Extension of Australian Commonwealth Powers--Parties, Interest Groups, and Personalities: 1911, 1913, and 1919 Referenda

By

CONRAD F. JOYNER

A DISSERTATION PRESENTED TO THE GRADUATE COUNCIL OF
THE UNIVERSITY OF FLORIDA
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY

UNIVERSITY OF FLORIDA
January, 1957
"Mr. Hughes will, it is understood, ask the country to sanction an amendment of the Constitution enabling him to deal with profiteering."

The Bulletin, October 2, 1919, p. 1. (W. M. Hughes at one time mended umbrellas.)
ACKNOWLEDGEMENTS

This dissertation is the outgrowth of a Fulbright project undertaken while the author was in Australia, and as such he wishes to express gratitude for the financial assistance given by the United States Government. Throughout his stay in Australia he was shown every consideration by the members of the United States Educational Foundation in Australia. Mr. Geoffrey G. Rossiter, the Foundation's Executive Officer, extended aid and understanding which were helpful for an enjoyable year on both the personal and academic levels.

The research and first draft of the dissertation were completed in Australia, because of this the author is grateful for the assistance and cooperation of numerous Australian scholars and students. Mr. R. N. Spann, Professor of Government and Public Administration in the University of Sydney, permitted the author to use the facilities in the Department of Government. Mr. Henry Mayer supervised the actual research and made many valuable suggestions concerning the treatment of the subject and the location of materials. Mr. Mayer posed questions which caused the candidate to pursue lines of inquiry which would not have occurred to a neophyte in the study of Australian politics. Professors Geoffrey Sawyer, R. S. Parker, and L. F. Fitzhardinge of the Australian National University gave of their time in order to help on specific matters.
Sir Robert Garran, one of the Commonwealth's "founding fathers" and an active participant in the referenda, imparted some of the spirit of the early Commonwealth period and shared many of his experiences and insights. As the alert dean of Australian students of federalism, Sir Robert combines those rare qualities of the devotion of a scholar, the idealism that first prompted him to take a lead in the fight for federation, and the insights of an active participant in the politics of the Commonwealth.

Each member of the candidate's Ph. D. Supervisory Committee at the University of Florida has been helpful and cooperative in connection with the candidate's graduate study and the dissertation. The author has benefited from his association with the members of the Committee, and he thanks each of them for suffering his innumerable requests and faults with a maximum of forbearance. The Chairman of the Committee, Dr. William G. Carleton, directed the graduate work in political parties; the author's knowledge of politics has been increased by Dr. Carleton's provocative observations on both American and world politics. In the course of the candidate's graduate work he has encountered various "points of departure," and in these matters he has received advice, encouragement, and recommendations from Dr. Manning J. Dauer, Head of the Department of Political Science. Thanks are due to Drs. Ernest Bartley, William Havard, and Ralph H. Blodgett who have helped in more ways than they probably realize.

Dr. Alfred Diamant agreed to serve as a member and co-chairman of the Supervisory Committee during the "home stretch," and his
help has been invaluable. The author was spared many of the procedural difficulties due to Dr. Diamant's efforts. Dr. Diamant's most important contribution was that he reviewed the dissertation on two occasions and called attention to structural and substantive weaknesses. The final product is the author's own and whatever errors of fact and judgement remain are his.

In acknowledging the assistance and encouragement of his wife the author can find no adequate superlatives. Ann Joyner has been both adviser and typist. She has been the first to praise, but she has also been the first to offer constructive criticism and to suggest that hard work and patience are two of the irreplaceable ingredients of scholarship. Lastly, the author wishes to thank Mrs. Louise Joyner who proof read the entire work.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>11</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>vii</td>
</tr>
<tr>
<td>LIST OF ILLUSTRATIONS</td>
<td>viii</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>I. MAIN CURRENTS IN AUSTRALIAN POLITICS, 1788–1900</td>
<td>7</td>
</tr>
<tr>
<td>II. EXTENSION OF COMMONWEALTH POWERS BECOMES AN ISSUE</td>
<td>25</td>
</tr>
<tr>
<td>III. 1910 PARLIAMENTARY DEBATES</td>
<td>68</td>
</tr>
<tr>
<td>IV. THE &quot;YES&quot; AND &quot;NO&quot; CAMPAIGNS OF 1911</td>
<td>91</td>
</tr>
<tr>
<td>V. HOLMAN VERSUS HUGHES</td>
<td>139</td>
</tr>
<tr>
<td>VI. THE FIRST &quot;NO&quot; VICTORY</td>
<td>169</td>
</tr>
<tr>
<td>VII. THE SECOND &quot;NO&quot; VICTORY</td>
<td>190</td>
</tr>
<tr>
<td>VIII. POLITICAL METAMORPHOSIS</td>
<td>230</td>
</tr>
<tr>
<td>IX. 1919 PARLIAMENTARY DEBATES</td>
<td>251</td>
</tr>
<tr>
<td>X. THE THIRD &quot;NO&quot; VICTORY</td>
<td>268</td>
</tr>
<tr>
<td>XI. CONCLUSIONS</td>
<td>309</td>
</tr>
<tr>
<td>APPENDIXES</td>
<td></td>
</tr>
<tr>
<td>I. NUMBER OF UNIONS AND UNION MEMBERSHIP BY TRADE IN AUSTRALIA—1912</td>
<td>341</td>
</tr>
<tr>
<td>II. LABOR REPRESENTATION IN COMMONWEALTH AND STATE PARLIAMENTS—1905 AND 1911</td>
<td>342</td>
</tr>
<tr>
<td>III. TRIBUNALS FOR REGULATIONS OF WAGES IN TRADES—1911</td>
<td>343</td>
</tr>
<tr>
<td>IV. 1911, 1913, AND 1919 REFERENDA RESULTS</td>
<td>344</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>347</td>
</tr>
<tr>
<td>BIOGRAPHICAL SKETCH</td>
<td>357</td>
</tr>
</tbody>
</table>
LIST OF TABLES

Table                                                                 Page
I. Affiliation of Unions and Branches to Trades and Labor Councils, 1911 .......... 34
II. Number and Membership of Unions: 1901, 1906, 1911, 1914, and 1919 .......... 37
III. Number of Factories and Number Employed: 1907, 1909, 1911 .......... 37
IV. Population of Australia by States, 1911 .......... 116
V. 1911 Referendum Vote .......... 170
VI. 1910 Senatorial Vote and 1911 Referendum Vote by States .......... 172
VII. Distribution of Commonwealth Parliamentary Electorates at the Election of 1910 and the Referendum of 1911 174
VIII. Commonwealth Parliamentary Districts that Voted Labor in 1910 and "No" in 1911 .......... 176
IX. A Comparison of the Western Australian 1910 Commonwealth Vote and the 1911 Referendum Vote .......... 183
X. 1913 Senatorial Vote and 1913 Referendum Vote by States .......... 225
XI. Distribution of Commonwealth Parliamentary Electoral Districts at the Election of 1913 .......... 228
XII. Districts that Voted Labor and "No" in 1913 .......... 228
XIII. Party Representation in the Legislative Assemblies, 1919 .......... 240
XIV. 1919 Senatorial and Referendum Vote by States .......... 304
XV. Distribution of Commonwealth Parliamentary Electoral Districts and the Election and Referendum of 1919 305
<table>
<thead>
<tr>
<th>Plate</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. &quot;Mend Your Umbrella, Sir!&quot;</td>
<td>Frontispiece</td>
</tr>
<tr>
<td>II. A Deakonian Study</td>
<td>117</td>
</tr>
<tr>
<td>III. You Cannot Govern</td>
<td>124</td>
</tr>
<tr>
<td>IV. The Farmers' Friend</td>
<td>129</td>
</tr>
<tr>
<td>V. Political Burglars</td>
<td>163</td>
</tr>
<tr>
<td>VI. Caucus Club</td>
<td>217</td>
</tr>
<tr>
<td>VII. Referenda Gas</td>
<td>219</td>
</tr>
<tr>
<td>VIII. Nobody's Dog</td>
<td>277</td>
</tr>
<tr>
<td>IX. Merely Monkeying</td>
<td>279</td>
</tr>
<tr>
<td>X. Australia's Future</td>
<td>301</td>
</tr>
<tr>
<td>XI. Magnificent Fortitude</td>
<td>306</td>
</tr>
</tbody>
</table>
INTRODUCTION

This examination of the 1911, 1913, and 1919 extension of Australian Commonwealth powers referenda is undertaken in the general field of political parties. Such a study necessarily involves a discussion of the activities of major socio-economic interest groups, and, therefore, this dissertation will be mainly concerned with the group alignment as it occurred on the three referenda.\(^1\) There has been only one other major analysis of a referendum which has been oriented towards what may be termed the "group approach" to political analysis. This is Aaron Wildauvsky's study of the 1926 extension of Commonwealth powers referendum.

Wildauvsky states in his preface:

The main thesis propounded here (one which is maintained implicitly in the content and methodology of this paper, and explicitly in the conclusion) is that we must penetrate to the coalition of interests known as political parties and study both the pressure groups which support them and the shifting and often conflicting interests within these groups, in order to understand warring factions, and the final outcome.\(^2\)

---


To carry out his aim Wildauvsky devotes the main body of his paper to an analysis of the labor groups, the capitalist groups, primary producer groups, States' rights attitudes, conflict in the Nationalist and Country parties, and religious views. After making this breakdown, Wildauvsky attempts to determine the degree to which each of the groups within these categories supported or opposed the referendum. The division of groups made in the following study differs from that of Wildauvsky, because the two studies examine political events of two different periods. There are also other ways in which the aims of the present work differ from those of Wildauvsky. The scope of the analysis of the 1911, 1913, and 1919 referenda is somewhat broader than Wildauvsky's because it covers a ten year period and deals with three referenda instead of one. In a survey of a ten year period more information emerges on federal-state relations, ideological conflicts, and the role of leadership in political controversy in Australian politics. Furthermore, in dealing with a prolonged controversy it is possible to indicate some of the long term trends in these areas. These points are not discussed under separate headings, but are considered along with the group analysis. Finally, because all three of the referenda dealt with alterations which would have extended Commonwealth powers in the fields of trade and commerce, industrial regulation, arbitration, and nationalization of monopolies, they lend themselves to a comparative analysis.
Aside from Wieldauvsky, there are few writers who have dealt with referenda in any great detail. Leicester Webb's book, *Communism and Democracy in Australia*, is a discussion of the 1951 referendum to outlaw the Communist party. However, Webb does not concern himself much with pressure group alignment, and his work is more in the nature of a study in public opinion formation. R. S. Parker, another writer on referenda, does not attempt an analysis of an individual referendum, but rather surveys all of the referenda that have been held up to 1951. Mr. Parker's essay is the best source for voting results, number, and political origin of referenda. Those who are more than casually interested in the study at hand would benefit from reading Parker's essay.

It is essential to give some general information about referenda in order to place the 1911, 1913, and 1919 referenda in their total historical perspective. The Australian Constitution in Section 128 prescribes the manner in which the Constitution can be altered: (a) a proposed law for the alteration of the Constitution must be passed by a majority of each House of Parliament; (b) not less than two or more than six months after its passage through both Houses the proposed law is to be submitted in each

---


State to the electors qualified to vote for the election of members of the House of Representatives; and (c) if in a majority of States a majority of the electors voting approve the proposed law, it is presented to the Governor-General for the reigning Monarch's consent. 1

There have been eighty-one different motions in the Federal Parliament for Constitutional alteration, and of these twenty-five have been submitted to the electors on thirteen separate occasions. 2 Over three-fourths of the amendments between 1911 and 1946 have attempted to increase the Commonwealth's legislative power. Of these only the powers referendum of 1946 dealing with social services was adopted. Approximately three-fourths of the extension of powers motions in the Commonwealth Parliament including two-thirds of the proposals actually submitted have related to seven particular powers: industrial, trade and commerce, nationalization of monopolies, uniform companies law, regulation of trust and monopolies, social services, and marketing. Historically, then, referenda have been used frequently in the attempt to extend Commonwealth powers.

Despite its repeated use the referendum has not proved to be the easy means for constitutional change that its founders had


2Most of this material has been taken from R. S. Parker, "The People and the Constitution." There is also some general information on referenda in: J. D. B. Miller, Australian Government and Politics (London: Gerald Duckworth and Co., Ltd., 1954), pp. 133-36.
envisaged. Of the twenty-five questions put to the electorate only four have been accepted. Two of these, as J. D. B. Miller has said, were "negligible machinery measures" and dealt with senatorial elections (1906) and the assumption of State debts (1910). The third proposal accepted was the financial agreement of 1928, which was regarded as an administrative measure at the time of its passage. The fourth proposal to receive an affirmative majority was the 1946 grant of power to the Commonwealth to continue and extend social services. More important for this study is the fact that three of the twenty-five questions that have been put to electors were prior to 1911. Two of those, dealing with senatorial elections (1906) and assumption of State debts (1910), were decided in the affirmative. The third one, a measure to replace the Braddon clause, was defeated. Unlike the Braddon clause which provided that the Federal government should repay three-fourths of the customs and excise revenue to the States, the second 1910 referendum stipulated a flat twenty-five shilling per annum payment per head of population to the States. This proposal received a majority in three States, but was rejected by a very narrow total vote, 670,838 to 645,514.2

1Ibid., p. 133.

2These three pre-1911 referenda are discussed in: W. H. Moore and E. Scott, "The Referendum in Australia," The Quarterly Review, CCXIV, (April, 1911), 529-30.
By 1911 most people were optimistic about the feasibility of altering the Constitution through the referendum process. But the optimism, based on the success of two referenda and the narrow defeat of a third, was premature.\footnote{Ibid.} In analysing the three defeated extension of Commonwealth powers referenda the dissertation shows, among other things, just how difficult it has been since 1911 to alter the Australian Constitution through referenda.
CHAPTER I

MAIN CURRENTS IN AUSTRALIAN POLITICS, 1788-1900

It is difficult to appreciate the struggles which revolved around the 1911, 1913, and 1919 extension of Australian Commonwealth powers referenda without a knowledge of the nineteenth century factors of land, climate, and history which shaped and conditioned Australian democracy. Because of these factors Australian experiences differ from those of other democratic states to such an extent that Australian development has been unique. This does not mean that occurrences in England or the United States did not influence Australian development, or that Australia did not adopt measures similar to those adopted in England or the United States, but that a peculiar set of facts was responsible for Australian democracy. Moreover, the route which Australians followed was not charted by European or American theorists, but was the result of certain factors which appeared within the forty years after the first convicts were transported to Sydney Cove in 1788.

Transportation left an indelible mark on the continent. From 1788 to the mid-nineteenth century when transportation was halted Australia received a steady stream of England's criminal population. Professor Hancock relates that
an examination of the records of transportation at any period between 1790 and 1840 would show that spirited poachers and political prisoners and even picturesque intelligent villains were but a small leaven in the lump, which was wretched and listless and forlorn. Were it possible to compel the prison wardens of this past age to produce for our inspection a "typical" transported convict, they would show us, not the countryman who snared rabbits but the Londoner who stole spoons.1

In 1783 free settlers began to join the convicts so the colony was prevented from becoming a prison.2 Even though the free settlers began to outnumber the convicts, the presence of penal institutions made it necessary to exalt the role of government. Alexander Brady contends that the necessities of maintaining a penal establishment entrenched the traditions of "centralized paternalism."3

The emphasis on self-reliance and individualism that characterized American frontier society was absent from Australian settlement. The paternalistic bent of the early colonial governments did not disappear with the end of transportation. Dependence on government was fostered by the "stern and unchanging facts in the geographic environment, particularly the scarcity of rainfall, periodic drought, and much aridity."4 So at the very outset there

1 W. K. Hancock, Australia (London: Ernest Benn, Ltd., 1945), p. 34.
3 Alexander Brady, Democracy in the Dominions (Toronto: The University of Toronto Press, 1952), p. 133.
4 Ibid.
were the facts of nature and of a penal establishment which forced the acceptance of government as a positive force.

Geography and climate are responsible, at least partially, for the particular course which Australian pastoralism followed. The one saving factor in Australia's generally hostile geography and climate is that the continent is well suited for raising sheep. The first flocks were introduced early in the nineteenth century and wool production and the trade based on wool rapidly expanded. Squatters quickly occupied most of the continent. The geography and climate fashioned argiculture based on "extensive and highly capitalized pastoral stations where sheep grazed over tracts of land ranging in the nineteenth century from 200 to 300 square miles."

At the same time sheep grazing was flourishing under the squatter capitalists, there was a rapid growth of port cities. Even before 1850 Australia was an urban country. The ports were not only the centers of trade and population, but they were the centers of industry, the "breeding ground" of democracy and eventually the centers of a strong labor movement. The growth of the squatters in agriculture and the rise of the seaport merchants and traders as well as an urban laboring class provides the basis for one of the persistent conflicts in Australian history. The squatters who represented the old world class of privilege and

---

1Ibid., p. 136.

Between 1840 and 1860 the business and commercial interest captured political control from the squatters, and during the last decade of the century both the squatters and the business and commercial interests were threatened by the rising power of labor.

The discovery of gold in the 1850's is another factor which should be considered in the growth of both democracy and the labor movement. The importance of gold has been overemphasized in some Australian historical writing, and most observers point out that the main strains of Australian politics pre-dated the gold rush.\footnote{Some of the writers who hold this position are: Hartwell, "The Pastoral Ascendancy," pp. 46-48; Shaw, The Story of Australia, p. 137; Hancock, Australia, pp. 60-62; and C. Hartley Grattan, Introducing Australia (New York: John Day Co., 1942), p. 49.}

These strains of political controversy which preceded the gold rush were: the drive for equalitarianism by the ex-convicts and free laborers; the conflict between the rural and urban interests; the strong paternalistic nature of the colonial government; and the necessity of expanding the base of the economy to include industrial as well as pastoral pursuits. The political, economic, and social consequences which flowed from the gold rush served to sharpen the already existing tendencies.
Gold attracted immigrants, stimulated the move to diversify the economy, and hastened the pastoralists' loss of political power. But as one writer states:

Even without gold, the Australian Colonies, with no traditional conservative class and without established institutions, would hardly have left the broad road from Benthamite liberalism through political democracy towards "state socialism" though they might well have travelled it more slowly.

Professor Hancock who described this democratizing process in great detail stresses the utilitarian aspect of Australian democratic growth and likens the State to "a vast public utility."

Discovery of gold in the 1850's only aided the growth of democracy because by that time the colonies began to reflect the underlying unity of political sentiment. The political power of the squatters was broken under irresistible pressure from the cities. Though state socialism or collectivism had not entered the picture at this date, the "overwhelming colonial opinion of 1860 reproduced the liberal sentiment which was to make Mr. Gladstone a power in England..." Popular government, resting on manhood suffrage and the secret ballot, which had been developing since the 1820's came into its own during the 1850's. The rise of popular government

1Brady, Democracy in the Dominions, p. 100.


3Hancock, Australia, p. 61.

was accompanied by "the characteristic liberal attack on privileged status and inequality of opportunity."¹

By 1860, the main economic, social, and religious groups had appeared. The major economic groups were the large pastoralists; the merchants and other businessmen who directly or indirectly relied on commerce for profit; the small industrialists, and the rural and urban laboring forces. About 98 percent of the population were British subjects, either born in Australia or the British Isles. This does not mean that the population shared a common outlook on major economic and political questions, for included in this group of Britishers were Welsh miners, Irish nationalists and chartists, and individualistic Scotsmen. The Church of England claimed the bulk of the population in its membership, but the Irish Catholics, although never more than 20 percent of the population represented a strong and united religious minority. The Irish Catholics were generally laborers, and were liberal in social matters. They provided a sharp contrast to the socially illiberal group and to the temperance element in the Anglican church. And intermixed through all of these groups, particularly, the rural and urban laborers, were the ex-convicts and those adventurers who had come in search of gold.

The social, economic, and political developments which have thus far been discussed were the prelude to the rapid developments

¹Ibid.
that took place in the latter half of the nineteenth century and that have a more direct bearing on the 1911, 1913, and 1919 referenda. These developments are but a continuation of the forces which were at work from the beginning of the Australian colonies. The most characteristic aspect of Australian political history and the movement which can be traced most easily is the rise of labor.

In 1840 about one Australian in every 318 was a trade union member; by 1855 that ratio had been reduced to one in fifty-four; and by the late 1870's trade unions had penetrated almost every occupation.¹ British influence was strong in trade union circles, and as a result politics was generally considered beyond the scope of legitimate union activity, although some labor groups had entered politics early in the century.² Until the 1870's Australian trade unions were mainly interested in insuring that employers paid the prevailing wages, and in the operation of friendly benefit societies.

Even though labor eschewed political action, the expansion of unions and the "very organization of unions prepared them for politics in the near future."³ Another important factor is that

¹Hancock, Australia, p. 166.
in the 1870's Australian unionism, unlike its American or English counterpart, spread to the masses of unskilled and semi-skilled workers.¹ Early Australian unions had been limited to the trades and a locality, therefore, their influence was not great, but as soon as the organization expanded to cover a whole Colony or even went beyond the borders of the Colony, and firm links were welded between unions covering different trades, unionism began to have a political force. Common policies were adopted that could only be implemented by political action.²

The organizational movement which gave rise to political action was the Intercolonial Trade Union Congress whose first meeting took place in 1879. The first Congress was important because it was predicated on the assumption that the trade unions had common interests, and that the policies adopted by the Congress could be made effective through legislation.³ The Seventh Intercolonial Trade Union Congress which was held in 1891 decided to organize politically on a national scale.⁴

The decision of the Congress to enter politics came in the wake of strikes by maritime and pastoral workers in the 1890's. These strikes coincided with a series of acute financial crises and a number of industrial disturbances which brought about an

¹Tbid.
³Tbid.
⁴Tbid., p. 161.
unprecedented bitterness in employer-employee relations."1 However, labor's entry into politics at this time was not caused by the financial crises, rather it was due to the organizational success which labor had scored. Labor had been following a highly pragmatic course, and entering politics seemed to be the most practical way to gain its objectives.

Labor's pragmatic approach also caused unions, although influenced by socialist and other radical theories of the nineteenth century, to eschew doctrinaire solutions for economic and political questions. The works of Henry George, Edward Bellamy, Sidney Webb, and others were familiar to the working classes. Consequently, the main contribution of socialist ideology was that it provided labor with "a conviction that their trade union struggles were justified and provided the stimulus which urged them on towards preparing for political action . . . ."2 Australians from the beginning had accepted the State as a positive force, and the socialist program called for policies which only reinforced this basic assumption.

1 L. F. Fitzhardinge, "The Commonwealth, 1901-1939," Australia, ed. C. H. Grattan (Berkeley: University of California Press, 1947), p. 65. The seriousness of the industrial discord of the 1890's and the growing political power of labor were responsible for Arbitration Courts and Wages Boards being established by the colonial governments. See Chapter II for a discussion of the conflicts which resulted from the dual arbitration system which developed after federation.

One of the most important elements of trade union growth was the rise of rural workers unions. Because the decline of the squatter's political power and the rise of the city trading and business interests, with the accompanying democratic turn of political institutions, did not result in the curbing of the squatters economic power, rural workers, led by W. G. Spence, organized for political action:

The comparative failure of colonial governments to subdue the land to the will of the majority helps to explain the sense of bewilderment and frustration which went into the make-up of an aggressive labour movement.1

Spence who was among the first to recognize the grievances of the workers which resulted from this failure to subdue the land to the will of the majority organized the first rural unions in 1886. Although the specific grievances of rural workers aided his cause, the success of rural unions grew out of the factors which were responsible for the accelerated union growth that began in the 1840's, i.e., the equalitarian sentiment and the optimistic Australian national sentiment. Spence was preaching the "new religion" of unionism which "suited the mood of confident men who had many scores to settle with employers who retained their English connections and practices . . . a way of life that did not accord with the equalitarian ideal."2

---


The growth of rural and industrial unions meant that labor would have a strong voice in colonial politics, and within ten years after the decision of the seventh Intercolonial Trade Union Congress to enter politics, Labor had become the "balance of power" in colonial legislatures. The Labor party preserved in colonial parliaments the solidarity which was characteristic of unions in industrial disputes. Labor solidarity in parliament was maintained by the Labor caucus which enabled labor to speak with one voice on legislative matters.

The solidarity of colonial Labor parties was in sharp contrast with the lack of cohesion among non-labor groups. There was no significant non-labor party until the Liberal party of 1910: "political parties were diffused and kaleidoscopic, formed around prominent individuals rather than dominant ideas, with the exception of the Labour party."¹ The personal and diffuse nature of colonial politics between 1870 and 1900, distinguishes this period from rather clear-cut lines of politics which emerged after the Commonwealth was formed.

For the most part colonial parliaments were involved in disposing of

¹Miller, Australian Government, p. 44.
loan funds by the provision of social capital in the form of roads, railways, ports and schools: the distribution of these throughout each colony offered plenty of opportunities for horse trading and log-rolling.¹

The issue of land tenure was also important, and there were continued attempts to curb the squatters. The squatters resisted all efforts to cut their holdings up into smaller sections. Although the squatters managed to withstand the pressure from the cities in matters of land policy, the rural areas were threatened by the demand for protection of secondary industry.

David Syme, a Victorian newspaper publisher, in the 1860's began to propound

the view that Australia would never be free from dependence upon older countries, while she remained a producer of raw materials which other countries converted into finished goods to be returned to Australia as imports.²

Australia was vulnerable so long as she remained a primary producer, and the country's standard of living rested on precarious world prices. Syme wanted protection for secondary industries so that Australia's producers would eventually be able to compete on equal terms with other industrial countries. Australian protectionists won labor to their cause by arguing that a protectionists policy meant sure and steady wages and protection against sweated labor.³

¹Ibid., p. 37.
²Ibid., p. 38.
³Ibid., pp. 38-39.
In the first years after the Commonwealth was formed protection for industry was joined with certain specific legislation to aid labor, and this program was labelled "New Protection."\(^1\) However, protection became anathema to the man on the land. If the advocates of protection were successful it would mean that the pastoralist would have to buy his equipment at high prices from the protected Australian industries, and farm labor would be more expensive because of pressure from wages in industry. Also, agricultural products sold in a world market might lose their buyers if Australia stopped importing manufactured goods. "Protection thus became an issue in its own right, and an exacerbation in the continual running fight between country and city."\(^2\)

One fact which seems to emerge from this general discussion of nineteenth century Australian politics is that by the 1890's Australia was in a situation where further positive action by the State was necessary. Joseph Chamberlain said of England during this period:

The politics of the future are social politics, and the problem is still how to secure the greatest happiness of the greatest number and especially of those whom all previous legislation and reform seem to have left very much where they were before.\(^3\)

---

\(^1\)See Chapter II for a discussion of "New Protection."

\(^2\)Ibid.

The non-labor and labor groups in the colonial governments recognized this situation, but it was the Australian Commonwealth which was yet to be established that provided the lead in the "social politics" of the twentieth century.

It remains now to review the steps which led to federation and to point out the provisions of the Constitution which formed the basis for the referenda proposals. The individual colonies which had carried on Australian government for almost half a century, finally decided to federate in 1900:

The nation was to be, but not until the Colonies had experienced fifty years of self-government, established their political and juridical institutions, and gained experience in their functioning; had developed as economic entities which both competed with and complemented one another; had been linked more closely by inland transport and intercolonial trade, and divided by conflicting interests and intercolonial competition.¹

Considerable agitation for federation had begun in the 1880's and the drive reached its zenith in the 1890's.² Although there was a lack of direct and immediate external pressure, there were several strong internal and external reasons which contributed to the federation urge. Perhaps the most important reason for federation was the lack of interstate uniformity in trade and customs matters. In an era of industrial and commercial development the provincial trade regulations of the various colonies hampered the national economic

¹Ibid., p. 181.
²Ibid., pp. 145-96.
development of Australia. Added to the confusion and strife in interstate trade which resulted from individual state regulation, there were two external causes which aided the federationists. These were the desire for one voice in Imperial matters instead of six, and the need for a uniform defense system. Finally, there were those who were motivated by sentiment and idealism and who advocated federation because they felt that the continent's potential could only be realized in nationhood.

Many groups, however, especially colonial labor, approached federation with mixed emotions. One segment of Australian labor supported federation because they feared the competition of cheap Kanaka labor and of Chinese coolies. This group argued that if the six States were united, a strict and prohibitive policy of Asian exclusion could be practiced. However, there were other sections of the labor movement who took an unfavorable view of federation and some even rejected it. There were some in the labor movement, like W. M. Hughes, who fought the provision that gave the small States equal representation in the Senate, while others, like W. A. Holman, feared Commonwealth absorption of State functions. But both Hughes and Holman united in the battle to democratize

---

1 The Times (London), May 21, 1913, p. 9.
the Constitution. The best summary of the reasons why labor was reluctant to accept federation is given by R. S. Parker who points out that

colonial labor parties wanted as little power as possible given to a federal parliament which they felt they would never capture, and which they thought would be hamstrung by a senate dominated by the "politically backward rural states."2

The anti-federation sentiment of some labor groups was shared by many conservatives who felt that the rise of federal power would render the States impotent. This sentiment seems justified if one considers the vastness of the Australian continent (almost as large as the United States in area), the smallness of the population (between three and four million as of 1900), and the remoteness of the centers of population from one another (500 miles separate Melbourne and Sydney, and Perth and Sydney are 3,500 miles apart). Moreover, the States were already providing their citizens with railways, roads, ports, and schools, and it was feared that States would lose control over these functions. State governments were criticized, but they were at least familiar institutions. In the larger States, particularly New South Wales and Victoria, there

---


were many who feared the possible ascendency of another State. Despite these objections the Constitution was accepted in 1899 by a majority of 7,000 votes.¹

The major problems which motivated the desire for the establishment of a federal government were reflected in the powers that were given to the national government. Section 51 of the Constitution which lists the powers of the Commonwealth Parliament gave the national government control over customs and excise, defense, external affairs, immigrations, and post and telegraphs. In other matters the Commonwealth and the States shared jurisdiction. Within a few years of federation four of these areas, trade and commerce, arbitration, industrial matters, and railways were to give rise to serious problems. In the beginning the expressed wording of the Constitution and judicial interpretation confined Commonwealth powers to the interstate aspects of trade and commerce, arbitration, industrial regulation and control, and railways, while the States retained exclusive control over the intrastate phases of these activities. Less than ten years after federation the country began to feel the effects of this rigid division of State and Commonwealth powers in these four areas. Efforts to modify this arrangement of State and Commonwealth powers led to the 1911, 1913, and 1919 referenda. Before these three referenda can be discussed in detail, it is necessary in the next chapter to

draw out the full implications of this constitutional arrangement.
CHAPTER II

EXTENSION OF COMMONWEALTH POWERS BECOMES AN ISSUE

The preceding chapter establishes the general framework for a discussion of the 1911, 1913, and 1919 referenda, but a more detailed treatment of the first decade of Commonwealth political history is needed to fully understand the importance of the referenda. The politics of this period have been covered in books and monographs, but there are certain aspects of the decade that have not been emphasized and there are other known factors which need re-emphasis. This chapter includes a discussion of the following points: ministerial changes at the Commonwealth and State levels; main issues of the period; continued growth of industrial and political labor's strength; non-labor development; and reasons for the proposals to extend Commonwealth powers.

Once the federation was established there were bitter but sometimes not too clear-cut election battles for the Commonwealth Parliament. The first federal ministry led by Sir Edmund Barton, 1901-1903 attempted to solve the very important tariff issue and secured a protectionist rate.¹ This First Parliament was also

¹"Ten Years of the Australian Commonwealth," The Quarterly Review, CCXV (October, 1911), 305-11.
responsible for the adoption of the "White Australian" policy which was intended to reserve Australia for the white man. But Sir Edmund Barton soon proved to be a rather ineffectual leader in guiding the new Commonwealth, and his desire to be transferred to the High Court coincided with the general elections of 1903.¹

The 1903 election saw labor increase its representation in the House from fifteen to twenty-five. As a result, the House of Representatives was now made up of three parties of almost equal strength: Labor twenty-five, Deakin twenty-seven, and Reid twenty-four. This made coalition government or something akin to it imperative. Senator Higgs, Labor, sounded the keynote of his party's policy and indicated the path the Parliament would follow when he said:

We find ourselves in a minority. We have a certain programme. We say to the two great parties here—"We are anxious to do the best we can. Give us such reforms as we believe will be for the benefit of the people, and we will support you so long as you try to do something for the people of the Commonwealth."²

Because of Alfred Deakin's general social outlook the Labor party gave him its support in return for certain concessions. There was a seventeen point agreement between Deakin and the Labor caucus which included Deakin's promise to Labor that he would seek antitrust legislation and would attempt "to secure fair conditions of


²Ibid., p. 213.
labor for all engaged in every form of industrial enterprise, (and) to advance their interests and well being without distinction of class or social status."\(^1\)

Deakin sought to implement the seventeen point agreement faithfully but his very zeal brought about his downfall. A Labor-Reidite coalition which opposed a particular section of the Arbitration Act was responsible for the fall of the first Deakin Government.\(^2\) This ministerial collapse of 1904 was followed by a year of political maneuvering. J. C. Watson, Labor, took office for four months and was followed by Reid who stayed less than a year. In July, 1905, the circle was completed and Deakin formed his second ministry which lasted until November, 1906. During 1905 and up to the election of 1906 the strength of the various factions was as follows: Deakin nineteen; Reid Direct Opposition eighteen; Labor twenty-five; and Corner Opposition (Protectionists) eighteen.\(^3\)

The 1906 election was contested by three main groups, Deakin, Reid, and the Labor party, and as might have been expected the campaign arguments were somewhat confusing. Deakin advocated a higher tariff to which Reid objected, while Labor remained relatively silent on

---


\(^3\)Ibid., and "Ten Years of the Australian Commonwealth," 305-311.
the tariff. Deakin urged a positive government in social and economic matters while Labor advocated the semi-socialist cause. Reid agreed with some of Deakin's policy, but was opposed to Labor's socialism. However, the result of this rather confused campaign was quite clear and the state of the parties was Deakin eighteen, Labor twenty-seven, and the Reidite opposition twenty-nine. The Corner Opposition of the preceding Parliament was assimilated into one of the three main groups because protection had ceased to be the dominant issue. Thus, the Deakin-Labor alliance was given electoral approval.¹

During Deakin's three years in office, 1905-08, he "laid the foundations of a new society."² Deakin's contribution was truly a nationalistic one and in line with advanced social and economic thinking of the period. First, his support of protection for manufacturers was balanced by "New Protection," i.e., granting of a favorable tariff to those manufacturers who paid a fair and reasonable wage. This program of "New Protection" was one of the main reasons for Labor's support of the Deakin ministry. Second, Deakin wanted to eliminate class warfare through an arbitration system. Success in

¹"Ten Years of the Australian Commonwealth," 305-311.

establishing the Commonwealth Arbitration Court symbolizes this portion of his social and economic philosophy. Third, Deakin advocated social services to the aged, needy, and ill; this policy was reflected in legislation sponsored by his ministry. Finally, Deakin favored adequate defense preparations and especially an Australian Navy. Gordon Greenwood in commenting on this third Deakin government has said:

"Broad and deep, the pattern set by Deakin continues discernible in the Australian way of life. An intellectual whose thought was genuine humanitarianism, a man of a gifted tongue, eloquent yet capable of direct speech, a nationalist responsive to the large view, endowed with political sagacity and a diplomatic finesse in negotiation, Deakin emerges as the outstanding political personality of the first period of the Commonwealth. Most of his contemporaries by comparison seem smaller men; the stature of George Reid rarely rises above that of the gifted politician; Watson appears as earnest and unexceptional; Fisher as capable, tenacious and wholly sincere, but somewhat uninspired. Hughes, alone, with his deadly venom in debate, his infinite resource and fixed determination and his acute sensitivity to nationalist sentiment vies with Deakin, despite the evident differences between them."

The Deakin and Labor party coalition collapsed once and for all at the end of 1906. Deakin had become useless to a large segment of the Labor party who were impatient in their desire for rapid social and economic change. Andrew Fisher, Labor, who replaced Deakin as Prime Minister, was chosen over the real party leader, W. M. Hughes. Fisher was a more respectable and less violent advocate of the Labor cause than Hughes. Fisher's first ministry produced little legislation and survived less than a year. It was

---

replaced by the Fusion Government, a union of non-labor factions, headed by Deakin. Deakin characterized the Fusion in a letter to his sister:

"Behind me sit the whole of my opponents since Federation, those who left me because I was allied with Labour and the remnant of my party . . . . While I have been seeking to withdraw, fighting in despair and planning for others, I have become more than ever the pivot of the whole political situation, the prize sought for, and now the unquestioned leader of friends and foes, the latter more than three to one of the motley gathering on our side of the House."

Though the Fusion government has been called "too artificial and too purely parliamentary," Greenwood has pointed out that it had a degree of permanence and had augmented the stability of parliamentary government by re-establishing a two-party system, clarified the political situation, and created an intelligent political division based essentially on the clash of interest within the Australian political structure.

No doubt, this appraisal by Greenwood is a nearly accurate one. The union of non-labor forces, though it collected a variety of political opinion under one roof, formed the opposition to the Labor party until 1916. The original Fusion was the result of widespread mistrust of socialist labor. This distrust of Labor became more profound as the Labor program unfolded. The long range significance of the alliance of seemingly opposed political groups was

1 Quoted in Murdoch, Deakin, p. 281.
2 "Ten Years of the Australian Commonwealth," 311.
somewhat lost in their ignominious defeat of 1910, which can be traced to the fact that "the political enmities of eight years were not to be magically conjured into friendship."¹ That is, the non-labor forces lacked organization and the ability to work as a political team. The 1910 campaign was bitter and audiences were especially hostile to Deakin. He had been called "Judas" in the House by former supporters, and, according to Murdoch, "his appearance on the stage was often the signal for a tumult of execrations and yells of 'Judas,' at two or three meetings in Melbourne he was absolutely refused a hearing."² In 1910, then, the Labor party emerged victorious in the federal sphere. The majority of the Party which had ten years previously given no support or at best reluctant support to the cause of federation was now to become the staunchest proponent of the national government.

As indicated in this brief summary of early Commonwealth political history, the first ten years of the Commonwealth government were extremely fruitful ones for the advancement of labor and progressive ideals. It should be noted that Alfred Deakin's concept of nationalism became firmly entrenched in the country. To be sure, Deakin as the spokesman for progressive thinking agreed with much of the labor philosophy, but he was more than a mere

¹"Ten Years of the Australian Commonwealth," 311.
²Murdoch, Deakin, p. 283.
helpmate of labor. Some contend that his was the broader sentiment of Australia at that time. Without doubt Deakin possessed a genius for leadership and an ability to express the "new" Australian ideals, but at the same time, like all successful political leaders, he knew when and where to follow public opinion.

Another important aspect of this decade was the solution of the immediate tariff problems. The establishment of tariff rates was an issue on which agreement could be reached quickly. Once tariff rates were set the vital and important differences between parties and groups, the social and industrial issues connected with the "New Protection," could be seen more clearly.

Other important aspects of the 1900-1910 period are the growth of political and industrial labor and the ideological development of the Labor party. In the preceding chapter the factors which gave rise to a Labor party were discussed. One of the most important facts to be noted about the growth of labor is that only twenty years after the Seventh Inter-Colonial Trade Union Conference decided that labor should enter politics, the direction of the Commonwealth government was entrusted to a Labor party. This remarkable rise to power was brought about not by a political party capturing the trade union movement, but by the trade unions mobilizing their efforts and potential for political action. Therefore, following Maurice Duverger's classification of political parties, the Labor party of Australia is an "indirect
party.\textsuperscript{1} This type of structure, although insuring stable membership, can be the cause of clashes between the industrial, political, and parliamentary wings of the party. A review of the Labor party organization is essential in order to present a clearer understanding of this "indirect structure" and the possible intra-party conflicts it can foster.

Following the decision of the Trade Union Conference, Labor party branches were organized in each electoral district. The branches were authorized by the Trade Union Conference, but in actual practice they were the creations of the Trades and Labor Councils in the larger metropolitan areas.\textsuperscript{2} These Councils co-ordinated the trade union activity in a particular area. They were consultative bodies whose decisions could not be enforced, but whose prestige was great because of the unique position which they occupied in the industrial labor movement, i.e., they are the only meeting place of top union officials. In this period, however, the Councils were not fully representative, and, according to V. G. Childe, seldom more than half of the unions in a State were

\begin{itemize}
\item \textsuperscript{1}Maurice Duverger, \textit{Political Parties: Their Form and Function in the Modern State} (London: Methuen and Co. Ltd., 1955), p. 7.
\item \textsuperscript{2}This discussion of industrial and political labor's organization is based largely on the material in: V. G. Childe, \textit{How Labour Governs} (London: The Labour Publishing Co., Ltd., 1923), and L. F. Crisp, \textit{The Australian Federal Labour Party}.
\end{itemize}
affiliated. Table 1, although not distinguishing unions and

TABLE 1

AFFILIATION OF UNIONS AND BRANCHES TO TRADES
AND LABOR COUNCILS, 1911a

<table>
<thead>
<tr>
<th>States</th>
<th>Number of Trades and Labor Councils</th>
<th>Approximate number of Unions and Branches affiliated</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>3</td>
<td>151</td>
</tr>
<tr>
<td>Victoria</td>
<td>4</td>
<td>186</td>
</tr>
<tr>
<td>Queensland</td>
<td>2</td>
<td>21</td>
</tr>
<tr>
<td>South Australia</td>
<td>4</td>
<td>73</td>
</tr>
<tr>
<td>Western Australia</td>
<td>11</td>
<td>130</td>
</tr>
<tr>
<td>Tasmania</td>
<td>1</td>
<td>23</td>
</tr>
<tr>
<td>Commonwealth</td>
<td>25</td>
<td>584</td>
</tr>
</tbody>
</table>

aTable 1 is taken from: Commonwealth of Australia, Official Yearbook, 1913, p. 1017.

branches, gives some idea of the extent of the numerical affiliation to Trades and Labor Councils during 1911. (As Table 2 shows there were 573 Unions in 1911.) The Councils were largely urban bodies, but this was not such a drawback since most of the industry was in the larger cities. At the same time, the rural workers were organized in the Rural Workers Union, and the Australian Workers Union which organized the rural political branches.1

The branches were open to all who were sixteen years of age and willing to pay two shillings a year. In actual practice trade union members had a monopoly of membership in nearly every branch. The branches chose the local candidates and elected delegates to the State Political Labor League's annual conference. The State conference in turn drew up a platform on the basis of resolutions submitted by the branches. The State conference also imposed a pledge on the parliamentary representatives to accept the parliamentary caucus' decision on all matters concerning the platform. The management of party funds, organizational work, and final approval of candidates was in the hands of the Central Executive of the State conference.

The federal Labor party was under the direction of an inter-state conference which consisted of thirty-six delegates selected by the State conferences and which met at least every three years. The inter-state conference drew up the federal platform and dealt with subjects that came under the scope of the Commonwealth Parliament. Like the State conferences, the inter-state organization requested a pledge of adherence to the caucus decisions of the Commonwealth parliamentarians on matters affecting the federal platform. The pledge adopted by the Commonwealth Political Labor Conference of 1908 was as follows:

I hereby pledge myself not to oppose the candidate selected by the recognized political labor organization, and, if selected, to do my utmost to carry out the principles embodied...
in the Australian Labor Party's Platform, and on all questions affecting the Platform to vote as a majority of the Parliamentary Party may decide at a duly constituted caucus meeting.¹

There was discussion at the 1908 Conference of making this pledge uniform throughout the Commonwealth, i.e., bind all State parliamentarians to the federal pledge and, hence, the federal caucus. The Conference resolved to recommend such a uniform pledge to the next triennial conference. The principal objection raised to such a pledge was that it might interfere with the already existing pledges of the State parties.²

Before indicating the growth of political labor a survey of industrial labor's strength will be made. The rapidity with which industrial unionism grew during the first ten years of the Commonwealth is reflected in Table 2 which indicates that unions increased from 198 to 572 while membership more than tripled from an estimated 97,174 in 1901 to an estimated 364,732 in 1911. This is even more significant when the number of factories and number employed, in Table 3, are compared with union membership. Table 3 gives only industrial workers while Table 2 includes all labor union membership. However, when the rural union membership of 50,000 is considered and allowance is made for non-factory union members it indicates that there was a high percentage of union


²Ibid., pp. 40-42. Much of this organizational structure with slight variations continues to exist in the Labor party.
### TABLE 2

**NUMBER AND MEMBERSHIP OF UNIONS:**
1901, 1906, 1911, 1914, AND 1919

<table>
<thead>
<tr>
<th>Year</th>
<th>Total number of Unions</th>
<th>Unions with membership available</th>
<th>Membership of these unions</th>
<th>Estimated total membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>198</td>
<td>139</td>
<td>88,218</td>
<td>97,174</td>
</tr>
<tr>
<td>1906</td>
<td>302</td>
<td>253</td>
<td>147,049</td>
<td>175,529</td>
</tr>
<tr>
<td>1911</td>
<td>573</td>
<td>542</td>
<td>344,999</td>
<td>364,732</td>
</tr>
<tr>
<td>1914</td>
<td>712</td>
<td>712</td>
<td>523,271</td>
<td>627,685</td>
</tr>
<tr>
<td>1919</td>
<td>771</td>
<td>771</td>
<td>627,685</td>
<td>...</td>
</tr>
</tbody>
</table>

*Table 2 is taken from: Commonwealth of Australia, Official Yearbook, 1920, p. 985.*

### TABLE 3

**NUMBER OF FACTORIES AND NUMBER EMPLOYED:** 1907, 1909, 1911

<table>
<thead>
<tr>
<th>Year</th>
<th>Factories</th>
<th>Number employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1907</td>
<td>11,551</td>
<td>248,859</td>
</tr>
<tr>
<td>1909</td>
<td>13,229</td>
<td>266,661</td>
</tr>
<tr>
<td>1911</td>
<td>14,555</td>
<td>311,772</td>
</tr>
</tbody>
</table>

*Table 3 is taken from: Commonwealth of Australia, Official Yearbook, 1912, pp. 527-30.*
members among the 311,772 factory workers. Another striking fact concerning union membership was that of the 433,221 union members in 1912, 297,771 were members of inter-state or federated unions, but that these Commonwealth wide unions numbered only seventy-two of the total 621. Furthermore, ten of the seventy-two inter-state unions had 131,201 members or over one-fourth of the total union membership in 1912. The fact that ten unions contained such a high percentage of the total union membership can be explained by the activities of the rural workers' unions and also of the Waterside Workers' Federation headed by W. M. Hughes.

Not only were labor's fortunes rising on the industrial field, but they were likewise soaring on the political front. The Labor party's representatives increased from twelve in the First Parliament to forty-two in the Fourth Parliament. In the States, Labor representation in the Legislative Assemblies rose from 109 members of a total 203 in 1905 to 149 members of a total 198 in 1911. However, the increase of Labor members in the State

1 Commonwealth of Australia, Official Yearbook, 1913, p. 1017.

2 Appendix I gives a breakdown of union membership by trades for 1912. In connection with the Waterside Worker's Federation, L. F. Fitzhardinge relates the activities of W. M. Hughes as the driving force of the organization. Hughes was also the President of the Waterside Worker's Federation for over twenty years and was the organizer of the Trolley Draymen and Craters' Union. Fitzhardinge comments that, "In this way he greatly strengthened not only the labor movement, but his own position in it, giving himself an almost unique status as one equally at home in both political and industrial wings of the party." See: Fitzhardinge, "W. M. Hughes," 162.

3 Appendix II gives a detailed picture of the Labor party's strength in the Commonwealth and State legislatures.
assemblies was not matched by a comparable rise in the Legislative Councils. In 1905 there were eleven Labor members of a total of 203 in State Councils, and by 1911 this number had increased to sixteen out of a total of 198. This latter fact can be attributed to the property qualifications imposed on the vote for the upper houses which effectively limited the membership of the upper houses to the propertyied and conservative elements of the community.  

Industrial and political labor's strength was so great and growing at such a rate that even the State conservative upper houses had to acquiesce to the less radical social and economic measures supported by labor. Gordon Greenwood in discussing the Australian outlook towards social change in these years observes that historic and environmental forces combined to produce at an early stage a demand for the provision of facilities through state action. Advancing boldly where private initiative found it unprofitable to tread, colonial governments with borrowed funds sponsored large scale developmental projects. But the cry was equally insistent for remedial public action to rectify social anomalies; hence, the experiments in unlocking the land, the attempts to regulate the industrial systems, and towards the turn of the century the introduction of old age pensions in Victoria and New South Wales. Practical rather than doctrinaire in motivation, so contagious a habit, especially when reinforced by the socialist pleading, became a settled part of the Australian outlook.

---


When placed in its proper framework government intervention on behalf of labor becomes understandable at this early date, i.e., early in terms of other capitalistic countries. Perhaps the best and most striking indication of labor power was the degree to which the States and the Commonwealth had introduced means for insuring the worker "fair and reasonable" wages. The Commonwealth Parliament had passed the Arbitration Act of 1904 which established a Commonwealth Arbitration Court with power to make and enforce awards of wages in the event of interstate industrial disputes. The 1904 Act also provided for the facilitation of conciliation, furtherance of organization of employees and employers, and the reference of unsolved State disputes to the Commonwealth Court.¹ The States, on the other hand, established Wages Boards to handle intrastate disputes. Most of the State acts were passed around 1908 and provided for a separate wages board for each trade whose members were chosen by the employers and employees involved in the trade. Decisions were enforceable by the courts or some other agency of the government.² Since the Wages Boards, with the exception of Victoria, and the Federal Arbitration Court, did not recognize individuals but only organizations as capable of speaking for a majority of those in the trade, the acts stimulated and made imperative the creation of employer and employee organizations.

¹Ibid., p. 213.

²See Appendix III for a synopsis of the more important aspects of the Wages Boards.
A final observation on the arbitration system is that the unions adopted the practice of going from one authority to the other in order to get maximum wage awards. The arbitration bodies were being treated, as the President of the Commonwealth Arbitration Court observed, as "competing shops."¹

It is important to record the development of official Labor party ideology as seen in the pronouncements of the Commonwealth Political Labor Conferences held before 1911: 1902, 1905, and 1908. In adopting a platform, the Labor party used three divisions or levels for the statement of its principles. The "objective" of the Party was its ultimate aim, and the Fourth Conference meeting in Brisbane stated the Labor "objective" as:

(a) The cultivation of an Australian sentiment, based upon the maintenance of racial purity, and the development in Australia of an enlightened and self-reliant community;
(b) The securing of the full results of their industry to all producers by the collective ownership of monopolies, and the extension of the industrial and economic functions of the State and Municipality.²

In the "objective," then, a semi-socialist end was proclaimed.

The other two levels of the platform were the "general platform" and the "fighting platform." The former was chiefly a

propaganda device, and there was little disagreement over its content. The adoption of a "fighting platform" was the most difficult because the "fighting platform" embodied the resolutions that resulted from the ideological battles which took place between the various factions of the conference. In theory, this part of the platform was to be a statement of the practical proposals for which public opinion was considered ripe.¹

The Second Conference in 1902, passed a nationalization of monopolies resolution which was incorporated in the "general" and "fighting" platforms. The 1902 "general platform" also contained a plank calling for uniform industrial legislation.² In 1905 the Conference retained the nationalization of monopolies plank, and also placed the uniform industrial legislation plank in the "fighting platform."³ (It was not unusual to find planks of great importance in both the "general" and "fighting" platforms.) The Fourth Conference was a much more spirited one than those in 1902 and 1905. Aside from disagreement over the Party's pledge, there was discussion and disagreement over State-Federal relationships, nationalization of industry, and arbitration.

¹"The Labour Movement in Australia," The Round Table, II, 660.
While the agenda questions were still being discussed, W. A. Holman voiced a desire to clarify the relationship of the State and Federal parties. Later in the Conference a member in sympathy with Mr. Holman's views moved:

That the Conference affirms the desirability of harmony in the operations of the Federal and respective State Labor parties and favours the holding of conferences to define the limits of their respective fields of action, and to agree to a common policy in regard to such questions as land settlement, immigration, etc.¹

Holman was the main proponent of this amendment, and spoke at length on its merits. His major reason for supporting the periodic conferences between State and Federal leaders was that they would eliminate any misinterpretations of the State and Federal platforms. This, he argued, would promote understanding in the labor movement concerning the State and Federal spheres of activity. Mr. Hinchcliffe, the Conference Secretary, summarized many of the objections to the motion when he said that the motion "looked like usurping the powers of the present Conference, and would surely lead to dissension."² The motion was defeated; unfortunately, the vote was not recorded.

Holman figured prominently in another one of the disputes of the Conference. Senator DeLargie moved that the Conference request the Commonwealth to nationalize the iron industry. Holman answered Senator DeLargie by saying that the New South Wales Labor

²Ibid., p. 29.
party was already attempting to do this, and that it was unnecessary; therefore, for the Federal Labor party to support such a measure. Nonetheless, the motion was carried, but it was not included in the "fighting platform."¹ The nationalization plank of the "fighting platform," however, was changed to read: "Nationalization of Monopolies—if necessary, amendment of the Constitution to provide for the same."² This plank was important because it was the first indication, in an official Party source, that amendment of the Constitution would be utilized to achieve the Party's aims.

