

## Politics or Statesmanship? George Reid and the Failure of the 1891 Federal Bill

Professor W.G. McMinn

'Politics or statesmanship?' It is the kind of rhetorical question that invites a reply - or at least a Socratic rejoinder such as 'What is the difference?' The obvious answer to that, of course, is the cynical epigram: 'A statesman is only a dead politician' - which, oddly enough, seems to have been coined by a man who was in politics himself, and to have been heartily endorsed by at least one other.<sup>1</sup>

To argue the metaphysical right or wrong of this opinion of statesmanship is hardly the task of an historian: it is, rather, a matter for the philosophers. But it certainly does seem, if one looks at the facts empirically, that Australians have tended to accept one obvious implication. They have been notably reluctant to confer the accolade of statesmanship on anyone still living and in the exceptional cases in which there has appeared some willingness to do so it has usually been ill-informed, not to say rash. The same, in sober fact, can be said in most cases of its application to those decently dead. Most Australians, to take an obvious example, tend to see Sir Henry Parkes as both 'the father of public education' and 'the father of federation'. But in reality, Parkes's 1880 Public Instruction Act was the product not of planning but of pique, produced absolute administrative chaos, from which the education system of New South Wales took decades to emerge, and seems to have done nothing - or less than nothing - in over a century to raise the level of basic literacy;<sup>2</sup> while I doubt if any serious historian believes that some sort of federation would not have been established in Australia at about the beginning of this century if Parkes had lived out his life as a labourer in Warwickshire.

But if it is easy to make mistakes about the dead it is still easier to make them about the living, and we probably all feel safer with the idea that a politician ought to die before we accord him the title 'statesman'. Not, of course, that death alone is a qualification: the epigram is not one of which the converse, as Euclid would have said, is also true. No one would suggest that a dead politician is necessarily a statesman. After all John Norton was once a politician, and Paddy Crick, and Billy Hughes, and - but perhaps this is a subject which should not be pursued too far, particularly within these walls.

None of this, of course, answers any questions about the nature of statesmanship - again, perhaps, a matter for the philosophers - or even about the practical meaning of the term in particular circumstances, which may be the proper business of an historian. Obviously such a thing as statesmanship exists. But where do we look for it? We do not look for it in the promotion of run-of-the-mill legislation, even when we are dealing with a period when the mills churned out much less of the stuff than they do now; we hardly seek it in the activities of those who have managed, or more usually mismanaged, the public finances and the economy. Surely, however we ought to find it in the great and enduring works of politics, in the making not just of dog

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1 It is usually attributed to Thomas B. Reed, Speaker of the U.S. House of Representatives 1889-90, 1894-99. Reed did, however, specify that the politician had to be 'successful'. Much later Harry S. Truman scouted this condition but added one of his own, the necessity to be dead 'for ten or fifteen years'.

2 It has been accepted in recent years that between ten and fifteen per cent. of the people in this state cannot read adequately. For an argument that the literacy rate in 1881 was not worse but actually better than this see B.M. Penglase, 'Literacy in Colonial New South Wales', Ph.D. thesis, Univ. of Newcastle, 1986, *passim*.

acts but of constitutions. Surely here, if anywhere, what comes to the top will be the cream, not just the electoral flotsam. Certainly Henry Parkes thought so, when he described the 1891 Federal Convention as 'beyond all dispute the most august assembly which Australia has ever seen'. That he himself was a member goes without saying, as does the fact that not everyone agreed with him. The *Brisbane Courier* commented unkindly on its 'necessarily including so many second-rate politicians'.<sup>3</sup>

Who was right? Now that all the Convention's members have been dead for well over two generations, many of them for more than three, perhaps history can tell us. Now I do not suggest that we can avail ourselves of something cut and dried called 'the Verdict of History', with capital letters on both nouns. History, sometimes personified in this way by propagandists and ideologues, is seen in a rather different light by professional historians, who, even if they do not agree that it is no more than a 'register of the crimes, follies and misfortunes of mankind',<sup>4</sup> recognize its limitations, which are those of any artifact, no matter with how much integrity and care constructed. There is no 'Verdict of History' on this issue, or on any other, but we might reasonably ask a more down-to-earth question: 'Have historians reached anything like a consensus on the matter?'

