THE SECESSION MOVEMENT

IN WESTERN AUSTRALIA

A thesis submitted in partial fulfilment of the requirements for the degree of Master of Arts to the Department of History

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by

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NOTE

This copy of the thesis has a second and fuller "Abstract" which is really a rather long, chapter-by-chapter, summary. It is lacking in copy 2. Library, U.B.C., June 2, 1949.
ABSTRACT

Both historically and geographically Western Australia has been separated from the rest of the Australian continent. Sixteen hundred miles of desert intervene between the settled southwestern tip of the continent and the main concentration of Australian population in the southeast. Partly owing to this geographic isolation, the Swan River colony (founded in 1829) passed the first sixty years of its existence with very little intercourse with the more flourishing eastern Australian colonies. It was not until the goldrush of the 1890's that the eastern Australians began to display an interest in the far west.

The presence of large numbers of these "T'othersiders" in the Western Australian goldfields played an important part in securing the colony's entrance into the new Australian Commonwealth which came into existence on January 1, 1901. The old settlers and the leaders of the colony's responsible government were none too eager to accept the terms of federation, maintaining that, under the proposed constitution, the new states would not have sufficient sources of revenue to meet their obligations, but their objections were overruled by the unanimous pro-federation sentiment of the diggers.

From the first Western Australia's peculiar position -- a state with a small population and a large, undeveloped area ... resulted in special financial concessions being granted to her. Such concessions mitigated, but did not completely obliterate, the separatist tendencies of the western state. In 1906 a motion was introduced into the state parliament favouring secession from the federal union but nothing came of it. The War-induced encroachment of the federal government on taxation fields which had formerly been state preserves intensified the
irritation felt by state leaders toward the ever-increasing powers of the Commonwealth government. Such sentiments were mirrored in newspaper articles expounding the theory that the federal bond was preventing Western Australia from realizing her full potentialities. The reports of a number of federally-appointed boards in the 1920's indicate that, even during these prosperous years, secessionist sentiments were held by a sizeable portion of the state's inhabitants.

Nevertheless, it was not until the depression fell, with a particularly severe impact on primary-producing Western Australia, that secessionism became the dominant factor in the state's politics. The cause of secession was adopted by the state administration, partly from a desire to use it as a means of exacting a more generous financial arrangement from the Commonwealth government. A referendum on the question of secession was held concurrently with the state elections in April, 1933. Although the state's electorate repudiated the parties sponsoring secession they recorded a two-to-one majority in favour of the state seceding from the Australian Commonwealth and becoming a self-governing Dominion.

The newly elected Labour government redeemed their election pledge to attempt to give effect to the people's mandate, as expressed in the referendum results, by sending petitions to the British parliament requesting the passage of legislation which would release the state from the Australian Commonwealth. A joint committee of both houses, appointed to investigate the constitutional propriety of receiving the state's petition, reported that such a request could be entertained only if it came from the federal parliament.

Following this rebuff from the British parliament the secessionist movement withered and died, leaving behind a better system of deciding on state grants in Australia, and a noteworthy decision defining the relation-
ship of the state and federal governments with the British parliament in the ever evolving British Commonwealth.
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OF THE 1930's.

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Chapter 1.

The story of the secession movement in Western Australia provides a case history of the problems that result from the incorporation of a marginal region into a new federation. Western Australia is geographically isolated from the rest of the Australian continent. The only section of the state which contains a relatively dense population is the fertile, well-watered southwestern tip, known as the "Swanland" from its principal river, the Swan. Sixteen hundred miles of inhospitable desert and barren lands separate this region from the main concentration of Australian population in the more favoured south-eastern and eastern coastlines of the continent. Save for the Swanland the climate of the western state is either too dry or too hot to attract white settlers.

The discovery of rich gold deposits in the Salt Lakes area in the south central section of the state has resulted in some settlement in this inhospitable part of the country, but the bulk of Western Australia's population is concentrated in the Swanland, a region whose prosperity is based on the raising of wheat and wool for export. Although gold continues to play an important part in the economic life of the state, the richer deposits are being exhausted.

The small population of Western Australia and its isolation from the rest of the Commonwealth has prevented that area from developing large scale secondary industries which require a relatively large concentration of potential consumers to assure economical operation. The inclusion of the state within the Commonwealth freetrade area, on the other hand, has permitted the large eastern Australian manufacturers
to "dump" their products in Western Australia to the detriment of the small Western Australian concerns who were attempting to cater to their local market.

Chapter 2.

The historical development of the western state has further intensified the differences produced by the facts of geography. The first Europeans known to have sailed along the shore of Western Australia were Dutch navigators during the seventeenth century. The barren aspect of the Western Australian coastline discouraged further exploration by these seafarers, most of whom had merely been driven too far south on their voyages to the Indies.

It was not until 1825 that an attempt was made to establish a permanent settlement in the area which now comprises the state of Western Australia. The idea behind the decision to attempt a settlement was merely to strengthen British claims to the possession of the entire continent, and to forestall any French colonization schemes in the western region, suspicions concerning the possibility of which had been aroused by the activity of French explorers along that coast since the last decade of the eighteenth century. The colonizing party, sent out by Governor Darling of New South Wales, acting under instructions from the Colonial Office, was composed of transported convicts who had been found guilty of minor offences since their arrival in the Sydney region, together with their military guard. The settlement made by this party in King George's Sound did not prove successful. The colony, in fact, failed to even approach self sufficiency in food stuffs. Fredrick's Town, the penal settlement, was abandoned in 1831 in order to assist the progress of the second attempt to colonize the region, this time
by free settlers.

The establishment of the Swan River colony owes much to the enthusiasm of Captain James Stirling, R.N., who had been impressed by the suitability of the Swan River basin for white settlement when he first explored the river in March, 1827. Triumphing over the British government's initial disinclination to sponsor another colony in that region, Captain Stirling was at last appointed Lieutenant-Governor of the new projected colony, and, in June, 1829 arrived off the mouth of the Swan River with the first boatload of colonists. An early start was made in laying out the sites of Perth and Fremantle.

The history of the colony of Western Australia between 1829 and 1890 is one of very slow growth. The early settlers were discouraged by the amount of labour necessary to bring the virgin soil into cultivation. Reports filtering back "Home" from the dissatisfied pioneers gave the colony a bad name. In spite of the fact that Western Australia had from its establishment been designated as a "free colony" to which no transported criminals were to be sent—hence the abandonment of Fredrick's Town—new settlers by-passed it in favour of the more flourishing colonies in the east of the continent. In a desperate endeavour to recruit the larger labour force which was believed necessary to insure the continuation of the western colony, the leading settlers commenced agitation favouring the introduction of penal immigrants into Western Australia. The British government agreed to their requests in 1849. The following year the first convicts arrived at the colony's port, Fremantle.

The introduction of convicts at that time did help relieve the labour shortage in the colony, and allowed the government to embark upon some necessary public works projects but it also further intensified the differences between the western colony and the other British colonies.
in Australia who, at the very time Western Australia was first accepting convicts, were freeing themselves of the blight of criminal transportation. The large monetary grants from the British government which were associated with the penal system prevented Western Australia from taking advantage of the more liberal system of colonial government outlined by the British Parliament's Act of 1850. Western Australia did not gain representative government until 1870, two years after the cessation of transportation, while the granting of responsible government was delayed until 1890.

The year 1890 not only marked a change in the political life of the colony but also in its economic well-being. To the promising Yilgarn and Pilbara goldfields, opened up in 1888, were added the fabulously rich discoveries found around Southern Cross, Coolgardie and Kalgoorlie. Western Australia experienced an influx of gold-seeking adventurers, many of whom came from the exhausted fields of Victoria. The colony experienced boom times while much of the rest of the continent was in the throes of a business depression. The new responsible government of the colony, freed from the restriction of London, embarked on an ambitious program of public works, financed by long term loans. Differences in attitudes and interests between the new-comers in the goldfields, the "T'othersiders", and the old agricultural settlers of the Swanland resulted in a marked antagonism developing between the two groups.

Chapter 3.

It was during this period, when the colony was experiencing its first real period of prosperity when the influx of new comers from Eastern Australia had introduced a new element into the political life of the colony, that the project for federating all the British colonies of
Australasia approached the point of fruition. Sir John Forrest, the colony's premier during the full span of its existence as a self-governing unit, did not view the prospects of the immediate inclusion of Western Australia in the projected federation with favour, since he believed that the Western colony should not surrender any of its fiscal autonomy to another power until it was powerful enough to assure that equitable treatment would be accorded it within the federation. Nevertheless Western Australia was represented at all the conferences which led up to the drafting of the proposed constitution of a federated Australia as drawn up during 1897-98. In the course of these negotiations the Western Australian delegation headed by Sir John, were able to secure some concessions, the chief of which extended to Western Australia a degree of tariff autonomy for the first five years of the existence of the Commonwealth, but the Western Australian government was still not satisfied that the colony's best interests would be served by joining the larger political body.

The greatest source of opposition to the government's policy and of support for the federal cause was to be found on the goldfields where the miners' emotions were largely governed by sentimental ties with Eastern Australia from whence most of them had but recently come, and by their antagonism toward the longer settled inhabitants of the Perth area. Sir John had attempted to render the goldfields' sentiment as harmless as possible by having the colony's delegation to the 1897-98 conventions nominated by the colonial parliament, in which the goldfields were badly under represented, rather than by having the panel of delegates chosen by popular election as had been the practice in the other Australian colonies, and by refraining from submitting the draft
constitution to a referendum by the people, as had been done in the other colonies. The goldfields inhabitants were able to make their views felt, however. Between December, 1899 and January 1900 a Reform League was formed in the goldfields with the professed purpose of securing the secession of the eastern portion of the colony from the remainder of Western Australia in order that it might enter the new federation if the western colony itself failed to do so.

Western Australia could ill afford to lose the rich goldfields area. When the British Colonial Secretary, Joseph Chamberlain, therefore, intimated in a telegram to the acting Lieutenant-Governor of the colony that the Home government might consider the goldfields request for permission to enter the Commonwealth via secession the government of Sir John Forrest capitulated. The state government proceeded to prepare for the necessary referendum and other formalities which were required to secure Western Australia's entrance into federation as an original state of the Commonwealth, which by royal proclamation was to come into existence on January 1901. Owing to the unanimity of the goldfields' sentiment, the result of the referendum was a foregone conclusion. The votes favouring federation numbered 44,800 while those opposed totaled only 19,691, but 24,517 of the 25,109 pro-federation majority was recorded in the "diggings".

The constitution of the new Commonwealth contained the seeds of future conflicts between the states and the federal government which they had established. The question of the definition of
the exact boundaries of the division of powers between the federal
and state governments was to arise in Australia as in all other
federal states, but the major cause for friction was to be found
in the financial problem. The states had been left with most of
the revenue-consuming duties to perform, while their greatest source
of revenue in colonial days, the customs and excise tariffs, had
been taken over by the Commonwealth government. Temporary prov-
isions had been inserted in the Constitution to assure the states
that three-quarters of the proceeds from the tariffs would be re-
turned to them, but no permanent solution had been reached. In
operation the constitution developed so that the Commonwealth
government, which had unlimited taxing power, was able to extend
its powers over the states, whose financial obligations were greater
than their new revenue-raising capacity. This fact of government
finance, coupled with judicial interpretations of the Constitution
which also enhanced the Commonwealth's powers, meant that a consti-
tution which was designed to leave the residual powers with the
states had created a federal government which might attempt to
become all-powerful through its manipulation of the power of the
purse.

Chapter 4.

The first attempt at secession from the Australian Commonwealth
occurred five years after the establishment of the Constitution
at the time when the western state was due to lose the last vestiges
of its tariff autonomy. On September 26, 1906 a private member
of the state Legislative Assembly, F.C. Monger, introduced a re-
solution to the effect that the union of Western Australia with the other states of the Commonwealth had proven detrimental to the best interests of their state and that the time had arrived for placing before the people of Western Australia the question of withdrawing from the union. The resolution was carried in both houses of the state parliament. Monger, therefore, went on to introduce a bill to provide for a referendum on the question of secession but, since such a bill would entail the expenditure of public money, it was not able to be voted on. The state government did not adopt the measure, nor did there seem to be any considerable pressure exerted upon them so to do. It might, therefore be considered that this first attempt at secession lacked popular support. Some of the speeches supporting the Monger proposal, particularly one by T. Walker, a Labour representative of a gold-fields constituency, are valuable in suggesting the reluctance felt by formerly self-centered political units in surrendering some power to a larger authority and the fear of some contented colonials that the growth of loyalty to the new Commonwealth might lessen the loyalty extended to Britain. The speeches also showed that manufacturers of the east had already secured an advantage over their smaller western competitors.

Little was heard of secession in Western Australia for some time after the failure of the 1906 referendum proposal. Recognition of the special disabilities of Western Australia by the governments of the Commonwealth and of the other states, which took
the form of a special annual grant being paid the western state £250,000 in the year of its initiation, 1910, being decreased £10,000 each subsequent year, seems to have temporarily reconciled the state to federation.

The outbreak of the war in 1914 forced domestic affairs into the background. It also, however, increased the Commonwealth government's need for revenue. As was also the case in other federal states, the central government entered fields of taxation which had previously been left to the constituent states. The income tax, in particular, proved an excellent means of channelling a substantial portion of the citizens' income into the coffers of the federal treasury. As early as April, 1918, a member of the Western Australian government was contemplating the possibility of a future bankruptcy of the state as a result of this federal invasion into a state tax preserve and suggesting that such a calamity would lead to popular agitation for either secession or unification.

Shortly after the Hon. Sir Hal Colebatch had uttered this prophecy in the state's Legislative Council chamber, another, and even more influential actor in the separatist movement, published his first articles advocating Western Australian secession, Alfred Chandler, a native of Victoria who had migrated to the goldfields in the 1890's and had later moved to Perth, where he became editor of a rather sensational weekly journal, the Sunday Times, published a series of articles in his paper during the summer of 1918-19 in which he accused the federal government of violating both the spirit and the letter of the constitution. Although the Chandler
articles evoked a considerable popular response, culminating in a mass meeting of Perth citizens in the Town Hall demanding drastic action, no encouragement was offered to the movement by the political leaders of the state. The persuasiveness of the Chandler pen unaided was not able to maintain the public interest in secession at a high level. The Town Hall demonstration was not repeated. Nevertheless the possibility of the state's secession from the federal Commonwealth seems to have been implanted in the minds of a number of Western Australians.

The Western Australian government itself began to display more interest in the question of the relationship between the state and the federal government. The State Under Treasurer's Report on financial relations between Western Australia and the Commonwealth contained an impressive series of tables which demonstrated to at least E.T. Owen's (the author) satisfaction that the state treasury had lost £8,055,000 as a result of federation between January 1901 and June 1919. He did not suggest secession, however, but merely that a larger grant be given the state by the federal government. In 1921 the state parliament appointed a joint select committee of both houses to enquire further into the effect of federation on the finances of the state. Witnesses appearing before this committee made more frequent references to secession but still it would seem that such a move was not being considered seriously by any appreciable portion of the state's population.

It required another newspaper man to stimulate wider interest in the consideration of secession. During the month of November
1922 J.C. Morrison of the editorial staff of the leading Perth daily the *West Australian*, wrote a series of four articles analysing Western Australia's position under a system of continental free trade within a high protective tariff wall. His articles indicated the most popular line of reasoning used from that time forth by the secessionists. Its principal theme was that both the primary and secondary industries of the state were being adversely affected by a Commonwealth tariff that was designed to suit the interests of the more populous, and thus more influential, eastern states. Western Australia's economy is based in raising primary products, chiefly wheat and wool, for export. They have to sell these on the competitive world market, but the producers are unable to make their purchases on the same cheap, world market, but are forced by the tariff to patronize the protected manufacturers of Eastern Australia.

Talk of the possibility of secession was becoming more common, even if it was still not taken too seriously by many of the speakers. Two Commonwealth-appointed committees bore witness to this fact. In 1922 the Tariff Board was invited by Sir James Mitchell, Western Australia's state premier, to make an extensive study of all the state's disabilities which might have a serious effect upon the federal connection. The board found that

"On all sides... there was a unanimous disappointment with the results attendant upon the operation of Federation upon the State of Western Australia. This disappointment covered all degrees of criticism from mild disapproval to a rebellious desire to achieve Secession."
The Royal Commission on the effects of federation on the finances of Western Australia—generally known as the Western Australian Disabilities Commission—was made even more aware of the prevalence of the secession sentiment in the western state when they held their hearings in early 1925. All three members of the Commission recognized that Western Australian separatism could not be ignored. Two of the commissioners, however, believed that the dissatisfaction with federation could be relieved by a more sympathetic attitude being adopted by the inhabitants of the rest of the country. Only Commissioner Entwistle maintained that secession was the only permanent solution for the western state's problems.

Disagreement was the dominant feature of the Disability Committee's report. Although a majority of the commissioners recommended a modified tariff autonomy for the state, and the dissenting member suggested a new and additional grant of £375,000 per annum for twenty-five years, the Commonwealth government proceeded virtually to ignore the commission's report. The state was given a £450,000 grant for one year, which included some existing grants, and, when in 1927 a new state-federal financial agreement resulted in a decrease in the Commonwealth's payments to all the states, Western Australia was compensated by an additional grant of £300,000 per annum for five years.

Such palliative measures did not exorcise secessionism from Western Australia. Nevertheless the separatist sentiment had not, during the period of the 1920's, seized the imagination of the mass of the people of the Western state. The conflict remained one between governments over revenue. So long as the individual citizens of the state remained
relatively prosperous there was no reason for them to embark upon any scheme to sever the federal connection which, if not popular, did not prove to be excessively onerous. Separation from the Commonwealth might theoretically be desirable, but so long as the world price for wheat and wool remained firm the producers could afford to pay the additional costs of tariff protection without incurring undue hardships.

Chapter 5

Such a period of prosperity prevailed in Australia until 1929. To it was added yet another condition which prevented the west's separatist tendencies from developing into a serious movement. Throughout the period there had been recurrent discussion of the advisability of reviewing and revising the Commonwealth constitution. In every part of the continent the virtues of two alternatives to the existing six-state federal system were being proclaimed by their advocates. The Labour Party adopted the idea of centralization and unification, while the Country Party, the political agent of the pastoral and agricultural interests, espoused the cause of the "New States" movement, which aimed to divide the more populous states in such a manner as to permit the presently submerged agricultural hinterlands to achieve self-expression.

While the opportunity remained that some constitutional convention might be held in which Western Australia's disabilities might be lessened or removed, secessionism, which thrives on despair, could not prosper. Unfortunately the promised means of effecting the constitutional revision never materialized. A royal commission was appointed in 1927 to investigate the Constitution and to recommend amendments. In 1929 it issued its report, strongly favouring increasing the powers of the central government, a recommendation which distant and isolated Western Australia could receive only with misgivings. Since the year 1929 also marked the collapse of the world market for raw materials, including wheat and wool, the stage was now ready for the active secessionist movement.
Chapter 6

The impact of the world-wide depression was more severe, perhaps, on a primary producing region such as Western Australia than on regions with a more varied economy. In examining the importance of the depression in stimulating public interest in the secessionist movement two separate attitudes must be considered -- that of the primary producer who, having lost his market, is desperately striving to lower his costs of production, and is thus anxious to take advantage of the depressed world price in necessary manufactured products; and that of the members of the state government, who were confronted with the problem of meeting increased social service and rehabilitation obligations brought about by the depression out of the diminishing returns from the available taxes. The producers were ready to espouse any cause which would free them from the restrictions of the Australian tariff, the institution which they blamed for many of their difficulties. The politicians were anxious to find some means of pressure whereby they could exact a larger grant from the Commonwealth government.

The April 1930 elections resulted in the defeat of Hon. Philip Collier's Labour government and its replacement by a Nationalist-Country Party coalition under the premiership of Sir James Mitchell. The new premier, a native son of Western Australia, whose political record back as far as his support of the 1906 Monger referendum proposal seems to indicate that he had a genuine sentimental leaning toward the ideal of secession, lost no time in helping to reintroduce the question of secession as a major political issue in the state. On the evening of May 23, 1930 a public meeting was
held in Perth's Bent Memorial Hall under the chairmanship of Sir James. Speeches were made condemning the harmful effects that federation had wrought on Western Australia. At the close of the meeting a large majority of the audience unmistakably expressed a desire to attempt to effect secession from the Australian Commonwealth.

A Dominion League of Western Australia was organized during June and July of 1930 under the presidency of Alfred Chandler. Its first objective was to secure the passage through the state parliament of a bill authorizing the holding of a referendum on the question of the state's secession from the Australian federation. The League had the support of the state premier, although during this period it would appear that Sir James Mitchell was more interested in using the secessionist agitation as a bargaining point in striving to obtain better terms from Canberra than in actually attempting to effect secession. For the first year of its existence the Dominion League concentrated in spreading its doctrine throughout the state and in establishing local organizations. Its activities were hampered by the fact that the two large metropolitan dailies of the state, the Perth West Australian and the Daily News, were both opposed to secession. The larger number of the rural papers and the Sunday Times, however, did support the League's activities.

A bill providing for the referendum on secession was finally introduced into the state parliament during the 1931 session. It was opposed by the Labour opposition on the grounds of economy. Mr. Collier and his supporters maintained that such a vote would be a useless extravagance, particularly since it was doubt-
ful whether secession could be effected. The bill was lost when the session ended before the Legislative Assembly and the Council could reach an agreement concerning certain Council amendments to the bill. The bill was reintroduced the following session. Attempts had been made to meet the Labour criticism of the earlier projected legislation by suggesting that the referendum be held concurrently with the forthcoming state elections and by including an alternative question which asked the voters to state whether or not they would approve the summoning of a federal constitutional convention.

During the intervening period conditions had become more favourable for the secessionists. The Dominion League, under the vigorous management of H.K. Watson, the League's paid organizer and chairman, had redoubled the intensity of its campaign. An attempt by a Western Australian member to have the question of granting a modified tariff autonomy for the western state debated in the federal parliament was rather undiplomatically frustrated by the Lyons' government. The new Commonwealth government had intervened in the operation of the New South Wales government in a disconcerting manner.

The labour opposition to the referendum bill was far less vocal in the 1932 session than it had been in the preceding one. In this case it appeared that the majority of the state's citizens desired the referendum so, rather than surrender the popular cause entirely to Sir James' followers, the Labourites decided to "Let the people decide". The bill passed both houses without encountering any substantial opposition
On December 30, 1932 it received vice-regal assent.

Chapter 7

April 8, 1935 was the date set for the state elections and the referendum. During the campaign the secessionist viewpoint was expounded by most of the candidates of the Nationalist and Country Parties as well as by a number of distinguished speakers sponsored by the Dominion League. The federalists were unable to produce an equivalently impressive array of advocates, since the Labour candidates, the natural allies of the federalists, remained non-committal. The Commonwealth government attempted to rectify this situation by dispatching a federal party headed by the Prime Minister to the state. Unfortunately for the federal cause, the intervention of Mr. Lyons and his colleagues into the controversy was resented by many Western Australians. His visit to the state unquestionably cost the federal cause a large number of votes. The temper of the Western Australians at the time was such that no out-of-state counsel would be heeded. The results of the election might on the surface appear contradictory. The Labour Party, the party of politic silence, whose candidates had promised merely to strive to implement the mandate of the people, whatever it might be, was swept into power, while, at the same time, the same voters signified their approval of the project to attempt to secure secession by a vote of 138,653 to 70,706. The alternative of a convention was rejected 119,031 to 88,275. Only in the goldfields did federation sentiment appear to be strong.
Chapter 8

The newly elected premier, Philip Collier, quite promptly redeemed his pledge to give effect to the mandate of the people. A joint committee of both houses of parliament was appointed to deliberate on ways and means of best achieving secession. It was decided to approach the British parliament by means of petitions and address to endeavour to secure the necessary legislation from that supreme body which alone could release Western Australia from the federal union established by the Commonwealth of Australia Constitution Act 1900 (Imperial). A six-man committee, which included the state's Crown Solicitor, the Dominion League's Mr. Watson, and the two defeated members of the former Mitchell cabinet, was named to draw up the required documents to be sent to London and to make any other preparations deemed necessary.

While this committee was busy preparing the secession documents the Commonwealth government proceeded to fulfil one promise made prior to the polling date and partially to fulfil another. The investigation of state claims for assistance from the Commonwealth government was handed over to a non-political body of qualified experts, the Commonwealth Grants Commission, whose commendable work remains as one of the most satisfactory results of the agitation of the period. Less successful was a conference of premiers held during the latter half of February as an alternative to the promised constitutional convention. Differences between the leaders of the state governments and those of the Commonwealth prevented any agreement being reached regarding projected amendments to the Commonwealth constitution.
Meanwhile the Western Australian committee had completed its task. The fruit of their labours, the address to His Majesty and the petitions to the two houses of parliament, together with a 489 page volume outlining in greater detail the state's case of grievances, was submitted to the Western Australian legislature. By the end of May 1933 the secession documents had been authorized by both houses of the state parliament and the necessary legislation had been passed to send a delegation to London to press the state's claims before the authorities at Westminster. The Labour government, enthusiastically supported by both parties of the opposition, had thus redeemed their promise to attempt to implement the mandate of the people.

Chapter 9

The Commonwealth government was not remaining entirely inactive while the western state prepared to shatter the federal union. A four-man committee was named toward the end of May to prepare a counter-claim to the state's case for secession. The Commonwealth was, therefore, prepared when, after the Western Australian petitions had been submitted to the two houses of the British parliament on December 15 and 16, 1934, it was decided by those august legislative bodies that the constitutional problem of the propriety of receiving the petitions be decided by a special joint committee of both houses.

The committee, composed of six of the best qualified members then sitting in the British parliament to deal with a constitutional problem concerning the British Commonwealth, were addressed by British legal counsel representing the interests of the Commonwealth
government and the Western Australian secession delegation. On May 24, 1935 the committee issued their report. In it they stated that, although the parliament of the United Kingdom had in law full competence to pass the desired legislation, and that it was the only body that had such competence, yet, under the Statute of Westminster, the parliament was constitutionally incompetent to do so save at the advice and with the request of the parliament of the Commonwealth of Australia. The petition, therefore, they found not proper to be received.

With the refusal of the British parliament to receive the petition the secession movement in Western Australia seems to disintegrate. Some angry words were uttered by members of the secession delegation immediately after the publication of the report, but on the whole the inhabitants of the western state were not unhappy over the outcome of their attempt to remove themselves from the Australian Commonwealth. Economic conditions were improving. The citizens of the state were no longer ready to adopt any policy on the theory that any change would be a change for the better. The state premier, Philip Collier, was never a secessionist at heart. He appears to have played out his cards in an attempt to exact the maximum concessions possible for his state from the Commonwealth government. When that government showed signs of a desire to make conciliatory gestures immediately after the publication of the British joint committee's report Collier extended his full co-operation. Some suggestions were made, both in the Western Australian parliament and outside of it, that further attempts should be made to investigate other means of achieving secession, but nothing came of them.
In short, conditions no longer favoured the fostering of secession sentiment. International conditions were more threatening than they had been in the early 1930's. The state treasury was slowly being nursed back to a healthy condition. The Commonwealth Grants Commission was evolving a new basis for the computation of grants to the claimant states. No longer was the amount based on the alleged losses incurred by the state through the operation of the federal system, a method which tended to exaggerate and to perpetuate anti-federal feeling, but rather was it to be computed in such a manner that the poorer states would be enabled to maintain their social services at a level equivalent to those of the richer states without being forced to tax their citizens more heavily in order to do so. The Australian system of bounties and protection was thus being extended to the field of state government. Such a method of computation necessitated a more thorough investigation of state finances than had previously been the case. Blackmail through secession threats consequently became less effective as a means of increasing the size of the grant.

In such an atmosphere the secession sentiment in Western Australia withered. The outbreak of the Pacific war in December 1941 appears to have administered the coup de grâce to what remained of it. The struggle differed from the first World War and from the conflict from 1939 to 1941 in that it was not fought in aid of the Mother Country but in defence of the native Australian shores. The colonial attitude, which had played an important part in the secession mentality, was discredited with the British failure to provide assistance. A new national consciousness was born in the
the struggle against the threatened invader.

Chapter 10

This investigation seems on the whole to confirm the judgment passed by most observers at the time of the secession movement. The agitation in the state was one for better terms from the Commonwealth government. It must not be forgotten, however, that Western Australia did have a number of important legitimate grievances concerning the treatment it had received in federation. Nor must the general statement that the larger proportion of Western Australians voted for secession merely in an endeavour to lodge a protest against the Commonwealth's treatment of the state obscure the fact that there were a number of sincere secessionists among the directors and followers of the Dominion League. Historically and geographically Western Australia had developed apart from the rest of Australia. The interests of the east and west did not always agree, and the weaker west usually suffered. The secessionists were not unsupplied with good reasons for urging their state to secede.

The movement left its mark on the history of Australia. The Commonwealth Grants Commission might have been established had there been no agitation in the west but the timing of the announcement of its formation has linked it with the secessionist campaign. A somewhat greater interest was created in the rest of Australia concerning the hitherto ignored west. Finally, it constituted a test case which provided the British parliament with an opportunity to define the relative positions of the federal and state governments and their relationship to the British government under the recently enacted Statute of Westminster.
Preface.

A preface is a most useful device. It permits the author to write a few words in his own defence, and, indeed, the action of a Canadian who has never been closer to the Australian continent than the West Coast of Vancouver Island choosing to write on the secession movement in Western Australia does seem to require some sort of explanation. It might be said, of course, that the federal system is a prolific breeder of problems in the realm of practical politics and that the recounting of a case history of one of the conflicts which has arisen out of the definition of the proper division of powers, both political and financial, between a state and the federal government can be of some value in gaining a fuller understanding of federalism as an institution. Since this particular case under review took place at the time when the autonomy of the British Dominions was being defined, and since an appeal was made to the Mother of Parliaments, the Western Australian secession movement played its part in clarifying the definition by producing a "test case" at a rather critical period in the British Commonwealth's evolution, a case which does not seem to be particularly well known, but which provoked an excellent statement of the relationship between the British Parliament and the governments of the federal Dominions, the story of the movement should be of equal interest to Canadians and Australians. Finally, history and geography have conspired to produce in the Westernmost part of both Australia and Canada a group of people who like to consider themselves slightly different from their fellow-countrymen. A people who are intensely proud of their own land, and its boundless
future, and its perfect climate, yet who are rather jealous of
the more thoroughly developed, richer, more densely populated
East. They are suspicious of the actions of the federal govern­
ment which sits in the iniquitous East, and is therefore subject
to the control of "Eastern Interests". The inhabitants of the
metropolitan area of both British Columbia and Western Australia
seem to be as blissfully unaware of the jealousy in which they
are held by the dwellers in the less populous spots of their
province or state, as they are aware of their righteous indignation
of the unjustified attempts at aggrandizement by the larger metropo­
latin areas in the East. In short, although the parallel
must not be carried too far, a study of Western Australia might
help a British Columbian to see himself as others see him.

Another purpose to which the preface lends itself is the
public acknowledgment by the writer of the assistance that has
been rendered him. For the present thesis the list is long.
In a work of this sort the primary acknowledgment must in all
justice be made to all the members of the Department of History
under whom he has studied, and especially to Prof. A.C. Cooke
for the gently firm manner in which he served as Faculty Advisor,
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express his gratitude for the helpful and cheerful cooperation
of the staffs of the libraries of the Universities of British
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The great example of an attempt at secession from a federal system was provided by the southern states of the American Union. Since the problems which gave rise to their desire to secede—the definition of the division of power between the federal and state governments, and the conflict between regional groups with different economic and social interests, disguised, at times, as a conflict over federal fiscal policies—are common to federalism itself and are not uniquely American, it is only natural that similar attempts at secession would be made in other federal states.

In the period between the two great wars which have marked off the first half of this century into convenient eras, one of the Australian states, motivated largely by a disapproval of the federal tariff policy and stimulated in its action, finally, by the impact of the Great Depression, attempted to withdraw from the Australian Commonwealth. Though the causes which provoked the secession attempt were similar to those in the better known American example the rest of the Australian story is different. No battles were fought “Down under” but a number of significant constitutional problems were raised and settled, while the fact was again underlined that racial homogeneity in a country does not remove all causes of friction.

The dream of a nation for a continent and a continent for a nation was endangered when far less than one fifteenth of the
Commonwealth's population tried to remove almost one third of its area from the union and to establish a separate "Dominion of Western Australia".

And what is Western Australia? A glance at a political map will reveal that continental Australia is divided into six units, one of them, the north-central area, being classified as the federal territory of Northern Australia, and the other five being states. Starting in the north-east we find semi-tropical, sugar-rich Queensland, south of which lies the oldest, richest, and most populous of the states, New South Wales, which has, as its southern neighbour, its closest rival, Victoria (off the coast of which lies the small island state of Tasmania), while to the west of Victoria, along the coast of the Great Australian Bight, is the agricultural state of South Australia, sharing its continental borders with five neighbours, on its western frontier being Western Australia, by far the largest state in area in the union.

On a political map all that seems to separate Western Australia from its neighbours is a segment of a longitudinal meridian, in this case the 129th east of Greenwich, which some early administrator had decided to endow with political signif-

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1 Of the 6,629,839 inhabitants of Australia recorded by the 1933 census 438,852 lived in the state of Western Australia. Commonwealth Bureau of Census and Statistics, Official Year Book of the Commonwealth of Australia, 1944-45, Canberra, Government Printer, p. 453. Hereafter this publication will be referred to as "Commonwealth Year Book" plus the date of the particular volume.

2 The state's area is 975,920 sq. miles, 32.81% of the Commonwealth's 2,974,561 sq. miles. Commonwealth Year Book, 1944-45, p. 29.

3 See maps in Appendix A.
icance. Such artificially contrived boundaries often suggest real isolation, or, at least, an absence of settlement around the region of the boundary at the time it was drawn. A map of Australian population density shows that the state's land boundary is still an uninhabited area. The map shows that there are two areas of relatively dense population on the continent, the larger, more important one being centred around the south-eastern tip of the continent, extending up the eastern coast into the tropical area of northern Queensland, the smaller one being far off, on the south-western tip of Western Australia.

Rainfall and temperature provide the explanation for this rather strange population distribution. On the whole Australia is a dry continent. What remains of the well weathered mountains in what is geologically the oldest of continents follow the coastline, capturing the rainfall on the coastal regions, and leaving most of the interior an arid desert. An examination of the maps will show that the south-eastern areas have been the most favoured. Temperate climate, ample rainfall, supplemented where necessary by the world's largest artesian basin, and adequate soil all joined to foster the pastoral and agricultural endeavours of the settlers, while coal and iron deposits have permitted industrial development to proceed in this area, diversifying its economy, and stimulating the growth of the two large cities of Sydney and Melbourne.

4 See map in Appendix A.
Western Australia has been less favourably endowed. Examples of most of the familiar tropical and temperate climates can be found within the state's boundaries, but those of an unfruitful character are most generously represented. If a survey of the natural divisions of the state were made, starting at its north-eastern tip, the first to be examined would be the Kimberleys. Since rainfall is the major determining factor of Australian settlement the relatively high precipitation enjoyed by this region marks it out as one worthy of some consideration. Unfortunately not even the highest point of land in the area, Mount Hann, reaches an elevation of three thousand feet. Nowhere, therefore, does high altitude provide relief from the heat induced from the low latitude. Moist heat has retarded white settlement in the area. The vegetation of the region is not the thick, jungle growth found further east in the regions of excessive rainfall. The country, therefore, can be, and is being, used for pasturage, the state fostering the industry with the establishment of a meat packing plant at Wyndham, but the heat and the distance from any markets

5 Griffith Taylor's twenty natural divisions of Australia, as outlined in Australia, a study of warm environments and their effect on British settlement, London, Methuen, 1940, are being followed here. Hereafter this work will be referred to as "Taylor, op. cit., 1940". See Appendix A for sketch map of the twenty divisions.

6 From 20 to over 30 inches. Rainfall map in Appendix A.

7 A settlement that has held the doubtful distinction of being the hottest moist locality where meteorological records had, up to that time, been taken. Taylor, T.G., Australia in its physiographic and economic aspects, Oxford, Clarendon Press, (3rd revised edition) 1919, p. 65.

Many Australian aborigines live in the Kimberley area, a large number of them being employed by the pastoralists.
has retarded settlement. Broome is the only sizable town in the region, its raison d'être being a pearling fleet that operates out from this surprisingly non-European community in "White Australia".

Although Kimberley was the site of the first Western Australian gold rush it has failed to develop into an important mining district. Nevertheless, some mining is carried on, and there seems to be some indication of oil at Fitzroy River.

South of the Kimberleys, extending over into the Northern Territory and South Australia is the largest of the natural divisions of the continent, one of fixed dunes and no rivers, resembling Africa's better known Sahara in both appearance and cause. Even the most optimistic Australians are now prepared to call this region a desert. Mineral wealth may lie buried beneath its burning surface but as yet little has been located, while the surface vegetation is too sparse to support a pastoral population.