Arbitration was a third point that created disagreement at the 1908 Conference. Once again Holman supported a minority viewpoint, and used the occasion for his most ardent defense of States' rights. Senator Givens moved that the plank "Uniform Industrial Legislation; amendment of the Constitution provide for same which was a part of the 'general platform' of 1905" be included in the fighting platform."³ Holman in speaking against the motion said that he knew he was "going like a lamb to the slaughter." He argued that the motion meant the destruction of State Labor parties and the eventual control by the Commonwealth

¹Ibid., p. 30.
²Ibid., p. 8.
³Ibid., p. 9.
of all the functions of government. One must remember, he continued, that the weakening or destruction of the State parties would be bad for the Federal party as well:

The State Labor parties should hardly be looked upon as incubators for men and ideas in the Federal Parliament. If the State parties were to be merely nurseries for the Federal, they might just as well give up.1

The plank, however, was included in the "fighting platform" along with a plank calling for the implementation of "New Protection."2

The 1908 planks in the "fighting platform" which pertained to "New Protection," arbitration, and industrial matters became the basis for W. M. Hughes' 1911 referendum proposals. The discussion which took place on these and other planks, particularly the one dealing with Uniform Industrial Legislation, indicated the minority views held by W. A. Holman.

To appreciate fully the part played by Hughes in Labor politics more needs to be known about his life. Unfortunately, only fragmentary pieces of the Hughes story are available.3 But there is adequate information to reveal Hughes' concept of State-Federal relations. Frank Browne, Hughes' journalistic biographer, contends that "if Deakin was the father of federation, Hughes was its most steadfast exponent throughout the years."4 Early in his

---

1 Ibid., p. 10.
2 Ibid., p. 40.
3 L. F. Fitzhardinge is preparing a biography.
4 Frank Browne, They Called Him Billy (Sydney: Peter Huston, 1946), p. 148. (The best sources of material are the contemporary newspapers.)
political career Hughes formed the belief that the Commonwealth government must have the superior legislative, legal, and administrative powers. Though he has often been called an expedient politician without principles, there can be little doubt that his belief in the superiority of the Commonwealth, which also lead him to a patriotic nationalism, ever changed. Nationalism was an integral part of his personal political philosophy and a tenent from which he did not retreat. Indeed, Hughes' belief in the Commonwealth of Australia brought him into bitter and serious clashes with no less a friend than W. A. Holman on the 1911 referendum proposals, with the majority of his own party on the question of conscription during World War I, and with Woodrow Wilson at the Peace Conference over the self-determination of nations. Finally, at the age of seventy-nine in the twilight of his career, "Billy" cut himself loose from the United Australia party in order to support the 1944 extension of powers referendum which his Party had been elected to oppose. This dissertation is concerned only with Hughes' nationalism in so far as it influenced the referenda of 1911, 1913, and 1919. In order to appreciate the depth of his nationalism it is only necessary to review "The Case for Labor," a series of articles Hughes contributed to The Sydney Daily Telegraph during a period of four years beginning in 1907.

I. F. Fitzhardinge, in a short but rather good analysis of "The Case for Labor," has said that these articles constituted the best source of Hughes' political thinking. According to Fitzhardinge
"The Case for Labor" is the only remaining exhibit of a leisurely discussion of basic issues by Hughes.¹ In the first article of October 7, 1907, Hughes clearly indicated the line that the column would take:

In this column, then, it is proposed that I shall explain the policy and platform of the Labor Party, and its attitude on current questions. I shall set forth, explain and defend our own position so far as one member of that Party may do.²

It was not until two months later that Hughes defined socialism:

It is neither more nor less than the substitution of natural "National" is substituted for "natural" in the margin. co-operation for the present competitive system, in the industrial sphere. Under socialism the State would own and control the means of production, distribution, and exchange. Private property in all other forms of wealth would remain . . . . Socialism thus involves an economic change but not a political or social one.³

Early in the articles Hughes commented that the day of industrial competition was fast passing and that production was a matter for society. He also indicated that he was not opposed to monopoly per se, but only to private monopoly.⁴ Among Hughes' newspaper cuttings there is an undated memorandum on the "New Protection," and in it he reiterated his belief that production


²The Sydney Daily Telegraph, October 7, 1907, p. 13. These quotations from "The Case For Labor" are taken from Hughes' personal newspaper cuttings.

³Ibid., December 21, 1907, p. 10.

⁴Ibid., October 9, 1907, p. 5.
was a function of society:

Such legislation is at all events a recognition of the principle that production is a social function, and that although society permits private enterprise it does so only upon the distinct understanding that its welfare is properly conserved . . . the combine is the last word but one—as far as we can see—in the development.¹

Hughes further argued that combines were preparing the way for complete systematization of production by society for the benefit of all.² Industries when they reached the proper stage should be nationalized.³ At the beginning of 1908 Hughes, therefore, urged his followers to become militant in the drive for nationalization, and by 1909 he was arguing that competition was exceedingly wasteful and that monopolies and combines were efficient means of production.⁴

Another topic which Hughes treated frequently was arbitration. In an article devoted to a comparison of the Wages Boards and the Federal Arbitration Court Hughes indicated his unreserved preference for the latter body. He admitted that Boards seemed cheaper and quicker, but in listing five disadvantages of the Boards he even demolished this initial concession. Hughes listed the five

¹Ibid.
²Ibid., November 2, 1907, p. 6.
³Ibid., November 12, 1907, p. 17.
⁴Ibid., February 1, 1908, p. 6 and April 3, 1909, p. 6.
disadvantages of the Wages Boards as:

a. Fix wages only and cannot settle disputes.
b. Considers conditions in a single industry.
c. Not capable of dealing with strikes and other industrial discord.
d. Takes no cognisance of sympathetic strikes against ruling.
e. Workmen are not given as good a treatment as they receive by the Court.¹

In elaborating the merits of the Federal Arbitration Court Hughes said that the Court considered the welfare of the community, and that it reached industrial agreements or satisfactory alternatives. Finally, he stated that there should not be a combination of arbitration, conciliation, and wage fixing in the Wages Boards because the Boards were provincial in outlook.

One of Hughes' favorite targets was States' rights. In September, 1909, he asked how a man acting in the capacity of a citizen of the Commonwealth could contemplate deliberately doing himself an injury as a citizen of a State.² His sharpest attack on States' rights and his most extreme espousal of nationalism were provoked by W. A. Holman. In fact, during October and November of 1909 the controversy between Hughes and Holman was made public by a series of signed articles in The Sydney Daily Telegraph. The immediate reason for the exchange was that Holman in his budget speech to the Assembly of New South Wales bitterly attacked the Commonwealth government during the course of a discussion on the

¹Ibid., March 7, 1908, p. 7.
²Ibid., September 18, 1909, p. 6.
lapsing of the Braddon Clause. (The Braddon Clause provided that three-quarters of the Federal customs revenue would be returned to the States for ten years after the adoption of the Constitution.) Holman characterized the Federal Parliament as having dignity without power and the State Parliament as having power without dignity. The Commonwealth Parliament, he reasoned, was not national because it did not have national powers, and in one of his most definite States' right statements Holman said:

I have always been deeply dubious, and at this day, after ten years, I do not see any function worth speaking of carried out by the Federal Parliament that could not have been performed by a mere customs and military union amongst the States. . . . After ten years of existence the bulk of the Federal Parliament's work has been found to be futile and barren with the single exception of the Arbitration Act . . . .

Holman also indicated that Mr. McGowen, the New South Wales Premier, agreed with him.

The Hunter Labor Council, one of the more powerful labor councils, protested against the attitude of the New South Wales Labor parliamentarians. Mr. Roche, one of the members of the Council, said that it was regrettable that labor had placed men in the State Parliament who were prepared to throw stones at members of the Federal House. Roche indicated that he favored unification of governments and warned that it would not be long until such unification would take place. The Council passed the following resolution:

---

1Ibid., October 22, 1909, p. 7.
That this Council protests against the utterance of Messrs. McGowen, Holman, Dacey, and others of the State Labor party with regard to the question of unification, and that the delegates to the Political Labor Leagues Conference of New South Wales be instructed to uphold the idea of unification.¹

The Sydney Daily Telegraph in an editorial on the Hunter Labor Council resolution said that it could hardly be concealed that a large body of laborites were strongly opposed to the federal principle and were pledged to a substitution of unification for federation.²

More indicative of labor's sentiment and more important than the Hunter Labor Council's stand was Hughes' response to Holman's budget speech. Hughes charged that "Mr. Holman is an uncompromising states' rights champion; with him the State is everything, the Commonwealth nothing."³ Hughes defended the Federal Parliament and he argued that it had power and dignity and was a national body. To substantiate this latter point he recounted the work of Parliament and specifically mentioned national defense. Hughes stated some of the powers granted to the Commonwealth Parliament under Section 51 of the Constitution in support of the contention that it possessed power.⁴

¹Ibid., October 26, 1909, p. 7.
²Ibid., p. 6.
³Ibid., October 30, 1909, p. 11.
⁴Ibid.
Holman was quick to reply. In a lengthy, carefully worded, and closely reasoned letter to the editor of the Telegraph he attempted to refute Hughes' claim that the Federal Parliament was more important and more powerful than State Parliaments. He re-emphasized his conviction that the State Parliament was the logical place for the lodging of major social and economic powers of government.

He commented:

"The Case for Labor" proves—most unexpectedly—to be the case for nationalism. The trenchant sword which has for many months transfixed each week the prominent enemies of our cause is suddenly turned against me who in my innocence imagined that whatever else I was I was at least a Labor man through and through—because my Labor principles haven't got the true "nationalist" brand . . . . If Labor men have all got to be "nationalist" how is it that up to now nothing has been said about it? If this is an esoteric doctrine not communicable to the vulgar, why does Mr. Hughes disclose it now? If nationalism is one of our tenants where was it adopted? When was it endorsed?\(^1\)

Holman stated that he had attempted to follow the labor principles as he understood them, and, thus, "I decline to believe that I am committed to any form of nationalism." As an afterthought to his entire statement Holman said that he would not believe in nationalism "until the movement authoritatively tell me so."\(^2\)

Holman's argument spurred Hughes to some powerful but somewhat confused prose. Hughes neglected much of Holman's argument, as was his frequent practice in debate, and was satisfied to repeat his original points. Hughes defended his definition of "nationalism,"

---

\(^1\)Ibid., November 2, 1909, p. 9.

\(^2\)Ibid.
and explained it to Holman in a way that demonstrated the sarcasm
for which he was especially noted. More significant than Hughes' patronizing attitude towards Holman was the manner in which he defined nationalism.

Mr. Holman, a man to whom the philosophy of Kant is a child's tale, and the torturous undertaking of Schopenhaur a recreation for an idle half-hour, affects not to understand what "Nationalism" means. I will tell him. "Nationalism" is a stage in the evolution of mankind. Nationalism is to provincialism what provincialism is to parochialism. Nationalism is the name given to opinions, sentiments and aspirations of a people as a whole, as opposed to any mere section or part.1

Thus in one short burst Hughes had revealed where he stood on State-Federal relations.

The last words in the exchange were Holman's who characterized Hughes' nationalism as "mystical." It is doubtful that many read the more than 5,000 words of fine newsprint which composed Holman's answer, and if the public did read it they would have been disappointed at Holman's lack of fire and gusto. In essence, the article was a longer but more involved statement of Holman's original arguments, and a large portion was devoted to the Braddon Clause. Holman also reverted to sarcasm when he said that Hughes was right about nationalism "so long as those opinions, sentiments, and aspirations are confined to a dreary list of unprofitable subjects upon which the Federal Parliament has power to legislate."2

1Ibid., November 6, 1909, p. 11.
2Ibid., November 11, 1909, p. 3.
The whole of the conflict had been aired, but nothing was settled. In just a year's time the question came up again, but at that time it was more than, as H. V. Evatt says, "controversies conducted on a high level which afforded Holman relaxation." Rather, the disagreement between the Labor party's two most important figures was to shake the Labor organization at its foundations.

In the closing months of 1909, when the Labor party was preparing for the April, 1910 elections high party officials other than Hughes were making known their preference for Commonwealth control in matters of industry, trade and commerce, and arbitration. Andrew Fisher, in a statement on the coal strike at Newcastle, which the State government had been unable to settle, indicated a desire for the extension of the Arbitration Court's jurisdiction. He compared the coal strike with the shearer's dispute five years earlier and re-told how the latter had been handled successfully by the Federal Court. This attitude was not surprising. The favorable judgements of Justice Higgins and the generous awards of the Court made the Commonwealth power even more desirable to Labor.

There were groups within the movement besides Holman and the New South Wales Party who were confused and upset at the Commonwealth Labor Party's changed attitude on Commonwealth-State

---


2The Sydney Daily Telegraph, November 12, 1909, p. 8.
relations. The strongest resentment came from those State parliamentarians who objected to being politically "butchered in the interests of their superiors." The superiority feeling of the Commonwealth parliamentarians was exhibited by Mr. Mahon, Labor M. H. R., who referred to the State legislatures as "sub-ordinate bodies." There were others who objected to the extension of Commonwealth powers because they felt that socialist ideals could be better advanced through State action.

This clash over Commonwealth-State relations reflected not merely disagreements over socialist objectives or the ambitions of State politicians, but revealed the presence of conflicting groups in the Labor party. V. Gordon Childe, scholar and participant in the Labor party organization, has catalogued the contradictory elements in the Labor party group coalition:

The following groups and classes were gradually attracted to the side of Labour—by sentimental bonds only democrats and Australian nationalists; by economic interest, the small farmers and settlers, the prospectors and small mining proprietors, and the small shopkeepers; by ties of self-interest, the Roman Catholic Church and perhaps certain business interests—notably the liquor trade. Another observer arrives at a different breakdown of groups and concludes that the Labor party "embraces Imperialists and anti-Imperialists, Communists and Individualists, States' Rights men

1 Ibid., November 15, 1909, p. 8.
2 Ibid.
3 Childe, How Labour Governs, p. 74.
and Unificationists."¹ This commentator also notes that the "differences between the two ends of the Federal Opposition of the 'Liberal' parties is probably much less than between the extremes of Labour."² L. C. Webb and L. F. Crisp, two modern writers on Australian politics, are impressed with the confederate aspect of the Labor party and other Australian parties. Webb says that "both in Commonwealth elections and referenda, the parties function not as national organizations, but as loosely knit federations of State organizations."³ Crisp, whose conclusions are limited to Labor party organization, gives a clue to still another side of the conflicting organizational and group tendencies in the Party. He says:

Yet, if the constitutional surface is scratched it will be found that Australian Labour is in fact not one but seven parties—the State Branches and the Federal party organization. Each State Branch has a character and personality all its own. Each has a constitution governing its State-wide and local organization in some respects different ... from those of the other State Branches. Each is preoccupied in very large measure with State and local government elections and administrative programmes, in regard to all of which it is autonomous.⁴

¹"Ten Years of the Australian Commonwealth," 317.
²Ibid.
This incongruous mixture was significant because it indicated that there were apt to be intra-party differences on any given issue, such as extension of Commonwealth powers.

The existence of contradictory elements in the Labor party had still other implications. Childe has summed up some of the results which had occurred in attempting to reconcile the divergent elements of the Party. He said that it had

inevitably meant some tight-rope walking for the politicians and has filled the Labour Platform with inconsistencies. To avoid offending the little capitalists and the Catholics, Socialism has been much watered down in the Labour Objective. To retain the support of the rationalists the Labour Party has gone in for a course of sentimental flag flapping . . . . It has allowed the strictly economic motive lying behind the White Australia policy to be obscured . . . .

The Labor party was not the only party composed of contradictory groups. In 1910 and 1911 the non-labor parties were attempting amalgamation and, therefore, suffering organizational growing pains. In Duverger's classification scheme non-labor parties are "direct parties," and the ills of such "direct parties" can be seen in the non-labor parties of Australia, i.e., lack of permanent membership and organization, sporadic activity and interest in politics—mainly at elections, and domination of political activity by party workers and parliamentary representatives. The non-labor parties in the Commonwealth State Parliaments were a series of

1Childe, How Labour Governs, p. 85.

2Duverger, Political Parties, pp. 13-17.
political alliances largely based on expediency. To be sure, non-labor parties existed in the various States, but they were generally dormant except when called upon by the parliamentarians to get out the vote. After the disastrous election defeat of the Fusion group in 1910 steps were taken to bring about a permanent Federal Liberal party. A partial explanation of why non-labor groups were so late in recognizing the need for organization was that they were the dominant political force in the States and had been at least on a par with Labor in the Federal Commonwealth Parliament prior to the Fourth Parliament.

Despite the loose organizational nature of non-labor groups, there was every evidence that various individuals were carrying on a vigorous anti-labor campaign through pamphlets and speeches. Two of the protagonists of anti-socialism and States' rights were Bruce Smith and P. McM. Glynn. These two men have been chosen as more or less typical spokesmen for the non-labor side. Bruce Smith was the more extreme of the two, and Smith, unlike Glynn, did not serve in or support the ministries that were sympathetic to Labor. Glynn, on the other hand, was Attorney General in the third Deakin government. Bruce Smith in a pamphlet, *Some Thoughts in Regard to an Anti-Socialist Liberal Programme*, aside from attacking Deakin and socialism proposed a platform. The fifth and sixth points of Smith's platform had the following to say with
regard to State-Federal relations:

5. The avoidance of all proposals to effect changes in the Constitution by attempting to alter the foundation—terms of the Federal partnership, and thus threatening the relative rights of the States and the Commonwealth—except in those cases in which the need for constitutional change has already been widely felt and desired by the people of the different States.

6. The steady and continuous cultivation of more harmonious relations between the States and the Commonwealth, and the avoidance of all legislation that unnecessarily interferes with or challenges states rights.1

Glynn's principal pamphlet of this period, Federal Measures and Tendencies, was a less extreme statement of States' rights. This, of course, was to be expected because Glynn had served as Attorney General under Deakin and had recognized some of the inadequacies of the Australian federal system. Nonetheless, Glynn restated the traditional arguments for federalism and indicated that he was not a unificationist. He warned:

We must remember that we are a continent under a federal system. That means that there are diverse conditions, that we are not homogeneous, that conditions of production and the cost of living are not similar in all States—a fact that is recognized in the federal system, under which industrial powers still remain with the State. Lord Acton said: "In view of increasing democracy, a restricted federalism is the only possible check upon concentration and centralization."2

After this introductory history of the more important aspects of Australian ideological, economic, and political development

1 Bruce Smith, Some Thoughts in Regard to an Anti-Socialist "Liberal Programme" (Sydney: 1912), p. 9.

during the first decade of Commonwealth three tasks remain: (a) a review of the general political situation in the States and the Commonwealth prior to the 1911 referendum, (b) a review of the general social-economic situation, and (c) a statement of the reasons for the 1911 referendum.

In 1911 the Labor party controlled two State lower houses and the Commonwealth Parliament. The Party enjoyed a forty-two to thirty majority in the Commonwealth House and held twenty-three of the thirty-six Senate seats. It also had a forty-six to thirty-nine majority in the New South Wales Assembly and a twenty-two to twenty lead in the South Australian Assembly. The 1908 election in Western Australia had increased Labor's representation in the Assembly from seventeen to twenty-two out of a total of fifty. The Perth Morning Herald observed that the most significant fact in Labor's gain was that Mr. Gregory a long time M. L. A. and a popular non-labor member was defeated.  

The Tasmanian elections of May 2, 1909, gave Labor twelve seats in a lower house of thirty whereas the Party had had only seven in the previous Assembly of thirty-five. In this Tasmanian general election the Hare-Clarke system of proportional representation was used for the first time in the State, and according to

---

1For an account of the New South Wales elections see: The Sydney Morning Herald, October 20 to 30, 1910. For South Australia see: Adelaide Observer, April 3 to 30, 1910.

2The Sydney Morning Herald, September 16, 1908, p. 1.
The Hobart Mercury, proportional representation had been responsible for some of Labor's increase. The Mercury also indicated approval of this election method and said that

the fact that there were comparatively few informal ballot papers, being on the average less than one per-cent, shows that the electors, male and female, were able to exercise their vote without difficulty.1

In the Victorian elections of December 29, 1908, Labor's representation increased from fifteen to twenty-one in a lower house of sixty-five. Apart from Labor's increase, the Victorian results were rather confusing, and there were contradictory estimates of the strength and division of parties in the Assembly.2 But this apparent confusion did not prevent Murray, an independent anti-socialist, from forming a ministry based on the support of thirty-nine members.

Queensland had had a rather disturbed political situation and prior to the election of October, 1909, there had been three general elections in two years. The overall result had been a diminution of Labor's strength from thirty-five in an Assembly of seventy-five in 1905 to twenty-eight in an Assembly of seventy-two. The October, 1908 non-labor victory was a tribute to the non-labor leader Kidston.3 Also, the Queensland elections restored the

1The Hobart Mercury, May 6, 1909, p. 4.
2The Argus (Melbourne), December 30, 1908, p. 5.
3The Sydney Morning Herald, October 4, 1909, p. 9.
"two party system and majority rule, a clean-cut division made between Liberalism and Socialism.\textsuperscript{1} This alignment of political factions into a two party system, Labor and non-labor, appears to have taken place in most States as a result of State elections held between 1908 and 1910. In particular the solid support given to non-labor leaders in New South Wales (Wade), Victoria (Murray), Queensland (Kidston and Denham), and Tasmania (Sir Earl Lewis) was evidence of the increasing non-labor unity. This non-labor unity which made for more effective political combat in an era of rising Labor representation, can be traced at least in part to Labor's growth. The conservative Hobart Mercury said that the unification of the non-labor factions and elimination of a third party outweighed all the Tasmanian gains of Labor.\textsuperscript{2} "It means," said the Mercury, "that the Premier will no longer have to play party against party.\textsuperscript{3}

This to a greater or lesser extent could be said of the non-labor governments in the other States.

One feature of the Australian situation of 1911 that cannot be overlooked is the general prosperity, a fact recorded even by the staunch pro-laborite writer V. G. Childe.\textsuperscript{4} Childe

\textsuperscript{1}Brisbane Courier, October 5, 1909, p. 4.
\textsuperscript{2}The Hobart Mercury, May 6, 1909, p. 4.
\textsuperscript{3}Ibid.
argued that the growth of monopolies from 1901 to 1911 was an alarming feature of the Australian economy; nonetheless, he said:

it seems that the prosperity of the period was fairly generally diffused. That is suggested by the savings bank balances ... and by the fact that real wages, despite sharp fluctuations, rose on the whole ... .

The statistics support this conclusion. The *Sydney Morning Herald* in a special story, "A Decade of Progress," listed the following figures:

<table>
<thead>
<tr>
<th></th>
<th>1901</th>
<th>1911</th>
</tr>
</thead>
<tbody>
<tr>
<td>Production</td>
<td>122,273,000 pounds</td>
<td>171,507,000 pounds</td>
</tr>
<tr>
<td>Overseas Trade</td>
<td>97,696,000 pounds</td>
<td>133,953,000 pounds</td>
</tr>
<tr>
<td>Savings Deposits</td>
<td>25,000,000 pounds</td>
<td>49,000,000 pounds</td>
</tr>
</tbody>
</table>

Gordon Greenwood ascribes this general prosperity to "increased production aided by high prices for primary exports." This summary indication of Australia's economic position in 1911 completes the general social, economic, and political picture of the continent prior to the 1911 referendum.

Although this historical survey has not specifically mentioned the immediate reason why 1911 was chosen as the year to try to extend Commonwealth powers, some of the reasons have been implied. Undoubtedly, the success of two referenda prior to 1910 was not overlooked.

---

by a non-revolutionary and pragmatic socialist-Labor party. Moreover, the monopolies, industrial disputes, arbitration, and "New Protection" planks of the 1908 Labor "fighting platform" clearly indicated that the Party was demanding increased Commonwealth powers. Not only was the Labor party in general agreement on extending Commonwealth powers, but W. M. Hughes, the driving force in national Labor politics, was a while-hearted supporter of increased Commonwealth power. In 1910, Labor's decisive election victory had enabled the Party to form a Ministry in which Hughes served as Attorney General and acting Prime Minister while Andrew Fisher was at the Imperial Conference during most of 1910 and the first part of 1911. In short, success of two previous referenda, inclusion of the extension of Commonwealth powers plank in the Labor platform, W. M. Hughes' support of such an extension, and the Labor election victory of 1910 were sufficient reasons why 1911 was the logical time to submit proposals for the extension of Commonwealth powers to the voters. But there were four other reasons which made 1911 seem to be an even more appropriate time.

First, there was a disparity between the State Wages Boards awards and those of the Federal Arbitration Court, the latter being more favorable in many instances. Also, there was the feeling that the Arbitration Court was a more equitable body since its awards applied throughout the Commonwealth. Second, labor feared the growth of trust and monopolies. This fear was grounded on the fact that there was evidence of trusts, monopolies, and other price
fixing devices operating within the Commonwealth. In a detailed study of the trust movement, H. L. Wilkinson pointed out that in 1914 there existed in Australia a sugar monopoly, tobacco trust, steamship federation, and collieries association. Although his evidence was somewhat less convincing, Wilkinson also attempted to show that there was price fixing in the timber, brick, bread, and flour industries. ¹ Third, because of the seemingly permanent non-labor majorities in the legislative councils the State legislatures could never have been fully responsive to labor demands even when Labor had complete control of the lower houses. Alfred Deakin summed up labor's frustration with State legislatures by saying that "the bulk of their speeches [Labor] consisted of charges of dereelections of duty on the part of one or more States, with the demand that this Bill should be passed, because it affords a remedy."² Labor, however, knew that remedies could be forthcoming from a parliament in which they had a majority in both houses.

Finally, in addition to being blocked in the State, Labor suffered from the action of the High Court which had rejected Commonwealth legislation favorable to the Labor party. Labor's program was dealt a serious blow when the High Court reviewed Deakin's "New Protection" legislation and found it invalid because

²Commonwealth of Australia, Parliamentary Debates, LVII (1910), 5396.
the Excise Tariff Act was being used for the control of industry and not for taxation. An attempted extension of the Arbitration Act by the Arbitration Court through the application of a "common rule" within an industry as a whole regardless of State law was declared unconstitutional on the grounds that a Federal wages award which was inconsistent with a State award was invalid.

Commonwealth control of intra-state monopolies and combines in restraint of trade provided under the Industries Preservation Act of 1905 was also held to be invalid. The High Court extended the Federal principle and ruled that it was the intention of the Constitution to reserve these matters exclusively to the States. The Court said that no exception to the reserved powers of States could be granted unless specifically contained in the Constitution.

In another case the Seaman's Compensation Act which, among other things, covered persons engaged in the coastal trade of a single State was held to be unconstitutional on the grounds that control of intra-state trade fell solely under State jurisdiction.

Gordon Greenwood in discussing these decisions states that the Labor party, in particular, viewed these decisions with dismay. Not only had legislation which it most cherished been

---

1 The King v. Barger 6 C. L. R. 41.
2 Australian Boot Employees Federation v. Whybrow 11 C. L. R. 311.
3 Huddart Parker v. Moorehead 8 C. L. R. 330.
rendered null and void, but the Constitution seemed to stand as an impediment to the fulfillment of the party's programme. It was not surprising, therefore, that the party should sponsor constitutional amendments designed to remove the barriers in its path.\textsuperscript{1}

There were thus at least seven reasons for Labor's introduction of the referendum proposals in Parliament. (A) The alterations formed an important segment of the socialist-labor ideals as incorporated in the 1908 Brisbane platform; (b) W. M. Hughes was a strong advocate of extension of Commonwealth powers; (c) Labor's objectives had been frustrated by conservative legislative assemblies; (d) there was evidence of an incipient trust growth; (e) the High Court had invalidated much of the legislation aimed at achieving the labor-socialist goals; (f) the Labor party was dissatisfied with State Wages Boards; (g) in 1910 the Labor party secured a parliamentary majority which enabled it to fulfill the necessary constitutional provisions with regard to holding a referendum.

\textsuperscript{1}Greenwood, "National Development," p. 244.
CHAPTER III

1910 PARLIAMENTARY DEBATES

The Commonwealth elections were held in March, 1910; Parliament was convened in July, 1910, and at that time the Governor-General outlined the Labor party's program to it; debates on the referendum proposals began in October, 1910; and the referendum was taken and defeated on April 26, 1911. Thus, in a little more than a year's time drastic measures for constitutional change had been rather vaguely mentioned, specified in legislative bills, debated inside and outside of Parliament, and defeated.

In order to make this campaign more understandable the actual proposals are stated in full at this point. Section 51 of the Constitution which enumerates the powers of parliament, begins "The Parliament shall, subject to this Constitution, have power to make law for the peace, order, and good government of the Commonwealth with respect to:" In the first Bill, "Constitution Alteration (Legislative Powers)," the wording of three paragraphs of Section 51 was changed and one paragraph was added. The paragraph changes and the proposed addition are given below.
(i) Trade and Commerce with other countries and among the States: by omitting the words "with other countries and among the States."

(xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth: by omitting the entire paragraph and inserting in lieu thereof:

Corporations including—
(a) the creation, dissolution, regulation, and control of corporations.
(b) corporations formed under the law of a State (except any corporation formed solely for religious, charitable, scientific, or artistic purposes, and not for the acquisition or gain by the corporation or its members), including their dissolution, regulation, and control.
(c) Foreign corporations including their regulations and control:

(www) Conciliation and Arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State: by omitting the entire paragraph and inserting in lieu thereof:

Labor and Employment including—
(a) The wages and conditions of labour and employment in any trade, industry, or calling; and
(b) The prevention and settlement of industrial disputes in relation to employment on or about railways the property of any State.

Section 51 was to be further altered by adding at the end thereof the following paragraph: Combinations and monopolies in relation to the production, manufacture, or supply of goods or services.

The second Bill, "Constitution Alteration (Monopolies)," the section to be added after Section 51, read as follows:

When each House of the Parliament, in the same session, has by resolution declared that the industry or business of

producing, manufacturing, or supplying any specified services, is the subject of a monopoly, the Parliament shall have power to make laws for carrying on the industry or business by or under the control of the Commonwealth and acquiring for that purpose on just terms any property used in connection with the business or industry.1

The electors were called upon to make two choices in which there were involved five specific questions. Mr. Catts, Labor

M. H. R., explained these requests as well as anyone when he said:

First, we ask for power to wipe out those limitations which at present appear in the Constitution in regard to trade and commerce. That power is necessary to bring the Constitution into conformity with the powers asked for in relation to monopolies and corporations; secondly, we ask for an alteration of the Constitution to enable us to nationalize or regulate any industry, business or service; thirdly, we ask for power to make laws regarding corporations; and fourthly, for the power to create, regulate and control any corporations, formed under any State law... and to include foreign corporations, including their regulation and control. Fifthly, we ask for an extension of the arbitration power, which is practically unlimited, and which will give us the right to deal with matters of industrial dispute without fear of our power being whittled away, if not wholly dissipated, by the judgements of a conservative High Court.2

These proposals, as explained so clearly by Catts, are in essence the ones for which Labor attempted to get electoral approval in 1911, 1913, and 1919.

Parliamentary debates reveal that there were two formal motions for referenda prior to 1910 that dealt with the subjects contained in the 1911 referendum. First, there was a motion by Labor Senator Pearce in 1908 which called for the conferring of

---

1Ibid.

power upon Parliament to declare an industry a monopoly and to
"own and control such monopolies in the interest of the people."¹
A year later Mr. Hall, Labor M. H. R., moved an identical proposal
which came to a vote and was defeated thirty to twenty-three.²

The Governor-General in his 1910 speech to Parliament
referred to possible alterations of the Constitution in a single,
rather vague, paragraph. He indicated that:

You will be invited to consider proposals for the Amendment
of the Constitution for the purpose of enabling the Federal
Parliament to legislate effectively with regard to corporations,
commercial trusts, combinations, and monopolies in relation to
trade, manufacturing, or production, industrial matters, and
navigation. It is the intention of my Advisers to ask Parliament
to pass these measures this session, to provide for their
submission to the electors at a referendum early next year.³

Alfred Deakin commented that this paragraph was comprehensive
enough to occupy several sessions. He went on to make the often
repeated charge that such proposals brought the Commonwealth "to the
very brink of complete unification."⁴ Deakin's criticism did not go
unnoticed by his former Labor supporters, and various Labor members
pointed out the anomalous nature of his position. Mr. Fenton, Labor
M. H. R., was the first member of Parliament to chide Deakin for his

¹Commonwealth of Australia, Parliamentary Debates, XLVIII (1908), 1689.
²Commonwealth of Australia, Parliamentary Debates, I (1909), 1795.
⁴Ibid., p. 89.
apparent reversal. Fenton said that he was rather surprised to find the gentlemen like the Leader of the Opposition ... holding up his hands in holy horror when a proposition is made that the Constitution should be amended, considering that he himself has placed various propositions of that kind before the House.¹

Deakin received indirect criticism from a member of his own Opposition group, Mr. W. E. Johnson, M. H. R., who said the Governor-General's reference to the referendum reminded him of one of those "Deakin-esque paragraphs which had often puzzled members of the House."² Mr. Batchelor, Labor M. H. R., reminded Mr. Johnson that he was now a member of the Deakin team and should not "flog his boss."³

In an editorial, The Sydney Morning Herald said that the proposals were the most menacing features of Mr. Fisher's program. The Herald admitted that constitutional revision might be needed at some time, but reminded its readers that the Constitution was a "sturdy rampart against Labour excesses."³ Mr. West, Labor M. H. R., in answer to the Herald's criticism and that of others said that the Constitution was not sacred and, therefore, it should not "stand in the way of liberty and progress."⁴

¹Ibid., p. 231.
²Ibid., p. 170.
³The Sydney Morning Herald, July 5, 1910, p. 7.
⁴Commonwealth of Australia, Parliamentary Debates, LV (1910), 178.
Exchanges of this type were carried on until October of 1910 when the Parliamentary debate on the Bills began. By this date the main contestants in the struggle, Hughes and Deakin, had had time to marshal arguments. In discussing the Parliamentary debates it is well to realize that there was never any reason to believe that the proposals could be defeated or even altered. Labor had an unbeatable majority under the strict control of the pledge; furthermore, W. M. Hughes was a parliamentary strategist par excellence. He was a young and vigorous man whose political star was waxing. Alfred Deakin, on the other hand, was two and a half years away from the end of his active political career. The magnificent work of his 1905-1908 ministry had never been popular with many of the non-labor men whom he now led, while it was considered only a first step by many powerful laborites. Deakin was very apprehensive at the beginning of the session. He said that the leadership of the Opposition was really more than he could handle, although it involved little more than speaking and advising. Even without the burden of administration he summarized his prospects by saying: "My public career is over, and the sooner it ends the better for me."¹ Notwithstanding this highly pessimistic attitude at the beginning of the session, Deakin's health held and he conducted the parliamentary battle with some of his former gusto. His principal cause for rejoicing was that the Opposition had continued to

¹Murdoch, Deakin, pp. 286-87.
The great point is that as a party we kept the flag flying, presented a good face to the foe, concealed our differences, and accepting the situation, were able, owing to their weakness in debating power and the folly of some of their proposals, to maintain a dignified attitude of resistance, achieving small successes, and generally giving the idea of being far more effective than we were or indeed could be. Of course, altogether we have done nothing worth mentioning in the way of amending the Government measures; that was out of the question.¹

In this short appraisal Deakin summarized the non-labor opinion concerning the work of the First Session of the Fourth Parliament. Exception can be taken to his view that the Labor party was not too effective in debate. To be sure, most of the Labor arguments, especially on the referendum proposals, were repetitions of Hughes¹; nonetheless, Hughes was recognized as one of the three or four great Australian parliamentary debators.

Hughes started the debate on the second reading of the two Bills. (The clauses were actually read and voted on one at a time. But from the outset of the debates the Speaker permitted comment on any one of the clauses in Bill One and also allowed comment on Bill Two.) The Acting Prime Minister began by recalling the fact that the people had been asked to amend the Constitution on two successive occasions and that they had done so. He alleged that this was proof of the ease of amendment and that this had been the prime consideration of the framers when they inserted the referendum process into the Constitution. Next, Hughes revealed his concept

¹Ibid.
of federalism and argued that it did not make any difference if the Central Government had fifty powers and the States fifty or whether the States had eighty and the Central Government twenty. He said that what is essential is that within the scope of its powers each body shall be independent of the other, so that nothing done by the Central Government shall impair the authority of the States and nothing done or to be done by the States shall impair the sovereignty of the National Government. This is the one essential feature of Federation; all others of which mention has been made are not essential; Federations may and do exist without them.1

Pursuing this line of reasoning Hughes said that the essence of the amendments was that they would give the National Government supreme power in its own sphere, thus, enabling it to legislate effectively on all the matters enumerated in Section 51 of the Constitution; therefore, the one essential feature of federalism would be fulfilled. At this point he also stated that these changes did not involve a question of unification vs. federation.

Hughes argued that the alterations were aimed at the well-being of the community. Moreover, he contented that they were inter-connected, "like the four sides of a rectangular block," and because of this they had been submitted as a unit. But the well-being of the community and the inter-connectedness of the alterations were points which led up to the real reason for the changes, i.e., an advancement of Australian nationalism. Hughes said that if Parliament

1Commonwealth of Australia, Parliamentary Debates, LVII (1910), 4699.
aimed at being a glorified shire council

uttering and re-uttering pious ejaculations concerning national sentiments about one flag and one destine, no doubt the Constitution clothes us with more than ample power. But I take it that our desires lie in quite another direction. We desire to give legislative and administrative effect to the national aspirations of the people of the Commonwealth. ¹

After Hughes laid this background he discussed each power and the specific reasons for its inclusion. He maintained that the Trade and Commerce Clause of the Australian Constitution was the result of a slavish imitation of the United States Constitution. This he argued had been responsible for the Commonwealth's inability to deal with intrastate commerce; furthermore, it had had the attendant effect of prohibiting the Commonwealth from dealing satisfactorily with interstate commerce. In discussing the request for increased power over trade and commerce Hughes' nationalism appeared again. He argued that commerce vitally affected the welfare of all the members of the community, and therefore, those who controlled the commerce controlled the whole community. Hughes then reasoned that if the National Government did not have power over the "well spring from which all must perforce drink or die," then it was reduced to impotence and the welfare of the nation was imperiled.

The control and nationalization of industry was the major issue of the campaign, and it occupied the major portion of Hughes' parliamentary speech. Several reasons can be suggested for the

¹Ibid., p. 4701.
importance of this issue. First, it appeared that the proposals dealing with industry went to the very heart of the socialist and anti-socialist controversy. Second, this issue was a relatively simple one and gave the appearance of being very clear-cut, and a convenient focal point in attempting to gain electoral support. Third, at this time there was general agreement that something should be done about monopolies, and, therefore, the issue had a degree of appeal to most electors, or that is, Labor thought it had such an appeal.

In arguing for the monopolies power Hughes recalled the adverse decision of the High Court, particularly the Huddart Parker Case. He also cited pertinent sections from a memorandum, "The Australian Industries Preservation Act: Huddart Parker and Co. Prop. Ltd. V. Comptroller of Customs," which had been prepared by one of Deakin's Attorneys General, P. McH. Glynn, in August of 1909. The eighth point in the memorandum pointed out that it was difficult to deal with industry in a uniform manner. The ninth point stated:

On the other hand, if the Parliament of the Commonwealth possessed power to legislate in respect of combinations or monopolies in restraint of trade, State as well as Inter-State and external, the law and the administration would be uniform throughout the Commonwealth. One proceeding, instead of several, would suffice; and the judgement of the Court would apply to all, not, as at present, only to Inter-State operations of the defendant.¹

¹Ibid., p. 4706.
Hughes in reading this made the all too obvious point that "my honorable and learned friend precisely understood the difficulty, even if his colleagues did not."¹

No matter how much Hughes disliked private monopolies which fixed, as he said, the "price of coal, freights, sugar, tobacco, wheat, flour, bricks, timber, oil, meats, and jam," he did not contend that monopolies were evil. He maintained that price fixing by a few was a natural stage in the evolution of production and was a function to be taken over by society. In short, his criticism was the same as it was in "The Case for Labor," i.e., monopolies rule the people instead of the people ruling the monopolies.

Trying to define a monopoly Hughes said that, although he could not do it in precise terms, "we know one when we see it." In fairness to Hughes, even though his critics ridiculed this statement, it can be shown that he had a fairly good idea of monopolies, trusts, and combines. He said that it was the fixing of prices by arrangement among the members of a corporation or among members of an industry that the Labor party wanted to control and to nationalize if necessary. While he was discussing this subject Hughes replied to one of the most frequent criticisms of the proposals, namely, that the powers would be abused. He answered this criticism by maintaining that Parliament was capable of abusing any of the

¹Tbid.
powers that it possessed, but that an unwarranted exercise of any legislative power was always liable to the check of the "people behind the Parliament."

In support of the arbitration clause Hughes argued that the Federal Arbitration Court had been severely limited by decisions of the High Court, and therefore, the Arbitration Court had been hampered in bringing about a "fair and reasonable" wage for the entire laboring force of the Commonwealth. In support of this contention he cited the majority report of the Harvester Commission which had concluded that a system of federal arbitration was the most desirable. In conjunction with this argument for the extension of the Federal Arbitration Court Hughes advocated a bold and aggressive Commonwealth legislative program in all fields. He said that such a legislative program could only be carried out with the aid of the constitutional alterations.

The reply to Hughes was made by Deakin, and Deakin's speech, like Hughes', required the largest part of one day's sitting for delivery. In his reply Deakin appeared to be anything but the sick and incapable man that he had pictured himself at the opening of the session. His speeches in the House on the alterations and subsequent efforts in the campaign demonstrated great aptitude for polemics and devotion to a cause.

In the first portion of his speech Deakin dealt with the Glynn memorandum from which Hughes had quoted and in so doing
revealed his own position on federalism. He quoted at length from
the memorandum to refute Hughes' inference that Glynn or the Deakin
Government would have supported legislation similar to that contained
in the 1911 proposals. Deakin quoted—in part—from the Glynn mem-
orandum:

_We must not forget that centralization does not always
insure the perfect working of the Democratic principle; that
directness and proximity stimulate electoral interests and
strengthen administrative control; and that uniform regulation
of all affairs of a continent may be inexpedient, if not
mischievous._

Deakin not only objected to Hughes' interpretation of the Glynn
memorandum, but he took exception to Hughes' definition of federalism.
Deakin said that federalism depended upon the balance and reciprocal
adjustment of the powers of both National and State governments and
the circumstances of the Australian economy. In Deakin's opinion the
referendum proposals would have upset the balance and would have
been a one-sided adjustment to current conditions.

Next, Deakin discussed what he deemed to be the real ques-
tion of the debate—whether immediate ends should be sought through
a "great alteration of the national machinery." It was a critical
question because any change of this nature would persist long after
the immediate and particular end had been accomplished. Deakin
favored using the federal system in order to achieve political ends,
but judged by what he called the highest standard of federalism—
the complete development of local units—the 1911 alterations fell

---

1Ibid., p. 4806.
short of these standards. In other words, Deakin objected because the changes moved in the opposite direction from that which federalism as a system should head.

The Leader of the Opposition accused Hughes of not being fair with Parliament because he did not reveal that the powers would have to be taken from the States. Deakin argued that this was so because the very nature of federalism was a division of powers, and any addition to Commonwealth power must be made at the expense of State governments. At this point in his speech there were interjections of "States' Rights." Deakin answered by saying that this cry did not offend him, and to silence his critics he used the reasoning that Hughes had found so convincing in his argument for extended Commonwealth powers. That is, Deakin argued that all men were citizens of individual States and the Commonwealth, and, therefore, as Commonwealth citizens they had nothing to dread when the States in which they were citizens developed to a high degree. Hence, Deakin argued, these alterations were opposed to the highest standards of federalism, and he said that if his opposition was "States' Rights" it was of no concern to him since all men were dual citizens who should be engaged in fostering local development, for when the Commonwealth became all-powerful there would be an even worse consequence—the curtailment of individual freedom. On this point the Opposition leader said:
One will not be able to buy a pennyworth of lollies, to drive a nail in a boot, to shear a sheep, to sow grain, to pick fruit, or to carry hod, in any part of this continent without coming under the operation of the Commonwealth laws.¹

Although this might have been an exaggeration, it was something which Deakin as a protagonist of individual freedom feared.

Deakin objected to the alterations on another ground, i.e., they were merely attempts to further the aims of the Labor party. He did not object to measures which were motivated by party goals, rather he objected to these measures because they did not involve anything more than party aims. He felt that this was a pursuit of an expedient policy according to which Labor, with its majority, would enact its policy regardless of whether it conformed to the needs of, what Deakin called, "the facts as we find them." In answer to an accusation that he opposed all amendment, Deakin said:

I am urging not only that the people should amend their Constitution when necessary, but they should amend it exactly where it most needs, and as it needs it, and that they should not endeavour to exercise the gift of prophecy so as to determine what generations to come might require.²

Deakin was objecting to what he considered a mere partisan policy.

Dealing with the individual proposals, Deakin defended the Trade and Commerce paragraph of Section 51 on the grounds that it was wider than any other power in the Australian Constitution. He contended that the United States wording was adopted after a careful

¹Ibid., p. 4825.
²Ibid.
study of United States constitutional decisions. Deakin's objection to the transfer of the arbitration powers to the Commonwealth coincided with his emphasis on local development. He reviewed the industrial situation with respect to wage determination and concluded that because of the differing problems and the variety of industrial problems the States were much better suited to deal with the arbitration and conciliation problems that arose from industries operating exclusively within their borders.

Objection to Commonwealth control of industries was based on similar grounds, i.e., differing conditions in the States. Deakin also argued that the costs would be high, and that bureaucracy of the worst kind would result from the extensive regulative machinery that would be established. In this case he offered a substitute proposal, contained in the Glynn memorandum, to establish an Interstate Commerce Commission—a device which the Constitution provided for but which had not been utilized. That body, as he envisaged it, would be very much like the United States Commission.

Such a body in the United States of America today is of capital importance; and, under our Constitution, is capable of being made still more effective. An Inter-State Commission would discharge both administrative duties, and what might be termed judicial duties in all matters of practical concern. The Commission being provided for in advance by the Constitution, we have made more than one attempt to bring it into existence, but our efforts have not been crowned with success.\(^1\)

\(^1\)Ibid., p. 4622.
Later in the debates Mr. Joseph Cook, Liberal M. H. R., moved an amendment in the form of a substitution to the monopolies clause of Bill One to establish an Inter-State Commission. But this motion, like other efforts of this kind, was unsuccessful and was defeated thirty-nine to twenty-five. It should be stated that although there were other attempts to amend the proposals by non-labor members, this amendment was the main alternative suggestion of the Opposition.

One of the most frequent demands of the Opposition was that the four clauses of Bill One should be embodied in four separate bills. Deakin admitted that the propositions were allied but independent of each other. He contended that each proposal involved a new grant of power, and that the grouping together of such proposals did not permit discrimination on the part of the electors. Sir Robert Best and Sir John Quick, two of the leading students of the Australian Constitution, also criticized this aspect of the referendum. Finally, Sir John Forrest moved:

That, as the inclusion in a single measure of more than one substantive amendment of the Constitution is unjust and undemocratic as it deprives the electors of an opportunity of the expressions of a free and independent judgement upon the several questions raised gravely affecting the future of Australia, it be an instruction to the Committee to divide the Bill into four bills, so as to allow each of the proposed alterations to be dealt with as a separate measure.

1 Ibid., p. 5035.
2 Ibid., p. 5038.
The wording of this motion insured its defeat. Though it is
doubtful that submitting the proposals together had any influence
on the vote, much was made of this fact in the debates and in the
campaign.

Individual speeches by members other than Hughes and
Deakin were much shorter and were generally confined to an elabora-
tion of the arguments advanced by these two men. One of the
favorite topics discussed by Labor members was the contradictory
stand of those who supported "New Protection" and at the same time
opposed the alterations. Mr. Matthews, Labor M. H. R., said that
he had backed Deakin for two years and that it was Deakin who had
first asked him to support legislation such as was before the House.1

Mr. Wise, Labor M. H. R., was even more cutting than Matthews.

The position and the speeches of the honorable member for
Ballarat [Deakin] give me only a feeling of the deepest regret
that a man who has led the national cause in Australia, with
all his aspirations, and after all his efforts, should now,
in the latter days of his political career, be facing every
time he speaks, the specter of the past.2

If such attacks as these had any effect on Deakin, there is no
record of it.

Glynn's memorandum was used by both sides. Another
memorandum which figured in the debates was one on the workings

---
1Ibid., p. 4858.
2Ibid., p. 4970.
of Australian federalism written by Robert Garran, Secretary to Littleton Groom who was Attorney General under Deakin, at the request of the Governor of Transvaal. Hughes quoted a section of the Transvaal memorandum which referred to the Trade and Commerce power of the Constitution. The memorandum advised:

The specific powers should be defined in words as general as possible, avoiding, as far as possible, all conditions, exceptions, and limitations, e.g., Trade and Commerce with other countries and among the States. The limitation to Inter-State and external commerce bisects the subject of trade and commerce, and makes a hard and fast division of jurisdiction of which it is difficult to determine the boundaries and which does not correspond with any natural distinction in the conduct of business. It would be more satisfactory if possible, to take power over trade and commerce generally.¹

This use of the Garran memorandum was an astute move on Hughes' part. It did not have the desired effect of splitting the Opposition, but no non-labor member attempted to explain the inconsistent stand which they, or at least Groom, had taken on the Trade and Commerce clause alteration.

Labor often referred to unfavorable decisions of the High Court as the major reason for seeking the changes. Senator Rae, commenting on the Governor-General's speech, charged that the Court was the last refuge of reactionary forces. He stated that he did not believe in erecting idols and worshipping them as some had done with the High Court and, since the High Court was in the path of change, it would have to be modified or swept out of existence.²

---

¹Ibid., p. 5213.

²Commonwealth of Australia, Parliamentary Debates, LV (1910), 304.
Mr. Parker Maloney, Labor M. H. R., repeated Senator Rae's charges against the Court and said this was reason enough for him to support the alterations.¹ Mr. Archibald, Labor M. H. R., in answer to a direct question from Mr. Joseph Cook asking him to make a case for the increased grant of power, said: "I strongly advise my honorable friend to read the decisions of the High Court during the last six years."² Naturally, there were also those who came to the defense of the Court. The Sydney Morning Herald gave a more or less typical case for maintenance of the Court. The Herald argued that it was the Court which kept the Parliament in bounds and safeguarded individual freedom from the caucus rule to which Labor wanted to subject the Commonwealth.³

There was only one member who did not vote a straight "yes" or "no" on each clause and on the separate Bills, and this was W. H. Irvine who supported the alteration with regard to trade and commerce. He argued that commerce was an organic whole and any attempt to deal with an organic whole in two parts would eventually "prove as ineffectual here as it has proved in the United States."⁴

¹Commonwealth of Australia, Parliamentary Debates, LVII (1910), 4929.
²Ibid., p. 4929.
³The Sydney Morning Herald, August 8, 1910, p. 6.
⁴Commonwealth of Australia, Parliamentary Debates, LVII (1910), 5294.
The Arbitration Clause was another case, and W. H. Irvine was one of its most violent critics and condemned it as a political conspiracy. His reasoning was that the Labor party had added, after the debate on the Second Reading, the portion of the clause which gave the Commonwealth control over railway employees. The original wording was to alter Section 51 by omitting paragraph xxxv and inserting in lieu thereof the words: "Industrial matters including employment and the wages and conditions of employment and also including the prevention and settlement of industrial disputes."\(^1\)

Irvine said that he regarded the inclusion of railway servants as an attempt to take away from the States the control of their servants as the direct outcome of a political conspiracy between the 100,000 or more employees of the State Railway Departments and those who are now occupying the Treasury Bench and their supporters, to use this Federal Parliament as a means of exploiting the State Treasuries, and to secure for these people what they have not been able to obtain through the authorized State tribunals, because they have made demands to which they are not entitled.\(^2\)

Irvine's charge was echoed by others who implied that the Federal organization of the Railway employees had been carried out with this in mind. Labor ignored this argument, and non-labor did not make much use of it. Non-labor dropped the conspiracy cry because they were afraid of offending the railway employees who represented potential votes, or because they realized that there was little validity in the charge. However, the change in the arbitration

---

\(^1\)Ibid., p. 5366.

\(^2\)Ibid., p. 5198.
clause did have an influence on State Labor parliamentarians, particularly those in New South Wales. (The general attitude of State parliamentarians is discussed in Chapter V.)

