

and far cattle owned by contented farmers who thought of him, Sir James Mitchell, as their benefactor; he could not conceive of the economic waste and human misery that must result from his dreams. He planned the opening phases of his campaign in a general way, but then he needed trusty subordinates who shared his enthusiasm and were subservient to his wishes, but who were at the same time capable of working out all the important details of the scheme and of anticipating developments and reactions. There were few such men to be found. An undertaking that required years of methodical preparation was flung together at short notice, with no book of rules but only nebulous verbal instructions for the administrators. The marvel is that so much was achieved, so hopefully and so happily at first, so painfully and expensively, later on. The opening up of the remote South-West was achieved, the methods employed to do it were neither commendable nor efficient, but then no earlier Government, nor the Agricultural Bank, had ever attempted operations on such a vast scale. If subsequent administrators of land settlement schemes have learned anything from the experiments and mistakes made during the Group Settlement period, then we may even feel a little relieved that a great enterprise has come to no worse a conclusion.

I L HUNT.

SECESSION IN WESTERN AUSTRALIA

- I. INTRODUCTION.
- II. THE VOTE.
- III. THE TWO CASES.
- IV. ANTI-CLIMAX.
- V. CONCLUSION.

I

Anti-federal feeling was strong in Western Australia even before 1901. It was strong enough to hold the colony aloof from the 1899 referendum and the subsequent petition to London, and it might have been strong enough to keep Western Australia out of federation two years later had it not been for a threat and a promise—a promise of temporary tariff autonomy and a transcontinental railway, and a threat that the rich eastern goldfields would leave Western Australia and join the federation by themselves. Thus when the electors of the State, on 8th April, 1933, voted 2:1 in favour of secession from the Commonwealth, they were giving expression to a long-standing attitude. The events which followed this referendum, however, were in the nature of an anti-climax. The secession petition which Western Australia sent to Westminster was not merely rejected; it was refused consideration. And no attempt was made to carry the matter further.

Because of its failure, the secession movement has been regarded as a matter of little importance. It has been argued that the voters did not really mean what they said; that the whole movement could be adequately explained by the single factor of discontent caused by the depression; and that it had no implications outside the period of its activity. The first of these views can neither be proved nor disproved, the second is a serious over-simplification, and the third is even more seriously mistaken. Separatist movements within federations have existed and the Western Australian secession movement has considerable relevance to the study of federalism in general, and especially to the study of its effect on what are commonly called the "small States." It is sometimes useful to study something in an exaggerated or even a diseased form. The secession movement was an exaggerated manifestation of certain tendencies in Western Australia, some of which existed before federation, and some of which grew out of it. Of the former group the most important was the local consciousness of the "sandgroper"; of the latter the most important were the financial and psychological reactions to the political and economic subordination of Western Australia to a federation which Western Australians felt to be remote from them.

Signs of dissatisfaction existed more or less continuously during the first three decades of federation, though until 1930 they were comparatively slight. The first stirrings had a financial background. As early as October, 1901, the Legislative Assembly passed a resolution of protest against the proposed federal tariff, and there was occasional newspaper comment to the same effect. On September 17th, 1902, Mr. P. Stone moved in the Assembly that the Government take steps to secede from the Commonwealth, and thus regain control of the State's finances.¹ But the motion was never put. After two postponements it was abandoned, without even arousing any press comment, though both the *West Australian* and the *Daily News* were critics of the federal tariff throughout this period. The *Daily News* indeed had argued a month earlier that federation had been a mistake from the financial point of view, but it gave Stone no editorial support, and commented on the unsympathetic attitude of the House towards his requests for postponement of debate.²

In 1906 Western Australia lost the last remnants of her diminishing tariff autonomy under the Braddon clause, and this stimulated a certain amount of secessionist feeling. On July 1st of that year the *Sunday Times* published an editorial complaining that "the yell of the secessionist is loud in the land," and describing the supporters of the movement as "importing maniacs, nigger labour advocates, back-number politicians, and devotees of the parish pump." The daily papers, less hostile to the movement, mentioned a serious lack of enthusiasm for federation. On 26th September the Legislative Assembly, following the examples of the parliaments of Queensland, New South Wales and Tasmania, passed a resolution favouring separation. It had been submitted by F. C. Monger, and it called for a referendum on the subject. Monger's arguments were economic, and related particularly to the Braddon clause. He was opposed by the Premier and also by the Leader of the Opposition, both of whom considered the motion inopportune and impractical; but the Council agreed to the Assembly's motion on November 13th, and, thus encouraged, Monger introduced a private member's bill providing for a secession referendum. The bill, however, did not survive beyond the first reading.³

At that time the unofficial organ of secession was the *Daily News*, which had advocated a referendum a month before Monger introduced his bill, and which organized a public petition to Sir John Forrest asking him to return to Western Australia to lead a movement for the redress of the State's wrongs.⁴ Yet even the *News* had doubts about the constitutionality of secession.⁵ In 1907

1. W.A. Parliamentary Debates, Vol. xv, p. 1722; Vol. xxi, p. 1134.
 2. *Daily News*, 19th September, 1902.
 3. W.A. Parliamentary Debates, Vol. xlv, p. 1071; Vol. xxx, pp. 2271, 2282.
 4. *Daily News*, 10th October, 1906.
 5. *Ibid.*, 14th November, 1906.

this journal underwent a sudden change of heart, and became strongly anti-secessionist, publishing an editorial on the necessity for the maintenance of the federal system only a fortnight after it had urged the case for secession in the same column. This reversal of policy deprived the secession movement of its only notable advocate in print. For over a decade its views were heard only as an occasional murmur against any change in Commonwealth-State relations, especially financial relations, and during the war the issue was naturally dormant.

In February, 1919, however, a series of seven articles on "The Federal Bandages" appeared in the *Sunday Times*, once so strongly anti-secessionist. These articles, with their complaints chiefly about federal finance, marked the revival of a movement which had almost died. They also did duty for a declaration of war by the *Sunday Times* against the federal government, a war which lasted for over sixteen years without armistice, until the paper changed its ownership in 1935. During the twenties the secessionist movement was the *Sunday Times*. It took the lead in agitation. It reported any meeting in favour of secession. It criticized, with great fervour and mixture of metaphor, every move made by federal politicians, especially such Western Australian members as Senator Pearce, who were regarded as being too pro-federal. It drew frequent attention to the financial disabilities of the State, and it criticized the unpatriotic behaviour of every other newspaper in Perth, for by this time they all disagreed with the *Sunday Times* on the question. The other papers adopted the "wronged partner" attitude, but they still remained faithful to the ideal of One People and One Destiny.⁶

In 1926 was formed the Secession League—the first organization to be established with the specific object of securing the secession of the State of Western Australia. At the initial meeting a collection to furnish the sinews of war realized £112, of which £100, however, was donated by one man, Mr. J. MacCallum Smith, the owner of the *Sunday Times*.⁷ With ample publicity from that weekly, the new organization began its life vigorously, establishing country branches, preparing pamphlets, and advocating a secession referendum. But the active life of the League was short. It held debates and public meetings—open-air meetings were the fashion during the summer⁸—and finally published a short pamphlet entitled *The Case for Secession*, which gave a summary of the main arguments. After this a shortage of both money and enthusiasm brought the League's activities to an end, and it was left to the *Sunday Times* to keep the cause alive.

7. "Sunday Times," 9th August, 1926.

8. *Ibid.*, 5th December, 1926.

9. E.G., "West Australian," 16th February, 1919.

Secession was not an issue in the State election in April, 1930. The remnant of the Secession League wrote to all candidates questioning them on their attitude to secession, and 31 replies were received: 30 from Nationalist and Country Party candidates expressed sympathy; the only Labor reply was unfavourable.⁹ However, only two candidates openly supported secession during the campaign. Even MacCallum Smith, owner of the *Sunday Times*, did not include secession in his statement of aims published in his paper.¹⁰ Yet only three years later the referendum was held and passed. In that interval the question at last became a serious issue.

After the 1930 election the secessionists set to work in earnest. Private conferences of the dormant Secession League during February and March led to a public meeting in May, at which the League was resurrected under the title of "Dominion League of Western Australia"—a title chosen to stress the imperial loyalty of the organization, for the old League had sometimes been accused of favouring secession from the British Commonwealth. Tide apart, the new League was the direct descendant of the old: even the minute book was taken over, together with the president, A. H. Chandler of the *Sunday Times*.¹¹ After a large meeting chaired by the Premier, Sir James Mitchell, the *West Australian* became less scornful of the strength of the movement, though it considered secession to be an impossible goal, and advised Western Australians to see, within federation, some form of redress for their undoubted wrongs.¹² This expressed the attitude which the chief Perth newspaper was to retain during the whole campaign.

The tariff of June, 1930, provoked several meetings at which secession was advocated. The Chamber of Commerce and two groups of retail traders supported it, as well as the Primary Producers' Association, a strongly secessionist body whose annual conference called for a compulsory referendum on the subject.¹³ But the Australian Natives' Association resolved against secession, and, more seriously, the Australian Labor Party issued in August an official anti-secession statement.¹⁴ Perhaps the A.L.P.'s strongest charge was that secession was a conservative political plot, a suggestion which the Premier strongly denied on the following day.

Meanwhile the Dominion League was increasing in strength. After several months during which every issue of the *Sunday Times* carried an application form for membership of the League (subscription 2/-), the chief publisher, Mr. H. K. Watson, announced that membership exceeded 30,000.¹⁵ No lists were published, how-

9. *Ibid.*, 20th April, 1930.
10. *Sunday Times*, 23rd March, 1930.
11. Dominion League Minutes, 20th May, 1930.
12. *West Australian*, 20th May, 1930.
13. *Ibid.*, 25th June, 2nd, 9th July, 1930.
14. *Ibid.*, 15th, 26th July, 4th August, 1930.
15. Dominion League Minutes.

ever, and surviving lists, admittedly not complete, do not contain numbers of this order. The subject was also being discussed in parliament. During the Address-in-Reply the Leader of the Opposition, Mr. P. Collier, while reciting Western Australia's wrongs, was accused of preaching secession, though he denied the charge.¹⁶ In September the Assembly discussed a motion that a select committee be formed to investigate the extent of the State's disabilities under federation, but the motion was lost after Mitchell had stated that sufficient information already existed, and that the proposed committee would be too expensive.

On November 10th a representative of the Sugar Industry Defence Association spoke in the Perth Town Hall in an effort to justify the artificially-supported price of sugar. In this man the secessionists saw "one of their evils of federation in human form; they therefore "counted him out" and passed a strongly-worded motion submitted by the Lord Mayor and condemning the sugar embargo.¹⁷ This was the first and quietest of many unfriendly receptions which secessionists accorded to eastern States visitors.

On November 5th the Premier was asked in Parliament whether the Government intended to introduce a bill for a referendum, and the Attorney-General, in Mitchell's absence, replied vaguely that the matter was under consideration. On 27th November the Dominion League approached Mitchell directly in a deputation asking for a referendum. Although the Premier declared himself to be a secessionist and consented to have the League badge pinned on his lapel, he said that he could not promise a referendum in the current parliamentary session as the expenditure of money would require cabinet approval, and the policy of cabinet had not been clarified.¹⁸ No bill was introduced.

The Dominion League held meetings of ever-increasing size both in Perth and in the country, but its most spectacular effort was a State conference held in August, 1931. Opening with a street procession, the conference was attended by about ninety delegates representing fifty-five branches of the League and a few local government authorities, and it was remarkable less for the weight of its deliberations than for the breadth of its representation. After the conference the Dominion League, conscious of its strength, adopted a more vigorous attitude, and Chandler threatened that "if the Premier does not want to be politically abolished," he had better arrange a referendum soon.¹⁹ A bill was introduced in November and passed by the Legislative Assembly, but the Council insisted on an amendment that the referendum be held within six months. This was not acceptable to the Assembly and the bill was lost.

16. *West Australian*, 27th August, 1930.
17. *Ibid.*, 11th November, 1930.
18. *Ibid.*
19. *Sunday Times*, 30th August, 1931.

The 1932 conference of the Nationalist party passed, on March 23rd, a motion moved by Watson requesting the Government to introduce a similar bill during the coming session, though Mr. H. Boas, a vocal anti-secessionist, was also successful in securing the passage of a motion favouring the frequently-suggested alternative to secession—a convention to consider amendments to the federal constitution.²⁰ The former request was granted. In November the second referendum bill, similar to the first was introduced, and by December it had passed all stages.