I think they have, at least informally. I find my evidence for saying so in the *Australian Dictionary of Biography*. Nowhere, I believe, could one find a more representative cross-section of the serious Australian historians who have worked in the past three decades or so than in the membership of the *Dictionary's* Editorial Board and its associated working parties. Their judgments on inclusion and omission and on length of entry, reflect careful and well-informed debate on the significance of the persons considered for admission to its pages. Of course the *Dictionary* deals with all manner of people, not just those who have been in politics, and even in the case of politicians there is obviously much more to the decision than an estimate of the quality of the subject, of his (or her) 'statesmanship': in at least some cases, indeed, sheer notoriety has been the critical factor. But with that *caveat* I would suggest that an examination of the *Dictionary* entries on the members of the 1891 Convention indicates that historians have rather tended to come down on the side of the *Courier*.

The Australian colonies sent forty-two delegates to the Convention.<sup>5</sup> Of these only four, Deakin, John Forrest, Griffith and Parkes himself, have been accorded the maximum length of entry, notionally six thousand words. Two others, Barton and Dibbs (the latter totally hostile to the federal idea and mainly concerned at the Convention, as J.A. La Nauze has pointed out,<sup>6</sup> with making a nuisance of himself), have been given between four and five thousand; and another five, Inglis Clark, Hackett, Kingston, McIlwraith and Alexander Forrest, about three. Of the other thirty-one none has received more than two thousand, most of them a thousand or less, with two<sup>7</sup> failing to gain admission at all. And even among those with substantial entries there are several who owe their prominence to other factors than an estimate of their federal statesmanship: for example Alexander Forrest, who, like Dibbs, was an opponent of federation - if a less troublesome one - and James Munro, whose entry does not even mention his membership of the Convention. The judgment of historians on the potential for statesmanship of this 'most august assembly' seems to have been very reserved indeed.

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3 Cited J.A. La Nauze, *The Making of the Australian Constitution*, Melbourne University Press, 1972, p 29.

4 Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, London, 1776-88, I, iii.

5 This number is exclusive of three New Zealanders and a temporary substitute from Victoria.

6 La Nauze, *op. cit.*, p 40.

7 Macdonald-Paterson of Queensland and Moore of Tasmania.

I shall come back later to a consideration of whether the work they did between 2 March and 8 April exceeded that potential. Such a consideration is an essential part of any enquiry as to why the optimism that most of them seemed to feel about the prospects of an early union of the Australian colonies was unjustified, why the constitution they drew up found its way very quickly, if not into the wastepaper basket, then certainly into the bottom drawer. But it is far from the only thing to be considered; and before such an enquiry can be pursued there is something else to be done.

Forty-five years ago when I was chatting with an elderly neighbour he remarked that the first vote he ever cast was against federation in the 1899 referendum. I asked him why he had voted 'no': his answer was 'Why not?' Looking back, I realize that his question had more point to it than mine. Not everyone these days would accept literally St Paul's dictum that the powers that be are ordained of God,<sup>8</sup> but we are all more-or-less inclined to act as if in some sense they were: we see the situation in which we have grown up as the natural, the normal one. As far as the governance of Australia is concerned, we see the existence of the Commonwealth as natural - perhaps not divinely ordained, but still natural: we find it hard to come to terms with the fact that, notwithstanding Australia's remarkable level of ethnic homogeneity (much higher than now) people a hundred years ago did not share our views; that as late as 1899, barely a quarter of the New South Wales electorate could be persuaded to give the federal compact approval. We perhaps find it particularly hard in this building, symbolizing as it does in monumental size and ostentatious splendour and extravagance the reality of 'a nation for a continent, and a continent for a nation'.<sup>9</sup> What we forget, of course, is that this is to read history backwards, that what we see as natural people a century ago often saw as novel, unsettling, even eccentric or grotesque.