Power to control and nationalize monopolies was supported by Labor because in the United States industrial growth had produced an unequal diffusion of wealth, and, thus, poverty had resulted. This poverty, they maintained, was due to a lack of government control. In order to prevent this in Australia, Labor wanted to control and regulate and, if necessary, nationalize business. Non-labor members argued that monopolies needed to be controlled, but they felt it was up to the States to do it. Non-labor did not admit the need to nationalize, in fact, they contended that public monopolies were as bad as private monopolies.

Other points were considered in the debates of the House, but a listing of them here would be of little use. There was no debate in the Senate because non-labor members refused to discuss the proposals on the grounds that they could do nothing to stop their passage. It also bears repeating that the voting in the House was strictly along party lines with the exception of W. H. Irvine who voted with Labor on the second reading of the trade and commerce clause of Bill One. Moreover, no changes in the Bills were effected by the non-labor side, and the only change was Labor's alteration of the Arbitration clause.
The debates of the House furnish no materials for startling conclusions. For the most part they were unspectacular and uninteresting, but this does not mean that they were unimportant. The 1911 parliamentary debates were the first stage in a series of struggles which centered upon extending Commonwealth powers. As such they provided a basis for the negative and affirmative arguments of 1913, 1915, and 1919. Finally, they established the immediate framework for the 1911 campaign.
CHAPTER IV

THE "YES" AND "NO" CAMPAIGNS OF 1911

April 26, 1911, was the date set for the first extension of Commonwealth powers referendum. The long campaign which preceded it was officially opened by the Prime Minister's (he had just returned from the Imperial Conference) speech to an estimated 40,000 people in Melbourne on March 1. It was a speech of generalities as were most of Fisher's referendum campaign speeches. Fisher took the position that the amendments were of no great consequence but were only designed to repair the faults that had been made in framing the original Constitution. This was an attempt to allay the misgivings of those who feared the possible omnipotence of the Commonwealth if the powers were granted. However, the "Yes" campaign was not led by Fisher who had been absent when the proposals were discussed in the House. Because of the death of Edward VII he left in the middle of the campaign to represent the Commonwealth at the coronation of George V.

W. M. Hughes was the recognized leader of the affirmative side and the referendum campaign was the kind of battle in which

---

1The Sydney Morning Herald, March 1, 1911, p. 14.
Hughes was at his best. Since he drafted the amendments and mapped Labor's Parliamentary strategy many regarded the proposals as "Hughes' proposals." This, no doubt, was flattering to his already inflated ego, but there was also a great deal of truth in it. The alterations did involve an integral part of Hughes' concept of the powers that the Commonwealth should exercise if nationalism was to be advanced. Fisher's prolonged absence made Hughes' assumption of leadership possible, and the issues involved made it "right" for Hughes to play the major role on the affirmative side.

Hughes was not given to generalities or compromise. He realized perhaps as well as any Australian politician that an argument must be understood to be accepted. He possessed the political acumen to know that the best way to make an argument understood was to personalize it. The referendum proposals could be discussed on a semi-theoretical basis, as some participants in the campaign did, but this was not the manner in which Hughes framed his speeches. His words were intended to reach the labor audience to which he owed his political success—the audience which could muster the necessary votes to pass the amendments.

The monopolies and trusts issue was one which labor understood and had heard previously. He had told the voters in the 1910 election that:

The question is—what laws do you want? Are you in favour of land monopoly? If you are don't support me. Are you in
favour of the sugar monopoly . . . ? There are a dozen industries in Australia where there is no competition—or practically none . . . if you allow monopolies, the price of things you have to eat—the necessities of life—is beyond competition and beyond your control.¹

In 1911 Hughes renewed the 1910 plea, and thereby established the tone of Labor's referendum campaign. The Worker which enthusiastically devoted its pages to the fight for acceptance of the alterations took its main theme from Hughes. In a typical piece of doggerel The Worker railed against trusts:

I'm not afraid, Australia cries,
To meet a fellow twice my size
If other things are even
But now I've got to fight this bloke
I must have something more than smoke
To make him throw the seven
So, mates, on referendum day
When all Australians have a say,
Vote straight for our young nation;
Let's arm ourselves with fuller powers
Keeping this glorious land of ours
Free from trust machination.²

The Labor or "No" Manifesto which was issued on March 3, 1911, likewise based its arguments for the proposals to a large extent on the need to curb growing monopolies. The electors were told that groups of capitalists controlled operations not in one particular industry but in the majority of industries throughout the entire continent. After discussing the growth of monopolies in general terms the Manifesto re-iterated Hughes' conclusion that

¹Ibid., April 9, 1910, p. 14.
²The Australian Worker, March 9, 1911, p. 1.
"prices of commodities are fixed by the capitalists in the various States acting in common." ¹ The Manifesto said that Commonwealth control, because of the interstate collusion of industry, was the only way to eliminate industrial profits, and thereby lower prices. After pleading for control of business, the Manifesto demanded powers to nationalize monopolies on the ground that control and regulation would not be sufficient to deal with an industry that had succeeded in eliminating competition. In asking for this power the Manifesto gave assurance that not all industries would be nationalised but only those "from which competition is excluded and which enable a very few rich men to exploit the whole community." ²

Throughout the campaign Hughes was pressed to name the monopolies. The two which he frequently cited were the sugar and tobacco industries. But his description of their monopolistic activities was vague:

Sugar Refining Company—The price of sugar was regulated by the company which was doing very well. If they reckoned how much they spent on sugar each week they would be surprised. The difference between the price the company did put on and the price they could put on was quite considerable.

Tobacco—Practically there was only one buyer and seller of tobacco in Australia. In nine cases out of ten the different brands were issued by the same company. ³

¹The Sydney Morning Herald, March 7, 1911, p. 9.
²Ibid., p. 10.
³Ibid., March 3, 1911, p. 10.
In one statement Hughes alleged that there were thirty-three combines and trusts in Australia, but he never listed them. On another occasion he blandly stated that all authorities—Bryce . . . all law text books . . . had pointed out the futility of State regulation of the operations of trusts and combines, and pointed to the growth of public opinion in favour of full federal control.

The Australian Worker was much more specific than Hughes in its attack on the monopolies, and carried a very detailed description of the operations of the Colonial Sugar Refining Company.

In November, 1910 the Company issued 7,500 shares of twenty pound stocks in the proportion of one each to every holder of nineteen shares. 150,000 pounds were taken from the profit and divided among shareholders. The profit for the year at that time was 312,685 pounds and the reserve fund was 500,000 pounds. The Company could sell sugar at a price much lower to the Australian consumer, but that might reduce the twenty pound bonus shares. Give the Federal Government power to regulate the price to the consumer by voting "yes."

There were also continuous references to the United States monopolies and their attendant evils.

The "No" Manifesto also contained a curious comparison of the amending processes in the Australian and United States Constitutions:

1Ibid., March 10, 1911, p. 10.
2Ibid., p. 5.
3The Australian Worker, April 20, 1911, p. 11.
The framers of the Australian Constitution, although in many respects adopting the American Constitution as a model, deliberately declined to follow it in one vitally important particular. The American Constitution, though technically capable of amendment, has in practice defied, save in a few unimportant matters, every effort to adapt it to the changing circumstances of a progressive people. It required the sacrifice of 600,000 men and the expenditure of two hundred million pounds to erase from the Constitution of America the words that permitted slavery . . . . The framers of the Australian Constitution wisely forebode not to make it rigid and unamendable.¹

Inclusion of such points in the Manifesto signified the desire of the Party to play down the sweeping nature of the amendments, but it was also indicative of the Party's aim to convince the electors that the Constitution was meant to be amended frequently. Moreover, it demonstrated the Party's willingness to accept and utilize the rules of the democratic game as laid down by the Australian Constitution.

Hughes, The Worker, other members of the Labor press, and Labor participants in the campaign made violent attacks on Alfred Deakin. Although the cries of "Judas" and "traitor" which were hurled against him in the 1910 election campaign were dropped, his joining the Fusion movement, the seeming inconsistency of his stand on the referendum proposals, and his minority parliamentary position were the sources of constant Labor taunts. Hughes who constantly attacked Deakin asked:

Who is the gentleman who comes out and speaks about the dangers of giving the people blank cheque books? What did he do with

¹The Sydney Morning Herald, March 7, 1911, p. 9.
his blank cheque book? To what use did he put it? The debacle of the Fusion will long be remembered. In the opinion of the people he did wrong. And gravely has he answered for it.¹

Traitorous, indeed was Deakin's action in joining Labor's opponents. The Australian Worker let loose all of its pent-up enmity and fiercely assailed "Alfred the Eloquent" turned Alfred the Contradictory."

However silvery his tongue, the old echoes of the old Deakin of the better years of his faith and purpose jangle his words out of tune and produce strange political discord. The great man is become a small one—a very small one . . . . Untrue to himself, untrue to the people, untrue to Australia, he sinks to the level of the despised Cooks, and Wades, and Woods.²

Sir William Lyne, Independent M. H. R. who supported Labor, accused Deakin of lacking in personal and political integrity and said that "a man who will turn on his colleagues as Mr. Deakin did, and join the Fusion, is not to be trusted."³

Labor emphasized the wage discrepancies which resulted from different State Wages Boards' awards, and argued that the differences caused living standards to be very low in some parts of the country. Labor speakers also alleged that sweaters were utilizing this circumstance to beat down the better paid Australians with the cheap competition of their own countrymen.⁴ They cited

¹The Independent, March 10, 1911, p. 5.
²The Australian Worker, March 9, 1911, p. 12.
³The Sydney Morning Herald, April 1, 1911, p. 14.
⁴The Australian Worker, April 20, 1911, p. 12.
the decision of the High Court which prohibited the "common rule" as being adverse to all of labor. The Labor Manifesto quoted Justice Higgins on the effect of the High Court decisions on the Federal Arbitration Court as follows:

After full consideration, I must state it is my opinion that these decisions as to the limits of the Court's power, with all the corollaries which they involve, will make it impracticable to frame awards that will work—will entail, indeed, a gradual paralysis of the functions of the Court. Yet the Court, if it be trusted—and unless it can be trusted it ought not to exist—shows magnificent promise of usefulness to the public.[1]

Labor's reasoning on this point was quite simple. The State Wages Boards were creating unfavorable conditions, and the High Court had blocked effective Federal action, therefore, a uniform system of Federal arbitration secured through constitutional amendment would solve the problem.

Adverse decisions of the High Court were also used to support the request for increased power over trade and commerce. The Labor Manifesto said that the Commonwealth power was needed because without it there would be endless confusion, and also federal legislation dealing with trusts and monopolies would be hopelessly ineffective. Furthermore, shifting of these powers to the Commonwealth would erase any doubt concerning the constitutionality of legislation under any power enumerated in the Constitution. The

Manifesto said that "surely the people are entitled to something more than endless litigation."\(^1\)

One of the most interesting items published by *The Australian Worker* was a list of those opposed to the alterations:

1. The Anti Half-Holiday Gang
2. The Hobble and Harem Skirt Menageri
3. The "Great Dailies" of Australia, the Champions of Capitalism every time as against Labor
4. The Food Adulterators and the Short Weighters
5. The Cheap Labor and Freedom of Contract Apostles
6. The Land Grabbers and "Ground Sharks"
8. The "Time-is-not-yet-ripe" Humbugs
9. The Idle Owners of the Huge Rent rolls
10. The Political Opportunists Found Out by the Labor Movement
11. The Market Manipulators Who Gamble in Human Foodstuffs
12. The Men Who "Farm" the Farmers
13. The "Thank-God-for-the-Legislative Council" Boodlers
14. The Glorifiers of Scab Labor and Haters of Industrial Unionism\(^2\)

This list may have appeared to be humorous, but it contained under one heading or another people and groups which had rankled Labor in the past, or groups which were Labor's traditional opponents.

A review of the "Yes" campaign arguments, accusations and counter accusations could be continued indefinitely, but the preceding statement of campaign arguments coupled with the excerpts from Labor speeches in the House is sufficient to give an indication of the tone and type of affirmative propaganda. Moreover, these Labor statements have been selected with the intent of listing the

\(^1\) Ibid.

\(^2\) *The Australian Worker*, March 16, 1911, p. 5.
pleas which had or which were hoped to have the most effect on
the electors.

More enlightening than this statement of arguments is a
survey of the activity of industrial and political labor during
the campaign. Industrial labor's stand was quite clear, and there
was only one segment of the industrial movement, the radical or
I. W. W. group, which did not give complete support to the altera-
tions. The political laborites were less whole-hearted and certain
of the State politicians opposed the changes. There were some
groups outside labor, notably the Catholic press and Catholic
hierarchy, who favored the alterations.

It is difficult to gauge the intensity or efficiency of
the official industrial and non-parliamentary labor group political
activity; however, it can be said that with minor exceptions these
bodies passed resolutions in support of the proposals and carried
on various other types of campaign activity.¹ In fact, most of
these official groups, unions, and political branches, appear to
have waged an extensive campaign.

The labor organizations of Victoria were especially active
throughout the campaign. In November, 1910, the Victorian Political
Labor Council gave its general approval of nationalization of

¹This is a broad statement, but the major Australian
papers, daily and weekly, for the period do not record any major
industrial group defection from the affirmative side.
industry by the Commonwealth and specifically called for the nationalization of the iron industry. The same Council also issued pamphlets in support of the referendum. One of these pamphlets was devoted to showing how the Victorian State Parliament had blocked measures favorable to Labor. In substantiation of this contention the voting record of the Legislative Assembly members was given on four key measures—minimum wage, extension of the wages boards to government employees, reform of the Legislative Council, and control of rural wages.

Melbourne's Trades' Hall Council, in addition to carrying on the campaign in their own city, endeavored to enlist the cooperation of the Sydney Trades' Hall Council. The two Councils agreed to cooperate by exchanging speakers and campaign materials. In appreciation of the Sydney Council's cooperation the Melbourne Council passed the following resolution:

That this Council send congratulations to the Sydney Trades Labor Council for their cooperation with us for the common good of the working class by their endorsement of the Federal referendum, as it means making the brotherhood of labor more solid against the phalanx of capital.

The Melbourne Council was also responsible for calling a Special Conference of the Industrial Organizations of Victoria to discuss

---

1 The Sydney Morning Herald, November 14, 1910, p. 10.
2 Political Labor Council of Melbourne, Voting records of the Victorian Legislative Assembly Members, (Melbourne: 1911).
3 The Sydney Morning Herald, January 20, 1911, p. 8.
the referendum. At this Conference, where most of the major industrial groups were represented, problems of organizing and campaigning were discussed. The trades unions pledged their cooperation, and the Conference gave unanimous approval to a motion in support of the alterations.¹

At the April, 1911, Annual Victorian Political Labor Council meeting a resolution was adopted which stated:

These powers are vital to the well-being of the workers of Australia as a whole . . . . The supremacy of the people governing themselves is at stake. The campaign is now in progress, and being fought unscrupulously by all the monopolistic interests and the party which stands for unfair privileges as against the rights of a free people.²

The resolution continued by urging all laboring men in Victoria to vote for the proposals.

The New South Wales Labor Council, The Sydney Trades and Labor Council, The Political Labor League, and the other industrial organizations of New South Wales adopted formal motions in support of the changes. At a January meeting of the New South Wales Labor Council the referendum was discussed. Mr. Johnson, Secretary of the Boot Trade Federation, said that the High Court decision in the Boot Trade Case made his union all the more determined in their fight for the alterations.³ At the same meeting of the Council

¹The Argus (Melbourne), January 20-30, 1911.
²The Australian Worker, April 20, 1911, p. 9.
³Ibid., January 12, 1911, p. 15.
Mr. A. C. Warton, Secretary of the Tramway Employees Union, maintained that he saw nothing anomalous in the Commonwealth government's controlling wages and conditions of State employees. Warton's conclusion was based on the fact that the Commonwealth exercised control over a number of employees of interstate concerns and nobody disputed its right to do so. A further expression of trade union attitude on the alterations and still another reason for union members to support them was put forward by Mr. Durach, Secretary of the Amalgamated Journeymen Tailors Union of New South Wales.

That the Commonwealth should control wages and conditions in clothing factories is a vital question to thousands of women in New South Wales, who, though of equal ability to those employed making order goods are at present paid fifty percent lower wages.

At a later meeting the Council's President, Mr. W. L. Duncan, moved "that this council endorses the proposed alterations of the Commonwealth Constitution, and urges upon all trades unionists the necessity of doing their utmost to secure their acceptance by the electors." Those who spoke for the resolution were W. R. Bagnall (Process Engravers), P. J. Quigly (Bridge and Wharf Carpenters), J. Scotland (Seaman's Union), W. Ban (Storeman), W. O'Brien (Furniture Trades), and Mr. H. Connel (Ironmoulders). Mr. Connel

---

1Ibid.

2Ibid.

3Ibid., January 19, 1911, p. 15.
of the Ironmoulders Union urged that the New South Wales Political Labor Council, as representative of the trade unionists, knew that the State industrial wages boards were unable to assure good conditions and wages because of the "interest diversity and competition of the trade unionists." He contended that it was incumbent upon trade unionists to vote "Yes" in order to get uniformity of treatment. After this plea, the Council unanimously passed Mr. Duncan's motion.¹

In its Annual Report the Executive of New South Wales' Political Labor League asked for support of the proposals because of the High Court decisions which had prohibited the enactment of the "New Protection." The Executive maintained that the Australian Parliament is in many respects paralysed under the existing Constitution, and it is strongly urged that every effort should be made to secure a decided majority in favour of the proposed amendments.²

The Political Labor League of New South Wales and the Labor Council agreed to cooperate in the campaign, and a committee of members from the Political Labor League and Labor Council was established with responsibility for coordinating campaign activities of the political branches and the trade unions. This joint committee also had control over the New South Wales "Yes" campaign fund.

¹Ibid.
The Committee became the central agency of political and industrial labor in New South Wales during the referendum campaign.¹

Western Australia's Labor Federation supported the referendum on the basis that the States possessed but had not used the powers sought by the Commonwealth.² The Labor Council of Perth, a council of the Western Australian Labor Federation, was the coordinating body for the Western Australian trade union "Yes" campaign.³ In Tasmania, South Australia, and Queensland the Labor Councils in the capital cities were responsible for the largest portion of the referendum campaign work.⁴ Tasmania's "Yes" campaigners received a boost from the Workers' League Conference which passed a resolution calling the "No" arguments "purile and false" and charged all of those who did not vote in favor of the alterations with "assisting rings, trusts, and combines to fleece the producers and consumers, at their own sweet wills."⁵ The Victorian and Tasmanian Miners Association at their annual meeting resolved that the trade unions should spare no effort in assisting the passage of the proposals.⁶

¹The Australian Worker, March 2, 1911, p. 13.
²The Sydney Morning Herald, November 30, 1910, p. 12.
⁵Ibid., April 20, 1911, p. 5.
Also, the Amalgamated Mine Employees Conference advocated acceptance of the proposals in a strongly worded resolution.¹

The rural laborer was urged to vote "Yes" by the rural unions. The Australian Workers' Union edition of The Australian Worker (published weekly like The Worker, but issued a day earlier), constantly carried arguments in favor of the proposal. (No doubt, the Australian Workers' Union edition of The Worker eventually reached most rural laborers of the "outback," since it was the only trustworthy source of shearing fixtures and award wages the rural worker possessed.)

Radical labor in Australia, the I. W. W. and Social Democratic party, took no part in the referendum campaign.² The Social Democratic party, a party that did not participate in elections, was composed of members from the Political Labor League, (Mr. T. W. M'Crystal of the Wharf Labourers' Union and President of a Political Labor League branch was the chief organizer of the Party), the International Socialists, the Australian Socialist League, and the I. W. W.³. The Social Democratic party's platform called for nationalization of industry and abolition of State boundaries.³ The Socialist Labor party, another left wing labor party, passed

³The Sydney Morning Herald, August 3, 1910, p. 9.
a resolution at their annual conference which said:

That this Conference of the Socialist Labor party of Australia recognizes that the Federal referendum agitation is simply a faction fight between the political representatives of the opposing capitalistic interests. It has no practical interest to the working class who already possess sufficient political and constitutional power, if organized politically in a class party and industrially in the I. W. W. Union, to end the capitalistic system of exploitation.¹

The People, the official organ of the Party and also of the I. W. W., published one editorial on the referendum which was a repetition of the resolution just cited, but had nothing else to say.² It should be noted that with the exception of the I. W. W. these radical labor movements were of little consequence.

One rather interesting personality received a great deal of space in the daily press and also in the labor press. This was Professor Walter Thomas Mills, pamphleteer and left wing labor propagandist from the United States. Professor Mills carried on an extensive speaking tour in favor of the referendum based largely on the restrictiveness of the Australian and American Constitutions.³ The biggest Mills gathering appears to have taken place in Adelaide. The Adelaide Daily Herald, the South Australian labor daily, gave more publicity to Mills' gathering than to the Prime Minister's speech

¹The People, April 5, 1911, p. 3.
²Ibid.
³See The Australian Worker for March and April, 1911, for reports of Mills' activity.
in Adelaide. Mills apparently had a packed house every time he spoke in South Australia.1

Representatives of one major organized religious group, the Roman Catholic Church, indicated that they approved the alterations.2 Cardinal Moran, one of the most influential and outspoken men in Australia, signified his approval of the changes in a very general way.

Justice is all we ask for. We don't ask for patronage or any privilege, though politics are going on famously. We are wishing the referendum success. We shall seek to make it successful. A great thing is to strengthen our central government. We must put in its hands great powers . . . .3

Reactions to this statement were particularly violent in the conservative press. The fact that Cardinal Moran was engaged in a battle with The Sydney Morning Herald and other papers on the question of State financial assistance to Catholic education only intensified the objections to his support for increased powers to the central government.

One radical protestant conservative temperance newspaper, The Watchman, (organ of the Orange Lodge) described the Cardinal's press conference in a most derogatory manner.

1Adelaide Daily Herald, March 10, 1911, p. 6.

2In the population of four million the religious breakdown in 1911 was as follows: Church of England, 1,710,443; Presbyterian, 558,336; Methodist, 547,806; Catholic, 999,450. Commonwealth of Australia, Official Year Book, 1912, p. 160.

The reporters buzzed about, and the papers the next morning regaled the public with columns of details about the great prelate who very characteristically spoke as a man; as one of the ecclesiastic apologists put it. This speaking after the fashion of men and not angels meant that the Cardinal had spread himself on the subject of the referendum. As something more than a quid pro quo is ever in the ecclesiastical Roman mind, Protestant advocates both affirmative and negative, should read, mark and learn, and inwardly digest the Cardinals remarks.1

In a later issue The Watchman made another rather pointed reference to the Cardinal and Catholics in general. The Watchman warned that those Catholics who were most intense in their advocacy of Home Rule for Ireland were working the hardest to break down the principle of home rule in Australia.2 The Cardinal answered that it was fallacious to argue that because he favored Home Rule for Ireland he should vote against the referendum proposals in order to be consistent. He continued by stating that "there should be one strong government for Ireland, and similarly one strong government for Australia."3

Another member of the Catholic hierarchy, Archbishop Kelly, in an address to the Hiberian Australasian Benefit Society pointed out the evils which result from monopolies, and used the United States as an illustration for his point. Although the Archbishop did not give specific advice to vote "Yes," it was

---

1The Watchman, March 23, 1911, p. 4.
2Ibid., April 6, 1911, p. 6.
3The Australian Worker, April 6, 1911, p. 11.
evident that he was in favor of the alterations. He criticised
the State Parliaments for

making too many laws, because every law takes away some of our
liberty. There is the closing of the refreshment rooms on
Sundays. Because some people have abused it, others can't
get refreshments on Sundays . . . 1

Undoubtedly, the Archbishop made his point to this group of Irish
Catholic men. Like Cardinal Moran, Archbishop Kelly was taken to
task by the press and reminded of his Home Rule for Ireland stand.
Commenting on the Hibernian Society address The Sydney Morning Herald
said:

There is another question that may not impertinently be put to
the distinguished prelate who has taken upon himself to mould
political as well as theological opinion. Does he believe in
Home Rule for Ireland . . . ? Doubtless the Arch-Bishop is a
staunch supporter of Home Rule for Ireland as also is his still
more distinguished senior in the Church. If Home Rule
for Ireland, why not home rule for the States of Australia, in
accordance with the honorable compact made in the Constitution? 2

Thus, the referendum campaign stirred up not only political and
ideological conflict, but it incidentally led to verbal sectarian
and foreign affairs battles.

Two Catholic newspapers took very definite stands in favor
of the proposals. The Freeman's Journal (Catholic) made an exagger-
atated comment on United States industrial conditions.

1 The Freeman's Journal (Catholic), April 6, 1911, p. 13.
2 The Sydney Morning Herald, March 30, 1911, p. 8.
It is quite true in America—the land of sweaters, of multimillionaires, and of blood sucking trusts—the Federal government has no such power as ours demands . . . . The majority of the American people would give the Federal government increased powers if the Constitution would permit, but since it—as interpreted by the High Court—permits the minority to rule, strikes, sweating, monopoly, and public robbery are likely to continue until a complete revolution—bloodless perchance—bestows the power so as to legislate as to minimize or to destroy these evil forces.1

After this devastating criticism of the United States the Journal told its readers that Australians who could amend their Constitution without bloodshed could avoid this kind of "Americanism" by voting "Yes."

Another Catholic newspaper, The Press, supported the referendum and also attacked those who opposed it.

No political question of the late years has been so fiercely contested, and with so little regard for the truth, by the plutocratic brigade as the present referendum . . . . Like the Jew who sent his son out into the world with this advice: "Make money, my boy; make it honestly if you can, but make money," the opponents of the referendum set out with the fixed purpose of defeating the proposals by fair means or foul.2

The stand of influential Catholic churchmen and the Catholic press was understandable when it is remembered that the overwhelming majority of the Catholic population at that time was Irish and belonged to the working class. The Irish were well-known for their political activity, and the 1911 referendum campaign was not an exception.

1 The Freeman's Journal (Catholic), March 9, 1911, p. 12.
2 The Press (Catholic), April 20, 1911, p. 19.
To a large extent the "Yes" campaign was conducted by trade union groups and the non-parliamentary political bodies of the States. It was a ready-made organization and one which had been functioning for nearly twenty years. To be sure, Labor's political organization was not so complete as was its industrial organization, but during a campaign such as the 1911 referendum one, industrial labor mobilized for political action and was actually much more effective than its political wing, the Party. Industrial trade unions and their central organizations did the major portion of the necessary political work—raising money, contacting voters individually, and getting them to vote on the appointed day. Non-labor, however, was just beginning to organize politically, and had nothing like the trade union movement to further its efforts. There were chambers of commerce, farmers associations, and municipal "civic" groups, but these organizations did not have the degree of common objectives that the trade unions possessed.

Non-labor political organizations which generally went under the title of "Liberal Association," were being formed in New South Wales and Victoria, and to a much lesser extent in the other States. But at this date there was no central body which clarified goals or facilitated organization such as the Interstate Political Labor Conference. On the State level and in the Commonwealth parliament non-labor parties were largely parliamentary coalitions which
were composed of groups with somewhat similar views. In many instances these parliamentary coalitions coalesced and split on specific legislative measures. Obviously, there was some degree of cohesion or non-labor would not have been able to govern with the stability that it had demonstrated; however, the degree of cohesion was frequently determined by the attractiveness of a particular personality's program. This description of non-labor parties is not meant to imply that the strength or weakness of a personality was the only factor of the size or life of a faction. Quite to the contrary, these non-labor groups were generally led by personalities who represented, to a greater or lesser extent, a particular interest in the State. An example of this was the fact that in every State legislature there was an identifiable faction which represented the rural interests, and in some cases there were two or three legislative factions that represented the differing interests of the rural community, i.e., the big graziers and the small "mixed farmers" were rivals and demanded different kinds of political actions.

Despite the lack of "grass roots" political organization and the parliamentary and personal nature of non-labor, the anti-socialist labor campaign of 1911 achieved a high degree of efficiency and carried on a vigorous fight. The members of the "No" side were an incongruous group, and their organization though improvised and makeshift was nonetheless effective. The motivation for groups to
enter the fight to defeat the proposals was varied, and in many cases it was spontaneous and not coordinated with any other element of the "No" campaign. Existing organizations, Chambers of Manufacturers, The Farmers and Settlers Associations, and Shire Councils, became dedicated to the defeat of the proposals and State and Commonwealth parliamentary leaders campaigned with or without sponsorship. Liberal party workers re-activated their local associations and formed new ones. The press, with the exception of the labor newspapers and The Bulletin, devoted its news columns and editorial pages to all manner of arguments against the proposals. With so many different campaigners there was bound to be duplication of effort, but there was also a surprising amount of cooperation compared with past performance. They had only one objective—defeat of the referendum.

There were among the "No" partisans those who favored some of the changes, but due to their profound objection to other proposals they fought for complete rejection. The Bulletin depicted the incongruous aspect of the "No" campaigners.

The referendum campaign is unique among political fights in one respect. Nearly all the opponents of the enlarged powers asked for by the National Government claim to be in favour of some of them . . . . It is thus possible in any Tory gathering, to strike an elector who is enthusiastic about the New Protection, another who believes in railway employees having a right of appeal to the Federal Arbitration Court, another who goes baldheaded for Commonwealth control of monopolies.1

---

1The Bulletin, April 13, 1911, p. 6.
Group and individual sentiments of this kind counted for little. Disputes of the past were inconsequential when compared with the powers the Federal Parliament would possess if the proposals were accepted.

Alfred Deakin showed the way for the negative side. His speaking and travelling in the 1911 campaign was unmatched by previous efforts on his part or by the efforts of the other campaigners either "Yes" or "No." He travelled over 7,000 miles and spoke three and four times a day in less than two months time. The "No" press was especially laudatory in its reporting of Deakin's speeches, and his arguments were given the most prominent place in most newspapers. The Sydney Morning Herald defended Deakin against his critics and attempted to show that his advocacy of federation, "New Protection," and the Federal Arbitration Court were related to his opposition to the 1911 referendum. The Herald argued that Deakin had always fought to endow the Commonwealth with the powers that he thought it could best exercise and the powers which were national in character. In opposing the 1911 alterations, according to the Herald editorial, Deakin was merely registering disapproval of grants of local power to the Commonwealth.

---

1Murdock, Deakin, p. 288. In order to appreciate Deakin's campaigning it is necessary to compare the campaign activities of a modern politician with his of 1911. In 1955 Dr. H. V. Evatt was credited with having travelled 15,000 miles which was more than any other Australian politician had travelled during an election campaign.

2The Sydney Morning Herald, March 9, 1911, p. 8.
Deakin took very little notice of those who criticized him or of the criticisms which they made. Instead he concentrated on meeting the "Yes" arguments and proving them insufficient to warrant extending Commonwealth powers. In this last political campaign of his career Deakin had no rivals for leadership. He offered positive alternatives, e.g., the Inter-State Commerce Commission, but his main line of attack was that the proposals would hinder rather than aid national development because national development was dependent upon local development. (See Plate II)

The activities of Deakin and the other Commonwealth and State parliamentarians were important in the "No" campaign, but these people were the propagandists while others did the less glamorous and much needed practical political work. The fact that the Liberals had made speeches but had not organized voters was pointed out by The Sydney Morning Herald on numerous occasions after the 1910 debacle. The non-laborites were reminded that their foes had a powerful organization, and that as a first step towards victory the Liberals must emulate the organizational strength of Labor.¹ The Herald's admonitions were not in vain; during December, 1910, one hundred chairmen of the New South Wales Liberal Associations met and planned an organizational campaign and also pledged their support to the "No" referendum campaign.² In Victoria Liberal Associations

¹Ibid., November 8, 1910, p. 8.
²Ibid., December 2, 1910, p. 8.
PICTURE II

THE NEW YES-NO.
A Deakinian Study of a Great Original.
(To say nothing of the dog.)

aThe Australian Worker, January 12, 1911, p. 15.
multiplied rapidly during the latter half of 1910 and the first half of 1911. At the same time that the Liberals were increasing their organized strength in Victoria, the People's party, mainly a rural group, was expanding. In March, 1911, it held a Conference at which three Melbourne branches and one hundred rural ones were represented. This meeting had the dual purpose of stimulating organizational work and demonstrating that there was a united front in the rural areas against the proposals. Party work of this kind was carried on in the other States, but it did not reach the peak that it did in New South Wales and Victoria.

The immediate reason for this non-labor awakening was the referendum, but the renewed non-labor political interest was also the result of the Labor victory of 1910. For the first time Labor was in complete control of the Commonwealth Parliament, and non-labor was greatly alarmed at the way Labor was governing. In the previous Parliaments it had been a case of proposal, amendment, concession (generally to Labor), perhaps ministerial collapse, and finally, agreement. This, however, was changed now that a party, well disciplined through the pledge, with definite legislative ends, was in power. Concession, amendment and agreement to a very great degree were the exclusive functions of the Labor caucus. The non-laborites became convinced that in order to be effective in this type of parliamentary situation they would have to organize in Parliament, as well

1The Argus (Melbourne), March 6, 1911, p. 8.
as step up their work on the branch level as had the Labor party.
In short, the Liberals were beginning to look beyond one election
and one parliament. The 1911 referendum offered an excellent stim-
ulus to this kind of thinking.

Because caucus government was something new to the Australian
national scene, i.e., new in the sense that it was the first time that
the Commonwealth was governed by it in the formal manner, it became
an excellent target for the opponents of the 1911 referendum.
Critics argued that caucus government could not be disassociated
from the referendum proposals since the caucus controlled the Common-
wealth. After making this prima facie assumption, opponents of the
alterations generally painted the caucus in its worst possible light.
Mr. Wade, leader of the New South Wales Liberal Opposition, pointed
out that

we are coming into an era in Australian political history when
the policy of the Government is framed in secret by the aid of
candle burnt in some remote corner by men who are able to get
in . . . . The man who refuses to accept their authority pays
the penalty by expulsion with disgrace from the movement.1

These critics failed to mention that State and Commonwealth
government had been carried on in this fashion in the past. It did
not occur to them and probably was not revealed to the electorate be-
cause government by "caucus" prior to Labor had not been a formal or
a regularized means of securing the desired parliamentary vote, but
had existed in an informal manner. The Sydney Morning Herald was

1The Sydney Morning Herald, March 28, 1911, p. 10.
quick to find fault with the Labor caucus, and in a series of columns called "Campaign Notes," a group of quotes arranged with accompanying editorial comments, the Herald dwelt on the evils of the caucus. Typical of this was a quote from Mr. Thomas, Labor M. L. A., defining the Labor movement—"in one precise, pregnant word, it means socialism." ¹ Immediately under this quotation was the following statement: "The present Ministry is governed by the caucus machinery. Let the powers asked for be granted, and the Government will undoubtedly make a vast experiment in socialism." ²

In another editorial the Herald stated that the powers sought were unprecedented, and therefore, Labor's rule by caucus could be exercised unchecked. In the same editorial the Herald also criticized the Labor party's use of the trust issue in order to gain such broad powers.

The vague and unknown menace of trusts, and the weakness of the Arbitration Court, have been paraded as grounds for accepting the referendum while the general clauses which threaten the whole framework of the Constitution have been ignored. ³

The monopolies argument was rejected by the Herald which also endeavoured to paint the manufacturer in the best light possible. Just before the referendum a six page feature was carried on, "Australian Industries: a Remarkable Record of Progress."⁴ There was no

¹Ibid., April 8, 1911, p. 14.
²Ibid.
³Ibid., March 10, 1911, p. 8.
⁴Ibid., April 18, 1911, pp. 5-10.
reference to the referendum, but the inference to be drawn was plain, i.e., Australian industries had made amazing progress under free enterprise and that this progress might be halted if industry was regulated by the Commonwealth in a stringent manner or if certain industries were nationalized.

Several pamphlets were prepared by those opposed to the referendum. Littleton Groom issued what was perhaps the longest and most involved of the "No" pamphlets. Groom argued that Australian federalism had been geared to Australian conditions, and that it was the best form of government under existing circumstances.¹ Because of the length and semi-technical nature of Groom's discourse, it probably did not reach a wide audience despite the wide circulation it had in Queensland and throughout the Commonwealth. But there was information in it which, no doubt, proved to be useful to other "No" speakers.

One pamphlet was issued with the expressed purpose of being an aid to "No" speakers, the Speakers' Handbook on the Referendum.² The Handbook contained many statistics and useful quotes. One effective piece contained in the Handbook was a comparison of State Wages Boards and the Federal Arbitration Court. The comparison is summarized below:


²Council of the Liberal Leagues, Speakers' Handbook on the Referendum (Melbourne: 1911).
WAGES BOARDS

1. Composed of equal number of employees and employers in the trade concerned, with a Chairman elected by themselves or nominated by the Government.

2. The members are conversant with all the intricacies of their particular trade and its innumerable requirements.

3. The functions of the Board are exercised without any expense to any trade.

4. In 1911 there will be about 100 boards sitting in Victoria dealing with their respective trades.

5. The cost to consolidated revenue for the Wages Boards in 1910 was 6,700 pounds.

6. At a Wages Board the men meet in a friendly spirit to settle their differences and come to a determination.

FEDERAL ARBITRATION COURT

Judges; or Judges and Assessors.

Judge gets his knowledge second hand from the evidence brought before him.

A Court must be moved by an individual or an association, and the cost of moving is borne by the person moving it.

There would require to be 100 Courts in Victoria alone to deal as expeditiously with these determinations.

(a) The cost of the Conciliation and Arbitration Court of New South Wales in 1910 was 18,861 pounds.

(b) From 1906 to June, 1909, the cost to all parties concerned before the Federal Court was 37,000 pounds.

The atmosphere of the Court is not conducive to conciliation. Conciliation becomes subordinate to legal contentions and bitter feelings are aroused. Cross-examination of witnesses takes place to prove the lawyers' case.¹

¹Ibid., pp. 16-17.
This comparison was in direct contradiction to that which had been offered by W. M. Hughes in "The Case for Labor" and was intended to counter the criticism that Labor was leveling at the arbitration system.

The bulk of the negative arguments seemed to stem from one source: that the alterations would mean a deprivation of States' rights. In some cases the plea was more subtle and carried a reminder of the vastness of the continent and the differing conditions which necessarily existed in such a vast area. It was reasoned that the size of Australia alone necessitated the most flexible type of government. This argument was best presented in a dodger. (See Plate III) Such a States' rights argument also appeared in the comparison of the State Wages Boards and Arbitration Courts summarized above.

The cry of States' rights involved something deeper than a blind fear of the Commonwealth. Interest groups, particularly the farmers who feared nationalization of land and the manufacturers who had every reason to expect nationalization of industry, felt that they were fighting for their very existence. Moreover, the States' rights plea was another way of saying that the Commonwealth was a new and unfamiliar institution when compared with the various State governments. In short, States' rights was a shibboleth frequently used by the "No" side to disguise its real reasons for opposing the extension of Commonwealth powers. This conclusion is
From One Centre.

Then vote in the bottom square. Put cross thus:

YES ☑ NO ☐

[Map of Europe with the text: "The Land, April 13, 1911, p. 5.

[citation needed]"
not meant to imply that the opponents of the referendum were insincere, but that States' rights became a symbol to which the Australian electors reverted in 1911 and in subsequent campaigns of this nature. This symbol often obscured the real objections to particular measures. In 1911 it was the most important "no" symbol and was used in conjunction with "unification" which was to be the result if States' rights were lost. States' rights represented the positive symbol, the one worth preserving, while unification represented the negative side of the same symbol or the evil which would result if States' rights were lost.

One powerful interest group which used States' rights repeatedly was the farmers. This group was in the forefront of the fight against the proposals, and its activity was carried on by the Farmers and Settlers Association, and Shire Councils. The Rural Times of Australia sounded the alarm early in January, 1911.

The unprejudiced elector, even if he happens to favour the general policy of the Labor party will understand the full import of the repeated warning of the leading Constitutionalists of the Commonwealth as to whether this pernicious principle in our Australian system of government tends.¹

Subsequent to this the Rural Times warned its readers that they, the farmers and settlers, were the class which was expected to bear the largest part of the financial burden involved in any of the Labor schemes. Acceptance of the proposals would also have meant

¹The Rural Times of Australia, January 16, 1911, p. 1.
furthering the nationalization policy of the Labor party which would eventually result in land nationalization.\textsuperscript{1}

The April 20, 1911, \textit{Rural Times}—a special referendum issue—gave every possible reason for voting against the alterations including an appeal to labor:

Wages Boards may not be altogether perfect, but they have done yeoman service to the worker in the past, and they are just as capable of doing equally good service in the future. Truly, they are worth all the arbitration courts that Mr. Hughes in his wildest moments ever dreamed of creating, and \textit{IF THE WORKERS OF AUSTRALIA DELIBERATELY GIVE THEM THE "GO-BY" THEY WILL PROVE THEMSELVES A COMMUNITY OF ASSES}.\textsuperscript{2}

Such reasoning probably had little effect on the worker, but it serves to demonstrate the variety of arguments used by the opponents of the alterations.

One rural paper, \textit{The Farmer and Settler}, urged rejection of the proposals but not because it objected to the Commonwealth exercising more powers. In fact, \textit{The Farmer and Settler} re-affirmed its belief that the more important powers still retained by the States should be transferred to the Commonwealth. This along with the abolition of State boundaries, contended \textit{The Farmer and Settler}, was to be the first step towards the development of a comprehensive system of local government. The granting of increased powers to a Labor government could not be considered as a step in this direction "for the trend of administration would inevitably be in an undesirable

\textsuperscript{1}\textit{Ibid.}, March 20, 1911, p. 3.

\textsuperscript{2}\textit{Ibid.}, April 20, 1911, p. 3.
direction, engendering industrial strife and provoking inter-state jealousy.\(^1\) This dual fear of centralization and of Labor government was repeated in the columns of The Farmer and Settler; in its special referendum number The Farmer and Settler said:

Let our readers vote "No" to the first question because they cannot trust the Labor party . . . . Let them vote "No" to the second question because they fear the Labor party may nationalize the great trust industries if given the opportunity, and not because they desire to prevent the trust from being controlled.\(^2\)

The position adopted by The Farmer and Settler was unique among the rural opponents of the alterations, not because other rural groups were opposed to local development, but because The Farmer and Settler was the only organization which chose to express these goals and did not plead States' rights as the other rural interest groups did.

The Land, the official newspaper of the New South Wales Farmers and Settlers Association, argued that if the proposals were accepted Labor would be in a position to gain its ends. They quoted Henry George to the effect that: "It is not necessary to confiscate land. All that is necessary is to confiscate rent."\(^3\) This being the case, The Land said, a unified Commonwealth having complete control of all government would "mop up the margin left by the Federal land tax."\(^4\)

---

1The Farmer and Settler, February 21, 1911, p. 1.
2Ibid., April 21, 1911, p. 1.
3The Land, April 21, 1911, p. 5.
4Ibid.
Unlike *The Farmer and Settler*, *The Land* felt that the trust issue was a bogey and "so much cleverly contrived moonshine to delude the people." The *Land* admitted the need for the regulation of industry but maintained that regulation only required a minimum of powers. The Meat Trust, which had been the target of *The Australian Worker*, *The Farmer and Settler*, *The Sydney Morning Herald*, and newspapers of all political opinions did not concern *The Land*. Over a period of ten years the "Yankees" had attempted to get a foothold, but *The Land* saw no danger because everyone was aware of that problem. (See Plate IV.)

Self-interest compelled the people of New South Wales to oppose the trade and commerce alteration, *The Land* maintained. It pointed out that the railways of the State belonged to the people, that the State had borrowed money for railway construction, and that the taxpayers of the State were responsible for the interest on the loans and for the repayment of the debt. If the amendment relating to trade and commerce was passed, and the supreme power to regulate fares and rates belonged no longer to the State government, but to a Parliament which "consisted chiefly of representatives of States which are not concerned financially speaking, one jot or tittle, whether the railways are profitably worked or not," New South Wales would suffer a great financial loss.2

---

1Ibid., March 10, 1911, p. 4.

2Ibid., January 1, 1911, p. 5.
PLATE IVa

The Australian Worker, March 9, 1911, p. 11.
The rural papers were the chief spokesmen for the powerful Farmers and Settlers Association which was strongly opposed to the alterations. At the Seventeenth Annual Conference of the Farmers and Settlers Association of New South Wales the Executive of the Association reported to the membership that

the important problems of land settlement and primary production and the accession to power of the Labor party can not result in benefit to the primary producer, in as much as its policy was avowedly the political development of trades-unionism.¹ Later the Executive urged the members to vote "No." This appeal was contained in a letter from the General Secretary of the New South Wales Association to all the branches in Australia. The New South Wales Secretary said that acceptance of the proposals would permanently injure the farming community for at least two reasons. First, the rail freight rates of New South Wales would be raised to correspond with the rates prevailing in other States. Second, "the carrying of the referendum will seriously handicap the farming community in the approaching fight in the Federal Arbitration Court on the claims advanced by the Rural Workers' Union."² After this letter a series of strongly worded resolutions of opposition to the alterations was passed by the individual branches. The Riverena Branch, one of the most powerful, charged that the changes meant either unification or a grant of power which the Commonwealth would not use.³

¹The Sydney Morning Herald, July 12, 1910, p. 6.
²The Farmer and Settler, March 3, 1911, p. 4.
³The Sydney Morning Herald, March 24, 1911, p. 6.
Independent of this letter, Mr. A. K. Trethowran, member of the New South Wales Executive, circulated a plea to the branches for a "No" vote. Mr. Trethowran's opposition was based on (a) the fact that the alterations would mean loss of control over local matters, (b) shire rates would be fixed by a Labor government, and (c) Labor would grant full adult suffrage in all elections.\(^1\)

Rural opposition to the proposals was expressed in still another way, through the action of the shire councils. These councils passed resolutions condemning the alterations, organized local "No" committees, inserted advertisements in the newspapers, while their members toured the shire speaking against the alterations. The Shire's Association Executive of New South Wales sent a circular to all shires telling them that their existence was in danger if the referendum was passed.\(^2\) In Queensland the Southport Shire Council took action which typified that of the other councils throughout the Commonwealth. The Council adopted the following resolution:

That as the proposed alteration of the Constitution as embodied in the referendum, local authorities were likely to be subject to the regulation and control of the Federal Parliament, The Southport Council, believing the dedication of such powers to a Parliament so remote and out of touch with local conditions to be detrimental to the best interest of local self-government, strongly urges the ratepayers of Queensland to vote "No."\(^3\)

\(^1\)Ibid., April 13, 1911, p. 3.

\(^2\)The Land, April 7, 1911, p. 6.

\(^3\)The Brisbane Courier, April 6, 1911, p. 6.
The Council ordered a thousand copies of this resolution to be printed and distributed throughout the Shire.

Many municipal councils also indicated their disapproval of the alterations. Their opposition was strengthened by a circular sent to them by the Victorian Municipal Association. In a special meeting called to discuss the proposals the Victorian Association had decided to send a letter to all municipal councils pointing out that the municipalities were formed under State law and subject to State control, but that if the amendment relating to corporations was accepted the Commonwealth Parliament could at any time alter the "powers, liabilities and privileges of the councils." Independent of this circular the Victorian Municipal Association sent the opinion of Mr. E. F. Mitchell, K. C., on the adverse legal effects of the proposals on municipal government. The Victorian Municipal Association's letters were read to the New South Wales Municipal Association and to the Queensland Local Authorities Association. Both of these groups decided to send letters to the municipalities within their States asking them to oppose the alteration.

1The Sydney Morning Herald, March 28, 1911, p. 9.
2The Land, April 31, 1911, p. 8.
3For the action of the New South Wales Association see: The Farmer and Settler, April 7, 1911, p. 6. The action of the Queensland Association is described in: The Brisbane Courier, April 6, 1911, p. 6.
The industrial and commercial groups displayed solidarity in opposing the alterations and entered the campaign with all of their resources. The big industrialists maintained they were fighting for their existence and the smaller businessmen indicated that they feared strict control by the Commonwealth. As soon as the date for the referendum was set and shortly after the Labor party victory in the New South Wales elections of 1910, Mr. Wunderlich, President of the New South Wales Chamber of Manufacturers, called a special meeting of the members to acquaint them with "the socialistic legislative programme of our present rulers and the recent developments in our own State politics."¹ At this meeting it was apparent that there was extreme unrest and apprehension among the manufacturers.²

This alarm sounded by the State Chamber of Manufacturers was quickly followed by action on the part of the State Employers Federations and by the various Chambers of Commerce. The commercial and industrial reaction against the proposals was signified by resolutions of opposition, the formation of "No" committees, and the contribution of money. The Sydney Chamber of Commerce in listing the following five reasons for voting "No" echoed the sentiment of many business groups:

1. Deprivation of State self-government.
2. Federal Parliament limited to strictly national problems.

¹The Sydney Morning Herald, October 25, 1910, p. 8.
²Ibid.
3. No justification for the proposals.
4. Centralization was an obstruction to business.
5. State parliaments already have power to correct those businesses that operate injuriously to public interests.¹

The Sydney Chamber elaborated on these, but the main headings provide a good summary of the arguments used by the business community.

In April, 1911, the Australian Association of State Chambers of Commerce met in Hobart, Tasmania and devoted much of its two-week meeting to a discussion of the referendum. The Association heard many speeches of protest against the alterations by outsiders, primarily parliamentarians, and finally adopted a motion condemning the proposals.²

The only evidence of the way in which the money was raised for the "No" side was contained in an accusation by Hughes and in a report in The Australian Worker. When speaking on the trust issue Hughes alleged that there was a fund in every State contributed to by the trusts. "In New South Wales, for example, the money is vested in the hands of three trustees, whose names I know. If they venture to deny this, I shall publish their names."³ No one bothered to deny this, and Hughes did not mention the subject again. The Australian Worker published a rather full report of the activities of the Constitutional Union Committee of Victoria. According to The Australian Worker there were three trustees who guided its action:

¹Ibid., March 16, 1911, p. 10.
²See The Sydney Morning Herald for the first two weeks of April, 1911.
³Ibid., April 18, 1911, p. 8.
Mr. E. E. Smith, a member of the shipping firm of Howard and Smith; Mr. George Fairbain, a member of a large grain company; and Mr. William Riggall, a lawyer who was retained by many of the big Victorian graziers. The Australian Worker also reprinted a circular that the Committee was alleged to have sent to various people.

Constitutional Union Committee
Nos. 10 & 11, Third Floor
Equitable Bldgs., Collins St.
Melbourne, Victoria

1 February 1911

Dear Sir:

To ensure united action on the part of all opposed to Labor-Socialism in Federal, State, and Municipal Elections, the Constitutional Union Committee, consisting of representative businessmen has been formed. Its main objects are: (1) To collect donations for a central fund for the support of all organizations opposed to Labor-Socialism, namely, The Australian Women's National League, the Commonwealth Liberal Party (with which is shortly to be merged the Farmer's League), and the Employers Federations. (2) To make this Committee the only body for collecting special donations (other than the subscriptions and small contributions to these organizations), so the subscribers to this Central Fund will not be asked for donations by any of these bodies. (3) To promote united action of the political organizations in opposing the Labor-Socialist, and to exercise supervision over expenditure of money donated to them from the Central Fund.

Much more money than we have received is needed for opposing the referendum next April, as well as for perfecting the organizations of the Political Leagues, so that they may prove an effective fighting force against the Labor-Socialists at the next Federal and State elections.

The Political Leagues have resolved to work together in opposing the referendum. A council of the leagues has been formed, consisting of three delegates from the Australian Women's National League, The Commonwealth Liberal Party, The People's Party (a group of independent Victorians), one delegate from the Constitutional Union, and a Chairman. This body will deal with questions
of overlapping, etc., in working of league branches, supervise
the preparation and distribution of League literature, and
promote an active campaign against the referendum.

Donations from the Central Fund, collected by the Constitutional
Union Committee, will be given to the leagues from time to time,
as long as they show that they are actively carrying out the
objects for which they were formed.

We are, dear sir,
Yours faithfully;

The Trustees

This letter, although carried in The Australian Worker, bears every
sign of being authentic. It gave an excellent picture of the attempt
to co-ordinate fund-raising.