The North West District of the state, lying west of the population

8 Prof. Taylor broke down the town's of 3,000 in 1923 as 1,200 Japanese (900 of them indentured labourers), 1,500 Kopangers from Timor, and the remaining 300 European; Taylor, *op. cit.*, 1940, p. 370.

Sir John Kirwan, writing about Broome in 1933 describes its shrunken population of 2,000 as "four or five hundred Britshers ... and the rest Japanese, Chinese, Kopangers, Filipino, Indians, Greeks, French, Spanish, aborigines, etc." Broome and its Pearls, *London Times*, Apr. 18, 1933, 11:8.

The importance of the pearling industry must not be overemphasized. Pearlshell, rather than pearls, constitute the chief source of revenue. In 1935 87 pearling luggers operated out of Western Australia, recovering £45,000 of shell and £2,816 of pearls. Taylor, *op. cit.*, 1940, p. 370.

9 The Kimberley goldfield was proclaimed in the Western Australia Government Gazette, May 19, 1886; Battye, J.S., *Western Australia*, Oxford, Clarendon Press, 1924, p. 365.

desert and constituting the coastal region south-west of the Kimberleys is the third fairly distinct physical division of the political unit, Western Australia. Prof. Taylor refers to the region as the "Arid North-West" since most of the area can count on less than ten inches of rain per annum. Its most prominent physical feature is the Hamersley-Ophthalmia Plateau, one of the few sections of the continent that rises above three thousand feet, while it also contains examples of that typical Australian phenomenon, the vanishing rivers that render maps deceptive. The Pilbara goldfield on the northern coast and the Murchison in the south-eastern, interior extremity of the district suggest the importance of goldmining to this region, where the slender population is comprised of miners, and those employed in the pastoral occupations (both sheep and cattle).

A region dotted with shallow, salt-incrusted depressions in which water occasionally collects in unusually damp seasons lies to the south-east of the last described area and south-west of the desert proper. Sparse vegetation between the salt pans provides some pastorage, but the real economic value of the country lies in its rich mineral deposits. Kalgoorlie is a name that is still important in the world's roster of mining towns. The 17,326 inhabitants of the town and its suburbs made it the second largest of the state's urban centres at the time of the 1933 census.

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11 Commonwealth Year Book, 1944-45, p. 467. Kalgoorlie is not the second largest incorporated municipality in the state, but the city of Fremantle (pop. 25,224, 1933) which has this distinction is included by the government statisticians as part of Greater Perth. Australian population statistics more recent than 1933 are not readily available, but these figures provide a picture of the state at the time when the secession movement was at its height.
About twenty miles west of the still flourishing Kalgoorlie lies the deserted town of Coolgardie, bearing mute testimony to the transitory nature of mining prosperity. Even the richest of gold-bearing veins will eventually be exhausted, but they will have played their part in building up the state. The mines have paid for the ambitious Overland Goldfields Water Supply that pumps water from Mundaring (east of Perth) 330 miles to the goldfields, and they most certainly hastened the construction of the railways, two engineering accomplishments which have incidently benefited the agriculturists upon whom the country will have to depend, in the long run, for permanent development.

South-east of the Salt Lakes and south of the desert, along the coast of the Great Australian Bight lies the Nullarbor region, its name providing an excellent description of its vegetation, or lack thereof. Although its nine inch annual rainfall is reliable it is insufficient to produce abundant herbage. Since the poverty of the surface growth is, in this case, not compensated by rich mineral deposits the region has remained fairly deserted, not even responding to the stimulus of the transcontinental railway that runs in a straight line over its profitless, hilless crust.

The foregoing outline of five of the six natural divisions

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12 In 1925-26 the railways used eight percent of the water carried over the Goldfields Water Supply, the mines twenty-two percent., and agricultural and pastoral pursuits the remaining seventy percent.. Taylor, op. cit., 1940, p.234.

13 The population density map shows that the Transcontinental railway line has not been absolutely without influence in stimulating settlement in the western portion of the Nullarbor region. See Appendix A.
of the state may have supplied a partial explanation for the small population of the region. Tropical heat or insufficient rainfall has rendered almost the entire country unsuitable for white settlement, save in that region where the presence of gold has overcome all normal barriers to settlement.

Attempts have been made to repeat the Queensland successes in growing tropical products, such as sugar and bananas, in the northern portions of the state but no equivalent soil was found -- none as rich as that possessed by the more fortunate eastern state.

Nature was kind in but one spot in Western Australia. In the extreme southwestern tip of the continent the proper blend of conditions has occurred to produce a climate close to the optimum. Called the "Swanland" after its most important river, the Swan, this favoured region is blessed with a more varied topography than any of the other sections of the state.

Its many short rivers and streams have worn wide, shallow, and fertile valleys through the ancient peneplain. Being in a temperate region enjoying a relatively heavy rainfall the coastal regions were originally covered with a heavy forest in which many eucalypts abounded, Turat, Jarrah, Wandoo, and Karri all having their own areas of dominance. This virgin forest provides the basis for the area's profitable timber trade, while an advanced plan of forest management, instituted by the state at a fairly early date, has been designed to perpetuate the stands of the commercially significant Karri and Jarrah, offering assurance that lumbering, in Western Australia, may be classified with farming as a permanent occupation of the country, and will not
have to be placed (as is all too often the case) in the same category as mining.

The thirty inch rainfall is confined to the coastal regions. Here agriculturists have developed vineyards (around Perth), orange groves (Perth south to Bunbury) and apple orchards (Bunbury to well east of King George's Sound) while sheep raising and dairying are carried on in whatever parts of the region the orchardists have left unoccupied. Inland, in those regions where the average rainfall is less than twenty inches, yet exceeds twelve, conditions favour the raising of wheat and oats. Over one third of Australia's wheat crop is produced in this area, almost all of it being destined for the export market.

The region does not lack mineral deposits. Gold is not as plentiful as elsewhere in the state, but copper can be mined at Ravensthorpe and tin at Green Bushes, while the Collie coal fields are of national significance. Federal policies have not favoured the development of the base metal industry in this state, however, so the prosperity of the region is based on the two staples, wheat and wool.

As might be expected, by far the largest proportion of the state's population reside in this area. For most practical purposes the term "politically significant Western Australia"


15 See population density map, Appendix A.
can be equated with Swanland and its periphery goldfields.

Western Australia is thus far more isolated than even the similar westernmost political unit of the Canadian federation which, like her, was established fairly independently of the eastern colonies with which she eventually federated. Certain other similarities might be noted between Western Australia and British Columbia. In both countries natural forces have conspired to concentrate the population in the extreme southwest. In each case half the population is to be found within the bounds of the suburban area of its largest city. Both owe much to gold mining in fostering development.

There are many differences, however. Although large areas of British Columbia are as unsuited for settlement as is the bulk of Western Australia, for mountain tops are as difficult to colonize as deserts, yet there are fertile valleys in the interior of the Canadian province that have shown themselves capable of supporting a substantial population. An ampler water supply has rendered irrigation more practical in the "Dry Belts" of British Columbia than in Australia, where a high evaporation rate is combined with vanishing lakes and rivers.

Nevertheless it is only when the two areas are compared in relation to the rest of the continents in which they form parts that differences become most apparent. British Columbians are familiar with the statement that the Rocky Mountains separate them from the remainder of Canada. The Nullarbor Plain forms a less spectacular, but at least as effective a barrier between the populated Swanland and the remainder of inhabited Australia.
British Columbia is necessary to Canada if the Dominion is to have a Pacific outlet. Ample rail connections linking the Coast with the centres of population in the East were, therefore, hastened to completion in Canada, the federal government admitting its responsibility in the matter. No similar necessity forced the rest of the Commonwealth to forge transportation links to their western outpost.

The well populated Pacific states of the U.S.A. provide British Columbians with neighbours who share with them a common cultural tradition. Thus, although isolated from the rest of Canada, they have an outlet to a wider world than merely their own province. The less than half million Western Australians, on the other hand, are absolutely isolated. Perth is further from the centre of Eastern Australian population than is Auckland, New Zealand. While a twenty-four hour train journey east from Vancouver would pierce British Columbia's mountain barrier and place a traveller in Calgary, the distributing centre for a well populated farming community, a train journey from Perth of similar length would leave the unfortunate traveller in the midst of desert country. Another twenty-two hours of travel would have to pass before he reached an area of fairly dense settlement again, while his journey would have been interrupted by the transfers brought about by the rather unique

16 Around Port Augusta. See Appendix A1 for outline of the timetable for a transcontinental train journey.
Western Australia's isolation from the rest of the continent resulted in a situation where the state was in the Commonwealth but not of it. Travel for pleasure is quite possible between the populous centres of the remaining five states. Travel to or from Western Australia, by rail or ship, was an adventure less frequently embarked upon unless the motivation of urgent business pressure were present.

The distance from the bulk of the Australian market has prevented any large scale manufacturing endeavours from being launched in the state. Its own small population has even limited the amount of local manufacture that has managed to survive eastern competition. The state produced nothing that was not produced in the eastern states. The east was no market for Western Australian goods, while Western Australians consumed eastern products. Not being able to sell in the Australian market the state's prosperity was closely linked to the fluctuations of the export market. Wheat and wool, the staples of the Commonwealth, assumed an even greater importance in the economy of this isolated state which did not have the secondary production that was giving the eastern portion of the continent a more diversified economy.

This, then, was Western Australia in the early 1930's.

At Kalgoorlie the traveller would change from the 3 ft. 6 in. Western Australia State Railway gauge to the "Standard Gauge" (4 ft. 8 1/2 in.) of the federal transcontinental line. Just south of Port Augusta, at Port Pirie Junction, the eastern terminus of the federal line, he would again have to transfer onto the South Australian State Railway which, in this section of the state, favours a 5 ft. 3 in. gauge.
A state that seemed to reproduce the problems faced by all of Australia over again in a more acute form. Just as Australia is a country large in area yet small in population so its largest state is the one with the second smallest population. Just as Australia had been striving to protect itself against competition from the more industrially mature countries so the primary producing state objected to the manner in which it was being exploited by the more industrially developed east. Just as politically significant Australia consists of an isolated group of English-speaking people clinging to the periphery of the most inhospitable of continents, so the western state contained a group of loyal Britons, isolated from their fellow Australians by "two thousand miles of sand". In the larger sphere, however, the evolution of British colonial policy had permitted the Commonwealth to assume sufficient powers to work out her own destiny. Within the Commonwealth the isolated state discovered that the powers a state possesses were insufficient to cope with the problems that seemed to hinder her progress.
CHAPTER TWO

The Historical Setting.

In any other continent but Australia, which seems to abound in apparent contradictions, it would appear rather strange that the area which was among the first visited by Europeans would be one of the last sections of the country to attract a large scale flow of settlers, yet such was the case in Western Australia.

Queensland's Cape York has the honour of being the point where the first authenticated landfall was made by a European on the Australian coast. Most of the Western Australian northern and western coastlines were soon skirted by other Dutch mariners who had strayed too far south in their voyages to the Indies. Some of their names are still preserved in the maps of the area. Dirk Hartog Island, off the extreme westerly tip of the continent, records the visit made there by the skipper of the Eendracht in 1616, while Leeuwin Point, the continent's south-western extremity bears the name of the ship that, in 1622, first placed the promontory off the charts of the world.

The poverty of the natives and the dreary, unpromising aspect of those portions of the coast thus sighted by the early mariners

1 By Willem Jansz, in the Duyfken, 1606, a date which also marks a "famous first" in North American history.

2 William Dampier's classic description of the Australian aborigines, made after his first (or piratical) visit to the shores of the future state in 1688, can always bear repetition. "The inhabitants of this country are the miserablest people in the world. The Hodmadods of Monomatapa, though a nasty people, yet for wealth are gentlemen to these ... who ... setting aside their human shape ... differ little from brutes." Dampier, W., New Voyage round the World, 3rd ed., London, 1698, as quoted in Battye, op. cit., p. 39.
discouraged further explorations. It was not until after Captain Cook's discoveries of the more richly endowed and hospitable south-eastern coast had directed attention to that more promising area; not, in fact, until after the first involuntary settlers had landed at Sydney Cove; that the first favourable reports were submitted concerning any section of Western Australia.

The author of the report provides an interesting link between the history of British Columbia and that of Australia's western state. Commander George Vancouver, R.N., was proceeding to Nootka Sound via the Cape of Good Hope aboard H.M.S. Discovery when, on August 28, 1791, he put into the first inviting anchorage he had sighted since the south-western tip of Australia had come in view. As the ship was put up in the harbour for about two weeks to permit the crew to carry out the then routine tasks of repairing, renovating, and watering, Mr. Menzies, the expedition's naturalist, had ample opportunity to examine the abundant plant life of the region, thus giving added significance to the favourable report of the region submitted to his superiors by the ship's commander. The harbour, named by Com. Vancouver "King George III Sound", was to play its part in the history of the yet unfounded state, since it was to be the sight of the first serious attempt at European settlement in Western Australia.

As has been mentioned above, British occupancy of the

3 Vancouver was not raised to the rank of Captain until August 28, 1794. "Vancouver, George" in Dictionary of National Biography, vol. XX, p. 96.
Australian continent officially began with the unfurling of the Union Jack in Sydney Cove on January 26, 1798. We need not recite the reasons which led the British Government to intrust the development of the continent to such as made up Captain Phillip’s "First Fleet". It might be noted, however, that convicts and their guards did not prove to be the best possible material with which to build a colony. The Sydney region was not so overly populated that the King George’s Sound enterprise could be explained as an indication of a healthy settlement sending forth off-shoots. Rather it might serve as an early example of the Australian disinclination to tolerate non-British neighbours.

The rather extravagant use of red printer’s ink on political maps should not blind us to the fact that exploration was far from being a British monopoly. Mention has been made of the early Dutch discoveries. During the last decade of the eighteenth century, and in the first quarter of the nineteenth, in spite of the European war, it was the French who were most active in exploring the western half of the Australian continent, as the area’s place names still bear testimony.

By 1825 the suspicions of the British had been aroused by the presence of yet another French expedition off the southern Australian coast. Rumour had it that De Bougainville, the expedition’s leader, was planning the establishment of a colony on the western side of the continent. Even the activities of

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4 The use of the name "New Holland" by the British for the Australian continent until the middle of the nineteenth century serves as an example of the British acknowledgment of Dutch pioneering in the area.
American whaling vessels were viewed with suspicion.

It was evident that foreign governments might not be prepared to recognize the British claims to the entire continent so long as they were based merely upon the existence of colonies on its south-eastern tip. By March, 1826 The British Colonial Office was sufficiently moved to request Governor Darling of New South Wales to commence preparations for the establishment of settlements at West Port and at Shark's Bay, the latter to be a penal settlement for those reconvicted of minor offences at Botany Bay. Later the same month the Colonial Secretary suggested that King George's Sound would prove to be a more suitable site for the penal settlement.

Governor Darling hastened to carry out his instructions, although he was of the opinion that neither Shark's Bay nor King Georges Sound was suited for any type of colonizing venture. Nevertheless, he dispatched a party under the command of Major Lockyer, a detachment of the 39th Regiment and twenty-four convicts. They arrived in King George's Sound on Christmas Day, 1826, and landed the following morning. Formal annexation of the entire territory of Western Australia was made on January 21, 1827.

6 Bathurst to Darling, March 11, 1826, quoted in ibid, p. 60.
7 Battye, op. cit., p. 61.
The founding of Frederick's Town was the topic of a typical letter to the London Times written by Sir Hal Colebatch, Western Australia's Agent-General, Aug. 30, 1933, 11:7.
8 Up until 1825 the commissions of the Governors of New South Wales defined their jurisdiction as extending westward to the 135th meridian. The annexation of Bathurst and Melville Islands in 1824 by Capt. George Bremar, and the establishment of a small convict settlement on the latter, led to the shift-
The Governor's misgivings concerning the ability of the hinterland of King George's Sound to support a colony appeared to be well founded. The convict settlement of Frederick's Town struggled unsuccessfully to attain self-sufficiency in food supply. But while this story of failure was being unfolded a more promising section of the country was discovered.

In March, 1827 Captain James Stirling, R.N., accompanied by a party which included the colonial botanist, Mr. Fraser, set out from H.M.S. Success, the ship in which they were checking and supplementing the earlier French surveys along the western coast, and proceeded in the ship's gig and cutter up the Swan River. Both the commander of the expedition and the more experienced botanist were struck by the adaptibility for white settlement of the lands watered by this river. Their glowing reports so impressed Governor Darling that he forwarded a dispatch to the Colonial Office advising the immediate establishment of a colony on the Swan. Captain Stirling himself appeared at the Colonial and at the Admiralty to press the matter.

The British government, being loath to incur the additional expenses inherent in such an undertaking, were not too favourably disposed toward the idea, once they discovered that the East India Company could not be persuaded to undertake the colonizing venture. Captain Stirling, however, was not easily discouraged.

8 (cont'd) ing of the Governor's jurisdiction westward to the 129th meridian when Gov. Darling was appointed to the New South Wales post in 1825 in order to include these northern acquisitions. Scott, E. A Short History of Australia, Oxford, University Press, 1928, pp. 97-98.

Western Australia, therefore, is the only section of the present Commonwealth that was not at some time part of New South Wales.

9 Battye, op. cit., p. 68.
He was convinced that a British colony should be founded on the Swan River. He continued his appeals. Changes in the British Government, combined with the possibility that an association of speculators might be persuaded to underwrite the venture finally resulted in reversal of the Colonial Office's earlier decision. Following Admiralty instructions Capt. Fremantle in H.M.S. Challenger, proceeded to the mouth of the Swan and on May 2, 1829 took possession in the name of his Britannic Majesty.

In the meantime a syndicate had been formed in England which promised, as was the custom of such groups, to carry out a large scale colonizing venture in return for generous government concessions. When the government showed some inclination to be less generous than the speculators desired on the matter of concessions all the members of the syndicate except Mr. Thomas Peel withdrew. With the breakup of the syndicate the government attempted to induce settlers with some capital to make their new home in the Swan River Colony by offering large grants of land to those who were willing to invest a fair sum in transporting themselves, their servants, and the necessary equipment and stock to the new land.

Capt. Stirling received his reward for his perseverance by being appointed Lieutenant-Governor of the colony. On June 1, 1829 the new Lieutenant-Governor, the other officials of the

10 A relative of Sir Robert, who was at that time Home Secretary.
colony, and the first colonists arrived off the mouth of the Swan after a voyage of almost four months from the Old Country in the Parmelia, a vessel of less than five hundred tons. Rough weather prevented a speedy landing on the mainland, but as soon as that necessary preliminary had been accomplished sites were chosen for the new colony’s seat of government in the fertile up-river area (named "Perth" in honour of the town which the Colonial Secretary represented in the Imperial Parliament) and its port, at the mouth of the Swan (called "Fremantle" after the Captain who had taken possession of the area, and had remained to guard the flag until the settlers should arrive.) and arrangements were made for the division of land among the settlers.

The colony did not prosper in the manner contemplated by its sponsors or its founder-governor. Once again the difficulty of transforming city-bred Europeans, or even farmers set in their ways and used to different conditions, into pioneers proved almost insurmountable. The glowing pictures conjured up by the enthusiastic Captain Stirling of a land practically ready for the plow proved badly in need of revision. Much preparation was required before the soil would yield crops. The reports from the disillusioned, untrained settlers, either by letter or by personal testimony from those who had managed to return "Home", gave the colony a bad reputation among prospective colonists. An effort had been made to enhance the attractiveness of the new colony by declaring it free from the blight of criminal transportation that had supposedly deterred free

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The term "Home" has always had a more popular appeal in Australia than it has in Canada.
settlers from seeking their new homes in the eastern section of the continent. In order to carry out this policy the far from flourishing convict settlement at King George's Sound was withdrawn in 1831. Yet, in spite of the advantage of not having convicts as fellow colonists, settlers began to move from the Swan River Settlement to the eastern sections of the continent, while most of the newcomers to Australia passed on to the more prosperous eastern colonies without stopping off at Fremantle. The colony could claim a population of 1,767 whites by the end of 1830. At the close of 1840 it had only increased to 2,311.

Drastic measures had to be taken if the colony was to be maintained, so, at a time when the eastern colonies were successfully freeing themselves from the necessity of accepting transported convicts, Western Australia's leaders began agitating for the introduction of penal immigrants into the erstwhile proudly free colony. A British Order-in-Council was passed on May 1, 1849 nominating Western Australia as a place to which convicts could be sent from the United Kingdom.

The arrival of the first of these assisted, involuntary immigrants the following year marked a trend toward further differentiation between Western Australia and the other colonies on the continent. The convicts did supply some of the needed labour force, while the Home government's promise to send out one free settler for each convict transported further increased

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12 Quoted from the Statistical register of Western Australia, in appendix to Battye, op. cit.

13 The first definite petition for convicts was drawn up in 1834 at Albany, the new settlement on the site of old Frederick's Town.
'the colony's all too scanty population. Moreover, the government works which were undertaken by the convict labour gangs stimulated a flow of badly needed capital into the colony that had not, as yet, discovered a sufficiently remunerative export staple. Western Australia's status as a penal colony resulted, however, in restrictions being placed on the travel of her residents to the other sections of the continent and in her inability to profit from the more liberal method of colonial government outlined in the British Parliament's Act of 1850. The colony had become financially bound to the British government. Western Australia was not to gain representative government until 1870, two years after the cessation of transportation, while the granting of responsible government was delayed until 1890.

Up until the last decade of the nineteenth century Western Australia might well have been considered a neglected area. The granting of responsible government took place in the sixty-first year of the colony's existence. At the end of that year, 1890, its population was 46,290. In 1900 it was 179,780.

The explanation for this rapid development after the long years of slow progress can be found in the discoveries of rich gold deposits at Coolgardie and Kalgoorlie during 1892 and '93, following on the development of the Yilgarn field around Southern Cross and the proclamation of the more northerly Murchison gold-

14 Western Australia benefited from this regulation during the Victoria goldrush of the early 1850's. Were it not for the difficulty in leaving, the colony might well have been practically deserted in a general exodus to the diggings.

15 Statistical Register, in Battye, op. cit.
field in 1891. Gold seemed to have waited for the granting of responsible government before it made its presence known. It is true that some gold had been found before the blessings of responsible government had been bestowed upon the colony. Kimberley goldfield had been proclaimed in 1886, and the Yilgarn and Pilbara fields in 1888, but it was not until the Coolgardie discovery that Western Australia became the centre of attention for the world's gold-seeking adventurers.

The colony's ten years of responsible government were years of unparalleled prosperity. With the booming goldfields this could hardly have failed to have been the case. Even before the effects of the gold discoveries were felt, however, the government of Mr. (soon Sir) John Forrest, freed from the Colonial Office restrictions on borrowing, launched an ambitious programme of public works. Such engineering feats as the Fremantle harbour installations remain as testimony to the activity of the colony's single responsible government.

The influx of miners soon forced most of the new development along lines adapted to the needs of these newcomers. Better telegraph service from the interior was demanded by the gold-seekers who refused to be satisfied with the magnificent efforts that were being made by the government to supply their wants. To stimulate action a Goldfields National League was formed which acted as a mouthpiece for miner demands. Both the miners and the government seemed agreed that the greatest need for the goldfields was an adequate water supply. Boring and conservation were the first means tried but they were unsuccessful in meeting the demand. Finally, in 1899, the last great undertaking of the
independent, responsible government of Western Australia was commenced, the Goldfields Water Supply, a thirty inch cast iron pipeline which carried the water 330 miles from the coast to the fields.

These years, and the really remarkable projects completed or commenced during them are remembered by the Western Australians as the greatest period in the colony or state's history. The part played by the opening of the goldfields is sometimes underrated in the Western Australians' appraisal of the era, however. The prosperity depended upon gold, and goldfields do become exhausted. Western Australia's position is in some respects analogous to that of the Canadian Maritime provinces who entered Confederation at a time when their prosperity, based on the wooden sailing ship, was being undermined by new marine developments. In the same manner as the Maritimes blamed the iniquitous Confederation for all their ills so Western Australia was able to use Federation as a scapegoat for all her later troubles, some, at least, of which could more justly be attributed to the decline in gold production. But, then, Goldmining and Federation are closely bound together.

Many of the miners who spread over the goldfields and many of the newcomers who swelled the population of Perth and Fremantle had come from eastern Australia, particularly from Victoria, a colony hard hit by depression in the 1890's. The colony of Western Australia was, therefore, being brought into contact, intimate contact, with other Australians for the first time in its history. Until the 1890's the Swan River settlement
had had far less to do with the rest of Australia than it had with the United Kingdom.

Western Australia's history had been that of a rather backward agricultural colony, dependent to a far larger extent than most British colonies upon support from Home. As a penal settlement the colony benefited from British grants, but was denied responsible government. The eventual granting of responsible government, coinciding, as it did, with the discovery of gold, brought about the incorporation of the colony in a larger Australian political unit.
CHAPTER THREE
Federation, Before and After.

Federation is never easily achieved. The Swiss, American, German, and Canadian federations came into being only as a result of a great war, or the immediate threat, real or imagined, of external aggression. However grudgingly it might be granted, the realization must be implanted in the minds of a sufficient number of the leaders of the previously independent states that more is to be gained than lost by a surrender of some local sovereignty to a new, superior, authority.

So it was in Australia. German and French activity in the Pacific area had served notice that the period of Australian isolation behind the shield of the Royal Navy was drawing to a close. The new methods of transportation and communication that were bringing the world too close to Australia were also counteracting the distance factor on the continent. From a physical as well as a mental point of view, by the 1880's federation was becoming practical for at least some of the eight largest British Australasian colonies.

As has been mentioned before, the colony of Western Australia had developed some unique traits. As the negotiations surrounding the establishment of the federal constitution progressed the westernmost colony provided a number of examples of a tendency to do things differently from her sister continental states. Her tardy acquisition of responsible government prevented Western

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1 The Australian mainland colonies of New South Wales, Victoria, Queensland, South Australia, and Western Australia, plus the nearby island of Tasmania, and the more Fiji and New Zealand groups, all of which took part at some time, in the federation discussions.
Australia from playing a leading role in any of the early federation moves. Nevertheless, although debarred from full participation by her Crown Colony status, she had a delegate at the 1881 and 1883 intercolonial conferences and joined the Federal Council of Australasia, that precursor of true federation that, in some respects, was the outcome of the conferences' negotiations. Again, she was represented at the Melbourne conference of 1890 and at the Sydney federation convention of the following year, but none of the Western Australian delegates took an active part in the framing of the draft constitution for the projected federation, the compilation of which made these meetings memorable in Australian history as the first steps in the final, successful attempt to unite the Australian colonies.

The Western Australian representatives, aware of the unfavourable position of their colony, which was, at that time, Australia's smallest in population and most backward in development, were quite suspicious of any too precipitous move toward federation. As early as the 1890 conference a delegate from that colony, Sir James Lee Steere, had stated that Western Australia could not afford to sacrifice her tariff to any new, larger

2 The councils and conferences mentioned in the above paragraph are but a small number of the series of meetings of representatives of the British Australasian colonies (full representation of the colonies was rarely achieved, different colonies being absent, for various reasons, at different meetings) attempting to formulate a common Australasian policy on specific problems or to discuss means of establishing a central authority. The rather complicated story of Australia's early federation attempts is briefly, yet clearly set out in the article "Federation" in Australian Encyclopaedia, vol. 1, pp. 444-452.

3 1890, Western Australia 48,502; Tasmania 144,787.
   1900 "     "    179,967;    "    172,900.
   1910 "     "    276,832;    "    193,803.

Commonwealth Year Book, 1939, p. 352.
authority. As the decade wore on, and the prosperity induced in the colony by the gold discoveries became more marked, this opinion was accepted by most of the leaders of Western Australia’s now responsible government.

The draft constitution of 1891 might have seemed to contemporaries to have been merely another abortive attempt at achieving a more widespread Australian union when it failed to be accepted by New South Wales, the senior colony whose non-participation in the Federal Council of Australasia had already rendered ineffective the deliberations of that none too robust political body. The constitution did, however, provide a basis for popular discussion of the problems of federation. With the discussion of the problems came a growing support for the principle of federation.

Nevertheless, it would not be correct to state that the growth of popular support was entirely a product of agitation from the grass roots. The federalist leaders had enlisted the powerful Australian Natives’ Association as an advocate of a wider union, but, more important both in its effect at the time and as pattern for future activities, they sponsored the establishment of the Federal League. The Federal League consisted of a number of local bodies organized throughout the country which, under the direction of a central governing authority, carried out propaganda activities in its area through all the means then available, holding public meetings, influencing

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4 Official record of the Australasian Federation Conference 1900, p. 40, quoted in Battye, op. cit., p. 441. Sir James was Speaker of the Western Australian Legislative Assembly.

5 An association whose composition and aims are similar to the Native Sons’ Associations in Canada, and not to those of the Native Brotherhood.
the community by appeals best known to members of that community. The establishment of such popular associations, distinct from the usual political organizations, but designed to further a political end, combining the advantages of central direction with the often neglected benefits of a popularly elected local executive, is not uniquely Australian, but they have played a very important part in the political life of that country.

The appeal of the federalists to the people was successful. By 1896 plans were being laid for another convention, this time with the delegates being chosen directly by each colony's electorate rather than having them appointed by their governments, as had been the case in the 1891 meeting. It was at this point that Western Australia started doing things differently. The colony's Premier, Sir John Forrest, feared the sentiment of the goldfields' population. Most of those on the diggings were recent arrivals in Western Australia, by far the largest number of them coming from strongly federalist Victoria, and still having sentimental and family ties with that colony, while finding little in common with the old agricultural settlers of the Perth district.

Far from being in sympathy with the pre-goldrush Western Australians, the "Tothersiders" considered that they had a 6

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6 Both the name and, to a certain extent, the treatment and attitude of the miners can be compared with that of the "Uitlanders" in South Africa. There was no racial conflict in Australia, but the relative backwardness of the Western Australians in the amenities of civilization (as practiced in Victoria) heightened the similarity.
number of legitimate grievances concerning the treatment that was meted out to them by the old settlers. The newcomers believed that they, who were developing the wealth of the country, paying taxes, and generally sharing the responsibilities of citizenship, were being deprived, by the jealous coast-dwellers, of some of the benefits that usually accompany citizenship. Not the least of these grievances was the under-representation of the goldfields in the colonial legislature.

Thus it appeared that choice of the delegates for the convention by popular election would have resulted, at least some anti-governmental, pro-federation goldfields' men appearing as Western Australian representatives.

Sir John made sure that this horrible possibility never materialized. The two houses of the colonial parliament met in joint session to select the ten good men and true who were to represent the interests of Western Australia at the Adelaide convention in March, 1897. They were joined at the South Australian capital by the popularly elected ten-man delegations of New South Wales, Victoria, Tasmania, and the host colony. Out of the deliberations entered into at this time, and continued in early 1898 at the Sydney and Melbourne conventions, emerged the Australian constitution under which federation was achieved.

When one considers that the Western Australian delegates were far from being enthusiastic supporters of the federal

7 Queensland did not take part in the federation negotiations until late in 1898, after the constitution had been drafted.

8 The more important sections of the Australian constitution have been included as Appendix B to this thesis.
cause, and that, basically, the question of federation was centred mainly around the acceptance or rejection of the proposals by the senior colony, New South Wales (which resulted in the major discussions being concerned with attempts to reconcile the views of the Victorian protectionists with those of the New South Wales freetraders) it is remarkable that Western Australia's peculiar problems were given as much attention as they were.

The problem of revenue constituted one of the main topics of discussion during the conventions and has been the most fruitful source of discontent in federal-state relations from the consumation of union on. The coffers of the colonial treasuries had been filled to a large extent by the proceeds of the customs and excise levies. Under the constitution the

9 The ardent Victorian proponent of federation, Alfred Deakin, thus characterized the attitude of two of the leading Western Australian delegates:

"Forrest was ... insincere, for while pressing for special consideration for West Australia he did not exert his utmost influence on their behalf. ... It was his desire to pose as a Federalist in his own colony as well as beyond but at the same time he aimed at delaying the union of the colonies for a few years and in West Australia for five or ten years, even if she stood alone outside the Federation." Deakin, A, The Federal Story, Melbourne, Robertson and Mullens, 1944, p. 98.

"(Sir John Winthrop) Hackett, now ranking among the most influential men of his colony and well able to take part in the discussions, was suppressed owing to his sense of the little likelihood there was that his colony would as yet enter into any union." ibid., p. 58

It was felt among the leaders of Western Australia that their colony required a few more years of development, which would necessitate the full utilization of all sources of revenue, before it could enter into any federation as a fully equal partner.

10 A partial explanation for Western Australia's ability to secure concessions might be found in Mr. Deakin's remark that the Western Australian delegation's habit of voting as a bloc resulted in it being the most courted of all delegations. ibid., p. 80.
control of customs and excise was to be taken over by the federal government, yet the governmental services that absorbed most of the revenue from these sources were generously left to the states. The federal government, therefore, would be collecting more than it was expected to spend, while (since that beneficent institution, the income tax, had not yet been generally adopted) the states' obligations would exceed their income. The question of an equitable distribution of the anticipated excess revenue of the federal government posed a serious problem.

The Western Australian legislature made it clear that a division of the surplus on a per capita basis would not be acceptable to that colony, since its revenue from customs and excise was far out of proportion to its population. Some method had to be devised whereby the distribution of revenue was connected to the states' contributions to the Commonwealth's coffers. Any attempt to abide by this principle would of necessity be rather complicated and not too popular in the Commonwealth as a whole.

One of the miracles of the Australian constitution was that the

11 Section 86. See Appendix B.

12 Owing to the influx of gold-seekers into the colony Western Australia's population showed a far larger proportion of adult males than those of the other sections of the continent. At the turn of the century such a high masculinity rate would be reflected in increased excise receipts from the sale of alcohol and tobacco, the consumption of both these highly taxed items being considered, at the time, to be prerogatives of the "stronger sex". This situation, along with the buoyant customs receipts resulting from goldmining and other developments, was considered to be of a transient nature. The framers of the constitution clearly expected that in time the customs and excise receipts from each of the former colonies would closely approximate the national average.
"Braddon Blot", clause 87 of the constitution, managed to remain operative as long as it did. Combined with the provisions of two subsequent clauses it provided that three quarters of the customs and excise receipts would be returned to the contributing state. Such a concession was of great benefit to Western Australia but an even greater one was obtained. Under section 95 the colony was permitted to levy duties on imports from the other states, such duties to be decreased by one fifth each year so that, at the end of five years the interstate free trade, which, upon federation would prevail throughout the remainder of the new nation, would extend to the western state also.

A referendum on the proposed constitution was taken by the other four participating states in June 1898. It was approved by large majorities in Victoria, South Australia, and Tasmania, but the affirmative vote in New South Wales failed to reach the figure set by the colonial legislature as a prerequisite for approval. New South Wales' importance in the federation movement was then demonstrated by the relative readiness with which the

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13 Sections 89 and 93. See Appendix B for text.

14 See Appendix B

15 The legislature set the figure at 80,000 affirmative votes. Anti-federationists had attempted to set it at 120,000, an almost impossible figure.

The results of the 1898 referendum:

<table>
<thead>
<tr>
<th></th>
<th>affirmative</th>
<th>negative</th>
<th>majority</th>
</tr>
</thead>
<tbody>
<tr>
<td>N.S.W.</td>
<td>71,595</td>
<td>66,228</td>
<td>5,367</td>
</tr>
<tr>
<td>Victoria</td>
<td>100,520</td>
<td>22,099</td>
<td>78,421</td>
</tr>
<tr>
<td>South Aust.</td>
<td>35,800</td>
<td>17,320</td>
<td>18,480</td>
</tr>
<tr>
<td>Tasmania</td>
<td>11,797</td>
<td>2,716</td>
<td>9,081</td>
</tr>
</tbody>
</table>

Figures from Scott, E., op cit., p. 314.
other colonies agreed to make sufficient concessions to the vanity and interest of New South Wales to assure the acceptance of the constitution by that colony, while Western Australia's attempts to secure more concessions at the same colonial premiers' conference were unsuccessful. The Queensland Premier's presence at the conference enhanced the prospects of the successful conclusion of the federal movement once the key colony of New South Wales was satisfied. The general feeling seemed to be that Western Australia would eventually have to enter, and that, as matters then stood, the acceptance of the amended constitution by the voters of the other states was assured.

Five of the Australian colonies had referred the constitution to their people by 1899, and in each of them it had been approved. It was clear that the Western Australian government would have to make some move. The appointment of a Joint Select Committee of both Houses is often a useful device to employ at just such a time as this. Such a committee was named to report on the effect of the proposed draft constitution on Western Australia. Its report, doubtless composed with the intention of further delaying or preventing the entry of the colony into the federation, stated

16 The concessions included the provision that the permanent capital of the Commonwealth should be in New South Wales, although Melbourne pressure was able to keep it at least one hundred miles away from Sydney. "See Section 125, Appendix B.