In February the Prime Minister, Mr. Lyons, formally condemned secession, and on March 6th he announced that a federal delegation would visit Western Australia before the referendum to convince the natives of the error of their ways. The Dominion League telegraphed a protest against this "tyrannical and provocative" interference, but the Prime Minister was undaunted. Though the Leader of the federal Opposition, Mr. J. H. Scullin, publicly opposed the idea of secession, he refused to participate in the delegation,²¹ and in consequence the delegation acquired an anti-labor political flavour. This impression was strengthened by the inclusion of several who had left labor ranks, including the Prime Minister himself. The Dominion League lost no opportunity for commenting on the fact. In the meetings arranged by the delegation in Perth, disorder was the rule, and several had to be abandoned. On one occasion, Mr. W. M. Hughes seemed to be in danger of a ducking in the river, but history was robbed of this spectacular event. The delegation, from its own point of view, was useless, and probably harmful. After its departure, the Dominion League organized an almost unnecessary rally in the Perth Town Hall to reply to its arguments. It was a scene of enthusiasm, complete with community singing, and there was an overflow meeting in Forrest Place for the excess numbers. They also sang. The Dominion League, however, denied responsibility for the violent heckling at the meetings of the federal delegation.²²

By this time it had become clear that the secession referendum was sure to be passed. The *West Australian* recognised this. The Prime Minister recognised it. But Professor Murdoch did not recognise it. He said of the people of Western Australia: "Some instinct, more compelling than any economic argument, will rise within them and forbid them to [vote for secession]."²³ Evidently the voters' instincts were not functioning correctly, for the referendum was a 2 : 1 victory for the secessionists.

20. "West Australian," 8th March, 1932.
 21. *Ibid.*, 7th March, 1933.
 22. "West Australian," 20th March, 1st, 4th, 7th April, 1933.
 23. *Ibid.*, 4th, 7th April, 1933.

The referendum consisted of two questions.²⁴ The first was the important one, and would have been the only one if the secessionists had had their way. The second question was added to satisfy the Labor Opposition, and Collier announced himself satisfied. The Dominion League advised electors to vote "Yes" for the first question and "No" for the second, while the anti-secessionist Federal League advised the opposite answers to both questions.

On the question of the voters' view of the practicability of secession much has been said and written, both at the time and since. It is widely considered that the electors knew that secession was impossible, and that many would not have voted for it had they thought that the decision of the referendum could be implemented.²⁵ Their vote, according to this theory, was not a vote for secession, but merely a gesture of protest against the working of federation. This theory was stated after the referendum results were announced, so often that the Dominion League organized one of its Citizens' Rallies to declare that the vote for secession meant what it said.²⁶ These two points of view are to be expected from the respective sides, but the truth is difficult to establish. The newspapers for years before the referendum had carried learned and other articles on the possibility of secession so that no one need have been unaware that much of the State's best legal opinion considered secession legally impossible. But an accurate assessment of the intention of voters is impossible without a public opinion poll, which was not taken. The secession referendum was probably the best prepared-for vote in the history of the State. The question had been considered ever since the State joined the Federation. It had been the subject of numerous newspaper articles, editorials, and public meetings. If this type of political education were the only requirement for an intelligent vote, then the secession vote would have been intelligent for the voters lacked no essential information from either side. But voters are sometimes influenced by factors other than facts, and an important factor in this vote was that it was held during a serious economic depression.

A second factor requires more consideration; this is the connection between secession and the political parties, and in particular

24. "Question 'C'": Are you in favour of the State of Western Australia withdrawing from the Federal Commonwealth established under the Commonwealth of Australia Constitution Act (Imperial)?
 "Question 'D'": Are you in favour of a convention of representatives of equal number from each of the Australian States being summoned for the purpose of proposing such alterations in the Constitution of the Commonwealth as may appear to such a convention to be necessary?
 25. See F. R. Beasley, "The Secession Movement in W.A." in "The Australian Quarterly," March, 1936.
 26. "West Australian," 11th May, 1933.

the influence of the Legislative Assembly election on the same day. The Dominion League, on its own statements, was non-party in character, and often drew attention to the absence of a Secession Party, and to the avoidance of the subject of the party leaders in their campaign speeches.²⁷ Of course, the League had no choice but to be "non-political"; to have aligned itself with one party would have ensured a solid block of negative votes from that party's opponents, and the effect would have been intensified if the League had nominated its own election candidates, which would not have endeared secession to any party. The Dominion League's efforts to secure the election of members who would implement its programme were restricted to issuing each candidate with a searching questionnaire on his attitude and intentions on the question, and the publication of the answers. Favourable replies from Country Party candidates were universal, from Nationalists very widespread, and from Laborites almost non-existent.²⁸ This corresponded roughly to the attitude of each party to secession.

The simplest case was that of the Country Party, whose support, together with that of the allied Primary Producers' Association, was never in doubt. The position of wheatgrowers at a time of very low prices for their product was aggravated by the Federal tariff—the secessionists' staple argument—and was not, they thought, substantially improved by the Federal wheat bounty. The secession vote was heaviest in the wheatgrowing areas.

The Labor Party's attitude was less straightforward. The party platform included unification, a plank which was mentioned more often than that it has been since, but though some members supported unification in debates on secession, and though the State Executive mentioned it in its rebuttal of Dominion League overtures, it is impossible to regard the leaders of the Parliamentary Labor Party as unificationists. Few men favour the abolition of institutions which provide them with power, glory and a comfortable living. The Fremantle District Council repeated the remarks of the Metropolitan Council and the State Executive in officially pronouncing against secession, but the political wing made no such pronouncement, though on the other hand it never pronounced to the contrary. Several members, notably Johnson, McCallum and Hawke, were uncompromising opponents of the idea, and Collier was to find noisy opposition from his own party when carrying out the decision of the referendum. The Labor Party in Parliament did not vote *en bloc* against any legislation in connection with secession, but this proves nothing either way because there were other reasons for supporting both the 1932 secession referendum bill and the 1934 secession bill; the former had been drawn up with a second question to secure Labor support,

27. "West Australian," 31st May, 1933.
28. *Ibid.*, 28th February, 1933.

while the second was necessary to carry out the decision of a referendum, and Labor favoured the referendum as an instrument of government.²⁹ To vote for the holding of a referendum, and to vote for the carrying out of the decision of that referendum, do not necessarily imply agreement with the subject of that referendum, and the Parliamentary Labor Party did not as a whole favour secession.

Disagreement within the National Party was deeper. Whereas nearly all the Laborites were agreed that secession was undesirable, and disagreed only in the lengths to which they were prepared to go in opposing it, not all Nationalists were agreed on the fundamental question of the desirability or otherwise of secession. Mitchell stated his support, though he kept a foot in the other camp by regretting the "necessity" for secession, and describing himself as a federalist who could not afford to pay the price.³⁰ The party was less decided than its leader; even the motion supporting a referendum was only passed after spirited debate between Watson and Dudley and their allies on the one hand, and Malloch and Boas and their supporters on the other. Moreover, there was plenty of trouble in the party over the Legislative Council election in April, 1932, when the Dominion League supported the Laborite Clydesdale because of his declared support for referendum, thus involving several Nationalist members of the League in opposition to their party's endorsed candidate, who was defeated; surprisingly, if the influence of secession is not considered. H. K. Watson, J. MacCallum Smith, C. Dudley, I. Forstal and C. Rhodes were removed from the council of the Nationalist Party for their offences against solidarity.³¹ The Party's "support" for secession, as indicated by the replies of Nationalist candidates to the Dominion League's circular, was less substantial than it appeared.

In view of these facts, the omission of secession from the party leaders' campaign speeches was less unrealistic and less surprising than it might seem, for Mitchell could not have put pressure on his party to support secession activity without precipitating discord at a time when unity was essential for electoral reasons, while Collier could not actively oppose it, since it would have been unwise to antagonise such a powerful group as the secessionists at election time. Had the referendum been held at a time more remote from

29. W. A. Parliamentary Debates, Vol. 90, p. 591.
30. "Kalgoorlie Miner," 16th February, 1933.

31. Lathlan's defeat was not expected by the newspapers, for he had won from his Labor opponent in 1930 by a 3-1 majority, but Clydesdale defeated him in 1932 by a 2-1 majority, a reversal which can scarcely be explained by the depression entirely. There had been a one-third increase in enrolment over the three years, again due to the Dominion League activity. In 1934 the issue and the pressure removed, Metropolitan-Southern Province reverted to its traditional party with different candidates, and Labor did not win it again until 1936. "West Australian," 18th, 28th, 29th April; 15th, 17th May, 1932.

an election, it is probable that Labor would have been more active in opposing secession.

If the electorates of Western Australia are divided into the traditional four groups—metropolitan, agricultural, mining and pastoral, and northern—it can be seen that the agricultural areas voted most strongly for secession, the average vote approaching a 3:1 positive vote.³² Some areas recorded even heavier votes for secession, the wheatgrowing areas being the highest, an echo of the depressed condition of the wheat industry at the time. Metropolitan electorates all voted "Yes" by varying majorities, with Canning, Fremantle and South Fremantle more than 2:1. Neither Nedlands, represented in the Legislative Assembly by Keenan, nor North Perth, represented by MacCallum Smith, returned a 2:1 majority for secession, despite the opinions of their members. The four northern electorates, taken as a group, voted "Yes," though not strongly, and one of them—Kimberley—voted "No." The predominantly pastoral Gascoyne electorate voted more than 2:1 "Yes," while in both the Pilbara and Roebourne electorates there was a preponderance of "Yes" votes amongst the absentees and postal votes, which would contain a high proportion of people engaged in the pastoral industry. In this group, Kimberley, the exception, was a small electorate, and its "No" majority (303-376) was not overwhelming. The nature of the area is such that a depression causes less unemployment, and therefore distress would have been less acute.

Mining and pastoral electorates as a group voted against secession. Of the five which voted "No" individually, four of them—Boulder, Brown Hill, Ivanhoe, Hannans and Kalgoorlie—were almost purely mining electorates. In the fifth, Murchison, the mining centres of Wiluna and Meekatharra voted "No" heavily, Cue voted "Yes" by a narrow majority (92-85), and, as in the northern electorates, the postal and absentee votes were "Yes," indicating a decided contrast between the mining and the pastoral interests. Three mining and pastoral electorates—Kanowna, Mt. Magnet and Yilgarn-Coolgardie—voted "Yes," though the figures in the first two were very close, and in all three the pattern of a "No" vote in mining centres emerges. In the Kanowna electorate, Norseman voted "No" by a 2:1 majority; in Mt. Magnet, the Mount Leonora subdivision voted "No" by a greater majority than the total "Yes" majority of the electorate, and in Yilgarn-Coolgardie both Kurrawang and Coolgardie voted "No."

Of the 21 electorates which voted for secession by more than a 2:1 majority, 17 were agricultural, 3 were metropolitan, and one—Gascoyne—is classified as northern, and is mainly a pastoral elec-

³² All election statistics quoted have been obtained from the Chief Electoral Officer's summary of the referendum statistics.

torate. The number of these heavy "Yes" votes in agricultural areas confirms the impression that secessionist sentiment was heaviest there. Although the voting population of the agricultural electorates was less by over 34,000 than that of the metropolitan electorates, the former contributed 3,000 more votes than the latter to the State's "Yes" majority. The general pattern is one of homogeneity within each electorate. Though the majority varied from one polling booth to another, it was unusual for even one booth to record a vote opposite to that of the remainder of the electorate.

When the referendum and the election are compared, the most noticeable correlation is between Country Party seats and secession votes. Twelve electorates returned Country Party members, all with large majorities, and all voted "Yes" by more than a 2:1 majority. Though the Country Party officially supported secession, the referendum vote in Country Party electorates was a regional rather than a party political matter. Country Party seats were in wheatgrowing areas, not over the country as a whole; the south-west agricultural districts mainly voted Nationalist.

All electorates returning a Nationalist member also returned a "Yes" vote. In Nationalist metropolitan seats—Nedlands, Claremont, North Perth and West Perth—the "Yes" majority was less than 2:1, while in Nationalist agricultural electorates—Murray-Wellington, Nelson and Sussex—the majority exceeded 2:1. The smallest "Yes" majority in a Nationalist seat was in Pilbara (268-198), which had only turned Nationalist at the 1933 election.

The referendum vote in Labor electorates was confusing, partly because it was not homogeneous, and partly because the swing to Labor in 1933 created a number of new Labor seats, some fairly permanent. If the "No" majorities are considered in isolation, the fact emerges that every electorate which voted "No" was a traditional Labor seat. However, the other 24 electorates, returning Labor members voted "Yes," five of them by more than a 2:1 majority, so that any conclusion drawn from the political affiliation of the six "No" electorates is doubtful. There was no significant correlation; people voted according to area, not according to their adherence to any political party.