Women's non-labor political organizations existed in all
States and during the referendum campaign their activity was devoted
to defeating the alterations. The main women's groups were the
Women's National League which was active in New South Wales, Victoria,
and Queensland, the People's Reform League in New South Wales and
Victoria, and the Women's Liberal League which was an auxiliary
organization of the Liberal party. The People's Reform League issued
a statement which made the absurd comment that the Commonwealth
would even make laws for the management of our household, the
education of our children, their establishment /that of the
children/ in life . . . . We housekeepers know how the cost
of living has increased in the last ten years. Be assured that
it will be doubled if "Yes" be the answers to the referendums. 2

1 The Australian Worker, May 4, 1911, p. 15.
2 The Sydney Morning Herald, April, 1911, p. 10.
Ridiculous appeals such as this one were repeated by women speakers throughout the campaign. The Bulletin in a scathing paragraph called these women the considerable army of semi-illiterates who are incapable of independent thought, but who have a vague impression that Labor is a wild and demented animal, will go the way they have gone in the past. They include every Women's League in the country, the rank and file of the "goffers," bowlers, croquet players and so forth.1

Yet, women's groups like these, no matter how much The Bulletin disliked them, were missing from the Labor camp, and despite their unthinking objections they were an asset to the "No" cause. The Australian Worker admitted that the Liberal women had been working hard and had organized afternoon teas and the "women invited there were smogged to and treated for the first time as equals."2

The Temperance Alliance, an organization composed of church and temperance bodies, joined the "No" campaign in Victoria and New South Wales, but decided not to take a stand in Western Australia.3 In objecting to the alterations Mr. M. G. Barnett, Secretary of the Victorian Alliance made it clear that The Alliance was only opposed to the nationalization of the liquor trade which would result if Bill Two were adopted.4

2The Australian Worker, April 16, 1911, p. 3.
3The Argus (Melbourne), March 1, 1911, p. 4.
4Ibid.
Three annual State conferences of the once powerful Australian Natives Association, an organization that sponsored pro-federation leagues during the 1890's discussed the referendum. The Victorian Association voted one hundred to eighty-six not to support the alterations. In New South Wales the Association voted by a "small majority" to support the "Yes" side.\(^1\) The Western Australian Association by a nineteen to seventeen vote deferred consideration of the proposals until their next yearly meeting.\(^2\)

One important labor industrial leader, Peter Bowling, urged a "No" vote. This was the same Peter Bowling who had led the November, 1910 coal miners strike in New South Wales.\(^3\) In an address to the miners at Broken Hill, Bowling asked the miners of New South Wales and the Waterside Workers' Federation to vote "No."\(^4\)

In summary, then, it can be seen that the "No" campaign received support from many groups and individuals. Yet, its biggest single boost and morale builder came from within the labor movement. Even though industrial labor and the Commonwealth parliamentarians solidly supported the alterations, the State parliamentarians, particularly in New South Wales, did not give approval. The split in the Labor party is of such importance that it is reviewed at length in the next chapter.

---

\(^1\)The Sydney Morning Herald, April 20, 1911, p. 10.

\(^2\)Ibid.

\(^3\)See The Sydney Morning Herald, November, 1910.

\(^4\)The Argus (Melbourne), April 10, 1911, p. 7.
Up to this point in the discussion of the 1911 referendum campaign consideration has been given to the activities of the Commonwealth parliamentarians, the Commonwealth political parties, and to the position of the socio-economic interest groups. In order to complete the analysis, attention must be given to the attitude of the State parliamentarians and to the State political organizations. The discussion in the preceding chapter focused attention on the State parties in relation to the total "Yes" or "No" campaign effort. In the forthcoming chapter the positions of the State parties will be reviewed in order to discern, when possible, the reaction of the State politicians to the proposals in the context of the stand taken by their respective State parties.

Australia adopted federalism in a particular social, economic, and political climate, after its adoption certain changes took place which affected the organization of political parties. This is especially true of the Labor party, while Federation did not affect non-labor parties fully until after the Fusion group became the Liberal party.
The most important fact to be noted in political party development on the Labor side is the existence of separate, distinct, and formal party organizations in the several States ten years prior to Federation. When Commonwealth came into being these State organizations formed a political "holding company," the Inter-state Political Labor Conference, to represent their interests in Commonwealth politics. This was a "holding company" because the power to select candidates and carry on the party work remained with the individual State Political Labor League Conferences. The thirty-six delegates to the Inter-state Conference were representatives of the State conferences, and their main responsibility was to clarify Labor aims on the Commonwealth level and see that the Commonwealth parliamentarians remained true to the Labor platform. The Labor party had achieved a high degree of organization on the State level before Federation which enabled it to make an easy, if not entirely satisfactory, adjustment to Federation. Non-labor parties had not reached this stage of organization and little more than informal State parties existed. Therefore, non-labor had a tremendous organizational problem when the Commonwealth was inaugurated, and it was not until a fairly well established group of State parties existed, mainly in New South Wales, Victoria, and Queensland, that non-labor could form a Commonwealth party.

\[1\] State Labor parties have different histories, but it is correct to say that they had their beginnings between 1885 and 1895; see: R. S. Gollan, "Trade Unions and Labour Parties, 1890-94," Historical Studies; Australia and New Zealand, VII (November, 1955), 17-36.
The way in which Australian parties have evolved has led J. D. B. Miller to state:

The State organizations have their own traditions, sometimes their own separate names. They are autonomous bodies concerned primarily with the politics of their own States. Thus, in the field of political parties, as in many others, Federalism is characteristic of the non-governmental aspects of Australian life, as well as of the governmental system. The result is that any generalization about an Australian political party must always be examined to see whether it applies only at the Federal level, or to only one State, or to most States but not all.¹

Miller, then suggests the reason for examining the State party attitudes on the 1911 referendum, namely that the referendum fight was not a clear-cut battle between the two major parties and the interest groups which they generally represented.

Because of the informal and direct nature of non-labor State parties an examination of their positions on the 1911 referendum cannot yield exact results. Perhaps the best way to determine the non-labor party stand in the States is to review the positions of the non-labor parliamentary leaders. This method is suitable because the pronouncements of State leaders are easy to obtain, and because these politicians had achieved a position of some governmental responsibility which entailed the advocacy of certain policies. At this date in the non-labor party development there was not necessarily an official connection between parties in the States and the parliamentarians, but there was generally an unofficial and an informal relationship between non-labor parties and parliamentarians. In

¹Miller, Australian Government, p. 53.
general, non-labor State parliamentary leaders were asked to address meeting of the various State parties even if they were not members of the particular party.

In view of the nature of the 1911 alterations and in light of the stand of the non-labor interest groups, it is not surprising to find that the non-labor State parliamentarians were on the negative side. The unanimity with which this group opposed the measures was indicated by the statements which came from a meeting of the non-labor leaders in Melbourne. Present at the Melbourne meeting were Premiers Murray (Victoria), Kidston (Queensland), Wilson (Western Australia), and Sir Earle Lewis (Tasmania), and also the Ex-Premier of South Australia, Mr. Peake and the Leader of the New South Wales Opposition, Mr. Wade. Mr. Murray spoke for the group on several occasions and at one time said: "We will take every means possible to place the case, from our side, before the electors from the platform, through the press and by pamphlets."¹ There was also the general feeling among those present that the proposals would be defeated.²

Mr. Denham, Mr. Kidson's replacement as non-labor Premier of Queensland, summed up under ten headings much of the opposition that was offered by the various State parliamentary leaders.

¹The Sydney Morning Herald, January 13, 1911, p. 10.
²Ibid.
1. The Framers of the Constitution unanimously agreed that the States should handle their own problems.
2. Peace, order, and good government would be imperilled by this breach of contract.
3. States have taken steps to meet the objectives of the referendum.
4. State power is still unexhausted.
5. Alterations imply control of borrowing.
6. Will be a weakening of State tax resources.
7. Result in increased State taxation.
8. Wages Boards will cease to operate in accordance with local conditions.
10. Complete destruction of Home Rule.¹

Mr. J. F. Quinlan, M. L. A. of Western Australia and Speaker of L. A., took an even more pessimistic view than Mr. Denham: "We might just as well return to rule by Downing St., as be ruled from Spring St., Melbourne, or Yass-Canberra."²

State Labor parliamentary leaders were divided on the alterations, and many of them who supported the changes were unenthusiastic. In contrast with their parliamentary leaders the State Labor parties were in the forefront of the "Yes" campaign. In three non-labor States the Labor Leaders of the Opposition indicated early in the campaign that they approved of the changes. These three opposition leaders were Mr. J. Earle (Tasmania), Mr. G. M. Pendergast (Victoria), and Mr. D. Bowman (Queensland). Their efforts in support of the proposals were a manifestation of their unqualified acceptance of the principles embodied in the alterations.³

¹Ibid., March 15, 1911, p. 10.
²Ibid., March 27, 1911, p. 10.
³See The Australian Worker for January 12, 1911, and also for the months of February, March, and April for the utterances of these three Labor leaders.
Mr. Veeran, Labor Premier of South Australia, based his support of the proposals on the inactivity of a "reactionary and conservative South Australian Legislative Council." But Mr. Veeran was not too active in the campaign as a review of the *Adelaide Daily Herald* failed to produce any evidence that Mr. Veeran or other members of the South Australian cabinet did much to support the referendum. Only two South Australian State Labor members, Mr. Vaughn and Mr. Denny, did a great deal of campaigning. In fact the *Adelaide Daily Herald* complained that the "Yes" campaign in South Australia was being carried on in a confused and disorganized manner. The *Herald* said that some speakers were sent to the wrong place, others were sent to address a meeting on the wrong night, and in several instances posters advertising meetings were incorrect. The incompetence of the South Australian United Labor party resulted from the general weakness of the Party at this time.

Western Australia's parliamentarians also were not very active during the campaign. Two Labor members of the Legislative Assembly of Western Australia openly advocated a "No" vote. One of them, Mr. Horan, said that the question should be given serious consideration, something that he maintained he had done, but that

3. *Ibid*.
he felt that the referendum should be rejected.\(^1\) Mr. Taylor, the other outspoken Labor member was not so cautious, and he said that "he supposed he would be court-martialed for having said it" but that he was definitely on the "No" side.\(^2\)

In Victoria there was at least one Labor parliamentarian, Mr. McCany from Murrumbidgee, who was opposed to the alterations. His objections were so pronounced and continuous that the Wagga Wagga Political Labor League censured his activities.\(^3\)

The opposition of Messrs. McCany, Horan, Taylor, and the confused and disorganized nature of the South Australian "Yes" effort are minor and had little effect on the outcome of the campaign. They are cited simply to show how difficult it was for the Labor party to adjust its organization to the Commonwealth scene. Of a more serious nature was the defection of one-half of the New South Wales members of the Legislative Assembly and the activities of the New South Wales Labor Government. Adjustment to Commonwealth politics by Labor had been fairly easy and highly successful, and there had been few issues either within the Labor party or outside it which prevented this adjustment. However, in 1911 this organizational adjustment was called into question. It was just this kind of State

\(^1\)The Argus (Melbourne), March 3, 1911, p. 8.
\(^2\)Ibid., April 18, 1911, p. 7.
\(^3\)Ibid., April 10, 1911, p. 7.
break with the Commonwealth leaders which gave significance to the statement quoted from Miller at the beginning of this chapter.

New South Wales was the dominant and leading State in the Commonwealth. Table IV indicates that New South Wales had the largest population of any State in the Commonwealth, in fact, New South Wales' population was larger than the combined populations of Queensland, South Australia, Western Australia, and Tasmania. The importance

TABLE IV

POPULATION OF AUSTRALIA BY STATES, 1911

<table>
<thead>
<tr>
<th>State</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>1,646,734</td>
</tr>
<tr>
<td>Victoria</td>
<td>1,315,551</td>
</tr>
<tr>
<td>Queensland</td>
<td>605,813</td>
</tr>
<tr>
<td>South Australia</td>
<td>408,558</td>
</tr>
<tr>
<td>Western Australia</td>
<td>282,114</td>
</tr>
<tr>
<td>Tasmania</td>
<td>191,211</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>3,310</td>
</tr>
<tr>
<td>Federal Capital Territory</td>
<td>1,714</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,555,005</strong></td>
</tr>
</tbody>
</table>

of New South Wales was recognized by the other States, and the Premier of New South Wales was chosen as the permanent executive officer of the annual Premiers' Conference. New South Wales was also in the forefront in the fight to preserve State autonomy.

New South Wales, probably more than any other State, assumed the chief responsibility for the initiating and energising the idea of collective State action. Its reason, common to the other States, was undoubtedly to contain the spread of Federal activity and influence. But more than this; with the possible exception
of Victoria, it felt its claim to the leadership of inter-state collective action was consistent with its historical role as the senior State, and its general political importance.¹

W. A. Holman, as much as any other person, conducted the affairs of New South Wales in such a manner as to enhance the State's general political standing among the other States. It was also during Holman's Premiership that the Premier's Conference gained in importance and prestige.

Holman was not satisfied with the New South Wales Premier serving as the executive officer of the Conference: in 1916 he proposed "that in all matters of collective State interests the Federal government should conduct negotiations through the office of the New South Wales Premier."² This attempt failed because the Federal government, acting on Hughes' advice, rejected it. Nevertheless, Holman's efforts demonstrated the pre-eminent position that New South Wales enjoyed among the States. Of more significance to the discussion of the Holman and Hughes controversy was the fact that Holman wanted to establish New South Wales in the position of being able to represent all States. If this could have been accomplished, New South Wales would have been able to compete with the Commonwealth on an even footing, i.e., New South Wales would have been able to speak for all six States.

¹S. R. Davis, "Co-Operative Federalism in Retrospect," Historical Studies; Australia and New Zealand, V (November, 1952), 220.

²Ibid., p. 221.
In discussing the sequence of events between October, 1910 and April, 1911 in the Holman and Hughes conflict it is important to realize that it was not a weak or disorganized group of State parliamentarians that challenged the Federal authority, but the strong and equally successful New South Wales legislators. The controversy that had taken place between Holman and Hughes during 1909 was transferred into the area of practical politics. Although these two personalities were the chief opponents in the contest, the struggle involved more than personalities. It went to the heart of the conflict between the Commonwealth Labor party and the State parties, industrial wing (rank and file) vs. parliamentary representatives, and the non-parliamentary official political organization vs. the parliamentarians.

In discussing these conflicts it would not be wise to underplay the role of either Holman or Hughes. Hughes' nationalism and faith in the socialist labor policies appealed to a large element in the Party, and he had convinced much of the labor movement that their goals could only be reached through Commonwealth action. Holman was no less a supporter of the labor ideology and also had a large political following, but here the comparison between the two must end. Holman was primarily an intellectual who had logically reasoned that the socialist ideology offered a solution of social and economic problems, and had chosen a particular State in which to support this policy. Hughes, on the other hand, had become a laborite
through no great exercise of intellect. He saw actual situations which needed attention and accepted the ready-made socialist solutions as his policy. Whether it was by the force of circumstances or by actual plan as some have suggested, Hughes went into the Commonwealth Parliament and Holman remained in the New South Wales Legislature. It was Hughes, the man with the "feel" for politics, who abandoned any desire to see the socialist policy adopted on the State level, and thereby enabled Holman who remained in State politics, to give support to his former colleague on issues that did not involve extended Commonwealth powers. Holman's rejection of Hughes' nationalistic policies became even more pronounced because of what H. V. Evatt calls a "cautious and reasoned approach" to the function of the High Court and the decisions that it handed down during 1905-1910. Hughes who was never one for caution startled Holman with his nationalism. In many respects the "Hughes proposals" of 1911 were the actions of a bold politician who was willing to take advantage of the forces that appeared to be operating in his direction.

At Brisbane in 1908 Holman attempted to make it technically impossible for Hughes to be in a position to use the Labor platform as authority for a nationalistic policy. The generalizations used in phrasing the 1908 platform were largely the result of Holman's efforts in this direction. Holman also repeated his Brisbane reservations in the 1909 exchange with Hughes. H. V. Evatt observed that:

Hughes knew that Holman would not easily surrender the ground won at Brisbane. Accordingly, he planned the referendum for April 1911. At that time the Commonwealth Labour Government had already carried out many of its electoral undertakings, but the New South Wales Labour Government had not yet convened Parliament for its main business session. The obvious contrast placed Holman at a very considerable tactical disadvantage.  

In short, Hughes had caught the New South Wales Labor leader in a bad position, and had every reason to believe from other political signs that Holman could do little to defeat the referendum even if he was willing to leave the Labor party in order to do so. Hughes must have realized that Holman would not give even tacit consent to the alterations, but the opportunity was too good for him to miss.

Holman's reaction and that of the majority of the New South Wales Ministers was hostile from the start. The Ministers, during the debate on the second reading of the Bills, instructed Holman to draw up a memorandum stating the general implications of the proposals. The unpublished memorandum, preserved among Holman's papers, was highly unfavorable to the alterations. He said that from a legal point of view the amendments would put

(a) all domestic commerce as well as interstate commerce in the hands of the Federal Government.
(b) all law affecting corporations and their relations with the rest of society into its hands.
(c) all industrial legislation into its hands.
(d) all nationalization schemes into its hands.

These powers would be on the same level as the existing powers of the Federal Parliament, i.e., existing State laws on any of those topics would automatically cease to be valid the

\[\text{Ibid.}, \ p. \ 266.\]
moment an inconsistent Federal law covering the same topic, even accidentally, was passed.\(^1\)

Holman continued with a review of the New South Wales measures which covered the same subjects, and he concluded that "general effect of the alterations, if carried, will be to paralyse State legislative activity in these directions."\(^2\) This would have resulted in a "Commonwealth Parliament with all the weaknesses of Federation and with all the work of unification."\(^3\)

Holman also had grave doubts concerning the fact that the proposals were not to be found in the Labor platform. Holman said that it was remarkable that in all of the Labor platform there was not one provision for legislation on domestic commerce, industry, or the control of corporations that operated within one State, to be transferred to the Federal Parliament.

It can safely be said that no authorized candidate \(\text{Labor or otherwise mentioned}\) one of these suggestions at the Last Federal elections . . . . There was no popular mandate on them . . . . The Federal Government now assert that they are obtaining a mandate by means of the referendum. If so these matters which have never been discussed before and are not upon their platform and have never been announced as forming a part of their policy ought to be carefully separate from other matters in which those steps have been taken . . . .\(^4\)

---

\(^1\) Holman Papers, Set III (Mitchell Library, Sydney, Australia). Unpublished memorandum on the 1911 Referendum prepared for the New South Wales Cabinet.

\(^2\) Ibid.

\(^3\) Ibid.

\(^4\) Ibid.
The New South Wales leader argued that if the clause which gave the Federal government power over State railways was passed the responsibility for the management of the large capital invested in the railways would remain with the State, but the power of fixing wages and the charging of rates would be in the hands of the Federal Parliament. "No sane constituent assembly would ever create a State Constitution upon these lines, saddled with this responsibility and deprived of these powers."¹

On the basis of Holman's memorandum the Ministry decided to send Premier McGowen, Holman, and Beeby, the Minister for Education, to Melbourne in order to acquaint the Federal parliamentary leaders with the feeling of the New South Wales Ministers. The deputation was to persuade the Federal Ministers to alter the amendments so that they would not be objectionable to the New South Wales Labor Government. The Sydney Morning Herald commented that the most important concern of the State Ministers was the clause relating to State railways.² This was probably a well informed guess, but it only served to make the public aware of differences of opinion between the two Labor governments and by no means proved the great gulf that separated the two.

¹Ibid. This argument against the railways clause was similar to the one used by The Land which was discussed in the preceding chapter.

²The Sydney Morning Herald, November 4, 1911, p. 8.
No record of the meeting has been preserved, and McGowen and Hughes made very vague statements at its conclusion. McGowen expressed the hope of an "amicable arrangement . . . [where] there is an apparent conflict of interest between the States and the Commonwealth." Hughes said that the New South Wales Ministers had "expressed a wish to work in harmony with the Federal Government in this matter."  

However, the Federal Ministry could only hope that the New South Wales Ministers would not openly revolt, since all hope of altering the proposals was gone, i.e., both Bills had been passed by the Commonwealth Parliament before Holman and company returned to Sydney. In an attempt to avert a complete break and also to reassure Holman, the Federal Cabinet instructed Hughes to draw up a memorandum for the New South Wales Ministers which would detail the manner in which the Federal government proposed to use the powers. Hughes' memorandum was referred to Holman for evaluation. Holman, in a rather short space, showed that the powers Hughes claimed would be left to the States would not in fact be under the States' jurisdiction. Holman concluded that the States would be mere figureheads when the Federal government began to exercise the powers requested.  

---

1Ibid., November 7, 1911, p. 6.

2Ibid.

3Holman Papers, Set III. Unpublished memorandum in reply to one prepared by W. M. Hughes on the 1911 referendum.
The Hughes' memorandum was the last recorded official exchange that took place between the two Governments, and with the end of semi-secret official exchanges the controversy was gradually aired in a more public manner. The Sydney Morning Herald interviewed Premier McGowen no doubt with the hope of getting him to speak against the alterations. McGowen was asked if he intended to take action if the rights of the people of New South Wales were encroached upon by the Commonwealth. McGowen replied that if there was such an encroachment he would be quite prepared to take whatever action that was necessary to preserve States' rights.¹ On the last day of the 1910 session of the New South Wales Legislative Assembly, McGowen and other Ministers were asked to indicate the stand the Ministry had decided to take on the alterations. The Ministers gave non-committal and evasive answers.²

Finally, in January, 1911, the Ministry publicly indicated its decision not to take any stand on the referendum. McGowen issued a statement on behalf of the Ministry to the effect that it was a question between the Federal Parliament and the Federal constituents. Nonetheless, he did repeat verbatim the powers which Holman in his first memorandum had maintained would be put in the hands of the Federal government if the alterations were accepted. At the end of this recital of the powers the State Parliament would lose, McGowen made

¹The Sydney Morning Herald, November 30, 1910.
²Ibid., December 21, 1910.
this statement: "This gives you, I think, not only the decision of the Cabinet, but an important statement of the case."  

There were two general types of reaction to McGowen's statement: (a) the Liberals attacked it, and (b) the non-parliamentary State labor bodies regarded it as a betrayal of the labor movement. The Liberal attack took two lines. First, there was the accusation of Mr. Waddell, Liberal M. L. A., who along with others pretended to be horrified that Mr. McGowen and his colleagues did not state their position when New South Wales' future as an independent governmental unit was at stake. Second, and this attack came after it was apparent that the New South Wales Ministers were going to remain relatively silent on the alterations, the Liberals used the New South Wales Labor defection to show how the Party silenced those of its members who opposed its program. Mr. Wade observed that

the public are told that the only opponents are the "fat" men with vested interests and the monopolies. This is far from true seeing that a number of leading members of the Labour party of the State Parliament who are forced to remain silent are of the opinion that the vote should be "No." With each new development in the New South Wales Ministry vs. Federal government feud this kind of criticism was renewed.

Yet, it was in reality the "Yes" advocates who forced the hand of the Ministers. The very active Victorian Political Labor

---

1Ibid., January 5, 1911, p. 6.
2The Sydney Morning Herald, January 16, 1911, p. 6.
3Ibid., January 17, 1911, p. 9.
Council was the first body to censure the stand of McGowan and colleagues. The Central Executive of the Council passed the following motion:

That the Central Executive of the Political Labor Council desires to place on record its deep disappointment at the announcement made by Mr. McGowan, the Labor Premier of New South Wales, that the Government does not intend to officially support the referendum made possible by the Federal Labor Government; further, this Executive, knowing that the anti-Labor Governments in the States will do their utmost to prevent any expansion of national powers, views with profound dissatisfaction the attitude of Mr. McGowan as tending to disrupt the Labor forces in New South Wales.

This resolution was but the first of many censures that the New South Wales Ministry received from the Political Labor Leagues, the trade unions, and labor councils.

The Annual Political Labor League Conference of New South Wales, held during the last week of January and the first week in February, provided the main stage for semi-public airing of the differences in the Labor party. At the first session former Commonwealth Prime Minister J. C. Watson moved that the discussion on the referendum should be closed to the public because "some differences of opinion are likely." Even though the Conference adopted this motion, enough of its proceeding leaked to the daily press or were related by The Australian Worker to give the public an adequate picture of what occurred.

---

1Ibid., p. 8.
2Ibid., January 27, 1911, p. 6.
Early in the proceedings the Conference indicated its approval of the alterations. During this early debate Andrew Fisher, J. C. Watson, and Hector Lamond, the editor of The Australian Worker, urged the Conference to give its endorsement, while McGowen, Holman, and Nielsen, New South Wales Minister for Lands, opposed Political Labor Leagues support. A week after this motion in support of the proposals was adopted, Senator Rae moved:

That in the opinion of the Conference the decision arrived at by the New South Wales P. L. L. last week to support the referendum proposals requires the members of the State Labor parliamentary party to fall into line, and withdraw their opposition or else resign from the Labor movement.¹

Amid considerable disorder which had been created as a result of this motion, Hector Lamond moved:

That the clause in the Constitution disqualifying from membership in a league or union any members who opposed a Labor candidate at an election should be extended to anybody in the movement who opposed a referendum proposal submitted to the people by the Labor party.²

Lamond argued that this amendment was impersonal whereas Senator Rae's had been very personal. During the discussion which followed Lamond's amendment the Chair changed hands twice and both Chairmen ruled it out of order. Finally, it was decided by a show of hands that the Conference sustained the ruling of the two Chairmen.³

¹Ibid., February 3, 1911, p. 9.
²Ibid.
³Ibid.
After this tumultuous discussion Mr. R. D. Meagher, M.L.A., moved: "That this Conference having decided by an overwhelming majority to support the referendum proposals trusts to the loyalty of the State Labor party to respect the decision of the Conference." 1 Meagher pointed out that it would be a grave mistake to dragoon and humiliate members of the State Ministry who had been working for the movement for thirty years. At this stage the Conference became sidetracked and began to discuss whether the labor movement had made the New South Wales Labor leaders or whether the individual leaders had made the labor movement; most speakers took the former position.

Meagher’s amendment to Senator Rae’s motion was brought to a vote and passed one hundred and sixty-one to ninety-nine. 2 Immediately after the amendment was carried Holman spoke on behalf of the New South Wales Ministers. He said that in view of the overwhelming majority in support of the alterations the New South Wales Labor government "would withdraw any opposition, and fall into line in support of the referendum proposals." 3

Holman’s acquiescence was short lived, and on Saturday night, February 4, 1911, he attempted to undo most of the work that the Conference had done in its support for the increase of Commonwealth powers. His first move was to put forth a motion that would have

1Ibid.
2Ibid.
3Ibid.
reconstituted the Interstate Conference on a population basis.
This was passed by a voice vote. The Australian Worker viewed this
as the first step in a series which could have led to Holman's pro-
gram replacing that of the Federal Party. However, Holman's motion
was rescinded on Monday night, and another motion was ruled out of
order. This motion called for the labor movement to oppose any
further extension of Commonwealth powers until the Constitution was
altered upon the lines of Parliamentary supremacy.

While the Political Labor League Conference was sitting the
Australian Workers' Union was holding its annual meeting and after
Holman's repeated opposition to the referendum in the Political
Labor League Conference, the Australian Workers' Union passed a
motion censuring Holman.

That this Conference of the A. W. U. indignantly resents the
traitorous attitude of Mr. W. A. Holman, M. L. A., in his
latest attempt to trick the P. L. L. Conference into opposing
after signifying his willingness to obey the former decision of
the Conference, and not to oppose the Labor party's referendum.
His motion is a distinct breach of faith, and proves that he is
determined to do the work of Mr. Wade and other reactionaries.
Further, this Conference is of the opinion that Mr. Holman
should at once be requested by the P. L. L. to retire from the
Political Labor Movement, and fight it from outside, and not
from within.

Holman publicly replied to the motion: "I bear the rebuke with
fortitude; I've been there before."

1 The Australian Worker, February 9, 1911, p. 10.
2 Ibid.
3 The Sydney Morning Herald, February 7, 1911, p. 9.
4 Ibid., February 8, 1911, p. 12.
Labor League Conference he said that his personal troubles at the Conference "were apparently entirely with the Shearers' delegates and with a certain section of the Conference which agree with or were influenced by the Shearers' Conference."¹

Holman realized as well as anyone else that his troubles went deeper than any personal altercation with the Australian Workers' Union or its friends. The memorandum on the Political Labor League Conference in which he restated his objections to the alterations avoided any reference to personalities. He continued to maintain that his actions conformed to the general labor philosophy and the Labor party platform, and he repeated his query whether it was he or the other members of the labor movement who had changed. He asked: "When and why did they change?"² Thirty years later H. V. Evatt attempted to answer Holman's question. Evatt reviewed the 1908 Brisbane Platform and concluded that it necessitated three amendments to the Constitution:

1. power to permit the Commonwealth Parliament to impose customs or excise duties with a specific power to exempt from duty by reference either the wage paid or the price charged in those industries that were paying a fair and reasonable wage (New Protection).
2. power to acquire businesses that were in fact monopolies.
3. power to establish an arbitration tribunal with the power to settle intra and inter State trade disputes.³

¹Holman Papers, Set III.
²Ibid.
³Evatt, Australian Labour Leader, pp. 262-63.
But the 1911 alterations called for much more extensive powers than these; therefore Evatt concluded that it was Hughes and not Holman who had departed from the spirit of Brisbane.\(^1\) In the narrow and technical sense Evatt's defense of Holman was sound, but the Brisbane Conference had been held in 1908 when Deakin was still in power and Labor was in the minority. Much happened between 1908 and 1911 to alter the interpretation of the Labor Platform. Labor now formed the Government and this meant that it had the legislative power to do things that it could not have done four years before. There was also the fact that Hughes' backing in the Commonwealth Parliament, the trade unions, the New South Wales and other Political Labor League Conferences, and the Labor councils, indicated that, regardless of who was technically right, Holman was out of step with contemporary 1911 Labor party ideals.

Ten days after the Political Labor League Conference's rejection of Holman's motion and the Australian Workers' Union censure, Holman and McGowen issued statements to the public. Holman again appeared to be resigned to the Political Labor League decision.

I have abandoned my original intention of entering into an active campaign in opposition to this referendum out of loyal deference to the general wish of the movement . . . . I have entered my protest against it, and I am now content to accept the verdict of the majority on polling day.\(^2\)

\(^1\)Ibid.

\(^2\)The Sydney Morning Herald, February 17, 1911, p. 8.
In light of Holman's apparent desire to stay in the Labor party, irrespective of whether it was based on principle or on the knowledge that he would be the next Labor Premier of New South Wales, his decision not to go to the platform to express his opposition was the only decision that he could have made. Also, in this statement Holman again referred the the Australian Workers' Union censure and said that he understood "that is the official language of the A. W. U.—their recognized formula for expressing differences of opinion, I take it in the Pickwickian sense."¹

Mr. McGowen's comments did not indicate that the New South Wales Ministers were taking a back seat in the referendum campaign. His statement embodied the concerns that had been expressed previously in Holman's memoranda. "I and my colleagues and a number of members of the State Labor party will continue the campaign for the reconsideration of the whole Federal position."² However, he also reiterated Holman's position of no open opposition to the proposals. Because of these statements and the relative silence of the Ministers, The Sydney Morning Herald and others claimed that the Political Labor League had ordered the Ministers not to disclose their reasons for opposing the referendum.³ The "No" advocates made good use of the New South Wales Ministers' silence. Dodgers like the one below (See Plate V.) which shows Holman and McGowen bound hand and foot

¹Ibid.
²Ibid.
³Ibid., March 10, 1911, p. 8.
Vote "NO" to save the Constitution.

PLATE v²

Liberal Party Pamphlet File (Sydney: Mitchell Library).
and gagged while Fisher and Hughes bind and gag Australia, and while still other Commonwealth Labor parliamentarians steal the Constitution, were widely circulated.

Events demonstrated that the New South Wales Ministers were not as silent as they said they would be nor were they as silent as their opponents made them out to be. Whenever one of the Ministers indicated his disapproval of the alterations the "No" supporters would cite this as evidence of the division within Labor's ranks, but when the Ministers remained silent the opposition would criticize the Party for muzzling the Ministers. Holman and his colleagues avoided any official meeting of the Party which discussed the referendum. Their absence was noted particularly at a meeting of the Political Labor League Executive which discussed methods of supporting the referendum. Although not all of the Ministers were members of the Political Labor League Executive, it was customary that they be represented.¹

During the second week in March Holman attended the Junee Railway Employees Picnic. He admitted to this gathering that there was a difference of opinion between himself and the Federal Ministers; moreover, he said that he approved of the "Home Rule" principle for Australia.² At about this same time Premier McGowen addressed a Sydney group and assured it that monopolies and combines in New South

¹Ibid., March 3, 1911, p. 9.
²Ibid., March 10, 1911, p. 8.
Wales could be effectively dealt with by means of State law.\(^1\) Hughes did not comment on McGowen's statement, but he did take notice of Holman's "Home Rule" statement. While speaking at Cootamundra Hughes said that Holman's utterance was "the most foolish of the whole campaign."\(^2\) Later at Wagga Wagga Hughes commented that "Home Rule" was the "most ingenious argument against the referendum" that he had ever heard.\(^3\)

Three days after Holman's Junee Picnic speech was mentioned by the press there was a report of his address to the yearly meeting of the Irish National Foresters. Archbishop Kelly was Chairman of the meeting. Holman did not specifically object to the referendum, but he did give those who were saying that he was muzzled plenty of ammunition.

I assure you that for the last few weeks I have suffered the most desperate punishments that could be devised by malignant invention, namely, the imposition of silence upon a naturally loquacious politician. That has been my fate. I have shrunk from making any speech referring to the referendum for fear of how it might be treated. I will not say by our enemies, but by my friends. \(^4\)

Less than a week later Holman told Melbourne press reporters that Hughes' speeches fascinated him because they were fashioned along the lines of a famous French recipe for love letters. "He starts out

\(^1\)Ibid.

\(^2\)Ibid., p. 10.

\(^3\)Ibid.

\(^4\)Ibid., March 13, 1911, p. 9.
without knowing exactly what he is going to say, and he ends up without quite knowing what he has said."¹ At another press interview in Melbourne Holman was questioned concerning his stand on the referendum.

Have you anything to say to the people of Victoria regarding the referendum?
No. My mouth is closed on the referendum.
But are you not free to speak when out of your own State?
No. There are no such things as boundaries to those who are supporting the referendum.²

One of the New South Wales Ministers, Beeby, did not even retain the appearance of silence. He openly announced his opposition to the proposals. Beeby based his opposition on the fact that the alterations meant unification, and on an "issue of such grave importance I think I am entitled to explain my position to my constituents."³ The Sydney Morning Herald cited Beeby's objection because it came from one who had been a long proven worker in the Labor party; therefore, if Beeby said the Commonwealth Labor leaders had unification as their aim it must be so.⁴ The Australian Worker reacted to Beeby's defection in quite another way and called Beeby a supporter of Labor's enemies. "It is cheap courage," said The Worker, "to denounce a movement while hanging desperately on to its coattails."⁵

¹The Argus (Melbourne), March 18, 1911, p. 19.
²The Sydney Morning Herald, March 27, 1911, p. 10.
³Ibid., April 1, 1911, p. 13.
⁴Ibid., April 2, 1911, p. 8.
⁵The Australian Worker, April 6, 1911, p. 12.
Two other important New South Wales Labor parliamentarians, Mr. Estell (Government Whip) and Mr. Edden (Minister for Mines), broke their silence during the first week of April. Their open break with the referendum supporters came at a meeting of the New Castle Political Labor League which passed a resolution favoring the referendum. Mr. Edden objected to the proposals on the grounds that the State parliamentary leaders had not been consulted prior to the introduction of the Bills in the Commonwealth Parliament. The Government Whip simply declared that fifty motions would not make him support the referendum.¹

The New South Wales Ministers were condemned by the Victorian Annual Political Labor League Conference one week prior to the referendum. The Victorian body also complimented their own parliamentary leaders on their vigorous "Yes" activity, and compared the "little Australia" position of the New South Wales Ministers with the "big Australia" stand of their own leaders.² This action was typical of that taken by other labor bodies throughout the Commonwealth.

Holman's shrewdest actions were reserved for the last week of the referendum campaign. On April 21, he delivered the Labor Government's policy speech to the New South Wales Parliament. The result of this, according to Evatt, was:

¹Ibid., p. 15.
²The Sydney Morning Herald, April 17, 1911, p. 10.
to rivet the attention of Labour supporters in New South Wales upon the immediate proposals of the State Government. In this way, many waverers concluded that, at any rate during the life of the existing Federal Parliament, it would be very risky to support great constitutional change, which by adding to Commonwealth legislative powers, might render ineffective the legislation which Holman was proposing to introduce.¹

Three days after this well timed policy speech, Holman in the company of other Ministers attempted further to shift the spotlight to his objection to the alterations by motoring to Mount Kosciusko, a New South Wales Government Tourist Bureau attraction. The touring party was accompanied by members of the press who related their movements to the public in great detail.²

This discussion of the activities of the New South Wales Labor Government raises at least two questions: (a) what part did their actions play in the defeat of the proposals; and (b) why did the Labor party continue to tolerate such insubordination on the part of its parliamentary representatives? Neither of these questions can be answered easily, but an attempt will be made in the next chapter.

¹Evatt, Australian Labour Leader, p. 275.
²The Sydney Morning Herald, April 24, 1911, p. 9.
CHAPTER VI

THE FIRST "NO" VICTORY

The result of the 1911 referendum voting, the defeat of both referendum proposals, was a surprise to both sides. Although the "No" supporters had created a vast organization to defeat the alterations and had predicted confidently that they would be defeated, there was an implicit pessimism in many of their campaign utterances. On the other side, the "Yes" advocates had often spoken as if the proposals would become operative after they had been endorsed by the electors, and they considered this endorsement to be a formality. But the fears of the "No" side were not realized, and the hopes of the "Yes" campaigners were dashed. Only one State, Western Australia, had an affirmative majority, and the Commonwealth totals showed that the proposals had been overwhelmingly rejected by those of the qualified electors who had voted.

As far as the Commonwealth totals were concerned, there were no significant differences between the total vote on the two separate questions. Table V indicates that 5,312 more people voted "Yes" on the second question, Monopolies Bill, than had voted "Yes" for the Legislative Powers Bill. Because of this slightly higher
### TABLE V

1911 REFERENDUM VOTE

<table>
<thead>
<tr>
<th>Electors enrolled</th>
<th>N. S. W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>S. A.</th>
<th>W. A.</th>
<th>Tas.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>powers, &quot;No&quot;</td>
<td>240,605</td>
<td>270,390</td>
<td>89,420</td>
<td>81,904</td>
<td>27,185</td>
<td>33,200</td>
<td>742,704</td>
</tr>
<tr>
<td>&quot;Yes&quot;</td>
<td>135,968</td>
<td>170,288</td>
<td>69,552</td>
<td>50,358</td>
<td>33,043</td>
<td>24,147</td>
<td>483,356</td>
</tr>
<tr>
<td>% enrolled, &quot;No&quot;</td>
<td>27.71</td>
<td>37.38</td>
<td>30.52</td>
<td>37.91</td>
<td>19.60</td>
<td>32.45</td>
<td>31.72</td>
</tr>
<tr>
<td>&quot;Yes&quot;</td>
<td>15.86</td>
<td>23.54</td>
<td>23.74</td>
<td>23.31</td>
<td>23.82</td>
<td>23.60</td>
<td>20.64</td>
</tr>
<tr>
<td>Monopolies,</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;No&quot;</td>
<td>238,177</td>
<td>268,743</td>
<td>88,472</td>
<td>81,479</td>
<td>25,561</td>
<td>32,960</td>
<td>736,392</td>
</tr>
<tr>
<td>&quot;Yes&quot;</td>
<td>138,237</td>
<td>171,453</td>
<td>70,259</td>
<td>50,835</td>
<td>33,592</td>
<td>24,292</td>
<td>488,668</td>
</tr>
<tr>
<td>% enrolled, &quot;No&quot;</td>
<td>27.13</td>
<td>37.15</td>
<td>30.19</td>
<td>37.72</td>
<td>19.15</td>
<td>32.21</td>
<td>31.67</td>
</tr>
<tr>
<td>&quot;Yes&quot;</td>
<td>15.92</td>
<td>23.70</td>
<td>23.98</td>
<td>23.53</td>
<td>24.22</td>
<td>23.74</td>
<td>20.87</td>
</tr>
</tbody>
</table>

*Table V is taken from: Commonwealth of Australia, Parliamentary Papers, II (1911), 136-167.*
vote for the nationalization of monopolies which was diffused throughout the States, it would appear that the stressing of monopoly evils by the Labor party had a small influence on the voters. However, the increased vote for the Monopolies Bill was not sufficient to warrant any conclusions that would imply a degree of discrimination on the voters part.

Other than the total vote another means of demonstrating the size of the "No" victory is contained in the column of Table V which shows the percentage of the total qualified voters who voted "Yes" or "No." South Australia and Victoria topped the list of the "No" States with nearly 38 per cent of their total enrolled electors rejecting the proposals. Nearly 30 per cent of all qualified voters throughout the Commonwealth voted "No" while less than 21 per cent voted in the affirmative.

This kind of comparison only demonstrates the size of the "No" victory, and many commentators in 1911 argued that this did not mean a great deal. Their reasoning was based on the fact that the vote in the referendum was much lower than it had been at the election of 1910. In 1910, as Table VI reveals, all States except Tasmania and South Australia registered a vote of over 60 per cent of the enrolled electors, while in 1911 two States, New South Wales and Western Australia, dropped below 45 per cent. On an average, the 1911 referendum vote was 10 per cent below the 1910 election vote. Thus, some "Yes" supporters maintained that this 10 per cent drop in voter
## TABLE VI.

### 1910 SENATORIAL VOTE AND 1911 REFERENDUM VOTE BY STATES

<table>
<thead>
<tr>
<th></th>
<th>N. S. W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>S. A.</th>
<th>W. A.</th>
<th>Tas.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910 Vote for Labor's leading Senate candidate</td>
<td>249,212</td>
<td>217,573</td>
<td>82,234</td>
<td>58,955</td>
<td>44,215</td>
<td>31,304</td>
<td>683,494b</td>
</tr>
<tr>
<td>1910 Vote for Liberal's leading Senate candidate</td>
<td>220,569</td>
<td>213,976</td>
<td>77,895</td>
<td>50,729</td>
<td>37,263</td>
<td>24,422</td>
<td>630,854</td>
</tr>
<tr>
<td>1910 enrolled electors</td>
<td>834,662</td>
<td>703,699</td>
<td>279,031</td>
<td>207,655</td>
<td>134,979</td>
<td>98,456</td>
<td>2,258,482</td>
</tr>
<tr>
<td>1910 % of enrolled electors voting</td>
<td>61.84%</td>
<td>66.58%</td>
<td>61.15%</td>
<td>55.33%</td>
<td>62.15%</td>
<td>58.51%</td>
<td>62.16%</td>
</tr>
<tr>
<td>1911 &quot;Yes&quot; votes for Legislative Powers Bill</td>
<td>135,968</td>
<td>170,288</td>
<td>69,552</td>
<td>50,358</td>
<td>33,043</td>
<td>24,147</td>
<td>483,356</td>
</tr>
<tr>
<td>1911 &quot;No&quot; votes for Legislative Powers Bill</td>
<td>240,605</td>
<td>270,390</td>
<td>89,420</td>
<td>81,904</td>
<td>27,185</td>
<td>33,200</td>
<td>712,709</td>
</tr>
<tr>
<td>1911 % of enrolled electors voting</td>
<td>44.25%</td>
<td>62.01%</td>
<td>55.34%</td>
<td>61.94%</td>
<td>44.33%</td>
<td>56.73%</td>
<td>53.31%</td>
</tr>
</tbody>
</table>

a Commonwealth of Australia, Parliamentary Papers, II (1910), and II (1911). There is no official publication which gives election statistics by political party affiliation. The party votes in this table and subsequent ones are derived from: (a) an unofficial publication of the Commonwealth Electoral Office, Federal Elections 1901-1954: Votes Arranged by Party; and (b) a check of The Sydney Morning Herald prior to the election in order to ascertain party affiliation and then referring to the Parliamentary Papers which contain the election results by name of candidate. Both methods were used in this table.

b At this time one half of the Commonwealth Senate retired every three years. In an election for senators each major political party selected three candidates in each State, and the three men who had the largest total vote were declared to be elected. The votes of the senatorial candidate who received the largest total vote of his party's senatorial candidates have been placed in this table.
participation distorted the electoral result and had more people voted the proposals might not have been defeated or at least they would not have been beaten so badly.

 Viewing the referendum results in a less partisan manner and having the advantage of knowing what took place subsequent to this referendum, the argument claiming that the 1911 result was distorted against the "Yes" side because of a low vote can be dismissed as not very significant. The general evidence tends to indicate that qualified electors did not vote in 1911 because: (a) they did not understand the issues which would seem to indicate that Labor's campaign had not made the reasons for adopting the alterations sufficiently clear to get people to vote, or the Bills were poorly drafted and could not be explained in a reasonable manner; (b) the voters felt no particular reason for voting and this could have resulted from a misunderstanding of the referendum process or voter apathy; (c) the defection of the New South Wales Ministers created frustration among laborers who were torn between loyalty to the New South Wales Ministers and the Federal Ministers, and rather than commit themselves many New South Wales workers and other labor supporters throughout the Commonwealth who considered Holman and his colleagues fighters for labor stayed away from the polls; and (d) the electors were not confronted with a choice between personalities, as was the case in parliamentary elections, and were asked to endorse or reject an abstract set of principles. In spite of the 10 per cent drop in
the 1911 referendum vote from the 1910 general elections vote, some interesting comparisons can be made between the two electoral events. As Table VI shows, Labor had about a 50,000 majority in the Commonwealth senatorial voting at the 1910 Commonwealth general election, but in a little more than a year's time the 1911 proposals, which the vast majority of the trade unions and Party considered integral to the furtherance of the general labor goals, were defeated by over 250,000 votes. The enormity of this shift in voters can be more clearly seen when the distribution of seats in the 1910 Parliament is compared with the distribution which would have resulted had the 1911 "Yes" vote been allocated to the Labor party and the "No" vote distributed to the Liberals. Table VII indicates that Labor held

**TABLE VII**

**DISTRIBUTION OF COMMONWEALTH PARLIAMENTARY ELECTORATES AT THE ELECTION OF 1910 AND THE REFERENDUM OF 1911**

<table>
<thead>
<tr>
<th></th>
<th>N.S.W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>W.A.</th>
<th>S.A.</th>
<th>Tas.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910 Labor</td>
<td>16</td>
<td>10</td>
<td>6</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>41</td>
</tr>
<tr>
<td>1910 Liberal</td>
<td>10</td>
<td>11</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>32</td>
</tr>
<tr>
<td>1911 &quot;No&quot;</td>
<td>23</td>
<td>18</td>
<td>5</td>
<td>3</td>
<td>6</td>
<td>4</td>
<td>58</td>
</tr>
<tr>
<td>1911 &quot;Yes&quot;</td>
<td>5</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>17</td>
</tr>
</tbody>
</table>

---

Supra, chap. VI, p. 172, n. a.

b One Independent member in Parliament.

c Ibid.
forty-one seats, Liberals thirty-two, and Independents two in the 1910 Parliament, but that there were fifty-eight parliamentary districts that voted "No" and only seventeen that voted "Yes" in 1911. Thus, there were twenty-four 1910 Labor districts that voted "No" in 1911, and also the two Independent districts went to the negative side while the thirty-two Liberal districts retained what can be called their non-labor majorities. A list of the Labor districts that went "No" is given in Table VIII which also shows the size of the swing in each of these twenty-four Labor districts.¹

New South Wales and Victoria registered over two-thirds of the total Commonwealth vote in 1911. Although New South Wales had more total qualified electors than Victoria, 15 per cent more of Victoria’s qualified electors went to the polls in 1911. The percentage of voting dropped in both States at the 1911 referendum, but it dropped only 4 per cent in Victoria.² The Liberals’ most successful senatorial candidate was about 30,000 votes behind the highest Labor senatorial candidate’s total of 1911 in New South Wales, but the 1911 negative vote was more than 100,000 greater than the affirmative vote. Still more striking than this total vote comparison in

¹Due to the present status of the source material for the study of Australian politics it is not feasible to estimate the extent or the influence of group activity in individual electoral districts. Thus, in the analysis of the referenda results emphasis is placed on the influence of groups on the State level.

²"Australia: the Constitutional Issue," The Round Table, I, 339. The Round Table in its discussion of the low 1911 vote said that the absence of a general election was the main factor.
<table>
<thead>
<tr>
<th>Commonwealth Parliamentary Districts That Voted Labor in 1910 and &quot;No&quot; in 1911a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New South Wales</strong></td>
</tr>
<tr>
<td>Calare</td>
</tr>
<tr>
<td>Cook</td>
</tr>
<tr>
<td>Dalley</td>
</tr>
<tr>
<td>East Sydney</td>
</tr>
<tr>
<td>Gwydir</td>
</tr>
<tr>
<td>Humeb</td>
</tr>
<tr>
<td>Hunter</td>
</tr>
<tr>
<td>Macquarie</td>
</tr>
<tr>
<td>Nepean</td>
</tr>
<tr>
<td>New England</td>
</tr>
<tr>
<td>Riverina</td>
</tr>
<tr>
<td>Robertson</td>
</tr>
<tr>
<td>Werriwa</td>
</tr>
<tr>
<td><strong>Victoria</strong></td>
</tr>
<tr>
<td>Bourke</td>
</tr>
<tr>
<td>Corangamits</td>
</tr>
<tr>
<td>Goria</td>
</tr>
<tr>
<td>Indi</td>
</tr>
<tr>
<td>Wannon</td>
</tr>
<tr>
<td><strong>Queensland</strong></td>
</tr>
<tr>
<td>Brisbane</td>
</tr>
<tr>
<td>Wide Bay</td>
</tr>
<tr>
<td><strong>South Australia</strong></td>
</tr>
<tr>
<td>Adelaide</td>
</tr>
<tr>
<td>Bootbhy</td>
</tr>
<tr>
<td>Grey</td>
</tr>
<tr>
<td><strong>Tasmania</strong></td>
</tr>
<tr>
<td>Bass</td>
</tr>
<tr>
<td>Denison</td>
</tr>
</tbody>
</table>

a Supra, chap, VI, p. 172, n. a.

b Hume was the seat of Sir William Lyne who was an active Labor supporter although he classed himself an Independent.
New South Wales was the fact that of New South Wales' twenty-seven Commonwealth parliamentary districts, of which sixteen had been Labor, ten Liberal and one Independent, twenty registered a "No" majority. On the other hand, in Victoria the Liberal's most successful senatorial candidate ran less than 4,000 votes behind the Labor high man and in the 1911 referendum this 4,000 vote deficit was transformed into a 1,000 majority. In the twenty-two Victorian parliamentary districts, of which eleven were Liberal, ten Labor, and one Independent, the alterations were rejected in all but four. Another factor to take into consideration when comparing the two States is that in October, 1910, Labor had achieved a victory in the New South Wales State elections while the last State elections in Victoria had resulted in a Liberal victory. Therefore, the size of the "No" vote in New South Wales was even more significant. Victoria had rejected the alterations by about 30,000 more total votes than New South Wales had, but this was a case of Victoria remaining a Liberal State while New South Wales, a State which had rapidly become a Labor stronghold, returned to the non-labor camp.

The switch from Labor to "No" in New South Wales was particularly noticeable in the rural districts. Among those rural parliamentary districts in which a majority of the electors rejected the advice of their sitting Labor members were Nepean, Werriwa, Gwydir, New England, and Riverina. In the latter two districts both Labor representatives, Foster in New England and Chanter in Riverina, had waged a vigorous campaign for acceptance, but their constituents
gave the negative side a clearcut victory. The New South Wales independent member, Sir William Lyne, who was one of the staunchest advocates of the extension of powers and a Labor supporter on the majority of parliamentary measures, received a very definite setback in his district. In 1910 he had beaten his Liberal opponent 9,322 to 4,708, but in 1911 the voters rejected the alteration by a 7,838 to 4,409 vote. Probably the most surprising shift in New South Wales took place in the electoral district of Cook where the sitting Labor member, Mr. Catts, who had been one of the most active of all proponents of the changes, found that his constituents gave the "No" side a small majority and displayed an amazing apathy to all of his exhortations as the vote fell over 33 per cent from what it had been in 1910.

In summarizing the New South Wales results two obvious generalizations can be made: (a) the rural districts swung solidly against the proposals, in fact, there was a "Yes" majority only in the five metropolitan districts; and (b) notwithstanding the intense and active campaign which both sides appear to have carried on, the lowest percentage of qualified voters went to the polls in New South Wales. There are several reasons which explain each of these generalizations. Very conclusive reasons exist for the switch which took place in the rural districts, but it is more difficult to ascertain why voter apathy was greater in New South Wales than it was elsewhere. The contradictory advice which the Labor elector received from his
State parliamentary leaders and the Commonwealth party, the State Political Labor League Conference, and trade unions might have confused him to such an extent and created a sense of frustration, i.e., conflict of loyalty to State parliamentarians and other groups, as to cause the elector to stay away from the polls. Also, the fact that Holman released his legislative policy proposals which met most of the problems that the alterations were said to correct might have created just enough reluctance among those who were dubious about increasing Commonwealth powers to keep them from voting. Of course, there is no way to measure the influence the unfavorable attitude of Holman and his colleagues had with regard to lowering the vote or causing Labor supporters to vote "No." However, to say that it had no influence would be to disregard the prestige position which Holman and the other New South Wales Labor Assembly members who opposed the changes had in the Labor movement.