17 The 1899 referendum results:

<table>
<thead>
<tr>
<th>State</th>
<th>Affirmative</th>
<th>Negative</th>
<th>Majority</th>
</tr>
</thead>
<tbody>
<tr>
<td>N.S.W.</td>
<td>107,420</td>
<td>82,741</td>
<td>24,679</td>
</tr>
<tr>
<td>Victoria</td>
<td>152,653</td>
<td>9,305</td>
<td>142,848</td>
</tr>
<tr>
<td>South Aust.</td>
<td>65,900</td>
<td>17,953</td>
<td>48,947</td>
</tr>
<tr>
<td>Tasmania</td>
<td>13,437</td>
<td>791</td>
<td>12,646</td>
</tr>
<tr>
<td>Queensland</td>
<td>38,488</td>
<td>30,996</td>
<td>7,492</td>
</tr>
</tbody>
</table>

Scott, E., op. cit., p. 314.

Victoria's headstart in industrialization made the citizens of that state enthusiastic federalists who looked forward to a continent for a market for their factories.
that at least four amendments would be needed to safeguard Western Australian interests.

These parliamentary manoeuvres merely intensified the desire of the populace to be permitted the same right as the electors of the other colonies, that of voting on the constitution as it then stood. Federalists and anti-federalists were united in their opposition of the governmental policy. Mr. George Leake, Leader of the Opposition in the Assembly and delegate to the 1897 and 1898 conventions, upon being elected president of the newly organized Federal League of that colony, played an active part in preparing the League's "Bill to the People" petition, but, although close to twenty-three thousand signatures were obtained, the petition received scant acknowledgment when

L8 The four:
1. That the colony should be enabled to divide itself into electorates for the Senate elections.
2. That the Federal Parliament should be empowered to authorize the construction of a transcontinental railway.
3. That for five years after the adoption of the federal tariff Western Australia should be allowed to impose her own customs duties on intercolonial and other imports.
4. That Western Australia should be exempted for five years from the jurisdiction of the Interstate Commission.

Battye, op. cit., p. 447.

The first of these amendments would give Western Australia a concession similar to that enjoyed by Queensland (Sec. 7, See Appendix B). The second was, both before and after the consumation of federation, a favourite policy of Sir John Forrest, who believed that national unity could never be attained without the railway. In spite of Sir John's advocacy, however, Western Australia never did obtain railway terms similar to those enjoyed by British Columbia. The third amendment differed from the existing concession in not including the one fifth reduction in the state customs every year. The last amendment was most interesting since later the Interstate Commission (Sec. 101, Appendix B) was regarded as the guardian of the small states' rights.
presented to the colonial parliament. Even the proposal of the Assembly to submit the draft constitution and the Western Australian proposed amendments to the electorate was vetoed by the Legislative Council.

A movement such as Australian federation was not to be arrested by the coy actions of the government of a non-essential colony. The Constitution Bill, as accepted by the voters of the other five colonies, had been forwarded to London. At the request of the Colonial Secretary, Joseph Chamberlain, a five man delegation, one from each of the projected "Original States", was chosen to journey "Home" to explain the provisions of the Bill to the British parliamentarians, and to assist the Colonial Office in securing the passage of the constitution through the Houses of Parliament.

The Western Australian government asked permission to be represented as well, and, their request being granted by Mr. Chamberlain with the assent of the five interested colonial governments, they dispatched the colonial Chief Justice with orders to press for one amendment, the alteration of Clause 95 to permit the colony to levy undiminished customs and excise duties for five years. The London negotiations followed lines somewhat similar to those of thirty-five years later, the Western

19 The prayer of the petition was negativated by both Houses, Western Australia Parliamentary Debates, new series, vol. xv., pp. 2117, 2726, quoted in Battye., op. cit., p. 447.
20 ibid., p. 447
21 v. supra p. 35, n. 18.
Australian delegate appealing to the Mother of Parliaments as the fountain-head of all Imperial legislative authority and the British officials, as well as the representatives of the other states, upholding the principle of prior Australian agreement upon a purely Australian matter.

Western Australia, therefore, did not secure the amendment which the colonial government declared was the sine qua non of their acceptance of the constitution, yet the fact remains that the colony did enter the federation as an original state, albeit in such a tardy manner as to preclude the colony's name being mentioned in the preamble to the constitution. The entry was not an absolutely voluntary act on the part of the Forrest government. Since the time of the institution of the Canadian federation the British government has shown a certain proclivity toward assisting marginal colonies into larger unions that sometimes suggests the actions of an anxious mother with a bashful daughter of a critical age.

Speaking in the British House of Commons while introducing the Commonwealth of Australia Constitution Bill Mr. Chamberlain explained the adhesion of Western Australia in the following words;

"... we reported the result of our inquiries to Sir John Forrest, the highly respected Premier of Western Australia; and we ventured -- although it was perhaps hardly our business -- in the interest, as we believed, of Australia as a whole, and even of Western Australia, to press upon him that his government should now reconsider their position, and in spite of the arrangements of which they complained they should seek to enter the Federation as an original State."  

22 See Appendix B.

To a large extent the secession movement was based on the premises that it had been none of Mr. Chamberlain's business and that his actions had not been in the best interests of Western Australia. In short, the method by which the colony had been induced to enter federation increased the possibility of it desiring to leave.

The discontent of the miners was the Achilles’ heel of the Forrest government. Mention has already been made of the miners' grievances and sympathies. At conferences in Coolgardie on December 13, 1899 and in Kalgoorlie on January 3, 1900 the miners organized themselves and formulated a policy by which they hoped to free themselves from the hampering domination of the coast. The first conference, containing representatives of the goldfields municipalities, the Chamber of Mines and (an Australian touch) labour unions, along with other public bodies, formed itself into a Reform League after passing a resolution that

"This Conference is of the opinion that, as all other constitutional means have been tried and failed, the only course to redress the grievances of the eastern goldfields, especially in the matter of federation, is to take advantage of the power given under the Constitution Act of 1890, and to petition the Queen for separation from the rest of the colony of Western Australia, for the establishment of responsible government therein, and for becoming part of the Australian Commonwealth".

An even more representative body at the Kalgoorlie conference unanimously adopted the proposed petition to the Queen which a committee, appointed by the Coolgardie conference, had pre-

24 *supra*, p. 23.

pared during the intervening three weeks.

The "Separation or Federation" movement provided the federalists inside the colony and out with the necessary threat with which to coerce the government. Support to the movement was given by the eastern Australian newspapers. A London branch of the Reform League was established. Finally, on April 27, 1900 Mr. Chamberlain, as Colonial Secretary, sent his fateful telegram to the Acting Lieutenant-Governor of Western Australia.

Stating that the premiers of the federating colonies were not prepared to accede to the Western Australian requests for more concessions, he pointed out the value of the colony nevertheless entering as an original state;

"Unless Western Australia joins as an original State, it can only enter on the condition of complete intercolonial free-trade. The temporary protection offered by Clause 95 will, therefore, be lost; and looking to the present population of the colony, difficulty may also be experienced in securing representation as large as it would receive as an original State, and which would enable the colony to secure adequate protection for all its interests in the Federal Parliament."27

He then went on to turn the thumbscrews;

"Your responsible advisers will also, of course, take into consideration the effect of the agitation by the Federal party, especially on the goldfields, if Western Australia does not enter as an original State.

"It seems to me, under the circumstances, of the utmost importance to the future of Western Australia to join at once ..."27

26 Kalgoorlie Miner, Jan. 4, 1900, quoted in Battye, op. cit., p. 427. The idea of the secession of the goldfields from Western Australia had been raised before, such as at a meeting held in Kalgoorlie early in October, 1895, at which goldfields grievances were freely ventilated and the Forrest government roundly castigated. Battye, op. cit., p. 427.
Western Australia prior to the discovery of gold was of little importance. Having once tasted of the prosperity brought by the gold no government could consent to the loss of the rich goldfields territory and all that was connected therewith. Sir John Forrest capitulated. The colonial parliament met on May 17, 1900. "An Act to make provision for the acceptance and enactment of a Federal Constitution for Australasia" was introduced. In moving the second reading of the Bill Sir John pointed out the importance of the step they were taking.

"... I think it is the opinion of a very large majority of the people of the colony that the question is one which should be settled by the votes of the electors .... For a country to give up its autonomy ... is just about the same as a man giving up control of his business. ... I think the question will be brought home to all of us by comparing the Government with a thing which belongs to you absolutely, but which you propose to hand over to some other people for them to join with you in the management; entering into partnership, in fact. ... The Commonwealth is not only for today nor tomorrow, but forever. It is indissoluble. We are going to bind ourselves to join and never separate again, unless of course we are separated by an Act of the Imperial Parliament. That would be the only thing. An Act of the Imperial Parliament could separate us as it unites us. ..."

With the capitulation of the Forrest government by the introduction of the necessary legislation to permit a referendum it was a foregone conclusion that Western Australia would enter the Commonwealth. The voters were more likely to cast their ballots as their emotions, not as their minds, dictated; the old settlers by their antipathy to the east, the goldminers and other newcomers by their hatred of the

coast-dwellers and their sentimental ties with the east. It is also true that "Man does not live by bread alone, but mainly by catchwords" and that the Federalists had the best slogans, "One people, one destiny"; "an indissoluble union of indestructible states"; and the favourite, "a nation for a continent, and a continent for a nation". It was the unanimity of goldfields sentiment, however, which assured the federalists of victory. Nevertheless, the necessary formalities which preceded the holding of the poll prevented Western Australia's inclusion in the Commonwealth before the Imperial "Commonwealth of Australia Constitution Act 1900 received Royal assent on June 13, 1900.

The referendum was held on June 31; it being the first election in the colony in which women were entitled to vote. The results showed a more pronounced sentiment in favour of federation in the metropolitan area than had been anticipated, while the agricultural and goldfields areas voted as expected.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Majority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perth Electorates</td>
<td>7,008</td>
<td>4,380</td>
<td>2,628</td>
</tr>
<tr>
<td>Fremantle Elector.</td>
<td>4,687</td>
<td>3,141</td>
<td>1,546</td>
</tr>
<tr>
<td>Country Electorates</td>
<td>6,775</td>
<td>10,357</td>
<td>-3,582</td>
</tr>
<tr>
<td>Goldfields Elector.</td>
<td>26,330</td>
<td>1,813</td>
<td>24,517</td>
</tr>
<tr>
<td>Totals</td>
<td>44,800</td>
<td>19,691</td>
<td>25,109</td>
</tr>
</tbody>
</table>

Figures from *Case of the People*, p.26

It may be seen from the above table that even without the goldfields vote federation still polled a majority, albeit the very small one of 592. Even this small majority could still be attributed to newcomers. There was a large influx of Eastern Australians to the metropolitan areas to take advantage of the prosperity which the goldfields activity had induced there.

Since there were 96,065 names on the voters' roll it is surprising that only 64,491 valid votes were cast in the very important referendum. It could be that interest did not run as high as is otherwise suggested, or it might be that the newly enfranchised voters did not exercise their recently acquired right.
On August 21, 1900 the two houses of the colonial parliament passed addresses to Her Majesty informing her that her people of Western Australia had agreed to enter into a Federal Commonwealth with the other Australian colonies. On September 17 the necessary Royal proclamation was issued to bring the new Commonwealth into being, as the Australians delighted in saying, "on the first day of the new century".

Sir John Forrest entered the first Commonwealth government as Minister of Defence and was to serve in successive governments in increasingly senior posts until he became acting Prime Minister of the Commonwealth and, shortly before his death in September, 1918, was raised to the peerage as first Baron Forrest of Bunbury. The larger field of political activity had proven kind to one who had not been an enthusiastic federalist.

What sort of federation had Western Australia thus been induced to join? The very names of the two houses of the federal parliament, the House of Representatives and the Senate, suggest the very important American influence, which showed itself more in the theory than in the mechanics of government. The familiar British parliamentary system was retained, but in the question of the division of powers between the constituent states and the federal government American practice had been followed more often than Canadian, the one extant British attempt at a working federation. The upper house of the bicameral legislature was designed as a states' house. Each of the original states was to be allowed six senators, to be elected by popular suffrage.

31 Section 10. Popular election of the senators with no property qualifications for the voters has been called an innovation, but there are British colonial precedents.
for a six year term of office, provision being made for one half the number to be elected every third year. The membership of the lower house was designed to be as closely as practicable double that of the Senate. The membership was to be divided between the states on a population basis, with the provision that no state was to have less than five members in the House. In keeping with the Australian theories of direct democracy the maximum life of the House of Representatives was set at three rather than the more usual five years of the modern British tradition.

The qualifications for electors and members were to be the same for both houses. The legislative powers of both houses were also to be the same, with the exception of money bills, which had to originate in the House of Representatives, and could not be amended in the Senate, although that body could send such a bill back to the lower house with the request that it make specified amendments, a request that the Representatives may or may not heed.

As is often the case with second chambers, the nominally equal Senate became a house of secondary importance. Its value as a "States' House" declined as soon as its members became better party henchmen than they were state representatives. Although the constitution contained no mention of it, the composition of the government was dependent upon the control of the lower house. The House of Representatives, therefore,
became the effective chamber in the federal parliament, and Western Australia was never able to rate more than the minimum five of its seventy-five members.

Following American precedent the drafters of the Australian constitution reserved all but certain enumerated powers to the states. They differed from the American Founding Fathers by evolving two types of enumerated powers; those exclusively vested in the federal government, described but not all specifically mentioned in Section 52 of the Constitution, including such matters as the levying of customs and excise duties; defence; posts, telegraphs, and telephones; and naturalization. By far the larger number of enumerated powers, however, are those listed in the thirty-nine subsections of section 51, the concurrent powers, wherein both the state and federal parliaments can legislate, but where, in the case of conflicting legislation, a Commonwealth law renders a state law invalid.

Included among the powers of legislation thus exercisable by both governments can be found all forms of taxation save customs and excise, banking, insurance, bankruptcy, marriage and divorce, railways, and industrial arbitration. As has been stated before, the residual powers belonged to the states.

The constitution was designed to protect states' rights. Constitutions, however, have a way of working out at variance to the founders' intentions. The Commonwealth government had been granted unlimited powers for the raising of revenue, yet most of the revenue-consuming services, education, mining and

33 Australian Constitution, Sec. 110.
agricultural assistance, pest control, medical and health services, and policing, had been left in the hands of the states.

The Victorian federalist who was to be thrice Prime Minister of Australia correctly read the implications of this dangerous division of powers when he wrote, in a letter printed in a London newspaper shortly after the establishment of the Commonwealth:

"As the power of the purse in Great Britain established by degrees the authority of the Commons it will ultimately establish in Australia the authority of the Commonwealth. The rights of self-government of the States have been fondly supposed to be safeguarded by the Constitution. It has left them legally free, but financially bound to the chariot wheels of the Central Government. Their need will be its opportunity. The less populous will first succumb; those smitten by drought or similar misfortune will follow; and finally even the greatest and most populous will, however reluctantly, be brought to heel. Our Constitution may remain the same, but a vital change will have taken place in the relations between the States and the Commonwealth. The Commonwealth will have acquired a general control over the States, while every extension of political power will be made by its means and go to increase its relative superiority." 33

Although the states had retained most of the trappings of sovereignty, such as the appointment of the state governors directly from London rather than through the Commonwealth Governor-General in Council, they soon discovered that their relationship to the Commonwealth government was not so very different from that of the lowly Canadian provinces and the Dominion government. Finances play an important part in practical politics.

33 Deakin, A., in London Morning Post, April 1, 1902, quoted in Case of the People, p. 81.
As has been mentioned earlier, a satisfactory solution for the problem of the distribution of the excess revenue from the customs and excise receipts had not been reached by the drafters of the constitution. The "Bookkeeping clauses" were only intended to be a temporary expedient. Once federation had been achieved it was hoped that a more satisfactory method could be evolved without endangering the whole project. Since uniform customs were introduced on October 9, 1901 the clause ceased to be a constitutional guarantee when its five year life expired on October 8, 1906, leaving the system at the mercy of the Commonwealth parliament. No change was made until the passing of the Surplus Revenue Act of 1908, which continued the bookkeeping system, but provided that any surplus of receipts over expenditures was to be distributed on a per capita basis. At the same time the federal government lessened the financial burden of those states that had instituted invalid and old age pensions by establishing a nation-wide system.

The ten year term of life for the Braddon Clause was drawing to a close when the next Surplus Revenue Act, that of 1910, was passed. The terms of Section 87 were abandoned. In their place the Commonwealth undertook to pay each state a grant equal to 25 s. per head of its population. In addition all Commonwealth surplus revenue was to be divided, on a per capita basis,

34 Section 93, supra, p. 33, n. 13
35 Section 87, supra, p. 33.
36 An unsuccessful attempt was made to terminate the clause six months before the expiration of its ten year life span. infra, p. 50, n. 38.
between the states, but this second provision never enriched the states with sizeable windfalls, since the federal treasurer soon discovered that unexpected surpluses could be diverted, by means of trust funds, for future Commonwealth enterprises. The net-result of the change of system in distributing the customs and excise revenue was a substantial cut in the share allotted to the states.

The temporary protection that Section 95 had afforded Western Australia had been removed by the end of the fifth year after the imposition of uniform customs duties. Since 1906, therefore, the western state was a member of the Australian Zollverein. The five year partial reprieve had been valuable. It had, for example, permitted the state's wheat-raising industry to become well established. Strange as it may seem, Western Australia, with an agricultural community of over seventy years' standing, was importing breadstuffs from the eastern states at the time of federation. But now, after October 8, 1906, the protection had gone. The factors which had made percapita payments unfair in Western Australian eyes during the pre-federation negotiations were still present. The masculinity rate was still well above the national average. Development work, with the consequent heavy imports, was still progressing apace. The 1910 Surplus Revenue Act, therefore, provided that a special payment be made to the state; £250,000 was paid the first year with each subsequent being £10,000 less than its immediate predecessor. The cost of this, and future Western Australian disability grants was brought home rather forcibly to the other states. One half of the grant for each
year was to be debited, on a population basis, from the 25 s. per capita payments of every one of the six states.

Valid objections could be raised against the theory of per capita payments. It was in the states with small populations and large areas, mostly undeveloped, that the cost of government ran the highest, but it was the two relatively small states, Victoria and New South Wales, with their large populations and their well developed hinterland, that reaped the benefits of the per capita system. The system had resulted in the Commonwealth government retaining a larger share of the revenues which it collected for its own use, yet, within a few years that government was anxious to free themselves from the steadily mounting obligations which are inherent in the per capita system. At the time of federation the cost of the new government was lightly dismissed. The added taxation on each individual would be no more "than a license of a dog". The cost of the War of 1914-18 rendered all such optimistic estimates obsolete. The Commonwealth government found itself assuming financial obligations of a magnitude that were never contemplated by the drafters of the constitution. Customs and excise no longer provided sufficient revenue for the federal government. The fields of direct taxation, which had previously been left to the states, had to be entered. As was also the case in a number of other countries at the same time, the Commonwealth treasurer discovered the utility of the income tax.

By the mid-'Twenties it began to appear that the Commonwealth government was not going to be able to reach an agreement with the state governments over a satisfactory substitute for the per capita payments. Conferences were held, but the state treasurers
were loath to give up the assured monthly income from the federal treasury in return for "concessions" such as a partial Commonwealth withdrawal from certain fields of taxation.

The federal government finally solved the problem by direct action. In 1926 Dr. Earl Page, the treasurer in the Nationalist-Country Party coalition government, introduced a "States' Grants Bill" into the federal parliament which was designed to cancel the per capita payments. The fact that the Labour Party was in control of all the state governments at the time, save that of Victoria, in no way lessened their hostile reaction to the measure. The dissatisfaction was by no means confined to the political opponents of the government. Opposition was fruitless. Once the federal government was convinced that it was a dangerous political principle for one taxing power to raise money for another to spend there was little that the state governments could do, save strive to obtain as favourable terms as possible from the power that held all the good cards.

The States' Grants Bill had not been pressed through parliament after its 1926 introduction. Not until April, 1927, was it entered in the Commonwealth Statute Books. Three months later a conference between the federal and state ministers met to draw up a financial re-arrangement. The federal policy, as presented at the conference, was, perforce, accepted by the states. The per capita payments were to be discontinued, but the Commonwealth was to continue paying each state a grant equal to the per capita payment of/1926-27. The Commonwealth was to assume responsibility for the state debts, contributions
being made by both state and federal governments for a sinking fund for the consolidated debt, and a Loan Council, consisting of one representative from the Commonwealth and one from each of the state governments, was to be set up to control all future government borrowing.

The Financial Agreement of 1927 was accepted and continued in effect for the period under review. Its acceptance by the states, however, did necessitate an amendment of the constitution empowering the Commonwealth to make such agreements. Unlike the British North America Act, 1867, the Commonwealth of Australia Constitution Act did provide machinery for the amendment of the constitution outlined in it. The system, outlined in section 128, although it seemed simple and flexible enough, has in practice proved to be far less amenable to change than the drafter had intended.

The Australian voters have been very reluctant to authorize changes in their constitution. Amendments had been submitted to the electors on six occasions prior to the 1928 Constitutional Alteration (State Debts) referendum. Only twice, and both times concerning relatively unimportant matters, did the voters approve the suggested amendments.

37 See Appendix B.
38 In 1906 a proposal to alter the dates of the periodical Senate elections was approved by a large majority, while a 1910 proposal to permit the Commonwealth government to take over any state debts instead of merely those in existence prior to federation was also approved. Another referendum held at the same time in 1910 was defeated, however. Under its provisions the Commonwealth government had attempted to secure the termination of the Braddon Clause six months before its scheduled expiration and to substitute the 25 s. per capita payments. Had it been approved the Commonwealth would not have been able to suspend the 25 s. payments by unilateral action in 1927.
Direct amendment is not the only method by which a constitution can be changed. The Fathers of Canadian Federation desired to establish a strong central government. They, therefore, granted the residual powers to it, bestowing upon the provinces only a number of enumerated powers. The drafters of the Australian constitution, on the other hand, jealous of the sovereignty of their states, followed the American practice of leaving the residual powers with the states. Judicial interpretation of the three constitutions has enhanced the power of the Canadian provinces and the American and Australian federal governments. "It is not always the residuary legatee who comes off best under a will. Sometimes specific legatees take the bulk of the estate and leave him nothing but the debts."

Under the provisions of the Australian constitution it has been the High Court of Australia rather than the Privy Council that has been chiefly responsible for constitutional interpretation. As Prof. Brady has pointed out, the presence of such distinguished founders of the Australian federation as Justices Griffith, Barton, and O'Connor on the bench of the High Court prior to 1920 had a profound effect upon the rulings handed down by that body. These men were not only active participants in the drafting of the constitution they were called upon to interpret, but they were also keen students of comparative

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40 Section 74 See Appendix B.
federalism. The American influence that was so noticeable in
the establishment of the federation, in their interpretation
of the respective roles of the federal and state governments.

The doctrine of mutual non-interference was closely
followed. Federal Arbitration Courts had been empowered to exercise
considerable authority between employers and employees. True
to the theory of mutual non-intervention, however, the High
Court, in 1907, ruled that a state instrumentality (the Vic-
torian State Railways in the case under review) was not
subject to the Commonwealth Conciliation and Arbitration Act,
under which the Arbitration Courts were operating.

Since Australia's sparse population has made it a continent
where the state has often been forced to initiate schemes which
in more populous areas would have been carried out by private
enterprise it became apparent that the doctrine of mutual non-
interference was soon going to render the entire system of fed-
eral arbitration ineffective. The states were entering into
quite a number of fields of business, multiplying the number of
state instrumentalities. Western Australia's Labour governments,
for instance, had set up state meat packing works, state retail
stores, and a state steamship line.

The High Court's attitude toward the powers of the Arbit-
ration tribunal over state instrumentalities is rendered partic-
ularly significant since it was a 1920 decision, reversing that

42 Railway Servants' Case (4 C.L.R. 488).
43 The Engineers' Case (28 C.L.R. 129) The case is often
cited as "The Amalgamated Society of Engineers vs. The Adelaide
Steamship Company," but the Society was claiming an award against
a number of respondents, including the Western Australian
(cont'd on p. 53)
of 1907, that marked a drastic change in the High Court’s attitude toward the constitution. The American approach, with its "implied prohibitions" and "immunity of instrumentalities" was abandoned in favour of the British attitude, which had already been adopted by the Privy Council in their decisions concerning the federal constitutions of the Empire. The Commonwealth constitution was to be interpreted in the same manner as any other Act of Parliament. The language employed was to be the sole guide to the meaning.

The decision meant a substantial increase in the power of the Commonwealth and a curtailment of the state governments' "sovereignty". During the war the federal government's activities had, of necessity, been multiplied. Now, with the return of peace and the hoped-for "normalcy" the states had lost rather than gained power.

Such were the main points of friction which manifested themselves in the constitution governing the federal union into which the inhabitants of Western Australia had entered with such mixed feelings. The federal system is the most difficult polity to work. It would seem that federalism is a system that should be adopted where divergent interests, due to overly-great distances or conflicting cultures, prevent a unitary form of government. Federations have been considered a transitional stage on the way to a centralized government, but, insofar as the federal system tends to retain, and even cultivate local patriotism, it does not hasten the trans-

(43, cont’d) State Engineering Works, and the Western Australian State Mills. The fact that the reversal directly affected Western Australian instrumentalities might have intensified the state government's dissatisfaction at the new policy.
The Western Australians, at the end of the War, were still conscious of their separate identity. They could find any number of grievances against the Commonwealth government.

The Western Australians were aware that they were British, but they were far less aware that they were Australians.

The Constitution could hardly be held solely to blame for this situation, of course, yet a more fortunate division of powers might have increased national awareness. As it was the states retained too much power to permit its growth. It was the states which provided the services with which the average citizen came most frequently in contact, transportation, education, most social services, and police protection. The Commonwealth government, on the other hand, was a more distant body which collected taxes, but which, according to the state politician, failed to provide their particular state with sufficiently generous grants to permit a more ample program of social services to be initiated by the more local body. If the services were initiated it would doubtless be the state government which would expect the full credit.

The financial agreements which had to be drawn up under the

44 The following complaints were among those proclaimed by the secessionists in their attempts to show that Western Australia had always been the victim of discrimination. The state's per capita payment (under the 1910 Surplus Revenue Act) was cancelled for those soldiers who had left the country on active service. The Commonwealth government's action can be justified, but the cry was raised that it was penalizing patriotism. W.A., the state to whom the grant was most important, was also the state which boasted of the highest per capita enlistment in the armed forces (another result of the high masculinity rate?). The fact that Western Australian troops were trained in, embarked from, and returned to eastern Australia was also not forgotten.

During the war the Commonwealth government prohibited the export of gold, thereby acquiring the output of the mines at a lower price than otherwise would have prevailed. The W.A. base metal industry was ruined by a federal government order, issued after the cessation of hostilities, but under wartime powers, prohibiting the export of ore concentrate and requiring smelting to be done at government smelters in the eastern states.
constitution were certain to lead to friction between the Commonwealth and state governments. The constitution presupposed a certain equality in the states entering the union. It was admitted that some adjustments would have to be made for the first few years, hence the temporary tariff concession to Western Australia and the bookkeeping clause, but it would seem that the draftsmen of the constitution were expecting that by the time the Braddon clause expired, ten years after the institution of uniform tariffs, any difficulties experienced by the federating states would have been overcome, and all would be prospering under the blessings of a uniform tariff and interstate freetrade. It was fortunate for those states which did not respond to the aforementioned treatment that provision was made to relieve any temporary difficulty in which the state might find itself during the transitional period.

"During a period of ten years after the establishment of the Commonwealth, and thereafter until Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as Parliament thinks fit."45

Ten years, then all was to be well. But it was not until after the ten year period had expired that the clause was put to real use. Equality between the states was not being achieved under the constitution, and Western Australia, as one of the less populous states, was undergoing particularly severe hardships.

§5 Section 96.
CHAPTER FOUR

Early Secession Moves.

The first move to test the indissolubility of the "indissoluble union of indestructible states" occurred in 1906, about the date that the state lost its right to levy its own tariff. The approach of that fateful day might have stimulated the secessionists' actions.

Since the original provision for the distribution of that share of the customs and excise that the Braddon Clause granted to the states expired on October 8, 1906 (the same date as the Western Australian tariff concession) the problem of the future division of the money was discussed most earnestly at a premiers' conference held earlier in the year. A resolution advocating per capita payments being substituted for the existing return based upon the states' contribution in excise and customs was passed by a majority vote of the states' premiers.

As such a procedure would mean a considerable financial loss to Western Australia mention of the resolution was incorporated in the Governor's Speech opening the next session of the state parliament wherein it was stated that the proposed action "... would be a distinct violation of one of the fundamental principles of the Commonwealth Constitution, and would deprive the State of its legitimate revenue after contributing its quota to the cost of the Commonwealth administration" and concluded with the

1 W.A. Parl. Debates, June 21, 1906, vol. xxix, p. 4, quoted in Case of the People, p. 376. It was estimated that the difference between the per capita payments and the method then in force would amount to £ 433,000 for the then current year.
hopeful statement that the government had every confidence that the Commonwealth, recognizing the rights of Western Australia, would deal justly in the matter.

The inclusion of such a statement in the Governor's Speech provided an excellent opportunity for all who so desired to attack federation. Perhaps encouraged by the apparent dissatisfaction thus shown to the recently entered federation Mr. F.C. Monger, a private member representing the old agricultural constituency of York, on September 26, introduced the following resolution;

"That the Union of Western Australia, with the other States in the Commonwealth of Australia, has proved detrimental to the best interests of this State, and that the time has arrived for placing before the people the question of withdrawing from such union."

The resolution being carried in both the Legislative Assembly and the Council, Mr. Monger went on to introduce a bill to provide for a referendum on the question of secession. Since the bill involved the expenditure of public funds the Speaker ruled that it could not proceed past the second reading without a message of authorization from the Governor. The House never received the required message. The bill was introduced and read a first time on November 13. On the fifteenth Mr. Monger moved a second reading. The debate was then adjourned, and the close of the session put an end to this, the first move favouring secession from the Commonwealth.


3 ibid., p. 377.
Among the particularly significant sidelights of this abortive attempt at severance was a long speech by a Labour member representing a goldfield constituency who, although he opposed the motion on the grounds that the withdrawal from the federation could not be practically effected, did give expression to a feeling of profound dissatisfaction with federation as it then was, pointing out the far happier lot of New Zealand, a colony which had remained aloof from the Commonwealth.

"We are by geography absolutely separated from the East. We cannot, with that separation, obtain that sympathy with which this State should be governed. ... There are still the same old jealousies between Victoria and New South Wales; and in those fights this State is absolutely forgotten. ... We are not worthy of consideration. What is proposed even by Sir John Forrest himself in the House of Representatives is treated lightly. People sneer at it, and we are treated as a country remote, unknown. ... We have expended our patriotism; it is no longer focused within the boundaries of Western Australia. We have none of that patriotism for ourselves now; we cannot discuss problems of our own; that power of national life, so to speak, has been taken from us; we have to rest satisfied with what our lords and masters do in the East. ... The Parliament of this great State, one third of the whole Commonwealth, has been reduced to the position of a mere shire council. ... The greedy merchants of the East can insist on giving us supplies to our own disadvantage. ... This is what Federation means to us, so that we can start nothing we can have no industry we must confine ourselves purely to mining and farming."

He then concluded on a colonial note which might have been quite justifiable in 1906, but which is significant in that its sentiments were often repeated almost thirty years later. Secession was not a heinous thing, he argued, for from whom would they be separating?

"Not from that great Motherland which is the source of our protection. We do not desire to sever those bounds which unite us historically with the greatest nation which has yet appeared in history. We are loyal to that Empire which
would protect us as it now protects New Zealand, and as it protects the Commonwealth. ... we should not be less a portion [of the Empire] if we separated from the Common-wealth tomorrow. Nay, more ... as being more dependent upon the mother country. By being separated from the Federal centre we should look more to that homeland that has been a pattern of liberty for all the world; a land that has pro-dduced the bravest warriors, the finest poets, the greatest scientists, the noblest philosophers. We do not want to look at any David Gaunson or Tommy Bent in Victoria. We want to look to Britain."4

While Mr. Walker was stressing the disabilities which his state was experiencing under federation, a series which was to be often recited during the following three decades, isolation, lack of eastern interest in Western problems, the inability of unprotected western infant industries to survive against established eastern competitors, and the fact that Australian loyalty really continued to rank a poor third to those claimed by Britain and the state, another goldfield representative was pointing out the impracticality of any movement for secession. The brilliant young new Attorney-General, Hon. Norbert Keenan, for four years past Mayor of Kalgoorlie, informed the house that their state had entered into an indissoluble Federal Commonwealth, that there was no provision in the Constitution for withdrawal, and that he was able to offer no hope that the Imperial Parliament would take any action to secure their release. 5

Dissatisfaction with the state's lot in the federal union


5 Mr. Keenan's action was recalled by Hon. E.H. Harris, who quoted his 1906 speech, W.A. Parl. Debates, Aug. 30, 1933, p. 617. Mr. Keenan had arrived in W.A. in 1895, coming directly from the United Kingdom. He later changed his mind on the question of secession and signed the 1935 secession petition. V. infra., p.
could not be too deeply grounded, however. As has been mentioned earlier, per capita payments were instituted in 1908. When the large cut was made in the grants, with the substitution of the 25 s. per capita payment for the previous three quarters of the excise and customs revenues, the western state received ample compensation in the form of an additional £250,000 grant. Western Australia responded to this generous treatment by being the only state in which the majority of the voters registered their approval of two constitutional amendment referenda, designed to enhance the Commonwealth government's power, when these were submitted to the people in 1911. The state was thus able to establish a unique record of favouring every amendment submitted to a referendum up to 1926, every one of which tended to enhance the power of the Commonwealth government.

During the war years domestic affairs were, for the first time, subordinated to the more pressing external emergency. The "ninety-eight per cent. British" Commonwealth had its severe conscription crisis, but the homogeneity of the people prevented it developing into a sectional rift. The powers assumed by the Commonwealth government under the War Precautions Act, however, began to irritate at least the state politicians before the war was over. Government finances were at the root of the problem. Faced with an unprecedented need for money the Commonwealth invaded the direct taxation fields previously occupied exclusively by the states, thereby preventing the states full exploitation of these means of raising revenue. A full seven

months before the signing of the Armistice, one of the later leaders of the secessionist movement, Hon.(later Sir) Hal Golebatch, then Colonial Secretary, outlined the condition of the state's finances to his fellow members of the Western Australian Legislative Council, expressing his opinion that the possible future bankruptcy of the state might lead to an agitation among the people for either secession or unification.

During the summer of 1918-19 a far more influential figure became an advocate of secession. Alfred Chandler was born in 1852 at Geelong, Victoria. He entered, or was called to, journalism early in life, serving first with the Hamilton (Vic.) Spectator. Adapting Horace Greeley's advice to Australian conditions he continued his westerly progress by moving to Adelaide, (S.A.) in 1880, while the call of gold brought him to Coolgardie in 1894. The year 1908 found him in Perth. He could go no further west, so he joined the staff of the Sunday Times a paper which seemed to follow the more sensational tradition of British weekend journalism. The Times atmosphere was congenial to the poet-journalist, who rose rapidly to the post of editor.

A journalist of the old school without a cause for which to crusade is indeed a pathetic figure. Alfred Chandler could not be counted among their number, however, since he discovered his cause in the reception accorded his series of articles which

7 Speech in Legislative Council, April 11, 1918, quoted without exact reference in Case of the people, p. 379.

appeared in the *Times* during late 1918 and early 1919. In this series he accused the Commonwealth government of violating both the letter and the spirit of the constitution, drawing the considerable amount of verbal ammunition from the harmful effects of the Commonwealth government's policy on the Western Australian mining industry as well as from its taxation policy.

The immediate result of Mr. Chandler's journalistic espousal of secession was an open meeting of citizens at the Perth Town Hall, but the fervour of the enthusiasts could not compensate for the fact that the state government of the day was not in favour of drastic action. In the words of Mr. Chandler himself:

"That meeting was enthusiastic in its unanimity for drastic action; but its effective consumption was destroyed by a supine Premier, and the petrified passivity of certain politicians who denounced federal bondage, but who had not the courage to advocate the logical conclusion -- freedom, or a reversion to the full and progressive autonomy which the state enjoyed before accepting the federal promises on their face value."

The idea of secession seems to have been implanted in the minds of many Western Australians by the Chandler series. Thus, in a report prepared by the State Under Treasurer, Edgar T. Owen, later in 1919 on the relationship between the state and Common-

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9 Although the Commonwealth government had adopted a frankly protectionist tariff policy as early as 1908 the tariff did not figure prominently among the grievances proclaimed in 1919.