The number of "Yes" votes for Question "D" on a constitutional convention was in every electorate higher than for Question "C," as would be expected for two reasons. Firstly, the Prime Minister and other federalist forces advised a "Yes" vote on this question. It was not only the sole method of expressing satisfaction with the working of federation, but also a milder method of protest against it which might have appealed to some who recognised the legal impossibility of secession. Secondly, it was for secessionists a reinsurance. Many who voted "Yes" to Question "C" would have

hesitated to put all their eggs in a basket which some respectable authorities assured them was certain to be dropped. Such people would vote "Yes" for both questions, which were not contradictory.

Although Question "D" was not the important question in the referendum, it was not without significance. Its exclusion from the referendum, if it would not have prevented the passing of the referendum bill, which seems likely, would almost certainly have led to an official A.L.P. pronouncement against secession, which would have reduced considerably the strength of the "Yes" vote (and, by reaction, of the Labour vote). The two questions were connected in the pre-referendum propaganda of the Dominion League and its opponents. They were also connected in the referendum results. Every electorate which rejected the secession question voted "Yes" on the convention question, and with one exception every electorate with a "Yes" vote for secession rejected the convention proposal. The exception was Collier, which voted "Yes" on both questions, the second by a narrow majority.

A verdict on the significance of the secession vote cannot be a simple one. No referendum is decided purely on the merits of the question, and this vote was more complicated than most by matters logically distinct but psychologically very much connected with the question to be decided. People tend to vote against the government in bad times, and, though the depression was not felt as keenly in Western Australia as in some parts of Australia, a vote of protest against the Federal Government — in reality a vote of protest against hard times—was inevitable. The effect of the depression also weakens the argument that the voters could have taken secession seriously, since on the same day they voted for secession and against the party which championed it. The danger of regarding the Nationalists as champions of secession has been mentioned already in this chapter, but more fundamentally the vote against the State Government in the election was as inevitable as the vote against the Federal Government in the referendum; they were both parts of "The Government," both identified with the depression. The Mitchell Government had been elected in 1930 on the strength of its impossible promise to stop unemployment; it was rejected in 1933 after its inevitable failure to keep that promise.

A further slight factor in the defeat of the Mitchell Government was the concurrence of the voluntary election and the compulsory referendum. Voters who came for the latter purpose often remained for the former, so that the overall voting percentage in the 1933 election was 90.60%, which corresponds closely with the 91.59% vote in 1939, the first year when the Legislative Assembly voting was compulsory, and was far higher than the 74.44% vote of the untampered 1930 election. If, as the Labor Party itself thinks,

compulsory voting tends to favour Labor, then the referendum may have given that party some aid. Perhaps Collier's support for the referendum bill had a reason which he did not mention.

It seems unnecessary to invoke the frontier hypothesis³³ to explain the "No" vote in goldmining areas. Gold was one of the few prosperous industries in Australia in 1933; the miners had no depression against which to protest. Moreover, the Commonwealth had gained some support on the goldfields by its gold production bounty, the removal of which did not cancel the goodwill because the exchange rate with sterling maintained employment and relative prosperity in the industry. Less important was the fact that the goldfields carried on some of their trading with Adelaide and Melbourne, and miners sometimes travelled east rather than west for holidays, which tended to make them more "nationally minded" than their unenlightened brethren nearer the coast. Again, it is difficult to concede that a marginal farmer is less a frontiersman than a resident of the largest city in Western Australia outside the capital. Kalgoorlie may have been the frontier in 1893; it was not the frontier in 1933. Finally, percentages of enrolled electors who voted and of voters who cast valid votes do not uphold the assumption of the superior political consciousness of the miner.

III

The last ballot boxes were not opened before those interested were commenting on the significance of the result. The *West Australian* urged Collier to press for a Convention, in spite of the referendum. The *Sunday Times* hailed it as "a magnificent victory," and expressed the hope that the State would find a way to secede, even if the Imperial Parliament refused to act. The Dominion League was jubilant, but even in the hour of glory its spokesman had to reply to those who stated that the vote was merely an emphatic gesture of protest. Sir Charles Nathan, President of the Federal League, contented himself with saying, "We must accept the position as we find it."³⁴ The election results were less gratifying to a secessionist than the referendum results, for Labor's attitude to the secession question was well known, but Collier, a faithful supporter of the principle of the referendum, announced that he would "take all necessary steps to give effect to the majority decision of the people," and the *Sunday Times* hopefully remarked on the "sympathetic attitude of the Labor Party."³⁵ However, Western Australia was still within the federation, and Premier Collier announced on April 27th that a larger Federal

³³ See Alexander, F., "Moving Frontiers" (Melbourne, 1927).

³⁴ *Sunday Times*, 16th April, 1933.

³⁵ *West Australian*, 12th and 13th April, 1933.

³⁶ *Ibid.*, 10th April, 1933.

³⁷ *Sunday Times*, 9th April, 1933.

grant would be a partial, though not a complete answer to the State's problems.³⁶ On May 10th the Federal Government announced that the draft bill for the Commonwealth Grants Commission was being considered by Cabinet. But any softening of Western Australian feeling which might have resulted from this was reversed by the manner in which Collier was invited, on the following day, to a meeting of the Loan Council; he received a telegram on the afternoon of May 11th, and the meeting was due to begin on the morning of May 15th. This notice was insufficient, and Collier remarked: "No wonder people complain against Federation. It does show that Melbourne and Sydney are considered to be in Australia."³⁷ Collier realised that this attitude on the part of the federal authorities was one of the best arguments of the secessionists, and it was on just such minor irritations as this that their publicity fed. Moreover, the new Grants Commission was not popular in Western Australia when its composition was announced; there was no Western Australian representative, and F. W. Eggleston, the chairman, had made statements a short time before which caused him to be suspected of prejudice toward the State. Both the Government and the Opposition in Western Australia telegraphed their protest against his appointment.³⁸

During his visit to Western Australia, Lyons had promised to set up a convention to recommend changes in the Commonwealth Constitution.³⁹ Though Western Australia had voted against such a convention and in favour of the more drastic course, Lyons announced on June 14th a proposal for a convention with three representatives from each State, and no less than eighteen from the Commonwealth, as well as a Commonwealth-appointed chairman with a casting vote. But Lyons emphasised that the Federal Government was not obliged to heed the recommendations of the convention. Clearly the Commonwealth was leaving nothing to chance. Indeed, the convention of the secessionists that a convention was useless could hardly have been more clearly vindicated. In fact, the proposal was dropped after it received the support of only two premiers at the conference. It was at this conference that Collier announced that the secession question would be resolved by the Imperial Parliament, an announcement which caused due gratification among the secessionists though his statement that a convention might be possible was treated with rather less enthusiasm. "How can he when the people said he must not?" asked the *Sunday Times*.⁴⁰

36. "West Australian," 20th April, 1933.

37. *Ibid.*, 11th and 13th May, 1933.

38. "West Australian," 16th June, 1933.

39. *Ibid.*, 20th March, 1933.

40. "Sunday Times," 20th June, 1933.

The referendum was passed at the height of secessionist enthusiasm. After the results were announced there was an understandable lull while the propagandists enjoyed a timely rest. To maintain ardour at the pre-referendum pitch, some action would have been required, and none was forthcoming, despite the urging of the Dominion League, whose spokesman estimated that every week's delay cost the State £80,000.⁴¹ On August 2nd in a heated reply to Keenan, the Premier hinted that the odds were against secession being granted. It was not until August 29th that the Legislative Assembly agreed to the Premier's motion that a joint committee be set up to recommend action towards obtaining the necessary Imperial legislation. The Council concurred on the following day, and the committee established consisted of Collier, Latham, Withers, Hawke and Keenan from the Assembly, and Drew, Barrer, Mann, Franklin and Clydesdale from the Council. Debate in the Council was more anti-secessionist than in the Assembly; Cornell, an established anti-secessionist, spoke with his usual vigour on the subject, and Harris resurrected Keenan's statement of 1906, in which he had said that secession could only be achieved by force of arms.⁴²

With action imminent, some Goldfields residents thought of commencing a secession movement of their own from Western Australia. This idea was, rather inconsistently, denounced by the secessionists, but it had a precedent in the Goldfields "Separation for Federation" movement at the time of Federation, though it was much less vigorous than the earlier movement. However, by April, 1934, it had gained sufficient strength to be advocated in a resolution of the Kalgoorlie Municipal Council, and in a resolution of the Goldfields Conference of Local Governing Bodies on June 26th.⁴³ This may have been a reflection of Goldfields opinion, but there is no sign of an organised movement.

On September 19th, 1933, the Joint Committee presented its report, recommending the formation of another committee to "prepare a dutiful address to His Majesty and humble supplications to both Houses of the Imperial Parliament," together with the evidence which was to support them, the *Care of the People of Western Australia*. Appointed by the Executive Council on October 13th, this committee consisted of C. Dudley, a Perth businessman and an active secessionist, H. K. Watson, a chairman of the Dominion League, J. Lindsay and J. Scudlan, who had been the Minister for Works and Minister for Railways respectively in Mitchell's Cabinet, A. J. Reid, the Assistant Under-Treasurer, and J. L. Walker, K.C., the Crown Solicitor, who was chairman of the committee.⁴⁴ By the

41. *Ibid.*, 20th July, 1933.

42. W.A. Parliamentary Debates, Vol. 90, pp. 591-622.

43. "Sunday Times," 27th Nov. and June, 1934.

44. "West Australian," 1st May, 5th June 1933.

45. "West Australian," 20th September, 16th October, 1933.

failure to appoint any Labor politician to the Committee the Government was able to point to a non-political committee, and at the same time to avoid the risk of any of its own men being involved in the progress of secession. The inclusion of two prominent secessionists was, no doubt, a move to forestall any criticism of the Government by the secessionists, for the Dominion League could scarcely condemn the work of its own agent. The same strategy dictated the Government's action in appointing Watson and MacCallum Smith to the London delegation in the following year.

These tactics were successful in preventing the Dominion League from criticising the Government, though they did not silence the *Sunday Times*. A letter printed in a prominent position next to the editorial in the *Sunday Times* for September 24th stated that the Government had deliberately appointed a weak committee. The writer complained in particular of the exclusion of Norbert Keenan and Sir Walter James, who were considered to be the scholars of the secession movement. But the membership was not the only thing to which the *Sunday Times* took exception. The slowness of the committee's deliberations was condemned far more roundly.⁴⁵ The first meeting was held on October 25th, and the *Cairn* was not presented to Cabinet until March 26th, 1934, a slowness which was not completely explained by the weight of the product. The *Sunday Times'* criticism may have been partly jealousy on the part of A. T. Chandler, the editor, who, though about eighty years of age, had been a leading secessionist in journalism for over fifteen years, and who, no doubt, considered that these services to the cause gave him as much right to a place on the committee as the Dominion League chairman, H. K. Watson. This was the beginning of the disagreement between Watson and Chandler, which finally developed into an open and acrimonious breach between them in 1938, and this is therefore a suitable point to sketch briefly the work of these, the most important two men in the secession movement.

Chandler, as editor of the *Sunday Times*, was responsible for the re-birth of secessionism in 1918 after a long period of almost complete stagnation. The articles written in that paper in January, 1919, were the beginning of a campaign which did not cease in the *Sunday Times* until the paper was bought by Victor Courtney in 1935. Always, since the *Sunday Times* alone among metropolitan newspapers championed secession, the importance of its editor to the secession cause was obvious. For over fifteen years, no issue of the paper appeared without some secession publicity in article, editorial, or comment form, much of it under Chandler's name, and much more, no doubt, written by him or under his directions. He gave evidence before the Disabilities Commission, and was President of the Secession

45. "Sunday Times," 9th October, 1931.

League and the Dominion League. He was, no doubt, elected to those presidential positions as the "grand old man" of the movement, for he seldom attended meetings, a fact which is not surprising in view of his age. His services to the cause were almost completely through the newspaper which he edited, and all the credit for the influence of the *Sunday Times* should not go to Chandler, who could have done nothing without the support of James MacCallum Smith, the owner of the newspaper.