Two very good reasons can be suggested for the defeat of the referendum in the rural districts of New South Wales. First, there was the anti-alteration stand taken by the country press, the Farmers and Settlers' Association, and the Shire Councils; although the rural unions were strong, they were not organized sufficiently to compete successfully with this type of non-labor opposition. Second, there was the split within the Labor movement which probably caused many undecided voters to accept the advice of the overwhelming bulk of rural organs of opinion which were against the proposals.
The same factors which have been suggested as having played a major role in the New South Wales rejection of the changes were also partially responsible for the defeat of the amendments in Victoria and Queensland. The Progressive League in Queensland and the People's party in Victoria were very effective in their organization of the rural voters, and the rural press in these States together with the actions of the Shire Councils and the Farmers and Settlers' Associations aided in producing a "No" majority in the rural districts.

As has been pointed out, there was very little apathy among the voters of Victoria when the 1911 referendum vote is compared with the 1910 elections. Victoria registered the highest total "No" vote, but did not have as high a total vote gain on the non-labor side as New South Wales had. This can be explained to some extent by the fact that the balance which had been established between the parties in 1910 was reflected in the referendum results. The fact that the Victorian vote remained high can be used in support of the previous statement that it was not the low rate which kept the alterations from being accepted. Though the attitude of Holman and his colleagues did not cause labor to abstain in Victoria, it could have been regarded by many as another reason or even the only reason for voting against the alterations. The lack of unity in the Labor party would have been ample reason for an independent Victorian elector to vote "No."
In Queensland the referendum vote changed a five to four Labor majority in the parliamentary districts to a six to three "No" majority. Wide Bay, the district Andrew Fisher represented in parliament, recorded a "No" victory, but this probably resulted from Fisher's absence. The fact that Queensland was predominantly a rural State would seem to account for the "No" victory. In comparison with 1910 (Table VI) the vote in Queensland was not greatly reduced in 1911, but the alterations were very soundly defeated.

If the analysis of Victoria's voting behavior is applied to Queensland—the fact that 1911 voting reflected previous attitudes—it might be expected that the alterations would have secured a slight majority. However, it must be remembered that comparisons between the senatorial vote of 1910 and 1911 and the comparison between the distribution of seats in parliament with the "Yes" or "No" majorities in the referendum is used because it is convenient and because it offers one, but not the only, basis for analyzing the referendum results. Any conclusions from such comparisons are always meant to be tentative, and since there is no way of reconstructing the socio-economic structure of the electoral districts these impressionistic comparisons and conclusions must suffice.

Little can be gained from analyzing the voting statistics in Tasmania and South Australia. In the former State Labor held three of the five seats in the House, but in the referendum only the seat of King O'Malley registered a "Yes" majority. The retention
of this one district was probably a result of the personality of O'Malley and the extensive campaign that he carried on.

The only surprising fact revealed in the voting statistics of South Australia is that it was the only State in which the percentage of qualified electors voting was higher in 1911 that in 1910. This was made possible by an increase of 10,000 in electors enrolled, but this increase in the number of qualified electors is not reason enough for the 6 per cent rise in the number of those voting. Furthermore, careful research has not revealed evidence of a particularly active campaign in South Australia, so that the rise over 1910 cannot be explained by a vigorous get-out-the-vote effort.

There was no reason given at the time for this increase; therefore, it remains one of the unanswered questions concerning the 1911 referendum. It can be concluded that the cause for the defeat of the proposals in South Australia was probably a result of the ineffective campaign of the "Yes" supporters and the generally stepped up activity of non-labor throughout the Commonwealth.

Western Australia was the only State to register an affirmative majority. The "Yes" supporters succeeded even though there was a "No" majority in three of the five parliamentary districts, in fact, the "Yes" and "No" majorities corresponded with the Labor and Liberal distribution of parliamentary seats, and also despite a 17 per cent drop in the vote. The fact to be emphasized in comparing the Western Australian election and referendum votes and distribution of seats
with the "Yes" and "No" districts, is that Labor only won two seats in 1910 but had a 5,000 majority in the total vote. This same margin of victory was recorded by the "Yes" side in 1911. Even though the vote dropped 17 per cent and, therefore, caused a 10,000 vote decline in the non-labor and Labor vote of 1910, it was not very significant. In a comparison of the vote by electoral districts for the House of Representatives, Table IX, it is evident that the Labor

TABLE IX

A COMPARISON OF THE WESTERN AUSTRALIAN 1910 COMMONWEALTH VOTE AND THE 1911 REFERENDUM VOTEa

<table>
<thead>
<tr>
<th>District</th>
<th>Liberal</th>
<th>Labor</th>
<th>Independent</th>
<th>&quot;Yes&quot;</th>
<th>&quot;No&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coolgardie</td>
<td>3,170</td>
<td>9,915</td>
<td>226</td>
<td>7,898</td>
<td>2,587</td>
</tr>
<tr>
<td>Fremantle</td>
<td>7,788</td>
<td>6,496</td>
<td>...</td>
<td>4,099</td>
<td>5,483</td>
</tr>
<tr>
<td>Kalgoorlie</td>
<td>2,550</td>
<td>11,162</td>
<td>...</td>
<td>9,385</td>
<td>1,114</td>
</tr>
<tr>
<td>Perth</td>
<td>9,648</td>
<td>6,237</td>
<td>...</td>
<td>4,732</td>
<td>6,990</td>
</tr>
<tr>
<td>Swan</td>
<td>15,012</td>
<td>9,930</td>
<td>...</td>
<td>6,938</td>
<td>11,011</td>
</tr>
<tr>
<td>Total</td>
<td>38,168</td>
<td>43,740</td>
<td>226</td>
<td>33,052</td>
<td>27,185</td>
</tr>
</tbody>
</table>

a|Supra, chap VI, p. 172, n. a.|

strongholds of Kalgoorlie and Coolgardie gave Labor a sufficient surplus in 1910 and 1911 to offset the Liberal majorities in Fremantle, Perth, and Swan. Also the reduction of votes which took place in all five districts, although not nearly proportionate for both sides in all five electorates, suggests that electoral apathy
was more or less uniform throughout the State. This leads to the further conclusion that the vote in Western Australia was divided more nearly on party lines, i.e., party lines in parliamentary elections, than in other States where voters failed to follow party lines. Generally speaking, 1910 non-labor voters gave their support to the "No" side. In addition, a large number of the Labor backers of 1910 must have voted "No" except in Western Australia, because there was not a significant rise in registration and because the decline of voting in 1911 was greater on the "No" (non-labor) side.

After this comparison of 1910 and 1911 voting results and the limited analysis of voting statistics, some general conclusions giving the reasons for the defeat of the proposals are warranted. In listing general reasons for the defeat of the 1911 alterations it should be stated at the outset that there was a combination of factors which was responsible for the defeat of the proposals. Contemporary observers of the referendum give the following reasons for its defeat: States' rights (fear of unification); that Labor was asking too much too soon; poor organization and presentation of the "Yes" side; and the defection of the New South Wales Ministers. Harrison Moore contended that the most obvious reason for the failure of the proposals was the fact that the citizens of the States which had once been independent came together voluntarily to form the Commonwealth, and, therefore, had a strong bias against "complete self-surrender and absorption" in the absence of any imperative force.
Moore concluded by saying that States would not only preserve their identity, but would reserve for themselves "the general powers of government and will commit to the new federal authority specific powers only."  

The Sydney Morning Herald gave three reasons for the defeat of the alterations: (a) Australia voted "No" because it was better for Australia and the people's "instinct knew it"; (b) there was a "No" majority because the Labor party's demand carried reform "too far too suddenly"; and (c) the reasons for voting "Yes" were vague. In its first article on the referendum The Round Table gave the fear of moving "too far too suddenly" as the chief reason for the defeat of the proposals. In a later article, "The Referendum in Retrospect," The Round Table said that historical and geographical reasons were the most important in explaining the rejection of the referendum.

Mr. Walter Duncan, President of the New South Wales Labor Council, voiced the sentiments of many people when he commented that the utterances of Beeby and Holman and the silence of the New South Wales parliamentarians were turned into the most effective pieces of "No" campaign propaganda. W. M. Hughes maintained that of "all

2The Sydney Morning Herald, April 27, 1911, p. 4.
3"Australian Politics," The Round Table, I, 333.
4"Australia: the Referendum In Retrospect," The Round Table, II, 1h5-56.
5The Sydney Morning Herald, April 29, 1911, p. 11.
the arguments relied upon by the other side the attitude and utterances of Messrs. McGowen, Holman, and Beeby were given the widest publicity.\(^1\) The Australian Worker did not place the entire blame on the New South Wales Ministers and said there were three reasons for the defeat: (a) the vast organization of "lying" brought to bear upon the public mind by the monopolies; (b) the inadequate facilities of the Labor party for pressing the "truth" (at this time The Australian Worker was agitating for a Commonwealth labor daily); and (c) the treachery of certain Labor members in New South Wales. In regard to the latter The Australian Worker contended:

Messrs. Holman, McGowen, and Beeby were set up on a pedestal of Tory adulation, and the working man was called upon to worship them by those who sought to rivet his eyes on these new deities to render him easy prey for plunder. Nor was the mischief they did confined to their own State. In every part of Australia they were utilised by Labor's enemies against the cause of Labor.\(^2\)

Mr. White, Secretary of the Australian Workers' Union, in his annual report to the Union said that it was a combination of Labor apathy and the "parochial influence" of the New South Wales Ministers which defeated the alterations.\(^3\)

It is Dr. Evatt's opinion that the most decisive factor in the campaign was Holman's argument that if the proposals were adopted the workers might be worse, not better off; "and his promise that,

\(^1\)Ibid., April 27, 1911, p. 7.
\(^2\)The Australian Worker, May 4, 1911, p. 1.
\(^3\)The Australian Worker (Australian Workers' Union ed.), January 31, 1912, p. 1.
if the constitutional position remained unaltered, they should certainly be better off. But this is an attempt to imply that the workers were aware of Holman’s reasons for opposing the referendum, or that they had the ability to infer certain arguments from the few public pronouncements he made. Undoubtedly Holman’s action along with that of his colleagues was a sign for caution and caused individual laborites to reject the proposals. However, it is difficult to maintain that the majority of the workers knew why Holman objected to the alterations and to conclude that they voted "No" because of Holman’s objections.

One can disagree with Dr. Evatt’s conclusion that the workers were aware of Holman’s reasons for opposing the referendum and voted against it because of these reasons, but still maintain that the open controversy which resulted from the differences between Holman and Hughes was the most important reason for some Labor party supporters voting against the proposals. Many independent or undecided electors were influenced to vote against the proposals because of the Labor party split. It is difficult to determine the exact number of persons who voted "No" for this reason, but implicit in ranking the Labor party split as the principal reason for the defeat of the proposals is that it was not any one argument used by the New South Wales Ministers which influenced the voters. Rather, it was the fact that such a group of respected and trusted men

1Evatt, Australian Labour Leader, p. 275.
commanded the support of a certain number of electors who were willing to follow them irrespective of any consideration as to why they were following.

But the Labor split was only one reason among many for the defeat of the alterations. There are always a large number of voters who cast their ballots at the direction of their traditional or inherited party. There were certainly a large number of traditional non-labor voters throughout Australia at this time, and this group accounted for a large percentage of the "No" vote, just as the traditional or inherited Labor vote accounted for much of the "Yes" support. Among the arguments offered in opposition to the proposals there were two which had a great influence on the "thinking" elector. First, there was the States' rights plea with all of its many historical, geographic, and self-interest facets. Second, there was the fear of radical change and a desire to maintain the familiar institutions. This fear of change and States' rights was repeated over and over in the speeches, pamphlets, and newspaper and editorial columns of the "No" supporters. The simplicity of these arguments and their great appeal to the electors lead to the conclusion that there would have been ample reason for people to have voted against the proposals even without the defection of the New South Wales Ministers. This observation is purely speculative and assumes that such arguments would motivate a sufficient number of voters, non-labor, Labor and Independent, to have swung the majority against the alterations.
Actually, it was the combination of traditional non-labor supporters, members of the socio-economic interest groups who followed their leaders in opposing the changes, electors who were affected by the defection of the New South Wales Ministers, and electors influenced by the fear of change and States' rights and other arguments who defeated in 1911 referendum. Probably individual electors voted "No" because they belonged to several of the four broad categories just listed, in fact, it is difficult to conceive of a voter not belonging to more than one of them.
CHAPTER VII

THE SECOND "NO" VICTORY

Are we disheartened? As they
forward go
Hear Labour's legions tongue
a thundrous No!

With the aid of two scapegoats, the New South Wales Ministers,
and the power and money of "fat," the Labor party and particularly
the mercurial W. M. Hughes were able to overlook all other causes for
the defeat of the 1911 referendum. Immediately after the results
were known Hughes announced that the proposals would be resubmitted.2
Deakin replied by saying that surely Hughes did not expect to be
taken seriously: "He [Hughes] certainly will amend his hand, and—
well he knows that, on the ground of his choosing, he had a beating,
and a bad beating. He will not risk another."3 But Deakin underesti-
mated the ability of his adversaries to rebound from defeat. Aside
from proclaiming that they were not "disheartened," The Australian
Worker ran a series of articles by Adam Walker explaining the 1911
proposals and reasons why they should have been adopted.4

1The Australian Worker, May 4, 1911, p. 15.
2The Sydney Morning Herald, May 2, 1911, p. 9.
3Ibid.
4The Australian Worker, July and August, 1911. These articles
were reprinted in pamphlet form for distribution by the trade unions,
see: Alan Walker, On the Altar of Moloch: Some Thoughts on the Refer-
endum Campaign (Sydney: The Worker Press, 1911).
Simultaneously with this indication that the alterations would be resubmitted there was a move, mainly on the part of W. A. Holman, for the States to refer some of the State powers to the Commonwealth. One of the first public mentions of the possibility of States handing over some powers to the Commonwealth was by Mr. Denny, Labor M. L. A. of South Australia, who suggested that the State Premiers under Section fifty-one, paragraph thirty-seven of the Commonwealth Constitution could ask their State parliaments to transfer powers to the Commonwealth.\(^1\) Denny's remarks were followed by a circular of Holman to the State Premiers. In order to make Holman's position as clear as possible a good portion of his circular will be quoted:

> The result of the voting on the recent referendums may be regarded as practically complete. The question now arises as to the wisdom of leaving the movement to extend the powers of the Commonwealth in the position in which it rests as the result of that vote. Mr Government begs to invite the earnest consideration of yourself and your colleagues to a proposal which they have to make. . . . proposals which they have drafted for the simultaneous carriage of legislation through all the State Houses for the surrender of the Federal Parliament of Legislative powers . . . : (1) the completion of the Federal Parliament's powers to legislate for Arbitration upon all genuine interstate disputes; (2) the establishment of "New Protection," as outlined by the Deakin government; and (3) the control of interstate monopolies by the Federal Parliament.\(^2\)

---

\(^1\)\textit{Adelaide Daily Herald}, April 29, 1911, p. 8. The Constitution in Section 51 XXXVII provides that: "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 adopts the law."

\(^2\)\textit{The Sydney Morning Herald}, July 20, 1911, p. 9.
Holman further explained this request by saying that his Government wanted to enlarge the powers of the Federal Arbitration Court so that disputes of a truly Federal character could be dealt with effectively. Although Holman felt that most of the industries affected by "New Protection" would be covered by an increase of the arbitration power, a further surrender of power by the States would be needed to cope with those special cases which were not sufficiently covered. Holman felt that the matter of monopolies would require a good deal of close discussion before the scope of the surrender could be finally determined, but thought it could be easily arranged. He argued that the surrender of these three powers would not only fulfill the Labor platform, but would give the Federal Parliament all the scope necessary for the scheme of democratic legislation which had been outlined by the Federal Ministry during the referendum campaign.¹ This Holman circular reinforced the conclusion that New South Wales, and particularly Holman, was attempting to lead the other five States.

Hughes replied by asking when Holman had been appointed to interpret the Labor platform and The Australian Worker contended that such utterances proved that Holman was unfit for political leadership. The Australian Worker continued in the same vein as Hughes:

¹The Australian Worker, May 4, 1911, p. 16.
The Labor Party is wrong, the Labor conferences are wrong; they cannot be trusted to define what is necessary to the full realization of the Labor Platform. That, says Mr. Holman, is the work that can better be done by four Tory Premiers sitting with one Labor Premier, and one of very doubtful classification. The mantle of Mr. Wade fits the Acting Premier of New South Wales too well.\(^1\)

The entire text of Holman's speech in defense of his position was printed in *The Australian Worker*. He said his position was so clear that it was like "belaboring a dead horse" to explain it further. And then he made a comment which was surprising for its frankness but probably contained a great deal of truth.

If I had liked to hit back when they struck me during this referendum campaign, and had answered certain fools according to their folly, I have sufficient influence in the movement to have caused irreparable disruption. . . . I hope that we shall hear practically the last of this little heresy hunt.\(^2\)

V. Gordon Childe suggested that it was a fear of Holman's power which caused the Labor movement to tolerate him as long as they did.

The movement tolerated, albeit, not without impatient protest, the obvious determination of the Parliamentary leaders to set the rank and file at defiance. This was probably attributable to the unwillingness of the Party to sacrifice the services of such brilliant men as W. A. Holman.\(^3\)

Holman's prestige and power notwithstanding, the replies to his circular were noncommittal. The acting Premier of Western Australia, Mr. Gregory, wrote: "Your proposals seem to me, at first glance, to go further than we should, in the face of the enormous

\(^{1}\)Ibid.

\(^{2}\)Ibid., July 6, 1911, p. 11.

majority recorded against the proposals . . . .1 After such a cool reception the matter was dropped.

As has been indicated, the official labor bodies continued their agitation for increased power to the Commonwealth in spite of the 1911 defeat. But the prosperity of 1909-1910 was continuing, and the economic reasons for supporting the alterations certainly must have seemed remote to the electors. The Sydney Morning Herald commented in July, 1911, that "even though we are fairly well into the winter months, and, therefore, in the period in which labour is least demanded, there is everywhere an outcry for more workmen."2 A check of the classified advertisements in the major papers bears out this statement. A further indication of the continued prosperity is that the 1911 wool clip, although down in price, yielded an increased monetary return as a result of a larger quantity of wool being sold. Though these two factors do not tell us anything directly about the well-being of the worker, both would tend to improve the position of the laborer.

The continued prosperity and the success of the Labor Government on the Commonwealth level were not enough to halt the general labor desire to discipline the New South Wales Ministers. The Sydney Labor Council passed a motion which called for a special Political Labor League conference to consider the future attitude

1The Sydney Morning Herald, July 20, 1911, p. 8.
2Ibid., June 4, 1911, p. 8.
of the movement to representatives of the Party whose opposition to the referendum was "undoubtedly" responsible for its defeat.\footnote{The Australian Worker, May 4, 1911, p. 15.}

During May, June, and July, of 1911, The Australian Worker ran a column entitled, "What Shall We Do with Them?" This column recorded the Political Labor League branch resolutions calling for a special conference to discuss Holman's fate. In the latter part of July the Executive of the New South Wales Conference polled the branches, electorate councils, and affiliated unions to ascertain their stand on calling a special conference. Of those groups replying, twenty-nine branches, seven electorate councils, and seven affiliated trade unions gave their approval of the special conference; there were only five branches that voted against the proposed conference.\footnote{Ibid., July 27, 1911, p. 14.}

During this period the Labor movement indicated its extreme disgust with Holman's actions, but it should be re-emphasized that there was very little talk of actually expelling him from the Party. However, this was not the case with Mr. Beeby, the New South Wales Minister for Education. The Australian Worker observed that it was a "marvel" that Beeby continued to associate with the Labor party in view of his hostile and anti-labor comments, i.e., his opposition to the 1911 referendum was open and not silent like Holman's had been.\footnote{Ibid., July 20, 1911, p. 15.}

Beeby, however, could not be brought back into line, and
in 1912, when it was certain that the alterations would be resubmitted, Beeby said that regardless of the consequences he intended to assert his right to take the stand that he had taken in 1911.\(^1\) Because this position was incompatible with that of the Labor party, Beeby was forced to resign despite Holman's friendship and Beeby's long-time affiliation with the Party. His resignation was followed by a two-page attack in *The Australian Worker*.\(^2\) Beeby's leaving the Labor party caused a special election to be held in his electoral district, and it was only after a second ballot that Beeby was able to return to the New South Wales Legislative Assembly as an independent member.\(^3\)

Holman eventually was forced to withdraw from the Labor party but not for the same reasons as Beeby. Moreover, Holman, although conciliatory towards Beeby, resisted the latter's idea of founding a centre party with the moderates of both parties.\(^4\) The fact that Holman was reluctant to leave the Labor party was based in part on his continued adherence to the general socio-economic philosophy of the Party, and it was also based on the knowledge that he would shortly succeed to the leadership of the New South

---

1\(^{\text{Ibid.}}, \) November 14, 1912, p. 17.
3\(^{\text{Ibid.}}, \) January 3, 1913, p. 1.
Six years after Beeby's break from the Labor party he became a member of the Country party: pp. 351, 371, 394.
Wales parliamentary party and the Premiership. On the face of the past activities of the Labor party in New South Wales Holman could be assured that the Party might criticize him, but that they would not dismiss him for failing to support proposals relating to the increase of power for the Commonwealth Labor party. This was also demonstrated by the actions of the Special Political Labor League Conference, held in August, 1911, which was composed of representatives from sixty-nine of the seventy-five electoral districts and eighty-three unions.

Holman addressed the Conference and during the course of his speech he described the trip the New South Wales Ministers had made to Melbourne in November of 1910. He revealed that they had offered amendments which would have made the proposals acceptable to the New South Wales Labor Government. Even though Hughes was aware of their coming, the Bills had passed the third reading in the Senate. Holman pointed out that this was the first time that these facts were generally known. In this same speech Holman ridiculed the idea that the Federal Parliamentary Labor party should have the power to interpret the platform of the Inter-State Conference when the Inter-State Conference was in reality a creation of the State Political Labor League conferences.

The Labor party should not be at the mercy of any idea that a couple of dozen politicians down in Melbourne might get into their heads. The State Labor party cannot be bound by what the Federal caucus does because it had no representation there.1

1The Australian Worker, August 24, 1911, p. 19.
Hughes interjected that New South Wales had nineteen representatives in the Federal caucus and asked: "How many more do you want?"¹

In his reply to Holman's speech before the Special Conference Hughes maintained that the Federal Ministers were unaware of the reason for the November, 1910 visit of the New South Wales deputation. Hughes also challenged Holman's standing in the Labor movement.

Now, Mr. Holman has told you something which he said was a secret. I will tell you something too. Mr. Holman in the presence of Mr. McGowen and Mr. Beeby threatened me that unless I withdrew the Bill he would oppose it everywhere he went, and would put up a man against me and against men like me in the constituencies. I said that I would not consent to be brow-beaten .... And unless the coming Inter-State Conference tells me plainly that it is not going to stand by what the people of Australia affirms is necessary to be done the referendum questions will be put again in the same form Mr. Holman notwithstanding.²

Holman did not answer Hughes' accusations, but Holman's subsequent actions demonstrated that he continued his opposition to the Hughes' proposals.

After much debate the Conference rejected by a vote of 170 to 61 a motion of outright censure, but carried a motion which bound members of the Party to support all future referendum proposals that had the approval of the Inter-State Conference.³ The Conference also passed a motion that the Inter-State Conference be asked to

¹Ibid.
²Ibid.
³Ibid.
place the 1911 alterations upon the "fighting platform." \(^1\) The Australian Worker gave what was probably the best interpretation of the Political Labor League Conference decisions when it labelled its editorial dealing with the Conference, "Go and Sin No More." \(^2\)

The next opportunity for a clash between Holman and Hughes was the 1912 Premiers Conference, but Hughes wired Holman that he would not be able to attend and assured the New South Wales Acting-Premier that the Federal Government did not intend to trespass on the sphere of States. Hughes referred Holman to his 1910 speeches in Parliament for more details. \(^3\) Holman told the Premiers that he had read Hughes' speeches and still was of the opinion that the proposals would give all power over commerce to the Federal Parliament. \(^4\) In place of the Hughes alterations Holman asked the Premiers to endorse the proposals contained in his May, 1911 circular to them. Evatt said that Holman made a good showing at the Conference, but that "it was soon made clear that none of them [the Premiers] were anxious to assist him in composing his dispute with Hughes." \(^5\) Holman was technically correct in saying that his proposals would have been a fulfillment of the Brisbane Platform. But, as Evatt pointed out,

\(^1\) Ibid.

\(^2\) Ibid., p. 16.


\(^4\) Ibid.

\(^5\) Evatt, Australian Labour Leader, p. 301.
the Conference included three Liberal Premiers, and "they did not care a rap whether the Labour Government of the Commonwealth was venturing to ask too much or too little." In short, the Premiers Conference of 1912 rejected Holman's proposals.

It was inevitable that there would be discussion of the 1911 proposals at the Inter-State Labor Conference held at Hobart during January of 1912. Hughes supporters predominated among the Conference membership, and it soon became obvious that the Conference would not repudiate Hughes or his principles. The Conference continued the debate that Holman and Hughes had begun in Brisbane, but it was not as sensational as preceding discussions. The main reason for this was that the principal antagonists, Holman and Hughes, were not present. Through a letter read to the delegates Hughes made it clear that he desired their approval for the alterations. Hughes' intention was to obviate Holman's 1911 argument that the alterations were not a portion of official Labor policy.

With regard to the referendum, I do sincerely trust that the Conference will not attempt to lay down any hard and fast rule, or define the questions which will have to be submitted to the people . . . . My own idea is that if the Conference broadly approves of what we ask for, and broadly disapproves of the attitude of those State parties that oppose our attitude . . . . It will tremendously help us.  

The letter continued with a request that the Federal platform should be interpreted by the Inter-State Conference, and that during the

---

1Ibid.

2The Australian Worker, February 1, 1912, p. 4.
intervals between Conferences the interpretative power should be lodged with the Federal Parliamentary party.¹

The Conference defeated by a nineteen to six vote a motion for unification before complying with the request to re-submit the proposals.² The Sydney Morning Herald with rare insight commented:

It is in a way a reassuring fact that the Labor Conference turned down by a large majority the unification proposals submitted to it. The Labor party, in spite of its seeming solidarity is really a very loose conglomeration of mutually destructive elements.³

The specific factor which caused the Party to disintegrate could not have been foreseen by the Herald, but differences on such issues as increased Commonwealth power were enough to indicate that a split in the Party was probable.

After defeating the unification motion, the Conference discussed resubmitting the 1911 proposals along the lines suggested in Holman's circular to the Premiers. These attempts were easily defeated.⁴ After Holman's friends failed, it was moved that the alterations to the Constitution be clearly defined by explaining to the electors how far the Federal Labor Ministry intended to go in its exercise of these powers. The concluding speaker on this motion, Mr. A. Fisher, suggested that the motion be withdrawn and promised: "We will do our best."⁵ Fisher's advice, a repetition of that contained in Hughes'...

¹Ibid.
³The Sydney Morning Herald, January 11, 1912, p. 8.
⁴The Australian Worker, January 25, 1912, p. 13.
⁵Ibid.
letter, was accepted and the motion was withdrawn.¹ Finally, the Conference agreed to all of Hughes' requests by merely endorsing the submission of the 1911 amendments.² This action received approval of the State Political Labor League Conferences which met in 1911, the United Labor party of South Australia, many labor councils, numerous trade unions, and a high percentage of the Political Labor League branches.

Before discussing the developments in the Liberal party during this period, it is interesting to note that there was one group in Australia which backed unification. This extreme position was put forth by J. B. Steel, President of the very small Young Australia party, in a pamphlet which contained a new constitution for Australia. In the preface to the pamphlet Steel said that the keynote to his plan was, "UNITY." Basically, Steel's plan was to divide Australia into a series of provinces with a uniform and central system of legislation and administration which was to govern from Alice Springs.³ Steel's suggestion was significant not because he had a great many supporters, but because the opponents of constitutional change could say that if the alterations of the Labor party were accepted Australia would be headed toward a system of government not too far removed from that proposed by Steel.

¹Ibid.
²Ibid.
³J. B. Steel, The Commonwealth Constitution Act (Sydney, 1912).
Throughout this period, Labor was very busy making plans for the resubmission of the 1911 alterations. This renewed Labor effort coupled with the defeat of the referendum spurred the Liberals on to increased organizational activity. Throughout 1911 and 1912 there was a transformation of the various non-labor State parties into a Commonwealth Liberal party. These non-labor State parties had had a common bond in the past, but now they were beginning to possess a degree of organizational unity under the Liberal party banner. The first meeting of the State Liberal party organizations was held in Melbourne during January of 1912. (This Liberal meeting shared the limelight with the Hobart Inter-State Labor Conference which was meeting at the same time.) The gathering was officially called the Conference of the Australian Liberal Union, and the impetus for the gathering came from the Victorian Constitutional Union Committee—the body which had been founded in 1911 and had been responsible for raising funds for the opponents of the referendum.\footnote{The Liberal, December, 1911, p. 135, January, 1912, p. 160.} The Executive of the Liberal Union eventually contained most of the recognized Liberal leaders of the Commonwealth, e.g., Wade of New South Wales, Joseph Cook, the leader of the Commonwealth Parliamentary Liberal party, and Sir John Forrest.\footnote{Second Annual Australian Liberal Union Conference (Report of the Proceedings), 1913.}
At the same time the Liberals were perfecting their Commonwealth organization the various State Liberal parties stepped up their activities. An effort was made to aid the work of the Liberal party by establishing a Commonwealth Liberal paper, a monthly journal called The Liberal. There was also a Liberal paper, The Fighting Line, in New South Wales. The Liberal did not have a long existence. It was a "slick" magazine, the only such kind among the political newspapers, and had an attractive format and color cartoons, (an advance over the Labor party organs). The Liberal's motto was a rather lofty one: "Not by the Abstract Excellencies of Its Constitution, But by Its Capacity to Make Free Men Shall this Australian Commonwealth be Judged."¹ Despite the nobility of its purpose and its other attractions, The Liberal was a singularly uninformative newspaper. There was little discussion of organizational problems or progress, and most of its columns were devoted to the parliamentary speeches of Liberals or biographies of prominent Liberal leaders.

While the Liberals were intensifying, expanding, and co-ordinating their organizational work, subtle changes were taking place in the general non-labor philosophy. This can best be seen in non-labor's attitude towards the 1911 referendum proposals. Of course, some non-labor politicians like Deakin and Glynn had always advocated a certain degree of extended Commonwealth power in the areas covered by the 1911 proposals, but now this was spreading to

¹See any issue of The Liberal for its motto.
others. The change in non-labor's approach was probably a result of a desire to correct certain economic ills which it appeared impossible to correct without constitutional change. It was also likely that the Liberal politicians had an eye on broadening not only the basis of their appeal, but on eventually incorporating more groups into their camp. In an analysis of "The Rival Policies" of Australian parties The Round Table commentator stated that the non-laborites had abandoned their solid resistance to all proposals for amending the Constitution and appeared to be willing to accept: (a) modification of the powers over trade and commerce, in order to give adequate control over combinations and monopolies to the Commonwealth; (b) a uniform companies act; and (c) Inter-State wages boards and a Commonwealth judicial tribunal to give unity and cohesion to the whole arbitration and conciliation system.¹

These generalizations of The Round Table are backed up by an examination of the platforms of the Victorian People's Liberal party and the Liberal Association of New South Wales. The latter advocated surrendering to the Commonwealth the necessary power to make the awards of the Federal Arbitration Court a "common rule." The New South Wales Association also supported Commonwealth legislation to deal with combines and monopolies "injurious to trade and industry of the general public."² The People's Liberal party of Victoria

¹"Australia: the Rival Policies," The Round Table, V, 203.
²The Sydney Morning Herald, June 4, 1911, p. 7.
did not go that far, and the fifth, seventh, eighth, and tenth planks of its 1911 platform stated:

5. To secure, if necessary, to the Federal Government, full power to control trusts and combines operating in harmful restraint of trade within any State of the Commonwealth.
7. To maintain State control over local industrial matters.
8. To promote legislation of a humanitarian character, and to insure a fair wage and healthful conditions of employment to all workers, by approved factory legislation and judicious extension of a wages board system applicable to employer and employee alike.
10. To encourage individual effort and private enterprise.¹

Planks seven, eight, and ten seem to contradict the sentiment contained in plank five, but even so it indicated that the Victorian People's party realized that there were certain problems that could not be solved by the States and that some extension of Commonwealth activity was inevitable.

The liberal retreat from the unqualified criticism of the 1911 referendum, and their advocacy of certain alternate policies, and the continued and apparent willingness of Holman to settle his differences with the Federal Government even at the expense of relinquishing some State powers to the Commonwealth did not deter Hughes from reintroducing drastic proposals for alteration of the Constitution in the Commonwealth Parliament on November 13, 1912.²

The 1913 proposals were in substance the same as the 1911 ones. Apparently, it never occurred to Hughes to introduce alternate

¹The People's Liberal Party (Melbourne: 1911).
²Commonwealth of Australia, Parliamentary Debates, LXVII (1912), 5396-97.
proposals that could have placated the New South Wales Labor parliamentarians and that might even have gained a certain amount of Liberal support. The 1913 proposals were as follows:

1. Constitution Alteration—Trade and Commerce
   (1) TRADE AND COMMERCE (WITH OTHER COUNTRIES AND AMONG THE STATES) but not including trade and commerce upon the railways the property of a State except so far as it is trade and commerce with other countries or among the States.

2. Constitution Alteration—Corporations
   (xx)(FOREIGN CORPORATIONS, AND TRADING OR FINANCIAL CORPORATIONS FORMED WITHIN THE LIMITS OF THE COMMONWEALTH.)
   Corporations including—
   (a) the creation, dissolution, regulation, and control of corporations;
   (b) corporations formed under the law of a State, including their dissolution, regulation, and control; but not including municipal or governmental corporations, or any corporations formed solely for religious, charitable, or artistic purposes, and not for the acquisition of gain by the corporation or its members.
   (c) Foreign corporations, including their regulation and control;

3. Constitution Alteration—Industrial Matters
   (xxxv)(CONCILIATION AND ARBITRATION FOR THE PREVENTION AND SETTLEMENT OF INDUSTRIAL DISPUTES EXTENDING BEYOND THE LIMITS OF ANY ONE STATE.)
   Labour and Employment, and unemployment including—
   (a) terms and conditions of labour and employment in any trade, industry or calling;
   (b) the rights and obligations of employers and employees;
   (c) strikes and lock-outs;
   (d) the maintenance of industrial peace; and
   (e) the settlement of industrial disputes.

4. Constitution Alteration—Railway Disputes
   (xxxva) Conciliation and arbitration for the prevention and settlement of industrial disputes in relation to employment in the railway service of a State.

1 The material in capitals was in the Constitution originally, that in parenthesis was to be excluded, and that in lower case was the proposed addition.
5. Constitution Alteration—Trusts

(xl) Trusts, combinations, and monopolies in relation to the production, manufacture, or supply of goods, or the supply of services.

6. Constitution Alteration—Nationalization of Monopolies

51A (1) When each House of Parliament, in the same session has by resolution, passed by an absolute majority of its members declared that the industry or business of producing, manufacturing, or supplying any specified services is the subject of a monopoly, the Parliament shall have power to make laws for carrying on the industry or business by or under the control of the Commonwealth, and acquiring for that purpose on just terms any property used in connection with the industry or business.

(2) This section shall not apply to any industry or business conducted or carried on by the Government of a State or any public authority constituted under a State.

Hughes made some concessions as a comparison between the 1911 and 1913 proposals reveals. The concessions made were: (1) amendments severally submitted instead of collectively submitted; (2) specific exemption of municipal and government corporations from the extension of corporation power; (3) exemption of trade and commerce on the State railways from the extended trade and commerce powers; (4) exemption of business or industry carried on by a State from the power to nationalize industry. These changes were designed to mitigate some of the basis for criticism. Concession number two is obviously a tribute to the 1911 campaign arguments of the shire councils and the municipal associations. But these concessions did not meet the objections of Holman, and did not go far enough.

1Commonwealth of Australia, Electoral Office, The Case for and Against the 1913 Referendums.
enough in the direction of the proposals Holman had made and which
would have appealed to certain Liberals. Of course, the Inter-State
Labor Conference, the State Political Labor League Conferences, labor
councils, and trade unions had endorsed the resubmittal of the 1911
proposals, but Hughes could have prevented the Inter-State Labor
Conference's endorsement and could have asked them to support less
drastic revisions. Had he chosen to have done these things it would
have forced other labor groups to reconsider their actions and bring
their demands in line with those of the Commonwealth Labor party.
But Hughes was in no mood for compromise, as indicated by his letter
to the Inter-State Conference. He was determined to gain eventual
approval for the alterations of 1911. His decision not to alter
materially the 1911 proposals was probably based on the solid back­
ing given the proposals by overwhelming majorities of the labor
movement, despite the 1911 defeat. To help his cause Hughes planned
the 1913 referendum to coincide with a Commonwealth parliamentary
election, an election which would involve individual Labor members
in a struggle for their seats. The Labor party had been successful
in its general legislative program, and Hughes must have felt that the
tide of victory was with him.

The concessions did little to change the course of Common­
wealth parliamentary debate. As was the case in 1910, the debate
ranged over the entire subject even though in 1912 the proposals were
submitted one at a time. The Attorney General once again based much
of his parliamentary appeal on the industrial aspect of the alterations.

Laws that were once adequate for industrial conditions . . . are insufficient for a state of affairs in which competition is non-existent, and mighty accumulation of wealth in the hands of a comparatively few men control the economic world.¹

The opposition was unimpressed by this line of reasoning and reiterated its former charge that the alterations meant unification.

Alfred Deakin admitted that the proposals were worthy of consideration "but each of them implies, as a first consideration, an abrogation of the Federal system of government as we know it, and the adoption of a unitary system."² These arguments and others similar to those reviewed in Chapter III did nothing to affect the parliamentary vote, which followed party lines just as it had in 1910. The debate was also much shorter than it had been in 1910. The alterations passed their third reading in the Senate on December 18, 1912, just a little over a month after debate had begun. May 31, 1913 was the date set for the election and referendum. Campaigning which had never really halted since 1911 resumed in earnest almost two months before the electorate was to make its decision.

Before reviewing the 1913 campaign it would be well to note the situation of the parties on the State level. New South Wales was the only State in which there was no election prior to the Commonwealth

¹Commonwealth of Australia, Parliamentary Debates, LXVII (1912), 5607.

²Ibid., 5619.
election and referendum of 1913. In Victoria the State elections of 1912 continued the Liberal Government in office. In the Victorian Legislative Assembly the Liberals increased their number from thirty-nine to forty-five in an Assembly of sixty-five. The Liberals also increased their majority in Queensland by six, giving them forty-seven members in an Assembly of seventy-two. The four seat Labor majority in South Australia was turned into a twenty-four to sixteen Liberal Assembly majority. This trend for increased Liberal representation was not evident in Western Australia or Tasmania. The 1906 Liberal victory of twenty-nine to twenty-one in Western Australia was reversed in 1911 by a thirty-four to twenty-one Labor majority. The previously Liberal dominated Assembly of Tasmania was captured by Labor by the narrow margin of one seat.\(^1\) In brief, in the three populous States of Victoria, Queensland, and South Australia the Liberals were successful, and Labor reversed previous Liberal majorities in the smaller States of Western Australia and Tasmania; Labor also had gained a majority in New South Wales during the 1910 State elections. Thus, it would appear that there was a definite trend away from Labor between 1910 and 1913 if the State elections and 1911 referendum results can be used as accurate indicators. Of course, the State elections involved more local issues, and the referendum was held on a specific series of issues, but it

was still significant that the Labor party label was being rejected by the voters.

The setbacks that Labor had received did not lessen the vigor with which the trade unions, State parties, Commonwealth and State parliamentarians entered the 1913 election and referendum campaigns. Furthermore, the New South Wales Ministers did not cause the "Yes" supporters any political embarrassment in 1913. Mr. Holman for reasons of ill health returned to England at the beginning of 1913 and did not return to Australia until a week after the referendum vote had been taken. Not only was Holman absent, but he did not have any comment on the referendum. His departure for England became an occasion for Liberal criticism. Mr. Levy, Liberal M. L. A. of New South Wales, made a comment frequently repeated by Liberals:

Mr. Holman, who is opposed to the proposals instead of taking the proper attitude as a public man on matters involving the welfare of the State is absent in England dining with Dukes, playing golf with marquisies, and stroking the lap dogs of princesses.1

The leader of the New South Wales Opposition, Mr. Wade, said that Mr. Holman had fled 16,000 miles rather than do his duty.2 This criticism did not upset the Labor party which was apparently quite pleased with Holman's absence.

McGowen, on the other hand, did not leave the country and was not silent as he had been in 1911. Instead, he actively campaigned

---

1The Sydney Morning Herald, May 2, 1913, p. 12.
for the Labor candidates and the alterations. At the opening of the New South Wales campaign by Hughes, McGowen moved:

That this meeting of North Sydney electors has every confidence in the Labor party and its candidate W. M. Hughes, and expresses its approval of the Labor Government's legislative record, and pledges itself to secure adoption of the proposed amendments.

In support of this motion McGowen said that the example of America was a stern object lesson for Australians. He explained that he had thought that the power could be referred to the Commonwealth by the State legislatures, but the Premiers' Conference of 1912 had proved that it could not; therefore, a referendum was the only hope. ²

Wade and others called the New South Wales Premier a coward while the Labor party welcomed him back. With Holman's absence, McGowen's support, and Beeby's having left the Labor party, the "Yes" campaign in 1913 was a united effort.

The press reports and speeches indicated that the referendum dominated the entire campaign and even the individual contestants were arguing the merits of the extension of Commonwealth powers. There were, however, variations on the 1911 arguments. One of these was Labor's argument that prices had risen as a result of monopoly control. The Australian Worker carried a series of articles throughout 1911 and 1912 that highlighted this issue--"We Told You So,"


¹Ibid., April 10, 1913, p. 17.
²Ibid.
Trust," Why Prices Are High," and "How Prices Are Fixed." The Liberals were quick to turn this argument against Labor by saying that it was Labor that had been governing for three years, and, therefore, it was the Labor party's fault if prices were high.

Hughes answered this Liberal argument by saying:

In Australia the cost of living has increased sixteen percent in the last three years. The Labor party is in office. But the trusts are here, and regulate prices and output of many of the necessities of life . . . . One more fact. The Australian trusts are behind the Fusion to a man . . . . These two facts, added together, explain why the Fusion, which is backed by the trusts, says that the trusts are not the cause of high prices.

This emphasis on increased prices was an attempt by Labor to show that those who voted "No" in 1911 had only harmed themselves and the rest of the Commonwealth.

The Labor Manifesto of 1913 contained: (1) the record of the Party; (2) "The Three Great Questions," i.e., Industrial Unrest, The Operations of Trusts and Combines, and the Increased Cost of Living; (3) a review of the power of trusts, their exhorbitant profits and high prices; and (4) a statement to the effect that trusts were the cause of the high cost of living and industrial unrest.

The Manifesto had very little to say about the reasons why voters should support the individual Labor party candidates. The first of

---

1For these and similar articles see: The Australian Worker, 1911, 1912. W. E. Shoobridge, Combines: Their Nature and Effect (Hobart: 1912) gives a little more sophisticated presentation of the same argument.

2The Sydney Morning Herald, May 20, 1913, p. 10.

3The Australian Worker, May 8, 1913, pp. 13-14.
"The Three Great Questions," industrial unrest, was another Labor variation on the 1911 "Yes" arguments. Labor pointed out that the trouble in the iron trades and the difficulty that arose in the Queensland canefields which nearly caused a general strike would have "been matters of easy settlement but for the action of the dull and unthinking crowds who voted "No" at the bidding of parochialism and petty State jealousy."¹ At the beginning of 1912 the Brisbane General strike, which resulted from tramway officials refusing union members the right to wear union badges, was used as another reason for the referendum alterations. It was argued that:

State Governments too often are the tools of these wealthy concerns. Local influences are apt to become entangled with the interests of private enterprise. That is the position in Queensland . . . . The chaos brought about by the coercive haughtiness of Badger [tram Company's Manager] unchecked by State authorities once more demonstrates that democracy's only hope lies in the achievement of nationhood.²

As each new industrial difficulty arose the Laborites held it up as an example of why increased arbitration power was needed by the Commonwealth. The Australian Worker during the 1913 campaign said:

If you believe that Arbitration is good and in conformity with the best ideals of civilization, then you must cast your ballot for the constitutional amendments, and obviate Industrial War by offering to employers and employees who have differences to adjust the effective machinery of INDUSTRIAL PEACE.³

¹Ibid., August 17, 1911, p. 14.
²Ibid., February 1, 1912, p. 16.
³Ibid., March 13, 1913, p. 13.
These new arguments for the increased power and a unified Party made the Labor party optimistic. The "Yes" advocates also felt that the proposals had a much better chance than they had had in 1911 because those who had put Labor in power at the 1910 elections in voting for the candidate of their choice would if they voted for Labor in 1913 also vote for the referendum. Another fact which caused rejoicing among "Yes" supporters was Alfred Deakin's retirement in January, 1913. Deakin in announcing his retirement had indicated that he would fight against the alterations, but he played a very minor role in the 1913 campaign.¹

The "No" side was composed of the 1911 opponents, but was without the indirect aid of Holman and the other New South Wales Ministers. However, the Liberals did make a great deal of the fact that "coercion" had been used on Holman and other New South Wales Ministers, and the dodger below (See Plate VI.) is typical of the way this argument was presented to the electors. To offset any loss that the Liberals might have sustained as a result of a united Labor party, there was the fact that the Liberals had a larger and more active party organization than they had possessed in 1911. State politicians who had formerly been independents or affiliated with minor parties now were becoming integrated into the Liberal organization. Moreover, the Liberals had two newspapers, The Liberal and

The Fighting Line, which could be used to aid their cause.

¹The Liberal, May, 1913, pp. 303-304.
The Referenda proposals mean Australia clubbed by the "Caucus." Full Appropriation—Confiscation and Annihilation. Why have you a stake in the country, rights and privileges? Protect them by being active on May 22nd. VOTE NO, AND ESCAPE CAUCUS RULE.
The Liberals renewed two arguments which appeared to have been effective in 1911: (a) deprivation of States' rights; and (b) that the Commonwealth should not be ruled by an undemocratic caucus. The Fighting Line in an "Ode to Referenda" gave a lyrical picture of what could happen if some future caucus possessed the powers that were requested.

But these false feet called caucus,
Though Fisher feebly says them nay;
Would, so they say,
Stamp upon individual industry
Where'er they found it;
And Nationalize! Would cry.
Yes, Nationalize and then you could
Read social gossip such as this
In newspapers profound
"The Minister for Boots and Shoes forsooth
Is spending the week-end . . ."¹

Whether it was in verse, speeches, or pamphlets the caucus remained one of the most frequent targets for Liberal criticism. The unification fear and the attendant loss of States' rights were presented in dodgers like the one below (See Plate VII.) which shows Hughes and Fisher taking advantage of the States through the referenda.

The two principal Labor arguments, increased prices and industrial unrest, were countered with some Liberal logic. Mr. Kelly, Liberal M. L. A. of New South Wales, attacked Labor as facing both ways. "It claimed," said Kelly, "the credit for what it called the country's prosperity, and later on said the present situation is

¹The Fighting Line, April 19, 1913, p. 16.
Referenda Gas—tons of it available from Unionistic politician and Union agitator. Workers, remember that Referenda Gas, if sucked in, will develop nasty after-effects. Wake up, Democrats, your freedom and all else in way of State rights are in danger. On May 31st, VOTE NO.

*Liberal Party Pamphlet File (Sydney: Mitchell Library).*
intolerable.” ¹ Joseph Cook, Deakin’s successor as leader of the Commonwealth Parliamentary Liberal party, charged that Labor had been in power for three years and had done nothing about rising prices or industrial unrest. He asked if such a Party could be trusted to exercise the powers sought, and should such a Party be returned to office in view of industrial unrest and rising prices.

Beeby took another line and argued that all the powers asked for would not materially affect Australia’s problems as they were problems of world-wide effect. ² Although the Liberals’ logic was not always the best, they were attempting through any argument that had a degree of popular appeal to counter the Labor party on its own level, i.e., making the arguments personal.

Although the campaign was centered around the extension of Commonwealth powers and, therefore, was a repetition of much that had been said in 1911, there was a new Commonwealth Electoral Act which governed the campaign. One section of the Electoral Act provided that the referendum proposals should be published, and that the Commonwealth Electoral Officer was authorized to accept an official statement from the “Yes” and “No” supporters which was to be published along with the proposals. Both parties provided a statement,

¹The Sydney Morning Herald, May 8, 1913, p. 10.
²Ibid., May 6, 1913, p. 10.
and these statements were condensed versions of the general campaign arguments.\textsuperscript{1} Another section of the Act was somewhat more controversial and required that every article, report, or other matter published in the press that commented on any political candidate, party, or issue, must bear the author's signature. The Sydney Morning Herald said that it did "not intend to depart from the long established tradition of British journalism by affixing signatures to its leading articles."\textsuperscript{2} The Herald was the only newspaper reviewed for this study which took this attitude, and even though the Herald remained editorially silent, it used other methods to convey its general opinion. The Herald permitted Wade, Cook, and others the free use of its columns and ran a series of signed articles by several Liberal politicians which expressed opposition to the referendum. Election meetings were reported through the words of speakers, and although comment was avoided, Liberal speakers received the fullest coverage. (The Herald's objection was short lived, and the practice of signing political articles during electoral campaigns has become a fixed part of Australian election procedure.)

One day before the referendum vote was taken the Privy Council handed down a decision on appeal from the High Court of Australia, the Coal Vend decision, which had occupied much time and

\textsuperscript{1}Commonwealth of Australia, The 1913 Referendum; the Case For and Against, 1913.

\textsuperscript{2}The Sydney Morning Herald, April 19, 1913, p. 8.
litigation. The history of the case was as follows. In 1906 the Commonwealth Government alleged that contrary to the Industries Preservation Act the Association of Northern Collieries and the Association of Steamship Owners had entered into a combination in restraint of trade. The case was first heard by Justice Issacs of the High Court who acted as a special judge sitting in original jurisdiction. He found the parties guilty and fined each five hundred pounds, the maximum amount stipulated in the Act. The judgement was notable because it took three days to deliver and consisted of 193 foolscap folio pages. Issacs' decision was based on the fact that there was a persistent destruction of competition on land and sea, that prices were excessive, and that there was restriction of the consumers opportunity of choice. The colliery proprietors accepted the decision. However, the steamship company appealed and the High Court in its appellate jurisdiction found no violation of the Industries Preservation Act because in the words of the Act the actions of the collieries owners and steamship companies was not "detrimental" to the public. The Privy Council upheld the High Court's reversal on the same grounds. From the standpoint of this study the importance of this case is its impact on the "Yes" and "No" advocates. Joseph Cook contended that the failure of the prosecution

1The King and the Attorney General of the Commonwealth v. The Associated Northern Collieries and Others, 14 C. L. R. 387-675.

2Ibid.

3The Attorney General of the Commonwealth of Australia and The Adelaide Steamship Co. Ltd. and Others, Appeal Cases House of Lords and Privy Council (1913), 761-816.
was "not for want of power, but for want of facts to warrant the exercise of the power. The law is there, it has not been violated; that is all."¹ Hughes took a different view of the decision, and asked who could approve the acts Issacs had cited in his decision. He concluded that: "We have exhausted every means to determine what our powers are."²

These statements of Cook and Hughes correspond with their general positions, but tell us nothing about the effect of the decision on the average voter. Because the Privy Council rejection came so close to the referendum, there was probably little chance for its full impact to be felt, in other words, it had little influence on the voters. However, the earlier decision of the Australian High Court in reversing Issacs served to reaffirm Labor's conviction that the Commonwealth did not possess sufficient powers to deal with monopolies. In this fashion the Coal Vend Case can be said to have had an indirect effect on the 1913 referendum.

Both the differences and similarities between the 1911 and 1913 referenda, discussed earlier in this chapter must be weighed in analysing the 1913 results. In many ways 1913 was a continuation of 1911 and because of this it can be concluded that the reasons for the defeat of the 1911 proposals apply to the 1913 result. However, this statement must be qualified to some extent. The first thing to

¹The Sydney Morning Herald, May 30, 1913, p. 9.
²Ibid.
be noted (See Tables VI and X.) is that the 1913 vote was higher: nearly 2,000,000 people voted in 1913, some 800,000 more than in 1911, in fact, 73.61 per cent of the total enrolled electors voted in 1913 as against 53.31 per cent in 1911 and 62.16 per cent in 1910. This higher vote probably is the result of holding two electoral events together, i.e., some people voted because of the parliamentary elections and others voted because of the referendum, although those voting for the first reason probably outnumbered those voting for the second.