All this is intended to suggest that if we are to come to useful conclusions about the failure of the Parkes federal initiative we need to understand the men who opposed it - and ultimately destroyed it - on their terms, not on ours; and we have to take into consideration the fact that for ordinary people it looked very much like what its leading critics were fond of calling it, a fad. That is, we have to note that the leading arguments for it were not, for such ordinary people, very appealing. It is easy, but unhistorical, to use pejorative words like 'apathy' to characterize this man-in-the-street attitude: in fact, it was based on a commonsense estimate of what these arguments were actually worth. The blunt fact is that most of them were not worth much.<sup>10</sup>

Let us look at what the supporters of federation represented as its advantages. If we take as a guide the resolutions Parkes moved in the Convention<sup>11</sup> and the subsequent debates upon them, they seem, when we cut away the patriotic rhetoric, to have seen three: first, improved security by combining the various colonial defence forces; secondly, the elimination of border customs duties (and perhaps of an

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8 Romans, XIII:1. Englished in these works it perhaps expresses the 'divine-right' views which the translators knew would appeal to James I as much as Paul's idea that the profession of Christianity did not exempt his converts from the ordinary duties of citizenship.

9 Usually attributed to Barton. R.R. Garran, *Prosper the Commonwealth*, Angus & Robertson, Sydney, 1958, p 101.

10 The same, I am sure, may be said of the arguments for many *successful* movements (not necessarily excepting that which finally produced federation). 'Apathy' does not hinder movements with a weak case - on the contrary. Dozens which have come to fruition in my lifetime spring to mind.

11 *Official Report of the National Australasian Convention Debates*, Sydney, 1891, reprint Legal Books Pty Ltd, Sydney, 1986, p 13.

annoyance connected with them as a manifestation of colonial particularism, the difference in railway gauges); and thirdly, the abolition of Privy Council appeals. A fourth, to be used more frequently later in the decade, was occasionally mentioned in 1890-91: it was suggested that a federated Australia would find it easier to get good terms on overseas money markets than six separate colonies.

If we look at the defence argument, the dominant theme upon which Parkes, with a little underhand assistance from Major-General Edwards,<sup>12</sup> sought to orchestrate the campaign he began in 1889, we will find little evidence that large numbers of Australians saw defence as a serious problem; those who did were hardly supported by the facts, at least as interpreted by the body in the best position to appreciate the real strategic situation, the Imperial Committee on Colonial Defence.<sup>13</sup> When in April 1891 George Reid compared a union between free-trade New South Wales and five protectionist colonies with a housekeeping arrangement between a teetotaler and five drunkards, nothing caused more merriment than his dry remark that one of the abstainer's motives was presumed to be a 'rumoured Chinese attack on the village'.<sup>14</sup> In the 1890s the 'threat from the north' was a politician's bogey man of which few electors were frightened; and had they been absolutely terrified, they would have had little reason to believe that uniting the trivial military forces of the colonies under a federal Department of Defence would have made much difference anyway; they would have seen more hope in trying to persuade the Admiralty to increase the number, size and armament of ships on the Australia Station.

Superficially, the removal of trade barriers may seem likely to have had a stronger appeal. For certain geographical and sectional groups - residents of the Murray valley and the Riverina, businessmen with large interstate interests - there were, no doubt, attractions, but for most people border customs seemed a remote problem. And some of the people inconvenienced by intercolonial tariffs enjoyed compensating concessions which 'absolutely free' interstate trade would be likely to eliminate: the graziers of the Riverina, for example, had their transport costs greatly reduced by the 'positive discrimination' in their favour in the matter of railway rates if they agreed to ship their wool through Melbourne.<sup>15</sup> Border customs, intolerable as they would seem in 1991, did not cause much heart-burning in 1891.

The fact that the final court of appeal for the colonies was the Privy Council caused considerably less concern. To imagine the existence of significant nationalistic objections to this state of affairs a century ago, when most Australians (and even some of those who wrote for the *Bulletin*) still thought and spoke of the United Kingdom as 'home', would be an absurd anachronism.