10 Royal Commission on the effects of federation upon the finances of Western Australia, 1925, *Minutes of Evidence* (Hereafter referred to as "W.A. Disabilities Commission") as quoted in *Case of the People*, p. 401.

The writer has not had access to any of the articles written by Mr. Chandler. His description of them is based upon references made by speakers in the state parliament and on the minutes of his testimony given before the Royal Commission on March 9, 1925.

There were references to Chandler-inspired secession meetings in *Round Table*, vol. 9, 1918-19, p. 800.
wealth finances the author, by means of an impressive series of calculations, proved to at least his own satisfaction that the £8,055,000 as a result of federation between January 1901 and June 1919. His suggested remedy, however, was not secession, but a permanent 11 s. per capita bonus in addition to the regular 25 s. grant, which would replace the diminishing special grant established in 1910.

References have been made earlier in this essay to the connection between the protective tariff and the secession movement. In few countries in the world has the theory of protection been so whole heartedly accepted by the greater part of the people as has been the case in Australia. Professor Hancock devotes a chapter of his survey volume to this characteristic dogma of his fellow countrymen.

Victoria had been the sole colony to adopt a frankly protectionist tariff policy in pre-federation days. The other Australian colonies had various grades of revenue tariff, with New South Wales coming closest to the British ideal of freetrade. It had been the conflict between the protectionist Victoria and freetrade New South Wales that had rendered federation negotiations so

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12 ibid., p. 29. The suggestion was particularly significant in that it implied that the disabilities of W.A. were of a permanent nature.

13 Hancock, op. cit., Chap. V.


An interesting sidelight in view of future events can be found in the statement made by the then Attorney-General, Hon.
difficult.

One of the results of the inclusion of the Braddon compromise in the constitution was the entailed necessity of the first Commonwealth Government drafting a tariff that would produce sufficient revenue to equal the bulk of the ordinary receipts of the states plus their share of the new Commonwealth expenses. The result was a compromise which pleased neither freetrader nor protectionist. It was the protectionist element who had gained control of the government by the time that the first revision of the customs tariff rates was considered. The Tariff of 1908 was marked by increased rates on almost all items with the usual type of loyal Dominion preference being shown to the products of the United Kingdom. On them the increase was slightly less steep. Further tariff increases were made in the closing month of 1914, but it was not until after the war that the full impact of protectivism was felt. Protection had by that time become the accepted policy of the effective political parties. The customs tariff of 1921 was designed to protect industries started during the war, while the Customs Tariff (Industries Preservation) Act of the same year permitted the imposition of special additional duties to prevent dumping from other countries which were also trying to maintain full production

14 (cont'd) T.A.L. Davy, in the W.A. Legislative Assembly that one of the reasons the goldfields favoured federation was a desire to escape from the Colony's protectionist policy. W.A. Parl. Debates, Aug. 11, 1931, p. 4353.

15 Customs Tariff 1902 (No. 14 of 1902).

of their war-expanded industries.

It was in the atmosphere of rising tariffs always, seemingly, being amended upwards, that the rest of the Western Australian story takes place. The state parliament appointed a joint select committee of both its houses in 1921 to enquire further into the effect of federation on the finances of the state. At this time the word "secession" began to be heard more often, although as yet it was not taken seriously by any appreciable portion of the population. Speaking in the Commonwealth upper chamber Sen. Hugh DeLargie (WA) commented upon the Gilbertian spectacle of a former advocate of the secession of Albany, in the south of the state, from the rest of Western Australia giving evidence favouring state secession before this committee which had as its presiding officer a gentleman who had in his day advocated the withdrawal of the northern portion of the state.

With the drastic increase in the Commonwealth tariff rates in 1921 it was only natural that an imaginative newspaperman might decide to write a series of articles analysing Western Australia's position under a system of continental freetrade within a high tariff wall. Mr. J.C. Morrison, of the editorial staff of the leading Perth daily, the *West Australian*, wrote four such articles, which appeared in his paper during the month of November, 1922. The articles blazed the trail for what was to be from that time forward the chief path trod by the secessionists. His principal theme was that both the primary and secondary

industries of the state were being adversely affected by a
tariff that was designed to suit the interests of the more
populous eastern states. Western Australia's economy was based
on the production and export of primary products, wheat, wool,
and gold.

"Primary producing countries should sell to manufacturing
and get back their manufactures in payment; but we are
compelled to sell in the cheapest markets in the world
and buy in the dearest, namely the highly protected
manufacturing States of the East; and for the one essential
primary product sugar, which we do not produce, to buy in
the highly protected sugar fields of Queensland and New
South Wales. We sell approximately 90 percent of our
exports overseas; we buy approximately 48 per cent. of our
import requirements from the East, and our eastern imports
are brought to us by the most highly protected merchant
marine in the world .... "18

Mr. Morrison later stated that he had been led to write
his West Australian articles at the invitation one of the
members of the Tariff Board, Mr. Herbert Brookes. The newly

18 W.A. Disabilities Commission, Minutes of Evidence,
J.C. Morrison, Feb. 26, 1925, as quoted in Case of the People
p. 399. As was the case in Mr. Chandler's articles, the present
writer is basing his description on second hand information.

The sugar protection mentioned in Mr. Morrison's evidence
constituted a major W.A. grievance. By proclamation dated Sept.
9, 1915 the importation of sugar in Australia had been banned
except by written consent of the minister of customs. The "White
Australia" policy and protection worked hand in hand to build up
the sugar fields of Queensland employing white labour at good
wages, and to build up the sugar price in Australia until, in
1932, with a world price of £6 per ton, the protected Australian
price was £36 a ton. For more on the protected merchant marine,
another result of White Australia plus protection, v. infra p. 70.

19 In giving evidence before the Disabilities Commission,
Feb. 26, 1925, quoted in Case of the People, p. 398

The idea of a board of independent and competent investi­
gators being established to advise the government on tariff
questions and to prevent abuses in the protection system had
been circulating in Australian political circles since before
the War. The Tariff Board was not established, however, until
1921. It was to consist of five men ( very few of whom had ever
had experience in the type of work expected of them ) to whom
(cont'd, p. 67)
established Tariff Board did indeed make an extensive study of Western Australian conditions in their 1922 visit to that state. Working under the invitation of the state premier the Board's investigations were not confined to matters pertaining to the tariff, but embraced all the state's disabilities which might have a serious effect upon the federal connection. The result of their investigations was published in two reports almost two years later. It was in one of these reports that the first acknowledgement by a Commonwealth body of the existence of a secessionist sentiment in the western state can be found. The Board reported that;

"On all sides it was found that there was a unanimous disappointment with the results attendant upon the operation of Federation upon the State of Western Australia. This disappointment covered all degrees of criticism from a mild disapproval to a rebellious desire to achieve Secession."

Here was but the first, not the last, reference to "rebellious Secession".

19 (cont'd) the Minister of Trade and Customs was, by Act of Parliament obliged to submit questions involving the alteration of tariffs or bounties and any complaints concerning high prices resulting from the tariff as well as problems involving valuation and classification of goods. No action could be taken by the Minister until the Board had filed its report.

20 Sir James Mitchell, prominent in later secessionist activities.


22 "Report on the Tariff ... " p. 25, as quoted in Case of the People, p. 380.

23 About the same time as the Tariff Board was making its investigation in W.A. there occurred one of the first indications of interest in secession on the part of an eastern member of the Commonwealth Parliament. On October 10, 1922 Sen. H.S. Foll (Queensland) asked his fellow senator, Hugh DeLargie whether the citizens of his state were seriously talking off secession, or whether it was a sentiment shared by but one or two people. (cont'd. p. 68)
Reports of the Tariff Board are given the greatest consideration by the Australian government. The Board had reported that Western Australia was suffering from disabilities. The state government was requesting that the federal government do something. Those excellent people, the voters of Western Australia were being subjected to Mr. Chandler's repeated assertions in the Sunday Times that federation was not benefiting Western Australia. Motivated in part at least by the consideration of these facts, the Commonwealth government "did something". They appointed a Royal Commission on the effects of federation upon the finances of Western Australia, generally known as the "Western Australian Disabilities Commission".

The Commission, named toward the end of 1924, was composed of three men, none of whom were connected with Western Australia. The chairman,Hon W.G. Higgs, a former Commonwealth Treasurer, had represented Queensland constituencies in the lower House. John Entwistle was, apparently, a South Australian, and Stephen Mills a Melbourne man. Western Australian hearing commenced in

23 (cont'd) The Western Australian admitted that some converts had been made to the movement, and proceeded to give his reasons for the growth of separatism. The honorable Senator was doubtless influenced by personal considerations. The newspapers were at fault. The reports of the Commonwealth Parliament were models in brevity, while the proceedings of the State Legislature were given in the fullest detail. Commonwealth Parl. Debates vol. 101, 10 Oct. 1922, p. 3426.

24 Sen. E.B. Johnston (W.A.) in Commonwealth Parl. Debates 17 Nov., 1931, describes Mr. Entwistle as a South Australian primary producer. He is not listed in any of the available Australian Who's who. He is listed in the Disabilities Commission Report as a Justice of the Peace. Mr. Thomas Dunbabin, Press Attaché to the Australian High Commissioner in Canada, in a letter to the author, Aug. 6, 1948, regretted that he could uncover no information regarding this man who played a short but very significant part in the secessionist movement, but suggested that he might be the same John Entwistle who recently retired from a senior post in the Commonwealth Trade and Customs Department.
February when, in the words of Prof. Hancock, "Round the heads of that Commission there gathered a cloud of witnesses who damned Federation as a disastrous experiment, a very great mistake". Messrs. Morrison and Chandler repeated the meat of their newspaper articles to this smaller but more select audience. Farmers and engineers added their testimony. The federal viewpoint was also upheld, of course, but, since the commission had been appointed to investigate disabilities, Western Australians loyally stressed the darker aspects of the situation. If disabilities were wanted they would find and present them.

The old familiar grievances were again aired; the unequal incidence of the tariff, the entrance of the Commonwealth government in taxation fields previously left to the state, and the general feeling of neglect and isolation. Again the conviction was expressed that the interests of their state were being ignored at the federal capital, where a large representation in the House

25 Hancock, op. cit., p. 89.
26 A.J. Monger, Farmer "Federation has been on trial for 24 years and has proved a disastrous experiment for Western Australia. ... With the history of the past in our minds, I cannot help feeling that if a referendum were taken amongst the people of this state upon the question of whether they would prefer to remain part of the Commonwealth or revert to their former status as a sovereign State there would be an overwhelming vote in favour of breaking away from the Federal yoke"

The very name "Monger" brings back memories of 1906, but this marks relationship with F.C. Monger (v. supra, p. 57) is not readily available.

F.C. Clifton, Engineer, "I desire to impress upon you that there exists throughout the country a very distinct movement towards secession.

H.R. Sleeman, Engineer, "A section of the people are for secession. A bigger section desire it, but believe it is impracticable. ... If existing conditions continue the secession movement will grow in numbers and force of feeling."

W.A. Disabilities Commission, Minutes of Evidence, as quoted in Case of the People, pp. 400, 409.
of Representatives was required to gain attention. Another source of dissatisfaction, which had not previously been stressed was now also introduced and fairly completely aired before the commission.

The Navigation Act was considered in the eastern continental states to be but a further refinement of the "White Australian" policy, limiting the Australian coastal trade to ships of British registry and containing a series of regulations concerning the type of crew and working conditions which, for practical purposes, disqualified other British ships from the trade. The consequent monopoly of the eastern shipping companies and the Australian Seamen's Union resulted in high freight charges which reacted unfavourably on the western state with its long coastline with isolated settlements and its dependence, under tariff restrictions, upon eastern manufacturing centres. The commission was informed that a manufacturer of artificial fertilizer at a port three hundred miles from Fremantle found it cheaper to ship his product to Europe than to the seaport of his state's capital city and metro-

27 The state government attempted to lower shipping charges by establishing a government steamship line to serve the more isolated northern sections of the state, but the venture was not a financial success.

A Western Australian could always find a grievance. When the Commonwealth government, recognizing the special difficulties of the area, issued permits allowing three coloured labour ships to continue their coasting trade along the north-west of Australia when the Navigation Act was first enforced in 1921 the Labour member representing the district, Mr. A. Green (Kalgoorlie, a federal electoral district which embraces all but the south-west corner of the state) protested that Western Australia was being discriminated against by being the only part of the Commonwealth that was deprived of the benefits of the Navigation Act. Needless to say, the majority of Mr. Green's electors did not reside in the North West. Commonwealth *Parl. Debates*, vol. 105, Aug. 23, 1923, p. 3403.
To disagree is human. Nevertheless the degree of disagreement achieved by the three members of the Disabilities Commission was slightly greater than that considered proper for men in their position. Upon the major point they were unanimous. Western Australia did suffer from considerable financial disabilities which were the outcome of the state's entrance into federation. The differences of opinion manifested themselves in the commissioners' attempts to define the exact degree of disability and to prescribe remedies. All recognized the existence of the secessionist sentiment. Commissioners Higgs and Mills were inclined to believe that the causes fostering the separatist tendencies could be countered;

"It is difficult in a community such as Western Australia, with its relative isolation from the Seat of government and also from the other States, to prevent the creation and growth of the belief that other States are somewhat indifferent to Western Australia's peculiar problems and difficulties. It is indeed very desirable that a greater knowledge of Western Australia should be attained by residents in other States, and ably directed propaganda having that object in view should, in our opinion, be undertaken. Some reasonable degree of assistance by the Commonwealth, on the lines indicated in other sections of this report would, in our opinion, go far to put an end to the dissatisfaction with federation, sedulously fostered by at least one Western Australia journal of wide circulation ([Sunday Times]), and which has obtained such a degree of acceptance that it cannot be dismissed as insignificant,"


Commissioner Entwistle disagreed with this majority report, stating:

"In my opinion Western Australia should never have entered the Federation, but having done so there is, I feel convinced, only one complete and satisfactory remedy for her present disabilities, viz. Secession. If that event occurred all other recommendations in this report would become unnecessary. As, however, it cannot be taken for granted that secession would take place, I have joined in recommendations having the object of relieving (at least to some extent) the present financial disabilities of the State of Western Australia." 30

This minority report was Mr. Entwistle's great contribution to the Western Australian secession movement. The majority report was destined to be forgotten, but Mr. Entwistle's opening sentence was to be quoted over and over again by men who seemed to know not the name of the author, but merely the fact that he was "an impartial, Commonwealth-appointed eastern Australian".

Whereas Commissioner Entwistle was in the minority in diagnosing the severity of Western Australia's malady, he collaborated with the chairman, Mr. Higgs, in prescribing a suitable remedy. The majority report mentioned both an immediate and a more permanent treatment. Messrs. Higgs and Entwistle would like to have seen Western Australia reinvested with its colonial sovereignty in customs and excise matters. For twenty-five years the state would be allowed control of its own customs tariff as in pre-federation days, with the provision that goods from the rest of Australia would not be subjected to a higher customs duty than those from elsewhere, while the excise

30 Report, as quoted in W.A., Parliament, Report of the Committee appointed to prepare a further case on the disabilities of Western Australia under Federation, Perth, Government Printer, 1932, p. 16.
tariff was to be granted to the state unconditionally for an equal period of time. The amount that the state was to pay to the Commonwealth in return for the Commonwealth's continued services, the cost of which was expected to be in excess of the amount that the government would continue to receive from the probate duties, income, land, and other taxes which it would still be levying in the state was to be determined by consultation between the state and Commonwealth governments, or, if that fail, to be fixed by an arbitor, who was to be a citizen of the British Empire. Until the necessary amendments to effect such changes were obtained, the majority report recommended an annual grant from the Commonwealth government of £450,000 per annum in addition to the grants already being paid the state.

Commissioner Mills this time found himself in a minority, thus giving him an opportunity to compose a report pointing out that the primary recommendations of his two fellow commissioners would practically nullify federation. In his opinion a grant of £375,000 a year for twenty-five years would compensate Western Australia for her federally induced disabilities.

The Chairman, Mr. Higgs, had his turn as soloist in recommending that the northern portion of the state be surrendered to the Commonwealth by Western Australia for the purpose of its incorporation, along with the territory of Northern Australia, as a new state, which would thus increase the West's representation at the federal capital.

31 Fairly lengthy quotations from the reports of the three commissioners are contained in the W.A. commission's report previously cited (v. supra, p. 72, n.30)
There was a federal election scheduled for 1926. Governments at such times have been known to wax rather generous, and the Bruce-Page ministry was no exception. It had promised to implement the recommendations for a monetary grant which might be made by the Commission. True to its word, a Western Australian Grant Bill, authorizing the payment of £450,000 to the state treasury (but incorporating the residue of the diminishing 1910 grant) of 1910 was introduced into the Commonwealth Parliament on January 20, 1926. The Bill progressed through the proper stages unhindered by excessive interest or debate and received royal assent as Act no. 10 of 1926 on March 24.

With the election over, and the grant having played its part in maintaining the Nationalist and Country Party representation from the western State, the returned government proceeded to introduce the States' Grants Bill, which, along with its previously mentioned prime purpose of abolishing the per capita payments to the various states, contained clauses providing for special payments to Western Australia and Tasmania. Western Australia's grant was cut to £300,000 per annum but was to extend for a five year period from July 1, 1926, while Tasmania, which had also been honoured by an investigation of its finances, it its case by a single senior

33 v. supra, p. 49.

34 One of the great weaknesses of both the Higgs-Entwistle and the Mills' monetary grant suggestions was the absolute lack of any description of how the recommended sum was computed. The £450,000 figure came fairly close to the sum mentioned by the state treasurer as the amount lost per year by the state through not controlling its own customs.
civil servant, was to receive £378,000 per annum for two years commencing from the same date.

The report of the Disabilities Commission and its partial implementation might be used to mark an end of an era. Alfred Chandler's formation of the Secession League in 1925-26 marks the beginning of an organized attempt to secure the secession of the state from the Commonwealth by employing the same means that secured federation during the closing years of the nineteenth century -- by the use of extra-political associations.

The history of the state prior to the formation of the League reveals that the secession sentiment was not (as was later often claimed) entirely a product of the Great Depression. The 1906 attempt at securing a referendum might be dismissed as a symptom of dissatisfaction arising out of unfulfilled hopes on the part of former federalists combined with the unreconciled feelings of some anti-federalists. The fact that the state government's hand was not forced through repeated requests for

35 The Tasmanian government, like the Western Australian, had long suffered from lack of revenue. In 1912 it had received a grant of £95,000, diminishing by £10,000 per year, similar to the Western Australian grant of 1910. The grant was exhausted in the fiscal year 1921-22. Special grants of £85,000 per annum were given the state in the two fiscal years, 1922-23 and 1923-24. In 1924-25 a further act was passed granting the island state £85,000 for that year with the grant being decreased by £17,000 for each of the four succeeding years. Royal Commission on the Constitution, Report, p. 192.

The incidence of the Navigation Act and the federal tariff were also the two chief disabilities claimed by Tasmania, with the emphasis being placed in reverse order to that used by Western Australia. In spite of the state's difficulties, secession was never considered as seriously by the island as by the western state. The benefits of federation were more apparent in Tasmania's case.
the referendum in subsequent sessions of parliament seems to indicate that support for the measure was not widespread. As long as the productivity of the goldfields was maintained the state had little reason to complain. It was the declining gold output, and the attempts, usually not too expertly undertaken, to increase agricultural acreage in order both to open up a new field of employment for the unemployed miners and to induce new settlers that the state's interests and those of the Commonwealth began to clash. Tariff control became doubly important. The state development policy required a large scale source of income, such as the pre-federation customs revenue. The conflict of the primary producer, dependent upon an overseas market, and the protectionist of the east, where even primary producers had a home market of increasing size and importance, meant that a tariff made at Perth would be the product of a different philosophy from those which were being drawn up at Melbourne, the temporary federal capital.

The conflict was still between governments over revenue. Throughout the period sufficient references to secession can be found to indicate that a sentiment in favour of secession was fairly widespread throughout the state. Just as long as the individual inhabitants of the state were enjoying a measure of personal prosperity this latent sentiment could not be transformed into the type of active political crusade that would be necessary to bring about the drastic constitutional change which would be embodied in the actual secession of the state from the Commonwealth. A fairly satisfied man might want something but
not be ready to make the effort necessary to obtain it. Such a description might apply to the Western Australian slightly influenced by the *Sunday Times* during the early 1920's.
CHAPTER FIVE
The years of plenty.

The period from 1925 to the great crash of 1929 could be considered calm and peaceful when compared with those which immediately preceded or followed it. Europe, Western Australia's great market, was recovering from the destructive effect of the war. The old continent's major countries had been gripped by a mania for attempting to achieve self-sufficiency in foodstuffs which was in many respects similar to that of the Commonwealth's attempts toward complete industrialization, but Britain had not succumbed to the craze, and the other importing countries had not as yet increased their domestic yield sufficiently so as seriously to affect the Commonwealth's wheat sales abroad. The wool market, too, was firm. Consequently the average Australian was prospering. State governments might be poor, but state citizens were not.

In spite of this aura of prosperity, however, there was a general feeling in Australia that some changes ought to be made in the constitution. Dissatisfaction with the existing form of federation was by no means confined to Western Australia. In fact it was in the eastern states that the most heated debates took place concerning the possible changes that should be made in the constitution. Two conflicting alternatives to the six-state federal Commonwealth had gained a number of adherents throughout the country. One entailed the complete abolition of the states' governments, or, at best, a serious curtailment of their powers. The most important supporters of this unification solution were to be found in the ranks of the Labour Party, a
party whose chief strength lay in the large industrial population of Melbourne and Sydney, areas of great population that would even more more influential in the popular assembly of a unitary government. The Labour Party had much to gain and little to lose in advocating unification. A federal constitution, with its necessary division of powers, increased the difficulty of any Labour government, Commonwealth or state, passing legislation of the all-embracing sort favoured by the philosophy of the party. If Labour was to save Australia it could do it more simply if it had to gain control of but one sovereign parliament (preferably unicameral) rather than seven Parliaments each of incomplete sovereignty.

The great opposition to the unification solution was to be found in the agricultural districts. The farmer and pastoralist proprietors were convinced that the industrial element was exercising too much influence over the government already. Any enthusiasm that these men might have for the transfer of the seat of government from the temporary capital at Melbourne to Canberra

1 Plank 1 of the General Platform of the Labour Party at this time reveals the general tendency toward unification with some concessions to the New States movement.

Plank 1. Complete Australian self-government as a British community. No Imperial federation. Administration on advice of Australian Ministers only, subject to control of the Commonwealth Parliament. All legislation, except as appears inconsistent with Imperial treaty obligations to be assented to on advice of Australian ministers only. No further imperial orders to be granted in any circumstances to Australian citizens. The Commonwealth Constitution to be amended to provide --

(a) Unlimited legislative powers for the Commonwealth Parliament, and such delegated powers to the States or Provinces as the Commonwealth Parliament may determine from time to time.

(b) The Commonwealth Parliament to be vested with authority to create new States or Provinces.

(c) The Senate to be abolished.

(d) The High Court of Australia to have final jurisdiction in all Australian causes.

... Commonwealth Parl.Debates, 4 Mar.'27 p.146
could be attributed to the belief that at least some physical contact between the government and the Big City Interests was removed. The feeling of mistrust at the industrial interests per se was most intense in the agricultural hinterland of an industrialized state, particularly New South Wales. The solution proposed by those who wished to redress the balance of power in the Commonwealth in favour of the agricultural interests was the creation of new states. States with large population, such as New South Wales, were to be divided so that the presently submerged elements would have a better opportunity to control their own affairs to their own best interests.

As was natural for the party designed to express the viewpoint of the country proprietor, "New States" became a slogan of the Country Party, but, as was also natural in a party that was always entering coalitions in opposition to the Labour Party, this "special interest" plank in its platform was never as tirelessly advocated as the comparable unification plank in the platform of the unencumbered Labour Party.

Western Australians participated in the discussions concerning the relative merits of the two courses, more governments or a single government. Naturally, being as isolated as they were from the central seat of government, unification was not a popular solution for the problems of the western state. Fear of the growth of unitary sentiment in the eastern states, in fact, played an important part in the stimulation of the secessionist sentiment in Western Australia at a later date, but when Alfred Chandler first tried to organize the secessionists
there was no too marked sentiment in favour of the "unificationists" over the "New States" advocates in the east. Perhaps this very reason might help to explain the failure of the Secession League. There was no immediate need to escape from the Commonwealth in order to avoid a government centralized in Canberra.

Considering the amount of pro-secessionist sentiment revealed in the investigations of the Disabilities Commission the fate of the League must have been far from gratifying for its founder. Times were too prosperous. Individuals who might favour the establishment of a community independent of the Commonwealth were still not suffering personally within the federal union. When, in 1926, the newly founded League appealed to the public for funds Mr. Chandler discovered that his message had not touched his public to the depths of their pocket books. An unfriendly observer later recalled that the appeal netted a £100 donation from one enthusiast and "less than £5 from the rest of the State". The tireless Mr. Chandler had outlined the policies of his League in the book, *The Case for Secession*, published in 1926, but, save for this one literary monument, the attempt at organized advocacy of secession suffered the fate of one born out of due time.

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2 Two publications that should know have not agreed upon a date for the founding of the Secession League. The *Case of the People* mentions the event taking place in 1925, while the Chandler entry in *Who's who in Australia, 1933*, mentions 1926 as the founding date. The second date would quite likely be supplied by the founder himself, yet the *Case of the People* was approved by Mr. Chandler.

Secession would be a drastic step. The people of the state who had expressed their dissatisfaction with the operation of the existing constitution to the Disabilities Commission had every reason to believe that an opportunity would soon be presented for them to strive for a redress of grievance. There had been talk in the political circles of Australia of the calling of a National Convention to review the Commonwealth Constitution; talk that was both a stimulant to and an outcome of the general discussion of the desirability of some constitutional change. Hopes for such a convention were shattered when, in a policy speech delivered at Dandenong, Victoria, on October 5, 1925, the Prime Minister, Hon. S.M. Bruce, announced that his government considered the summoning of a constitutional convention impractical, but suggested that the Commonwealth Parliament be convened in special session for the purpose of reviewing the constitution.

The session was never held. Nevertheless it cannot be said that the Bruce-Page ministry ignored completely the widespread feeling that the Commonwealth constitution was in need of amendment. Certain sound preliminary steps were taken. On August 18, 1927 seven of His Majesty's trusted and well beloved subjects residing in Australia were commissioned "to inquire into and report upon the powers of the Commonwealth under the Constitution and the working of the Constitution since Federation; and to recommend constitutional changes considered to be desirable;..."

4 Australia, Royal Commission on the Constitution, Report, p. v.
The investigations of the commission, extending over the remainder of 1927, all of 1928, and well into 1929, tended to retard the advocacy of withdrawal from the federation when the possibility still remained that the existing polity might soon be improved upon.

Throughout this study of secession the existence of two separate and distinct attitudes must be recognized. That of the ordinary citizen of Western Australia, loath, as is every citizen, to pay taxes to any authority, and chiefly concerned with his own prosperity, and that of the state politician, the zealous guardian of the state's prerogatives against the encroachments of the Commonwealth authority. Thus, although during the prosperous years the private citizens of the state were unready to take part in any movement designed to disrupt a not uncomfortable status quo, state politicians during the same period were acquiring fresh grievances against the federal government. Government finances, which, to a large extent, means taxing power, again constituted the question over which the leaders of the Commonwealth and state governments chose to disagree. The attitude assumed by the Bruce-Page ministry concerning the preliminary Premiers' Conference, the States' Grants Bill, and the 1927 Financial Agreement was not one that would conciliate the leaders of the states. Mr. Deakin's prophecy of 1902 was coming true. Exercising the power of the

5 v. supra, pp. 49-50.
6 v. supra, p. 45.
purse the Commonwealth government, after failing to secure
assent to its policy in the 1926 Premiers' Conference, merely
cut off the states' allowances, in the form of the per capita
grants, then graciously permitted the negotiation of a new
agreement, after the states had been brought to see the error
of their ways.

The threat implied in the States' Grants Bill was felt
particularly in Western Australia. Returning from the 1926
Premiers' Conference the Labour premier of the state published
a pamphlet in which he deplored the Commonwealth Government's
tendency to strive for added powers and came out strongly for
"States' Rights".

"The Federal Government is endeavouring to obtain powers
which the framers of the Constitution explicitly and
deliberately decided it should not possess... . The
States must, therefore, strenuously resist the proposed
federal encroachments, because the ultimate and inescap­
able alternative is the loss of the State's sovereign
powers." 8

The opposition to the Nationalist-Country Party Common­
wealth government's policy was by no means confined to state
politicians of Labour sympathies. The most outspoken critic
of the federal policy was the Nationalist, Sir James Mitchell,
the then leader of the state opposition. In a speech warmly
commended by the premier he stated;

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7 Although all three major political parties were repre­
sented, and most of them were government supporters, all five
W.A. members in the House of Representatives opposed the States'
Grants Bill in 1927. Four of them voted against it, and the
fifth was paired. Commonwealth Parl. Debates, vol. 115, March
10, 1927, p. 309.

8 Collier, P, Per Capita Payments -- Constitution Alter­
ations -- Federal proposals criticised by Premier, Perth, Govern­
ment Printer, 24 June, 1926, as quoted in Case of the People, p.412
"I am concerned about the future. After 25 years' experience of Federation and finding that it is not satisfactory, that it is hampering rather than helping us, that neither in the spirit nor in the letter is the Constitution obeyed, that none of the things we were told would happen has happened, and that practically all the things we were told would not happen have happened, I do not know why we should continue under Federation unless we get a better arrangement under the Constitution."

During the same speech an exchange occurred between Sir James and the premier which casts some light both upon the importance of business conditions to the growth of the secessionist sentiment and on the attitude of the state politicians. Sir James was referring to the familiar theme that it was the primary producers of export crops who ultimately pay for the Australian protection system.

Hon. Sir James Mitchell: For the farmers there will be no escape: they will have to shoulder the full force of the Federal indirect tax and the full force of the direct taxation as well. This, too, in a country of primary production, not of manufacturing! Obviously the primary producers will have to pay the piper.

The Premier: They get both barrels.

Hon. Sir James Mitchell: ... The Almighty alone knows how the farmers will shoulder this burden of taxation. ... If the price of wheat and wool were to slump, I do not know what would happen.

The Premier: That would upset their calculations as to our incomes.

Hon. Sir James Mitchell: And if that happened who would suffer most?

The Premier: The State would go to pieces.

Hon. Sir JAMES MITCHELL: Of course. We must not take the risk.

The PREMIER: I think we would be entitled to go to any length in resisting it.

Hon. Sir JAMES MITCHELL: ... In my opinion there are two countries in the world suffering today -- China and Australia. China is suffering because there is no government at all.... On the other hand, Australia has too much government.... The State Parliament is enough. With our population we can attend to our development; yet 250,000 people were foolish enough to say they wanted another lord."10

"If the price of wheat and wool were to slump .... The State would go to pieces". This fact was recognized by many throughout the years of plenty. The state politicians chafed under the restrictions to their borrowing which were imposed by the Loan Council. The Royal Commission on the Constitution slowly travelled across the country, building up a record of 198 sittings; in one of them hearing Prof. E.O.G. Shann, of the Department of History and Economics of the University of Western Australia, outline his theory that there were two distinct geographic and economic units in Australia and never the twain should have federated. But throughout the period the theme remained the same. As long as good times remained the Western Australian primary producers would not complain too heatedly of the disabilities from which they were suffering, but,

11 v. supra, p. 50
12 Royal Commission on the Constitution, Minutes of Evidence, Nov. 16, as quoted in Case of the People, pp. 419-26. On March 9 Mr. Chandler had again repeated his assertion that Secession was the only cure for Western Australia's difficulties.
as Hon. Henry Gregory informed the members of the Commonwealth House of Representatives; "Western Australia is most emphatic in its statement that there must be a big reduction in the tariff... if the price [of wheat] to the Australian grower falls to about 3 s. 6 d. or 3 s. 8d. a bushel, or if there is a bad harvest the cry for separation in Western Australia will be difficult to stop."

When Mr. Edward Riley interrupted Mr. Gregory at this point with the query, "Does the honorable Member blame the tariff for that?" The Western Australian replied with the general statement that, "Under the tariff and the Navigation Act the people of Western Australia have been robbed long enough by the people of Melbourne and Sydney".

Western Australians might not logically be able to blame the tariff for a decline in wheat prices, but such a decline would render the producers less able to pay tariff-heightened prices for their necessities. A decline in the monetary return from the sale of the state's export crops would produce the

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Hon. Henry Gregory, Nationalist member for Swan in the House of Representatives, was one of the most tireless advocates of Western Australian interests in the federal capital. He and the Country Party member for Forrest, Mr. J.H. Prowse, were more truly states' representatives than most of the senators. It is significant that Gregory, along with the two most active states' rights advocates among the Western Australian senators of the period, Hon. E.B. Johnston and Hon. Sir Hal Colebatch, held important offices in the state government before transferring to the federal arena. Gregory was acting premier of W.A. 1910-11 while Sir Hal was premier during 1919. Although Mr. Prowse did not enjoy the same early experience in state politics he had served a term in office as mayor of Perth.

necessary frame of mind among Western Australians to allow them to consider the adoption of extreme measures to remove their grievances.

And so the years of prosperity rolled on. The state's treasurer received his monthly cheque from the Commonwealth covering the requisite quota of the £300,000 per annum special grant. The average eastern Australian was comfortably unaware that fellow-countrymen in the far west did not subscribe to the same dogmas as he did. Secession talk was not taken seriously. Mr. Gregory might inform the House that, "There is in Western Australia a strong and growing feeling against federation, and I believe that if the question were submitted to a referendum the majority of the people would vote for secession" or "We can build up a prosperous State, but we may have to do it alone, and not as part of the Federation," but his fellow members were not overly impressed. The attitude of an eastern Australian to the secessionist agitation, of a Western Australian to

15 v. supra, p. 74.
17 ibid., p. 4236.
18 The only member from "T'otherside" whose interest seems to have been stirred by the western members' exposition of the disabilities of their state was Victor Charles Thompson, representative of New England, N.S.W., who asked the Minister of Trade and Customs for information concerning the amount of customs and excise duties collected in Western Australia for the previous two years; the total of payments, including per capita grants, special subsidies, pensions, etc., made to the state by the Commonwealth during the same period; and the total interstate trade of W.A., including the principal items of trade. Commonwealth, Parl. Debates, question asked, March 15, 1927, p. 408; answered March 18, 1927, p. 683.
same, and of a lay observer to the evidences of Western Australian prosperity are all revealed in the following exchange of pleasantries between Mr. Prowse (Farrwest, W.A.) and the member for Wakefield, S.A.:

Mr. J.H. PROWSE: Honorable members are aware that there has been talk of secession in at least one of the States. This is not because the people there are anti-British or antagonistic to their fellow citizens. They are as loyal as the people in any other part of the Commonwealth.

Mr. R.W. Foster: The secession talk is all "bunkum"

Mr. PROWSE: It may be, but if irritating and unfair conditions are allowed to continue for any length of time no one will be in a position to say that the complaint is unreal or even "bunkum".

Mr. Foster: People are flowing into Western Australia from every part of the Commonwealth. ... They are very prosperous over in that State.

Mr. Prowse: Because they are doing their proper work. ... It would be possible to develop that great State much more rapidly if the people there could get that £2,000,000 which they have lost through being compelled under federation to trade with the eastern States.19

Mr Prowse's statement concerning loyalty is indicative of the attitude observed by the secessionists throughout their campaign. The still did not want to look to Australia. They wanted to look to Britain. Mr. Foster's reference to the influx of population to the state serves as a reminder that the state was prospering in the federation and, although it remained geographically isolated, a goodly proportion of the people of the state had, at some time in their lives, been in other parts of the Commonwealth. In 1927 Mr. Prowse was not ready to assert that the talk of secession was not "bunkum". He would merely state

that Western Australia was suffering from disabilities which could, if not relieved, lead to a serious situation. His statement was, two years later, substantiated by the report of four independent British business men who, at the invitation of the Australian government, had made a survey of the economic life of the Commonwealth. These apparently disinterested observers reported that

"... we have been strongly disposed to the view that the combined operation of the tariff and the Arbitration Acts has raised costs to a level which has laid an excessive and possibly even a dangerous load upon the unsheltered primary industries which, having to sell in the world's markets, cannot pass on the burden to other sections of the Australian community, and, consequently, as between the various States, upon those, notably Western Australia, South Australia, and Tasmania, which are poor in manufactures and are principally concerned with primary production."

To which statement they appended the footnote:

"We are aware that the disabilities under which these States suffer are recognized by the Commonwealth Government and that substantial subsidies are paid by the Commonwealth to Tasmania and Western Australia while the question of granting a similar subsidy to South Australia is under consideration. These subsidies, however, can only be regarded as palliatives of a system with which there is something amiss."