Table X shows that three States, Queensland, South Australia, and Western Australia (These three States were consistent in their voting on all questions.) registered "Yes" majorities. Also there were as few as 8,500 votes separating the total "Yes" and "No" votes on the monopolies question; furthermore, there were as many as 65,000 votes separating "Yes" and "No" on the trade and commerce vote. (See Appendix IV which gives the vote on each question.) Sixty-five thousand votes was the approximate majority of the "No" side on all questions except the monopolies one. But the voting varied from clause to clause, e.g., there were 170,000 informal votes on the nationalization question while there was an average of 80,000 informal votes on the other questions. The high informal vote was to be expected because of the number of questions and the different issues that were involved. Another conclusion to be drawn on the basis of the voting was that the control of trusts was the most popular of
TABLE X

1913 SENATORIAL VOTE AND 1913 REFERENDUM VOTE BY STATESa

<table>
<thead>
<tr>
<th></th>
<th>N.S.W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>S.A.</th>
<th>W.A.</th>
<th>Tas.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vote for Labor's leading senatorial candidate</td>
<td>301,994</td>
<td>299,969</td>
<td>145,477</td>
<td>96,750</td>
<td>68,916</td>
<td>35,062</td>
<td>948,168</td>
</tr>
<tr>
<td>Vote for Liberal's leading senatorial candidate</td>
<td>358,143</td>
<td>297,390</td>
<td>123,621</td>
<td>82,829</td>
<td>56,730</td>
<td>39,409</td>
<td>958,122</td>
</tr>
<tr>
<td>Electors enrolled</td>
<td>1,036,187</td>
<td>830,391</td>
<td>363,082</td>
<td>244,026</td>
<td>179,784</td>
<td>106,746</td>
<td>2,760,216</td>
</tr>
<tr>
<td>% of enrolled electors voting</td>
<td>69.82</td>
<td>75.49</td>
<td>77.26</td>
<td>80.10</td>
<td>73.50</td>
<td>75.32</td>
<td>73.66</td>
</tr>
<tr>
<td>&quot;Yes&quot; votes for Trade and Commerce Proposal</td>
<td>317,893</td>
<td>297,290</td>
<td>145,187</td>
<td>96,085</td>
<td>66,349</td>
<td>34,660</td>
<td>958,419</td>
</tr>
<tr>
<td>&quot;No&quot; vote for Trade and Commerce clause</td>
<td>359,418</td>
<td>307,975</td>
<td>122,613</td>
<td>91,144</td>
<td>59,181</td>
<td>42,094</td>
<td>982,615</td>
</tr>
</tbody>
</table>

aThis Table is taken from Commonwealth of Australia, Parliamentary Papers, II (1913), 117-100.
the Labor alterations. This desire to regulate and control monopolies and trusts was stimulated by the adverse decisions of the High Court—the Coal Vend decision of 1913 had added to the Labor disgust. Labor had also continued to paint a grim picture of monopoly evils both in Australia and the United States.

Monopoly and money power were also emphasized by Frederick Watson, former editor of Australian Historical Records, in a pamphlet which dealt with the early Commonwealth referenda. His argument was that the 1913 monopolies question would have passed had it not been for the moneyed interests in New South Wales. On the basis of the figures in Appendix IV it would appear that if Mr. Watson wanted to fix the defeat of the 1913 monopolies alteration on any State he would have done well to have examined Victoria, but this would have made his overall hypothesis incorrect, i.e., that it was the wealthy States of New South Wales, Queensland, and South Australia which generally resisted change.

In the discussion of the 1913 referendum and election it has been maintained that the two electoral events affected each other. As the analysis of the campaign has shown, the issues involved in the referendum were the ones which received most of the attention. Furthermore, the increased electoral participation over both the 1910 elections and the 1911 referendum probably resulted from holding the

---

1 J. Frederick Watson, A Brief Analysis of Public Opinion in Australia During the Past Six Years (Sydney: 1916).
1913 referendum and election simultaneously. But the more important question, and one which was not raised in connection with the analysis of the 1911 referendum results, is whether the voting result of the referendum was affected by the holding of a general election on the same day. Probably the personal nature of election battles affected the voting in the referendum, but it is extremely difficult to determine the effect of the parliamentary election on the referendum.

Table X shows that in 1913 there was a similar pattern in the State-by-State voting for the senatorial candidates and voting on the referendum. Victoria was the only State in which the referendum vote did not follow the senatorial vote. In Victoria a Labor senatorial candidate received the highest total vote, but the State voted "No" at the referendum. The senatorial vote and the referendum vote in Queensland were almost the same, and in the remaining States the voting results were close enough to suggest that those who voted Labor were the ones who voted "Yes" and those who voted Liberal were the ones who voted "No." However, any conclusion based on such a premise must remain in the realm of speculation.

A comparison of the voting results in the electoral districts reveals that the parties split even in electing members to the House while there was a "No" majority in forty-three of the seventy-five districts. As Table XI shows, only Queensland and South Australia electoral districts were consistent in their voting at the election and referendum. However, as indicated by Table XII the rural districts of New South Wales switched from Labor to "No." This was a continuation
### TABLE XI

**DISTRIBUTION OF COMMONWEALTH PARLIAMENTARY ELECTORAL DISTRICTS AT THE ELECTION AND REFERENDUM OF 1913**

<table>
<thead>
<tr>
<th></th>
<th>N.S.W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>W.A.</th>
<th>S.A.</th>
<th>Tas.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>12</td>
<td>9</td>
<td>7</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>37</td>
</tr>
<tr>
<td>Liberal</td>
<td>15</td>
<td>11</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>37</td>
</tr>
<tr>
<td>&quot;No&quot;</td>
<td>18</td>
<td>12</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>43</td>
</tr>
<tr>
<td>&quot;Yes&quot;</td>
<td>9</td>
<td>9</td>
<td>7</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>32</td>
</tr>
</tbody>
</table>

*This table is taken from material in: Commonwealth of Australia, Parliamentary Papers, II (1913), 117-400.*

*b* Victoria had one independent member who supported the Liberals.

### TABLE XII

**DISTRICTS THAT VOTED LABOR AND "NO" IN 1913**

<table>
<thead>
<tr>
<th>District</th>
<th>Labor Vote</th>
<th>Liberal Vote</th>
<th>Yes Vote on Trade and Commerce</th>
<th>No Vote on Trade and Commerce</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gwydir</td>
<td>11,296</td>
<td>10,318</td>
<td>10,489</td>
<td>10,696</td>
</tr>
<tr>
<td>Illawarra</td>
<td>14,852</td>
<td>14,746</td>
<td>14,445</td>
<td>14,538</td>
</tr>
<tr>
<td>Macquarie</td>
<td>11,163</td>
<td>10,451</td>
<td>9,861</td>
<td>12,050</td>
</tr>
<tr>
<td>Victoria</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballarat</td>
<td>16,417</td>
<td>16,049</td>
<td>15,791</td>
<td>16,129</td>
</tr>
<tr>
<td>Western Australia</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fremantle</td>
<td>15,428</td>
<td>12,225</td>
<td>13,540</td>
<td>13,662</td>
</tr>
<tr>
<td>Tasmania</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bass</td>
<td>7,954</td>
<td>7,212</td>
<td>6,890</td>
<td>8,024</td>
</tr>
</tbody>
</table>

*This table is taken from material in: Commonwealth of Australia, Parliamentary Papers, II (1913), 117-400.*
of the pattern shown in the comparison of the 1910 election and the 1911 referendum voting; but, the shift from Labor to "No" was not nearly so pronounced in 1913. The fact that fewer districts switched from Labor to "No" in 1913, along with the increased voting at the election and referendum of 1913, suggests another effect of holding the referendum and election simultaneously. Briefly stated, the effect was that the "Yes" vote increased. This conclusion is based on the assumption that the electors were more disposed to voting for the referendum proposals as a result of their desire to vote for Labor candidates at the election. That is, voters felt that in voting for Labor candidates they should also vote for the alterations which were part of the Labor program.

There was a redistribution of electoral districts between 1911 and 1913 which makes it virtually impossible to compare the voting at the 1911 and 1913 referenda. The absence of a numerical comparison between the 1911 and 1913 referenda is not of any great significance. The important point of comparison between the two referenda is that the alignment of interest groups remained the same. Furthermore, the arguments used and the positions adopted by the more important personalities in 1913 were to a large extent a repetition of 1911. The fact that W. A. Holman did not figure so prominently in the 1913 campaign probably aided the "Yes" cause. But for the most part the same combination of factors which brought about the defeat of the 1911 proposals were also responsible for the rejection of the alterations in 1913.
CHAPTER VIII

POLITICAL METAMORPHOSIS

It was apparent from the outset of the Fifth Commonwealth Parliament (July 4 to December 18, 1913) that the thirty-eight to thirty-seven Liberal majority in the House, (The Victorian Independent member, R. Wise voted with the Liberals.) and the Labor majority in the Senate would make Liberal Government impossible. It was only a matter of time before the Cook Ministry had to resign. During the First Session of the Parliament the House of Representatives, the Liberals on the Speaker’s casting vote, abolished preference to unionists in the public service and also abolished postal voting at Commonwealth elections; the Labor Senate rejected both of these measures. The House passed the Bills again in the Second Session, and they were again defeated in the Senate by twenty-one votes to five. Upon the second defeat of the Bills Cook asked for a double dissolution of Parliament on the argument that the two Houses were deadlocked. This was a deliberate policy on Cook’s part, because he thought the Liberals could be returned to power with a working majority. The Governor-General accepted this reasoning and the election was held on September 5, 1914. Between the dissolution of Parliament and the election the World War began. W. M. Hughes suggested that
because of the war the election be halted and that the Parliament continue as it was. Hughes' suggestion was rejected. At the election of September 5, 1914, the distribution of seats was Labor forty-two and Liberals thirty-two, in the Senate Labor had thirty-one seats and the Liberals five.¹

Throughout the period of the Cook Ministry the referendum proposals of 1911 and 1913 were discussed by Labor and Liberals alike. The Australian Worker, W. M. Hughes, Andrew Fisher, and the other "Yes" supporters continued their advocacy of the proposals, but since they were not in control of the Commonwealth Parliament they could not hope that the alterations would again be submitted. Liberals like Joseph Cook who were experiencing the problems that come with the responsibility of government were more willing to admit the necessity for some extension of Commonwealth powers.² However, because of the narrowness of their majority in the House and because of opposition within the Party, those Liberals favorable to some extension of powers did not have an opportunity to advance any concrete proposals during their brief tenure of office.

When Labor returned to power in 1914 it quickly indicated that another referendum would be taken. This was to be expected

¹Ernest Scott, Australia During the War, Vol. IX: Australia in the War, 1914-1918 (9th ed.; Sydney: 1943), pp. 15-56.

²See: Joseph Cook, The Policy of Liberalism, 1914. There were other Liberals like Bruce Smith, The Paralysis of a Nation, 1914, who were more interested in criticizing Labor. Smith revealed much of the conservative bias of a section of the Liberal party when he called Herbert Spencer "the greatest thinker of the age."
since all of the original reasons for introducing the proposals continued to exist. And there were now two new reasons: (a) the referendum had been defeated by a very narrow margin in 1913, thus giving the Labor party renewed confidence; and (b) the European War made it necessary for the Commonwealth to possess greater powers. The pleas to take another referendum were endorsed by the May, 1915 Inter-State Labor Conference.\(^1\) The new Bills submitted to Parliament were like those of 1913; these Bills were introduced into the House of Representatives on June 18, 1915 and were passed on July 2, 1915.\(^2\) After the Bills passed Parliament the referendum was tentatively set for November of 1915.\(^3\)

Many observers took a very dim view of the decision to hold another referendum. Much of the opposition to the referendum was summed up in *The Round Table*:

> It is proposed by the Ministry that the referendum shall be held in November. It is not at all likely that the war will be over by that time. If the present rate of losses in Gallipoli continues, the entire original force will be out of action and fully a hundred thousand more required to hold our own there. No more inauspicious time could have been chosen for such an appeal.\(^4\)

\(^1\) *Official Report of the Sixth (1915) Commonwealth Political Labor Conference (Sydney: 1915).*

\(^2\) *Commonwealth of Australia, Parliamentary Debates*, LXXVII (1915), 4168-4596.

\(^3\) *Commonwealth of Australia, Parliamentary Debates*, LXXII-LXXXIII (1915).

\(^4\) *Australia: Party Politics,* "*The Round Table*, V, 868."
Because of this hostile attitude and the seemingly favorable disposition of the State Premiers to refer the powers to the Commonwealth, Hughes, now Prime Minister, considered that it would be preferable to ask the Premiers to recommend the desired legislation to the State Parliaments. The Premiers—New South Wales, Queensland, and Western Australia had Labor Premiers while Victoria, South Australia, and Tasmania had Liberal Premiers—agreed at their annual Conference in November, 1915 to request their respective State Parliaments to refer the powers sought to the Commonwealth Parliament for the duration of the War. Hughes said:

"We have accepted the offer of the Premiers in the spirit in which it was tendered. We hope that our act will win approval. I am certain that we have done what is right. We shall avoid a campaign in which necessarily much would have been said that were better left unsaid, and much time would have been lost which ought to be devoted to other things . . . . We feel the country is to be congratulated upon the result."  

But Hughes' action did not win the approval he seemed to think it would.

There emerged two main Liberal arguments, one favorable in a grudging sense and the other definitely unfavorable. The majority of the rank and file of the Labor party were opposed to the action. The unfavorable element in the Liberal party contended that it would be disastrous if the Prime Minister and the State Premiers could force such measure on to the Commonwealth without approval of the people through a referendum. The Leader of the New South Wales

1 Commonwealth of Australia, Parliamentary Debates, LXXIX (1915), 7266.
Liberals, Wade, accused Hughes of receiving through the caucus controlled State Governments that which he could not get by vote of the people. On the other hand, The Sydney Morning Herald praised the decisions, and claimed that Hughes had never interpreted public opinion in a more accurate manner. Joseph Cook added his approval:

In this direction \textit{an all out war effort} and for this purpose, everything had to be paid for, and the price of political peace and the cessation from party campaigning, is the transfer of a very large grant of State power to the Federal Government. It is but fair to say the price is a big one.

Cook appears to have spoken for the majority of the Liberal members in the Commonwealth Parliament while Wade was echoing the sentiments of many State Liberal politicians.

The most vehement opposition to the postponement of the referendum did not come from the Liberals but from the rank and file of the Labor party. This disapproval was significant because it was one of the first outward signs that Hughes was not supported by a large segment of the Labor movement. As a parliamentarian Hughes was willing to accept a half-a-loaf, but the considerations which motivated such a decision were absent from many of the non-office holding members of the Party. The Australian Worker in a blistering

\textsuperscript{1}The Sydney Morning Herald, November 18, 1915, p. 10. The Central Council of the Employers Federation of Australia issued a statement objecting to the decision on the same lines as Wade. See: The Sydney Morning Herald, November 13, 1915, p. 19.

\textsuperscript{2}\textsuperscript{2}Ibid., November 16, 1915, p. 15.

\textsuperscript{3}\textsuperscript{2}Ibid., p. 9.
front page editorial called the argument that a referendum campaign would hurt the war effort a "lie," and alleged that it was "invented in the desperation of fear by those who saw themselves driven from the Paradise of Plunder."¹ This was the standard Worker attack on non-labor arguments, but what was more important was that the Worker objected to the fact that the Federal Ministers had demonstrated no desire to consult the Labor organizations "which were responsible for returning them to Parliament."²

The newly created Federal Executive of the Inter-State Labor Conference in its first meeting of 1916, according to Stewart and Cohen, Victorian members of the Executive, passed a motion to the effect that they "regretted" the fact that the Federal Ministry did not consult them before assenting to postpone the referendum.³ L. F. Crisp, who has had access to proceedings of the Executive, reaffirms this point, and reveals that the original motion of condemnation was passed by an eight to three vote "in the face of a passionate defense by Hughes."⁴ Hughes, according to Crisp, threatened to leave the Party if the Executive did not rescind the motion, and apparently Hughes' threat was taken seriously since the Executive abrogated

¹The Australian Worker, November 11, 1915, p. 1.
²Ibid., Also in this issue of The Worker there was an attack on Bishop Mannix's statement that the proposals had been withdrawn because the Roman Catholics would vote against them.
their condemnation by an eight to three vote. The Victorian State
Political Labor Council who was immune to Hughes' threats passed
a motion censuring the Federal Ministry for failing to consult the
Executive of the Inter-State Conference. The Victorian Council
contended that the decision not to hold the referendum was made by
a "body recognized neither by law nor the Labor party as competent
to decide to shelve the issue." This, in essence, was the same
criticism that had been made of Holman's action in 1911, and although
the rank and file were willing to tolerate "insubordination" for a
long time there were certain issues which were considered fundamental
and on which, if some agreement could not be reached, the Party would
split.

In spite of all of the Liberal fears concerning the undemo-
ocratic nature of the Premiers' decision, there was nothing in it
which violated the Constitution, in fact, the Constitution made
provisions for a reference of powers by the States. Furthermore,
those who were calling the action undemocratic had the conservative
Legislative Councils on their side, and less than a month after the
Premiers' Conference the Queensland Council rejected legislation passed
by the Assembly designed to grant the powers to the Commonwealth.

Even though the States failed to pass the necessary legislation, the

\[1\text{Ibid.}\]
\[2\text{Report of the Proceedings of the Political Labor Council of Victoria, 1916, p. 7.}\]
\[3\text{The Sydney Morning Herald, November 19, 1915, p. 8.}\]
High Court in *Farey v. Burvett* came to Hughes’ rescue by recognizing the Commonwealth’s constitutional right to fix the price of bread under the War Precautions Act.\(^1\) "This decision was of the utmost significance, since it insured that almost any action taken under the War Precautions Act could be sustained."\(^2\)

Hughes had the power that he wanted thanks to the High Court, but his Party was continuing to regard him with suspicion. Ernest Scott claims that the reason for this was Hughes’ "vehement determination to subordinate all other objects to that of rendering effective Australian participation in the war."\(^3\) During July and August of 1916 the differences in the Labor party concerning the way the war was to be waged came to a head. The immediate reason for the split was conscription. Hughes had become convinced that enlistments were not high enough to maintain the fighting force at its needed level, and he felt that conscription was the way to solve the problem.\(^4\) He evidently made some effort to win others in the Party over to his point of view, but when he saw that his efforts were not meeting with success and that there was no chance of the Senate’s accepting conscription he resorted to a referendum. But certain elements in the Party objected to the form of the

---

\(^1\)*Farey v. Burvett* 21 C. L. R. 455.


\(^3\)Scott, *Australia During the War*, p. 305.

referendum as well as to the existing forms of Censorship. This opposition came into the open when Representative Tudor resigned from the Federal Ministry on the second reading of the Conscription Bill. The referendum Bill was passed by Parliament and a bitter campaign was waged. Conscription, however, was defeated. One result of the campaign was that the Labor party no longer had confidence in Hughes as their leader. The New South Wales Political Labor League Executive expelled him from their deliberations on the eve of the referendum. Hughes did not give the Federal caucus the opportunity to dismiss him and on November 17, 1916, while they were discussing a motion to withdraw confidence in him, he left the Party. Scott reported:

He kept his own counsel and maintained a steady control of his nerves. At the decisive moment he rose from the Chair, gathered his papers and said, "Let all who support me, follow me." Then he walked out of the room... Twenty-three members followed him. When the overall tally of Hughes' supporters was made it was found that he had taken the best of the Party with him—Watson, the first Labor Prime Minister; W. G. Spence, the President of the Australian Workers' Union; the brilliant Senator Pearce; W. A. Holman; and Hector Lammond, former editor of The Australian Worker.

After withdrawing from the Labor party Hughes immediately formed a new National Labor Cabinet, and governed with the Liberal

---

2Scott, Australia During the War, p. 365.
opposition's support. On February 17, 1917 Hughes resigned and requested a fresh commission in order to form a coalition with the Liberals. The coalition was formed, and it contained forty-nine members in the House, but lacked a majority in the Senate. The election of May, 1917 corrected this minority Senate position of the Nationalists. At this election the Nationalists also increased their number in the House to fifty-four. Thus, the Nationalists had an overwhelming majority in the Commonwealth Parliament; but it is important to note that the Nationalists were basically a parliamentary party dedicated to winning the war. There were State Nationalist Parliamentary groups, but these were also "win the war" organizations. 2

The Labor party split in the Commonwealth Parliament was followed by similar Labor party splits in the State legislatures, and by 1919 five States had Nationalist premiers. The position of State parties is set out in Table XIII.

Throughout the war Australia was beset by most of the problems attendant on gearing a peace-time economy and society to war-time needs. 3 The fact that Hughes as Prime Minister could take almost any action he deemed necessary under the War Precautions Act was not enough to prevent war-time problems from growing to serious

---

1 Ibid., pp. 369-76.

2 Ibid., pp. 369-93.

3 These problems are covered in the chapters in Scott, Australia During the War, which deal with "The Economic Aspects of the War," pp. 480-738.
TABLE XIII

PARTY REPRESENTATION IN THE LEGISLATIVE ASSEMBLIES, 1919

<table>
<thead>
<tr>
<th></th>
<th>N.S.W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>S.A.</th>
<th>W.A.</th>
<th>Tas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>30</td>
<td>20</td>
<td>48</td>
<td>19</td>
<td>15</td>
<td>13</td>
</tr>
<tr>
<td>Nationalist</td>
<td>54</td>
<td>41</td>
<td>24</td>
<td>23</td>
<td>35</td>
<td>16</td>
</tr>
<tr>
<td>Others</td>
<td>6</td>
<td>4</td>
<td>4</td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Premier</td>
<td>Holman</td>
<td>Lawson</td>
<td>Ryan</td>
<td>Peake</td>
<td>Mitchell</td>
<td>Lee</td>
</tr>
</tbody>
</table>

This table is taken from: Clapsy, Atlas of Political Parties in the U.S. and Australia. Because the parliamentary situation was so fluid during this period these are only rough divisions.

proportions. Many problems of this period can be traced to Hughes' determination to subordinate all other considerations to that of winning the war. In line with his "win the war" policy Hughes and his Minister for Navy, Sir Joseph Cook, left Australia for England in April, 1918. Upon arrival in England Hughes continued his vigorous and outspoken dedication to the war effort. He became a serious member of the Imperial War Cabinet and at times was a thorn in the side of the English Government. Hughes' exploits in England made headlines, and the "little digger" gradually achieved a degree of world fame. His reputation was further enhanced by his activities at the Paris Peace Conference. All of Hughes' activities seemed to reinforce his popularity at home. A myth sprang up in Australia that "Billy" won the war and put President Wilson in his place at

1 I bid., pp. 757-858.
the peace conference. Hughes was quick to take advantage of this situation, and many times after returning to Australia he boasted "I won the war, and I won the peace."

The Australian delegation to the peace conference returned on August 30, 1919. Upon his return Hughes was faced with all of the problems of winding up the war effort and getting Australia back on a peace-time basis. Sir Robert Garran, who was Commonwealth Solicitor General and Hughes' secretary at the peace conference, claims that the Prime Minister had avoided making any detailed commitments with respect to the post-war problems until he returned to Australia and had had time to get his bearing.¹ The three problems with which Hughes was confronted were profiteering, high prices, and industrial unrest. According to Sir Robert "nobody knew how far the High Court would let us go in legislation that went beyond the war effort, but would be needed for general post-war conditions."² In other words, Hughes had two things to consider in dealing with post-war problems; (a) what legislation was needed; and (b) what was the constitutional power needed to support the legislation he thought necessary.

The War Precautions Act was immediately discarded as a possibility for putting Australia on a peace-time basis. The Act expired at the end of 1919. The *Round Table* commented that

²Ibid.
there is serious doubt whether some measures which it might be prudent to continue or even dangerous to abrogate at once can be justified under the head of defence when the emergency has passed away.¹

Moreover, there was a growing dissatisfaction with what The Sydney Morning Herald called "Government regulation of a few men under the War Precautions Act."² At the same time the Herald condemned rule by government regulation. It called attention to the fact that there was a general lack of information concerning the method "proposed to be adopted in fighting the evil growth [of] profiteering."³ Mr. Hughes has given no spoken indication of his method of attack."³ While The Herald was making these criticisms there was a report in the press on September 22 that there might be an election and a referendum sometime in December.¹ This was the first public speculation on the possibility of Hughes' using the referendum process in order to get the powers needed to deal with profiteering, industrial unrest, and high prices.

While the press and public were engaged in speculating on Hughes' intentions, it was reported that "growing rumors against the autocratic method of Mr. Hughes can be heard in the lobbies of parliament."² These charges were most probably justified as Hughes

¹"Australia: Constitutional Revisions," The Round Table, X, 802.
²The Sydney Morning Herald, September 25, 1919, p. 6.
³Ibid., September 30, 1919, p. 19.
⁴Ibid., September 22, 1919, p. 8.
⁵Ibid.
made no detailed statement to his Party concerning the possibility of a referendum to extend Commonwealth powers. A meeting of the National party caucus on September 25, had, so it was reported, approved holding an election in December. At this same meeting there was some talk of extending Commonwealth powers by means of a referendum, but there were no formal motions advanced on this point.

When the subject came up the Prime Minister requested and was granted an adjournment of the meeting until September 30. Although Hughes was unwilling to discuss this matter with his caucus, Sir Robert Garran claims that Hughes had decided soon after returning to Australia to try to get substantially the powers asked for in the referendum withdrawn in 1915. Sir Robert also maintains that

He [Hughes] knew that the whole dose was rather big for some of his mixed party to swallow; so, though he preferred the method of amending by referendum, rather than by reference of State Parliaments, he thought it wise to try to get the blessing of the State Premiers before he broke the news to his party.

This statement of Sir Robert's seems to fit the facts. On September 18 Hughes issued an invitation to the State Premiers to meet in secret in Melbourne on September 26 with him and Watt, ex-Liberal Premier of Victoria and acting Prime Minister while Hughes was in Europe. This September 18 invitation to the Premiers seems to

---

1 The Argus (Melbourne), September 26, 1919, p. 7.
3 New South Wales, "Suggested Draft of a Report to the Additional Constitutional Powers proposed to be obtained from the States to Enable the Commonwealth to Deal with Profiteering and Industrial Unrest," Parliamentary Papers, II (1919), 409-10.
indicate that Hughes had made up his mind to seek additional powers and that he had come to this conclusion prior to the National party caucus meeting of September 26.

All of the States sent representatives to the Melbourne meeting with the Prime Minister. The State representatives were Premiers Holman, Peake, Lawson, and Lee and Coyne (Queensland) and Colebatch (Western Australia) who represented their Premiers Ryan and Mitchell. Hughes began the meeting with the State representatives by explaining that he wanted to obtain additional Constitutional power which would enable the Commonwealth Parliament to deal effectively with profiteering and industrial unrest. This, according to a memorandum prepared by Holman, a statement of Premier Lee of Tasmania, and a report presented to the New South Wales parliament was the first indication of the purpose of the conference. After outlining in very general terms the nature of his request, Hughes pointed out that the powers could be secured by a reference from the State parliaments or by a Commonwealth referendum. The Prime Minister said that in light of what had happened in 1915 he considered it futile to ask for a reference of the powers. Thus, the purpose of the conference was to ascertain the willingness of the State Governments to co-operate in securing the adoption of a referendum. After asking for their co-operation Hughes presented the State representatives with a series of alterations similar to those submitted in

1Ibid., "Memorandum on the Federal Situation," Holman Papers Set III; and a statement of Premier Lee in The Sydney Morning Herald, October 1, 1919, p. 11.
the referenda of 1911, 1913, and 1915. (There is no report of the specific powers Hughes requested the States to refer to the Commonwealth at this meeting with the State representatives.) The State leaders voiced objections to the proposals on the grounds that some of them had no traceable connection to profiteering. They also argued that it would be impossible to determine the attitude of their States without full consideration of the alterations. Hughes, in answer to the criticism that the time was too short for adequate consideration, said that he had already given notice of his intention to introduce two Bills in the Commonwealth parliament for the amendment of the Constitution along the lines he was suggesting.1 (This statement was not true. Hughes did not give notice until October 1.)

The Premiers did not accept any portion of the Prime Minister's request during this meeting. However, they agreed to meet among themselves on the next day, Saturday, September 27. Holman said that the Premiers in their Saturday meeting centered their discussion on a "transfer of power to the Commonwealth covering profiteering and industrial unrest."2 Holman mentioned this "because it demonstrates clearly the impression left in the minds of all of us by the first day's proceedings."3 That is, they understood Hughes

1Ibid. All three of the reports on the conference contain a similar account of the meeting.

2Holman Papers, Set III.

3Ibid.
to be requesting limited powers. Due to this interpretation "it was unanimously felt that the powers asked for by the Prime Minister were too large—unnecessarily so."¹ The State representatives agreed that profiteering and industrial unrest were problems that needed immediate attention even though they thought the powers requested were too broad. At the conclusion of their Saturday meeting the State representatives prepared a memorandum for the Prime Minister which was submitted to him at a joint meeting on Monday, September 29. The State leaders began their memorandum by stating that there were certain facts which they wished to call to the Prime Minister's attention. The more important points which they mentioned were: (a) they had been called together to discuss profiteering and industrial unrest; (b) the Prime Minister had not presented them with a legislative scheme to deal with these problems; (c) they, however, were prepared to submit to their parliaments in a favorable way proposals to deal with the problems as outlined; (d) in their opinion it was not necessary to vest the Commonwealth with complete power over trade and commerce or corporations; (e) they dissented altogether from the proposal to subject the State railways to Commonwealth control; and (f) it was a physical impossibility to secure agreement on any proposals so that the Prime Minister could introduce them in the Commonwealth parliament during the current week.²

¹Ibid.

²New South Wales, Parliamentary Papers, II (1919), 410.
In the discussion that followed the presentation of this memorandum, Premier Lawson asked Hughes if he would accept a time limit on the transfer of powers. Hughes answered:

I want the position to be made quite clear. The powers required are those necessary to deal effectively with the consequence of the aftermath of the war, including industrial unrest, high cost of living, and profiteering. Less than this will not do. I am prepared to treat it as a war measure.\(^1\)

In his memorandum on "The Federal Situation" Holman wrote a comment (in red ink) on this statement by Hughes to the effect that "this new phrase \[aftermath of the war\] went unnoticed by the Premiers present. Mr. Lawson regarded it as a mere 'rhetorical flourish.'\(^2\)

Although the State representatives were generally dissatisfied with Hughes' proposals they did agree with him on some points. The agreement was revealed by Premier Lee in a statement to the members of the Tasmanian Legislative Assembly on Tuesday evening, September 30. Lee told the Tasmanian legislators that in their Monday meeting with the Prime Minister the Premiers had modified the resolutions which they had passed at their Saturday meeting. He also stated that these modifications had been accepted by Hughes subject to the concurrence of the Commonwealth cabinet and the State Governments. The modifications agreed upon were:

(1) The powers asked for to be given for a period of 3 years, or till such time as a convention shall have met and discussed a revision of the Constitution, and such decisions

---

\(^1\) Holman Papers, Set III.

\(^2\) Ibid.
arrived at are endorsed by the people by referendum, whichever period shall be the shorter.

(2) If the convention is not called in the period named the powers vested in the Commonwealth shall automatically cease.

In reference to the question raised by the State ministers as to the Commonwealth government asking for more power than was necessary to deal effectively with profiteering the Prime Minister undertook to submit this to a committee of constitutional lawyers; and if effective power could be obtained with less than was asked for he would be prepared to modify the amendments sought. Professor Harrison Moore, Professor Jethroe Brown, and Sir Robert Garran are to be the committee and will at once confer. It was found that we were not able to go the whole way, but it would be taken for granted that the State Government would do all it possibly could to enable the Federal Government to get powers to deal with profiteering during the period referred to, as, however, to give effect to the Prime Minister's proposals would take a long time, he [Lee] had decided to go on with his anti-profiteering bill.¹

This, however, was only Lee's view of the result of the Premiers' decision, and as is shown in Chapter X was not the view of the other State representatives at the conference.

Prior to Lee's statement, i.e., Tuesday morning and afternoon, September 30, the National party caucus resumed its adjourned meeting of September 25. It was reported that after conferring all day the caucus agreed to hold an election on either the sixth or thirteenth of December. The caucus also discussed the referendum; unfortunately, the only information which could be uncovered about this discussion is a report that appeared in the Herald.

Mr. Hughes informed the Party [caucus] that he had been able to effect a unanimous agreement with the State Premiers regarding the powers to be transferred to the Commonwealth, and

¹The Sydney Morning Herald, October 1, 1919, p. 11.
if these are to be taken by referendum the Premiers will recommend their Governments to support him in seeking the alteration of the Constitution. There was not complete unanimity in the caucus on the question of the referendum, but a vote which was taken showed a large majority in favour.¹

This report on the caucus meeting indicates at least two things. First, it further substantiates Sir Robert Garran's statement that Hughes "thought it wise to get the blessing of the State Premiers before he broke the news to his party." And, second, it means that Hughes overstated the degree of agreement that he had actually been able to effect with the State representatives. The effectiveness of Hughes' strategy will be more clearly seen in the discussion of the parliamentary debates and the referendum campaign.

Hughes had been relatively successful in keeping his specific intentions unknown until the "right" moment. However, the press was generally aware of the fact that he intended to request an extension of Commonwealth powers to deal with profiteering and other post-war problems. The Herald on Monday, September 29, in an editorial questioned Hughes' methods and pointed out that he was proceeding in a manner which was aimed at ignoring the Federal National party organization. There had been a Federal party conference two months prior to the meeting with the Premiers and this conference had tentatively recommended that a Commonwealth convention be called to discuss Federal and State relations. The conference deferred making any final decisions and adjourned its proceeding until

¹Ibid.
October 8 when Hughes could be present. Hughes was aware of this adjournment and the reason for it. Because of this the Herald concluded that the Prime Minister was hoping to present the conference with a fait accompli when it reconvened. The paper cited this as another example of Hughes' dictatorial methods, and suggested that it could be a way to wreck the National party.¹

The suggestion that Hughes might wreck the National party by not consulting them was somewhat naive. Sir Robert Garran claims that at this particular time Hughes was more necessary to the success of the National party, or at least to the Commonwealth parliamentarians, than the Party was to him. Hughes' popularity was at its peak, and there was no one inside or outside the Party who was his equal. Furthermore, Hughes had already demonstrated that he possessed enough electoral support to quit the Labor party and still remain as Prime Minister. The cabinet ministers and other members of the National party fully appreciated Hughes' position and the fact that their tenure rested to a large extent in his hand.² This may be an overstatement of Hughes' prestige and power with the electorate and members of his Party, but certainly the manner in which Hughes acted with respect to the referendum indicated that he knew he could go to great lengths in ignoring his Party without the fear of the Party's turning him out.

¹Ibid., September 29, 1919, p. 9.
²Interview with Sir Robert Garran, April 28, 1956.
CHAPTER IX

1919 PARLIAMENTARY DEBATES

After the Prime Minister had received the tentative backing of the State representatives and the almost unanimous backing of the National party caucus he wasted no time in introducing two Bills in Parliament. At 3:35 p.m., October 1, Hughes called for the order of the day and moved, "that he have leave to bring in a Bill for an Act to alter Section 51 of the Constitution." He then said, "I declare this to be an urgent Bill, and move—that the Bill be considered an Urgent Bill." 1 Amid Labor party protests that they knew nothing of the contents of the Bill except what they had read in the press, the Speaker called for a division and at 3:26 p.m. he declared the question to have been resolved in the affirmative. 2 These motions having been carried Hughes moved:

That the time alloted (a) for the initial stages of the Bill up to but not inclusive of the second reading shall be until 5 p.m. this day; (b) for the second reading of the Bill shall be from the conclusion of the initial stages until 4:00 p.m. on Thursday, second October, 1919; (c) for the committee stage of the Bill shall be from the second reading of the Bill until 4:30 p.m. on Thursday, second October, 1919; (d) for the

---

1 Commonwealth of Australia, Parliamentary Debates, LXXXIX (1919), 12836.

2 Ibid.
remaining stages of the Bill shall be from the conclusion of the committee stage until 10:30 p.m. on Thursday, second October, 1919.1

The leader of the opposition, Mr. Tudor, speaking on the motion to limit debate argued that he had no knowledge of what was contained in the Bill, but if it was similar to the 1915 one it was alright with him if the House passed it that night. Tudor also stated that the Premier of Tasmania had "blown the gaff . . . otherwise honorable members on this side have to depend upon what appears in the newspapers . . . ."2

Tudor accused the Nationalists of being opportunists. They /Nationalists/ regard the present as a fitting time for an election, and in order to have an excuse for holding one, and for the purpose of making the people believe that they are anxious to get at profiteers, they propose to put these Bills through despite the fact that honorable members of the Opposition have not had the opportunity of seeing them . . . .3

Labor representative Higgs, deputy leader of the opposition, contended that it was not necessary to occupy the time of the House in introducing a bill to deal with post-war problems because the Prime Minister already possessed ample power to do what he wanted.4

Hector Lamond, ex-editor of The Australian Worker and National M. H. R., was the only Government supporter who spoke on the limitation of debate. He pointed out that all the pros and cons of the Bills

---

1Ibid.
2Ibid., p. 12837.
3Ibid.
4Ibid.
had been debated previously; nonetheless, Lamond did not reveal the contents of the Bills.¹ Therefore, Labor did not learn the details of the Bills until after the vote on the limitation of debate was taken. Although Labor opposed the limitation, the motion was easily carried.²

The proposals in their final form are set out below. Some minor aspects of the Bills were changed as a result of the report of the committee of constitutional experts. These alterations are covered at the appropriate place in the discussion of the parliamentary debates.

1919 Referendum Proposals³

1. Constitution Alteration—Legislative Powers

(1) TRADE AND COMMERCE(WITH OTHER COUNTRIES AND AMONG THE STATES) provided that the alteration of this paragraph shall not be constructed to empower Parliament to make laws with respect to the control or management of railways the property of a State, the rates or fares on such railways.

(xx) (FOREIGN CORPORATIONS, AND TRADING OR FINANCIAL CORPORATIONS FORMED WITHIN THE LIMITS OF THE COMMONWEALTH.) Corporations including—

(a) Corporations formed under the law of a State, including their dissolution, regulation, and control; but not including municipal or governmental corporations, or any corporation formed solely for religious, charitable, educational, scientific, or artistic purposes, and not for the acquisition of gain by the corporation or its members; and

¹Ibid., p. 12836.
²Ibid., p. 12841.
³The material in capitals was in the Constitution originally, that in parenthesis was to be excluded, and that in lower case was the proposed addition.
(b) foreign corporations including their regulation and control;

CONCILIATION, AND ARBITRATION FOR THE PREVENTION AND SETTLEMENT OF INDUSTRIAL DISPUTES EXTENDING BEYOND THE LIMITS OF ANY ONE STATE.

Industrial matters, including—
(a) labour;
(b) employment and unemployment;
(c) the terms and conditions of labour and employment in any trade, industry, occupation, or calling;
(d) the rights and obligations of employers and employees;
(e) strikes and lock-outs;
(f) the maintenance of industrial peace; and
(g) the settlement of industrial disputes.

(xi) Trusts, combinations, monopolies and arrangements in relation to—
(a) the production, manufacture, or supply of goods, or supply of services; or
(b) the ownership of the means of production, manufacture, or supply of goods, or supply of services.

2. Constitution Alteration—Nationalization of Monopolies

51A The Parliament shall have power to make laws for carrying on by or under the control of the Commonwealth the industry or business of producing, manufacturing, or supplying any specified services, and for acquiring for that purpose on just terms the assets and goodwill of the industry or business where each House of Parliament has in the same session, by resolution passed by an absolute majority of its members, referred to the High Court, for inquiry and report by a Justice thereof, the question whether the industry or business is the subject of a monopoly, and where, after the report of the Justice has been received, each House of the Parliament has in one Session, by resolution passed by an absolute majority of its members, declared that industry or business is the subject of a monopoly.

(2) This section shall not apply to any industry or business conducted or carried on by the Government of a State or any public authority constituted under a State.

(1) The alterations made by this act shall remain in force—
(a) until the expiration of three years from the assent of the Governor-General thereto; or
(b) until a convention constituted by the Commonwealth makes recommendations for the alterations of the
Constitution and the people endorse these recommendations whichever first happens, and shall cease to have effect.

Provided that if no such convention is constituted by the Commonwealth before the thirty-first day of December, One thousand nine hundred and twenty, the alterations made by this Act shall cease to have effect on the said thirty-first day of December, One thousand nine hundred and twenty.

(2) No law passed by virtue of the powers conferred by this Act, shall continue to have any force or effect, by virtue of this Act, after the alterations made by this Act have ceased to have effect.¹

The Prime Minister opened the debate on the second reading of the Legislative Powers Bill at 4:05 p.m. on October 1. At the outset he said that he would not traverse the ground that he had covered in previous years. Hughes told parliament that the war was over and that the war-time powers of the Commonwealth were disappearing, and the Government was being brought back to its pre-war limits and yet had to deal with "the aftermath of the war—a condition as difficult and as full of dangers as the war."² The problems were even more difficult because they were interconnected.

Each is the cause of both of the others, and an effect of both others. The high cost of living helps to cause industrial unrest; industrial unrest is fatal to production, and helps cause the high cost of living. The scarcity of necessaries contributes to the high cost of living, and to the industrial unrest, and so on in a vicious circle, and in and out through the ways and woof runs the trail of the profiteer, who takes unfair advantage, for his personal greed, of the abnormal and unsettled conditions.³

²Commonwealth of Australia, Parliamentary Debates, LXXXIX (1919), 12836.
³Ibid., p. 12844.
The cure for these ills, according to the Prime Minister, was to be "drastic" and the program of reform was to be "comprehensive."¹

Upon concluding these general remarks Hughes emphasized the major differences between these proposals and those of past years. The differences were: (a) the proposals were limited to a maximum of three years; (b) there was a provision for a constitutional convention; and (c) State railway employees were excluded.² This was a very different approach from that which Hughes had made in previous debates on extending Commonwealth powers. In his new role as leader of a Party which contained many of the opponents of the 1911 and 1913 referenda, Hughes could ill afford to be dogmatic and advocate a straightforward socialist solution. His 1919 speech became an attempt to convince the House that the powers were sufficient and the only way to deal with post-war problems, but at the same time he was anxious to assure his ex-Liberal colleagues that the powers were to be temporary and not so drastic as the 1911 and 1913 proposals had been.

The Labor members were quick to emphasize Hughes' problem with the ex-Liberal element of his Party. Labor member Charlton called the proposals a sham and charged that Cook and his Liberal colleagues backed them because they were a means of getting re-elected. Charlton continued, "if they were sincere as a Government and a party,

¹Ibid., p. 12845.
²Ibid.
and if the Prime Minister himself were sincere, he would have gone for an amendment of the Constitution, as he did before, that would give this Parliament full powers.\(^1\) Higgs went even farther than Charlton and alleged that Hughes' supporters in parliament would not let him carry out the terms of the alterations.

Amongst the present supporters of the Prime Minister who were leading members of the Liberal party when the 1913 referendums were submitted are—Sir Joseph Cook, the Honorable P. McMahon Glynn, the Honorable Little E. Groom, Honorable W. A. Kelly, Mr. W. J. McWilliams, Mr. A. S. Rodgers, Mr. S. Sampson, Honorable Bruce Smith—imagine the Honorable Bruce Smith supporting the Prime Minister in any endeavour to deal with profiteers, corporations, shipping combines, and rings—Mr. John Tompson, Honorable G. A. Wise, and Sir Robert Best.\(^2\)

Higgs also asked if Hughes "new" friends outside parliament would back him.

Are the gentlemen of the Metal Exchange, who banqueted him yesterday Socialists? Are they going to support him in carrying out this measure? Not one of them will do so. They know, however, that they have complete and absolute control over him in the caucus. His followers at most number eleven.\(^3\)

Tudor took the Prime Minister to task on his sincerity, and accused the ex-Liberals of following Hughes "blindly relying on his promise to them that the Bill is absolutely useless."\(^4\) This statement caused Hughes to rise to a point of order. "The statement is distinctly out of order and quite untrue, and I ask that it be

\(^1\)Commonwealth of Australia, Parliamentary Debates, XC (1919), 12850.

\(^2\)Ibid., p. 12860.

\(^3\)Ibid., p. 12862.

\(^4\)Ibid., p. 12892.
withdrawn."¹ Tudor replied: "Whether or not the Prime Minister made the promise, I have no doubt that a trained legal gentleman like the honorable member for Parkes [Bruce Smith] can see that the Bill is useless."²

Along with the argument that the ex-Liberals would not let Hughes carry out the proposals, Labor members made much of the time limit that had been placed in the Bills. Representative Anstey contended that the Bill was a dead letter because: (a) parliament could not resume work until July, 1920 because the senators elected in 1919 could not take their seats until then owing to the fact that there must be a three year lapse between senatorial elections; (b) if a convention was not called within a year the alterations would die; and (c) even if a convention met the whole substance of the alterations could have been changed by the convention's decisions.³ Dr. Maloney ridiculed the idea of calling a convention.

I know that we are to have a glorified commission called a convention. A witty philosopher once wrote—"If God Almighty had placed the making of the earth in the hands of a commission it would never have been built."⁴

Tudor raised another question in connection with the convention by asking how it was to be constituted.⁵ Hughes did not answer this

¹Ibid.
²Ibid.
³Ibid., pp. 12975-80.
⁴Ibid., p. 12988.
⁵Ibid., p. 12848.
question, in fact, he did not explain the basis for representation to the convention until mid-way through the campaign.

Labor members specifically attacked the exclusion of railway employees from the arbitration section of the proposals. They charged that it was a result of a bargain between the Prime Minister and the Premiers. In the committee stages of the Legislative Powers Bill, Tudor made several attempts to restore the Bill to its 1911 and 1913 wording and thereby bring railway employees under the Federal Arbitration Court. In moving his amendments to the Bill he quoted letters from Arthur S. Drakeford, General Secretary of the Conference of Locomotive Enginemen of Victoria, and William Smith, General Secretary of Victorian Railwaymen's Union. Both of these Victorian railway union officials strongly protested against the fact that their unions would not have access to the Federal Court. Lamond defended the exclusion of railwaymen.

My desire is that these proposals shall be carried, and I am prepared to strip them of every minor proposal that may stand in the way of their securing a majority vote on appeal to the country. If the omission of the railway provision will help in that direction—as I believe it will, for it certainly will insure the support of the State Governments, which would not be given under the old conditions—then I think it is better it should be abandoned than that we should risk the loss of an amendment to the Constitution.  

1 Ibid., p. 12955.
2 Ibid., 12853.
Representative Atkinson repeated Lamond's general argument and added that the Prime Minister could not go back on his words to the Premiers.\footnote{\textit{Ibid.}, pp. 12957-8.}

Hughes defended his action by arguing that the exclusion of the railway men at the request of the Premiers was just the same as the Labor members agreement to withdraw the whole of the 1915 referendum upon the request of the Premiers. Tudor interjected and said that the statement was untrue. The Speaker immediately asked Tudor to withdraw his charge, but before Tudor could answer Mr. Matthews interjected, "let the Prime Minister show some decency. He is telling a lot of damned lies."\footnote{\textit{Ibid.}, p. 12964.} Eventually both men withdrew their statements. The nature and frequency of interjections demonstrated that the debate was very heated.

The agreement with the Premiers was also a subject for Labor's attack. Early in the debates Hughes had given his version of the meeting with the State representatives. He told the House that the Premiers were "quite willing" to give the Commonwealth power to deal with profiteering and industrial unrest, but that there had been a disagreement over the amount of power actually needed to deal with these problems. Because of this disagreement Hughes had suggested a committee of constitutional experts to review the proposals. "I have said if it [the committee] unanimously agrees that lesser powers will suffice, I shall be willing, on
behalf of the Commonwealth Government, to consider the matter favorably."¹ Later in the debates Finlayson, Labor M. H. R., asked Fenton, Labor M. H. R., "What guarantee have we that they [Premiers] will not oppose this Bill when it is submitted to the people?" Chapman a Nationalist replied, "'Billy' has them tied up." Finlayson then said, "He told us in 1915 he had them tied up." Fenton added "He said he had them in the bag, but they got out." Finlayson concluded the exchange by saying, "I do not believe he ever had them in the bag."² Actually Labor was not worried about the Premiers going back on their word, what bothered them and the point they emphasized was that the Commonwealth could not pursue a vigorous policy if it had to consult the conservative States.

Despite the bitter and personal nature of the debates, no National party member voted against the alterations. Even the arch-conservative Bruce Smith gave his support to the measures on the grounds that there was a need to solve the post-war problems which had arisen because of popular "hysteria." Smith also emphasized the fact that the alterations would be temporary. Representative Falkiner, who left the Nationalist party to become the Country party candidate for Senate in New South Wales at the election of 1919, did not vote on the alterations, but he said "I am not in accord

¹Ibid., p. 12847.
²Ibid., p. 12991.
with the party to which I have hitherto belonged." Falkiner was the only member who explained why he did not vote. The vote on the third reading of the Legislative Powers Bill was taken on October 2. There were only two members of the House who voted against the measure, and they were Labor members Finlayson and Brennan.

Debate on the Monopolies Bill began on October 3. Consideration of the Bill was limited to one day as the result of a motion by Sir Joseph Cook. The only point which the Prime Minister emphasized in speaking on the Bill was that it was different from past ones. Hughes called attention to the fact that "assets and good-will" had been inserted in the place of "property," and, therefore, he argued the 1919 Bill assured the monopoly owners of just compensation; second, the 1919 Bill provided for an inquiry by the High Court before parliament could nationalize an industry, therefore, the Prime Minister reasoned that it was not likely for an industry to be nationalized that was not a monopoly. Further, this provision was aimed at allaying the fears of those who thought that all industry would be nationalized.

Labor attacked this Bill as a retreat from the previous ones. They maintained that reference to the High Court was a clever means of preventing monopolies from being nationalized. Once again

---

1Ibid., p. 13043.
2Ibid.
3Ibid., p. 13020.
Tudor attempted to restore the alteration to its original wording, and in committee he moved a motion which would have replaced Hughes' wording with that which had been used in 1911. This attempt failed because it was only supported by the Labor members.\(^1\) The final division in the House on the Monopolies Bill was a repetition of the division on the Legislative Powers Bill, and only Labor representatives Brennan and Finlayson voted against the Bill.\(^2\)

Both Houses of Parliament were adjourned from the fourth to the eighth of October, and so the Senate did not begin its consideration of the Bills until the eighth. The arguments in the Senate were similar to those which had been presented in the House, and the only important thing to note about the Senate proceedings is the effect which the report of the committee of constitutional experts had on the Bills. The committee made its report on the eighth of October, and there was disagreement among the experts. Jethro Brown and Harrison Moore took the view that the powers other than the ones dealing with corporations and monopolies were too wide and were not needed to deal with profiteering and industrial unrest. Sir Robert Garran thought that the powers were not too broad because they were intended to deal with the problems of "the aftermath of the war."\(^3\) The committee did agree on some minor points; these were:

---

1\(^{\text{ibid.}},\ p. 1304\).

2\(^{\text{ibid.}}\).

3\(\text{The Sydney Morning Herald, October 9, 1919, p. } 9.\).
(a) educational institutions should be removed from the operations of the corporations clause; and (b) laws made under the Acts would cease to have effect after the Acts had lapsed or three years had passed. Both of these minor changes were accepted by Hughes and they were inserted into the Bills during the Senate debates. On October 10 the Senate passed the Bills.\(^1\) When the Bills were returned to the House they were passed on party lines without debate.\(^2\)

Although the committee's report did not give rise to a great deal of immediate controversy, there are several things to be said about it. First, there was no chance that the committee would have agreed that Hughes was asking too much as long as Sir Robert Garran was a member of the committee. Sir Robert was in complete sympathy with Hughes' thinking, and Hughes knew this at the time he suggested Sir Robert as a member of the committee.\(^3\) Second, the committee's disagreement, according to Holman, was a result of the vagueness with which Hughes had presented his case to the Premiers. The questions were then referred by the Prime Minister to a committee of experts. In what terms it was referred I do not know. Obviously it was referred in such terms as to leave the committee of experts quite uncertain as to the reference made.\(^4\) Holman also argued that Moore and Brown's views were correct. "The fact that the amendments were referred to a drafting committee is,

---
\(^1\)Commonwealth of Australia, Parliamentary Debates, XC (1919), 13217.
\(^2\)Ibid., p. 13301.
\(^3\)Interview with Sir Robert Garran, April 28, 1956.
\(^4\)Holman Papers, Set 111.
to my mind, sufficient indication that the amendments agreed upon were to be special ones, and not general ones.\textsuperscript{1}

Third, it can be inferred from Hughes' statements to the House that he never intended to follow the committee had the members seen fit to disagree with him. When the committee made its report Hughes took the view that Moore and Brown had misunderstood his intentions which he, of course, had made quite clear.\textsuperscript{2} It is probably correct to say that Hughes had meant his "aftermath of the war" statement to the Premiers to cover all contingencies, but he deliberately did not emphasize it when presenting his proposals to them. Thus, Moore and Brown who were not on the "inside" like Sir Robert Garran labored under the impression which Hughes had left with the Premiers. The question as to who was technically correct is not the most important point to be made about the committee's report. The significant thing is that Hughes was willing to use such a device to terminate his discussion with the Premiers, and, therefore, for a time was successful in avoiding any more disagreement. Furthermore, by quickly concluding his discussions with the Premiers on a note of partial agreement Hughes was able to tell the National party caucus and parliament that the States supported him, and this, at least for the moment, gave him a strong talking point to both the ex-Liberal element in his own Party and those who were fearful that

\textsuperscript{1}\textit{Ibid.}

\textsuperscript{2}\textit{The Sydney Morning Herald}, October 9, 1919, p. 6.
the alterations would be unfriendly to the interests of the States. In other words, the objections of conservatives were somewhat overruled by the fact that the State representatives, who were most directly affected, agreed to the Prime Minister's proposals. It was also probably reassuring to the ex-Liberal members of the House that Hughes had been willing to submit the entire question to a committee of constitutional experts. Finally, it can be assumed that Hughes realized that the Bills would be very near their final stages before the committee had time to make its decision, and once he received the solid backing of his Party in the House he knew that it would be difficult for an adverse decision of the committee to alienate this support.