And there must have been fewer practically inconvenienced by the powers of the Judicial Committee than temperamentally affronted. Only a tiny minority of the electors of Australia could even conceive of themselves as involved in something as remote as a case before the court of last resort: most people then, as now, had their highest ambition in the legal sphere satisfied if they were able to stay out of the police court. That tiny minority was, moreover, made up almost exclusively of people capable of suspecting that, given the need for the proposed federation to be approved

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12 Edwards wrote to Parkes from Hong Kong at about the time of the Melbourne Conference enquiring whether if he arranged a visit from a Chinese naval squadron it would help the federation campaign. *Lord Carrington's Diary* (ML), 17 Feb. 1890.

13 *Sydney Morning Herald*, 26 September 1890.

14 *New South Wales Parliamentary Debates*, 19 May 1891.

15 As late as 1898 the Victorian Railways were transporting wool grown in New South Wales from Echuca to Melbourne for 16s. per ton and charging 44s. for wool grown in Victoria.

in Downing Street, it would not necessarily result in the abolition of Privy Council appeals whatever the Convention might say. As an argument for the establishment of a federal Commonwealth this would have been very, very weak even if the Convention had given it unequivocal support. In fact the relevant clause was written into the draft constitution by the barest possible margin.<sup>16</sup> The fourth, and less frequently used argument - easier borrowing - was no stronger. Again few could be interested, and those few, people with large financial interests, had every reason to be dubious about it.

Let us realize, then, that the case for federation in 1890-91 was almost pitifully weak; and it was not at all strengthened by the fact that even the federal enthusiasts envisaged a very limited sort of federal power. Very few matters on which the individual colonies had effectively legislated in the previous generation were seriously considered at the Convention for transfer to federal authority. Griffith, the real author of the draft constitution which emerged from the Convention's debates, represented the fact that few real powers were actually to be surrendered as one of the arguments in favour of its acceptance:<sup>17</sup> might not the ordinary voter, with the suspicion of his elected representatives which is a national characteristic,<sup>18</sup> have been likely to ask whether in that case the whole business was necessary at all? Might it not appear to him to be just a politician's ramp - and an expensive one? This question of expense was to remain a problem for federalists right up to 1899, when one of them tried to solve it with the memorable assurance that federation would cost the average citizen less per year than a dog licence. As Winston Churchill might have said, with the aid of hindsight, 'Some licence! Some dog!'

Having looked at the fact - so easily overlooked today - that in the 1890s many people could see many reasons for being dubious about the idea of federation, I want now to consider briefly why some of them went beyond mere doubt to express some kind of opposition to the movement which was begun by Parkes in June 1889 and which culminated in the approval by the Convention of a draft constitution in April 1891. In doing this it will be necessary to narrow the focus of the discussion to New South Wales, the colony (as everyone knew) which really had to be convinced. The opponents of the movement were, in the early stages, a heterogeneous group, prompted by widely differing motives. There were those, particularly but not exclusively in the nascent Labour movement, too concerned with bread-and-butter issues to see anything in federation but a distraction, perhaps even a red herring. There were those who, for reasons which may have had little to do with the federal issue itself, saw the whole thing as just another of Parkes's tricks. Obviously these included large numbers of Roman Catholics, whose interests were represented by men like Thomas Slattery; they also included the Leader of the Opposition, Dibbs. And there were others again, who felt that the movement was something even worse than a Parkes stunt - a Victorian plot.

Laughable as it may seem to others, the difficulty which the New South Welsh and the Victorians have in understanding one another was then a very real thing, and some of it still remains with us - showing up occasionally in surprising places.<sup>19</sup> Most of the suspicion which existed was, of course, based on nothing more substantial than

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16 Nineteen to seventeen. See La Nauze, *op. cit.*, pp 71-3 for an account of the debate.

17 *Official Report of the National Australasian Convention Debates, op. cit.*, pp 526-30.