Such an endorsement from authorities outside the Commonwealth, combined with similar sentiments expressed by the lead-

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20 The British Economic Mission was an outcome of a request made by the Australian government at the 1926 Imperial Conference that the British government name four independent businessmen who, subject to their approval by the Commonwealth government, were to constitute a committee to investigate the Australian economic situation. The committee arrived in Fremantle on Sept. 25, 1928 and completed their investigations and submitted their report to the Commonwealth government by Jan. 7, 1929.

ing Australian economists in their semi-official report, *The Australian Tariff*, gave the lustre of expert endorsement to the secessionists' contention that Western Australia was suffering undue hardships because of the protective policies of the Commonwealth government.

During the same year the Royal Commission on the Constitution submitted their report, wherein the majority of the commissioners favoured amendments resulting in increased powers being assumed by the federal government, with the sole Western Australian on the commission, Sir Hal Colebatch, being its single member stoutly defending, and even advocating an extension of, the powers of the states.

As the years of plenty drew to a close there appeared to be no chance of redress through constitutional amendment for the grievances of Western Australia. The fiscal policy which was acceptable to the more populous section of the continent did not suit the state. The stage was set for a violent reaction in Western Australia if the primary producers found that the world price for their products was such that they could no longer pay with ease the additional costs which resulted from the state's association with the Commonwealth. Everything depended on the world price of wheat and wool, and the date was 1929.

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The study, carried on by a select group of the leading economists of the country, was suggested by the Commonwealth Prime Minister.
CHAPTER SIX

The securming of the referendum.

The Great Depression's impact was severe throughout the Commonwealth. The prosperity of the continent had been based on easy loan money and a high world price and demand for wheat and wool. The statement that all Australia was riding on a sheep's back was still at least half right. With the sudden restriction of credit and the drop in the price of raw materials the economy of the entire country was disrupted. The protected industries found that tariff walls could not compensate for the fact that the primary producers, the ultimate consumers of their products, were no longer the possessors of the same purchasing power as had been the case in the more fortunate years gone by.

The depression hit Western Australia with especial severity. The state's roll of unemployed could not match that of industrial New South Wales, but the actual problem faced by producers, dependent upon a world market that had suddenly vanished, was very real. The fears which had been voiced by Sir James Mitchell and by Henry Gregory had become a horrible reality. The price of wheat had collapsed.

However one viewed the situation it was serious. Nevertheless two different viewpoints must be noted. The first reaction of a producer was that somehow he must maintain his

1 The importance of these elements in Australia's prosperity are fully brought out in Chap. I., "Basis of Australian Prosperity, 1925-1929", pp. 9-27, in Copland, D., Australia in the World Crisis, 1929-1933, Cambridge, University Press, 1934.
income. If two or three bushels of grain must be produced to net the same return as was previously obtained from the sale of one such increased production must be accomplished. When the same overproduction elsewhere resulted in a world price which was below the Australian cost of production he then looked for means of cutting his production costs. One of the most obvious methods of thus effecting cuts in his costs would be by purchasing the manufactured items necessary for the operation of his farm at the depressed prices prevailing on the world market. The Commonwealth tariff prevented him from so doing. In keeping with trends elsewhere the Australian tariff shot up to protect home industry. Other countries, anxious to sell their goods, began to buy only where they could sell, thus further restricting the outlets of the Western Australian producers, and increasing the irritation felt by these producers toward the Commonwealth government and its nefarious tariff.

A different problem was faced by the members of the state government. Governments require money in order to function. The depressed prices being paid producers meant that the same producers were less capable of paying state taxation. The income tax, a primary source of state revenue, was particularly hard hit. Practical politics prevented state expenditures being pared below a certain level while the same brand of politics prevented tax rates exceeding a given level. The most obvious means of making up the difference between projected expenditure and anticipated income was by means of an increased grant from the Commonwealth government which, up to this date, had always been embarrassed
with surplus revenue. No Commonwealth Prime Minister was to find himself held solely to blame for the Depression, as did the unfortunate Mr. Hoover, but, as an institution, the Commonwealth was to provide a convenient scapegoat.

The April, 1930, state election in Western Australia resulted in the defeat of the Collier Labour government -- a defeat which could at least in part be attributed to its taxation policy -- and its replacement by a Nationalist-Country Party coalition under the leadership of Sir James Mitchell. Sir James was representative of one of the types that predominated in the secessionist movement. He was born in the state (in 1866), the son of a landholder. The attitudes of the extensive landholder were whole-heartedly shared by him. During his first tenure of office as state premier, 1919-24, he had inaugurated an ambitious scheme of assisted immigration and group settlement of Britons from the "Homeland." The best of intentions were not sufficient to counter the unfortunate choice of land and settlers which rendered the scheme an expensive experiment. His upbringing and later training and experience in state government had all combined to produce a man whose attitudes were those suited to the leading of a movement for secession. His loyalties were to Western Australia, the land of his birth and the state which had offered him its choicest political rewards, and to Britain, "Home." The Commonwealth, the government which protected industries and subsidized the producers of many uneconomical products but pro-

vided only hindrances to the wheat farmer and the pastoralists, his sort of people, could claim but little of his allegiance. In politics he bore the "Nationalist" label, but political names must not be accepted in their literal meaning. Sir James was no Australian Nationalist.

Although his early sympathies were shown by his vote in favour of the 1906 Secession Referendum Motion, no overt secessionist sentiments can be traced to Sir James during his 1919-24 premiership. Mention has been made, however, of an expression of extreme dissatisfaction with the federal bond which he uttered while Leader of the Opposition in 1926. When he was again called to the premiership in 1930 at a time when the decline in export prices that he had feared had taken place he lost no time in taking extreme measures.

The Bent Memorial Hall in Perth was packed on the evening of Friday, May 23, 1930. A meeting was being held there under the chairmanship of Sir James Mitchell, the recently elected premier, while other distinguished public men, including the Lord Mayor of Perth (Alderman A.T. Franklin) and Senator Patrick Lynch were on the platform. After the main speaker of the evening, Hon Arthur Lovekin, M.L.C., had addressed the capacity

3 Case of the People, p. 388

4 V. śūdra, pp. 85-6.
Sir James was even more explicit in the matter of secession in another statement made on the same date:
"There is nothing that we can do that we cannot undo if we go the right way to work. It will be slow business, and I do not know where we shall find men with sufficient money and leisure to devote themselves to undoing the Federal knot. I should like to see this country free." Quoted in Case of the People, p. 383.
audience on the harmful effects which federation had wrought on the state of Western Australia, stating that secession could be legally and constitutionally accomplished, a resolution was moved by Mr. R.S. Sampson and seconded by Mr. H.A. Griffiths, both Country Party members in the Legislative Assembly;

"This public meeting of citizens of Western Australia pledges itself to the support of a movement for the creation of a Dominion of Western Australia, and urges the government to give the people an opportunity of deciding the issue by referendum."

The resolution could not be put to the question, owing to a clause in the terms under which the hall had been leased prohibiting political meetings. To quote from the newspaper report, however, "... but the temper of the audience, which applauded every mention of secession made it clear that it would have carried by a large majority."

The time seemed to be ripe for the secessionists to make their great drive. The temper of the people, bewildered at the sudden drop from prosperity into depression, had made them ready and willing to accept any proposition for change that was persuasively put forward. The present situation could not be tolerated. It was time for a change. At last the secessionists had the co-operation of the state premier. The great opportunity

5 Mr. Sampson represented Swan and Mr. Griffiths Avon, both farming districts in the south-west.

of Mr. Chandler and his faithful disciples was at hand.

True to the Australian tradition, a league was formed. By July, 1930 the Dominion League of Western Australia was fully launched, and its slate of officers chosen. Alfred Chandler, the prophet of secession, was, of course, its president, while Arthur Lovekin, the main speaker at the May 23rd rally was vice-president. The League's most valuable acquisition, however, was a previously unknown and comparatively youthful man. Mr. H.K. Watson was a clerk in the Federal Taxation Department at Perth when he was hired as paid organizer of the new League, being given 6 the executive position of Chairman. Such was his energy that from a very early date it was he, and not Alfred Chandler that was considered the heart and soul of the secession movement.

There was no doubt in the minds of the League executive that they had the support of the premier, for not only had he acted as chairman at the May 23rd rally but, on June 27, 1930 he had written a long letter to the Hon. Arthur Lovekin, then engaged in the organization of the League, in which he outlined his appraisal of the value of the new association. The letter is significant in that it reveals two facets of Sir James' nature. Sentimentally he was in favour of complete secession; as a practical politician he was interested in using the secessionist agitation to secure concessions from the federal government. His letter started with the statement;

"The movement for secession is provoking considerable interest not only among our own people, but throughout the

6 Letter, Thomas Dunbabin to writer, August 6, 1948.
Commonwealth. Our wish is to be free of Federation. If we cannot get our freedom quickly, we must strive as a first step to secure a reduction in Federal taxation, and of tariff duties, for it is imperative that immediate relief be obtained.

"... the disadvantages of Federation are too great to be supported by the earnings of our people. This year, I have no doubt, Federal, State, and local government taxation will absorb at least 25 per cent. of the gross production of wealth which, of course, is far too heavy a burden for a country like ours.

"... Money, instead of becoming cheaper, has become dearer and at present is almost unprocurable.

"This is a very serious matter for a young, primary producing State vitally dependent upon lean money for the development of its resources. If Western Australia were free to manage its own affairs, as it did for a brief ten, but exceedingly prosperous years, from 1890-1900, we should have no difficulty in borrowing the money we need on terms as favourable as those enjoyed by New Zealand. ...

"It would be wise to join with South Australia and Tasmania in holding a conference, which should impress upon the Commonwealth Government the need for returning to the original intention of Federation. ... an immediate reduction in taxation, and, particularly, that the Commonwealth should abolish any overlapping of State activities. ... In these directions I see a possibility of the smaller States securing the relief of which they stand so badly in need.

"I realize that there is a considerable volume of public opinion in favour of a straight-out fight for Secession. Such a fight would entail a terrific amount of work ... but it would not be an impossible task if the people interested would only come together and share the burden. ...

"There can be no turning back until we get substantial relief or freedom. ... In consequence of our having entered Federation, our lives are more or less controlled by Eastern States people, some of whom have never seen Western Australia, and some of whom have scarcely heard of it.

"It is my fervent hope that the Dominion League of Western Australia will determine upon a definite line of action to fight, firstly for immediate substantial relief which is imperative, and secondly for Secession. ...

"... You may depend upon me to help in every way possible, but you will realize that the duties of office
are too exacting to permit of my giving as much time as I could wish to the movement at present." 7

Sir James, then, was not an all-out secessionist in 1930. Primarily he seemed interested in using the movement for bargaining purposes in securing larger grants from Canberra. Yet his later conversion to immediate secession cannot be considered insincere. The conflict of interests involved was not unique with Sir James, but in few of the chief actors in the movement did both sentiments appear as genuine as those motivating the premier. Sir James had long held secessionist convictions, and, seemingly, even when the more practical considerations of securing immediate relief were occupying his attention, the ideal of eventual separation was never completely ignored. In most of the leaders of the secession movement one or the other of these sentiments held a definite ascendency. Most of the executive officers of the Dominion League appear to have been sincere secessionists, but much of their support came from Western Australians who either were not anxious to remove their state from the Commonwealth, or were convinced that such a removal could not be accomplished in a peaceful manner, but who recognized the value of an active secessionist movement as being useful in their endeavour to secure better terms for their state from the Commonwealth government.

As the May resolution suggested, one of the first tasks of the Dominion League was to secure the passage through the state

7 Mitchell to Lovekin, June 27, 1930, quoted in full in Case of the People, pp. 385-7.
8 V. supra, p. 96.
parliament of a bill authorizing the holding of a referendum on the question of secession. Public opinion, therefore, had to be organized, both to present a widespread demand for the referendum and to secure a favourable result when the ballots had been cast and counted. Speakers and organizers were sent out from Perth; meetings, with the Union Jack prominently displayed and the National Anthem enthusiastically sung, were held throughout the country; local branches of the Dominion League were established; members of the district road boards, the only representative bodies in the large areas of the state which had not been municipally organized, were particularly canvassed in the search for proselytes. By November of 1930 the League considered itself sufficiently well organized to send a deputation to Sir James requesting a early referendum on secession.

The secessionists were rather unfortunate in their timing. Mr. Scullin, the Labourite who had succeeded to the Prime Ministership of the Commonwealth with the defeat of the Bruce-Page ministry in 1929, had, by the end of 1930, been won over by the deflationary school of Australian economists in his efforts to fight the depression. Wages, and interest on internal loans were cut. The Australian pound sank to £130 5s. for £100 Sterling. The main features of this deflationary program, as adopted by the Conference of state Premiers, caught the imagination of the Australian people, the great majority of whom were ready to "give the Premiers' Plan a chance". The depreciation of the Australian

9 With Britain's abandonment of the gold standard in September, 1931 the Australian pound was pegged at the ratio of 125 to 100.
pound gave the Western Australian producers a definite advantage on the British market and the producers' loyalties lay with the party that could find markets.

The action of Mr. Scullin, which was to prove beneficial to his country, but disastrous to his government, was not the only external influence obstructing the Dominion League's efforts to bring forth two Dominions where but one existed before. Late in the day some members of the state parliament began to realize the implications of a proposed act of the British parliament which was intended to give statutory form to certain resolutions agreed on at the Imperial Conference of 1926 and later conferences.

On June 3, 1931 the leader of the government in the Legislative Council, in answer to a question, assured the Hon. V. Hamersley (East) that the state government had protested "against the inclusion in the contemplated Act of Westminster of any provision that may make it more difficult for Western Australia to secede from the Federation." The protest mentioned had been sent to the Commonwealth Government, along with protests from other states. Far from ignoring these protests the Commonwealth government had moved to secure amendments in the proposed statute favourable to the states' concept of the sovereignty.

The Western Australians were still not satisfied, however. On July 28 a motion protesting the passage of the statute was introduced in the upper house of the state. The debates in both houses which followed reflected the fear of some of the secessionists that the legislation would bar appeal for redress from the states

to the Imperial Parliament. The protest was adopted. Its transmission to London, foreshadowing the method adopted by the secessionists on their petitions and address for severance, caused the Commonwealth prime minister to complain:

"The Parliament of Western Australia adopted a resolution in opposition to the proposed Statute of Westminster and the Commonwealth's first knowledge of it was in a communication from the United Kingdom stating that it had been conveyed to the British Government. We had thought that we might have been communicated with simultaneously with the Imperial Government."

The solo protest did not effect any change in the statute, but it did indicate the independent attitude of the Western Australian parliamentarians. Later, in the heat of the secession campaign, the fears which had been expressed at this time concerning any possible limitations on Western Australian "sovereignty" which might have been imposed, reinforced, or suggested by the Imperial statute were forgotten.

The Dominion League continued its campaign to counter any pro-federalist sentiment such as that which might be traced to the favourable results of the Premiers' Plan. On August 4, 1931 the Dominion League held its first state-wide convention. Present were two hundred delegates representing the fifty-five local branches of the League throughout the state and from various state local governing bodies. Before closing the meeting the convention pledged itself to continue the campaign "Until the citizens of Western Australia, as a united body, assert their determination to save the State and its people by declaring with an overwhelming majority their desire for complete separation

from the control of the Commonwealth, and for a return to the status of a free community in the British Commonwealth of Nations". The resolution was a confession that more educational work was required before the majority of Western Australians would permit themselves to be converted into secessionists.

At least one organization had come out strongly opposed to the Dominion League's program. The Australian Natives Association issued a nine point declaration designed to demonstrate the futility of a referendum on secession. Nor was the metropolitan press favourable to the League. The Sunday Times had continued its advocacy of secession, but the two daily papers of the state, the Perth Daily News and West Australian, both of which were at least partially controlled by out of state capital, were opposed to any severance of the federal link. The

13 Proceedings of the Dominion League Convention, 4th August, 1931, pp. 13-14, as quoted in Case of the People, p. 388
14 v. supra, p. 28, n. 5.

The "A.N.A." as it is usually known, does not seem to have been particularly strong in W.A. No references have been found by the writer of the Association's activities in the later stages of the secession campaign.

15 The points were quoted by Hon. W.D. Johnson (Labour) W.A. Parl. Debates, Nov. 25, 1931, p. 5473. They may be summarized as follows:

i. Referendum futile -- Secession could be effected only with approval of the people of the whole of Australia.

ii. Referendum would create disruption at critical period.

iii. Abnormal times prevent taking of dispassionate vote.

iv. Necessity of gathering authentic information and statistics before referendum.

v. Danger of raising false hopes.

vi. During period of national reconstruction inopportune for one state to press its own claims against national interest.

vii. Secession agitation might endanger national credit

viii. Agitation merely of a transient nature -- due to world-wide depression.

ix. Forthcoming (December 1931) federal elections provide opportunity of voicing opinion.
rural press was more favourable. It was, indeed, with the readers of the rural press that the Dominion League had already scored its first successes. The 1931 conventions of the Primary Producers Association and the Wheat Growers Union both passed resolutions favouring the enactment by the state parliament of a bill to permit the taking of a referendum on the question of secession, the former after a heated debate, the latter, unanimously. These were the two associations which represented that substantial body of state citizens who suffered most from the world-wide depression and from the Commonwealth protection policy. The motion of support voted by the convention of the Retail Grocers' Association might, therefore, be considered a slightly better commendation of the persuasive powers of the League's speakers, while, from a point of view of immediate political utility, the favourable resolutions passed by the Municipal Association and the state Nationalist Party in their most recent annual conventions must be considered most important.

And how had these converts been won? The high points of the Perth campaign had been a large rally in the city's major theatre, His Majesty's, an open air meeting in Pier Street, and three luncheon hour addresses in the Town Hall, the last of them being headlined by a speech from the very active Mr. H.K. Watson. Outside the metropolitan area the League's message had been spread by evangelists sent out from Perth, by sympathetic local editors of locally owned papers, and by such activities as those of the Dominion League enthusiasts on the Katanning Road Board who had circularized the other road boards urging that common action be
taken in securing the desired secession referendum.

The first move in parliament had been made prior to the August 4 convention of the Dominion League. On May 20, 1931 H.W. Mann (Nationalist, Perth), admitting that he did so at the request of the Dominion League, introduced a resolution:

"That in the opinion of this House the Government should introduce a Bill to enable a referendum of the electors of Western Australia to be taken on the question: 'Are you in favour of Western Australia withdrawing from the control of the Commonwealth Government and assuming full Dominion status within the British Empire?'"¹⁷

A vote was not taken on the resolution until August 11, by which time the wording had been changed, at the suggestion of the government, to "Are you in favour of Western Australia withdrawing from the Federation?". A number of the members of the Labour opposition expressed doubt about the ability of the state being able to withdraw from the Commonwealth, their doubters' ranks being joined by the Hon. T.A.L. Davy, the Attorney-General of the Mitchell Government. The resolution, since it had been introduced by a private member, was not a government measure. Nevertheless the voting (21 to 14 in favour of the resolution) was along party lines, although Hon. Davy did forsake his cabinet and party colleagues to vote with the Labour opposition.

Governments do not always consider themselves bound by resol-


¹⁷ ibid., May 20, 1931, p. 3015.

¹⁸ ibid., August 11, 1931, p. 4357.
utions of one house of the legislature. However, in spite of the not inconsequential opposition of Mr. Davy, the Mitchell government prepared the necessary draft legislation. Sir James Mitchell introduced the Referendum Bill for its first reading on November 18, and moved its second reading the following day. The debate on the second reading was continued on three days with the Labour members in their speeches stressing the expense that must be incurred by taking such a referendum, and, with that fine disregard to reality and long range party policy which is so common to all legislative opposition, extolling the virtues of the Senate, a body which they were pledged to abolish as a States' House, and sufficient guarantee that Western Australian rights could be protected at Canberra. While the government members were stressing the distance that separated Perth from

19 The Mitchell government might have been influenced by the considerations mentioned by Mr. J. MacCallum Smith (North Perth) who, on October 20, asked the premier whether, in view of the imminent action by the federal government to take a referendum on the question of unification and other constitutional changes, he would state when he intended to give effect to the resolution recently passed by the house. W.A. Parl. Debates, Oct. 30, 1931, p. 4611. The unification referendum was never taken, but its threat was very real.

20 The Dominion League had attempted to answer the rather natural complaint that a referendum would involve unjustifiable expense at a time when all available funds should be expended on relief projects by offering to man the polls with volunteer staff from their organization. When the state's chief electoral officer (H. Gordon), apparently wishing to obtain information concerning the availability of low cost labour, sent out a circular dated Nov. 2 in which he asked the district returning officers whether they would be ready to conduct a poll on the question "Are you in favour of Western Australia withdrawing from the Federation?" without pay his action was questioned by Mr. A. McCallum, deputy leader of the state Labour Party. Mr. McCallum was particularly irritated since such a referendum had not, at that time, been discussed in Parliament. Both the Premier and the Attorney-General denied authorizing the circular. W.A. Debates, Nov. 10, '31, p. 5120.

21 v. supra, p. 79, n. 1.
the eastern centres of population and political influence as a good and sufficient reason for the state seceding from the Commonwealth, Labour members pointed out Kimberley was as far from Perth as that city was from Canberra. The question was finally put for the second reading on November 25, with the result, on a straight party division, being 23 Ayes against 19 Noes. The Attorney-General failed to vote.

The Bill went to the upper chamber, the Legislative Council, a body which, in Western Australia, was elected on a restricted property franchise, with seats distributed on the principle of regional representation. The northern and eastern representatives (those furthest from Perth) did not express any great enthusiasm for the projected referendum. So close was the division of opinion in the Council, in fact, that the bill passed its second reading there only by the grace and vote of the president. The members of the Council performed their duties as reviewers of projected legislation by making a number of amendments in the bill. These amendments concerned details of voting procedure but one was quite important since it would have forced the poll to be held within six months of the date on which the bill became law. When, therefore, the Council passed the third reading with a vote of 14 to 11 on December 3, thus returning the amended bill to the Assembly they were presenting a problem which would test the genuineness of the parliamentarians' desire

22 The December 2 vote was tied, 12 ayes, 12 noes. The President of the Council, stating that personally he was opposed to the measure, nevertheless, in accordance with custom, cast an "aye" vote in order to permit the measure to come to a third reading.
to have the referendum actually held. December 4 had been scheduled as the closing day of parliament. Committees were appointed by both houses to confer on the amendments. The Assembly members could not see their way clear to agree on the six month time limit, so the bill was lost.

The fate of the Secession Referendum Bill seems to indicate that the desire for secession had not, by the close of 1931, assumed proportions that made it a political necessity for members to profess support for any measure favouring its accomplishment. Save for the action of Mr. Davy the debate was to a large extent conducted along party lines in the lower house, while the greater emphasis on regional interests in the upper chamber indicated that the outlying sections of the state were not anxious to come more completely under the control of Perth. These facts seem to lead to the conclusion that although the conditions engendered by the depression and the agitation sponsored by the Dominion League had resulted in the stimulation of the hitherto latent separatist tendencies in a sufficient number of Western Australians

23 Hon. H. Seddon, a representative of the North-East in the Legislative Council, proposed an amendment to the referendum bill during the Dec. 2 debate in the upper chamber which would have permitted that portion of the state east of 119 East Longitude and all the state north of the 29th parallel to remain within the Commonwealth if the inhabitants of the area so desired. The amendment was defeated by the narrow vote of 13 to 12. W.A. Parl. Debates, Dec. 3, 1931, pp. 5664, 5683.

Throughout the entire secessionist campaign the advocates of the western state's withdrawal from the indissoluble federal Commonwealth were ever insistent upon maintaining the indivisible nature of the state itself.
to make secession a considerable political force, one that had to be reckoned with, by the close of 1931 the movement had not yet reached such proportions that it could not be opposed. If the secession fever had been at the same intensity in 1931 as it was to reach in 1933 there would have been no failure to come to an agreement on the six month time-limit clause.

The Dominion League was not disheartened by this initial failure to secure the referendum. It intensified its campaign, enrolling more of the leading men of the state under the League's banner of the Union Jack and the Black Swan. Events elsewhere in the Commonwealth were tending to improve the fortunes of the League. There had been a Commonwealth election in December, 1931 in which Mr. Scullin's Labour Government, sadly torn with dissenion and desertion, was defeated by the newly organized United Australia, led by the former Labour leader, Mr. J.A. Lyons and composed of the old Nationalists and those conservative Labourites who had followed Mr. Lyons in his break with Mr. Scullin. The Lyons government took office in January 1932, and was soon concerning itself with an affair which was bound to arouse the interest of Western Australians.

Mr. J.T. Lang had built up a strong state government and political machine in New South Wales which, unlike many governments, appeared to be weathering the depression. A Labour man of rather radical leanings, Mr. Lang drew most of his support from the industrial areas of the state. In April 1931 he had defaulted on the payment of interest on New South Wales government bonds. The Lyons government upon taking office assumed the responsibility
to pay the interest on the state-defaulted debt, acting under its own interpretation of the 1927 Financial Agreement. Doubtless encouraged by the Commonwealth government the state governor accused Mr. Lang of violating the Financial Agreement and, in May 1932, removed him from office.

Most Western Australians disapproved of the Lang repudiation policy as, indeed, did many of the inhabitants of New South Wales, but the action of the Commonwealth government, assuming what state politicians considered to be unexpected and alarming powers by virtue of a financial agreement, frightened them far more. State sovereignty was a concept dear to the heart of a state politician. What was left of state sovereignty was being sorely threatened.

While the Commonwealth government was showing its strength in its passage of arms with Mr. Lang one of the most active of the Dominion League members was making a gesture at Canberra. On September 15, 1932 Hon Henry Gregory informed the House of Representatives that the working class districts of Perth were unanimously in favour of secession; and that the country people of the state were also overwhelmingly in favour of the state parliament taking some drastic action. He dismissed the value of Commonwealth grants and proposed his alternative in the following words;

"We are asked to accept the dole so that we may continue

24 The active distrust of the Lang policy in the hinterland of New South Wales stimulated the "New States" secession movements in these areas with the Country Party playing a leading role. Annual Register, 1931, p.
to produce wealth which ... will find its way back to
the eastern manufacturer. I am asking that Western
Australia should have control of its own tariff for a
period of 25 years, but without the right to impose
duties on Commonwealth products."

When Mr. Bernard Coiser (Wide Bay, Q.) interjected, "Western
Australia might as well leave the Federation," he answered;
"Unless something of this kind is done the people of that
State will desire to leave the Federation." 25

The suggested customs' autonomy was far less drastic than
that proposed in the majority recommendations of the 1926
Disabilities Commission. In his supporting remarks Mr. Gregory
made all the stock Western Australian pleas;

"What we need is a reduction in the cost of production.
Nothing else will help solve our difficulties. Honorable
members must recognize that the West is in a primitive
condition compared with the East, which was developed
when labour and material were from sixty per cent. to
seventy-five per cent. cheaper than they are today. There
are huge areas in Western Australia with latent wealth
awaiting exploitation. There are tens of thousands of
acres of auriferous and other metalliferous country which,
if costs of production were less, could be exploited and
so give employment to tens of thousands." 26

He went on to read telegrams from various organizations,
which were also backing the secession movement, supporting his
motion. Some of these telegrams were so identically phrased
that an uncharitable observer might be tempted to comment that
there were indications that the entire affair might very well

p. 524.

26 ibid., p. 526.
have been the product of the Dominion League's board of strategy.

After the Gregory motion was seconded by the other active Dominion League member in the House, Mr. J.H. Prowse, debate on the motion was curtailed. After the seconding speech the house turned to the consideration of other matters, with Mr. Lyons promising that the reintroduction of the motion would be made government business. Save for one protest by Mr. Gregory ten days later, nothing more was heard of the motion in the house. The government did not reintroduce it for, as the Prime Minister pointed out to Mr. Gregory in a memorandum, "I must point out to you that my government could not see its way clear to support any motion embodying proposals of this character."

The action of the Commonwealth government against the legally constituted government of New South Wales and the example of the lack of consideration shown a Western Australian proposal in the Commonwealth parliament, combined with the results of another year's intensified campaigning by the Dominion League, all enhanced the chances of the Referendum Bill meeting with success when it was again introduced in the Legislative Assembly on Nov. 16, 1932. This time the bill proposed that the refer-

27 The final phrase of the Perth Chamber of Commerce tele-gram, "... Chamber wishes you success as it would provide concrete example fallacy Australia's fiscal policy" is too similar to that of the Pastoralists' Association of W.A., "... point out success would provide concrete example fallacy Australia's fiscal policy" to be mere coincidence.


Endum be taken on two questions, whether the voters were in favour of secession and whether they favoured the summoning of a constitutional convention, the latter question having also been inserted in the 1931 bill through an amendment proposed by the Leader of the Opposition, Mr. P. Collier. In an attempt to circumvent the 1931 Labour criticism of the expense that any referendum would involve it was proposed that it be taken at the same time as the forthcoming state parliamentary elections. Following the practice of federal referenda, voting was to be compulsory.

The members of both houses of the state parliament appeared to recognize that the majority of the state citizens now desired the referendum. The Labour opposition was far less vocal than in 1931. With the alternative question added, and the objection of expense removed the Labour members found themselves confronted with the fact that the referendum was a political device favoured by their party philosophy. Although a true adherent to Labour principles must oppose secession, considering the immediate circumstances it was much easier to "Let the people decide".

The bill was accepted by the Assembly, passing its second and third readings without a division. On December 14 it was transmitted to the Council who passed through all stages in three debates, returning it to the Assembly on December 16 with some minor amendments dealing with the mechanics of taking the poll. On December 21 the Assembly agreed with the Council's amendments. On December 30 the bill, by virtue of vice-regal assent, transformed into an Act of the Parliament of Western
Australia. The first objective of the Dominion League had been achieved. The voters of Western Australia were to be given an opportunity of expressing their views on the question of secession.

Those who had supported the Referendum Bill were not, of course, all ardent secessionists. Two revealing statements were made during the debate on the unsuccessful 1931 bill. The Labour leader, Mr. Collier, made the remark on November 24, 1931;

"One justification for this Bill is to be found in the frequent comment, 'Oh, well, we won't be able to secede, you know, but if we get a big vote in favour of secession, it might make the Eastern States people sit up and take notice.'

It is true that at the time the Labour party was opposing the bill, but there is no reason to suspect that the statement did not reflect the attitude of a large number of the bill's supporters. Hon. J.M. MacFarlane, a representative of the Metropolitan-Suburban district in the Legislative Council, frankly stated on December 3, 1931;

"I am opposed to secession but I support the idea of a referendum. If a large vote is given in favour of secession it will help us to bring about a better consideration of the disabilities from which we are suffering. ... I believe that we can in time overcome the difficulties occasioned by the extravagant manner in which the Federation has been run. I also hold that the secessionists have good cause for their complaints. The referendum would make the rest of Australia sit up and take notice. The other States would be given a lead, and we should then have a much better state of affairs under Federation."

One noteworthy result of this attitude on the part of those who thus opposed secession was the fear that if the referendum were held the result might not be sufficiently in favour of secession to make it a good bargaining point in later negotiations with the Commonwealth government. Many good federalists, thus, tended to become active campaigners for secession. The term, "good federalist", might, of course, be questioned. A reader of the debates cannot help being struck by the absence of any Australian sentiment being betrayed by the speakers. Loyalty to Britain could always be evoked to tide an orator over the weaker spots of his case, but over thirty years of Commonwealth government had failed to produce any apparent Australian national sentiment. Those who supported the continuance of the federal tie used arguments based on materialistic welfare.

Turning to the remarks of the apparently sincere secessionists, the reader notices that they seemingly experienced great difficulty in distinguishing between the -- to them -- self-evident justice of their cause and the constitutional difficulties that might have to be overcome if secession were to be achieved. Their appeal was being made to a depression impoverished people, who were not liable to pause too long in reflection or analysis. Nevertheless it is strange that the secessionists could, unchallenged, paint their picture of the happy Dominion of Western Australia, flourishing on its export trade, enjoying the benefits of a low, almost

32 Hon. W.H. Kitson told his fellow Council members that he had met a gentleman who, with apparent sincerity, maintained that wheat and wool would be fetching higher prices on the world market had the state remained out of Federation. W.A. Parl. Debates, Dec. 2, 1931, p. 5590.
free trade, revenue tariff, while, at the same time, its
projected budget was always computed on the basis of a tariff
similar to that iniquitous Commonwealth levy against which they
were revolting.

The rest of Australia did not immediately begin to sit up
and take notice. Perhaps the first person to take the agitation
seriously was Prof. Hancock who, writing in the first months
of the depression (1929-30) remarked:

"Those Western Australians do not threaten idly; they would,
in fact, secede rather than submit to a central government
exploiting remorselessly all the resources it can legally
command." 34

Few Eastern Australians were able to take as sympathetic a
view of the movement. Senator J.P.D. Dunn, after reading the
newspaper report of the May 23, 1930 rally, quoted the cover­
ing provisions of the Constitution Act, and the oath of
allegiance, and, from these facts reached the conclusion that,
"If the people of Western Australia seriously attempt to cut
the painter they will be guilty of an act of treason in every
sense of the word." The following day another Labour Senator
from New South Wales, A. Rae, unsuccessfully attempted, on a
motion of adjournment, to get the Western Australian Senators
to state their position on the matter of secession. After this
flurry of excitement caused by the opening rally of the secession
movement proper the interest of the rest of Australia in the matter

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33 Such a tariff is discussed in Case of the People, pp. 462-4.
Hon.H. Seddon did mention that the secessionists were not
stressing the increased costs and difficulty the new Dominion would
encounter maintaining customs inspection establishments along its
lengthy new boundary with the Commonwealth. W.A. Parl. Debates,
Dec. 15, 1932, pp. 2479-80.
34 Hancock, op. cit., p. 105 35 supra, p. 96, n.6.
36 C'wealth Debates vol. 124, p. 2192 37 ibid., p. 2279
subsided until the great secession campaign of 1933, in connection with the April referendum, brought the matter back into their attention.

Between May 23, 1930 and December 30, 1932 a projected resolution had been converted into a reality. Part of a hard hit community had adopted secession as its magical means of regaining prosperity; another part of the same community had decided to use it as a means of obtaining better terms from the Commonwealth Government. One party, the Nationalists, had adopted the popular cause of secession in the apparent hope of strengthening their political position. The Labour opposition had found themselves in a difficult position. As a party they were opposed to secession. As a party they were in favour of referenda. The lack of an overwhelming public interest in the measure allowed them to oppose the first attempt to secure a referendum on the question of secession by stressing the expense involved. The success of the Dominion League's activity, aided as it was by external influences, can be indicated by the party's change of attitude when the bill again came up for discussion in 1932. Now they were prepared to "Let the people decide." In the opening months of 1933 many forces were being brought to bear on the people in attempts to influence their decision.
The state parliamentary elections and the secession referendum were both scheduled for April 8, 1933. With the Nationalists and Country Party actively supporting secession and the Labour Party remaining non-committal on the matter, their candidates merely pledging themselves to implement the peoples' decision, it would have been a remarkable occurrence if the non-secessionists had not attempted to organize some sort of association to combat the barrage of secessionist propaganda.

Under the terms of the Secession Referendum Act, 1932, the voters of the state were to be asked to separate questions, each on its own ballot paper. The first question aroused the major interest, "Are you in favour of the state of Western Australia withdrawing from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial)?" whereas the second was the alternative, "Are you in favour of a Convention of Representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such Convention to be necessary?"

No Western Australian would admit that his state suffered from no disabilities. The logical move, therefore, of those who opposed secession, was to support the convention. Such a procedure

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1 Quoted from copies of ballots illustrated in Case of the People, p. 390
was adopted by the Federal League. The Federal League urged the voters to cast their ballots for the convention and against secession while the Dominion League supported secession and discounted the value of a convention. It is perfectly conceivable that a voter might believe it logical and desirable to support both measures, but the marking of both ballots in the affirmative or in the negative would have to be considered as a display of independence. The great mass of the sovereign people might be expected to follow the behest of the Dominion or the Federal League, and cast a "Yes" and a "No" ballot, while the threat of a fine that accompanied the standard Australian voting provisions was fair assurance that the ballots would at least be cast.

The intensive campaign began in February, with a senator and an ex-senator playing important roles in the Dominion League's opening salvos. Sir Hal Colebatch served as the League's lead-off hitter. He had recently resigned from the Senate, where he had never been comfortable, to accept again his old position as Western Australian Agent-General in London. Sir Hal's participation in the campaign meant a postponement of his departure for "Home", while his colleague, Senator Edward Bertram Johnston, was forced to forsake his legislative duties in Canberra in order that he

2 The writer has been able to uncover little information concerning the history or personnel of this organization. He does not know whether it had any connection, save the famous name, with the turn-of-the-century League which had played such an important part in bringing about federation.

3 Sir Hall still clung to the concept of the Senate being a "States' House", and was notable by being its only member who did not attend a party caucus.
might join in the more exciting fight in his home state. Despite their different early background the two men seem to have arrived at similar views on the matter of secession.

