial Parliaments, by the electors of each

province, or by the Federal electors? Or shall the provincial Parliaments be left to deal with the whole question?

V.—House of Representatives.

1. Number—term—payment?
2. Franchise to be Federal, i.e., uniform, or according to the electoral law of each colony?
3. If Federal, to be prescribed in the Constitution, or determined by the Federal Parliament?

VI.—Powers of the Parliament.

1. To regulate Trade and Commerce, Customs and Excise, with supreme undivided control?
2. Power to raise taxation by other means?
3. Power to borrow money?
4. Transfer of all powers and services connected with Military and Naval Defence, with free transport over all railways?
5. Transfer of Railways, or not?
6. Banking, currency, coinage, and legal tender laws?
7. Power over colored races, and immigration thereof?

VII.—Money Bills

1. Financial measures to originate in House of Representatives?
2. Shall the Senate have power to amend, especially Taxation, Appropriation and Loan Bills?
3. Or reject? And, if so, repeatedly? And, if so, should there not be provision against dead-locks? And, if so, what provision?

VIII.—The Executive Government

1. Shall the principles of responsible Government, as known in the British Constitution, and practised in the colonies, be part of the written law of the Federal Constitution, or be left open to choice equally with other systems?

2. Shall members of the Federal Government go for re-election on acceptance of office?

IX.—Federal Judicature.

1. Shall the Supreme Court of the Federation be established by the Constitution itself, as in the United States, or by Act of the Federal Parliament, as in Canada?
2. Shall such Supreme Court be the final Court of Appeal for the colonies?

X.—Finance.

1. Shall the Federal Parliament have complete control of the Customs and Excise revenues, taking therefrom as much as that Parliament appropriates for Federal purposes, and distributing any available balance; or shall the colonies receive their full proportions of such revenues, less an assessment upon a definite basis towards the expenses of the Federal Government?
2. Shall the Railways be taken over by the Federation?
3. If the Railways are not taken over, should the Federal Parliament have any right to interfere with their management; and, if so, for what purposes?
4. Shall the public debts of the colonies be taken over and consolidated?

XI.—General.

1. Shall the Federation be limited to the powers expressly given to the Federal body by the Federal Constitution, or should the Federation be deemed to possess all powers not expressly reserved to the individual colonies?
2. Shall the Governors of the colonies be appointed by the Federal Executive?
3. Shall there be a power to enable alterations to be made by Federal legislation in the boundaries of the respective colonies; if so, for what purpose, and should every colony affected have a right to approve or prevent such alterations?
4. Shall the seat of government be named in the Constitution, or left to the decision of the Federal Parliament; and, if so, should there be a provision postponing a final settlement of the question for a specified period?
5. What should be the process for an amendment of the Constitution?
6. Should a period be stated in the Federal Constitution within which intercolonial Free-trade and a uniform Customs tariff shall become law?

Practical Business.

I have made the foregoing list a full one because it may be of service to those electors who wish to consider the questions the elected members of the Convention will assuredly have to consider and determine. Gentlemen who propose to offer themselves for election will also, I hope, give their constituents an expression of their views on the more important of the issues, if not upon all. I do not think Australians, who know the novelty and difficulty of the task before the Convention, and the necessity for a reasonable degree of give and take, will require slavish adherence to electoral addresses on each and every topic. There are, however, some matters of cardinal principle upon which the electors will demand clear views before the polling day, and a loyal championship of those views afterwards.

I am the last one to disparage the charm of patriotic sentiment or glowing perorations, but surely a sufficient number of speeches, full of those glowing attributes, have graced the Federal movement already? The time for serious, anxious deliberation upon the principles of the proposed Constitution, for precise statement of those principles, and in fine, for a complete, practical, and final presentment of the whole federal project in the concrete form of a Constitution, has arrived a second time—for, perhaps, the last time.

I look forward to the Convention elections in March with confidence. I feel convinced that the results of the popular choice will confound those who distrust the general judgment, and give new strength and courage to those who place their trust in the common sense and good faith of that great body of independent and self-respecting manhood in which is vested the power and destinies of these Australian communities.

Lorne, January 11, 1897.