18 See J.B. Hirst, *The Strange Birth of Colonial Democracy*, Allen & Unwin, Sydney, 1988, *passim*, esp. p 273.

19 I was amused to note that in 1989 the first half-dozen reviews of my biography of Reid reflected the phenomenon. My defence of his part in the federal movement against the criticisms of the Victorian Deakin was accepted by three eminent New South Welsh scholars and treated as rather dubious by three equally eminent Victorians.

the idea represented, on the New South Wales side, by old John Robertson's remark about the cabbage garden.<sup>20</sup> But in the period being considered here New South Welshmen had their prejudices reinforced by at least one extraordinary factor, the Melbourne land boom and the shady dealings involved in it which were already coming to light. The *Bulletin's* description of 'Smellboom', the 'city of financial stink',<sup>21</sup> came a few months later, but at the time of the Convention there was already good reason for people in New South Wales to wonder whether their colony would not have its economic problems aggravated rather than solved by association with its southern neighbour. The wild government borrowing programme of the past few years, which had been conducted by the Premier, Duncan Gillies,<sup>22</sup> and for which his Attorney General, Alfred Deakin, shared responsibility, was notorious: these two men were the hosts of the Melbourne Conference and delegates to the Convention. Also a Convention delegate was Gillies's successor as Premier, James Munro, one of the most reckless and dubious speculators with other people's money, and already beginning to come under suspicion at the time the Convention met.<sup>23</sup> Hard-headed Sydney merchants and financiers would obviously see here strong reasons to avoid, at least for the time being, association with a colony which was exhibiting the most obvious features of what would now be called a banana republic. They would be particularly likely to be sceptical when told that the London money market would see a federal Australia which included Victoria as a safer investment than New South Wales.

But over and above all the obstacles in the way of federal enthusiasts in the 'mother colony' which I have been discussing - the belief that it was a distraction from the colony's domestic problems, suspicion of Parkes, suspicion of Victoria - and to some extent mixed up with them all, there was the feeling that free trade was in danger. For this the chief spokesman was the man Parkes was later to characterize as 'the arch plotter against Federation',<sup>24</sup> George Reid. The history of the movement, from June 1889, when Parkes boasted to the Governor that 'he could federate [the] colonies in twelve months',<sup>25</sup> to October 1891, when the Convention's draft Constitution Bill was effectively thrown under the table of the New South Wales Legislative Assembly, was more or less the history of Reid's overthrow of Parkes.<sup>26</sup>

Both men, of course, were identified in politics with the policy of free trade - but it meant different things to them. It would be unfair to Parkes to say that for him it was merely a slogan, a response to the need for something to hold together what was developing from a faction into a party.<sup>27</sup> There is a sense in which he felt deeply about it: it was for him the policy of Cobden, of Gladstone, indeed of England - part of that 'crimson thread of kinship'<sup>28</sup> which he saw running through, not just the Australian colonies, but the Empire. But he had no objection to raising the greater part of the colony's revenue through the customs house; and he saw nothing strange about using

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20 *Australian Dictionary of Biography*, vol 6, p 45.

21 Michael Cannon, *The Land Boomers*, Melbourne, 1966, pp 168-9.

22 *Ibid.*, p 31.

23 *Ibid.*, p 123.

24 Henry Parkes, *Fifty Years in the Making of Australian History*, London, 1892, p 373.

25 *Lord Carrington's Diary* (ML), 15 June 1889.

26 See W.G. McMinn, *George Reid*, Melbourne University Press, 1989, pp 39-70.

27 See P. Loveday and A.W. Martin, *Politics, Factions and Parties*, Melbourne, 1966, pp 121-54.

28 *Sydney Morning Herald*, 7 February 1890. The phrase was probably suggested to him by the red strand woven into Royal Navy cordage as a precaution against theft.

the freetrade cry to win an election and then governing the colony for two years with almost no reference to the policy.<sup>29</sup>

For Reid it was something different.<sup>30</sup> It was a social as well as a political policy, and a positive as well as a negative one. As early as 1875, when he had published *Five Free Trade Essays*,<sup>31</sup> his advocacy had had a missionary quality which Parkes, had he recognized it, would have distrusted; and by April 1889, when he emerged as the dominant figure of the new Free Trade and Liberal Association,<sup>32</sup> he had already begun to formulate a reformist philosophy, based on the idea of public finance through direct taxation, which Parkes could hardly comprehend. Even had Reid not entertained the ambition ultimately to replace Parkes as the free trade leader - and to do so on his own terms, not as a protege stepping into his patron's shoes - Parkes's sudden attempt to make federation the big question of the colony's politics would still have put the two men on a collision course. But he clearly did entertain such an ambition. To speculate on the motives of politicians, and on the role that anything capable of being called statesmanship might have in the formation of such motives, is more entertaining than enlightening. What Parkes was doing was both an affront to his principles, and an opportunity for his ambition. Both: the two are not necessarily or even usually incompatible.