H. K. Watson was a younger and much more active figure, and though the period of his activity was shorter, it covered the vital years of the secession campaign. Though not associated in an official capacity with the Secession League, he held a succession of executive posts in the Dominion League, first as Honorary Treasurer, then as Honorary Secretary, and finally, through most of the campaign as Chairman, an important office due to the infrequent attendance of Chandler, the President. Watson was an accountant, with offices which, as early as July, 1930, were the centre of the League's activities. At that time the League voted him £9 per week reimbursement for the wages of a clerk and two typists who were being employed full-time on league work, and less than a month later this was raised to £15 per week.⁴⁶ From his office, Watson wrote the scores of letters which appeared over his name in Perth newspapers, especially the *West Australian*; here, too, numerous articles and pamphlets were written, and the material for them collected—material which formed most of the raw material for the *Case of the People of Western Australia*. It was not unusual to see a long letter from Watson in every issue of the *West Australian* for a week, if there happened to be a skirmish in progress between him and one or several anti-secessionist correspondents, often equally verbose. He must have spent a very considerable amount of time in writing letters alone, but in addition he often spoke on the platform at Dominion League meetings throughout the three-years period between the formation of the League and the referendum. He also took part in the delegation to London, wrote at least one pamphlet after his return, and continued his association with the League until the final and formal break in 1938, when he surrendered the League's effects which were then carried away from his office in several trucks.⁴⁷ Until 1932 he was a member of the Council of the Nationalist Party, but his position was declared vacant after he opposed the party's endorsed candidate for Metropolitan Suburban Province in the Legislative Council election of 1932.⁴⁸ An energetic and eloquent young man, he, more than anyone else, was the organiser of the secession campaign.

46. Dominion League Minutes.

47. "Whither Australia? Whither Western Australia?" Batters Library, P.R. 36. Dominion League Minutes.

48. *Ibid.* supra p. 51.

During the preparation of the *Case of the People of Western Australia*, secessionist activity was confined to agitation for the completion of the *Case*. The State Government, however, had other interests. Collier appointed a special committee to draw up the State's case for a £1,500,000 disabilities grant, with tariff autonomy as an alternative.⁴⁹ Another immediate problem for Collier was the Premier's Conference in February, 1934, at which he, in common with the premiers of all States except New South Wales, attempted unsuccessfully to persuade the Commonwealth to agree to a withdrawal from certain fields of taxation, to be safeguarded by formal constitutional amendment. Aroused by their hopeless financial position, which they contrasted with the Federal budgetary surplus, they spoke bluntly, particularly Butler, the Premier of South Australia, who said that, rather than face the seemingly inevitable default of the State, he would ask the people to vote for secession, a threat which he never carried out. Lyons was not helpful, and the conference closed without any action being taken to relieve the State's financial position.⁵⁰

While awaiting the publication of the *Case*, some of the more ardent secessionists contemplated other methods of separation. Both the Wheatgrowers' Union and the Primary Producers' Association held conferences in February at which resolutions were passed favouring direct action if all else failed, and at the Dominion League convention in April, Watson suggested the possibility of a "Fremantle Sugar Party."⁵¹

By that time, the *Case of the People of Western Australia* had been published.⁵² There were two editions, an official version published by the Government Printing Office, and an unofficial version published in a special edition of the *West Australian* on the same day, March 27th, in the interests of public enlightenment. During the previous few weeks, the committee had been working long hours to complete the document, which then lay finished and ready for criticism, especially by the Australian Unity League, which included Carlyle Ferguson and scarcely anyone else. After writing numerous letters to the *West Australian*, and petitioning the Premier in an unsuccessful attempt to persuade him to present two petitions to Westminister, one for the majority in the referendum and one for the minority, after holding several disorderly meetings, and after obtaining Professor Beasley's opinion that secession was impossible, and circulating this to all members of the British Parliament, the

⁴⁹ "West Australian," 2nd December, 1933.

⁵⁰ "West Australian," 20th-22nd February, 1934.

⁵¹ *Ibid.*, 20th February, 7th April, 1934.

⁵² The Case of the People of Western Australia in support of their desire to withdraw from the Commonwealth of Australia established under the Commonwealth of Australia Constitution Act (Imperial) and that Western Australia be restored to its former status as a self-governing colony in the British Empire. Perth: Government Printer, 1934.

League disbanded on June 25th, declaring that its task was accomplished.⁵³

The Commonwealth lost little time in appointing the committee to prepare its answer to the *Case of the People of Western Australia*. Mr. W. Somerville, the Employees' Representative on the State Arbitration Court, announced on 25th May that he had accepted a position on the committee and on the 28th the whole committee was announced. Both Keenan and the *Sunday Times* accused Somerville of violating the traditional Labour principle of "one man one job,"⁵⁴ but he did not hold two jobs for long, for the committee's deliberations were soon ended. By July 8th he was back from Canberra. This reflected the speed of proceedings, which were more hurried and less thorough than those of the committee which prepared the Western Australian Case, and the resultant document was shorter—128 pages as against the 489 pages of the former. The *Case for Unions*⁵⁵ was presented on July 31st, and, like its predecessor, was printed in full by the *West Australian*, which, however, did not approve of its tone. A cynical leader-writer on August 7th wrote, "If he hath chartered us, he hath done it for our own good," and remarked that the cost of the Case would be accounted as "Commonwealth expenditure for and on behalf of Western Australia."

The *Case of the People of Western Australia* was prepared as supporting evidence for the petitions which the State Government was sending to the King and the British Parliament. Written after the referendum, it was too late to influence voters, and, though its publication in bulk by the Government Printer would seem to reflect the hope of a wide reading public, it was far too long to be read by many, and no attempt was made to distribute it in other States. Therefore it can have had no part in softening Eastern hearts. It must, then, be examined on different criteria from those which its authors would have used. It can be considered firstly as a summary of secession propaganda which preceded it, secondly as a picture of the working of the Australian federation, and thirdly as a work which made certain predictions for the future.

The *Case for the Union* was a very different type of document. It was written for home consumption, not for export, and it was designed to appeal to a much wider reading public, being shorter, more smoothly written, and less loaded with appendices. Over 750,000 copies of the pamphlet were printed, one copy being posted to each enrolled Federal elector in the claimant States of South Australia.

⁵³ "West Australian," 7th, 12th, 19th April, 20th, 26th June, 1934.

⁵⁴ *Ibid.*, 26th, 28th May; 1st, 9th June, 1934; "Sunday Times," 27th May, 1934.

⁵⁵ "The Case for Union," Canberra: Government Printer, 1934. The committee consisted of Sir Robert Garran, J. H. Keating (a barrister and former senator for Tasmania), D. J. Gilbert (a Perth journalist and a member of the Nationalist Party), W. Somerville, and Senator Carroll (Country Party, W.A.). On 31st May Carroll declined on the ground of ill-health, possibly a politic intrigue, in view of his party's policy on secession.

Western Australia and Tasmania, to ally disaffection.⁵⁶ Its success in achieving that aim is difficult to estimate. There were no further secession movements among the junior partners of the Commonwealth, but that fact cannot be attributed in any measure to the *Case for Union*, which was written in a patronising tone, seldom effective in turning away wrath. The *Case for Union* may, therefore, be examined from the same three viewpoints as the document which it was designed to answer, namely, as a summary of past Federalist propaganda, as a study of Australian Federalism and as a work of prophecy.

The first of these viewpoints may quickly be disposed of in both cases. The *Case of the People of Western Australia* was a summary of the arguments which secessionists had been using for years. Most of the points raised, even some of the wording used, had appeared previously in pamphlets or articles. This is not surprising, since the Dominion League's official publicist took such an active part in the preparation of the *Case*. The *Case for Union*, partly as a result of the conditions in which it was written, did not bear such a close resemblance to pre-referendum Federalist arguments. The *Case of the People of Western Australia*, like all secession publicity, relied heavily on figures, and the answering *Case* answered tables with tables, in marked contrast with Federal League publicity, which relied primarily on the patriotic arguments and the legal impossibility of secession. The *Case for Union* included the arguments used previously, but their centre of gravity was changed.

If each *Case* is regarded as a statement about the working of the Australian federation, the first of the four sections into which the *Case of the People of Western Australia* was divided need not receive detailed attention, as it was merely a brief geographical and historical survey of Western Australia, from a secessionist viewpoint. Division 4, apart from the final chapter of Conclusions, was likewise of little importance, since it was an attempt to forecast the effect which secession would have on the State, and there is no means of testing the accuracy of these forecasts. The material relevant to the working of Federation was contained in Divisions 2 and 3.

Chapter 4, "The Existing Constitutional Structure," was a survey of the working of the Commonwealth Constitution over the first three decades of Federation, with regard to Commonwealth-State relations. The main contention of the authors that the power of the Commonwealth had increased at the expense of that of the States was incontrovertible, and though rather too much importance was given to the part of the High Court in bringing about these changes, the *Case for Union* erred even more seriously in underestimating the High Court's influence. Likewise, the Western Australian *Case* was correct in regarding

⁵⁶ Commonwealth Parliamentary Debates, Vol. 145, p. 96.

the "doctrine of mutual non-interference," formally disavowed by the High Court in 1920, as a defence of State Powers against the Commonwealth, and the contention of the *Case for Union* that the reversion to the ordinary canons of interpretation gave the State greater freedom of action in the no-man's-land of the Concurrent Powers, though theoretically true, had little practical relevance to Commonwealth-State relations, either then or since.

In maintaining that the Commonwealth Constitution was difficult to amend, and therefore that Western Australia would not be able to obtain relief in that direction, the *Case of the People of Western Australia* was again obviously correct, though this would seem to have been due not, as the authors said, to Federal hostility, but to the innate rigidity in practice of the amending process laid down in Section 128 of the Constitution. The *Case for Union* took its rival to task for its assumption that, because the Commonwealth Parliament had in the past opposed any constitutional amendment to limit its powers, it would continue to oppose such suggestions in the future,⁵⁷ an assumption which does not seem unreasonable.

Both *Cases*, however, seem to have erred in omitting any treatment of the strength of party loyalty relative to local loyalty in Australia. This omission is surprising, since the matter was mentioned several times during the 1920's, and received official attention and comment in the report of the Royal Commission on Western Australia's disabilities under Federation, a minority report of one of the Commissioners advocating the passing of legislation to decrease the influence of parties in Senate elections.⁵⁸ The Proportional Representation system since introduced for Senate elections did not have this effect, and there has been no noticeable corresponding increase in district loyalty in Australia.

The statement of the *Case for Union* that secessionists were too concerned with the clash of interest between the Commonwealth and the States requires further comment, because it has relevance to the whole question of federalism, particularly its effect on the poorer States. It was true, as the *Case* said, that the people of Australia surrendered no powers when they federated but merely transferred certain powers to a different government.⁵⁹ On the other hand, when the largest two cities in Australia had almost as many representatives in the governing House as the three "small States" combined—a situation which was inevitable if each vote was to have equal value—then the "small States" could not be said to have much influence on the decisions of the federal partnership, and it would be difficult to persuade the people of those States that they had surrendered nothing.

⁵⁷ "Case for Union," p. 29.

⁵⁸ Report of the Royal Commission on the Financial Disabilities of W.A. under Federation, p. (ix).

⁵⁹ "Case for Union," p. 30.

The *Case of the People of Western Australia* maintained, following Professor Shann's phrase, that Western Australia was "pushed and cajoled" into federation by "two forces of external origin," namely the newly-arrived Goldfields population and Mr. Joseph Chamberlain.⁶⁰ Certainly it was not likely that Western Australia would have entered the Federation at the same time as the other colonies, had it not been for those two pressures. But the question of whether the first of the forces was of external origin is more complex than as stated by either *Case*. The recently-arrived Goldfields residents were citizens of Western Australia equally with the "Sandgroppers," if citizenship means living, working and paying taxes in a colony. If they are regarded as outsiders, it can only be on the ground that citizenship requires something more. It is doubtful whether the new arrivals, who greatly outnumbered the "Sandgroppers," thought of themselves as Western Australians at all.⁶¹ The *Case of the People of Western Australia* did not state the requirements for recognition as a genuine Western Australian.

Joseph Chamberlain's "push" was most effective as an aid to the Goldfields "push"; an official hint that the "separate or federate" movement might be headed by the British Government. But both the tone of his letter and the precedent of Nova Scotia in 1867-68 indicated that the British Government preferred to deal with a single federation, discouraging proximate outsiders, who could well be included, from remaining separate, and pressure might well have been exerted in the form of strong recommendations even without the parallel Goldfields pressure. However, unlike the Nova Scotian case, the British Government's pressure would not have amounted to the incorporation of Western Australia in the Federation against the expressed opinion of its voters. Both negative and positive pressures propelling Western Australia towards Federation were basically financial—the threat of the loss of her major industry, and the promises of temporary tariff autonomy and a transcontinental railway—and her lenders and electors took a disturbingly short time to decide between money and their self-governing rights which secessionists maintained that they had lost through federation. Their lamentations over their loss sound less plaintive when it is realized that, while they may have been bribed, they were not forced in the choice which they made in 1900.