Sir Hal had been born in 1872 in South Australia. At the age of sixteen he had entered a newspaper office, serving with various South Australian and New South Wales' journals between 1888-95. He followed the crowds to Western Australia, like Alfred Chandler and Henry Gregory, becoming editor of the Perth Morning Herald in 1904. Rural journalism seemed more agreeable to him, however. In 1905 he became the proprietor of the Notham Advertiser, an acquisition which he retained throughout the period under review. He was, from his earliest years there, interested in the politics of his adopted state. He entered the state Legislative Council in 1912 and joined the cabinet in 1916, after the collapse of the Labour government. For a brief period in 1919 prior to Sir James Mitchell's first assumption of the post he served as state premier. In 1923 he resigned from the cabinet and Council to accept the post of state Agent-General in London, a position he occupied until 1927 when he returned to Western Australia to contest a senate seat in the 1928 elections.

4 The Commonwealth parliament was in session during the whole time that the referendum campaign was in progress in W.A. Were it not for this fact Messrs. Gregory and Prowse would doubtless have played a more active part in the campaign than they did.

Sen. Patrick Lynch, whose presence on the speaker's platform had been particularly noted in the May 23, 1930 secession meeting in Perth, had been appointed President of the Senate after the United Australia Party's victory in December, 1931, and was thereby lost to the secession movement as an active participant.
His was a career of an eastern Australian who had been lured to the western state by its golden wealth. He probably was in favour of federation at the turn of the century, but his interest in state politics had converted him to think primarily of his adopted state. In many respects his story can be likened to that of Henry Gregory, a gold-rush T'othersider turned state patriot.

Edward Johnston, on the other hand, could be likened to Sir James Mitchell, a native son who never broadened his allegiance. He was born in Western Australia in 1880. Although the son of the colonial and state Surveyor-General he himself became a farmer. At the age of thirty-one he was elected to the Legislative Assembly for William Narrogin, a constituency which he represented steadily from 1911-28, being also deputy leader of the Country Party for the last six years. Further political rewards seem to have eluded him, a fact which might have accounted for his decision to resign his state posts in 1928 and to campaign successfully for a senate seat. Although he did not follow Sir Hal's example of refraining from attending his party caucus, Senator Johnston proved to be a far more vocal advocate for Western Australian "rights" than his fellow freshman senator.

Along with these two doughty warriors other able orators toured the state. Speaking under the insignia of the Union Jack and Black Swan they viewed with alarm the tendencies of the

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5 The writer has been unable to find any reference to Sir Hal's attitude at the turn of the century to substantiate this conjecture. He was at least considering the possibility of secession as early as April 11, 1918, v. supra, pp. 60-61. Serving on the Royal Commission on the Constitution, 1927-29 he became the stout advocate of states' rights within the federation.
Commonwealth government, and pointed with hopeful pride to Western Australia of the future, freed from the bonds of the Commonwealth tariff, the Navigation Act, and the Queensland sugar monopoly; flourishing under the protection of the Royal Navy, buying in the cheapest markets of the world, and selling its wheat, lumber, and wool to a world that was merely waiting for Western Australia to dissociate itself from the rest of the Australian Commonwealth before it emerged from the Great Depression.

In his attempts to spread the gospel of secession the Dominion League's Chairman, Mr. Watson, was able to employ two sorts of advocates, the Dominion League's own speakers, and the Nationalist and Country Party candidates. The Nationalists especially were ardent supporters of secession. Sir James Mitchell's government was suffering from the effects of the depression in much the same manner as were governments throughout the world. The state treasury, which had been running a chronic deficit even in the years of prosperity, had been overwhelmed by the demands for special relief projects brought on by depression. Sir James' advocacy of secession had been his sole popular move, so the Nationalist candidates, acutely aware that any attempt to stand on the party record would relegate them to the position of ex-M.L.A.'s by the evening of April 8 endeavoured to divert attention from that sorry subject by stressing secession.

The Federal League was unable to match its rival's array of talent. The Labour Party, the party of unification, was the natural supporter of the anti-secessionists. The alternative referendum question had been suggested originally by Mr. Collier,
but, astute politician that he was, that gentleman had instructed his followers merely to abide by the decision of the electors. The two metropolitan dailies were opposing secession, but their eastern connections made them suspect, giving them far less influence than they might otherwise have exercised.

The Federalists would have to look elsewhere for the effective presentation of their views. Sen. Wm. Carroll provided some assistance by writing letters to the press explaining that, although he was aware that the state was suffering from genuine disabilities, he could not support the secession movement, since he could not see how the state could secede; In his opinion a majority vote for secession would be no more effective than a protest and demand for a modification of the constitution. Unfortunately for the Federalists, letters to the press do not influence voters to any great extent.

Early in March it became apparent that the federalists were going to get their "big name" speakers. Prime Minister Lyons and the Leader of the Government in the Senate, Western Australia's own Sen. Sir George Pearce, were going to lead a federalist speaking tour of the state. The Dominion League did not appear to take kindly to the Prime Minister's interest in their show. On March 10 Mr. Prowse read the following telegram which he had received from the Dominion League head office to the House of Representatives.

"Hope you will strongly resent Federal Government interfering secession referendum. Think it unwarranted

6 Based on the Senator's own explanation of his action, given in Senate, June 7, 1933, C'wealth, Parl. Debates, p. 2137.
and unprecedented to attempt to prejudice referendum authorized by our Parliament. Has Federal Government authority spend money this purpose?"

To which he added his own statement;

"I hope that the Federal Government will not attempt to prejudice the vote to be taken in Western Australia by any undue interference. The referendum is a domestic matter which has been authorized by both Houses of Parliament."  

Such was the attitude taken by a large number of Western Australians. The decision to withdraw from the Commonwealth was to be a purely domestic affair. No interference would be tolerated from the Commonwealth which thus stood to lose one third of its area. So successfully did the Dominion League expound this doctrine that the visit of the federal ministers actually aided the secessionist rather than the federalist campaign.

The Federal party, consisting of the Prime Minister, Joseph A Lyons, Senator Sir George Pearce, and Senator T.C. Brennan (Vic.) left the capital on March 21. Their official schedule called for the federalist campaign being inaugurated with a large rally in Perth on the twenty-seventh, but the Prime minister began campaigning before he even entered the state. When the party was passing through Adelaide he was, naturally, the target for many reporters' queries. In answering these he outlined his views of the question of secession. The parochial attitude

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8 So unpopular was the visit among the great mass of Western Australians that it was commonly reported that the secessionists had assisted in paying them to come. Statement of S.W. Munsie, Minister of Mines in Collier Labour Government, W.A. Parl. Debates, July 25, 1933, p. 84.
must be abandoned in favour of a world viewpoint. Placed in
the larger setting secession would be seen to be a tragedy.
Events in Europe and Asia were far from reassuring. A solution
should be found within the Australian Commonwealth, he said,
adding that if Australians surveyed world affairs they would
realize the absolute necessity of sticking together. To these
remarks he appended what could be considered a penfession of a
penitent: He considered the Commonwealth as one family and if
some members were in difficulty it was the duty of the others
to assist them.

On his way through Kalgoorlie (where he had to change trains)
and on his arrival at Perth the Prime Minister was, by virtue of
his position, accorded civic receptions, at which he warned of
the dangers of voting for secession merely as a protest. The
receptions, though civic, were not necessarily civil. This
fact was brought more forcefully home in the inaugural rally,
held, presumably in His Majesty's Theatre, on the evening of
Monday, March 27. The meeting proved to be one of the most
noisy and disorderly exhibitions in the state's history. The
Prime Minister had difficulty making himself heard above the
uproar of the secessionist supporters who were out to howl him
down. He promised to press for an early calling of a federal
convention to revise the constitution and to discuss the state's
claim of disabilities as a primary producer. A similar reception

9 London Times, March 27, 1933, 12:2
South Australia was also demanding better terms of the Com-
monwealth, a fact that influenced both the reporters' questions
and Mr. Lyons' answers.

10 London Times, March 28, 1933, 13:4

the unfortunate habit of referring to Mr. Lyons as the Premier of
Western Australia.
was accorded him in other centres, while scarcely more friendly welcomes were given other federalist speakers, Senators Pearce and Brennan, former Senator Walter Kingsmill (the Western Australian who had served as leader of the Labour Party in the Senate and, during the Scullin administration, had been president of that body), Hon W.M. Hughes, the wartime Prime Minister of the Commonwealth and early exponent of the need of a new constitutional convention, and Mr. Hill, the Agent-General for South Australia, another state that was agitating for better treatment from the Commonwealth.

The hostility of the natives could in part be explained by their theory that the question of leaving the Commonwealth was a private affair which should not be a matter of concern for Commonwealth authorities, unless, of course they wished to support secession. Another reason, which robbed the federalists of a substantial number of votes which would logically have been theirs, was the fact that all the states' distinguished visitors, Messrs. Lyons, Brennan, Hughes, and Sir George Pearce (who can be considered little more than a visitor) had at some time in their political careers been attached to the Labour party and had left it, not without political advancement for themselves. As Prof. Beasley has written:

"The confirmed Labour voter loves not a renegade, which was the label he attached to the visiting orators; and he reasoned things out to his own satisfaction by saying that, if these deserters to the Labour cause thought

12 Mr. Hughes characterized the secession movement as "A crude and futile expedient". New York Times, April 9, 1933, 15:3.
federation a good thing, it must have little to recommend it to a genuine Labour man. The visit of the federal politicians, as a prominent member of the Dominion League afterwards confessed, was regarded as being worth at least 20,000 votes to the cause of secession.\textsuperscript{13}

Such was the result of the state Labour Party failing to give a lead to its supporters. Walter Kingsmill's personal appeal was of little value. He was damned from the company he kept on federalist platforms, and from the fact that he was compromised from having held federal offices.

In this manner the voters of the state were prepared for the referendum. The Dominion League's speakers painted a rosy word picture of the future independent Western Australia. Whenever a federalist attempted to introduce a certain note of chilling reality into the discussion by questioning the practicality of their dreams of effecting secession, the hyperloyalty of the Dominion League members was liable to be offended. Thus, when Mr. Lyons was reported to have made the statement in Albany that if a petition for secession were presented to the King "His Majesty, the King, would tell Western Australia that a charter had been given to the Australian people at the time of federation and that Britain would not interfere with the affairs of a nation that had its own Constitution," the incident provoked from Senator Johnston the comment that Mr Lyons' remarks, dragging the King's name into party controversy, deeply offended the loyal people of the state who regarded it as a constitutional outrage; "His Majesty's name unfairly and disloyally

\textsuperscript{13} Beasley, F.R., "The Secession Movement in Western Australia" in \textit{The Australian Quarterly,} No. 29, March, 1936, p. 32.
brought into dispute with possible dangerous results."

What can reasoned argument avail against passion? Especially when the inciters of the passion were able to draw on the long list of very real grievances which Western Australia had acquired through her thirty-three year association with the Commonwealth and the defenders of reason were able to confess only that in the past they had left undone those things which they ought to have done, but that they had now seen the error of their ways.

As polling day drew near, and sweet reason proved unavailing, the Prime Minister adopted what could be interpreted as a threatening tone. Speaking early in April he is reported to have said;

"It should be clearly understood that while the Commonwealth is prepared to treat with Western Australia, as part of the Commonwealth, and to discuss such matters as a convention and a means of fixing State grants, an entirely different position would arise if there were a vote in favour of secession and any Government or Parliament of Western Australia should take any steps to put such a decision into effect. If, unfortunately, such a position should arise all questions affecting Western Australia would have to be considered from a new point of view, and it would not be possible to treat the State on the same footing as those which continued to recognize their duties to one another and to the Commonwealth."

Considering the state of mind of the Western Australian voters, such remarks were not likely to win friends or supporters.

On April 8, 1933 the voters of Western Australia, mindful of the fine which would be incurred by their failure to do so,


No indication was given by the Senator concerning the whereabouts of the Prime Minister at the time of making this statement. Mr. Lyons, returning from his W.A. trip, was speaking in Adelaide on April 3, London Times, Apr. 4, 1933, 15:4.
visited the polls to cast their ballots for the candidates for membership in the state parliament and for the two referenda questions. The results of the election would have confirmed Dean Swift in his belief that the Yahoos were devoid of the exercise of reason, although the contradictory sentiments expressed in the polls were more apparent than real. Sir James Mitchell and his Nationalists, the most vocal advocates of secession were repudiated by the voters, Sir James and two of his cabinet ministers meeting personal defeat. The Country Party, whose political philosophy added a ring of sincerity to their advocacy of secession that was missing in that of many of the Nationalists, barely held their seats, while the Labour Party, the party of politic silence on the all important question of secession, added the lost Nationalist seats to their own to sweep into power with a comfortable majority.

While the voters thus turned from the political parties supporting secession they nevertheless recorded a two to one majority in favour of their state withdrawing from the Federal Commonwealth, the totals being 138,653 to 70,706 with 7,921 "informal" ballots added. The same voters turned down the

<table>
<thead>
<tr>
<th>Party</th>
<th>Before</th>
<th>After</th>
<th>Change</th>
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</thead>
<tbody>
<tr>
<td>Nationalists</td>
<td>15</td>
<td>8</td>
<td>-7</td>
</tr>
<tr>
<td>Country Party</td>
<td>12</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Labour</td>
<td>23</td>
<td>30</td>
<td>+7</td>
</tr>
</tbody>
</table>

New York Times, April 19, 1933, 9:1. The Times reporter suggests that the Mitchell government's wage policy contributed largely to his party's downfall, but since the Labour Party was turned out of office at the same time in South Australia the explanation of the Mitchell government's defeat being merely a result of the depression-bred desire on the part of voters to turn the unfortunate incumbents out seems as sound as any.
alternative of a convention 119,031 to 88,275, with a slightly larger number, 9,974, casting informal ballots.

Statewide totals, of course, do not tell the whole story. An examination of the Chief Electoral Officer's return shows that the difference in federal sentiment between the metropolitan and agricultural districts on one hand and the goldmining area on the other was still very real. Five of the eight electoral divisions in the goldmining district recorded majorities opposed to secession. These and Kimberly, in the north, were the only districts in the state to do so. All six of these pro-federation districts also returned Labour members. The four northern districts, where the distance from Perth was so great that secession would only mean government concentrated in one distant point rather than being divided between two, showed less enthusiasm for secession than did the more densely populated south-west. The northern districts' chief display of independence was their recording of totals favouring both secession and a convention.

17 Western Australia, Chief Electoral Officer, Statistical return of the Referendum under the Secession Referendum Act, 1932, reproduced in Case of the People, pp. 426-7. "Informal" ballots are those which were either spoilt or cast blank, a result of compulsory voting.

18 Breakdown by major state divisions.

<table>
<thead>
<tr>
<th></th>
<th>Enrolled</th>
<th>Secession</th>
<th>Convention</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 Metropolitan Electoral Districts (Greater Perth)</td>
<td>123,682</td>
<td>72,037</td>
<td>51,943</td>
</tr>
<tr>
<td>21 Agricultural Districts</td>
<td>89,405</td>
<td>57,316</td>
<td>21,319</td>
</tr>
<tr>
<td>8 Mining and Pastoral</td>
<td>20,880</td>
<td>7,763</td>
<td>9,279</td>
</tr>
<tr>
<td>4 Northern Districts</td>
<td>3,251</td>
<td>1,537</td>
<td>1,065</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>237,198</strong></td>
<td><strong>158,553</strong></td>
<td><strong>70,706</strong></td>
</tr>
</tbody>
</table>

19 The five were Boulder (Mr. Collier's constituency, which recorded the state's highest negative majority, 1,648 to 895) Brown-Hill-Ivanhoe, Hannans, Kalgoorlie, and Murchison.
Voters who elected non-Labour members to the legislature showed a slightly greater than average inclination to support secession. The over-all percentage vote in favour of secession was 66.23%; in the twenty electorates returning non-Labour representatives it was 69.7%; while in those twelve who were faithful to the Country Party members proved themselves to be the most ardent secessionists with the percentage being 73.3, an exceptionally high figure in the old type of democracy.

Nevertheless some Labour seats were also marked with exceptionally large votes in favour of secession, the largest secessionist majority in the state being in the constituency of the Hon. Alexander McCallum, the Minister of Public Works in the new Collier government. In this large working class district, South Fremantle, 5,060 voted in favour of secession while only 1,826 opposed it. Such large secession majorities in Labour constituencies were entirely unsolicited as far as the successful candidates were concerned. The constituency of Subiaco, for instance, chose John D. Maloney, a man not in favour of secession, in preference to Walter Richardson, the sitting Nationalist, and an impassioned advocate of secession, yet at the same time voted 3,976 to 2,175 for severence of the federal ties. Of course Mr. Maloney made the usual Labour promise that he was prepared to support the mandate of the people, whatever it might be.

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20 Thus verifying Mr. Gregory's 1932 statement in House of Representatives, *v. supra*, p. 110.

21 Mr. Maloney used the campaign as an illustration and explanation for his support of secession measures. W.A. Parl. Debates, Aug. 29, 1933, p. 594.
Similarly the voters of Northam piled up a majority of 1,364 in favour of secession while withdrawing their support from their former representative, the then premier, Sir James Mitchell, electing his Labour opponent, Mr. A.R.G. Hawke in his stead.

Unfortunately for the sincere secessionists the outside press refused to take the results of the referendum seriously. They persisted in considering the whole affair a mere gesture. Thus, the New York Times commented:

"The result must be regarded as a protest and not as a decision. Many voted in the affirmative today who would hesitate before taking the final step. It is even doubtful whether the matter will be carried any further."  

While the following Sunday edition of the same paper carried a story under a Melbourne dateline reporting that the rest of the continent was far from excited over the prospect of the western state actually seceding. The only apprehension apparent concerned the effect the vote might have on the Commonwealth's credit abroad, though, happily no adverse effect had been, or was destined to be, noted. There was, in fact, some fear in informed quarters that the general playing down of the practical political value of the vote would unduly minimize its importance as a protest.

Such a reaction was not pleasing to the true secessionist. It was not even useful for those who planned on capitalizing on the bargaining value of the referendum result. Accordingly a mass meeting was held at the Perth Town Hall which affirmed

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23 Ibid., Apr. 16, 1933, IV., 8:4.
that;

"This gathering of West Australian citizens assembled to celebrate the success of the Secession Referendum Campaign, regrets the attempts which are being made in certain quarters to misinterpret the vote in favour of Secession. We hereby proclaim that our vote in favour of Secession is no gesture; our vote means that we demand Secession and nothing but Secession."

Apparently Western Australians were experiencing difficulty in persuading the rest of the nation that the gun was loaded. It was indeed discouraging. For years enthusiasts had proclaimed that, given an opportunity to express their views, the mass of Western Australians would vote for secession, and the skeptics had answered, "Bunkum". The opportunity had at last been granted, the mass of Western Australians had voted for secession, but the skeptics were still unconvinced. The same voters had turned down the alternative of a constitutional convention, but the governments of New South Wales and South Australia, apparently believing that such a convention was what the Cinderella State really wanted, accepted the federal government's proposal, as outlined by Mr. Lyons in his federalist speeches. Now, with the referendum over, the enthusiasts of the Dominion League anxiously awaited the new premier's action to implement his promise that the Labour government would do all in its power to give effect to the mandate of the people.

24 Case of the People, p. 389. As is too often the case in this otherwise useful work, no date was given for the meeting.

25 London Times, April 12, 1933, 11:5.
CHAPTER EIGHT

Implementing the mandate of the people.

The people had spoken. What was the next move? According to the federal authorities the only legal step that the state government could take was to petition the king and the only result of such a petition would be a refusal. *The Perth West Australian* editorialized that the referenda results had placed the new state premier in a quandary since he had promised to give effect to the majority decision, which would mean a rejection of Mr. Lyons overture for the summoning of a convention, yet such a convention would be harmless, and its failure would lend greater force to the state's delegation if and when that body appeared in London. The convention, of course, might result in the redress of many of the grievances which had given rise to the secessionist psychology. Whether or not this would be a desirable state of affairs would, of course, depend upon one's attitude toward secession. Those whose prime object was an easing of the lot of Western Australia would be satisfied; but not so those few to whom independence from the Commonwealth was desirable as a thing in itself.

While the question of a convention was thus hanging fire, some echoes of the referendum were heard in the Commonwealth parliament, with Senators James Patrick Digger Dunn (N.S.W., Senate Labour whip) and T.C. Brennan (of the unfortunate campaign team) calling E.B. Johnston and his parliamentary

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1 *London Times*, April 12, 1933, 11:5.
2 *ibid.*, April 11, 1933, p. 13:5.
colleagues who took part in the secessionist campaign "rebels". Questions were asked in the federal houses concerning the action to be taken to preserve the Commonwealth, but the next move was, obviously, up to Mr. Collier, not Mr. Lyons.

The first session of the new state parliament opened on July 18, 1933. The ceremony was noteworthy in that the Lieutenant-Governor, an important official on this one day of pomp and circumstance, was none other than the defeated premier, Sir James Mitchell, who, through unusual circumstances, had been raised to this exalted (and, in his case, unremunerative) post a scant seven days earlier. The referenda results constituted the first item dealt with in the vice regal opening speech.

After reciting the total votes cast for and against on the two questions Sir James was required to state:

"My Ministers are giving careful consideration to the best methods to be adopted in order to give effect to the decision of the people. In due course the result will be submitted for full deliberation and decision of both houses."

The consideration given by the ministers was long as well as careful. Mr. Griffiths, the Country Party stalwart, felt

3 On May 25, 1933 Sen. Dunn asked whether it was the intention of the Minister of Defense to have submitted to the Attorney-General the names of the Western Australian "rebels" for action under the Crimes Act "for disloyalty against His Majesty the King's Federal Constitution which they affirmed on oath in Canberra their intention to uphold." C'wealth, Parl. Debates, May 25, 1933, p. 1756.


4 The rather strained condition of the state finances had prevented the appointment of that expensive luxury, a genuine British governor. The usual procedure at such times had been the appointment of the state Chief Justice as Lieutenant-Governor.

compelled to stimulate their deliberations by asking questions of the premier.

Finally, on August 29 Premier Collier, stressing the non-party aspect of the secession referendum results, introduced into the Legislative Assembly a resolution that;

"... following the vote for secession recorded by the people of Western Australia, Parliament should approach the King with a view to giving effect to that decision and that a Joint Committee of both Houses should be appointed to make recommendations on the preliminary steps."

The resolution was passed, as was a similar one introduced in the Legislative Council the following day, committing the Houses to the view that;

"... it is the indisputable duty of the Parliament on behalf of the people of Western Australia to endeavour by a dutiful address to his Majesty and humble applications of both Houses of the Imperial Parliament to procure such legislation by the said Imperial Parliament as may be necessary to effectuate the withdrawal of the people of the State from the Federal Commonwealth, established under and by provision of the Commonwealth of Australia Constitution Act (Imperial)."

With their acceptance each house appointed their five members of the committee "...to consider and recommend what action shall be taken in relation to the preparation, completion and presentation ..." of the necessary addresses and applications. As is the custom on such committees, dealing with matters of major importance, an attempt was made to secure representation of the views of all parties. The five Assembly members included

7 ibid., Aug. 29, 1933, p. 590.
8 ibid.
the three party leaders, Hon. Philip Collier, the Premier; Hon. C.G. Latham, number two man of the previous administration and head of the Country Party, Leader of the Opposition since the April 8 reversal of fortune; and Hon. Norbert Keenan, who had succeeded to the leadership of the remnants of the Nationalists after the disaster of the polls, the 1906 defender of the concept of the indissoluble Commonwealth having, in his later years, become "the head and front of the secession movement". Since governments also like to have a majority of their supporters on such committees the two other members from the Assembly were Labourites, A.R.G. Hawke, the victor over Sir James Mitchell in Northam, and F.J. Withers, member for Bunbury. The Council's choices were regional as well as political. Hon. D.M. Drew, Chief Secretary in the Collier government represented the Central electoral district; C.F. Baxter, leader of the House in the days of the Mitchell administration, though a secessionist of sorts, was from the goldmining "East" division; W.J. Mann sat for the South-West; J.T. Franklin, Treasurer of the Dominion League, represented the Metropolitan area; while A.M. Clydesdale was classified as "Metropolitan-Suburban". It could not be said that Parliament was intrusting the project to hostile hands. Messrs. Franklin, Keenan, and Latham were among the most active of secessionists.

9 The rising young man of the Nationalist Party and logical successor to Sir James Mitchell, Hon. T.A.L. Davy, former Rhodes scholar, Attorney General, and opponent of secession, died at the early age of forty-two on Feb. 18, 1933, a great loss to his party, his state and his country.

10 Mr. Keenan's transformation from a federalist to a separatist might have occurred in the mid '20's, since he is reported to have told the 1925 Disabilities Commission, "I hold the very strong view that the fact that the British Empire exists today is in one sense due to federation ... . [Mention Commonwealth's part in Great War] But, notwithstanding the pride and value of federation.
The committee deliberated on ways and means for three weeks, at the end of which time they submitted a report recommending that six named citizens of the state be appointed as a committee to draw up the necessary papers for presentation to the Imperial Parliament. A resolution giving effect to this recommendation was passed by the Legislative Council on September 20, 1933, and by the Assembly on September 21. The men were formally appointed by the Lieutenant-Governor-in-Council on October 13, 1933.

Mr. J.L. Walker, the Crown Solicitor of the state, was named chairman of the committee, which included the two members of the Mitchell cabinet, who, like their leader, had met personal defeat in the April elections; Hon J. Lindsay had been Minister of Public Works and Labour, while Hon. J. Scaddan, a former Labourite, had been premier of the state between 1911 and 1916, at which date he had left the Labour Party over the conscription issue, serving in the two Mitchell cabinets, 1919-24 and 1930-33, as Minister of Railways and Mines. The indispensable Mr. H.K. Watson was on the committee, while its number was completed by the inclusion of Messrs. C.J. Dudley and A.J. Reid.

10 (cont'd) it might be purchased at too high a price, and it may be the view of many in this State that, although they favour federation and still do so, the price they are called upon to pay for it is far too high. "Quoted by Hon. Henry Gregory, Commonwealth Debates, vol. 112, Feb. 5, 1926, p. 761. For 1906 stand, v. supra, p. 59.

11 History of committee was recited by Hon. P. Collier, W.A. Parl. Debates, April 19, 1934, p. 208.

12 The writer has been unable to unearth any information concerning the two last mentioned men. Their part, if any, in the political life of the state, seems to have been played off-stage.
None of the committee were members of the parliament which had appointed them. Practical experience in state government was represented on it, however, by Messrs. Scaddan and Lindsay. The inclusion of the Crown Solicitor, on the other hand, assured them of at least some legal knowledge, and ready access to information concerning the proper forms and proceedings for the action contemplated, while Mr. H.K. Watson, through his full-time connection with the Dominion League, ought to have proven to be a veritable mine of facts relating to Western Australian grievances. In political complexion the committee seems to have been Nationalist. The Peoples' Case was to be composed by members of the party the people had so recently repudiated. A likely explanation for this latter fact is that most of the active secessionists in public life belonged to that party and that it was deemed expedient to have the secession documents prepared by those who believed, for one reason or another, in the cause.

The committee set to work, drawing up the petitions to the two Houses of the British Parliament and the address to the King according to the style and usage dictated by long custom. Realizing that the members of the British legislative houses, burdened, as they were, with the cares and worries of so much of the world, would appreciate a means of refreshing their memories with Australian conditions, the committee also set to work to prepare a statement of Western Australian grievances.

13 Further information on Messrs. Dudley and Reid might necessitate some revision of this statement. Nevertheless, the inclusion of two Mitchell cabinet ministers and Mr. Watson, whose political sympathies seemed at that time to lay with the Nationalists, meant that at least half the committee were supporters of the defeated party.
which, when printed, could be distributed one to each and every member of the Parliament of the United Kingdom. Spurred on by the enthusiasm engendered by an agreeable occupation the committee members had their report ready and submitted to the government by March 26, 1934.

While the Western Australians were thus being busily engaged in their home state drawing up the documents which, they maintained, would enable them to secure a divorce, events stemming from the April 1933 referendum were being enacted elsewhere on the continent. On his return from his unfortunate campaign tour of the western state the Commonwealth Prime Minister, Mr. Lyons, made an important public announcement in a speech at Adelaide, S.A., on April 3. The Commonwealth government, in an attempt to remove the question from the realm of party politics, had decided to set up a permanent commission to assess impartially the disabilities of Western Australia, South Australia, and Tasmania, incurred under Federation. Such was the genesis of the Commonwealth Grants Commission, one of the really constructive results of the secession agitation. When names of the three commissioners were announced Western Australians were given another opportunity to proclaim to the Commonwealth at large that they were victims of deliberate discrimination. Two of the three members of the committee were acceptable, since their home states were Tasmania and South Australia, and thus, presumably, were sympathetic to

14 This handbook on W.A.'s grievances became the 489 page Case of the People, a most useful document for a historian, but one which it is doubtful whether any parliamentarian managed to wade through.

the pleas of the small states. The appointment of Hon. F.W. Eggleston as chairman did not meet with such a favourable reception. Few men in Australia were as qualified as he for the position. After his retirement from public life, which had included a position on the staff of the Australian delegation to Versailles in 1919 and the important cabinet posts of Attorney-General and Solicitor-General in his native state of Victoria between 1924 and 1927, he had combined his earlier academic interest in economics with his practical experience gained in a lifetime of public service to engage in the study of public finance, his chief publication up to the time of his appointment to the commission being *State Socialism in Victoria*, published in 1932. It was one of Mr. Eggleston's minor articles, one dealing with Western Australia and appearing in the *Perth Daily News* of December 14, 1932, which aroused the ire of the Western Australians. It seems that in this article Mr. Eggleston had been rash enough to suggest that much, if not all, of the state's disabilities were due to financial mistakes of the state governments, especially the experiments in state ownership and the Land Settlement Scheme, and not, in any way, due to federation. Such a doctrine was, naturally, rather unpopular in Western Australia. When it was announced that the arch-heretic who had expounded this view was to hold the senior position on the committee which was to decide, in large measure,

16 *v. supra*, p. 52.

17 *v. supra*, p. 94.
the size of any future grant that the state (if it remained within the Commonwealth) was to receive, Western Australians exploded.

The protest was voiced in the Senate by E.B. Johnston on June 15, 1933. He stated that the appointment was considered by most Western Australians as a hostile move, quoting telegrams (including one from the state premier, Hon. P. Collier) and newspaper comments from all sides to prove his point. Senators from the other states, some of them friends of the "accused", others merely more widely read than Sen. Johnston in contemporary literature on political economy, rushed to the defense of Eggleston, pointing out that he had also said harsh things about their states, and about the Commonwealth finances as well; that he was a man who would judge the case laid before him in committee hearings without being prejudiced by his own previously published views. When the question of confirmation of the chairman's appointment was put to a vote all but the Western Australians were convinced of his suitability, the vote being 26-3. The record of Mr. Eggleston's services on the committee is proof enough that, on this occasion at least, the majority was right.

In his statement of April 3, 1933, in which he made the first announcement of the establishment of the Commonwealth Grants Commission, Mr. Lyons also reiterated his offer of summoning a constitutional convention. In New South Wales and


19 ibid., p. 2360. The three were Senators P.J. Lynch (President of the Senate), E.B. Johnston, and Wm. Carroll.
South Australia the state governments speedily accepted the offer.

Nevertheless this promise was never as fully or as promptly honoured as that concerning the grants commission. Further consideration of the question by the Commonwealth government brought them to the same conclusion as that reached by the Bruce administration -- that a convention, at the given time and under the existing circumstances, was not practical. Mr. Lyons' alternative was a constitutional conference of the Commonwealth and state premiers.

The conference opened in Melbourne on Feb. 16, 1934. All the states were represented, although Western Australia's Mr. Collier cheerfully announced that his presence in no way prejudiced the separatist activities which his government was engaged at the time. As soon as the words of welcome had been uttered the conference degenerated into a conflict for revenue between the governments of the states and the federal government. In vain did Mr. Lyons appeal for co-operation from the state premiers, reminding them that the conference was in the nature of an experiment, since there was, as yet, no provision in the constitution for revision by this means; remarking that although the states had been arguing for greater financial se-

20 London Times, April 12, 1933, 11:5.

21 Hon. B.S. Stevens, who had succeeded to the premiership of New South Wales upon the removal from Office of Mr. Lang, proved to be the exception among the state premiers by loyally supporting the Commonwealth government's policies. He explained his position by saying that he disapproved any alteration of the system whereby the Commonwealth was responsible for the entire public debt. London Times, Feb. 20, 1934, 13:2.

Mr. R.G. Menzies, at the time Attorney-General and acting Premier of Victoria presented the views of the other states, that the Commonwealth should at least vacate the income tax field.
curity nobody had made any concrete suggestions as to how Commonwealth liabilities might be lessened; and reproaching in particular the Western Australian and Tasmanian representatives for criticizing the Commonwealth government "contrary to the harmonious spirit which should prevail."

The conference was not a success. As Prime Minister Lyons pointed out in his opening speech, the Commonwealth government was taking the view that the depression, a world wide phenomenon, was responsible for most of the disabilities which the state governments were blaming on federalism, and, since it was of this opinion, the Commonwealth government wished to avoid any danger of altering the constitution permanently to meet the needs of this transient situation. The states, on the other hand, were interested in permanent changes. Not even the South Australian premier's threat of possible secession of his state from the federation, however, could shake the stand of the Commonwealth government.

24 Mr. Butler's secession threat was too obviously a bluff to be effective. The gist of his statement was that disregard for the states' claims would force the hand of South Australia since, if the state remained in the Commonwealth, it would be forced to default. Since South Australia had no intention of defaulting two alternatives presented themselves, secession and unification, with the former being the only practical move. He then weakened the foregoing statement with the conclusion that, if no concessions were gained from the conference, he would be forced to submit the question of secession to the South Australian people, "... if only to demonstrate to the Commonwealth the very serious situation to which State Governments were reduced". London Times, Feb. 21, 1934, 13:5.
Before it broke up one constructive agreement was reached which saved the conference from being branded a complete failure. The representatives of the Commonwealth government, Victoria, New South Wales, and Queensland, decided to make special provision for the less populous states in the form of grants based on the recommendations of the Commonwealth Grants Commission which had been hearing the submissions of the three claimant states and whose report was expected to be presented in May.

Mr. Collier returned from the Melbourne conference in time to meet a special session of the state parliament in which the secessionists were anxious for action. On April 19, 1934 he introduced a bill relating to "the preparation, completion, and presentation of a dutiful address to His Majesty and humble application to the House of Lords and the House of Commons in the Parliament of the United Kingdom in furtherance of the desire of the people of Western Australia to withdraw from the Federal Commonwealth established under the Australian Constitution Act (Imperial) and for other purposes related thereto."

The bill authorized the form of the address and petitions drawn up by the committee appointed, authorized and allocated funds for the printing of the supplementary document, The Case of the People of Western Australia, and provided for the dispatch of a delegation to travel to London to present the secession applications to the proper authorities.

The debate on this bill provided the final opportunity for the members of the Western Australian Parliament to express their

views on an aspect of the secession question but it is of importance to note that the subject of secession itself could not be discussed under the terms of the bill. During the entire secession movement of the 1930's the broad and important topic of secession itself was never debated on its own merits in the state parliament. Prior to the referendum parliament was concerned with whether or not the people should be consulted on the subject. After the referendum discussion in parliament was confined to the means whereby effect might be given to the people's mandate. Parliament, in British political theory the sovereign body of the state, had no opportunity to discuss the major question, but merely implications of that question.

Mr. Speaker's diligence in forcing the members to confine their remarks to the subject under discussion curtails the interest of most of the 1934 debates, yet the attitude of one man concerning the proper means of implementing the people's mandate does stand out as being particularly noteworthy. The Hon. Wm. Dartnell Johnson, M.L.A. for Guildford-Midland, a constituency which had voted 3,488 to 2,072 in favour of secession, was a veteran Labour man, having served as a cabinet minister in 1904-05 and 1911-16 and as chairman of the state Parliamentary Labour Party continuously since 1924. He was on far from friendly terms with Mr. Collier, who had formed all the Labour governments since 1916. This latter fact might have influenced his attitude on the action contemplated by the Collier government. Then, again, he might merely have been an old school doctrinaire Labourite who was more interested in his party remaining consistent to the party plank of ultimate unification than in it catering to the
transient whims of the state electorate or playing for concessions from Canberra.

Mr. Johnson admitted that the party was pledged to attempt to implement the people's will, but he regretted that his party should be connected with anything smacking of secession. He believed that the election pledge could be redeemed by forwarding a joint resolution of both houses of the state parliament and the referendum results through the usual channels to Westminster -- something easy, cheap, and certainly not conducive to producing results. As he told the Assembly on April 26;

"Tonight, however, we find that great party degenerating to the extent of piloting through Parliament a Bill of this kind. I regret what is being done. It is not worthy of the Labour Party. It is not up to the standard set by the Labour movement of old. ... The Labour movement does not approve of legislation of this kind. It recognizes the voice of the people, and strives to give expression to it, but will not use an expression of the will of the people in such a way as to discount a great movement."