It is quite clear that Reid intended to push his view of free trade - to make that view the policy of what was now emerging as a recognizable free trade party. There could be no question of his succeeding in such a task while Parkes remained the party's leader. He was prepared to bide his time and recognize the political realities, one of which was that displacing Parkes was not going to be easy. It would be wrong to say that Parkes was 'popular', even with most of those who followed him; but his party, and his cabinet, recognized what Bede Nairn has called his 'political mastery',<sup>33</sup> which was based partly on his unrivalled experience of colonial politics, and partly on what William Astley, rather unkindly, was to describe in an obituary as his 'art of seeming great'.<sup>34</sup>

Since the defence of free trade had first become seriously necessary in New South Wales in 1886 Reid had clearly been the 'coming man'. He had, unobtrusively but effectively, encouraged politicians, and the public, to see him in that light, and, while avoiding any suspicion that he was forming a 'cave' in the party, he resolutely refused to allow Parkes to absorb him: he declined office under Sir Henry four times between February 1887 and February 1889, on the last occasion despite the fact that he was offered a free choice of any portfolio he might like.

Parkes's sudden enthusiasm for federation, and the extent to which he allowed it to dominate his thinking in the months following his initially unsuccessful attempt to dramatize the idea at Tenterfield,<sup>35</sup> may perhaps have struck Reid as a golden opportunity to move against a man whom he personally disliked and was coming

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29 McMinn, *op. cit.*, p 46.

30 References to Reid not otherwise documented in the account which follows are from McMinn, *op. cit.*

31 *Five Free Trade Essays, inscribed to the Electors of Victoria*, Sydney, 1875.

32 For his leading role in the formation of this body see N.B. Nairn, 'The Political Mastery of Sir Henry Parkes, New South Wales Politics, 1871-1891', *Journal of the Royal Australian Historical Society*, vol. 53, p 28.

33 *Ibid.*

34 *Bulletin*, 2 May 1896.

35 Contrary to the popular myth the Tenterfield speech fell rather flat. It was more-or-less ignored by the press until Parkes began to publicize it himself. For an account of what a lead balloon the speech was see L.E. Fredman, 'The Tenterfield Oration, Legend and Reality', *Australian Quarterly*, September 1963, pp 59-65.

increasingly to distrust; but it also represented a real threat to his conception of free trade, and as such it was a challenge which he could not have ignored had he had no ambitions at all.

That what really moved him was the danger posed to the colony's fiscal policy, and therefore to the liberal reformist implications the policy had for him, is clear from his first public statement on Parkes's attempt to make federation the principal issue in politics. He made no comment on the subject before the Melbourne Conference: it was not until three months later, when Parkes moved in the Legislative Assembly to appoint delegates to a constitutional Convention, that he said anything. When he spoke on the motion he expressed great scepticism about the defence argument, and gave some attention to the obvious tendency of the Melbourne Conference to play up the supposed advantages of federation and play down the difficulties, mentioning several of the problems which would be very hard to solve. But the emphasis was heavily on one of these, the one which the Victorian Gillies had acknowledged as 'the lion in the way',<sup>36</sup> the conflict of policy between New South Wales and Victoria - and to a lesser but still significant extent other colonies - on tariffs. When, without denying the abstract desirability of federation of some kind at some time, he urged his fellow members not to 'cast [the] priceless fabric of [the colony's] independence into the crucible of federation without some thought, without some care', he left no one in doubt that what he saw endangered was the policy of free trade:

I can look with no satisfaction upon any kind of federation which will drag this country into the mire of protection... I will not federate until I have a better idea - a more rational idea - that my principles will not be sacrificed; and I say that the man who believes that New South Wales handing over [fiscal] powers to a federal parliament of all the Australias will result at once in free trade, is a madman.<sup>37</sup>