A final comment on the Parliamentary debates is needed to explain the fact that Labor, the exceptions having been noted, either supported the alterations or did not vote. Labor's position seems to be somewhat anomalous in view of the nature of their objections during the debate. Tudor attempted to clarify this position:

We had no opportunity of recording a vote on clause six time limit. I again place on record the fact that I was opposed to that clause, but, owing to the operation of the guillotine, I had either to vote against the clauses which I considered beneficial in order to show my opposition to clause six, or to vote for them all.\(^1\)

This was only a partial explanation of Labor's actions. Labor's motives were undoubtedly mixed, but some of these can readily be identified. First, the 1919 proposals were certainly watered down

versions of the Bills which Labor had introduced in the past, and Labor members were probably genuine in their desire to restore the Bills to their past wording. Much of the Labor movement had been extremely dissatisfied with the fact that the 1915 proposals were dropped, and because of this Labor parliamentarians desired to make the 1919 proposals as strong as possible. Second, Hughes' secret meeting with the Premiers was open to question even by his own supporters, and, therefore, it was natural that the Party he "betrayed" should be extremely critical of any agreement reached with the National State representatives. Third, Labor parliamentarians almost had to vote for the proposals because: (a) the alterations embodied a portion of general labor ideology; (b) the Party inside and outside of parliament had supported all three previous attempts to extend Commonwealth powers; and (c) the Labor parliamentarians had no time to ascertain the attitude of the movement, and to be on the safe side they voted for the alterations while raising serious objections which were possible "outs" if it was seen that the movement opposed the referendum. Finally, Labor members were willing to accept a portion of what they wanted rather than nothing at all.
CHAPTER X

THE THIRD "NO" VICTORY

The parliamentary debates and the conference between the State representatives and the Prime Minister indicated that the circumstances surrounding the 1919 extension of powers referendum were different from either of the two previous referenda. These changed circumstances of the 1919 referendum were that: (a) the alterations were introduced in a crisis period rather than in a period of calm; (b) the Bills were ostensibly motivated by a particular and limited problem and not by a political party's ideology; (c) the amendments were not a party move but were largely the result of Hughes' policy; (d) many of those who opposed the past efforts were supporters of the 1919 changes; (e) concessions in the scope and application of the powers were made in order to make the alterations more palatable to the ex-Liberals in the National party and the State premiers; (f) the Labor party was not advocating but was criticizing the alterations; (g) the vote in parliament with two exceptions made it appear as though the proposals were supported by all parties; (h) the States for the first time were consulted prior to the introduction of the alterations in parliament. These early
differences meant that the 1919 campaign would be different from previous campaigns, and, in fact, the effect of the 1919 preliminaries can be traced through the campaign.

In 1911 and 1913 the referendum issues had been the center of electoral attention, but this was not the case in 1919. The referendum was only one issue in 1919 and did not receive a great deal of consideration by campaigners. This is not to say that the problems which motivated the referendum were not at issue. The questions of industrial unrest, profiteering, and high prices were the three that were most frequently discussed; however, these issues were not necessarily discussed in connection with the referendum.

In reality the 1919 campaign was a "khaki" election, much like the British general election of the same year, in which personalities and ephemeral differences counted more than issues. Moreover, any agreement that had been reached between the political parties in parliament or with the States was not carried over into the campaign.

As the 1919 battle progressed it became apparent that the alterations were receiving less group and less personal support than they had in the past. It is important to emphasize the fact that in the 1919 election and referendum the extension of Commonwealth powers was not the central point, and also that the alterations were unsatisfactory to most groups and politicians.

Two factors entered into the 1919 campaign which had played no part in the past campaigns. The new factors were: the argument
that the alterations were needed to deal with post-war problems; and that the amendments were to be in force for a maximum period of three years. These two new aspects of the proposals were responsible for the attitude which most of the labor movement took towards the measures; they were also very important in the attitude which the non-labor groups adopted.

As was mentioned in Chapter VIII, the Second Inter-State Conference of the National party had adjourned its August, 1919 meeting until October 8, 1919. The adjourned conference resumed its proceedings as scheduled and was addressed by the Prime Minister on the opening day. In his speech Hughes was able to present, as the Herald had suggested, the conference with a fait accompli with respect to the referendum. He told the conference that the National Ministry, the National parliamentary party, and the States had approved his aim to amend the Constitution, and he asked the conference to give him their backing in view of this support. The conference complied with Hughes' request and unanimously passed a motion to that effect.

That this conference, having full confidence in the assurance of the Federal Ministry that any constitutional amendments introduced will be of a temporary character and of limited application, endorses the action of the Commonwealth Ministry in seeking to amend the Constitution so as to effectively deal with post-war problems.

---

1 The Sydney Morning Herald, October 10, 1919, p. 7.

2 Ibid., October 11, 1919, p. 13.
The Conference's endorsement was a result of the "temporary character" and "limited application" of the alterations. This in essence was another way of reassuring the members of the Party who had voted against the previous referenda that they had nothing to fear from voting "Yes" in 1919.

The Annual Conference of Australian Women's National Leagues met less than a week after the Inter-State National Conference. Sir Joseph Cook assured this gathering that there were fundamental differences between the 1919 proposals and the past ones. Sir Joseph told the women that "a great deal of what is said to be profiteering is the result of world prices." He also reassured them that he was anxious to guard States' rights and that the alterations were only a "temporary loan" of powers.1 (This was typical of the utterances Sir Joseph made throughout the campaign when speaking on the alteration.) The women, although not by a unanimous vote, agreed to support the amendments.

That this conference, relying upon the promises of the Prime Minister and the assurances of the Minister for Navy, that the powers asked for in the referendum are only temporary measures, and that States rights are throughly safeguarded, agrees to support the National Government.2

The President of the Western Australian National Federation, W. Leslie, like Sir Joseph Cook, pointed out that he was a States' righter, but that "undoubtedly we who are anxious to preserve the

---

1 The Argus (Melbourne), October 16, 1919, p. 6.
2 Ibid., October 17, 1919, p. 6.
States' rights have got to take some risk to remove the evils complained of, the gravity of which is brought home to us everyday.¹ Leslie also emphasized the time limit. This is the only statement by a State National party leader on record. Apparently the others were not sufficiently interested in the referendum to express their opinions, or they might have been keeping silent for other reasons as the Herald suggested.

There are scores of men among the Nationalists who, in other years, have bitterly opposed the granting of powers which the National Government now officially demands, and who excuse their present attitude by pointing to the provisions that put a time limitation on the powers asked for. The less said about the referendum the better these unhappy gentlemen are pleased.²

Expanding this line of reasoning it can be said that the Nationalists could give a limited amount of support to the alterations on the basis that they were temporary, but that they opposed permanent constitutional change aimed at expanding Commonwealth powers.

Labor party spokesmen had more to say on the referendum than the National party members, but labor showed no ardour for the Hughes' amendments. By the first of December most of the Labor parliamentarians, trade unions, and the party organizations either adopted a "we don't care" attitude or openly opposed the proposals. Moreover, the Federal party indicated its dissatisfaction with one of the few men, Tudor, who supported the amendments by asking T. J. Ryan, Premier of Queensland, to become the Federal Campaign Director.

¹The West Australian, November 10, 1919, p. 7.
²The Sydney Morning Herald, December 4, 1919, p. 6.
Ryan was asked to accept this position to enter federal politics by a Special Inter-State Labor Conference which met in October, 1919. At this same conference Ryan moved:

That in the opinion of this Conference the referendum proposals of the present Commonwealth Government now before the Federal Parliament do not provide for definite amendments to the Commonwealth Constitution of a character and permanency suited to the requirements of Australia and are merely intended to mislead the electors as to the policy of the Government on the question of profiteering and other matters of vital importance to the welfare of the workers.  

Senator O’Loughlin of South Australia who seconded Ryan’s motion suggested that the word “duration” be substituted for the word “permanency,” and with this slight change the motion was carried by voice vote. Labor’s election manifesto repeated the words of Ryan’s motion striking only the phrase “now before Parliament.” (Labor continued its drive for unification, and its “fighting platform” contained a plank which called for amendment of the Constitution which would vest unlimited legislative power in the hands of the Commonwealth parliament.)

W. A. Lambert, President of the Australian Labor party, and P. E. Evans, General Secretary of the party, issued a statement on the referendum.

---


2Ibid., p. 110.

3The Argus (Melbourne), November 5, 1919, p. 8.

4The Labor News, November 6, 1919, p. 9.
It is against the very common of common sense to suppose for one moment that these huge corporations would devote one penny of their money to any party which threatened to assail them in any way whatever. So it is that while the Government talk of dealing with profiteers, the profiteers are blandly supplying money for the purpose of keeping this Government in office.\(^1\)

These sentiments were repeated in every labor newspaper in Australia, and they appear to have been one of the main lines of labor attack on the Nationalists. The Labor Call in October contended that "any Government would be better than the masqueraders who pretend they will prevent profiteering while receiving the votes of the profiteers."\(^2\) Again just before the election the Call maintained:

The referendum is a sham and means nothing to the profiteer. That is why the conservatives have somersaulted. They know that the only result from it is noise. The referendum meaning nothing, it is best left at that.\(^3\)

The Call also contended that the referendum was a joke.

One of the jokes of this election is the scant notice taken of the referendum. Few candidates even mention the referendum, although Hughes went to the country six months before the expiration of Parliament with the expressed idea of putting the referendum to the people on the question of profiteering.

\[\ldots\]

The people appear to be unimpressed either way, and being uninterested also, the "No" vote will probably win. \ldots if this is so, it will show us more than ever what a howling snare and delusion the referendum is, and what a farce the whole profiteering question is, too.\(^4\)

\(^1\)Ibid., October 25, 1919, p. 5.
\(^2\)The Labor Call, October 23, 1919, p. 4.
\(^3\)Ibid., December 11, 1919, p. 8.
\(^4\)Ibid., November 4, 1919, p. 2.
This Melbourne labor newspaper reasoned that all the emphasis on industrial unrest, bolsheviks, the I. W. W., anarchists, and syndicalists meant that the referendum would be used against the workers.¹

The Westralian Worker reported that William Brooks, New South Wales M. L. C. and Chairman of the Employers Federation, called a meeting of Master Printers and Paper Merchants of Sydney and told them that their share of the National campaign fund was 40,000 pounds. This, The Westralian Worker argued, was proof enough that Hughes intended to do nothing about profiteers.²

This same newspaper also argued that the concessions to the States in the constitutional alterations were due to Holman.

The result is that the Prime Minister has either to smash the unity of the National party or accept a constitution in the terms acceptable to William Arthur Holman. No matter what the newspapers of capitalism say to obscure the situation that remains the candid truth. Holman is king.³

Another point which disturbed the labor press was the fact that the alterations were limited to a maximum of three years.

Whoever heard of nationalising a monopoly for three years. Yet that is what Hughes proposes. Picture the Government beating the Meat Trust, or any other combine by nationalising the industry for three years, and then hand it back lock, stock and barrel!⁴

---

¹Ibid.
²The Westralian Worker, October 24, 1919, p. 3.
³Ibid., October 3, 1919, p. 4.
⁴Ibid., December 5, 1919, p. 3.
Aside from alleging that profiteers supported the National party, and that, therefore, the Nationalists would do nothing about them, Labor speakers, especially Tudor, maintained that the Government possessed all the power it needed to deal with profiteers. Tudor specifically charged that the referendum was "an eleventh hour attempt to appeal to the popular imagination aroused by the National record of inefficiency." Even though Tudor took this stand he revealed that he would vote "Yes." "I don't think the proposals can do any harm though I don't think they will do much good."

(See Plate VIII.)

Representative Higgs was not as pessimistic as Tudor, and urged a "Yes" vote. Higgs said that the time limit was unimportant. "The five amendments of the Constitution, with the exception of the exclusion of the railway employees, are, in essence, the same as those submitted by our party in 1911 and 1913, and agreed to us in 1915." Higgs was virtually alone among labor politicians in his whole-hearted advocacy of the alterations. Despite the fact that the Labor party did not support the referendum and adopted a "we don't care" attitude, there was only one State Labor party, but the most important one in the most populous State, that asked for a "No" vote. This was the Executive of the New South Wales Party which carried a resolution instructing all candidates to vote "No"

1The Sydney Morning Herald, November 26, 1919, p. 11.

2The Brisbane Courier, November 11, 1919, p. 7.
PLATE VIII

NOBODY’S DOG.

Although the Referendum is the alleged reason for the premature Federal election, Hughes and his followers rarely mention it, devoting their rantings to general abuse of Labor Leader Ryan.—Fact.

HUGHES: “You can follow me at a distance, you mong; but I hope to come back without you!”

*The Australian Worker*, November 27, 1919, p. 5.
as a protest against the "trifling of the National Government with the great question of profiteering."¹ (See Plate IX.)

The trade unions took even less interest in the campaign than the official Labor party organizations. Only the railwaymen exhibited any definite stand on the alterations, because they had been excluded from the jurisdiction of the Federal Arbitration Court. It was reported that the Secretary of the Western Australian Railwaymen's Union sent a telegram to the Prime Minister asking him to secure the right of railway workers to approach the Federal Court. Hughes replied that he would "again try to get approval of the Premiers of the several States on the matter."² If Hughes ever made such an attempt there was no indication of it in the press.

A conference of the Federated Locomotive Enginemen's Association of Australia passed a resolution which stated:

That the conference resents the omission by the Hughes Ministry from its referendum proposals of the question of railway men of Australia having access to the Federal Arbitration Court, and recommends to members of the federation to support parliamentary candidates who will vote for the railwaymen being given the same industrial rights as all other citizens of the Commonwealth, and to that end invites the co-operation of all other organized workers in Australia.³

There was also a special conference of All Grades Railway Unions of Australia which passed a motion condemning the Prime Minister's action.

¹The Westralian Worker, November 21, 1919, p. 1.
³The West Australian, November 26, 1919, p. 6.
MERELY MONKEYING WITH IT.

\[\textit{The Australian Worker, October 16, 1919, p. 10.}\]
That this Conference, representative of All Grades Railway organizations in each State, and the Federated Locomotive Engine Drivers, Firemen and Cleaners Association of Australia, representing 50,000 members, views with intense indignation Mr. Hughes' political treachery ... and violating his pledge of 1913, and subordinating arbitration principle to political expediency.¹

The reactions of the railwaymen demonstrated what can take place when a trade union feels that it is the victim of discrimination.

This discussion of the railwaymen's attitude on the referendum concludes the review of the attitude which labor took on the referendum proposals. There are large gaps in this review, but they result from a lack of information on the position of various labor groups. The general tone adopted by Ryan, Tudor, the Labor manifesto, and the labor press would tend to indicate that most of the labor groups not covered were silent on the referendum or adopted the line taken by those groups which have been covered.

Only representatives of one religious group, the Catholics, expressed any very definite opinion on the alterations. Archbishop Mannix who had been an outspoken anti-conscriptionist and a supporter of the Australian Labor party voiced his approval of Ryan's candidacy. "There is only one honest man in the whole gang of politicians and I hope he and his followers will be returned to power."² On another occasion the Archbishop remarked that Hughes' policy speech had been interesting and amusing, "but the working man will not be taken in

¹The Australian Worker, November 27, 1919, p. 23.
²The Sydney Morning Herald, October 27, 1919, p. 7.
by him or his policy."\(^1\) By the middle of November the Archbishop was repeating the Labor party line on profiteering: "We know that if he is returned to power at all it will be by those people who have been making money out of the poorer classes during the war."\(^2\) Archbishop Mannix, who was the most outspoken of the Catholic clergy, had the backing of the Catholic press. The Freeman's Journal argued that Holman's complacent attitude was enough evidence that Hughes' constitutional alterations were "inconsequential and not intended very seriously."\(^3\) The Freeman's Journal alleged that Hughes had "exercised all his ingenuity in the invention of a scheme calculated to make the possibility of effectively reducing high profits very remote."\(^4\) The Press continued their adherence to eventual unification of governments in Australia, but they could not support Hughes' proposals because they were of limited application and temporary.\(^5\)

One of the most interesting aspects of the campaign was the position which the State Premiers eventually took. From what has been said of the State representatives' conference with the Prime Minister it can be seen that the State Governments were not so

\(^1\)The Argus (Melbourne), November 3, 1919, p. 7.

\(^2\)The Press (Catholic), November 13, 1919, p. 10.

\(^3\)The Freeman's Journal (Catholic), October 2, 1919, p. 19.

\(^4\)Ibid., December 11, 1919, p. 20.

\(^5\)The Press (Catholic), October 9, 1919, p. 9.
strongly behind the alterations as Hughes had led his Party and members of parliament to believe. When the Premiers made their positions clear it was found that three, Holman, Lee, and Lawson, supported the alterations while the other three, Peake, Mitchell, and Theodore, opposed the referendum. The manner in which the three Nationalist Premiers gave their support and the fact that the other two Nationalist Premiers opposed the alterations caused the Herald to observe that "it cannot be denied that there is comparatively little evidence as yet of that strong bond of sympathy between the National leaders of the States and the Commonwealth."¹

Lee of Tasmania was the first and only Premier to give his unqualified backing to the changes. He based his support on the assumption that the alterations would remove any doubt concerning the Commonwealth's power to deal with profiteering and industrial unrest.²

Holman was much more circumspect in his attitude on the referendum. His first statement gave the impression that he opposed the alterations.

On all such subjects, which are included in the powers proposed to be transferred, but upon which Mr. Hughes says he does not wish to legislate, the position will be that the State Parliaments cannot legislate, and the Commonwealth will not. That is an intolerable and paralysing position.³

¹The Sydney Morning Herald, October 29, 1919, p. 10.
²The Argus (Melbourne), December 4, 1919, p. 7.
³The Sydney Morning Herald, October 6, 1919, p. 4.
Gradually the New South Wales Premier began to speak somewhat favorably of the proposals. On October 11, he remarked that the extension of powers was "strictly a post-war agreement . . . necessitated by the disturbances arising out of the war." A month later Holman announced that he favored a constitutional convention to review State and Federal relations. And four days prior to the referendum he made a statement in support of a temporary grant of powers.

The control of profiteering is one of the few things which can be actually done more advantageously from the Commonwealth office than from a State office, that for a very obvious reason. If you fix prices in one State you drive commodities into the other States, and if you attempt to overcome that difficulty by seeking combined action among the six State Governments there are too many difficulties to overcome.

For the first time Hughes had Holman on his side, but Holman's aid was "too little and too late" to affect greatly the outcome of the referendum vote.

The situation in Victoria proved to be unique among the States. Late in October Premier Lawson reported to a caucus meeting of his parliamentary party that he had been unsuccessful in his attempts to get the Prime Minister to make a more definite statement on the referendum. On the basis of the information given to them by Lawson, the Victorian parliamentary National party threatened to withdraw its support of Hughes. A day later in a public statement

---

1 The Argus (Melbourne), October 11, 1919, p. 21.
2 Ibid., November 11, 1919, p. 7.
3 Ibid., December 10, 1919, p. 7.
5 Ibid., October 30, 1919, p. 16.
Lawson said that he was deeply disappointed with Hughes' references to the constitutional alterations Bills. He continued by saying that "'the aftermath of the war' and 'the consequences of the war' may be interesting as rhetorical flights, but as statements indicating a sphere of action they are vague, unsatisfactory, and useless."¹

Finally, Lawson travelled to Sydney and consulted Holman concerning the New South Wales Government's stand on the referendum. After his return to Melbourne Lawson announced to the caucus that in the name of party unity and with the understanding that the powers were temporary and would not deprive States of their rights he would support the referendum. Immediately after Lawson's announcement twenty-seven of the forty-one National members of the Victorian parliament met and decided to prepare a manifesto giving reasons why they were voting "No." This group received the aid of Sir John Quick in preparing their statement. The three reasons which the Victorian Nationalists gave for opposing the alterations were: (a) the Commonwealth parliament possessed sufficient powers to deal with profiteering; (b) the State industrial powers eventually would be taken over by the Commonwealth if the alterations were accepted; and (c) it would be possible to nationalize all industry.² This split in the Victorian National Parliamentary party did not result in

---

¹Ibid., November 1, 1919, p. 20.

the overthrow of Premier Lawson although there was a suggestion that it might.\(^1\)

Immediately after returning to Perth, Western Australia's representative to the conference announced that the Prime Minister had modified his original proposals on the basis of objections from the States, but that "the course of action decided upon was entirely his [Hughes'] own course."\(^2\) Colebatch also revealed that Hughes had refused to accept two recommendations which would have precluded any Commonwealth control of State railways and which would have prevented the Federal Arbitration Court from making a "common rule."\(^3\) These statements were a preview of the announcement which Premier Mitchell made to the effect that the Western Australian Government opposed the alterations. The Premier maintained that the interests of Western Australia must be considered first and believing that those interests can only be served by the retention in the hands of our Parliament of all the powers necessary to control our internal affairs and promote the development of our resources there is no course open to us but to strongly urge the electors of the State to vote "No."\(^4\)

Senator Pearce of Western Australia who was one of the leading members of the National party did not share Mitchell's views. He contended that Western Australia should have more reasons than any other State for voting "Yes." The Western Australian Senator

---

\(^1\)Ibid.

\(^2\)Ibid., October 3, 1919, p. 7.

\(^3\)Ibid., November 3, 1919, p. 7.

\(^4\)Ibid., December 8 1919, p. 7.
based his contention on the fact that Western Australia had unequal powers to deal with profiteering since the State lived on imports over which it had no control. Commonwealth control would mean that Western Australia would have some say over the practices of businesses in the eastern States which exported to Western Australia.¹

Premier Peake of South Australia demonstrated dissatisfaction with the alterations by saying that they were not in keeping with what was understood at the Premier's conference.² Peake announced that the Government of South Australia was urging the people "not to vote 'Yes.'"³ Also, a joint meeting of the Liberal parties of the Legislative Assembly and Legislative Council of South Australia unanimously resolved to advise the electors to vote "No."⁴

The Labor Government of Queensland followed the general pattern established by the Commonwealth Labor party. Mr. Coyne who represented the State at the Premiers conference said that he did not agree with any of the proposals "tentative or otherwise,"⁵ and Premier Theodore called the alterations a bluff and a sham.⁶

¹The West Australian, December 12, 1919, p. 6.
²The Argus (Melbourne), October 22, 1919, p. 17.
³Ibid., November 12, 1919, p. 6.
⁴The West Australian, December 12, 1919, p. 6.
⁵The Argus (Melbourne), October 4, 1919, p. 21.
⁶The Brisbane Courier, November 19, 1919, p. 8.
Hughes' attempt to court the favor of the States before introducing his proposals in the House and thereby gain active State support for the alterations was unsuccessful. It cannot be denied that the conference with the State representatives served the immediate purpose of creating the appearance that the State Governments supported the proposals. But in the long run Hughes' interpretation of the results of this conference forced the Premiers to take a stand, and since this resulted in only one Premier, Lee of Tasmania, actively backing the proposals it can be concluded that the conference was of little or no use in achieving the ultimate objective of getting the proposals accepted by the electorate.

Although there were many factors which made the 1919 campaign unique, there is only one which appears to have had any long range significance. This was that the farming interests, under one label or another, entered candidates in the election and made a determined and successful effort to gain Commonwealth parliamentary representation. Prior to 1919 country interest had been represented in the State and Commonwealth parliaments by Liberals and Nationalists. Because of fundamental differences which divided the country members of parliament and other Liberals and Nationalists this arrangement gradually became unsatisfactory to the Farmers and Settlers' Associations, Farmers' Unions, and Progressive Leagues. The most important issue which separated the farmers and graziers from the other parties was that the Liberals and Nationalists were protective tariff advocates.
The rural areas depended on the world market for the sale of their wool and grain and as a consequence they resented a high tariff to protect secondary industries. For the most part the farmers and graziers objected to any diminution of State or local powers, and, therefore, they were anti-labor and suspected the ex-Laborite Hughes. Moreover, the rural politicians were in the forefront of the "efficiency and economy" move, opposed increased taxes in general, and were particularly against property and land taxes which affected them more than any other group. The country interests were also disgruntled with Hughes' desires to extend Commonwealth powers, because, they argued, this would mean higher taxes, more inefficiency, and less local and State control. They further feared that the Nationalist sympathy with the development of secondary interests would result in a tariff that was even more protective.

In light of this, it was not surprising that the country groups should chose 1919, a year when the political situation was extremely fluid, to enter candidates in the Commonwealth elections. They hoped to achieve maximum representation by contesting districts in which there was a likelihood that they could win, and their ultimate goal was to become the "balance of power" in the Commonwealth and State parliaments. In line with this aim Farmers' candidates contested twenty-two seats in the House, and one Farmer and Settlers' candidate, B. S. Falkiner, ran for the Senate in New
South Wales. It should be emphasized, however, that the Farmers' candidates did not make a complete break with the Nationalists.

Earle Page's attitude typified this continued co-operation with the non-labor parties. Although he was a "straight-out Country party candidate" Page announced that he would support the National party in Parliament so long as it did not conflict with country interests. This did not mean that the farmers considered themselves a mere faction of the National party. The Farmers' party candidate for New England, Mr. Hay, in a telegram to the Farmers' campaign director, Mr. H. P. Williams, objected to the newspapers calling him a Nationalist. Hay felt that great injury was being done by this strong description of the Farmers' candidates.

Of all the country candidates Falkiner was the most uncompromisingly hostile to Hughes and the referendum. Falkiner explained that he had two reasons for entering the senatorial campaign in New South Wales. His first reason was to fight for primary producers, and his second was "to assist in organizing the "no" vote." In carrying

---

1 The Sydney Morning Herald, November 5, 1919, p. 10. Little research has been done on the Country party. There are two monographs which provide some of the pertinent material with regard to the origin of the Country party. See: Ulrich Ellis, The Country Party of New South Wales Research Notes (Canberra: Office of Rural Research, 1954), and by the same author, Research Notes, Australian Country Party (Federal) (Canberra: Office of Rural Research, 1954).

2 Ibid., October 30, 1919, p. 17.

3 Ibid., November 18, 1919, p. 7.

4 Ibid., November 27, 1919, p. 17.
out his aim to defeat the referendum proposals Falkiner inserted full page advertisements in the Herald and also spoke out against the alterations at every turn.¹ Falkiner's opposition led Hughes to state that only the extremists of the "so-called Labor party" and extremists like Falkiner opposed the alterations.²

Aside from Falkiner's "No" campaign, there were other country groups opposed to the alterations. The Executive of the New South Wales Farmers and Settlers' Association opposed the proposals because Hughes would not answer two questions:

1. In the event of the referendum being carried, is it the intention of the Federal Government to fix prices of primary products?
2. If so, will Mr. Hughes guarantee that the farmers' prices to be received for home consumption will not be fixed below world's export parity.?³

The President of the New South Wales Farmers and Settlers', A. K. Trethewan, further elaborated the Associations' stand by saying that the Association feared the application of a "common rule" by the Arbitration Court. Trethewan explained that a "common rule" meant that if a man in Western Australia took one farmer before a judge and brought forward evidence, and an award was made, that award would immediately cover every farmer in the Commonwealth.⁴

¹Ibid., December 12, 1919, p. 5.
²Ibid., November 21, 1919, p. 7.
³The Land, November 7, 1919, p. 9.
⁴Ibid.
The Land, the official organ of the Farmer and Settlers' Association of New South Wales, gave three reasons why the farmers should vote "No": (a) the powers were too vague; (b) there was a possibility that Ryan might administer them; and (c) there was a possibility that farmers co-operatives might be nationalized.\(^1\) The manifesto of the Farmer and Settlers' Association of New South Wales stated that the farmers' associations are uncompromisingly hostile to the constitutional alterations ... feeling that the unlimited powers to interfere with rural industries are equally dangerous in the hands of either of the present political leaders.

The farmers feel that with a definite programme which is aiming at economy, efficiency, and increased production, extensive support should be forthcoming from city and country alike.\(^2\)

Despite all of these "No" statements, the Herald charged that the Farmers' candidates of New South Wales were silent on the referendum. Williams, the Farmers' campaign director in New South Wales, answered this charge by saying that "each of the six candidates \(\text{Farmers}\) has come out into open opposition to a 'Yes' vote on the referendum, while our one Senate candidate, Mr. Falkiner, has devoted himself almost entirely to the matter."\(^3\)

Other than these statements by the New South Wales Farmers and Settlers' Association, it has been possible to ascertain the official attitude of only two State farmers groups, the Victorian

\(^1\)Ibid., p. 8.
\(^2\)Ibid., November 21, 1919, p. 7.
\(^3\)The Sydney Morning Herald, December 5, 1919, p. 10.
Farmers' Union and the Primary Producers of Western Australia.

Unlike the New South Wales farmers, both of these groups supported the alterations. The Council of the Victorian Farmers' Union passed the following resolution:

That the Victorian Farmers' Union recommends the acceptance of the referendum proposals of the Federal Government, on the grounds that the transferred powers are only temporary, that they will ensure uniformity of action between the States in dealing with profiteering and industrial unrest, and in view of the summoning of a convention to define better the powers of the Commonwealth and the States. The Victorian Farmers' union makes it a plank in its fighting platform that the convention should consist of not less than six representatives from each State, elected on the Federal franchise, and under the system of proportional representation. That the convention should be elected immediately after assembling the new Parliament.1

Although the Victorian Union approved of alterations, they were anxious to safeguard State and country interests; this explained the portions of the resolution dealing with the convention to review the Constitution. The Western Australian Primary Producers indicated their support of the referendum in a telegram sent to Hughes by Mr. Basil Murray a representative of their organization.2

In New South Wales one country paper, the unofficial Farmer and Settler, dissented from the stand of the States' Farmers and Settlers' Association. The Farmer and Settler had advocated a "No" vote in 1911 and 1913, but this was because it feared the way in which Labor would have used the powers. "Now that the Nationalists

1 The Argus (Melbourne), October 28, 1919, p. 21.
2 Ibid., November 4, 1919, p. 6.
were in power people could vote to weaken the States which was the only way to gain local self-government.\textsuperscript{1} \textit{The Farmer and Settler} also backed Falkiner but warned the farmers not to "blindly follow the party."\textsuperscript{2}

Although the country interests in the Farmers' party of New South Wales were almost unanimous in their opposition to the referendum, one group, the Soldiers and Citizens' Political Federation, that had joined the Party split off because of the Party's referendum stand. The Federation announced that they agreed with Hughes on the question of profiteering and the methods needed to deal with it, and because the "grazers association held other views they had agreed to differ."\textsuperscript{3} It is also interesting to note that General Sir T. W. Glasgow, a Queensland Soldiers and Citizens' candidate for the Commonwealth Senate, said that he supported the referendum because of the necessity of halting profiteering.\textsuperscript{4}

It is necessary to review the position of the business and commercial interests in order to complete this survey of group attitudes on the 1919 referendum. The stand of these groups followed the pattern that one would have expected, i.e., they backed the National party but opposed the alterations. After becoming a

\textsuperscript{1}\textit{The Farmer and Settler}, October 31, 1919, p. 1.
\textsuperscript{2}\textit{Ibid.}, December 5, 1919, p. 1.
\textsuperscript{3}\textit{The Hobart Mercury}, December 2, 1919, p. 6.
\textsuperscript{4}\textit{The Brisbane Courier}, November 6, 1919, p. 9.
Nationalist Hughes entered into relatively friendly relations with the commercial and business groups. As evidence of this fact he spoke to the Industries Preservation League during the 1919 campaign. O. C. Beale, the Vice President of the League, in introducing Hughes stated that League members were "absolutely bound" to help Hughes and the National party. On the platform with Hughes and Beale at this meeting were the Presidents of the Chamber of Manufacturers and the Chamber of Commerce.\(^1\) During the course of his speech to this group, the Prime Minister expressed his belief in a tariff which would aid in the development of secondary industries and the utilization of Australian primary products in the production of finished goods.\(^2\)

Such shows of support did not mean that the business community approved of the constitutional alterations. Employers were unimpressed by all of the talk which painted them as being responsible for profiteering and industrial unrest. In November a special conference of the Employers Federations of five States was held to discuss these problems. One of the few motions which the conference adopted was that the employers should carry out extensive propaganda to show that "the wage payer and the wage earner have a common interest in increased production."\(^3\) This emphasis on increased

---

2. Ibid.
production as the remedy for economic ills was a point which other business groups emphasized. The Progressive and Economic Association of Melbourne in a pamphlet argued:

The cure of high prices is in the hands of the producing worker not of the legislators of this country. Our Parliament cannot alter the laws of supply and demand, not even though they were to nationalize every industry in the land. Those laws are eternally unchangeable, and they will operate just as relentlessly under a communistic as under a capitalistic regime. Plentitude is the only possible preventative of high prices. Scarcity is a synonym for dearness. Plenty can only be achieved by increased production, and that depends fundamentally on the workers.

This kind of argument was repeated by newspapers and business groups throughout the Commonwealth.

The opposition to the proposals was particularly strong in South Australia. The Adelaide Chamber of Manufacturers announced its "No" stand in October. The South Australia Chamber of Manufacturers passed a resolution which said that the Chamber viewed with alarm the Federal Government's attempt to restrain commerce. South Australia's Chamber of Commerce maintained that the alterations would "seriously injure the commercial interests of the State of South Australia by destroying the confidence of capital and diminishing the enterprise of producers and traders." The Liberal Union of South Australia was also among the opponents of the alterations.

---

1 Ibid., September 25, 1919, p. 200.
2 The Argus (Melbourne), December 8, 1919, p. 7.
3 Ibid.
these various groups were co-ordinated by the Constitutional Defence Committee of South Australia. This Committee contained representatives of the various groups advocating a "No" vote in South Australia.¹

In Victoria the annual meeting of the Victorian Employers Federation was warned by their President, Mr. Ernest Keep, that to give the Federal Parliament "unlimited power to control business activity would create a feeling of insecurity, and enterprise, production and a sense of insecurity can not exist together."² These same ideas were repeated in the annual report of the Victorian Employers Federation.³ The Taxpayers' Association of Victoria convened a special conference at which sixteen public bodies were represented. Although this conference opposed the referendum, it requested that an "Economy Commission" be appointed to review the appointment of officials who would administer the powers. The conference also recommended that all new departments created as a result of the amendments should be run along "ordinary business lines."⁴

The position adopted by the business and commercial groups was similar to the stand of the newspapers in the major cities.

¹Ibid., December 12, 1919, p. 6.
²Ibid., October 28, 1919, p. 7.
³Liberty and Progress, November 25, 1919, p. 258.
⁴The Argus (Melbourne), October 24, 1919, p. 6.
That is, the press opposed the referendum but supported Hughes and his Nationalist colleagues. The Herald commented that to put the matter on its lowest possible plane "the choice of parties is limited. If the popular majority cannot have what reaches their ideal, at least they can reject that one whose success would mean throwing the Commonwealth to the wolves of mob rule."1 Throughout the campaign the Herald contended that the Hughes proposals were too vague. Because of this criticism and that of other groups the Prime Minister finally endeavoured to make the proposals clear. He explained that the powers would: (a) insure a "common rule" which would halt industrial unrest; and (b) enable the Commonwealth to control monopolies and other businesses which would halt profiteering and high prices. Hughes also stated that the State parliaments would be represented at the proposed convention.2 The Prime

1The Sydney Morning Herald, November 4, 1919, p. 6.
2Ibid., November 18, 1919, p. 7. This is as far as Hughes went in discussing the basis of representation for the proposed constitutional convention. It is interesting to note that in 1921 the Hughes Government did introduce a Bill to provide for the calling of a national convention to revise the Commonwealth Constitution. The convention was to contain 111 members—seventy-five of these to be elected by the electors qualified to vote in the House of Representatives elections; eighteen members of the Commonwealth Parliament (twelve from the House of Representatives and six from the Senate); and eighteen members by State Parliaments, three from each State. Each State Parliament was left free as to method of selection. The Bill wasn't passed because the Government could not obtain agreement on the basis of representation. For a discussion of this proposed convention and others see: Ulrich Ellis, A Federal Convention to Revise the Australian Constitution (Canberra: Office of Rural Research, 1952).
Minister's assurances were not enough for the Herald which was afraid that the "dangerous socialists" might win the election, therefore, Hughes assurances would mean nothing.¹

The Argus objected to the Prime Minister's haste in putting the alterations before the people. It contended that the problems were of an international character and therefore too great to handle. "Mr. Hughes will be able to do no more than tinker with these problems . . . ."² Another concern of the Argus was that the powers would be permanent even though they had a time limit attached to them. This argument was based on the assumption that "once words are put into the Constitution they remain there until the Constitution is again altered to remove them."³ The West Australian took a different line and repeated the argument that Premier Mitchell had advanced, i.e., that the affairs of Western Australia, Tasmania, Queensland, and South Australia would not be directed as the people of these States might like but as the people of New South Wales and Victoria might decide.⁴

Among major journals only The Bulletin advocated a "Yes" vote; "refusal means a continuance of the old misunderstandings and friction between the Federal and the State governments."⁵ The Bulletin

¹Ibid.
²The Argus (Melbourne), October 2, 1919, p. 6.
³Ibid., November 8, 1919, p. 20.
⁴The West Australian, November 25, 1919, p. 6.
⁵The Bulletin, October 23, 1919, p. 7.
felt that the Nationalists were to be commended because they put forward

a plain, straight scheme by which the webbed fly may be freed and the vulture a claw unloosed. They ask that the Australian Parliament shall be given, if only for three years, the same powers to assail profiteering as the British Parliament has had for centuries.¹

Sir Edward Mitchell who was one of the staunchest opponents of the 1911 and 1913 referenda softened in his attitude towards extending Commonwealth powers. In a lengthy statement Sir Edward dismissed the possibility of the powers becoming permanent. In his opinion the real question was that of the convention. Since the Prime Minister had indicated that the convention would consist of representatives from the Federal Parliament and the States, Sir Edward thought that there was little chance that it would be dominated by any one group. Sir Edward summed up his position by saying "there could hardly be any serious harm done in voting 'Yes'"²

This opinion was typical of many people's attitude on the 1919 referendum. It was certainly one of the reasons many Nationalists supported the alterations. The basis for their feeling that "little harm can be done by voting 'Yes'" also served as ammunition for Labor attacks on the alterations. That is, the limited applicability of the proposals was used by both the supporters and opponents of the amendments. Labor condemned the proposals as a

¹Ibid., December 11, 1919, p. 7.
²The Sydney Morning Herald, November 26, 1919, p. 6.
sham and an expedient election trick; Nationalists, on the other hand, argued that the limited powers did not endanger the States and yet would be effective in dealing with post-war problems.

At the beginning of this chapter it was stated that the referendum was only one of the several issues of the 1919 election and referendum campaigns. The other political questions which became entangled with the referendum question should now be clear. The point which the Nationalists most frequently emphasized was Labor's attitude towards the war and the fact that the Nationalists and not the Labor party had "saved" Australia. Hughes claimed in this connection that he had always been the soldiers' friend and not "a latter day convert to the soldiers' cause." ¹ In Sydney the Prime Minister told a meeting of returned soldiers:

I did not in 1917 or 1918 urge you to leave him die like a dog, nor did I pass by on the other side. Incuring the bitter hatred of many in this country, I was one of those who in season and out of season stood for the soldiers through thick and thin, and urged the people to reinforce them. ²

This same tone was adopted in Hughes' final appeal to the electors which is set out in the letter which follows. (See Plate X.)

The Nationalists concentrated much of their attention on the Labor party's Federal campaign director, T. J. Ryan. He was accused of ruining Queensland and of being the tool of radical labor and the Catholic Church. As Ryan was a Catholic and Archbishop

¹The Sydney Morning Herald, November 7, 1919, p. 17.
²Ibid.
Mr. Hughes's Advice

Commonwealth of Australia.
Prime Minister.

Fellow-Citizens,

By your votes to-day you will decide the future of Australia. Russian militarism has been defeated, but those disloyal Bolshevik sections within our gates who did everything to hamper recruiting to disrupt and destroy the Empire during the war now seek to befoul the people in order to effect their disloyal and destructive purposes.

Australia stands at the cross-roads. Which path will you tread? That is the great question. This by your vote you will this day decide.

I ask you to follow the path that led you during the war: that path that stands for a free Australia within the Empire; for sound finance; for just and capable government for all sections of the nation; and for a bold progressive policy which will give employment to the workers and deal equally with the fortunes of commerce.

This great Commonwealth.

Wm. A. Hughes

---

Mannix had supported him, this latter charge was given great play in the press. The fact that Queensland had many major strikes was used as evidence to support the charge that Ryan condoned the radical labor element.

Labor took the line that their party was the only one that would and could effectively deal with the profiteers. They alleged that high prices and profiteering continued because Hughes would not use the power at his disposal to check them. Hughes was pictured as a man who could not be trusted and was hungry for power.

In the midst of this bitter election and referendum campaign the Herald observed that "a khaki poll is never a reliable criterion of public opinion. Accidental and temporary factors sway the electors, whose mood may change when the emergency is past." To a certain extent this was a valid observation. There was every indication that Hughes held the referendum and election in order to take advantage of what he judged to be a favorable public opinion. His strategy was successful in so far as the National party retained its parliamentary majority; however, there were factors that entered both the referendum and election campaigns that Hughes had evidently not anticipated. The entry of the Country party was partially responsible for reducing the National party members in the House from fifty-four to thirty-eight. As a result of the 1919 elections there were twelve Country party members and twenty-five Labor members in

Ibid., November 17, 1919, p. 6.
the House. This meant that if the Country party and the Labor party combined on any issue they could give the Nationalists trouble, but as it turned out the Country party members supported the Nationalists on most questions.

Not only were the number of Hughes' supporters reduced but his referendum proposals were defeated for the third time. As Table XIV shows, the States split even on the referendum proposals: there was a "No" majority in New South Wales, South Australia, and Tasmania, and a "Yes" majority in Victoria, Queensland, and Western Australia. For the Commonwealth as a whole there was a "No" majority of just less than 13,000. Because of the manner in which the campaign was conducted it is difficult to make any definite comparisons between the results of the senatorial and referendum voting. The Nationalists easily won the senatorial elections in all States except New South Wales; yet, the referendum proposals were defeated by large majorities in three States. This would tend to indicate that there was little connection between the senatorial voting results and the referendum voting results.

An analysis of the distribution of electoral districts at the election and referendum, Table XV, shows that the Nationalists were strongest in Tasmania and South Australia; but in these States the referendum proposals were defeated in every electoral district. As the review of the referendum campaign has revealed, it appeared as though South Australia was the State in which there was the most
TABLE XIV

1919 SENATORIAL AND REFERENDUM VOTE BY STATES

<table>
<thead>
<tr>
<th></th>
<th>N.S.W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>S.A.</th>
<th>W.A.</th>
<th>Tas.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor senatorial vote</td>
<td>281,315</td>
<td>251,433</td>
<td>138,919</td>
<td>62,946</td>
<td>37,055</td>
<td>24,390</td>
<td>795,858</td>
</tr>
<tr>
<td>National senatorial</td>
<td>242,166</td>
<td>286,440</td>
<td>169,894</td>
<td>90,781</td>
<td>35,277</td>
<td>35,772</td>
<td>861,990</td>
</tr>
<tr>
<td>Farmers senatorial</td>
<td>100,620</td>
<td>50,260</td>
<td></td>
<td></td>
<td></td>
<td>11,853</td>
<td></td>
</tr>
<tr>
<td>Electors enrolled</td>
<td>1,035,908</td>
<td>793,710</td>
<td>389,200</td>
<td>268,235</td>
<td>163,544</td>
<td>122,036</td>
<td>2,762,633</td>
</tr>
<tr>
<td>% of enrolled voting</td>
<td>66.97</td>
<td>76.45</td>
<td>88.65</td>
<td>66.10</td>
<td>63.12</td>
<td>58.86</td>
<td>71.59</td>
</tr>
<tr>
<td>&quot;Yes&quot; Legislative</td>
<td>259,751</td>
<td>369,210</td>
<td>175,225</td>
<td>140,520</td>
<td>48,142</td>
<td>18,509</td>
<td>911,357</td>
</tr>
<tr>
<td>&quot;No&quot; Legislative</td>
<td>390,450</td>
<td>201,869</td>
<td>130,299</td>
<td>119,789</td>
<td>44,892</td>
<td>36,861</td>
<td>921,160</td>
</tr>
</tbody>
</table>

*aThis table is taken from: Commonwealth of Australia, Electoral Office, Federal Elections Votes Arranged by Parties, 1901-45. Commonwealth of Australia, Parliamentary Papers, III (1919).*
TABLE XV

DISTRIBUTION OF COMMONWEALTH PARLIAMENTARY ELECTORAL DISTRICTS AT THE ELECTIONS AND REFERENDUM OF 1919a

<table>
<thead>
<tr>
<th></th>
<th>N.S.W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>S.A.</th>
<th>W.A.</th>
<th>Tas.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>13</td>
<td>6</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>...</td>
<td>25</td>
</tr>
<tr>
<td>Nationalist</td>
<td>10</td>
<td>10</td>
<td>6</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>38</td>
</tr>
<tr>
<td>Farmers</td>
<td>1</td>
<td>5</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>Farmers and Nationalists</td>
<td>3</td>
<td>...</td>
<td>1</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>4</td>
</tr>
<tr>
<td>&quot;Yes&quot; Legislative Powers</td>
<td>2</td>
<td>21</td>
<td>10</td>
<td>...</td>
<td>2</td>
<td>...</td>
<td>35</td>
</tr>
<tr>
<td>&quot;No&quot; Legislative Powers</td>
<td>25</td>
<td>...</td>
<td>...</td>
<td>7</td>
<td>3</td>
<td>5</td>
<td>40</td>
</tr>
</tbody>
</table>

Supra, Table XIV, n. a.

organized opposition to the alterations. On the other hand, there was little or no opposition to the proposals in Tasmania, and the Premier of the State supported the alterations. Nonetheless, the proposals were defeated in Tasmania by a vote of two to one, and the Nationalists received a sizable majority in the Senate voting and won every electoral district. The results of the voting in these two States, i.e., Nationalist and "No" victories, is further evidence that the referendum vote did not follow party lines.

There were large "Yes" majorities in Victoria and Queensland while the senatorial vote was closer in these States than it was in South Australia and Tasmania. Moreover, there was a "Yes" majority in all electoral districts of Victoria and Queensland. The results
MAGNIFICENT FORTITUDE.

HUGHES: "Hooray! There's no hope of getting what I've been asking for!"

---

The Australian Worker, December 18, 1919, p. 3.
of the referendum voting in Victoria can possibly be explained by the fact that Tudor and Hughes were both contesting electoral districts in Victoria, and that the "Yes" stand of both of these leading party men had an influence on the electors. Also, the Victorian Farmers' Union supported the alterations, and in the five Victorian electorates where the Farmers' candidate was successful the referendum proposals received a "Yes" majority. In Queensland on the basis of the campaign there are no reasons which can be advanced to explain the "Yes" majority. The ex-Premier of the State T. J. Ryan made light of the referendum proposals and Premier Theodore and his Government opposed the alterations.

The results of the referendum vote in New South Wales cannot be explained by comparing the senatorial and referendum results. The fact that the New South Wales Labor party executive and the State's Farmers and Settlers' Association opposed the alterations could be a partial explanation for the fact that twenty-five of the State's twenty-seven electoral districts registered a "No" majority. There was a "No" majority in all of the electoral districts of New South Wales in which Farmers' candidates were successful, and this suggests that the hostility of the Farmers and Settlers' Association had an influence on the electors of these districts. But since there were twenty-one districts in which Labor and National candidates were successful, there are undoubtedly other reasons for the "No" vote in the districts where the Farmers' candidates were elected. In Western
Australia the only two districts to register a "No" majority were those in which the Farmers' candidates were elected, but this does not mean a great deal since the Primary Producers of Western Australia supported the alterations.

A breakdown of electoral districts according to party divisions and "Yes" and "No" referendum majorities reveals that of the thirty-eight districts in which Nationalist candidates were victorious there were nineteen districts which voted "Yes" and nineteen districts which voted "No"; of the twenty-five Labor districts fifteen voted "No" and ten "Yes"; in the twelve Farmers and Settlers and Nationalists districts six voted "No" and six "Yes." This breakdown together with the preceding comparison and analysis of referendum and election voting results leads to the conclusion that the referendum voting did not follow party lines. In the absence of a clearcut party division on the 1919 referendum it is tempting to suggest that the activities of certain groups in various States were responsible for electors crossing party lines. But it must be remembered, as the Herald remarked, that there were temporary factors resulting from the wartime emergency that influenced electors; therefore, the extent to which personalities and groups influenced electors must not be too dogmatically stated.
CHAPTER XI

CONCLUSIONS

In this concluding chapter it would be impossible to answer all of the questions that have been raised in the study of the 1911, 1913, and 1919 extension of Commonwealth powers referenda. Although there exists a great deal of data on the stands of groups and personalities, it has been impossible to obtain some of this kind of information and that which was unobtainable would have been valuable in filling in certain evident gaps. Due to electoral redistricting and the movement of population, it has been necessary to limit electoral comparisons to State and district totals instead of comparing and analysing returns from local polling areas. However, these drawbacks do not invalidate any of the general comparative and interpretive analyses. From a comparative standpoint it is feasible to make conclusions based on the nature and statement of the referenda proposals, the differences in circumstances which surrounded the referenda, the motivation and campaign arguments involved in the alterations, and the voting results. It is also valuable to weigh the role of parties, groups, ideology, and leadership in an effort to determine the effect they had on the move to extend Commonwealth powers. Interwoven in these comparisons and interpretations are points which give clues to the
long-term trends in Australian politics particularly as they relate to the use of the referendum for constitutional change and the attitude of parties and groups toward broadening Commonwealth powers.

The historical survey in Chapter II of the first ten years of the Commonwealth was aimed at uncovering the factors which led the Labor party to introduce amendments to extend Commonwealth powers in five important areas—trade and commerce, regulation of corporations, arbitration, control of trusts and monopolies, and nationalization of monopolies.Briefly stated there were two main reasons for the Labor party's decision to utilize the referendum: (a) the conservative State legislatures were unsympathetic to labor's demands; and (b) the High Court invalidated legislation which was favorable to labor. The Labor party sought to remedy this situation by placing the primary responsibility for industrial and commercial legislation in the hands of the Commonwealth parliament. 1911 was but the first of four times during the second decade of the Commonwealth that bills to alter the Constitution in these five areas were passed by parliament. Despite significant changes in the initial proposals, the basic aim of the 1911 alterations was preserved in the other attempts to amend the Constitution.

In each of the five areas the States and the Commonwealth possessed some of the power which was incorporated in the alterations, and in one sense the proposals can be considered as attempts by the Commonwealth to divest the States of their power in these matters. In
another sense, because no one State or the Commonwealth could effec-
tively utilize the powers so long as both had partial legislative
responsibility in all areas, the referenda were designed to create
a new set of powers for the Commonwealth. The ramifications of the
State-Commonwealth controversy are dealt with later in this chapter,
and for the present it is sufficient to say that, regardless of
where the power resided or whether it existed at all, the alterations
were intended to give the Commonwealth supremacy in fields which
would have made it the most powerful legislative body in the conti-

By 1919 the original Hughes' amendments of 1911 had gone
through a watering-down process. In large part the concessions made
throughout the decade resulted from some specific pressure being
brought to bear on the Commonwealth Government which sponsored the
legislation. This can be seen in the changes that were made in the
trade and commerce clause. Initially the Fisher Government requested
an amendment that, in the words of Section 51 of the Constitution,
"The Parliament shall, subject to the Constitution, have power to
make law for the peace, order and good government of the Commonwealth
with respect to:—(1) Trade and Commerce." There was such a hue
and cry raised by the State Governments, farmers and graziers, and
other groups over the fate of the State railways under such a blanket
clause that in 1913 the trade and commerce proposals specifically
excluded the regulation of trade and commerce on State railways
excepting when it was trade and commerce with other countries and among the States. The critics of the extended power were not satisfied with this concession, and so in 1919 Hughes worded the clause so that it made a flat statement to the effect that State railways, their management, control, rates, and fares were to be excluded from the operation of the clause.