Few labour members in the Assembly were affected by this voice of conscience. The opposition had capitulated. Members


Although Mr. Johnson was in the minority he was not the only member of the state parliament who accepted the argument that the secession petitions had to be accepted in order to give effect to the people's mandate. Hon. J.J. Holmes (M.L.C. North) voiced a refreshingly anti-democratic sentiment toward the close of the debates. An anti-federalist at the turn of the century, he once had to leave hurriedly through the back door of a hall to escape the anger of a pro-federalist mob. When told on May 23, 1934 that he should support secession moves since they were in accordance with the expressed will of the people he answered; "That is just what has caused Australia so much trouble. The idea seems to be that everyone must do what the people want. We did what the people wanted when we federated and now, because the people wish it, we are to endeavour to secede. And we know we cannot secede. Surely we have reached the time when someone should take a stand and say to the people, "I know better than you do". ibid, May 23, 1934, p. 338. This speech was one of the very few which contained a definite statement that the speaker believed secession impossible.
of all parties were supporting the bill. In the Council Hon. J.M. Macfarlane (Met./Suburban) spoke in support of the second reading of the bill, while stating that he was still in opposition to secession and wished that a minority petition could also be sent along. Only one point of concentrated opposition to secession remained within the state. In 1934 as in 1900 the goldfields themselves were strong for federation.

The actual numbers of the goldminers had declined as the century progressed, diluting their influence in the ever growing population of the state, even to the extent of having to share their electoral districts with an increasing number of pastoralists. Nevertheless, their influence was still far from negligible. The Kalgoorlie Municipal Council was the most important of the goldfields' representative bodies. The rest of the state, therefore, could not ignore the warning of a motion which they passed on Monday, April 30, 1934, shortly after the nature of the Secession Bill and the temper of the members of the state parliament had become apparent. The Municipal Council resolved that;

"... should the Case for Secession be presented to the King and both Houses of the Imperial Parliament by petition, address, and personal delegation, proper representation be also made showing that the Eastern Goldfields portion of Western Australia recorded a substantial majority vote against Secession, and imploring His Majesty and the Imperial Parliament to leave the goldfields electorates, which includes our natural seaport, Esperance, and also the territory through to the South Australian border, within the Commonwealth territory should Secession be granted the rest of the State."28

27 W.A. Parl. Debates, May 22, 1934, p. 300. He was later informed by the government leader in the Council that the government had no objection to a minority petition being sent, but that the state was not going to pay for its preparation or transmission.

Commenting on this motion, the newly elected member of the 29 Legislative Council for the Goldfields, Hon. G.C. Eliot, added:

"I do not believe in miracles, but if a miracle were to happen and Secession became an accomplished fact, a movement would be started on the Goldfields within Twenty-four hours having for its object the seceding from the State of Western Australia and linking up with the Commonwealth." 30

Such sentiments, of course, were not pleasing to the ear of true Western Australians. Even Hon. J.J. Holmes reacted as a true state patriot should when a portion of the state threatened to secede from the seceding state.

"What would happen if we were to cut off their water supply?" he asked.

The referendum results and the Kalgoorlie Municipal Council Resolution seem to indicate that the goldfields still cherished federal sympathies. No longer could such sympathies be explained away, as they were in 1900, by saying that the inhabitants were newcomers to the state. The resolution itself hints at a partial explanation in naming Esperance as the natural port of the goldfields. The goldfields were just as hostile to exploitation by the big centre of population at the coast as was the Perth area of their exploitation by the still bigger area in the Eastern States. The state, in the view of the goldminers, had been tardy in opening up Esperance as a port in order that Perth and Fremantle

29 He had been elected in a bye-election, March 17, 1934, and thus could be said to represent the most recent views of the public.


31 ibid., Hon. Mr Holmes had his own views on the matter of secession, v. supra, p. 147, n. 26.
could benefit from the goldfield's trade.

Mr. Eliot's speech revealed other reasons. Goldmining, unlike wheat farming and the pastoral occupations, had benefitted from the Commonwealth's system of protection and bounties. The Gold Bounty Act then in force provided for a bounty of 10s. per ounce on gold whenever its price fell below 110s. per fine ounce, while the Commonwealth Income tax Assessment Act (No 51 of 1924) exempted all persons from taxation on "income derived from the working of a goldmining property". As an earlier speaker had pointed out, the goldfields area had also discovered that it was cheaper to import meat and fresh vegetables on the federally owned and operated transcontinental railway line from the eastern states than over the state line from Perth. In short, the interests of the goldfields were not identical with those of the Swanland. Western Australia needed the goldfields, while the goldfields were not so certain that they needed the rest of the state as much as the rest of the Commonwealth.

The opposition of the goldfields did not deter the state legislatures. Both opposition parties had pledged their support.

32 Dr. Battye lists among the causes of the Goldfields-Coast animosity in 1900, "differential railway freights, high protective duties, and the refusal to construct the Esperance railway". Battye, op. cit., p. 448. The inclusion of the complaint concerning the protective tariff is rather significant. Although secessionists condemned the Commonwealth tariff there was no guarantee that, given the slightest opportunity, Perth would not go protectionist.


34 Hon. C.R. Williams, (M.L.C., South) Aug. 30, 1933, p. 621. The Western Australian State Railways were quite unique on the continent, since they provided service at slightly more than cost instead of following the usual Australian practice of "service at less than cost".
Few members worried about the reception which the Westminster authorities would give their petition. It is true that Edward Needham (M.L.A., Perth, Labour) correctly prophesied that a committee of the British Parliament would concern themselves primarily with the constitutional question of whether or not the petition contained matter fit to be dealt with by Parliament, but most members appeared to support the more optimistic attitude of Mr. Victor Doney (William Narrogin) who pointed out the favourable reception given the Burmese delegation when they presented their petition for separation from the Indian Empire. The Irish of Australia were not as aware of the significance of Dominion status as those who had remained on the "Old Sod".

Skeptics may have smiled, but few openly expressed their disbelief when the leader of the Country Party pledged the support of the opposition to the Secession Bill with the stirring words;

"However, I feel sure that, when His Majesty the King and the Parliament of Great Britain shall have acceded to the request of the people of Western Australia the sunshine of prosperity will forever beam on the Dominion of Western Australia and that the Imperial authorities will experience no regret at having created this Dominion. On behalf of


36 ibid., 26 April 1934, p. 233.

Hon. W.D. Johnson had taken the unusual step of consulting Prof. F.R Beasley (Dean and Professor of Law, U. of Western Australia) who had assured him that the contemplated action of the government was doomed to failure. Hon. N. Keenan, Nationalist leader, dismissed this opinion as "a suggestion of some casual conversation with some unoccupied and unknown member of the University staff." ibid., May 1, 1934, p. 256.

Mr. F. Alexander, Lecturer in History, had given Mr. Latham of the Country Party a more hopeful answer so it became evident to all secessionists that the question was more particularly one of history than of law. ibid., 24 April, p. 219.
the Opposition I assure the Government of our whole-heated support and of our assistance to get this piece of legislation placed in the statute book."

Backed with such support the bill was passed by the Assembly on May 16, 1934, and by the Council on May 30. The delegation to London was named. None of the party leaders were included, the reason given being that, since the mills of Parliament grind exceeding slowly, such an appointment would mean that they would be forced to neglect their legislative duties for too long a period of time. In fact the only member of the state parliament on the delegation was the wealthy opposition member for North Perth, James MacCallum Smith, vice-president of the Dominion League, managing director of the Sunday Times Publishing Company, deputy chairman of the Western Australian Bank until its amalgamation in the Bank of New South Wales and since then deputy chairman of its local advisory board, director of the Swan Portland Cement Co., chairman of the Cyclone Hence Co., owner of an extensive wheat farm at Koorda, proprietor of Pindawa Station, and the large Homebush Stud Farm -- in short, a man who had every qualification, save that he was not native-born (He was born in Scotland) for being a secessionist leader. Chosen to make the journey with him as the second member of the delegation was the Dominion League's own Mr. H.K. Watson. The state treasury had only to pay the transportation for these two of the four man delegation since the other two were already residents of London, Sir Hal Colebatch, Agent-General of Western Australia, and Hon.

Matthew Lewis Moss, a former Attorney-General of the state (1905) who had resided in London since 1913, where he served as legal advisor for the Western Australian government. Such was the delegation which was to present the address and petitions in London. The government was criticised at the time for selecting what many people considered to be a mediocre delegation. Sending the three party leaders over to work with Sir Hal would most certainly have demonstrated the state's united desire to achieve secession but practical considerations rendered such a choice of delegates impractical. If the government wished to avoid being considered lukewarm on the matter, however, they should have included a minor cabinet minister in the number.

Slightly over a year had elapsed since the voters of Western Australia had signified their approval of secession. A new system of investigating had been evolved by the Commonwealth Government. An unsuccessful attempt had been made at deciding upon constitutional changes by a premiers' conference. A Labour government, which was commonly believed to be opposed to secession, had sponsored a moved for secession which had ignored the Commonwealth government entirely, appealing directly to London. The story was reaching its climax.
CHAPTER NINE

To London and return.

It was evident that Mr. Collier was making quite a few moves, and that it was time that Mr. Lyons attempt to counter some of them. The first step taken by the Commonwealth government was summarized in a London Times story under a Melbourne, May 27, dateline, which stated that the federal government had decided to prepare a written case to counter the Western Australian one, and that it would be prepared by four residents of Western Australia, two of whom it named, M.W. Sommerville, the Trades' Hall representative on the state Arbitration Court, and a Mr. D.J. Gilbert, whom the story identified merely as a member of the United Australia Party. Thus the Commonwealth campaign began with the preparation of the Case for Union.


2 Australia, The Case for Union, a reply to the Case for the Secession of the State of Western Australia, Canberra, Government Printer, 1934.

A much smaller book than the 489 page Case of the People of Western Australia, its chief value lies in its demonstration of the unreliability of the statistics used by the secessionist authors (Seemingly PoundSterling and Australian pounds were used without identification in all the export tables in the Western Australian case) and in demonstrating that the Australian primary producer was able to procure at least some of his needed machinery at lower prices than his competitors in the Argentine, South Africa, and New Zealand, and at prices comparable to those in Canada.

It would appear, however, that the Australian government experienced difficulties in enlisting four suitable Western Australian authors for their case since its title page contains the names of two distinguished eastern Australians, Sir Robert Garran and Hon J.K. Keating along with those of Gilbert and Sommerville.

One of the most distinguished authorities on the Australian constitution, Sir Robert had served as secretary on the drafting committee of the 1897-98 federal convention and had held legal positions in the Commonwealth government since its establishment, being Solicitor-General from 1917 to his retirement in 1931.

Hon J.K. Keating was an ex-Senator from Tasmania.

(Cont'd p. 155.)
Two days later the *Times* ran another story on the federal government's actions. Now a committee was to be set up to counter the secession movement in Western Australia. Again Messrs. Sommerville and Gilbert's names appear, to which were added Western Australia's Sen. Carroll and the distinguished constitutional authority, Sir Robert Garran. It would appear that this committee was given wider duties than merely preparing a written case. Nevertheless, the Commonwealth still did not seem to be sure of the course it was intending to pursue.

When, in October, Mr. N.J.O. Makin (Hindmarsh, S.A.) asked the Commonwealth Attorney-General whether the government intended making a counter-claim for the Western Australian case for secession he was answered:

"The honorable member's question raises matters of policy which have not as yet been finally determined by the Government, but which will no doubt be decided at the earliest possible moment."  

Much had happened between May and October. A federal election held in mid-September had diverted the government's attention from other matters. Mr. Lyons had adopted the then spectacular method of campaigning by air, thereby enabling him to speak in all of the states. Seemingly his visit to Western Australia was

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2 (cont'd) Mr. Gilbert, described on the title page as being "of Perth", was born and educated in New South Wales and held important posts in private ventures in that state and with the Commonwealth government.

A total of £362/10/0 were paid to these three men for their services as joint authors of the *Case for Union*. No fees were paid directly to Mr. Sommerville, who continued to receive his salary from the Western Australian government, the Commonwealth government reimbursing the state government £145/18/7 for that portion of time when Mr. Sommerville attempted to frustrate his employers' policy.

The distribution of the *Case for Union* by the Commonwealth Government is quite significant. Only 35,692 copies were sent to the three satisfied states, but there were 356,070 copies distributed in S.A., and 137,430 in Tas., almost as intensive distribution as the 248,490 in W.A. itself. *C'wealth Debates* Nov. 1, 1934, p.96.


unmarked by any hostile demonstrations such as had been accorded him there the previous March.

A change in the temperment of the Western Australians might be shown in the fact that two senate candidates who based their campaign on demands for secession had the honour of trailing the Senate poll. The old timers who supported secession were re-elected, Sen. Johnston, and Messrs. Gregory and Prowse in the House of Representatives. It was reported from Perth that the western state displayed very little enthusiasm in the election. In the Commonwealth as a whole the voters signified their approval of Mr. Lyons' policies by granting his government another term of office.

Later in September, on the twenty-fourth, to be exact, a larger crowd than usual gathered at the Fremantle quay to see a ship off for "Home". On board the Oronsay were H.K. Watson and J. MacCallum Smith, off to London to present the petitions to the Houses of Parliament. A large crowd of Dominion Leagers were down to bid them success and bon voyage. Mr. Mollie bade them an official farewell while the Lieutenant-Governor, Sir James Mitchell, created Mr. Watson King's Messenger for the conveying of the petitions and the address to His Majesty.

When the Oronsay nosed out to the west the scene of operations

4a Letter from T. Dunbabin, Australian High Commissioner's Office to writer, Aug. 6, 1948. Mr. Dunbabin cites as his authority a fellow staff member living in Perth in 1934.
6 Ibid. Previous section of story (n.5) carried under Melbourne dateline.
7 Ibid., Sept. 25, 1934, 13:4.
in the secession moved with her from Australia to London. The Dominions' Office had been warned of the approach of the delegation. The Western Australian government had been in direct communication with J.H. Thomas, the Secretary of State for Dominion Affairs.

Seldom had a member of the British family come home to mother at a more inopportune time. Proposals arising from the deliberations of the Round Table Conferences on India (1930-32), which had been published in a White Paper of March, 1933, were now taking on the statutory form which was to evolve into the Government of India Act of 1935. Surely few incidents would be less conducive to the strengthening of Indian belief in the desirability of waiting for Dominion status as a substitute for independence than this example of a section of a Dominion appealing to the Home Government to intervene, unbidden by the Dominion Government, in that Dominion's domestic affairs. The acceptance of this invitation to commit such a breach of the doctrine of Dominion autonomy would not induce Mr. De Valera to repent of his widening of the gap between Eire and the rest of the Commonwealth. If the British government considered the Western Australian petition the South African, Gen. Hertzog's, suspicions of British intentions, which had been allayed by the Statute of Westminster, would be reawakened.

The two travelling members of the secession delegation, Messrs. Smith and Watson, arrived in London in the evening of October 26, being met at Victoria station by their fellow delegate, Sir Hal Colebatch. On November 1 the delegation visited Mr. Thomas in London Times, Oct. 27, 1934, 11:2.
the Dominions' Office, bringing with them their petitions and addresses (along with a copy of the Case of the People).

Mr. Thomas informed the delegation that, according to British practice, a petition to one of the Houses of the British Parliament had to be presented to that House by one of its members. The delegation had entered into the game of contacting members with zest, Mr. Watson proving himself particularly adept at this aspect of public life. Suitable men to make the presentations were soon discovered, and the support of a number of other members had been pledged, should the matter come up in Parliament. Capt. Adrian C. Moreing (Unionist, Preston) introduced the Petition into the House of Commons on December 16, 1934, while the Marquess of Aberdeen performed a similar duty in the Lords.

In making his presentation the Marquess of Aberdeen remarked that the right of petitioning Crown and Parliament for redress of grievances had long been acknowledged. Nevertheless the Secretary of State for War, Viscount Hailsham, seemed to think that matters of grave constitutional importance were raised by this petition. His opinion appears to have been shared by the members of the House of Commons Select Committee on Public Pet-

9 *New York Times*, Nov. 2, 1934. The story states that the delegation members presented the petitions and address to him. The magazine, *Time*, however, mentions a visit of the delegation to Buckingham Palace to present the address (*Time*, Nov. 5, 1934, p.17).

Mr. J. MacCallum Smith, in his report to the Assembly mentions the visit to Mr. Thomas' office where, seemingly, the delegation were instructed in British procedure, but indicates that the petitions were not surrendered. The palace incident was not clarified. W.A. Parli. Debates, Sept. 4, 1935, p. 517.


itions, who reported on December 18 that they were uncertain whether or not the House should receive the Western Australian petition and recommended that a special select committee be appointed to consider the question of its acceptance. Similar action was considered by the Lords. Naturally unfortunate complications would arise if one house received the petition and the other rejected it, so, when in due time (Jan. 31, 1935), the Lords sent a message to the Commons stating that they had resolved that it would be desirable that a Joint Committee of both Houses be formed to consider the petition of Western Australia, the Commons, after proper consideration, (until Feb. 4) concurred. Encouraged by the reception of their initial move the Lords hastened to name three of their number to sit on the committee, and to transmit the information immediately to the Commons (Feb. 26), who promptly (Feb. 28) selected three members to sit with them. The Lords, upon being notified that the members of the committee had been chosen, announced that the first meeting of the Joint Select Committee of both Houses of Parliament to consider the acceptance of the petition of Western Australia would be held in the House of Lords Chairman of Committees Committee Room on March 27, 1935, three months and ten days after the submission of the petition. The wisdom of the Western Australian government

13 ibid., (Commons) vol. 297, pp. 533, 916.
14 ibid., (Lords) vol. 95, p. 1085.
15 ibid., (Commons) vol. 298, p. 1463.
16 ibid., (Commons) vol. 298, p. 2141.
in not sending key members of parliament on the delegation appeared to be justified.

Now, who were the members of the Joint Committee and just what was the petition upon the acceptance or rejection of which they were to pass judgment?

It would have been difficult for Parliament to have selected six other men who would have represented as well the views of the various sections of political opinion in the Houses and yet have possessed the same amount of personal experience in Imperial affairs. The chairman, George Joachim, Viscount Goschen had, in his younger days, been private Secretary to the Governor of New South Wales, and had later, 1924-29, been Governor of Madras, serving as Viceroy and acting Governor-General of India between June and November, 1929. Philip Henry Ker, Marquis of Lothian, had served his colonial apprenticeship as one of "Lord Milner's kindergarten". His practical colonial administrative experience was confined to the African continent, but his connection with the Round Table from its early days had broadened his viewpoint. Robert Alderson, Lord Wright, a lifetime peer, a bencher of the Inner Temple who, after serving as a Judge of King's Bench had just been appointed Master of the Rolls, provided the judicial and exact legal knowledge that was necessary for the committee. Lord Wright's legal knowledge was supplemented by that of the best known of the Commons' representatives on the committee, the Rt. Hon. Leopold C.H.S. Amery, who was also a barrister of the Inner Temple. Mr. Amery also possessed much practical experience in Dominion affairs, however, being Dominions' Secretary from
during the important years for defining Dominion status, 1925-29, having visited all the Dominions, and having written extensively on Imperial matters. Mr. Isaac Foot, National Labour member for Bodmin, Cornwall, was another member of the legal profession, a solicitor. His experience in imperial affairs had been gained as a member of the Round Table Conferences on India and as a member of the Joint Select Committee on India. The sixth member of the committee, William Lunn, the Labour member who represented Rothwell in the House, had been Parliamentary undersecretary for the Dominions' Office in the Labour Government, 1929-31, during the period when the Statute of Westminster became law; and Chairman of the Overseas Settlement Committee in 1929, in which latter capacity he would have been introduced to Western Australian problems.

The petition which these men had to consider was a fairly lengthy document which starts off with a recital of the secession movement, following which it lists a series of disabilities from which the state is alleged to be suffering; many of which, the drafters of the petition admit, could be removed by constitutional amendment, but they dismiss the possibility of achieving such an amendment since, they claim, the Commonwealth government is too loath to have its powers diminished. Some disabilities listed could not be rectified by any such means as a constitutional amendment, however. Geographic isolation was the basic cause of


18 Secs. 4-14, H.C. 88/1935, pp. xii.-xv.
many, and at least a partial cause of such intangibles as the
"non-existence of a Federal spirit in the people of Eastern
Australia toward the people of Western Australia."
The petition noticed and deplored the trend toward centralized
government in Australia, and claimed that such a process was
the inevitable result of what it called the "two fundamentals
of the Federal Constitution, uniform tariffs and interstate
freetrade." The drafters admitted that the Commonwealth govern-
ment had acknowledged the state's disabilities in the provision
of special grants, but these were described as temporary and
insufficient. This statement was followed by a key paragraph
stressing the ties of empire and listing, in thirty-three
subsections, the plight of the primary producers, suffering
under the Commonwealth's High tariff policy.

Following this list of disabilities (which were repeated
and enlarged upon in The Case of the People) came the two final
paragraphs. Paragraph 18 stated that Western Australia wished
to withdraw from the Federal Union amicably and was willing to
assume her fair share of obligations. Paragraph 19 was the
only section of the petition with which the Joint Committee con-
cerned themselves. In it the petitioners prayed

"... that ... (Parliament)... will forthwith, or as soon
as reasonably may be, cause to be introduced into the
said Parliament of the United Kingdom of Great Britain and
Northern Ireland a Bill for an Act either by an amendment
of the Commonwealth of Australia Constitution Act or
otherwise howsoever to effectuate the withdrawal of the

19 Sec. 15 (e) (vi.) p. xvi.
20 See Appendix C for Report of Joint Committee.
people of Western Australia from the Federal Commonwealth of Australia ... and to effectuate the restoration of Western Australia to its former status as a separate and distinct self-governing colony in the British Empire under its present constitution...

Which statement was followed by a series of provisions, in the form of a draft bill, to effectuate the establishment of the Dominion of Western Australia, in which the new Dominion assumed a share of the financial obligations of the Commonwealth, including a portion of the war debt.

The petition was dated at Perth, July 25, 1934, and was signed on behalf of the people of Western Australia by the President and the Clerk of the Legislative Council, the Speaker and the Clerk of the Legislative Assembly, the Premier, the Leader of the Government in the Legislative Council, and the Leaders of the Country Party and the Nationalist Party.

Such was the petition which gave rise to matters of grave constitutional importance. The Joint Committee held seven meetings to discuss the petition and these matters. That of March 27 was organizational. On the three meetings of April 3, April 10, and April 17 the committee members heard addresses by counsel for both the Secession delegation and the Commonwealth, while the last three meetings, those of May 13, May 16, and May 22 were held in camera for deliberation and preparation of their report.

Both the secession delegation and the Commonwealth authorities provided themselves with first class British legal counsel. The Commonwealth secured the services of the prominent constitutional authority, Wilfred Greene, K.C., while the secessionists

21 Sec. 19, H.C., 88/1935, p. xxiv.
retained, as the head of their legal brigade, the legal editor of the Encyclopaedia Britannica, Brig. Gen. John Hartman Morgan, Professor of Constitutional Law, University College, London.

Mr. Morgan addressed the Joint Committee first. Although Viscount Goschen had gone to considerable pains to explain to the counsel that the committee was concerned solely with the question of whether or not the petition was proper to be received by Parliament Mr. Morgan did devote considerable time to tracing the history of the secession movement and to enumerating the disabilities alleged to be suffered by Western Australia.

The counsel for both sides spent most of their time attempting to explain the Australian Constitution to the Joint Committee. Both agreed that the amending powers conferred upon the Commonwealth government under sect. 128 of the Australian Constitution did not extend to the first eight clauses of the Commonwealth of Australia Constitution Act, and therefore no power but the Imperial Parliament could release a state from the Commonwealth Mr. Green agreed with Mr. Morgan's statement that the Statute of Westminster only governs the relationship between the Commonwealth government and the government of the United Kingdom, and not that of the latter with the governments of the states, and that the

23 The secession delegation also sought the legal advice of Sir William Jowitt, the fee being paid by Messrs. J.M. Smith and H.K. Watson personally. ibid., Sept. 4, 1935, p. 519.

23 See Appendix B for Australian Constitution.
22 Sir John Forrest had reached the same conclusion concerning the necessity of an act of the Imperial Parliament to effect secession as early as May 17, 1900. v.supra, p. 40.
Commonwealth's failure to ratify the Statute in no way affected its validity.

After achieving this degree of agreement concerning the Statute of Westminster counsel on both sides, amazingly enough, proceeded to ignore it. The secession counsel stressed the independent actions of the Australian states and cited other precedents, such as the 1868 petition of Nova Scotia for amendment of the B.N.A. Act to permit that province's secession. Mr. Green, for the Commonwealth, attempted to show, on the other hand, that from the establishment of Federation the federal government was the only one which dealt with the Home government on matters of more than state-wide interest.

It was to the Statute of Westminster, so neglected by the counsel, that the Joint Committee went as a basis for their decision, which they announced on May 24. In their report the committee stated that although the Parliament of the United Kingdom had in law full competence to pass the desired legislation, and that it was the only body that had such competence, yet, under the Statute of Westminster the Parliament was constitutionally incompetent to do so save at the advice and with the consent of the Parliament of the Commonwealth of Australia. The petition, therefore, they found not proper to be received.


25 The Nova Scotia petition was cited by Mr. P.E. Springman, junior counsel for the Secession delegation, H.C. 88/1935, p. 145.

26 The committee's report has been reproduced in full as Appendix C. Relevant sections of the Statute of Westminster as Appendix D.
The reception of this news that the petition would not be received by the British Parliament -- that five years of intensive agitation had resulted in a stall in a dead end street -- differed with the side that the individual favoured. Mr. J. MacCallum Smith was interviewed shortly after the report of the Joint Committee was made public. He had no doubts as to the reason of the petition's rejection.

"... they thought that if it was received it might offend the Commonwealth Government and put the British Government in an awkward position. Western Australia could continue to suffer as long as the susceptibilities of Mr. Lyons and his Ministers are not ruffled." 27

An unnamed member of the delegation demonstrated even more clearly the reaction of a hyper-loyal colonial when the government which can do no wrong does.

"I may add that we were very shabbily handled by the British Government, and that the refusal to even receive our petition will stand for all time as one of the most discourteous acts ever perpetrated by the Home authorities. I have no hesitation in calling it a brutal insult on the Empire's most loyal State." 28

Mr. Lyons, on the other hand, appeared to be quite pleased. He commended the committee's action, stating that the report marked out the respective jurisdictions of the Parliaments of the United Kingdom and the dominions so as to avoid future embarrassment to any of them. "It is a notable contribution to a modern understanding of the constitutional future of the Empire". 29


28 ibid.

Mr. Collier must also have been pleased with the results. He continued to play his part superbly by now revealing what appears to have been his real reason for assuming the role of a secessionist. The decision on the secession petition, he stated, did not end the matter. Western Australians would fight on until they had received a measure of justice from the Federal Parliament.

Mr. Moreing, the man who had presented the petition in the House of Commons, made a valiant attempt to have the report of the committee debated in the House, but he was only able to find one other member to support his claim. The Attorney-General, Sir Thomas Inskip, dashed his hopes by a statement which concluded:

"The Committee unanimously came to the conclusion expressed in the report, and what my hon. Friend has certainly not done is to show that the House would wish to differ with the report of the Joint Select Committee.

Let it be remembered that this House has always regarded the question of the receivability of petitions one of Parliamentary privilege and peculiarly one for settlement by Parliament itself. ... On a question of this kind the House would naturally wish to be guided by the advice of its own committee specially appointed. They have made a very careful report. ... I hope that my hon. Friend, having relieved his feeling by expressing his personal dissent from the opinion of the committee, will feel on the whole there is no reason to suppose that his personal view would have any general support in the House. In these circumstances, having regard to the crowded nature of the Session, I cannot hold out any hope that it would be found possible to appoint a


31 Mr. John P. Dickie (Consett, Durham), who admitted that he had been approached by the Western Australian delegation. In his report to the Legislative Assembly Mr. J.M. Smith claimed that seventy British M.P.'s put in a round robin to the Prime Minister asking him to provide an opportunity for discussion of the report. W.A., Parliamentary Debates, Sept. 4, 1935, p. 516.
day when my hon. Friend could enlarge upon the views he has presented with such engaging candour. 32

Nothing was heard in the House of Lords. The Marquess of Aberdeen was not as wholehearted a convert as was Mr. Moreing.

Mr. Alfred Chandler, of course, was not disheartened. Writing in July, 1935, he attempted to rally his forces for a new charge.

"The fight is still on. We suggest that the British authorities put up this before the Joint Committee, to formulate a constitutional bar to the progress of the petition, and that this was done in conference, with the secret and illegal arrangement between the Imperial authorities and the Commonwealth that no State's secession should be countenanced without the consent of the Federal authorities. 33

The fight was to be harder than ever. The most loyal of states would be confronted with a coalition of the iniquitous Commonwealth and the erring government of the Mother Country. It was not a popular struggle. Mr. Smith came home and presented his report to the Legislative Assembly, making what appear to be absolutely unwarranted charges of unfair treatment by the Dominions' Office and the Joint Committee. Mr. Smith's report provided the occasion for other parliamentary secessionists to let off steam by denouncing the unjust, iniquitous, and, indeed, disloyal actions of the Joint Committee and the British Parliament in daring to oppose the wishes of Western Australia. Finally one lawyer member

34 The position of the Dominions' Office in the controversy was stated by Mr. Thomas on July 17, 1935. "It is not for us to intervene as between a State and the Commonwealth. They presented their petition, and we gave them every opportunity for that petition to be considered in the proper way. The Dominions' Office was not and will not be drawn into a purely Australian controversy on this matter." U.K. Debates, (Commons) vol. 304, p. 1046.
A. R. MacDonald (West Perth) pointed out that the Statute of Westminster did signify a change in the position between the self-governing dominions and the Homeland, and reminded his fellow members that Western Australia was not a sovereign state since, at the time of federation, she had surrendered some sovereignty to the Commonwealth. He then suggested that some other means of achieving secession should therefore be investigated. Something more in line with the facts. The federal government and the other states should be approached to see whether secession could be brought about by constitutional means.

"Secession by consent" — It is doubtful whether the suggestion was intended to be taken seriously. The following month Mr. C.G. Latham performed his duty as Leader of the Opposition by asking the Premier whether any action had been taken in approaching the Commonwealth government to ask it to make a suitable request to the British government and thereby facilitate the passage of the necessary Imperial legislation to give effect to the desires of the people of Western Australia.

Mr. Collier answered that such action had not as yet been taken, and that the whole matter was under the consideration of the government.

Actually, whatever the desires of the people were in April, 1933, secession was no longer the prime desire of the people of the state by the end of 1935. The rapid collapse of the secession movement could be more closely likened to a pricked balloon rather

than a burst bubble. It did not go "all at once and nothing first", but its rapid exhaustion left only the smallest and most pitiful of fragments which could hardly again be organized into an imposing movement.

As Prof. Beasley has pointed out in his article on the subject, economic conditions were slowly improving, and the great mass of the people "no longer saw the necessity for a short cut to Utopia via secession". The rather extravagant language used by at least one of the secession delegates at the time of the "Great Rejection", combined with some vague threats of the necessity to appeal to force, estranged many former supporters of the secessionist cause. Even the Sunday Times had lost its earlier zeal. It had greeted the decision of the Joint Committee with a statement worthy of a race of cricketers, assuring its readers that Western Australia would show its sportsmanship by loyally accepting the verdict of the umpire. This statement was followed by a virtual repudiation of secession when the journal recommended in the mildest terms that its readers continue to fight for recognition of the justice of the state's claim for better treatment within the Commonwealth.

The Dominion League languished. Writing early in 1936 Prof. Beasley describes its executive committee meeting occasionally,

37 Beasley, op. cit., p. 34.
38 v. supra, p. 166.
39 Mr. H.K. Watson is reported to have said on May 26, 1935, "The argument of force will be the only means left to the people of Western Australia in their determined desire for secession." New York Times, May 27, 1935, 5:3.
40 Beasley, op. cit., p. 34.
passing resolutions which attract a moment's notice, then retiring
back into seclusion. The League's chairman, Mr. Watson, made
several attempts to enter public life, but was on every one of
these earlier attempts, defeated.

What was to be gained from secession in 1935? The world was
a far less secure place than it was in 1930, when the large scale
secession agitation started, or even than in 1933, at the time
when the referendum was taken. The economic conditions, which
had provided the chief motivation for the spread of the secessionist
gospel, were slowly improving. The recommendations of the Common-
wealth Grants Commission were fairly generous and were accepted
by the federal government without the pruning which had marred
their treatment of the 1925 Disabilities Commission recommenda-
tions.

Thanks to the revival of trade and, in part at least, to the
greater solicitude of the Commonwealth government, the state
treasury was nursed back to health. At the close of the fiscal
year, 1935-36, the state treasurer discovered that Western Australia
had its first surplus since the accidental one of 1926-27,

Life within the Commonwealth was becoming tolerable again.
Moreover, the Commonwealth government had made certain gestures
which had pleased the Western Australians. One month after the

40 Beasley, op. cit., p. 34.
41 He has recently been elected to the Legislative Council.
42 For table of grants recommended by Commonwealth Grants
Commission, 1934-43 see Appendix E.
43 Journal of the Parliaments of the Empire, vol. 18, 1937,
p. 130
Joint Committee had published its report -- before the members of the secession delegation had left the shores of Britain -- Western Australians were actually preparing a gala civic welcome for some Commonwealth cabinet ministers. The Federal Cabinet had decided to hold some meetings in Perth rather than in Canberra. Eight cabinet ministers and twenty-five officials made the journey, a special cabinet room being fitted up in their train so work could be done en route. They arrived in Perth on the morning of June 24, one month to the day from the publishing of the Joint Committee's report. Dr. Earle Page, the acting Prime Minister, and his seven cabinet colleagues were met at the station by Mr. Collier who blandly informed them that he believed in Federation and the unity of Australia, and could see no future for Australia unless they stood together. The Commonwealth ministers were then ushered off to a state luncheon, a vice-regal dinner (there is no record of Sir James' conversion), a civic reception, and a tour of the goldfields.

The federal ministers had described the trip as "a fine federal gesture" while their critics considered it "wasteful hot air". The prompt action of the Commonwealth government in making the gesture most certainly seems to have had a beneficial effect in Western Australia, while there is no doubt that the journey must also have been beneficial to the cabinet. Some of the ministers were given an opportunity of seeing the western section of the continent for the first time. Distances take on an added significance

when they have actually been measured in days over the earth and not merely in inches over the map.

But a more practical, more lasting method of silencing the secessionist cry was that provided by the Commonwealth Grants Commission. That body initiated a new method of computing the amount that it should recommend for the annual grants to the three claimant states. Disabilities arising out of federation, a fruitful ground for secessionist agitation, or at best a method of keeping old sores constantly running, were abandoned as the basis of computation. Instead the claimant states were brought within the Australian protective system. The states were to be given sufficient grants to allow them to provide their citizens with services at an "Australian level" without having to levy a higher rate of taxation on their citizens than that imposed by the financially solvent states. Naturally the translation of this theory into practice was not easily accomplished. Up until the outbreak of the second World War Western Australia submitted her claims under the discarded theory, and continued to bewail the discrimination shown against the western state, but the way was now open, at long last, for Western Australia to benefit from the Australian theory of protection and bounties.

Thus, in an atmosphere that was becoming increasingly uncongenial, what was left of the great secession movement withered away. The outbreak of the Pacific War, demonstrating, as it did,

46 The work of the Commonwealth Grants Commission is a study in itself. Each successive report displays a greater grasp of the implications of the new theory, which the commissioners continue to define with greater clarity.
that Singapore and the Royal Navy could not provide for Australia's defense under all circumstances, offered a shock-treatment stimulus to the Commonwealth's slowly ripening maturity. Another nation was being fashioned on the anvil of war. With Australia playing an independent role in the post-War world, the actions of her statesmen being backed by a growing feeling of Australian nationalism, it would appear that the colonial mentality, which was a necessary adjunct of the Western Australian variety of secessionist sentiment, has been discarded as belonging to a bye-gone era.
CHAPTER TEN

From whence ... and whither...

Observers from outside Western Australia were almost unanimous in attributing the separatist agitation in the state to a desire for better terms. There seems to be no reason to believe that on the whole their observation was incorrect. Nevertheless, there were, of course, some sincere secessionists. Sir James Mitchell appears to have desired secession with all sincerity, though he probably cherished some doubts concerning the possibilities of actually achieving it. Fifteen years of writing for secession would have convinced Alfred Chandler of the justice of his cause even conceding the remote possibility that he held some doubts in 1918. It must be admitted that many of those who cast their ballots in favour of secession in April 1933 were sincere in that they wished for a change. They did not know how it could be effected. They did not care. It was a protest vote of people who were down and out and who believed that any change was a change for the better.