Chapter 5, "The Financial Relationship of the Commonwealth and the States," was a record of the increase in Commonwealth over State importance in financial matters between 1901 and 1933. The

60. W.A. "Case," p. 21.
 61. D. Mossenson, "Gold and Politics: the Influence of the Eastern Goldfields on the Political Development of Western Australia, 1890-1904," unpublished thesis, University of W.A., 1952, p. 266. W.A. Cases, pp. 23-25.
 62. W.A. Case, pp. 23-25.
 Keith, A. B., "Letters on Imperial Relations, Indian Reform, Constitutional and International Law, 1916-1935" (London, 1935), p. 173.

facts were correct as they would have to be in matters which could be so readily checked, though the emphasis which was placed on these facts tended to give the reader a warped view of the scene. The conclusion that federation had become a "financial sham," that "financial unification" was already a fact,⁶³ was even less controvertible now than in 1934, though the repeated use of the word "unexpected" was incongruous when Deakin's "chariot wheels" letter was quoted in the same chapter. The treatment of the Financial Agreement and its results was less sound; the authors were correct in stating that it was less of an agreement than an ultimatum, but their outright condemnation of the Financial Agreement Enforcement Acts cannot be upheld. Even governments must honour their agreements, and courts must uphold their obligation to do so, if agreements are to have any value, though the Western Australian *Case* was justified in drawing attention to the broad powers conferred upon the Commonwealth by this legislation, which authorised one party in the case to carry out the role of bailiff. The *Case for Union*, by a full treatment of Commonwealth payments to Western Australia, redressed the balance, pointing out that the Commonwealth paid to Western Australia more than it received during the period under consideration.⁶⁴

On the question of the effect of the Financial Agreement on the ability of the State to weather the economic storm, no decision can be reached between the State opinion that Western Australia would have been better off without it, since she would have had more freedom to borrow, and the Federal opinion that the State would have been worse off without the stability which the Loan Council provided. Neither opinion can be tested. The same applies to the difference of opinion on the effect which the absence of the Commonwealth Bank would have had on Western Australia during the same period.⁶⁵ An actual and theoretical situation cannot be compared.

The principal fault of the chapter in the Western Australian *Case* on the effect of federation on the finances of the State is that the responsibility of federation for Western Australia's ills is not established. The *Case for Union* established the facts that the State's budgetary deficits were due primarily to heavy losses on loan services, accentuated by the depression, and that the growth of State indebtedness had been at a much higher rate than that of any other State, though it was not mentioned that this was due in some measure to the fact that Western Australia had a relatively large proportion of its development still before it in 1901. In this regard the State was unfortunate, for it had to pay large sums in customs duty on

63. W.A. "Case," pp. 81, 84.

64. "Case for Union," pp. 35, 36.

65. *Ibid.*, pp. 38, 39.

66. W.A. "Case," pp. 91, 137-140.

66. "Case for Union," p. 37.

goods needed for this development, which could have been imported free of duty if Western Australia had developed earlier. The best-known case of this problem, quoted in both *Cases*, was that of the £21,000 duty paid by the Western Australian Government on ten locomotives and 32 boilers imported in 1924, when a request for the remission of customs duty, on the grounds that the Western Australian workshops were fully occupied, and no Australian firm could supply the necessary equipment in time to move the 1925 harvest, was refused. Even the *Case for Union* considered that an exception could have been made in that particular case, though it defended the general principle. The report of the British Economic Mission in 1929 condemned even the general principle as unsound finance.⁶⁷

Division 3 of the *Case of the People of Western Australia*, comprising chapters 10-20 inclusive, was predominantly economic in tone. The economic dependence of the State on primary industry and on export was treated at length in an uncontroversial manner. The paragraphs which followed concerned the gold-mining industry and were more controversial. The profits which the Commonwealth made during World War I by placing an embargo on the export of gold and by buying the total production at less than the world prices, are mentioned,⁶⁸ and the *Case for Union* made no reply. The Federal Government was condemned for the burden which its tariff had imposed on importers of mining machinery, and for its action in cancelling the gold production bonus in 1932, after only two years of operation,⁶⁹ though the *Case for Union* explained that the decline of the industry after federation was due not to the tariff, but to the exhaustion of high-grade areas and to excessive costs in the industry, and that the gold bonus was not suspended until the depreciation of the Australian Pound relative to Sterling had raised the price which producers received, thus making the bonus temporarily unnecessary. The *Case for Union* also pointed out that income derived from gold-mining was exempt from federal income tax.⁷⁰ It is apparent from the referendum figures that there was no strong feeling among those engaged in the industry that the Commonwealth was treating them harshly.

The combination of Australian protection and interstate free trade was described as "Western Australia's greatest burden under Federation," but before considering the effect of this situation on the State, the *Case* treated certain aspects of the tariff itself. The low tariff under which Western Australia lived before federation was mentioned first, with the comment that such a tariff would be as well

67. *Ibid.*, p. 37. "West Australian," 11th January, 1929.

68. W.A. "Case," p. 221.

69. *Ibid.*, p. 221.

70. "Case for Union," p. 75.

adjusted to the State's needs in 1933, as it was in 1900.⁷¹ The growth of protection under federation was then traced, the pattern being one of steady growth until the mild reversal in 1932-33, and the power of manufacturing interests and large bodies of voters in maintaining this situation was considered.⁷² This matter, like several others in the *Case*, raised questions which have relevance to matters far wider than the secession movement. The necessity for economic self-sufficiency was not self-evident, but as the *Case* pointed out, powerful forces would resist any attempt to alter the existing tariff structure. The reply which the *Case for Union* made to these affirmations tended to support rather than to destroy them, in general if not in detail. The Commonwealth's defence lay in stressing the tariff reductions made by the Lyons Government in 1932-33, in pointing to several exaggerations which the *Case of the People of Western Australia* made in estimating the height of the tariff, and in attacking as exaggerated the Western Australian estimate of £2,800,000 as the cost of this tariff to the State without suggesting an alternative figure. The *Case for Union* admitted that the tariff had borne more heavily on Western Australia than on any other State, since the tariff costs were carried by the exporting industries, and Western Australia depended more than any other State on these industries. More important was the analysis of the cost of the tariff on the individual primary producer. The conclusion of the Tariff Board was that the apparent cost of customs duties in 1924-25 amounted to one-seventh of a penny per bushel of wheat. Moreover, the price quoted for agricultural implements in New Zealand and the Argentine, where they were admitted free of duty, showed that overseas manufacturers raised prices in those countries by amounts greater than the extra cost which the Australian tariff imposed on Australian farmers.⁷³

Though these direct costs on the farmer were not the only costs which the tariff imposed on the exporting industries, full weight must be given to the two points last mentioned in assessing the arguments of Western Australia on the question of the tariff. That the primary producing State had suffered economic injury as a result of an economic policy designed to assist the manufacturing industries is certain, but the extent of this injury was certainly much less than the authors of the *Case* estimated.

The Navigation Act was classified with the tariff as a factor injuring Western Australia by raising the freights on interstate cargoes shipped to or from the most isolated of the States.⁷⁴ The *Case for Union* drew attention to the desirability of an Australian coastal

71. W.A. *Case*, p. 277, pp. 245, 256.

72. *Ibid.*, pp. 238-235.

73. "Case for Union," pp. 43-64.

74. W.A. "Case," pp. 192, 194.

marine, and the impossibility of establishing one without some form of protection. Attention was also drawn to exemptions permitting ships engaged in the Fremantle-Singapore trade to carry passengers and cargo from Fremantle to the North-West ports, and to the opposition of the State Government to these exemptions because they permitted competition with the State-owned shipping line.⁷⁵

The Dominion League slogan, "A protection which does not protect, and a Free Trade which is neither free nor fair," was the key to Chapter 12, which concerned the effect of federal commercial policy on the industries of Western Australia. The primary industries were considered first. These industries, since they had no large home markets, had to export most of their production, and were hampered in their competition with world producers by having to pay higher prices for their agricultural machinery. The majority report of the Disabilities Commission was quoted as recommending that the State be given temporary control of its own customs and excise. The Disabilities Commission report was also given as the main evidence for the statement that federal policy had affected the goldmining industry. Chairman Higgs held that high protective duties were partly responsible for the rise in the cost of mining between 1916 and 1924 from 19/- to 38/- per ton of ore. However, in analysing the decrease in the production of gold, the *Case* gave insufficient attention to the inefficiency of the industry during the period under consideration. The effect of interstate free trade on local secondary industries was next considered. The tariff added to the cost of equipping a factory, and the freedom of trade between the States enabled Eastern States manufacturers to drive several Western Australian manufacturers out of business by sporadically "dumping" their products into the State. The first three decades after federation were a period of rapid expansion in the secondary industries of Australia, but in this expansion Western Australia shared to a considerably less degree than any other State except Tasmania. However, it was not shown that this effect had one cause. The effect of the tariff on State developmental works, and thereby on State indebtedness, was again mentioned briefly, and further mention was also made of the burdens imposed on the pastoral industry by the cessation of trade with Java which followed the imposition of the sugar embargo, the cancellation of Belgium's orders from the Windwardian meat works in retaliation against the embargo on Belgian window-glass, and the high price of wine-making, which Western Australian pastoralists felt more severely owing to the low carrying capacity of their land, which necessitated the use of the greater quantities of wire.⁷⁶

⁷⁵ "Case for Union," pp. 69, 62.
⁷⁶ W.A. "Case," on 202-211.

The economic arguments of the secessionists were summarised in the theory of the two economic units, a theory that Australia falls into an eastern and a western unit with differing economic interests. This theory, which had been used by secessionists during the 'twenties, was mentioned in W. K. Hancock's *Influential Australia*, from which a passage was quoted in the *Case of the People of Western Australia*, in support of their arguments. The isolation of Western Australia was first mentioned; not only was Perth twice as far from Sydney as is New Zealand, which remained outside the federation, but the State was separated from the eastern part of the continent by a "sea of solid ground." Modern transport had shrunk these distances only for those who could afford to travel frequently. This separation, wrote Hancock, had its economic parallel, for the "eastern economic unit" had developed something approaching a balanced economy with a "natural aptitude for protected industries," while the "western economic unit" had remained almost exclusively a primary-producing area, with a "natural aptitude for unprotected industries." Since the majority of Australian voters lived in the former area, the economic policy of Australia suited them, but it was unsuited to the needs of the latter area. To these arguments, the *Case for Union* opposed the view that economic difference was not incompatible with political union, that distances and deserts were continually shrinking, and that several bad prices had favoured political union in Australia.⁷⁷

Having presented their evidence of Western Australia's disabilities, the authors of the *Case of the People of Western Australia* proceeded to consider and reject alternative avenues for redress. Tariff autonomy, once considered as an alternative to secession, was not only likely to be nullified by a federal arbitration award or tax, but was also a proven improbability. Alteration of the Constitution by means of a Constitutional Convention was ruled on the authority of the Prime Minister himself to be impracticable. A reversal of the policy of high protection and an increase in State powers by an amendment of the Constitution under Section 128 were both regarded, with some reason, as political impossibilities. A monetary grant was rejected rather unconvincingly, without any consideration of the possible size of such a grant.⁷⁸ This left secession as the only alternative, according to the authors. Division 3 concluded with a chapter, accurate in details and no more unbalanced in outlook than was to be expected in a document of this type, on the history of the secession movement from its beginning, to the referendum.

Division 4 of the *Case of the People of Western Australia*, as has been noticed earlier, was devoted mainly to prophecy concerning the new Dominion if it should be established. Optimism, as would be expected, was its keynote. The wish was expressed that Western

⁷⁷ Ibid., pp. 215-241.

⁷⁸ W.A. "Case for Union," pp. 77-80.
⁷⁹ W.A. "Case," pp. 284, 304, 309, 304.

Australia's withdrawal might be "honorable and friendly," with the State paying its share of Australia's debts, both internal and overseas. The attention of British manufacturers was drawn to the benefits which they would derive from the new Dominion's free-trade policy, an obvious point to make in a document to be read in England. Bond-holders were assured that the new Dominion would safeguard their interests, and the development of the North-West of the State, "impossible under Federation," was declared to be "an Empire problem," offering a field for British investment and for the disposal of surplus British population.⁷⁹ Both of these points were made with one eye on the readers of the *Case*, though the second—that of the development of the North-West—is a perennial problem. All governments in Australia, both Federal and State, have tended to spend money where it will win them votes, understandably enough, and to be unmindful of national development, especially in the "empty" north. The improbability of any substantial Australian investment in the area justified the contention of the *Case* that overseas capital was essential, though this did not mean that secession was necessary.