He did not vote against the proposal to hold a Convention,<sup>38</sup> but he served notice on Parkes - and on the other colonies - that federal enthusiasm and patriotic speeches would not be enough: there were issues to be faced, and one in particular. He drove the point home at a tumultuous public meeting in his electorate a week before the Convention was to meet a few blocks from where he spoke.<sup>39</sup>

Whether there was ever any practicable answer to the great question of fiscal policy, apart from the Convention's non-answer of leaving it to be resolved in the future, by a federal Parliament, may well be doubtful; and if this issue, which had undoubtedly pushed Reid into his decision to act as he did, had remained the only one, his position would have been weak, and with the drafting of an otherwise acceptable constitution would have become weaker - perhaps, indeed, untenable. But there were other issues, and the Convention did not solve them.

This would be no place for a detailed discussion of the National Australasian Convention of 1891, even if it had not already been carried out so well by J.A. La Nauze.<sup>40</sup> In format, as La Nauze has pointed out,<sup>41</sup> the constitution which the

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36 *Argus*, 7 February 1890.

37 *New South Wales Parliamentary Debates*, 21 May 1890.

38 *Ibid.*, 10 September 1890.

39 *Sydney Morning Herald*, 26 February 1891.

40 *Op. cit.*, pp 20-85.

41 *Ibid.*, p 78.



Convention drew up is essentially that of the constitution we now have; and there is very little difference between the powers of the Commonwealth Parliament as listed in 1891 and 1898. But if the matters on which the two documents differ are apparently minor they are effectively vital: the Constitution of the Commonwealth of Australia, notwithstanding the criticisms to which it has been subjected, and the fact that attempting to amend it seemed, at least before the fiasco of 1985-88,<sup>42</sup> to have become almost a national sport, has worked, on the whole, fairly well; the draft Convention bill of 1891 could hardly have worked at all.

Reid's comments before the Convention met could reasonably have been interpreted by his contemporaries as politically motivated, as smacking more of personal ambition than disinterested statesmanship; and there were some who saw no more in what he did when it had finished its work. Again he had a lot to say about the danger to his colony's free trade policy, but he had a lot to say now on other matters as well, and what he said homed in accurately on the great weaknesses of the Convention bill. Moreover his remarks had an earnestness, even a pertinacity, which they had not had when he was merely warning people about the danger of Parkes's throwing himself into the arms of Victorian protectionists.

The criticisms on which he based his campaign against the bill, which began with rallies on 16 April and 4 May, and culminated in the amendment he moved to the address in reply a fortnight after the second,<sup>43</sup> concentrated on four very serious weaknesses in the draft constitution, all of which were to be substantially if not wholly rectified before federation was finally accomplished. It would be tedious, and I would like to think unnecessary, to go into the detail about them which I have set out elsewhere,<sup>44</sup> but I must make a few comments.

The great question, of course, concerned the composition and powers of the Senate. It would in practical terms, no doubt, have been impossible to negotiate a federal compact on any other basis than equal representation in one of the houses; it is of course true, as at least one Convention delegate foresaw, that members of that house have tended to vote not in state blocs but 'as members of the parties to which they belong'.<sup>45</sup> But neither of these considerations would necessarily impress a liberal democrat of Reid's stamp: given the enormous disparity in the size of the federating states, the latter would simply seem to turn a sort of treaty right into an enormous gerrymander - to make equal representation not more acceptable but less. It is perhaps relevant to note that in the contemporary United States there was considerable criticism of the effects of equal representation, on just this ground. And it has to be seen in the light of four other considerations. The first concerns the Senate's powers, completely co-equal in legislation, and so close to co-equal in finance as hardly to matter. The second is the fact that the amendment provisions of the constitution made later alteration even more difficult than it has been found to be under the much improved version of 1898-99. The third is the complete absence of any provision whatever for resolving deadlocks, a monstrous omission given the history of relations between houses in the various colonies in the preceding forty years. The fourth is the provision that the Senate was to be elected, not directly by the people, but by the Parliaments of the federating states all of which included class-

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42 I refer, of course, to the 'Constitutional Commission' mountain and the still-born mouse it produced, the referendum proposals of 1988.