The development of the corporation amendment has almost a parallel history to that of the trade and commerce alteration. The 1911 corporation proposals placed regulation and control of corporations except non-profit ones—religious, charitable, scientific, and artistic—in the hands of the Commonwealth parliament. Once again the objection of the States coupled with municipal criticism forced the Labor party to amend its request. The 1913 proposal exempted municipal and governmental corporations. By 1919 there was a further change in the corporation clause, which classified educational corporations with other non-profit corporations.

Arbitration was another matter upon which the Commonwealth government was forced to amend its stand but this proposal was not changed until 1919. Both the 1911 and 1913 arbitration amendments had included State railway servants, and along with the other workers of the Commonwealth would have brought them under the Federal Arbitration Court. In 1919 Hughes dropped any specific mention of the railway employees, and it was made clear in the trade and commerce clause that State railway workers would not fall under the jurisdiction of the Federal Arbitration Court.
The nationalization of monopolies proposal was greatly changed by 1919. The original amendment provided for the nationalization of a monopoly through a simple majority in both houses of parliament. The 1913 alteration omitted State corporations and corporations constituted under State authority. This was a move to obviate the charge that the Commonwealth would nationalize the State railways and the municipal corporations. The nationalization clause was further restricted in 1919, and the amendment of that year provided for the investigation of a business by a Justice of the High Court in order to determine whether it was a monopoly. Furthermore, the 1919 clause stated that the Commonwealth must purchase on "just terms" the assets and good will of the corporations it nationalized. Previous nationalization proposals had made no mention of the purchase of monopoly good will or "just terms."

From this brief review of the changes in the 1911 proposals as reflected in the 1913 and 1919 alterations it can be seen that the Hughes Governments were sensitive to the criticisms which had been brought against the proposed amendments. Each concession was an attempt to make the alterations less comprehensive, and thereby mollify those who opposed the proposals. Equally important was the fact that in 1919 Hughes was willing to accept a time limit on the application of the powers. This was partly a reflection of the emergency nature of the post-war situation; the time limit would have reduced the efficacy of the extension of powers, but at the same time it was almost the last hope of getting the electorate to accept the alterations.
The 1919 time limit, the further concessions to States in regard to railways, and the watered-down nationalization clause are evidences of something deeper than mere attempts to meet the criticisms of the earlier opponents of the bills. To be sure, the concessions made in 1919 met some of the objections to the proposals, but they were largely due to the fact that a non-labor party was putting forth the alterations. The plain fact was that the majority of the National party did not regard these alterations as an integral part of their long term political aims.

In 1911 and 1913 the alterations were instituted by a pragmatic socialist Labor party which was led by one of Australia's most dynamic and nationalist men. The circumstances surrounding these two referenda were very similar, and the changes made in the 1913 proposals were not so restrictive as those of 1919. In 1913 Labor was merely trying to remove some of the points which seemed to be most objectionable. In 1919 the sides were reversed and Labor as the opposition Party was only following an expedient policy in opposing the alterations. Labor thought that the defeat of the referendum would mean a loss of prestige for the National party even if defeat of the alterations would not mean the loss of parliament for the Nationalists. Being very practical, Labor was quite willing to accept the words of its Federal Campaign Director, T. J. Ryan, that "the main objective is to secure the reins of Government for
the next three years . . . .\textsuperscript{1} It was primarily this desire to win the election that led Labor to oppose the referendum. Thus, the discussion of the changed circumstances and motivation for the 1919 referendum can be summarized by making one relatively simple point—between 1913 and 1919 the parties at the Commonwealth parliamentary level had switched sides. This one fact made changes in the alterations necessary and meant that an entirely different type of campaign would be waged.

Labor had minced no words in its advocacy of extending Commonwealth power. Labor spokesmen, trade unions, State Political Labor League conferences, and the labor press had trained its guns on the power and greed of "fat." They were not afraid to call the States the citadels of vested interest, and they were equally quick to condemn Holman and others of their own Party who saw fit to oppose the amendments. But this was changed in 1919. Hughes was left without the solid core of trade union and State party organizational support that he had enjoyed in the past. Only one significant interest group, the Victorian Farmers' Union, along with his reluctant Nationalist party campaigned for the adoption of the referendum in 1919. Party solidarity proved to be even more of a myth in 1919 than it had been in 1911 and 1913.\textsuperscript{1} Hughes and men like Sir Joseph Cook emphasized the temporary character and limited application of the alterations. On the "No" side certain groups, mainly the business and commercial

\textsuperscript{1}Crisp, \textit{The Australian Federal Labour Party}, p. 101.
bodies and the New South Wales Farmers and Settlers' Association, argued that the proposals meant the stifling of "freedom of enterprise." This traditional "No" element was joined by members of the Labor party who were not in the least concerned with these arguments. Instead, Labor contended that there was only one party that would deal with profiteering and that was the Labor party. Labor ridiculed the 1919 alterations as an example of political expediency and trifling with a serious question.

The fact that the 1919 referendum campaign did not follow the pattern established in 1911 and 1913 does not make 1919 a political "mystery." In the last referendum battle of the decade the issues were superficially different from those of 1911 and 1913. This was partly due to the rise of problems that had been created by the war, and because there had been a split in the Labor party. In other words, short term political factors were substituted for long term political ends. But this does not mean that certain groups such as the business and commercial organizations and the Farmers and Settlers' Association did not stick by their long term objectives. The union of Labor and capitalist groups confused the referendum, but the stand of each if understandable and in terms of their political objectives each group had an adequate reason for adopting a "No" stand.

Even though there was a great deal of difference in the proposals, motivation, arguments, circumstances, and party supporting the referenda, there is a rather striking degree of consistency in the
State by State voting at the three referenda. Two States, New South Wales and Tasmania, registered a "No" majority in all three attempts to extend Commonwealth powers while Western Australia had a consistent "Yes" majority. Of the three remaining States, Victoria and South Australia only voted "Yes" at the 1919 and 1911 referenda respectively, and Queensland's sole "No" majority was recorded in the 1911 referendum. (See Appendix IV.) From the voting results it can be seen that in all three referenda the "No" votes in New South Wales and Victoria, although Victoria voted "Yes" by a substantial majority in 1919, accounted for two-thirds of the total Commonwealth "No" vote at each referendum, and in 1911 the "No" votes from these two States were greater than the combined "Yes" vote of the six States. The voting results in these two States are significant because they indicate that the two most populous States and at

"The consistent "Yes" majority in Western Australia is difficult to explain. W.S. Livingston comments: "Western Australia's place at the head of the list is not easy to understand. The largest state in the Commonwealth, she has next to the smallest population /Tasmania is the smallest/; her financial problems have always been great. Her tax resources have not been adequate to her needs and she has had to depend largely on help from the Commonwealth. Moreover, she has always been dissatisfied with her position in the union and has chafed under the tariff policy, which she believes has done her increasing harm to the benefit of other states. This dissatisfaction led her in the early 1930's to make an earnest effort to secede from the Commonwealth, an effort that was carried so far as a petition to London to grant power of secession. Since she has been the most dissatisfied with the present arrangement, it might be expected that she would be the most anxious to change it. But at the same time, since she has been so dissatisfied with the federal system, it is rather surprising to find her so regularly voting to increase the powers of the federal government. Western Australia has been dissatisfied with her place in the federal system; she has therefore voted to change the system. But this is only a suggestion, and it doubtless is an over-simplification . . . ." Federalism
that time the Commonwealth's legislative rivals provided the bulk of the opposition to the referendum. And of the two States it was New South Wales that was the staunchest and most consistent in fighting against the extension of Commonwealth powers. Other than New South Wales the only consistent "No" State was Tasmania. New South Wales' "No" position can be understood because of its historical position among the States, the power and opposition of the Farmers and Settlers' Association, and the attitude of State parliamentarians who were zealous in their desire to protect the power and prestige of the State. However, it is impossible to find a set of comparable factors in Tasmania which would explain the State's "No" majorities. The one factor which might explain Tasmania's vote is that the State is the smallest in the Commonwealth in both size and population, and, also, the State is not contiguous to the Australian continent. Thus, Tasmanian electors would be the most likely to reject extended Commonwealth power on the grounds that the State would suffer from the acts of a parliament under the supposed domination of the three large eastern States—New South Wales, Victoria, and Queensland.

At various points in this study it has appeared that the most important aspects of the referenda were the inertia which acted in favor of the "No" cause and the stand of the parties. Certainly

---

and Constitutional Change, pp. 144-145. The solid labor support in the mining centers of Coolgardie and Kalgoorlie, see Table IX in Chapter VI on page 163, is another possible explanation for Western Australia's consistent "Yes" majorities.
these two aspects of the referendum deserve attention, and both of them had an effect in the voting results but not to the extent maintained by some observers. Misconceptions on these two points were voiced in the testimony of A. C. V. Melbourne before the 1929 Royal Commission which investigated the Constitution. Melbourne stated that the electors who were active supporters of a political party would vote as their party directed, and that the "bulk of the rest will vote 'No' on the general principle that it is better to resist change . . . ."¹

It cannot be denied that many electors look to their Commonwealth political party for guidance on referendum proposals. In election battles the Commonwealth party label and blessing is often sufficient to insure the election of a given party's candidate. Likewise, it is frequently the case that certain party affiliates will vote for or against a referendum proposal because that proposal is sponsored or opposed by a particular party. But this party aspect of voting has been over-emphasized. Parliamentary and party government insures that proposals of any consequence that originate in parliament will take on a partisan appearance which is based on non-labor vs. labor lines. But it is not correct to infer from this that the fight throughout the Commonwealth on all levels is based on such a division. In referendum battles the Commonwealth political party is only one of the many groups which have an effect

¹Quoted in Parker, "The People and the Constitution," p. 149.
on the electorate. In the referenda studied the electors were under pressure from many sources. Among those that had an influence, at times complementary to the Commonwealth parties and at other times contradictory to the Commonwealth parties, were the Commonwealth parliamentary parties, Commonwealth parties outside of parliament, State parliamentary parties, State parties outside of parliament, municipal and shire governing bodies, and the socio-economic interest groups. Once the referenda left the Commonwealth parliament all of these pressures came into action in influencing the elector, and, therefore, took the proposals out of the realm of parliamentary party politics.

In 1911 the defection of Holman and other Labor members of the New South Wales parliament is sufficient evidence to show that this referendum campaign did not proceed along the non-labor vs. labor lines which were in evidence during the course of the Commonwealth parliamentary debates. Moreover, the "No" stand and the vigorous campaign conducted by the shire councils, municipal governments, and the Farmers and Settlers' Association were not motivated by any great sense of party affiliation, and many members of these groups had undoubtedly been Labor supporters in the Commonwealth parliamentary elections. Again, in 1913 the Labor party, although a great deal more unified than in 1911, was without the services of W. A. Holman. By 1919 the group alignment on proposals completely explodes the contention that the referenda proceed on the party lines which are established in the Commonwealth parliament.
This assumption that referenda are party matters and that all of the electors vote as their party directs can be disproved in another manner, and this is by comparing parliamentary election results and referenda results. As was pointed out in the comparison of the 1910 election results and the 1911 referendum results, there were twenty-four 1910 Labor districts that voted "No" on the alterations. Admittedly there was a lapse of one year between election and referendum and also a 10 per cent drop in voting from election to referendum, but these two factors cannot account for the big shift from Labor to "No." In the election and referendum of 1913 the shift was not so great as it was between 1910 and 1911; nonetheless, in 1913 there were ten Labor districts that voted "No." Again in 1919, when an election and a referendum were held simultaneously, the results demonstrated that the electorate did not follow the party lines which were indicated in the election results. Of the thirty-eight National districts there were nineteen that voted "Yes" and nineteen that voted "No"; in the twenty-five Labor districts there were fifteen "No" districts and ten "Yes" districts; and the twelve Farmer and National districts split even in the referendum voting. This wide divergence between election and referendum voting when viewed in the light of group and individual splits within parties is rather conclusive evidence of the lack of voting along party lines on referenda.
The second half of Melbourne's observation on referendum voting—that the residue of the "No" vote not based on party advice is a result of the desire to resist change—is another proposition that has been given wide currency. But it is lacking in factual support as is the proposition that party affiliates follow the directions of their Commonwealth parties. The opposition of the various business and commercial groups was more than a disapproval of change. Business and commercial groups realized that their activities would be regulated and controlled, and in 1911 and 1913 they feared that their business or industry might be the subject of a Labor party nationalization scheme. Rural interests based much of their opposition to the proposals on the fear of nationalization of land and railways, increased property taxes, and greatly strengthened rural unions operating under a Federal Arbitration Court's "common rule." State parliamentarians recognized that the States would be overshadowed by a strong Commonwealth parliament, and that a Commonwealth parliament with greatly increased power would mean that their prestige would decline and that their political future would be tied to that of their party in the Commonwealth parliament. There is an element of wanting to resist change in these motives and it is correct to say that some groups were following the path of their parliamentary party; however, more than this was involved. Each group had a personal stake in the outcome of the referendum voting; they were objecting to the unfavorable economic and political consequences which they felt would flow from a "Yes" victory.
This question of what influences the elector is one that has plagued most writers on Australian politics. As was stated in the Introduction, most students of Australian politics who discuss referenda have not used the group approach. In fact, most of the research has been oriented toward discovering how the parties stand on an issue, campaign arguments, and the influence of mass media on the individual elector. This is an important area of political inquiry, but it overlooks the fact that electors are members of various groups, and that these groups are continuously shaping electoral attitudes. Group membership in many instances transcends party affiliation.

It has been the purpose of this study to show that in the extension of powers referenda the position of groups was more important than that of parties in understanding the voting results.

R. S. Parker agrees with this concept to a limited extent, and says that votes based on party allegiance do not decide the results of referenda.¹ After discussing and dismissing as unimportant the effect of non-voting and informal voting, Parker comes to the tentative conclusion that "the clues to public attitudes on Constitutional questions must be sought somewhere in State politics ... ".² In pursuing this analysis Parker attempts "to compare the State referendum votes with a composite estimate of the current

¹Ibid.
²Ibid., p. 163.
'political situation' in each State."¹ Parker admits that his effort is "incomplete and perhaps inconclusive"; nevertheless, he does arrive at a correlation which at first glance appears to show a great deal about the pattern of referendum voting. In employing this method of comparing the State referendum vote with an estimate of the States political picture at the time of the referendum Parker states that the method yields an apparent correlation of hypothesis with fact of about eighty to eighty-five per cent.²

In essence Parker is saying that the position of the State party which is most popular with the electorate at the time of the referendum determines which way the "swinging" vote will go, and, thus, decides the State's position in referendum voting. (Parker assumes that the party vote in each State will be about equally divided and, therefore, cancel out.) There are many questions that can be raised concerning Parker's method other than the ability to evaluate the political situation in the State at the time of the referendum. Perhaps the first question to be asked is whether a majority of the "swinging" vote is influenced by the stand of the most popular party in the State. It seems highly possible that the stand of the most popular party and the vote of the "swinging" electorate could be coincidental. The fact that a State registers a majority which follows the position of the dominant party in that

¹Ibid., p. 164.
²Ibid., p. 166. Parker outlines his method on pp. 165-66.
State does not prove that the "swinging" voters in the State were influenced by the State's dominant party. And even if the "swinging" vote is influenced in such a manner, there is the all important question of why the State parties command such respect from the "swinging" voters. In the case of a majority State party, why is its stand the choice of a majority of the State voters? What influences the State party's stand on a referendum? Is the "swinging" voter influenced by the same factors? If either of these last two questions are answered in the affirmative, then it seems as though the vote on the referenda is purely along party lines. That is, a majority of the voters follow the advice of the Commonwealth parties, and these votes tend to cancel out. A majority of the "swinging" vote follows the State party which is most popular with the electorate, and this means that the stand of the dominant party in the State will determine the outcome of the referendum. And a final question, in the event that the stand of the dominant State party coincides with the stand of the majority Commonwealth party, why is it that the majority "swinging" vote is said to be following the State party rather than the Commonwealth party?

Even if these questions can be answered satisfactorily, it does not discount the fact that other groups were important in determining the outcome of the voting. In the analysis of the 1911, 1913, and 1919 referenda campaigns the influence of State and Commonwealth parties is not disputed, rather it is contended that they were only
two of the several groups which had an effect on the electors. In some instances they were probably the most important factors, but too many other groups took a stand in the referenda to maintain that State or Commonwealth parties were all important.

Parker is not alone in neglecting the importance of group attitudes and their effect on the elector. In a very provocative article, "The Politics of Federalism," Professor P. H. Partridge analyzes the role the referenda have played in shaping Australia's views on federalism. Professor Partridge's main conclusion on this point is that the referenda are no indication of the electorates attitude towards federalism. By reading the referendum results it could be assumed that the Australians were staunch adherents to rigid State-Commonwealth boundaries. But this, as Professor Partridge demonstrates, is not the case. In the mid-1950's there is no longer a State like New South Wales of the 1900's to 1920's that can be considered to be the Commonwealth's equal. Centralization of governmental functions has been taking place, and it has been with the consent of the electorate.¹ The fact that Commonwealth supremacy has been the result of public demands leads Professor Partridge to doubt that in a referendum the public is "chiefly concerned about

¹The growing centralization of functions and the resulting Commonwealth supremacy has taken place due to two world wars and the depression of the 1930's. This centralization has been facilitated by Commonwealth supremacy in fiscal matters. For a discussion of this point see: S. R. Davis, "Co-operative Federalism in Retrospect," Historical Studies; Australia and New Zealand, V (November, 1952), 212-233.
the constitutional or federal question."\(^1\) The elector is interested in the immediate question of what the government will do if the alterations are passed, and sometimes a "popular vote against the amendment is a direct vote against the policy which is thought to be adumbrated or implied in the amendment."\(^2\) This, argues Professor Partridge, does not mean that there has been a "considered public judgement of the constitutional or federal question," or "a serious pronouncement about an issue of policy."\(^3\) Thus, Professor Partridge is saying that referenda are neither an indication of the electorate's attitude on Commonwealth-State relations nor does the voting reflect a serious decision on policy. Professor Partridge's conclusions will be examined in light of the referenda covered in this study in an effort to determine their validity.

A statement of Professor Partridge's four reasons why the electorate votes "No" at referenda aids in understanding the reasons for his general conclusions about referenda voting. The four reasons why the electors vote "No" are: (1) the policy of the government is made clear, and the electorate rejects the policy; (2) the policy of the government is not clear, and the electorate refuses to buy a "pig-in-a-poke"; (3) the electorate fears any expansion of government; and (4) the electorate feels that the area of administration


\(^2\) Ibid., pp. 181-85.

\(^3\) Ibid., p. 185. See also W. S. Livingston, Federalism and Constitutional Changes, pp. 136-40, who accepts with slight variations Professor Partridge's four reasons why the electors vote "No."
involved is one that should be occupied by the State and not the Commonwealth. The first three of these considerations which do not involve Commonwealth-State relations in a direct sense provide the majority of the "No" vote, while the last reason for voting "No" influences a very small minority of the electors.

There appears to be a contradiction in reasons one and three for voting "No" and the general conclusion that the referenda results do not indicate a serious pronouncement on policy matters. Possibly the electorate did not understand the policy of the government to the degree that Professor Partridge would like, but from the survey of group, party, and individual attitudes on the 1911 and 1913 referenda, and to a lesser extent the 1919 referendum, it seems that the policy of the government, as outlined by government spokesmen or implied by individuals and groups, was understood. In 1911 and 1913 the trade unions were aware of the fact that the Commonwealth government through the referenda proposals intended to control trade and commerce, administer arbitration, and regulate and nationalize industry in an effort to aid the laboring man. Whether the trade unions would benefit to the extent that they were led to believe is not at issue. What is important is that labor felt it would prosper in general and particular ways if the alterations were successful. That labor desired this as a matter of government policy can be seen in the

\[1\text{Ibid.}\]
opinions, official and unofficial, which were expressed before, during, and in between referenda campaigns.

Likewise, the opponents of the referenda voiced their opinions on the policy questions involved in the proposals. Many of the "No" arguments were in the form of meaningless cliches, but when the positions of the farming groups, business and commercial bodies, and State parliamentarians are examined it is clear that they were objecting to policies which were involved in the alterations. Because of the comprehensive nature of the amendments it is difficult to say whether the policy questions considered as important were real or apparent; nonetheless, both sides were basing their support or opposition on policies which they anticipated would result if the proposals were accepted. It is also correct to say, as Professor Partridge does in his third reason why electors vote "No," that much of the opposition to the 1911 and 1913 alterations was based on the desire to halt the expansion of government. This, when it is based on the kind of reasoning used by the "No" side, appears to fall under the heading of a policy consideration.

This brief discussion of policy and the part that it played in the referenda has been based on the 1911 and 1913 alterations. It is reasonably clear from the discussion in Chapters VIII, IX, and X that policy considerations were not so important in 1919. In the two earlier campaigns the issues involved in the amendments were paramount, but this was not the case in 1919 when ephemeral and
personal issues dominated the election and referendum. The official attitude of the National party was that the proposals were of limited application and duration. The Australian Labor party opposed the alteration, and in this campaign the chief concern was to be returned to parliament with a majority. Profiteering resulting from war, soldiers' gratuity, the betrayal of the Labor party by Hughes, "efficiency and economy" (the Farmers' slogan), severing of Imperial ties, Ryan's Catholicism, and Hughes exploits in England and at the Peace Conference were all matters which obscured the policy considerations inherent in the alterations.

However, 1919 was the exception in the three referenda covered. The results of the 1911 and 1913 referenda can be taken to indicate a public pronouncement on policy, and it was as serious a pronouncement as is possible in an electoral contest. The question is not whether the decision was a lasting one, but given a certain set of circumstances and an indication of the policies to be pursued in these circumstances, groups and individuals made their decision. Looking back from the vantage point of the present, it may be difficult to accept this proposition. However, political events must be analyzed not only from a long-range perspective, but must also be considered as having taken place in a unique climate of opinion which is a portion of the total political history.

The next question to be discussed is Professor Partridge's conclusion that the referenda results do not reveal a "considered
public judgement on the Constitution or federal question." In the case of the extension of powers referenda the argument is that the elector is more concerned over how the government intends to use the power, and not how the extended power will affect Commonwealth-State relations. This argument can be accepted, but not to the exclusion of the Commonwealth-State issue. Thus, any disagreement with Professor Partridge over whether the referenda involve policy matters is probably one of emphasis. The point of disagreement with Professor Partridge and R. S. Parker, who takes a similar view, is on their contention that the elector does not judge the effect of the proposal on the general structure of government.¹

In the first place it should be repeated that neither of these two writers considers the part which groups play in shaping electoral opinion. Both writers refer to "the people," "the public," and "the elector." They are dealing with the entire scope of Commonwealth history, and perhaps this explains their disinterest in the role of groups. Moreover, there is a possibility that they assume that groups aid in shaping electoral opinion, but this does not appear to be a specific part of their treatment. Parker attempts to explain referenda voting by examining State politics, while Professor Partridge relies on rather vague reasons which visualize the elector as understanding, not understanding, or fearing government expansion and,

¹Parker, "The People and the Constitution," states: "The intrinsic merits of the Constitutional issues, whether from the point of view of States' rights or the Commonwealth expediency, seems to play a very small part indeed in the people's attitude." p. 167.
therefore, voting "No." There is some validity in these explanations, but these considerations neglect the fact that somewhere along the line the referenda proposals stirred up the sentiments of groups which they would affect. Although these groups may not be interested in federal or constitutional questions at every referendum, it has been observed that in 1911 and 1913 Commonwealth-State relations were one of the several factors which influenced group and individual opinion.

It would be impossible to maintain that the groups who took stands on the alterations were interested in any abstract conception of what should be the proper balance between State and Commonwealth in a federal system. These were not academic discussions, but electoral campaigns; nonetheless, all of the argument over States' rights and unification was not just so much political hot air. Regardless of their inability to explain it, the federal system, different as it might have been, meant something highly practical to the various groups and personalities who took sides on the extension of Commonwealth powers. Patterns of governmental activity had been established, and despite the lack of ability to piece this activity together and determine what it meant to Australia's particular brand of federalism, there is little doubt that a federal system did imply something immediate and concrete.

The attitudes expressed in 1911 and 1913 demonstrated that there was some thought given to the constitutional or federal question
contained in the alterations. Those who argued "Yes" realized, for the reasons outlined in Chapter II, that they must resort to the Commonwealth government if they were to get action in the several areas covered by the proposals. This does not prove that these "Yes" groups knew that to refer certain subjects to the Commonwealth parliament would change Commonwealth-State relations, hence, the working of the federal system. Because this was not always apparent is not the same thing as saying that they were not expressing views on the workings of federalism. The same can be said for the "No" side, and in this instance, the case is a little clearer. So long as the proposals were not accepted the opponents of extending Commonwealth powers could assume that things would remain much as they were. Again, it should be emphasized that the "No" groups were not expressing an opinion that was fixed. They were merely registering their opinion of proposals that were brought forth at a particular time. As wars and economic recessions came along some of these same groups gave their consent, directly or indirectly, to extending Commonwealth powers. But this does not alter the fact that in 1911 and 1913 those who supported the "No" side were casting their vote to maintain the balance of Commonwealth-State relations which had been developed to that time.

There still remains one argument which would appear to deflate this contention. This is Professor Partridge's observation that despite the "No" votes on extension of Commonwealth powers there has been a steady flow of power to the Commonwealth, and this increased
Commonwealth power has been in areas that the electors have voted "No" on at referenda. In reply to this it can be argued that this centralization of power in the Commonwealth parliament took place after 1913, and that the decline of States' power has resulted from the problems arising out of national and international emergencies. Events have moved rapidly since 1913, and perhaps the other extension of powers referenda were fraught with so many extraneous matters, as was the case in 1919, that it is difficult to say whether there was any consideration given to Commonwealth-State relations. The first two extension of powers referenda were taken in a period of relative calm; they were also held in a period when there was a marked difference between Labor and non-labor parties. In contemporary Australian politics the dividing line between Labor and non-labor policies has become blurred, and it is easy to transfer the present state of parties to those past years. The socialist vs. free enterprise argument was more of a reality during the second decade of the Commonwealth than it is today. Similarly, the dividing line between States and Commonwealth had not been broken down to any great extent. Many of the participants in the 1911 and 1913 referenda only ten years previously had been engaged in the struggle to establish a federal system. It was only natural that they should have been more aware of the constitutional and federal questions which were inherent in the alterations. It is not that groups and individuals were any more "politically intelligent" than they are today, but that there
are certain periods in which issues are sharper and the line between ideologies and parties is clearer.

It has not been the intention in this discussion of group and individual attitudes toward the Commonwealth-State relations to obscure the major thesis of this study, in fact, this discussion is another way to demonstrate how groups shape the stand which electors take. This is by no means a purely economic interpretation. There are many cross-currents involved in the formation of group opinion. Ideology, leadership, and status were some of the factors other than the economic ones which swung groups to one side or the other on the question of extending Commonwealth powers.

Ideologically, the socialist solution was one which the Labor party could readily adapt to the problems of the 1910's, and this was the period when labor had great faith in the socialist philosophy. In present day Labor pronouncements this socialism is less evident. Even in the early referenda struggles Labor's socialism was tempered by the practical considerations.

On the non-labor side the attachment to free enterprise provided party affiliates with a set of tenets that were opposed to the socialism of Labor. The free enterprise philosophy was no more a set of abstract principles than was Labor's socialism. Free enterprise had all of the self-interest and expedient features that appeared in Labor's beliefs. However, these two ideologies did provide a basis of disagreement and conflict, and both of the doctrines were factors in shaping opinion on the referenda.
Leadership also had its part in forming the attitudes of groups and individuals. Many voters were undoubtedly swayed by the stands which W. M. Hughes, W. A. Holman, and others adopted. Hughes and Holman stand out as the foremost political leaders of the decade. The activities of both have been related in detail, and it is necessary to summarize some of the ways in which they influenced party, group, and individual opinion. Hughes was the architect of the alterations. He guided the proposals through his Party, led the fight for adoption in the House, and campaigned throughout the Commonwealth for the adoption of the proposals in all three referenda. In many respects he was the spokesman for the dominant sentiment in Australian politics, but he was also attempting to lead opinion. His skill and guile were displayed on more than one occasion. The way in which he dealt with Holman is an example of how a first-rate politician operates in dealing with his opponents. His maneuvers in 1919 seem to be a classic example of how one man can manipulate individuals and groups into the position that he desires. Ultimately, Hughes' cause lost at the hands of the electors, but this does not detract from his feat as a manipulator of men.

If any criticism of Hughes can be made, it is that he was too gifted and that he could handle his party and parliament too well. Sir Robert Garran relates that Hughes very seldom had any detailed plan of action, rather he reacted to each set of circumstances as they emerged. The situation favored his getting the
alterations through parliament in 1919, and Hughes took full advantage of it. It appears as though he played his hand too well in the beginning, and that this was the cause of his later setbacks.

Perhaps the greatest tribute to Hughes' leadership is the fact that he was universally disliked by members of the opposition and by the members of the several parties to which he belonged. He had no personal or intimate friends, and there is no record of his having had confidants or long-time advisors. There were none who were blinded by political or personal affection for Hughes, and his hold over others, even over his personal secretaries, was always tenuous. But Hughes managed to hold on. Occurrences which would seem to threaten political death were turned into Hughes' advantages. On critical issues such as extending Commonwealth powers and conscription he was often out of step with his party and public opinion, but he found a way out of any public or party censure that resulted from his being out of step.

The contrast between Hughes and Holman—Holman was Hughes' main rival throughout the second decade of the Commonwealth—was a marked one. Holman was logical and deliberate. The New South Wales leader cultivated the support of influential men inside and outside of the New South Wales parliament. As leader of the Labor party, and later the National party, in his State Holman was an influential party politician, and as Premier of New South Wales he was a power throughout the Commonwealth. His was the most respected voice in
the yearly Premiers' conferences over which he presided. Because of his position, the silent opposition which he offered to the 1911 and 1913 alterations was a serious blow to the chances for their success. The concessions of 1919 constituted deference to Holman and the interests for which he spoke.

The leadership of Hughes and Holman, and the ideological aspects of the Labor and non-Labor Parties are only two more ways in which opinion on the alterations was shaped. But these points and the other ones covered in this chapter do not answer the inevitable question of why the referenda were defeated. In the analyses of the voting at each referendum some of the more important reasons why that particular referendum was defeated have been given. These analyses show that there is no single reason or series of reasons that will hold for all three referenda. Each referendum must be examined in its turn, and the group attitudes and other factors which affect voting must be discovered. Referenda, like elections, should be viewed as expressions of political opinion which occur at particular times and under particular circumstances.

Nevertheless, referenda are not isolated political events, but one portion of the politics of a period and at the same time they are a minute segment of Australia's political history. An examination of referenda must contain both of these, and any referendum study which does this will be of assistance in uncovering the main currents of Australian history. Referenda offer a particularly
fertile field of inquiry for understanding the development of political parties, because it is wholly through party support that proposals reach the electorate. Political parties through the referendum process are seeking the opinion of the electorate on a specific issue or set of issues which otherwise would not be directly decided by the electorate. The inner working and functions of parties can be seen by examining referenda as an adjunct of party politics as well as group and individual politics.

In this regard the present study reveals among other things the degree of discipline that each party was able to extract from its members. The supposedly rigid discipline of the Labor party broke down in 1911 and 1919, and this had serious consequences. In non-labor parties discipline was generally not so rigid as in Labor parties, and when certain National party members broke away in 1919 it did not have serious effects on the Party's retaining the reigns of government. The degree to which the Labor party, as an "indirect" party, responded to and relied upon outside support is in marked contrast to the loose knit functioning of the Liberal and National parties. Another aspect of party organization which was underscored in the referenda was the extent to which they had adapted their organizations to a federal system. In each referendum it was evident that the parties were functioning as federal bodies, and the conflicts within the Labor party were magnified because of the federal structure of the Party.
Finally, it can be seen through the study of referenda that parties perform several functions which are vital to the workings of a democratic society. In the first place, political parties sifted groups and individual's demands and placed the more important of these before the electors. Once the referenda bills passed through parliament it was the parties who were instrumental in simplifying the issues and getting out the vote. By performing these particular functions in referenda battles the parties were rendering their most valuable service to society; to provide and to support a stable and representative government.
### APPENDIX I. NUMBER OF UNIONS AND UNION MEMBERSHIP BY TRADE IN AUSTRALIA—1912

<table>
<thead>
<tr>
<th>Class of Union</th>
<th>Number of Unions</th>
<th>Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wood and furniture</td>
<td>24</td>
<td>18,569</td>
</tr>
<tr>
<td>Engineering and metal works</td>
<td>71</td>
<td>29,953</td>
</tr>
<tr>
<td>Food, drink, and tobacco</td>
<td>70</td>
<td>28,132</td>
</tr>
<tr>
<td>Clothing, hats, and boots</td>
<td>33</td>
<td>16,691</td>
</tr>
<tr>
<td>Printing</td>
<td>30</td>
<td>8,241</td>
</tr>
<tr>
<td>Other manufacturing</td>
<td>80</td>
<td>21,838</td>
</tr>
<tr>
<td>Building</td>
<td>60</td>
<td>25,609</td>
</tr>
<tr>
<td>Mining</td>
<td>28</td>
<td>39,203</td>
</tr>
<tr>
<td>Railways</td>
<td>25</td>
<td>56,005</td>
</tr>
<tr>
<td>Other land transport</td>
<td>19</td>
<td>11,550</td>
</tr>
<tr>
<td>Shipping</td>
<td>41</td>
<td>35,000</td>
</tr>
<tr>
<td>Pastoral</td>
<td>14</td>
<td>52,180</td>
</tr>
<tr>
<td>Domestic</td>
<td>27</td>
<td>11,289</td>
</tr>
<tr>
<td>Others</td>
<td>99</td>
<td>69,991</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>621</strong></td>
<td><strong>433,224</strong></td>
</tr>
</tbody>
</table>

*Commonwealth of Australia, Official Yearbook, 1920, p. 964.*
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1905</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victoria</td>
<td>68</td>
<td>17</td>
<td>35</td>
<td>2</td>
<td>23</td>
<td>3</td>
</tr>
<tr>
<td>New South Wales</td>
<td>90</td>
<td>25</td>
<td>60</td>
<td>4</td>
<td>26</td>
<td>7</td>
</tr>
<tr>
<td>South Australia</td>
<td>42</td>
<td>6</td>
<td>18</td>
<td>1</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Queensland</td>
<td>72</td>
<td>35</td>
<td>42</td>
<td>2</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Western Australia</td>
<td>50</td>
<td>17</td>
<td>30</td>
<td>3</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Tasmania</td>
<td>35</td>
<td>4</td>
<td>18</td>
<td>**</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>357</td>
<td>109</td>
<td>203</td>
<td>11</td>
<td>75</td>
<td>25</td>
</tr>
</tbody>
</table>

|                |                  |                   |                   |                   |                     |                     |
| **1911**       |                  |                   |                   |                   |                     |                     |
| Victoria       | 65               | 21                | 34                | 3                 | 22                  | 10                  |
| New South Wales| 90               | 46                | 54                | 5                 | 27                  | 17                  |
| South Australia| 42               | 22                | 18                | 4                 | 7                   | 4                   |
| Queensland     | 72               | 27                | 44                | 2                 | 9                   | 6                   |
| Western Australia| 50           | 22                | 30                | 2                 | 5                   | 2                   |
| Tasmania       | 30               | 11                | 18                | **                | 5                   | 3                   |
| **Total**      | 349              | 149               | 198               | 16                | 75                  | 42                  |

\textsuperscript{a}Clapson, Atlas of Political Parties in Australia and the U.S.
### APPENDIX III. TRIBUNALS FOR REGULATION OF WAGES IN TRADES—1911a

<table>
<thead>
<tr>
<th></th>
<th>N.S.W.</th>
<th>Vic.</th>
<th>Qld.</th>
<th>S.A.</th>
<th>W.A.</th>
<th>Tas.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Actual Tribunal</strong></td>
<td>Industrial Boards &amp; Ind. Court</td>
<td>Wages Board</td>
<td>Wages Board</td>
<td>Wages Board</td>
<td>Arbitration</td>
<td>Wages Board Court</td>
</tr>
<tr>
<td><strong>Application of Acts</strong></td>
<td>To Industries 1908 &amp; those added by Parliament</td>
<td>To any process, trade, or such business, or part as Gov. by Parl.</td>
<td>Trades authorized occupation Gen.-in-Coun. specified in cil determine resolution</td>
<td>All industries All trades or occupational groups or parts thereof</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>How members appointed</strong></td>
<td>By Gov. on recommendation of Ind. Ct.</td>
<td>Nominated by employers &amp; employees &amp; employers &amp; employees &amp; employers</td>
<td>By employers By employers By employers By employers</td>
<td>By employers By employers By employers By employers</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Decisions, how enforced</strong></td>
<td>Ind. Ct., Fact. Dept. Dept. in Ct.</td>
<td>Fact. Dept. Dept. in Ct.</td>
<td>Arbitration Minister in Ct. on complaint</td>
<td>Minister in Ct. of Petty Sessions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Commonwealth of Australia, Official Yearbook, 1912, p. 1065.*
### APPENDIX IV. 1911, 1913, AND 1919 REFERENDA RESULTS

#### 1911 (20th APRIL).

<table>
<thead>
<tr>
<th>Proposed Law</th>
<th>Votes given IN FAVOUR of Proposed Law</th>
<th>Votes given NOT IN FAVOUR of Proposed Law</th>
<th>Percentage of Votes recorded IN FAVOUR of Proposed Law to Formal Votes</th>
<th>Percentage of Votes recorded NOT IN FAVOUR of Proposed Law to Formal Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>N.S.W.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1910</td>
<td>133,968</td>
<td>240,605</td>
<td>36.11</td>
<td>63.89</td>
</tr>
<tr>
<td>Constitution Alteration (Monopolies) 1910</td>
<td>138,237</td>
<td>238,177</td>
<td>36.72</td>
<td>63.28</td>
</tr>
<tr>
<td>Vic.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1910</td>
<td>170,288</td>
<td>270,390</td>
<td>38.64</td>
<td>61.36</td>
</tr>
<tr>
<td>Constitution Alteration (Monopolies) 1910</td>
<td>171,453</td>
<td>268,743</td>
<td>38.95</td>
<td>61.05</td>
</tr>
<tr>
<td>Qld.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1910</td>
<td>69,552</td>
<td>89,420</td>
<td>43.75</td>
<td>56.25</td>
</tr>
<tr>
<td>Constitution Alteration (Monopolies) 1910</td>
<td>70,259</td>
<td>88,472</td>
<td>44.26</td>
<td>55.74</td>
</tr>
<tr>
<td>S.A.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1910</td>
<td>50,353</td>
<td>81,904</td>
<td>38.07</td>
<td>61.93</td>
</tr>
<tr>
<td>Constitution Alteration (Monopolies) 1910</td>
<td>50,353</td>
<td>81,904</td>
<td>38.07</td>
<td>61.93</td>
</tr>
<tr>
<td>W.A.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1910</td>
<td>33,043</td>
<td>27,185</td>
<td>54.86</td>
<td>45.14</td>
</tr>
<tr>
<td>Constitution Alteration (Monopolies) 1910</td>
<td>33,592</td>
<td>26,561</td>
<td>58.84</td>
<td>41.16</td>
</tr>
<tr>
<td>Tas.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1910</td>
<td>24,147</td>
<td>33,200</td>
<td>42.11</td>
<td>57.89</td>
</tr>
<tr>
<td>Constitution Alteration (Monopolies) 1910</td>
<td>24,292</td>
<td>32,960</td>
<td>42.43</td>
<td>57.57</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1910</td>
<td>483,356</td>
<td>742,704</td>
<td>39.42</td>
<td>60.58</td>
</tr>
<tr>
<td>Constitution Alteration (Monopolies) 1910</td>
<td>488,668</td>
<td>736,392</td>
<td>39.89</td>
<td>60.11</td>
</tr>
</tbody>
</table>

---

*aCommonwealth of Australia, Statistical Returns in Relation to Proposed Laws for the Alteration of the Constitution, 1906-1926 (Commonwealth Electoral Office), 1927, pp. 6-7.*
## Submission to Electors of Proposed Laws for the Alteration

### 1913 (21st May)

<table>
<thead>
<tr>
<th>State</th>
<th>Proposed Law</th>
<th>Votes given in Favour of Proposed Law</th>
<th>Votes given against Proposed Law</th>
<th>Percentage of Votes cast in Favour of Proposed Law</th>
<th>Percentage of Votes cast against Proposed Law</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEW SOUTH WALES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trade and Commerce) 1912</td>
<td>317,949</td>
<td>359,418</td>
<td>66·93</td>
<td>53·07</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Corporations) 1912</td>
<td>317,928</td>
<td>359,418</td>
<td>66·93</td>
<td>53·07</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Industrial Matters) 1912</td>
<td>318,825</td>
<td>351,455</td>
<td>66·86</td>
<td>52·71</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Railway Disputes) 1912</td>
<td>316,929</td>
<td>351,455</td>
<td>66·86</td>
<td>52·71</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trades) 1912</td>
<td>316,130</td>
<td>355,155</td>
<td>67·12</td>
<td>52·88</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopoly) 1912</td>
<td>318,192</td>
<td>341,724</td>
<td>65·65</td>
<td>53·15</td>
<td></td>
</tr>
<tr>
<td><strong>VICTORIA</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trade and Commerce) 1912</td>
<td>297,500</td>
<td>307,975</td>
<td>49·12</td>
<td>50·88</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Corporations) 1912</td>
<td>295,428</td>
<td>303,915</td>
<td>49·14</td>
<td>50·86</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Industrial Matters) 1912</td>
<td>297,428</td>
<td>303,915</td>
<td>49·14</td>
<td>50·86</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Railway Disputes) 1912</td>
<td>295,555</td>
<td>310,921</td>
<td>49·79</td>
<td>51·21</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trades) 1912</td>
<td>293,729</td>
<td>305,288</td>
<td>49·71</td>
<td>50·29</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopoly) 1912</td>
<td>297,679</td>
<td>309,328</td>
<td>49·97</td>
<td>50·03</td>
<td></td>
</tr>
<tr>
<td><strong>QUEENSLAND</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trade and Commerce) 1912</td>
<td>140,197</td>
<td>123,813</td>
<td>54·34</td>
<td>45·66</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Corporations) 1912</td>
<td>140,036</td>
<td>123,822</td>
<td>54·31</td>
<td>45·69</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Industrial Matters) 1912</td>
<td>141,171</td>
<td>125,354</td>
<td>54·36</td>
<td>45·64</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Railway Disputes) 1912</td>
<td>140,511</td>
<td>123,809</td>
<td>54·19</td>
<td>45·81</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trades) 1912</td>
<td>140,671</td>
<td>123,898</td>
<td>54·79</td>
<td>45·21</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopoly) 1912</td>
<td>130,019</td>
<td>117,800</td>
<td>54·17</td>
<td>45·83</td>
<td></td>
</tr>
<tr>
<td><strong>SOUTH AUSTRALIA</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trade and Commerce) 1912</td>
<td>95,085</td>
<td>91,444</td>
<td>51·23</td>
<td>48·77</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Corporations) 1912</td>
<td>95,300</td>
<td>91,273</td>
<td>51·36</td>
<td>48·64</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Industrial Matters) 1912</td>
<td>96,130</td>
<td>91,251</td>
<td>51·40</td>
<td>48·60</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Railway Disputes) 1912</td>
<td>96,072</td>
<td>91,262</td>
<td>51·28</td>
<td>48·72</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trades) 1912</td>
<td>95,400</td>
<td>90,189</td>
<td>51·01</td>
<td>49·09</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopoly) 1912</td>
<td>91,411</td>
<td>85,910</td>
<td>51·26</td>
<td>48·74</td>
<td></td>
</tr>
<tr>
<td><strong>WESTERN AUSTRALIA</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trade and Commerce) 1912</td>
<td>83,349</td>
<td>90,181</td>
<td>45·18</td>
<td>54·82</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Corporations) 1912</td>
<td>85,882</td>
<td>88,449</td>
<td>49·54</td>
<td>50·46</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Industrial Matters) 1912</td>
<td>86,453</td>
<td>89,813</td>
<td>49·40</td>
<td>50·60</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Railway Disputes) 1912</td>
<td>86,937</td>
<td>89,955</td>
<td>49·88</td>
<td>50·12</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trades) 1912</td>
<td>87,342</td>
<td>88,312</td>
<td>49·12</td>
<td>50·88</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopoly) 1912</td>
<td>84,988</td>
<td>90,156</td>
<td>49·19</td>
<td>50·81</td>
<td></td>
</tr>
<tr>
<td><strong>TASMANIA</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trade and Commerce) 1912</td>
<td>34,600</td>
<td>42,046</td>
<td>45·18</td>
<td>54·82</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Corporations) 1912</td>
<td>34,754</td>
<td>42,394</td>
<td>49·54</td>
<td>50·46</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Industrial Matters) 1912</td>
<td>35,326</td>
<td>42,536</td>
<td>45·39</td>
<td>54·61</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Railway Disputes) 1912</td>
<td>34,538</td>
<td>42,399</td>
<td>45·01</td>
<td>54·99</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trades) 1912</td>
<td>34,326</td>
<td>42,952</td>
<td>45·02</td>
<td>54·98</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopoly) 1912</td>
<td>35,176</td>
<td>40,180</td>
<td>45·22</td>
<td>54·78</td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trade and Commerce) 1912</td>
<td>599,600</td>
<td>695,610</td>
<td>49·29</td>
<td>50·71</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Corporations) 1912</td>
<td>595,715</td>
<td>696,556</td>
<td>49·23</td>
<td>50·77</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Industrial Matters) 1912</td>
<td>589,261</td>
<td>691,611</td>
<td>49·95</td>
<td>50·05</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Railway Disputes) 1912</td>
<td>587,881</td>
<td>703,845</td>
<td>49·72</td>
<td>50·28</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Trades) 1912</td>
<td>585,102</td>
<td>685,997</td>
<td>49·18</td>
<td>50·82</td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopoly) 1912</td>
<td>597,450</td>
<td>681,457</td>
<td>49·97</td>
<td>50·03</td>
<td></td>
</tr>
<tr>
<td>Proposed Law</td>
<td>Votes given in FAVOUR of Proposed Law</td>
<td>Votes given NOT in FAVOUR of Proposed Law</td>
<td>Percentage of Votes recorded in FAVOUR of Proposed Law</td>
<td>Percentage of Votes recorded NOT in FAVOUR of Proposed Law</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>----------------------------------------</td>
<td>------------------------------------------</td>
<td>-------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) To Formal Votes.</td>
<td>(b) To Electors Enrolled.</td>
<td>(c) To Formal Votes.</td>
<td>(d) To Electors Enrolled.</td>
<td></td>
</tr>
<tr>
<td><strong>N.S.W.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1919</td>
<td>229,731</td>
<td>390,450</td>
<td>39·95</td>
<td>24·06</td>
<td>60·05</td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopolies) 1919</td>
<td>227,166</td>
<td>385,847</td>
<td>38·31</td>
<td>21·04</td>
<td>61·69</td>
</tr>
<tr>
<td><strong>Vic.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1919</td>
<td>399,210</td>
<td>201,869</td>
<td>64·05</td>
<td>44·09</td>
<td>35·95</td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopolies) 1919</td>
<td>324,343</td>
<td>188,129</td>
<td>63·29</td>
<td>38·73</td>
<td>36·71</td>
</tr>
<tr>
<td><strong>Qld.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1919</td>
<td>116,225</td>
<td>132,029</td>
<td>57·38</td>
<td>42·62</td>
<td>43·06</td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopolies) 1919</td>
<td>182,062</td>
<td>122,650</td>
<td>50·72</td>
<td>49·28</td>
<td>44·66</td>
</tr>
<tr>
<td><strong>S.A.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1919</td>
<td>40,520</td>
<td>119,789</td>
<td>25·28</td>
<td>15·11</td>
<td>74·72</td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopolies) 1919</td>
<td>38,503</td>
<td>112,259</td>
<td>26·54</td>
<td>14·35</td>
<td>74·46</td>
</tr>
<tr>
<td><strong>W.A.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1919</td>
<td>49,142</td>
<td>42,822</td>
<td>51·75</td>
<td>29·44</td>
<td>48·25</td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopolies) 1919</td>
<td>45,285</td>
<td>38,084</td>
<td>53·99</td>
<td>46·01</td>
<td>23·49</td>
</tr>
<tr>
<td><strong>Tas.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1919</td>
<td>16,509</td>
<td>36,861</td>
<td>33·43</td>
<td>66·57</td>
<td>32·90</td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopolies) 1919</td>
<td>16,531</td>
<td>31,562</td>
<td>34·06</td>
<td>65·94</td>
<td>28·56</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitution Alteration (Legislative Powers) 1919</td>
<td>911,357</td>
<td>924,169</td>
<td>49·65</td>
<td>50·35</td>
<td>32·43</td>
</tr>
<tr>
<td>Constitution Alteration (Nationalization of Monopolies) 1919</td>
<td>913,880</td>
<td>859,451</td>
<td>48·68</td>
<td>51·32</td>
<td>30·16</td>
</tr>
</tbody>
</table>
BIBLIOGRAPHY

PRIMARY SOURCES

Manuscripts and Unpublished Public Records


Federal Parliamentary Labour Party. Copy of Minutes From 7 May 1901 to 24 November 1920. 5 vols.


"Select List of Research Aids on Australian Politics," Department of Government and Public Administration, University of Sydney, 1956.


Public Documents


- Law Reports of Cases Determined in the High Court of Australia. Vols. I-XIV.


- Parliamentary Debates. Vols. XLIX-XC.


The Case For and Against the 1913 Referendums. 1913.

The Case For and Against the 1915 Referendums. 1915.

Great Britain. House of Lords Judicial Committee of the Privy Council and Peace Cases. 1913.


Party Publications

Country Party


Labor Party


Liberal Party


- Some Thoughts in Regard to an Anti-Socialist "Liberal Programme." Sydney: 1912.

Personal Papers


SECONDARY SOURCES

Books


Browne, Frank. They Called Him Billy. Sydney: Peter Huston, 1946.


... and Sugden, E. H. *George Swinburne: a Biography*. Sydney: Angus and Robertson, 1931.


**Pamphlets**


Williams, R. G. S. Australian White Slaves. Sydney: Simmons-Bloxham, 1911.

Pamphlets from the following files were used:

- Political Science Pamphlets. Melbourne: Australian Section, Victorian Public Library.

Newspapers

Adelaide Advertiser

Adelaide Daily Herald (Labor)

Adelaide Observer

The Advisor (country storekeepers journal)

The Age (Melbourne)

The Argus (Melbourne)

The Australian Town and Country Journal
The Australian Worker (Australian Workers' Union organ and semi-official organ of the Labor party of New South Wales)

Brisbane Courier

Brisbane Worker

Broken Hill Barrier Daily Truth (Labor)

The Bulletin

Country Life and Stock and Station Journal

The Farmer and Settler

The Federal Pastoralist

The Fighting Line (Liberal party)

The Freeman's Journal (Catholic, "For 61 years the Recognized Catholic and Irish Australian Organ")

International Socialist (with which is incorporated the International Socialist Review for Australasia)

The Labor Call (Melbourne)

The Labor News (official organ of the Australian Labor Party)

The Land (official organ of the New South Wales' Farmers and Settlers' Association)

The Liberal (official organ of the Commonwealth Liberal party)

Liberty and Progress (anti-socialist paper)

The Hobart Mercury

The People (official organ of the Socialist Labor party)

The Press (Catholic)

The Rural Times of Australia

The Sydney Daily Telegraph

The Sydney Morning Herald

The Times (London)
The Watchman (official organ of the Orange Lodge)

The West Australian

The Westralian Worker

Periodical Literature


The Round Table, 1910-1920. Each quarterly issue contains a commentary on Australian politics.

"Ten Years of the Australian Commonwealth," The Quarterly Review, CCXV (October, 1911), 305-34.
BIOGRAPHICAL SKETCH

Conrad Francis Joyner was born in Connersville, Indiana on October 21, 1931. In September of 1949 he entered Earlham College in Richmond, Indiana, and he ultimately decided to major in Political Science. During his undergraduate days he held various campus offices including the presidency of the student body and the presidency of his sophomore class. He is a member of Tau Kappa Alpha and has served as its Midwestern Regional Governor and its First National Vice-President. In June, 1953 he was awarded the degree of Bachelor of Arts with Departmental Honors in Political Science.

The author began graduate work at the University of Florida in Political Science with Economics as his minor field, and in August, 1954 was awarded the degree of Master of Arts. He is a member of Pi Sigma Alpha. During the academic year 1956-57 the author was a Fulbright student in Australia. He was appointed an Instructor in Political Science at West Virginia University in September, 1956.
This dissertation was prepared under the direction of the chairman of the candidate's supervisory committee and has been approved by all members of that committee. It was submitted to the Dean of the College of Arts and Sciences and to the Graduate Council, and was approved as partial fulfillment of the requirements for the degree of Doctor of Philosophy.

January, 1957

[Signatures]

Dean, College of Arts and Sciences

Dean, Graduate School

SUPervisory COMMITTEE:

[Signatures]