However, one chapter of the document concerned the past and present rather than the future, and must, therefore, be examined more closely. This was the chapter on "The Defence Consequences of Secession." Its main contention that the disposition in 1933 of Australian land, sea and air forces left Western Australia undefended against raids was supported with adequate evidence, but several supporting arguments and statements were more doubtful. The coastal artillery—four six-inch guns—though deficient in quantity, does not seem to have been as obsolete as the Western Australian *Case* claimed and the statement that Western Australia could provide for her own defence, except for naval defence, was unproven and, in view of the population and resources of the State, improbable. As the *Case for Union* pointed out, the intention of the secessionists to rely on the British Navy for sea defence was hardly in keeping with Dominion self-reliance, and the contribution of the Commonwealth to the defence of Western Australia, through the indirect channel of staff training facilities, was considerable, and would have to be duplicated in a separate Dominion, the alternative being further reliance on Britain. The Commonwealth policy of concentrating Australian land, sea and air forces, together with the industries necessary to serve them, in the south-east of the continent, whence it would take three months to move a division of troops to repel an attack on Western Australia, was defended in the *Case for Union*, but not denied. What was denied was the imputation of the *Case of the People of Western Australia* that this was done in order that one area should benefit from the spending of almost the whole defence vote.⁸⁰

79. *Ibid.*, pp. 430, 454, 474-477.
80. *Ibid.*, pp. 442-451, 438.
¹¹*Case for Union*, pp. 116, 122.

In examining the prophecies made in the two *Cases* there is little point in giving attention to those dealing with Western Australia's prospects in the event of secession. Apart from such predictions, however, both documents made a number of statements as to likely developments in the event of the failure of secession. If the doleful forecasts of the Western Australian *Case* had been fulfilled this fact would be an argument for the cause of the authors, and *vice versa*.

The extreme contention that the State of Western Australia would "ultimately cease to exist" if the secession movement failed⁸¹ hardly merits further comment. The prophecy that Australia would remain a protectionist country was a safe one, despite the theoretical possibility mentioned by the *Case for Union* that the policy might be changed.⁸² The possibility of obtaining amendments to the Commonwealth Constitution favourable to Western Australia by means of a Constitutional Convention was declared by the *Case for Union* to be remote, since Western Australia's representation in such a convention would be too small to protect her interests against the Commonwealth and the larger States, and an extension of her powers would be still more difficult. Nor was it likely that amendments favourable to Western Australia would be obtained without a convention by the normal operation of Section 128, because of the voting strength of those who had a vested interest in the *status quo*. The *Case for Union* contented itself with mentioning the possibility of obtaining such amendments, without commenting on the probability of such an event. The defenders of the Commonwealth were something less than candid, however, in stating that the Western Australian *Case* could not legitimately infer that the Commonwealth would in the future resist any limitation, by Constitutional amendment, of Commonwealth financial powers, from the fact that it had resisted such limitations in the past.⁸³

The secession *Case* maintained that federal policy, if continued in the event of secession failing, would act to the detriment of land settlement schemes, would hinder the increase in population necessary for Australian defence, and would retard the progress of the State's staple industries, and that the three effects would be shown in an absence of development of the North West.⁸⁴ While it is impossible to compare developments in the interim with any comparable period before federation, it is true that the primary industries, which remain the basis of the Western Australian economy, still operate under an economic policy which is not suited to their needs, and the North West has continued to stagnate in the absence of

81. W.A. "Case," p. 54.
82. "Case for Union," p. 29.
83. *Ibid.*, pp. 26, 28.
84. W.A. "Case," pp. 364-365.
⁸⁵ *Ibid.*, pp. 474-477.

any substantial tax concession. Contrary to the Western Australian forecast the population of the State has increased since the second world war, but almost all of this increase has gone to the settled areas, with the metropolitan area benefiting most, and the North West least.

The main strength of the *Case of the People of Western Australia* was that it put forward considerable evidence that federation was bearing hard on the State; the main weakness was an unduly optimistic outlook on a single solution. The *Case for Union* was strong on its pin-pointing of the more obvious weaknesses of the Western Australian arguments, weak in its complacency about the past and future working of federation.

IV.

In April, 1934, shortly after the Committee had concluded its deliberations and had presented the Western Australian *Case* to Cabinet, the Premier introduced into the Legislative Assembly the Bill providing for the presentation of three petitions to the King, the Lords and the Commons, by a delegation of three members plus the Agent General for the State. During the debate on the Bill Collier was subjected to some criticism from his own party in the Assembly, particularly from Johnson, Sleeman and McCallum. On April 16th the Speaker threatened to suspend both Sleeman and the Premier for carrying on an argument when neither of them had the floor, and to let them continue their argument outside.⁸⁵ On May 30th the Legislative Council agreed to the bill, after extensive debate in both houses. Collier had on several occasions to justify his actions in the light of Labor policy, which he attempted to do by pointing to the support which Labor had always given to the idea of referendum while stating, in order to mollify his Labor critics, "I am definitely opposed to Secession and always have been."⁸⁶ They were not all satisfied; A. R. G. Hawke continued to criticize the bill so severely that H. K. Watson challenged him to a debate in the Northern Town Hall. Hawke accepted, and the debate was heard on the 18th May by a large audience, which, according to Hawke, included a solid body of secessionists imported to shout him down.⁸⁷ Colebatch, the Agent-General, advised Collier that it would be unwise to present the petitions during the inevitable rush at the end of the parliamentary session in July, and that the delegation should be in London ready to commence operations before parliament reassembled in November.⁸⁸

85. W.A. Parliamentary Debates, Vol. 92, p. 304.

86. "West Australian," 17th May, 1934.

87. Ibid., 19th May, 1934.

88. Ibid., 14th June, 1934.

It was hoped by the *Sunday Times* that the delegation would be led by Collier, and would include the Leader of the Opposition, and Sir Norbert Keenan, and in order to allay criticism of the Government, Keenan made public a letter from Collier, who on July 31st had offered him a place in the delegation, which Keenan had declined.⁸⁹ The delegation, announced on August 31st, consisted of Sir Hal Colebatch, the Western Australian Agent-General in London, M. L. Moss, legal adviser in London to the Western Australian Government, J. MacCallum Smith, proprietor of the *Sunday Times* and H. K. Watson, Chairman of the Dominion League.

MacCallum Smith and Watson sailed for England on 24th September to the cheers of their supporters, and with the petition in their polished jarrah cases, and the Dominion League flag to fly over the Agent-General's Office in the Strand. (The Committee which had prepared the *Case* had investigated, through the Dominions Office, the formalities necessary when presenting such petitions, and had discovered that the whole petition and the signatures must be on the one sheet of paper, which necessitated a roll twenty-six feet in length, handwritten, as printing and typing were not permissible.) On the day of their departure the delegates had attended a farewell luncheon given by the Dominion League, and had also received an official farewell from the Premier, who went through the diplomatic formality of appointing Watson a King's Messenger. The delegation arrived on October 28th, and on November 1st placed the petition to the King in the hands of J. H. Thomas, Secretary of State for the Dominions. Dominions Office officials were "diffident" in their outlook according to the *Sunday Times*,⁹⁰ which was to criticize them rather more harshly after the rejection of the petitions to Parliament.

While waiting to perform their formal duties the members of the delegation occupied themselves with publicizing their cause in England. They gave press interviews. They made statements. They addressed meetings of Lancashire journalists, promising low tariffs for cotton goods if they succeeded. "Help us to help you," said Watson. And on the lighter side they were given luncheons and dinners by companies with mining interests in Western Australia. The English newspapers were sympathetic but unimpressed by the delegation's prospects of success. The attitude of *The Times*, that the delegation could do no more than "ventilate grievances",⁹¹ was typical. The delegation was also educating Parliament. 1300 copies of a pamphlet, containing an abridgement of the *Case of the People of Western Australia* and some material promising the United Kingdom

89. "Sunday Times," 22nd July, 1934.

90. "Sunday Times," 4th November, 1934.

91. "West Australian," 10th, 19th, 26th November, 1934. "The Times," 20th November, 1934.

concessions in matters of tariffs and immigration, were distributed to members of both Houses, to prepare them for the presentation of the petitions on December 17th by the Marquess of Aberdeen and A. H. Moring, respectively. On the following day, the Public Petitions Committee of the House of Commons recommended a special Select Committee to consider the petitions, and on January 28th J. H. Thomas announced that the Government was prepared to consider this recommendation.

On January 31st, the Lords agreed to a motion of Lord Hailsham to appoint a Joint Select Committee to consider the petitions and to report whether or not they could properly be received, and a similar motion by Sir Luke Thompson was passed without a debate in the Commons on February 4th. Three members of the committee—Viscount Goschen, the Marquess of Lothian, and Lord Wright, were appointed on February 26th, and L. S. Amery, Isaac Foot and W. Lunn, were appointed by the Commons two days later.⁹²

Both the Commonwealth and Western Australia had already drawn up their armaments. J. H. Morgan, K.C., Professor of Constitutional Law at University College, London, who had expressed opinions favourable to the maintenance of State Powers, was retained by Western Australia, and Wilfred Greene, K.C., by the Commonwealth. But the Commonwealth had fired the first shots much earlier. Statements, presumably inspired, to the effect that Canberra would consider any action on the part of the Imperial Parliament unconstitutional, appeared simultaneously in several Conservative newspapers in London three days after the petitions were presented.⁹³ Lyons announced on January 22nd in Tasmania that the High Commissioner's office was watching developments, and that legal advisors were being retained, and on February 5th the name of the Commonwealth counsel was announced in London.

In fact the attitude of the Commonwealth to the secession movement was ambiguous. On May 31st, 1934, Senator Pearce, speaking for the Government, announced that the Commonwealth Government would neither assist nor hinder Western Australia's separation, though Senator Johnson considered that the appointment of the *Care for Union* committee could not be reconciled with the answer to his question on the Commonwealth's intended action, and was told by Pearce that the Government would "take any necessary action to preserve the Australian Commonwealth". On the other hand, £16,715 was spent in posting a copy of the *Care* to every enrolled Federal elector in Western Australia, South Australia and Tasmania. This could be required as insurance against further disaffection. More

⁹² "West Australian," 5th, 16th-20th December, 1934; 30th January, 1935. Moring was a partner of Bewick Moring & Co., a company with extensive mining interests in W.A. "West Australian," 2nd, 6th, 28th February; 2d, 4th March, 1935.

⁹³ *Ibid.*, 22nd December, 1934; 23rd January; 9th, 13th March, 1935.

difficult to explain was the smaller sum spent on legal counsel in London when the Western Australian petitions were being considered by the Joint Select Committee, for, if the State's case were as hopeless as it seemed and as the Prime Minister repeatedly said it was, then it would surely have been defeated without legal intervention.⁹⁴

The Joint Select Committee was being asked to advise Parliament on a petition from one Australian State for its separation from the Australian federation. The Committee had to consider the document on which the federation was founded, and the changes brought about since federation by law and usage in the relationship of the Commonwealth and the States with one another and with the British Parliament. The Australian Constitution was designed to be self-contained. Unlike the Canadian Constitution, which could not be amended by Canada, the Australian Constitution contained its own machinery for amendment. Certainly the Constitution recognised the legal power of the Crown to disallow federal legislation, a power which had already been written into the constitutions of the separate colonies, but amendments were normally to be effected within Australia. Judicial processes too, were more self-contained than in the case of Canada. In non-committal cases, the right of appeal from Australian Courts to the Privy Council was recognised, as it had existed before federation, from the Supreme Court of the colonies, but in constitutional cases leave to appeal was to be granted by the High Court itself.⁹⁵ The only loophole was the right of State Supreme Courts, from which there was the right of appeal to the Privy Council, to decide constitutional cases, and this was closed by Judiciary Act (1907). Dawson considers that the Dominions were autonomous in their domestic affairs by 1914,⁹⁶ but it seems clear that Australia was autonomous in the constitutional part of her domestic affairs from the time of federation. By that date it was a recognised convention that the British Parliament would consider the wishes of the people of a self-governing colony when legislating for it; the passing of the Constitution Act itself was a recognition of this convention. Therefore an Act of the British Parliament for the separation of an Australian State would have been unconstitutional long before the passing of the Statute of Westminster. Changes after 1914 by statute and usage extended Dominion autonomy first to other aspects of internal affairs, and finally to external affairs. The explicit exemption of the self-governing Dominions from the 1911 Copyright Act, their signing of the Peace Treaty and their admission to the League of Nations as separate nations, their increased authority

⁹⁴ Commonwealth Parliamentary Debates, Vol. 139, p. 145; Vol. 145, p. 86.