43 *Sydney Morning Herald*, 17 April, 5 May 1891; *New South Wales Parliamentary Debates*, 19 May 1891.

44 In *George Reid, op. cit.*, and more particularly in 'G.H. Reid and Federation, the Case for the Defence' in *Journal of the Royal Australian Historical Society*, vol. 49, pp 257-73.

45 Macrossan. *Official Report of the National Australasian Convention Debates, op. cit.*, p 434.

dominated Legislative Councils and was to be indissoluble. To oppose equal representation *per se*, and even to oppose giving the Senate power to reject money bills, may have been, in 1891, to reject the very possibility of federation; but to oppose these things in all the circumstances I have mentioned has all the marks of statesmanship.

Closely connected with the Convention's decisions on the composition and powers of the Senate was its failure to provide any sort of definition of the relationship between the legislature and the executive - an explicable failure, but a dangerously pusillanimous one given the need for a federal, as opposed to a unitary constitution to be, as Reid was to emphasize, 'clear, express and unambiguous'. His warning that failure to make it so might 'lead to disputes, ill-feeling and perhaps violence'<sup>46</sup> may seem far-fetched a century after he issued it, but in the context of the time, less than a generation after the blood-bath of the American Civil War, it may well have seemed very wise indeed. The blunt fact, on which Reid shone a bright light, was that the Convention did not know how to solve the problem of fitting an executive government into a scheme for a federal legislature, and just pushed it aside.

The vagueness of the bill on this vital point was reflected in its treatment of other matters, notably interstate trade and commerce, and federal finance. With regard to the former the bill might readily have been interpreted as posing a serious threat to the survival of the New South Wales railway system. The latter was, of course, related to problems of fiscal policy: but for people in the 1890s, who had not yet learned to look upon a government as a financial fairy-godmother with a bottomless money well, but rather had a horror - a very proper horror - of official extravagance, vagueness here was not just undesirable but ominous. It was particularly ominous for the citizens of the colony which would contribute the greatest part of the money, New South Wales. When Reid attacked the finance clauses of the draft constitution he spoke as a free trader; but he also spoke as probably his colony's leading authority on public finance.<sup>47</sup>

I am arguing, as I have elsewhere, that Reid's opposition to the federal scheme embodied in the 1891 bill had something to do with the opportunity it gave him to dish Parkes, and something to do with his view of it as a menace to the policy of free trade; but it had more, much more, to do with a perception of the threat it represented to the real interests of his colony and of the dangers of such a defective constitution to Australia as a whole. The man who led the anti-bill campaign in 1891 was of course a free trader. But he was not just a free trader: he was above all a liberal and a democrat.

It remains to enquire into the significance of this campaign. Would the bill have failed to gain acceptance in New South Wales, and would therefore the issues have had to be rethought in the future, and this time squarely faced, if it had not been for him? It is impossible to be certain, and the weakness of the arguments being used in favour of federation must have counted heavily against it; but it is clear that he provided an analysis of the draft constitution's weaknesses which could never have been provided by the obstreperous Dibbs, or the dying Robertson,<sup>48</sup> or by essentially third-rank politicians like Slattery. What does seem certain is that it was Reid who stopped in its tracks the Convention's almost unbelievably arrogant but quite

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<sup>46</sup> *Sydney Quarterly Magazine*, December 1891, p 274.

<sup>47</sup> He had been a senior officer in the New South Wales Treasury before he was thirty, and was to become in 1894 probably the best Treasurer the colony had ever had.

<sup>48</sup> Robertson died four days after chairing Reid's anti-bill meeting of 4 May.

deliberate attempt to have the colonial Parliaments rubber-stamp without discussion<sup>49</sup> a constitution which its members must have known, if they were not complete fools, was ill-digested, defective in essential areas, and perhaps totally unworkable. Whatever differences of opinion there may be about his motives, there can be no doubt that in this he did 'the coming Commonwealth'<sup>50</sup> an incalculable service.

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49 *Official Report of the National Australasian Convention Debates, op. cit.*, p 932.

50 The title of a series of lectures prepared, but not delivered, by Robert Garran a few years later. Garran, *op. cit.*, p 109.