Still, it would be safe to say that many of those who voted for secession, particularly those who linked their secession vote with one for a Labour candidate, were making a deliberate gesture in favour of better terms. With how many the action was deliberate, and with how many it was instinctive remain, of course, a moot question. Emotion, not reason, holds sway all too often at election time, and a dislike of things eastern, which could be enlarged to include the institution of the Commonwealth, was deeply rooted in western minds. Nevertheless, the Hon. Philip
Sollier was not a man who would allow himself to be swayed too far by emotion. His actions throughout the secession movement appear to be those of a good poker player and a good politician, who, if he had been playing on a larger stage, would have been called a statesman. He most certainly never believed in secession, and very likely was quite convinced that the course his government chose to pursue was quite sure to fail, if its aim be taken as the achievement of secession (and very likely to succeed, if its aim were the utilization of the secessionist sentiment to create a fresh and real interest in Western Australia's plight on the part of the Commonwealth government). Mr. Collier did make the Commonwealth government "sit up and take notice" while the threats, not accompanied by deeds, of the South Australian and Tasmanian governments that their states might, too, secede were dismissed, as mere gestures, by Canberra. The increased interest in Western Australia displayed by many easterners and the greater spirit of real federal co-operation shown by the Commonwealth ministers more than compensated for the relatively small expenditure involved in sending the secession delegation to London.

This latter fact is most important, since, although in providing a "test case" for the Statute of Westminster the Western Australians offered an unintentional service to the British Commonwealth as a whole, such considerations, significant as they may be to the student of history or constitutional law,

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1 The cost of the delegation was given as £5,234/0/10.
must be ignored by the taxpayer who, after the secession movement was buried was trying to decide whether he had paid too much for the fun he had had.

The Commonwealth Grants Committee might have been established even had there been no secession agitation in Western Australia. The timing of Mr. Lyons announcement concerning its formation appears significant, however. It must be considered as a result of the movement. By placing the allotment of the really substantial amounts which the Commonwealth government had to distribute as special grants into the hands of a permanent commission an important weakness in the Australian political system was rectified. The commission, composed of competent authorities, reduced the distribution of Commonwealth largesse to a system which robbed any future agitation for secession of much of its value as a mere bargaining point for better terms. Henceforth the squeaking axle would be examined by a mechanic before it was greased.

The greatest interest in the western state on the part of eastern Australians did not, of course, mean that immediately a spirit of brotherly and mutual goodwill prevailed everywhere. When those two doughty champions of Western Australian rights, Messrs. Gregory and Browne, were making characteristic appeals to the House of Representatives in 1938, the Hon. Frank Brennan (Labour, Batman, Vic.) commented;

"It is true that the honorable members from Western Australia, when they hold out their hands with their palms upwards, do not get as much put into them as they desire, but who does? I have never known those who waited for a handout to be satisfied, and certainly they always
Western Australia was still considered a mendicant by many Easterners, and this attitude, in turn, produced one of resentment in the West.

The facts of geography are hard to alter. Their effects are difficult to combat. Until the great masses of the Australian people are able to move about and see the entire country (a situation which was in part satisfied for a certain age group by the war) the West will remain a distant, dissatisfied area, always crying out for more and larger grants in the minds of many people in the East; and the East will be the lair of the greedy "Big Interests" and the direction from whence come the rabbit pests, which necessitated the construction of expensive fences to keep the Swanland uninfected, to the inhabitants of Perth and its environs.

From whence came the secession movement of Western Australia and whither has it gone? The separatist tendencies of the West seem to have been the natural growth of an isolated community which could not find its niche in the larger unit into which it had been incorporated at, perhaps, too early a date. It was a backward looking movement. The peculiar history and geography of the area provided arguments which could be used to bolster the secessionist arguments, but over thirty years of incorporation in the Commonwealth of Australia cannot be ignored. Vested interests had grown up, within the Commonwealth system, both in the East and the West which would not permit the severing of the federal

2 Commonwealth, Parl. Debates, Oct. 19, 1938, p. 935
link in the almost thoughtless manner contemplated by the secessionists. The separatist sentiment had roots in the geographic and historic isolation of the Swanland. It was nurtured by the neglect of the area by the Commonwealth governments. It was given the final stimulant to provoke the blaze of active and widespread secessionist agitation by the economic conditions of the early 1930's. With the easing of the economic lot of Western Australia, more consideration from Canberra, and the effects of the Pacific war on Australian national identity the movement, having served its purpose, was abandoned by its followers.

Years of living together, facing common perils, and attempting to work together to solve mutual problems are necessary for the growth of a realization of a common identity. The threat of a divorce, however, is sometimes needed to show to both parties the fact that they have grown closer together than they had at first thought. Thus it was with Australia. First came the divorce threat, in the form of the secession movement, then, later, the war which developed into a direct struggle for survival and defense of the home shores, from which threat evolved the indissoluble Australia forecast, but not realized in the preamble to the Constitution.
Average Annual Rainfall

From Taylor, *op. cit.*., 1940, p. 63.

Population Density 1933

From Taylor, *op. cit.*, p. 430
Griffith Taylor's Twenty Natural Divisions of Australia.

From Taylor, op. cit., 1940, p. 128.
APPENDIX A1

Train Timetable -- Perth, W.A., to Brisbane, Queensland.

leave Perth, W.A. 4:40 P.M. Tuesday (3 trains a week)
arrive Kalgoorlie (380mi) 7:30 A.M. Wed. (change trains)
leave Kalgoorlie, W.A. 8:05 A.M. Wed.
arrive Pt. Pirie Jon., 2:55 P.M. Thurs. (change trains)
leave Port Pirie, S.A., 3:30 P.M. Thursday
arrive Adelaide, (1,622) 6:35 P.M. Thurs. (change trains, except through sleepers)
leave Adelaide, S.A., 7:25 P.M. Thurs. (daily service)
arrive Melbourne (2,105) 9:35 A.M. Friday (change trains)
leave Melbourne, Vic. 6:30 P.M. Friday
arrive Sydney (2,695) 8:55 A.M. Sat. (change trains)
leave Sydney, N.S.W. 7:40 P.M. Saturday
arrive Brisbane, (3,308) 2:30 P.M. Sunday (change trains to continue up coast)

The foregoing timetable is given in Australia, Official Handbook, Melbourne, Australian National Publicity Association, 1941, p.131.
The figures given in brackets above are statute miles from Perth. For mileage and time comparisons;
Kamloops is 250 rail miles from Vancouver (C.P.R.)
Calgary, 7642 (22 hrs., 35 min.)
Winnipeg, 1,473 (44 hrs., 40 min.)
White River, Ont. 2,143
Toronto 2,703 (79 hrs., 55 min.)
Montreal 2,882 (82 hrs. 50 min.)
Halifax 3,642
APPENDIX B

Excerpts from the Commonwealth of Australia Constitution Act.
(63 & 64 Victoria c. 12)

The following excerpts have been selected to clarify certain points concerning the constitution which have a special bearing on the events dealt with in this thesis. The Australian Constitution is to be found as clause 9 of the Commonwealth of Australia Constitution Act. It was originally intended merely to be appended as a schedule.

AN ACT TO CONSTITUTE THE COMMONWEALTH OF AUSTRALIA.
(9th July, 1900.)

Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

3. It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein
appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation appoint a Governor-General for the Commonwealth.

4. The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act.

5. This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.

6. "The Commonwealth" shall mean the Commonwealth of Australia as established under this Act.
"The States" shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called "a State".

"Original States" shall mean such States as are parts of the Commonwealth at its establishment.

7. The Federal Council of Australasia Act, 1885, is hereby repealed, but so as not to affect any laws passed by the Federal Council of Australasia and in force at the establishment of the Commonwealth. Any such law may be repealed as to any State by the Parliament of the Commonwealth; or as to any colony not being a State by the Parliament thereof.

8. After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

9. The Constitution of the Commonwealth shall be as follows:

CHAPTER I. THE PARLIAMENT.


1. The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate,
and a House of Representatives, and which is hereinafter called, "The Parliament," or "The Parliament of the Commonwealth."

5. The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

Part II. The Senate.

7. The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate.

But until the Parliament of the Commonwealth otherwise provides, the Parliament of the State of Queensland, if that State be an Original State, may make laws dividing the State into divisions and determining the number of senators to be chosen for each division, and in the absence of such provision the State shall be one electorate.

Until the Parliament otherwise provides there shall be six senators for each Original State. The Parliament may make laws increasing or diminishing the number of senators for each State, but so that equal representation of the several Original States shall be maintained and that no Original State shall have less than six senators.

The senators shall be chosen for a term of six years, and the names of the senators chosen for each State shall be certified by the Government to the Governor-General.
9. The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States. Subject to any such law, the Parliament of each State may make laws prescribing the method of choosing the senators for that State.

The Parliament of a State may make laws for determining the times and places of elections of senators for the State.

10. Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State, for the time being, relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections of senators for the State.

Part III. The House of Representatives.

24. The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators.

The number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner:

(1) A quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the senators:

(2) The number of members to be chosen in each State shall be determined by dividing the number of the people of the State as shown
by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

But notwithstanding anything in this section, five members at least shall be chosen in each Original State.

26. Notwithstanding anything in section twenty-four, the number of members to be chosen in each State at the first election shall be as follows: -

New South Wales ......................... twenty-three
Victoria .................................. twenty
Queensland .............................. eight
South Australia .......................... six
Tasmania .................................. five

Provided that if Western Australia is an Original State, the numbers shall be as follows: -

New South Wales ......................... twenty-six
Victoria .................................. twenty-three
Queensland .............................. nine
South Australia .......................... seven
Western Australia ....................... five
Tasmania ................................. five

Part IV. Powers of the Parliament.

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to: -
1. Trade and commerce with other countries, and among the States:

2. Taxation; but so as not to discriminate between States or parts of States:

3. Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth:

4. Borrowing money on the public credit of the Commonwealth:

5. Postal, telegraphic, telephonic, and other like services:

6. The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth:

7. Lighthouses, lightships, beacons and buoys:

8. Astronomical and meteorological observations:

9. Quarantine:

10. Fisheries in Australian waters beyond territorial limits:

11. Census and statistics:

12. Currency, coinage, and legal tender:

13. Banking, other/State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money:

14. Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned:

15. Weight and measures:

16. Bills of exchange and promissory notes:

17. Bankruptcy and insolvency:
18. Copyrights, patents of inventions and designs, and trade marks;

19. Naturalization and aliens:

20. Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:

21. Marriage:

22. Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants:

23. Invalid and old-age pensions:

24. The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States:

25. The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:

26. The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws:

27. Immigration and emigration:

28. The influx of criminals:

29. External affairs:

30. The relations of the Commonwealth with the islands of the Pacific:

31. The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws:
32. The control of railways with respect to transport for the naval and military purposes of the Commonwealth:

33. The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State:

34. Railway construction and extension in any State with the consent of that State:

35. Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State:

36. Matters in respect of which this Constitution makes provision until the Parliament otherwise provides:

37. Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law:

38. The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia:

39. Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.
52. The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to:

1. The seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes:

2. Matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth:

3. Other matters declared by this Constitution to be within the exclusive power of the Parliament.

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting by message, the omission or amendment of any items or provisions.
therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

57. If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and
shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.

CHAPTER II. THE EXECUTIVE GOVERNMENT.

61. The executive power of the Commonwealth is vested in the Queen and is exerciseable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

62. There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.

69. On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become trans-
ferred to the Commonwealth:

- Posts, telegraphs, and telephones:
- Naval and military defence:
- Lighthouses, lightships, beacons, and buoys:
- Quarantine.

But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

CHAPTER III. THE JUDICATURE.

71. The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

73. The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences:

1. Of any Justice or Justices exercising the original jurisdiction of the High Court:

2. Of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State,
or of any other court of any State from which at the establishment
of the Commonwealth an appeal lies to the Queen in Council:

3. Of the Inter-State Commission, but as to questions of
law only: and the judgment of the High Court in all such cases s
shall be final and conclusive.

But no exception or regulation prescribed by the Parliament
shall prevent the High Court from hearing and determining any
appeal from the Supreme Court of a State in any matter in which
at the establishment of the Commonwealth an appeal lies from
such Supreme Court to the Queen in Council.

Until the Parliament otherwise provides, the conditions
of and restrictions on appeals to the Queen in Council from
the Supreme Courts of the several States shall be applicable
to appeals from them to the High Court.

74. No appeal shall be permitted to the Queen in Council
from a decision of the High Court upon any question, how-
soever arising, as to the limits inter se of the Constitutional
powers of the Commonwealth and those of any State or States,
or as to the limits inter se of the Constitutional powers of
any two or more States, unless the High Court shall certify
that the question is one which ought to be determined by Her
Majesty in Council.

The High Court may so certify if satisfied that for
any special reason the certificate should be granted, and
thereupon an appeal shall lie to Her Majesty in Council on the
question without further leave.

Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal from the High Court to Her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked, but proposed laws containing any such limitation shall be reserved by the Governor-General for Her Majesty's pleasure.

76. The Parliament may make laws conferring original jurisdiction on the High Court in any matter—

1. Arising under this Constitution, or involving its interpretation:

2. Arising under any laws made by the Parliament:

3. Of Admiralty and maritime jurisdiction:

4. Relating to the same subject-matter claimed under the laws of different States.

CHAPTER IV. FINANCE AND TRADE.

81. All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges, and liabilities imposed by this Constitution.
86. On the establishment of the Commonwealth, the collection and control of duties of customs and of excise, and the control of the payment of bounties, shall pass to the Executive Government of the Commonwealth.

87. During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of customs and of excise not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure. The balance shall, in accordance with this Constitution, be paid to the several States taken over by the Commonwealth.

89. Until the imposition of uniform duties of customs—

1. The Commonwealth shall credit to each State the revenues collected therein by the Commonwealth.

2. The Commonwealth shall debit to each State—

(a) The expenditure therein of the Commonwealth incurred solely for the maintenance or continuance, as at the time of transfer, of any department transferred from the State to the Commonwealth;

(b) The proportion of the State, according to the number of its people, in the other expenditure of the Commonwealth.

3. The Commonwealth shall pay to each State month by month the balance (if any) in favour of the State.
90. On the imposition of uniform duties of customs the power of the Parliament to impose duties of customs and of excise, and to grant bounties on the production or export of goods, shall become exclusive.

On the imposition of uniform duties of customs all laws of the several States imposing duties of customs or of excise, or offering bounties on the production or export of goods, or shall cease to have effect, but any grant of or agreement for any such bounty lawfully made by or under the authority of the Government of any State shall be taken to be good if made before the thirtieth day of June, one thousand eight hundred and ninety-eight, not otherwise.

92. On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State, or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into the Commonwealth, less any duty paid in respect of the goods on their importation.
93. During the first five years after the imposition of uniform duties of customs, and thereafter until the Parliament otherwise provides—

1. The duties of customs chargeable on goods imported into a State and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State and afterwards passing into another State for consumption, shall be taken to have been collected not in the former but in the latter State:

2. Subject to the last subsection, the Commonwealth shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

94. After five years from the imposition of uniform duties of customs, the Parliament may provide, on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of the Commonwealth.

95. Notwithstanding anything in this Constitution, the Parliament of the State of Western Australia, if that State be an Original State, may, during the first five years after the imposition of uniform duties of customs, impose duties of customs on goods passing into that State and not originally imported from beyond the limits of the Commonwealth; and such duties shall be collected by the Commonwealth.
But any duty so imposed on any goods shall not exceed during the first of such years the duty chargeable on the goods under the law of Western Australia in force at the imposition of uniform duties, and shall not exceed during the second, third, fourth, and fifth of such years respectively, four-fifths, three-fifths, two-fifths, and one-fifth of such latter duty, and all duties imposed under this section shall cease at the expiration of the fifth year after the imposition of uniform duties.

If at any time during the five years the duty on any goods under this section is higher than the duty imposed by the Commonwealth on the importation of the like goods, then such higher duty shall be collected on the goods when imported into Western Australia from beyond the limits of the Commonwealth.

96. During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.

101. There shall be an Inter-State Commission, with such powers of adjudication and administration as the Parliament deems necessary for the execution and maintenance, within the Commonwealth, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.
105. The Parliament may take over from the States their public debts or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.

105 A. 1. The Commonwealth may make agreements with the States with respect to the public debts of the States, including—

(a) the taking over of such debts by the Commonwealth;
(b) the management of such debts;
(c) the payment of interest and the provision and management of sinking funds in respect of such debts;
(d) the consolidation, renewal, conversion, and redemption of such debts;
(e) the indemnification of the Commonwealth by the States in respect of debts taken over by the Commonwealth,
(f) the borrowing of money by the States or by the Commonwealth, or by the Commonwealth for the States.

2. The Parliament may make laws for validating any such agreement made before the commencement of this section.

3. The Parliament may make laws for the carrying out by the parties thereto, of any such agreement.

4. Any such agreement may be varied or rescinded by the parties thereto.

5. Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto notwithstanding anything contained in this Constitution or the Constitution of the several States or in any law of the Parliament of the Commonwealth or of any State.

6. The powers conferred by this section shall not be construed as being limited in any way by the provisions of section one hundred and five of this Constitution.

CHAPTER V. THE STATES.

106. The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

107. Every power of the Parliament of a Colony which has
become or becomes a State, shall, unless it is by this
Constitution exclusively vested in the Parliament of the
Commonwealth or withdrawn from the Parliament of the State,
continue as at the establishment of the Commonwealth, or as
at the admission or establishment of the State, as the case
may be.

109. When a law of a State is inconsistent with a law
of the Commonwealth, the latter shall prevail, and the former
shall, to the extent of the inconsistency, be invalid.

111. The Parliament of a State may surrender any part of
the State to the Commonwealth; and upon such surrender, and
the acceptance thereof by the Commonwealth, such part of the
State shall become subject to the exclusive jurisdiction of
the Commonwealth.

CHAPTER VII. MISCELLANEOUS.

125. The seat of Government of the Commonwealth shall be
determined by the Parliament, and shall be within territory
which shall have been granted to or acquired by the Common-
wealth, and shall be vested in and belong to the Commonwealth,
and shall be in the State of New South Wales, and be distant
not less than one hundred miles from Sydney.

Such territory shall contain an area of not less than one
hundred square miles, and such portion thereof as shall consist
of Crown lands shall be granted to the Commonwealth without any payment therefor.

The Parliament shall sit at Melbourne until it meet at the seat of Government.

CHAPTER VIII. ALTERATION OF THE CONSTITUTION.

128. This Constitution shall not be altered except in the following manner:

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House and either with or without any amendments subsequently agreed
to by both Houses, to the electors in each State qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes.

But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's consent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.
APPENDIX C

REPORT BY THE JOINT COMMITTEE OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS APPOINTED TO CONSIDER THE PETITION OF THE STATE OF WESTERN AUSTRALIA.

I Ordered to Report.

That the Committee have met and have heard counsel on behalf of the Western Australian Secession Delegation on the one hand, and the Commonwealth of Australia on the other.

1. The Committee were appointed to report whether the Petition of the State of Western Australia is proper to be received. They interpret that duty as going beyond mere investigation of the formal correctness of the Petition or of its genuineness in regard to the signatures of those who have signed the petition for and on behalf of the people of Western Australia, or their authority so to sign.

2. The Committee do not consider their duty is limited to reporting merely on the propriety of the form of the Petition for the purpose of its reception by Parliament. There is no question as to the undoubted and ancient right of Parliament to receive whatever Petitions it thinks fit, or the historic right of the subjects of the Crown to present Petitions to Parliament. But these rights, like the absolute right of Parliament to legislate for the whole Empire, are only exercised, in relation to the affairs of the Dominions, in accordance with certain clearly understood constitutional

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1 This report, as submitted to Parliament, is here copied in full from H.C. 88/1935.
principles, principles to which Parliament has more recently given its formal and statutory approval in the Statute of Westminster. It is in the light of these principles that the Committee conceive it to be their duty to report for the information of Parliament whether, in their opinion, the Petition is one which it is proper for Parliament to receive. That is the full extent of the responsibility of the Committee.

3. In order to find an answer to this question, the essential matter for the consideration of the Committee has appeared to be the prayer of the Petitioners, which is to be found in paragraph 19 of the Petition and which is in the following terms:

"Wherefore the people of Western Australia as your Petitioners, humbly pray that (The House of Lords or the House of Commons as the case may be) will forthwith, or as soon as reasonably may be, cause to be introduced into and duly passed by the said Parliament of Great Britain and Northern Ireland a Bill for an Act either by an amendment of the Commonwealth of Australia Constitution Act or otherwise howsoever to effectuate the withdrawal of the people of Western Australia from the Federal Commonwealth of Australia established under and by virtue of the provisions of the said Act and to effectuate the restoration of Western Australia to its former status as a separate and distinct self-governing colony in the British Empire under its present constitution, and the people of Western Australia, as your petitioners, do also humbly pray that any Bill for an Act as aforesaid may have included therein inter alia, provisions in terms of, or in effect similar to the terms of the following clauses, namely:

The Petition then proceeds to set out in detail the proposed clauses of the Bill, but it is here only necessary to quote Clause 1(a);

"On and after a day to be fixed by Proclamation Western Australia shall cease to be a State of the
Commonwealth of Australia and the Commonwealth of Australia Constitution Act, 1900 and the laws of the Commonwealth made thereunder shall, subject to this Act, cease to apply or have any effect in any part of Western Australia and the Western Australia Constitution Act 1889, and its amendments shall thereafter continue in full force and effect and free from any limitations hitherto imposed in any manner whatsoever by the Commonwealth of Australia Constitution Act 1900.

The remaining clauses are ancillary. The prayer accordingly is that, at the request of the Government of the State of Western Australia, conveying the wishes of the people of Western Australia, as ascertained by a referendum organized by the State authorities and without and, indeed, contrary to any request or desire of the Commonwealth of Australia, the Parliament of the United Kingdom should pass a Bill which would sever the Federated Commonwealth by removing from it one State, viz. the State of Western Australia.

4. The Petition sets out a summary of the hardships and grievances which are complained of as resulting from Federation. The Committee, however, have not entered into the merits of the case, into the accuracy of the facts recited in the Petition, or into the question whether the complaint of grievances set out in the Petition is justified. They have put these things aside as not directly relevant to the constitutional issue which they have been called upon to investigate.

5. Nor have the Committee attempted to examine the extent to which the people of Western Australia, as citizens of the Commonwealth, have availed themselves of the opportunities open to them under the Commonwealth Constitution for the remedy of their grievances. They have not endeavoured to ascertain how far it might have been possible by persuasion or political
organization to secure a majority in favour of changes in the general policy of the Commonwealth in so far as these grievances have resulted from policy, nor whether, in so far as those grievances may have been inherent in the Constitution, some modification of the Constitution might perhaps have been obtained in accordance with the procedure laid down in the Act. Nor, lastly, if the grievances are not remediable except by fundamental changes which only the Parliament of the United Kingdom is competent to effect, have they inquired what effort has been made through the medium of Commonwealth elections or in the Commonwealth Legislature, to induce the government and Parliament of the Commonwealth to ask for legislation to amend the Commonwealth of Australia Constitution Act.

6. The essence, then, of the proposed Bill is that the Parliament of the United Kingdom should by its enactment enable the secession of the State of Western Australia from the Australian Commonwealth. So to enact is within the legal competence of the Parliament of the United Kingdom and of that Parliament alone. Chapter VIII of the Constitution enacted under Sections 1 - 9 of the Commonwealth of Australia Constitution Act 1900 provides machinery for the alteration by the people of Australia of the "Commonwealth Constitution" as embodied in those Sections. But there is no provision in the Act for the amendment of the Sections of the Act which created the Commonwealth as one "indissoluble federal Commonwealth under the Crown". The Act gives no power to any State to secede. The Commonwealth itself has no power to amend the
Constitution to the extent of enabling any State to secede. It is only by legislation in the Parliament of the United Kingdom, therefore, that the dissolution of the Commonwealth or the secession of any of its constituent parts can be effected.

7. It is, however, a well established convention of the constitutional practice governing the relations between the Parliament of the United Kingdom and the other Parliaments of the Empire, that the Parliament of the United Kingdom should not interfere in the affairs of a Dominion or self-governing State or Colony, save at the request of the Government of Parliament of such Dominion, State or Colony speaking with the voice which represents it as a whole and not merely at the request of a minority. That rule was well established before 1900, and has been constantly acted upon as an undoubted constitutional convention. It is not necessary to refer to the numerous authoritative declarations of the principle, which must be regarded as fundamental in these matters.

8. In the present instance the Parliament of the United Kingdom is asked to alter the Commonwealth Constitution Act, not at the response to a general demand by the citizens of the Commonwealth, constitutionally expressed in the Commonwealth Parliament and transmitted by the Commonwealth Government, but at the request of the Government of the State of Western Australia, which, as such, is not concerned with Commonwealth affairs. It is essential in this connection to keep in mind that Western Australia, in joining the Commonwealth surrendered all those powers previously enjoyed by it as a self-governing Colony, which under the Commonwealth of
Australia Constitution Act 1900, were vested in the Commonwealth, and that since the coming into operation of that Act, continued to exist as a political entity in respect only of the powers which remain vested in the States. The establishment of the Commonwealth, in fact, set up, within the geographical limits of Australia, an all-pervading division of powers between the Commonwealth, on one hand, as a separate and integral national authority covering the whole of Australia, sovereign within the ambit of its powers, and the States on the other hand, as political entities within that area, each State sovereign within the ambit of its respective powers. Both Commonwealth and States are equally independent in respect of the powers and functions severally assigned to them.

9. This division is one which, in the opinion of the Committee, cannot be ignored in considering the application of the general constitutional principles governing the intervention in the affairs of any self-governing member of the British Empire. It is clearly only at the request of the Government and Legislature primarily concerned that the Parliament of the United Kingdom can be entitled to legislate. In respect of matters appertaining to the Commonwealth it could not so legislate without the request of the Commonwealth authorities; in respect of matters appertaining to the sphere of State powers it could not so legislate without the request of the State authorities. The State of Western Australia, as such, has no locus standi in asking for legislation from the Parliament of the United Kingdom in regard to the
Constitution of the Commonwealth any more than it would have in asking for legislation to alter the Constitution of another Australian State, or that the Commonwealth would have in asking for an amendment of the Constitution of the State of Western Australia.

10. This distinction is recognized and enforced in the Statute of Westminster. The Preamble to that Statute reaffirms the established rule that the Parliament of the United Kingdom will not pass any law extending to a Dominion as part of the law of that Dominion, otherwise than at the request of that Dominion; the Statute is there dealing solely with Dominion affairs. But in Section 9(2) the Statute provides for the case of the States by enacting that the Parliament of the United Kingdom may deal with respect of any matters within the authority of the States of Australia, without any concurrence of the Commonwealth, that is, it may deal with such matters at the request of the States.

11. The Commonwealth of Australia Constitution Act 1900 begins by reciting that the people of the five original States had agreed to unite in one indissoluble Federal Commonwealth under the Crown. W.A. joined the federation in accordance with the option provided by the Act, and the six States are on the same footing in this connection. The Parliament of the United Kingdom in enacting the Constitution was giving effect to the voice of the people of the continent of Australia and not to the voice of any State or States. It is only, therefore, when invoked by the voice of the people
of Australia that, according to constitutional usage, the Parliament of the United Kingdom can properly vary or dissolve that Federal Union.

12. It is true that, as things stand, the Parliament of the United Kingdom alone can pass an Act which would have that result. It is true also that this Parliament has in law full competence to do so, even against the wish and without the consent of the Commonwealth. To do so, indeed, would not be outside its competence in the strict legal sense. But it would be outside its competence, if the established constitutional conventions of the Empire are to be observed, as observed they must be. Only by observance of this can the legal competence of the Parliament of the United Kingdom to legislate in the internal affairs of any Dominion or self-governing State or Colony be reconciled with the fundamental conception of them as autonomous communities and apart from theory, it would be easy to state the practical difficulties which would follow from any departure from this principle. Hence what the petition prays for is, in that sense, something which is beyond the jurisdiction claimed by the Parliament of the United Kingdom.

13. The conclusion, therefore, of the Committee is that insamuch as the prayer of the Petition of the State of Western Australia asks for legislative action which, in their opinion, it would be constitutionally incompetent for the Parliament of the United Kingdom to take, except upon the definite request of the Commonwealth of Australia conveying the clearly expressed wish of the Australian people as a whole,
and inasmuch as this Petition is presented by the Government of Western Australia which, as a State is not concerned with the subject matter of the proposed legislation, the Petition is not proper to be received.
APPENDIX D

Excerpts from *The Statute of Westminster, 1931* (22 Geo.5, c.4)

The following excerpts those portions of the Statute to which reference was made by the Joint Committee of both Houses of Parliament in their report (Appendix 6) and those other sections of the Act which have a special application to Australia.

Whereas the delegates of His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial Conferences held at Westminster in the years of our Lord nineteen hundred and twenty-six and nineteen hundred and thirty did concur in making the declarations and resolutions set forth in the reports of the said Conferences:

...  

And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion:  

...  

And whereas the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland have severally requested and consented to the submission of a measure to the Parliament of the United Kingdom for making such provision
with regard to the matters aforesaid as is hereafter in the Act contained:

... ... ...

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

... ...

8. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

9.--(1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.

(2) Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Commonwealth of Australia in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in accordance with the constitutional practice existing before the commencement of this Act, that the Parliament of the United Kingdom
should make that law without such concurrence.

(3) In the application of this Act to the Commonwealth of Australia the request and consent referred to in section four shall mean the request and consent of the Parliament and Government of the Commonwealth.

10.—(1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of the Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland.

12 This Act may be cited as the Statute of Westminster, 1931.
Grants recommended by Commonwealth Grants Commission and authorized by Commonwealth Parliament, 1934-

The following tables indicate that Western Australia has received fairly generous treatment from the Commissions which have sat under the Chairmanship of the Hon. P.W. Eggleston. The continuing size of the grants would, it seems, suggest that Western Australia's difficulties were not all of a transient nature brought on by the depression of the 1930's.

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BIBLIOGRAPHY

Primary sources

I Government Documents.


Similar to the *Canada Year Book* and as valuable in supplying miscellaneous items of information.


Chiefly valuable as a criticism of the Western Australian Case of the People. Offers little fresh information.


Provides a brief, clear survey of Australia on the brink of the Depression.


Each report outlines the case presented by each of the claimant states, then outlines the basis used by the Commission in computing the amounts of the grants recommended. Reports from 1933-1939/40 used.


Its 371 pages provide an excellent outline of the federal and state governments as they existed in the Commonwealth at that time as well as recommendations of the commissioners.

Mr. Knowles notes are legal rather than explanatory.


The Debates of May 1900, concerning the Federation of Australia, and those of 1934-35 on the Western Australian Petition perused.


Contains also the full text of the Petition of Western Australia.


Legislative Council and Legislative Assembly debates bound together. Copies available at Victoria only indexed by the week. Writer only able to examine debates from 1930 to 1936 intensively.

11. — — Parliament, *The Case of the People of Western Australia in support of their desire to withdraw from the Commonwealth of Australia established under the Commonwealth of Australia Constitution Act (Imperial), and that Western Australia be restored to its former status as a separate self-governing colony in the British Empire*, Perth, Government Printer, 1934.

The most useful single volume for the topic. Contains a mass of information on Western Australia, rather poorly organized and unindexed. *Case for Union* attacks the financial statistics used in this volume, but the rest of the material, including long quotations from early debates and Royal Commission Minutes otherwise not available here, seems quite reliable. Whole tone of volume remarkable in its absolute lack of the slightest trace of an Australian nationalist sentiment.
12. Western Australia, Parliamentary Papers (in chronological order)

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A supplementary list of telegrams which does not contain the more important ones, such as that of April 27, 1900, but does show the lack of enthusiasm for federation displayed by the Western Australian Government.


An early statement of Western Australian grievances and disabilities.

Papers outlining the State's case ... for submission to the Commonwealth Royal Commission, Perth, 1925.

The official State submission to the Disabilities Commission. Shows increasing awareness of disabilities, but still not secessionist in tone.

Report of the Committee appointed to prepare a further case on the Disabilities of Western Australia under Federation, Perth, Government Printer, 1932.

 Provides a valuable survey of the secession movement up to that date.

Report on the Claim by Western Australia for a Special Grant under Section 96 of the Constitution.

Western Australia's claim to the first Commonwealth Grants Commission.
II Newspaper files.


After the Parliamentary Debates and the Case of the People, the top source of information on the topic. Unfortunately the 1930 files have not been indexed.


Far poorer coverage of the secession movement than the London Times, and less reliable. Some errors in fact noticed. Has all four members of secession delegation sail from Fremantle on September 24, 1934 (Times, Sept. 25, 1934): calls Mr. Lyons Premier of Western Australia, and misleadingly refers to Western Australia at all times as the "largest state in the Commonwealth", never suggesting that it is also the second smallest in population.

III. Other periodicals.


Provides a useful, brief introduction to the subject.


Used to cover gaps where Western Australian Debates not available. Exceptionally valuable in that it gives the party affiliations of the members of the lower houses in state and Commonwealth parliaments. As a rule, very little space is devoted to State parliaments.


Proved to be of little value.

18. Time.

The weekly news magazine had not as yet become aware of the Antipodes.
Secondary sources.

I Books.


The Public Librarian of Western Australia wrote about Western Australia for Western Australians. It is the only published work available which supplies the necessary historical background for any study of Western Australia.


Written too early to be of any real value in the topic under review. Bibliography also out of date.


A work symptomatic of the interest in constitutional change prevalent in Australia at the time of its writing. The author favoured unification.


The usual anniversary souvenir number. The plentiful supply of illustrations scattered through the 476 pages provide assistance in attempting to visualize the country.


The Alfred Marshall Lectures, as delivered in the University of Cambridge by the Professor of Commerce, University of Melbourne. The first two sections, "Basis of Australian Prosperity, 1925-1929", and "The Impact of the Crisis, Loss of Income", are particularly valuable.

An enthusiastic account of the growth of the new "Australian people".


A reappraisal of the pessimistic view taken of federalism by A.P. Cannaway in 1930. Contains the best bibliography uncovered for the topic under review, although most of the periodical articles listed are not available here.


A survey of Australian life written by an American for non-Australians, yet liked well enough by the Australians that a special edition was published in their country. A more up-to-date survey than that of Prof. Hancock, and fuller than Fitzpatrick's.


A well known Australian historian's survey of his homeland. Written a few years too early to be of full value for the topic under review.


Photo studies of Australia, including some very good views of Western Australia, which are a help in attempting to visualize the country.


A group of prominent Australian constitutional authorities present their views on various aspects of the Australian constitution, useful background studies for the better understanding of the topic under review.

Provides the historical facts, a knowledge of which is presupposed by most of the other books listed in this bibliography.


Australia's best known geographer's latest work on his native country.


Includes some useful material not incorporated in Prof. Taylor's later book.

II. Periodicals (listed in alphabetical order of periodical titles.)


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34. *Contemporary Review.*


Of negative significance: a survey of the Australian political scene; State and Federal, wherein neither Western Australia is even mentioned. All was quiet on the Western Australian front.
35. **Current History**

Brebner, J.B., "Reconstruction efforts in Australia," vol. 35: 283, November, 1931.

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36. **The Economic Record** (Journal of the Economic Society of Australia and New Zealand.)

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A review of The Case of the People, writer shocked by lack of Australian spirit displayed.


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37. **Edinburgh Review**

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38. **Foreign Affairs**


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39. **Living Age**

"Centralization or more States", vol. 338, p. 263.

May 1, 1930.

The alternatives to the Federal Commonwealth are discussed.

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"Australian Crisis", vol. 36, pp. 46-8, Oct. 18, 1930.

A lead article on the intensity of the Australian economic crisis.
40. New Statesman (cont'd.)


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Mentions the problem of settling gold miners in other forms of employment.

41. Nineteenth Century

An early indication of dissatisfaction with the status quo in the Commonwealth.

Kirwan, J.W., "Western Australia and Australian Federation" vol. 109, pp. 169-75, February, 1931.
Contains much material which later found its way into The Case of the People.

42. Pacific Affairs.

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43. Quarterly Review.

The importance of State finance in Australia.

Jose, A., "Australian Commonwealth and the States", vol. 254, pp. 311-20, April, 1930.
Outlines impracticality of existing system.
44. Review of Reviews, (London).


45. Round Table.

Article under "Australia" in every edition, but especially:
"Economic depression", 20, 863-8, Sept. 1930.

46. Social Forces


Early hints of financial troubles that were a-brewing.

47. The Australian Quarterly.


To the best of the present writer's knowledge, this article is the only previous study on the secession movement. Professor Beasley considers the movement one of small importance, and is inclined to treat the whole thing as a jest.