⁹⁵ Sections 73, 74. ⁹⁶ Whare, K. C.: "The Statute of Westminster, 1931" (Oxford, 1933), p. 58. There is some doubt about the validity of these amendments. See Latham, J. G.: "Australia and the British Commonwealth" (London, 1929), pp. 116-7; Dawson, R. M., "The Development of Dominion Status, 1900-1936" (London, 1937), p. 5.

in foreign affairs recognised by the 1924 Imperial Conference, and the definitions of Dominion status at the 1926 Conference,⁹⁷ all reinforced the legislative independence of the Dominions before the situation was statutorily recognised in 1931.

Australia, like New Zealand, seems to have been slow, and more than slightly reluctant, to recognise her growing independence of Britain, and those Dominions—Canada, South Africa and Ireland—which desired such alterations to their status were regarded by many loyal Australian-Britons as slightly disloyal. S. M. Bruce was not enthusiastic about the Balfour Declaration of 1926, but the Statute of Westminster by which it was proposed to give effect to this Declaration was greeted in Australia even more coolly, particularly by State Righters. Tasmania was the first State to see in the proposed statute a threat to the federal balance, and the alarm, once raised, was loud enough to induce the Commonwealth to request the insertion in the Bill of provisions to disclaim any intention of strengthening the Commonwealth at the expense of the States.⁹⁸ Some danger to the latter remained. If "the request and consent of the Dominion shall mean the request and consent of the Commonwealth Parliament and Government", the possibility existed that the British Parliament would legislate at the request of the Commonwealth, even if the States were opposed to the request. The fact that there was no precedent to support this was scarcely sufficient reason for postulating a constitutional convention against it. It was improbable, however, that the States were in much danger from this source.⁹⁹ There was no reason to draw from the "request and consent" clause the conclusion that the British Parliament promised to be the rubber stamp of the Dominion Government.¹⁰⁰

Indeed the Statute as a whole was accorded, both at the time and since, an importance which more properly belonged to the changes wrought by usage and convention during several preceding decades.¹⁰¹ A statute, particularly if it is passed after as much solemn consideration as was given to the Statute of Westminster, is a more obvious thing than a series of gradual constitutional changes, however important. Not only can the Statute be repealed at any time by the parliaments which passed it, but Section Four, the core of the Statute, is a rule of construction, directed to the Court, not a rule restricting power, directed to the British Parliament, so that it does not render unrequested legislation for the Dominions by the British Parliament, legally impossible. In reality, Dominion status was secured even after

97. For the limitations of the Balfour Declaration, see Keith, A. B., "Responsible Government of the Dominions," second ed. (Oxford, 1928), p. 125.
98. Keith, A. B., "Constitutional Law of the British Dominions" (London, 1939), pp. 303, 304.
99. Bailey, K. H., "The Statute of Westminster," "Australian Law Journal," April, 1932, p. 398.
100. Wheare, K. C., "The Statute of Westminster and Dominion Status," p. 218.
101. *Ibid.*, p. 29.
102. *Ibid.*, p. 153.

1931, as it had been before, not by law but by convention, which seems not less secure, though the adoption of the Statute of Westminster by Australia in 1942 gave Australian statutory support to the convention.

The Commonwealth of Australia Constitution Act, which gave Australia power to amend its Constitution, also set limits on that power. As it was the declared purpose of the Act to establish an "indissoluble federal commonwealth,"¹⁰² it would seem that the amending powers under Section 128 can only be exercised within this framework. Such an amendment as unification, which would offend against the federal requirement, or the secession of a State, which would offend against indissolubility, are properly effected by the British Parliament, not by the operation of the process laid down in Section 128.¹⁰³ The heart of the British Joint Select Committee's decision was that the secession of the Australian State would require an Act of the British Parliament, and that Parliament would not pass such an Act at the request of one State only, since it was a matter affecting Australia as a whole, and convention demanded the consent of the Australian people. The wording of the report was vague in explaining the form which this consent must take, probably to widen the British Parliament's discretion in granting or refusing further requests, but to date there have been no cases to show what the Joint Select Committee meant by "the clearly expressed wish of the Australian people as a whole," without which it regarded legislation for Australia as unconstitutional.¹⁰⁴

There were no Australian precedents for Western Australia's request for British legislation to separate a State from the federation, which supported the view taken by the Joint Select Committee in 1935. Nova Scotia had petitioned the British Parliament for release from the federation formed in the previous year, and had been refused. The precedent was a strong one, because the power to amend the British North America Act belonged to the parliament which passed it and which Nova Scotia was petitioning, not to Canada; because Nova Scotia had been impelled into the federation by the British Government, the people having been given no opportunity to dissent; because the vote for secession was an overwhelming one; and because it was taken shortly after the federation had been formed.¹⁰⁵ Western Australia's case was weaker than Nova Scotia's on all these points; there had been some pressure—exaggerated by the secessionists—from the British Government, but the colony's entry into the federation had been decided by referendum. Only on one ground was the

102. Preamble.
103. Keith, A. B., "The Dominions as Sovereign States: Their Constitutions and Governments" (London, 1938), p. 121.
104. Wheare, *op. cit.*, p. 218.
105. Keith, A. B., "Letters on Imperial Relations, Indian Reform, Constitutional and International Law" (London, 1935), p. 173.

Western Australian case stronger: the greater importance of the Australian States in their federation, and their direct relations with London, which the Canadian provinces lacked.

It was surprising that all Western Australians did not realise from the start the constitutional impossibility of secession, and it would have been more surprising if none of them did. Norbert Keenan, later the leading lawyer of the secession movement, said in 1906 that secession would mean war, thereby outdoing both the Premier and the Leader of the Opposition, who contended themselves with stating that it was impossible. Such opinions were repeated whenever the question of secession was raised, so that the leaders of the movement and the readers of newspapers could hardly have been unaware of them or of the arguments which supported them. Even within the State, legal opinion supported the impossibility of secession. Why, then, did it continue to be regarded as possible? Secession publicity included four arguments which the secessionists used to convince the electorate. They said that Western Australia was a "sovereign" State, that the Commonwealth had broken the Federal Contract, that the secession of a State did not destroy the Federal Contract, and that secession was so vital to the State that the British Parliament would grant it despite the constitutional difficulties.

The first of these arguments was based partly on the constitutional position of the Australian States, but more on the definition of a word. It was certainly true that an Australian State was in a much stronger constitutional position than a Canadian province both in the functions which it exercised in the federation, and in its more independent relations with London. But more important was the repeated use of the word "sovereign." There are serious objections to the application of this adjective to any polity,¹⁰⁷ but even if one is determined to use it, there are almost insurmountable difficulties in deciding where sovereignty rests in a federation. The powers of both Federal and State governments are constitutionally limited, and limited sovereignty is a self-contradictory expression. To describe Western Australia as a sovereign State was pure propaganda. The objections of lawyers were no match for a good slogan, however.

The second argument was that the Commonwealth, by forcing on the States measures of unification, especially in finance, had broken the Federal contract, so that Western Australia was no longer bound by it. The contrast between federation in practice and federation in the minds of the Founding Fathers was underlined; the States had become less powerful, the Senate had proved powerless to protect them, and the changes had been brought about, for the most part, by means other than the constitutional amending process. It is probable that Western Australia would have had even deeper qualms than

¹⁰⁷ Mariani, J., "Man and the State" (Chicago, 1951), ch. II.

she had had in 1900, had she foreseen as clearly as Deakin did the direction and extent of constitutional development. The legal weakness of the argument springs from the difference between federation and an ordinary contract. The Federal "contract" involved the abolition of the contracting parties in the form in which they existed before the contract. The Australian colonies in 1900 may be regarded as contracting parties; the States in 1901 were something less autonomous.

The third argument—that the secession of a State did not alter the Federal constitution—was valid in that the relationship of the remaining States with the Commonwealth and with one another would remain unchanged, and in that Western Australia was not mentioned in the Preamble to the Constitution as one of the colonies whose people had "agreed to unite in one indissoluble Federal Commonwealth," though provision was made for her to join before the Act was proclaimed. But more fundamentally, the secession of Western Australia without the consent of the whole of Australia would have destroyed the very basis of federation—the agreement of the Australian voters to federate their colony. The contention, however, sounded more persuasive applied to Western Australia than it would have done if applied to any other State, for the other Australian colonies had been willing to federate without her. The secessionists argued that, if Western Australia was not necessary for federation to begin, it was not necessary for it to continue.

In the fourth argument the secessionists recognised that British legislation for Western Australia's secession at the request of that State alone would be unconstitutional, but pointed out that constitutional conventions could be overridden if the British Parliament were convinced that it was absolutely necessary to do so. Up to this point, even Professor Keith agrees.¹⁰⁸ Its application to the particular case of Western Australia hinged on the question, Could Western Australia adduce proof of the absolute necessity for secession? The secessionists thought that she could. The insolvency of the State was beyond doubt, but protestations of poverty were unconvincing at the time, for few governments were prosperous in 1933. However, the contrast between the financial position of the Commonwealth and that of the States might have caused more attention to be given to the argument from necessity, had the economic situation not improved. Early in 1934, the Premier of South Australia announced at the Premier's conference that he would attempt to withdraw his State from the federation rather than follow the Lang path of repudiation, and there was still the possibility that he would be forced to make the choice.

It is not known what type of proof of necessity the British Parliament would demand; it can only be stated that Western Aus-

¹⁰⁸ Keith, A. B., *op. cit.*, p. 175.

trial's case was not good enough. This fourth argument was common ground where the secessionists and the lawyer could meet, for they both accepted the same constitutional premise, so that the decision depended upon the non-legal question of the degree of the State's necessity for secession. Secessionist and lawyer did meet in the person of Norbert Keenan, K.C., whose statements in support of secession were carefully enough worded to avoid doing too much violence to legal learning.¹⁰⁹ The King's Counsel of Western Australia, whose opinion had been obtained on the same question asked of the British Joint Select Committee (with the opposite answer) were lawyers, but apparently not constitutional lawyers. They based their answer on the strict and undoubted legal competence of the British Parliament to pass laws with or without a Dominion's request. They did not recognise the extent to which legal powers could be changed by constitutional usage.¹¹⁰ But more important than any of these arguments in explaining the confidence of the secessionists was the fact that they were not, on the whole, lawyers. They dismissed difficulties as being insignificant in the face of the power of the British Parliament, but even more, they lacked the mental habit of considering the legal aspect of a question first. They had an inextinguishable confidence that the Mother of Parliaments would grant Justice, despite a few trifling legal difficulties. Their publicity seldom made reference to constitutional law; neither did the *Case of the People of Western Australia*, and even the State advocate before the Joint Select Committee in London to some extent followed this practice. While the Commonwealth advocate confined himself to legal arguments in a fifteen-minute address, Professor Morgan spent many hours trying to persuade the committee to consider the petition on its merits, a deplorably un-legal procedure, but quite in keeping with the spirit of the movement which he represented.

The hearing of evidence before the Joint Select Committee began on March 27th, when Viscount Goschen, the chairman, explained that the task of the committee was not to consider the merits of the petition, but merely whether it was proper to be received. Morgan spoke for Western Australia at great length; Greene's remarks were rather brief, for he pointed out that Morgan's material on the merits of the petition was irrelevant,¹¹¹ a view which was upheld by the Committee in its report presented on May 24th, to the effect that the petition was not proper to be received, that only the Imperial Parliament could legally dissolve the Commonwealth, and that it could only do so constitutionally with the consent of a Commonwealth Parliament.

On this decision everyone concerned commented. Lyons called

109. E.g., "Sunday Times," 10th May, 1931.

110. "West Australian," 2nd, 28th March, 1935.

111. "West Australian," 4th, 11th, 18th April, 1935.

for the discussion of grievances within the Commonwealth; Collier called for a change of attitude on the part of the Commonwealth towards the smaller States; Watson called for direct action as the only means left, from which opinion the other members of the delegation dissociated themselves. *The West Australian* demanded a more favourable financial settlement, and the *Sunday Times*, now that MacCallum Smith had been bought out by Victor Courtney, advised its readers to "accept the umpire's decision." There was no official Dominion League statement at once, though Chandler and Hartrey made announcements on their own behalf. The delegation issued a joint statement on May 29th, to the London press, that the decision was "wrong in precedent and unwise," and in Perth on the following day the Dominion League expressed surprise at the rejection of the petition, and reaffirmed the League's objective.¹¹²

The Imperial Parliament had it in its power to reject the report of the Joint Select Committee, and on June 17th, Moreing asked for a debate on the subject in the Commons. He was told that he could bring it up in the debate on the Dominions Office vote on June 20th, which he did, arguing on the ground that the committee had only considered the prayer of the petition, not the complete petition. Sir Thomas Inskip, the Attorney-General, told him that there was no point in discussing the matter, and it was not discussed. The case, as far as the Imperial Parliament was concerned, was finished, for a petition signed by 69 members that the Commons consider the petition of Western Australia, was also rejected.¹¹³ J. H. Thomas, the Secretary of State for the Dominions, was criticised by Collier and MacCallum Smith during August for his unsympathetic attitude towards these requests for reconsideration. The latter considered that the Legislative Assembly should carry a motion of censure against him,¹¹⁴ but such a motion was never introduced.

The legal rejection of the secession petition killed the movement, for even its leaders shrank from illegal means. A Fremantle Sugar Party, though suggested by Watson, was never a serious possibility. It is true that the Dominion League sent a deputation to the Premier on November 27th, asking him to secure secession by the enactment of the Western Australian Parliament,¹¹⁵ but they did not seem to regard this as an illegal course of action, and in any case, it had no chance of being accepted to by Collier, though the League prepared a draft bill for the same purpose as late as 1938. By that time that fighting organisation had become moribund, for the gradual improvement in economic conditions had blunted the edge of public dissatisfaction, and the League became an exclusive field for cranks

112. "West Australian," 25th, 28th, 29th March; 29th, 30th May, 1935; "Sunday Times," 7th March, 26th May, 1935.

113. "West Australian," 19th, 22nd June; 12th July, 1935.

114. *Ibid.* 24th August, 1935; "Sunday Times," 8th September, 1935.

115. "West Australian," 28th November, 1935.

when more moderate men saw the impossibility of its objective, and left it. A split in the society in 1938 between Watson on the one hand, and Chandler and Swain on the other, led to Watson's resignation. It is difficult to say exactly when the League became defunct, for it was an unconsciously long time a-dying; Swain, using the Dominion League letter-head, wrote a letter in 1942, congratulating the Premier on his stand against uniform taxation, but stating that for the sake of the war effort, the League would not oppose the matter actively. He promised more action in support of State rights after the war, but this was not forthcoming, and there is no trace of the League's life after that date.¹¹⁶ It had died of boredom several years before.

V.

The Secession movement was a unique and powerful development in the history of Western Australia. Even if attention is restricted to the three years of active campaigning, this campaign is comparable only with the campaign which brought Western Australia into Federation. Its culminating vote, bolstered up by the secessionist's enemies, the federal delegation, was an emphatic one. But the secession movement was not restricted to those years. The failure of the Secession League may have suggested that the movement lacked a broad base of popular support even as late as 1927, but the rapidity with which it acquired that base three years later was equally significant as an indication of the latent force of undirected discontent.

This leads to what is in many ways the most important question to be answered about the movement. If it was purely an expression of discontent resulting from the depression, then it had little significance. Certain it is that a weak movement became an active campaign very suddenly soon after the depression began, and faded out simultaneously with improving economic conditions, but this does not by itself prove anything. "*Post hoc ergo propter hoc*" is the fallacy to which the historian is most subject from the nature of his investigations; it is dangerously easy to read history backwards. When considering the sudden beginning of the campaign in 1930, some allowance must be made for the new name and new men in the League which piloted it. Some allowance must also be made, in considering the death of the movement, for the proven impossibility of secession, which would tend to discourage anyone who recognised the fact, and for the terrible difficulty of persuading people to march on the spot behind a stationary banner. As much as this—and no more—may safely be said: it would have been more difficult than it was to arouse this specific discontent had there not been the force

of general discontent which could be channelled, and more difficult yet to maintain for many years without the same force.

Economic conditions are by themselves adequate to explain the variations in the vote throughout the State. The heaviest vote was in the wheatbelt, reflecting the depressed condition of the wheat industry at the time, and the only areas voting against secession were gold-mining electorates; gold-mining was one of the few prosperous industries in Australia in 1935. As it was argued earlier, it is not necessary to ascribe the goldfields vote to the political virtues of the Frontier, since it remains only an assumption that a vote against secession is more virtuous than a vote for it, and in any case, the goldfields were well inside the frontier by 1935.

The one factor seems adequate to explain two simultaneous occurrences which have puzzled some, the emphatic defeat of Mitchell and the equally emphatic support of the cause which he championed. To vote for secession was to cast the "hard times" vote against the Federal Government; to vote Labor was to cast the "hard times" vote against the State Government, which had successfully campaigned in 1930 on a promise of prosperity, a promise which it inevitably failed to fulfil in the succeeding three years.

The significance of the vote would also be reduced if it were proved that the voters realised that secession was impossible, and for that or another reason regarded their vote as no more than a vote of protest against the Federation as they knew it. The nature of the campaign—long, and with large quantities of published material from both sides on most aspects of secession—made it possible for every voter to know that some lawyers considered secession to be impossible, but the legal side of the question was never foremost in the campaign, and there were certainly some people who thought it possible that the lawyers were wrong. Voters do not always treat as infallible the utterances of experts. The existence of a second referendum question to accommodate those who were dissatisfied with the working of federation, but not dissatisfied enough to want to leave it, does not seriously weaken the theory that the voters voted no more than no-confidence, for to vote for constitutional amendment by a convention was to follow the Prime Minister's advice; not a very emphatic gesture of protest. But this must remain one of the insoluble questions about the secession vote. Unfortunately, no contemporary investigation of the vote was made. Nobody knows what the voters meant when they voted for secession, and the vote must be held innocent until proven guilty.

But whatever the electors thought about the possibility of secession, its legal impossibility was beyond doubt. This impossibility was founded not in the Statute of Westminster, but in the Commonwealth Constitution itself. Though later changes reinforced the position, the British Parliament would have given the same answer had it

been asked the same question in 1901. Less unwarranted comparisons with other secession movements should be made, let it be clear that the Western Australian secessionists, with a few exceptions, thought of their aim only within the limits of legality. Secession by extra-legal means was never a serious possibility, and secession by force unthinkable. Given the situation at the time and nothing more, there was no possibility of a Fremantle Sugar Party and an Australian Civil War.

The secession movement was also a unique part of the history of the Australian Federation. As such, it is of interest to students of any federation, or of federalism. Federations are established when men want—or are forced by local feeling to allow—local diversity within a single polity, unity without uniformity. Since 1901 the Australian Federation has become less federal by increases in the powers of the central government; this is possible because federation is not a separate form of government, but part of a continuum ranging from autonomy to unity. Increasing numbers of matters have come to be decided by the federal government, including some which could quite effectively be decided by the States. It is submitted that this state of affairs has three advantages; firstly, it makes for political centralization and the omnicompetence of one authority. It is not wise to give to one authority too much power, but it is also dangerous to give it too much work, for it may delegate some to its civil service, thereby increasing the scope of government by regulation and the possibility of "administrative lawlessness." Secondly, it makes for administrative centralization and rigidity, hindering the adjustment of government to varying conditions. Thirdly, it makes for economic centralization in an economically diverse country.

But the increase in the power of the central government has not been due solely, or even mainly, to Commonwealth megalomania. Necessity and apathy have been far more important. Government muscles are developed by exercise, and two world wars have provided strenuous exercise for the Federal Government, with resultant increases in its strength. That was the main necessity. The apathy was popular, and is manifested in the common attitude toward "The Government" levels. Australians tend to be more interested in "The Government" as a source of benefits than in government *per se*. They have not raised audible objections when more and more local matters have come within the competence of the central government. Even Western Australians remain quiet as long as they remain prosperous, and both the early bursts of secessionism and the main campaign correspond disturbingly well with periods of economic discontent, from the first federal tariff to the depression of the 1930's. It is true that the Commonwealth Constitution has failed to uphold the 1901 balance of power, but it is surely expecting too much to demand

that a constitution should protect people against themselves without imposing a government which is independent of public opinion.

Grants to the poorer States have saved them from default, but have not changed their dependent status; they have rather entrenched it. The poorer States have been able to blame the Federal Government for their mistakes and misfortunes, and the amount of money diverted to the undeveloped areas has not been enough to develop them, though it has been too much to please those States which are paying it. The poorer States—the secessionists often mentioned this—dislike the annual begging pilgrimage, while the richer States object to paying for the schemes of a Government which is not responsible to them. Secessionists and unificationists both have their more orderly solutions, but the neatest polity is not necessarily the best.

The results of the secession movement are few. The most commonly mentioned, the establishment of the Commonwealth Grants Commission, occurred shortly after the referendum, but was not therefore caused by the movement; it was not in the interests of the Federal Government to have several of its States bankrupt, and it seems likely that the Commonwealth was persuaded by its own interests rather than bullied by Western Australian threats. At the most the secession vote may have been the occasion rather than the cause of the establishment of the Grants Commission, and even as much as that cannot be asserted with certainty.

Another "result" sometimes referred to, the increased knowledge of Western Australia in the other States, if it exists, is more closely connected with increased interstate travel than with a vote which few people remember. For even in the State concerned the secession movement is forgotten, the *Cares* read only by students of history. The only indubitable result apart from paid passages of the Western Australian delegates to London, and of Federal Ministers to Perth for a conciliatory cabinet meeting, was the remission by the Federal Government of customs duty to the value of £21,000 pounds on some railway equipment imported by the Western Australian Government in 1934.

It is easier to point to weaknesses in the working of Australian federalism, of which weaknesses the Western Australian secession movement has been the worst extreme symptom, than to suggest remedies, but the Australian Federation's only secession movement stands as a warning against complacency about Australian government, a warning less menacing than its supporters hoped, but more serious than its opponents believed. The warning has not been fully heeded, despite the subsequent institution of a system of regular Federal grants which saved Western Australia from chronic heavy

public deficits, for the real independence of the State, as of all Australian States, has continued to diminish. As geographical expressions and as administrative agencies the States exist, but as States in a Federal Commonwealth, the States are dying. Not by grains alone do States live.

E. D. WATT.

THE METHODIST CHURCH IN WESTERN AUSTRALIA *

- I. GROWTH AND DEVELOPMENT.
- II. GOVERNMENT AND FINANCE.
- III. EDUCATION AND SOCIAL INSTITUTIONS.
- IV. SOCIAL QUESTIONS.
- V. CONCLUSION.

As the result of the enterprise of a group of Wesleyan Methodists laymen, led by Joseph and John Wall Hardey and Michael and James Clarkson, the roots of Methodism were planted in the Swan River colony only eight months after the foundation of the new settlement by Captain James Stirling in June, 1829. The Hardeys and the Clarksons, yeoman farmers from Yorkshire, had chartered the *Tranby* to transport them with their friends and indentured servants to the new colony, and, on the 3rd February, 1830, after a voyage of twenty-one weeks, the vessel anchored in the mouth of the Swan River. Thirty-three new migrants had arrived to participate in the development of the Swan River colony in Western Australia. For the next decade this group, which formed the nucleus of the Wesleyan Methodist community, performed the task of establishing Methodism in a colony, predominantly Anglican. This they did without the aid of a minister of their own creed. In just over four years after their arrival, they had built their own chapel on a small block of land with a forty-foot frontage to Murray Street, Perth. Known as the subscription chapel, because members had contributed to the cost of the building by the purchase of £2 shares, this church, the first to be built in Perth, provided facilities for the Wesleyans to establish their position as a separate religious group in the colony through the conduct of their own church services and Sunday school. Joseph Hardey became the leader of the early Wesleyan community, and through his efforts the Wesleyan Methodist Church in England was persuaded, in 1837, to send an ordained missionary to the Swan River to forward the work of Methodism amongst the colonists and the indigenous natives. However the minister appointed, the Rev. William Longkroon, was shipwrecked at Encounter Bay and failed to reach Western Australia, and the Perth Wesleyans had to wait until the first Sunday in June, 1840, for the arrival of another appointee. On that day, the Rev. John Smithies landed at Fremantle from the *Prima Donna* to take up his duties as resident missionary.

*In 1902 the union of several Methodist sects to form what is now known as the Methodist Church of Australasia became effective for all Australian States. For the years before this date this study is concerned only with the activities of the Wesleyan Methodist Church, by far the most numerous of the sects.