

ALFRED DEAKING AND FEDERATION

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Alfred Deakin became committed to the cause of federation when he was a young minister serving in the cabinet of James Service, the twelfth premier of Victoria, who won the 1883 election with a platform that included the commitment to work for federation of the Australian colonies. An intercolonial conference established a Federal Council that year to work towards this goal, so Service's hope was not unrealistic.

For the Victorians the cause of federation was closely linked to their desire for Britain to annex the New Hebrides. The Dutch had controlled the Western half of New Guinea since 1828, France had annexed New Caledonia in 1853, and Britain had annexed Fiji in 1874. The other islands to Australia's north east, including the eastern half of New Guinea, were as yet unclaimed by a European power, and the Australians wanted Britain to act. But the Liberal government of Gladstone had no interest in claiming new territory in the Pacific.

Service believed that a federated Australia would not only be better able to persuade Britain to its point of view but that it would also have the financial capacity to contribute to the administrative costs of the new imperial possessions, which Britain was sure to demand. Service's entwined dreams of federation and of an Australian imperial presence in the Pacific became Deakin's. Only if the colonies were federated, Deakin believed, would they be entitled to 'speak with the authority of a united people,'¹ and so press their demands on the British government.

Deakin was born in Melbourne in 1856, and his views were shared by other young native born men, especially those in the Victorian-based Australian Natives Association (ANA). These sons of the soil regarded themselves as having a special responsibility for national questions. Deakin joined the Prahran branch in 1884 and as his star rose he became their most celebrated member. He had already been a member of parliament for 4 years.

The colony of Victoria was riding a wave of prosperity and 'Marvellous Melbourne' was in full swing. By 1885 Deakin was the leader of the Liberal Party and Chief Secretary in a coalition government. In 1887, aged 31, he visited London for the first time, as a member of the Victorian delegation to the 1887 Imperial Conference. There he boldly challenged the British Prime Minister, Lord Salisbury, over Britain's reluctance to annex the New Hebrides, and he refused a knighthood. Deakin returned from London a local celebrity. The young men of the ANA saw him as representing the future of young Australia as a proud federated nation.

Below is Deakin's handsome half-profile surrounded by a wattle wreath on the program for the banquet the ANA gave to welcome him home.



Nothing much had come of the Federal Council. In 1889 the cause was revived by the aging NSW premier, Henry Parkes. In his Tenterfield address Parkes called for a national convention to devise a national government. Two were held, to hammer out a draft constitution which would then be endorsed by the colonial parliaments. For this to happen, the constitution needed to balance the sovereignty of the smaller colonies against the democratic rights of the majority of the population in Victoria and New South Wales. Deakin was at both these conferences, and realised that if federation were to be achieved, compromises would be needed.

The institutional framework of this first draft constitution has endured: a popularly elected lower house and an upper house with equal representation of the colonies (states) and equal powers except for money bills. There were, however, serious reservations about this first draft. Deakin and his fellow Victorians were uncomfortable about the upper house having any powers over money bills; there was no agreed means of resolving deadlocks between the houses, and the unequal representation in the Senate rankled with majoritarian democrats' commitment to votes of equal value, as did its indirect election by state parliaments. Deakin was a committed democrat, but if federation was to be achieved, majoritarian democrats would have to give way, as he well knew.

The draft constitution was largely the work of Queensland's Samuel Griffith, Tasmania's Andrew Inglis Clarke, South Australia's Charles Kingston and NSW's Edmund (Toby) Barton. The last two were to become Deakin's comrades in arms as they led the federation cause in their respective states. Both were some years older than Deakin, but native-born lawyers like him with around a decade of parliamentary experience each.

The convention settled the name of the federation — the Commonwealth of Australia. This was Henry Parkes' choice, but Deakin seconded it and lobbied energetically for it against those suspicious of its republican overtones. Deakin judged the Convention to have been 'fairly successful', but was not sure there was yet much public interest in the future of the nation.

In 1893 a people's conference in Corowa revived the cause and came up with a plan that took the process out of the hands of the politicians and gave it to the people. Voters in each colony would elect representatives to a convention, which would determine a Federal Constitution Bill, and which would then be submitted to referenda. Federationists could now move beyond

talk to start mobilising support for the forthcoming popular votes. This was the cause Deakin had been waiting for.

The boom of the 1880s had come to a shuddering end, especially in Victoria where a speculative land and housing boom crashed. The crisis shook Deakin's faith in politics. He resigned from the ministry, returned to practising law and contemplated leaving politics altogether. What held him there was the promise of federation. Federation became a redemption project for Deakin, as it did for many Victorians after the financial disasters of the early 1890s.

After Corowa, Deakin worked tirelessly for federation. Chairing a meeting convened by the ANA he said:²

[L]ong ago he had made up his own mind that no question should be put second to federation. From either the local or national standpoint ... the best remedy that could be applied to all the ills, political, social and financial, from which Australia was suffering would be immediate federation.

For the next six years, apart from some engagement with the anti-sweating campaign and a fruitless effort to get religious instruction into state schools, Deakin's main political goal was the achievement of federation.

Deakin had two great political gifts: his oratory and his charm. He could bring a public meeting to its feet, and in private he could talk away doubts and negotiate a compromise. Both were acts of persuasion, the one exercised on halls full of people, the other face to face; one to excite enthusiasm, the other to find common ground. And he brought both these gifts to the hard work of achieving federation. He also brought himself, the brilliant native-born man whose upright and independent public persona embodied the spirit of the emerging nation.

Deakin was elected as a Victorian delegate to the convention that would settle the Constitution that was to be put to the people. He was the only Victorian who had been at previous conventions. He knew well the arguments and sensitivities that would shape the debates.

Deakin's staunchest ally was Edmund Barton, who had taken over the leadership of the cause in New South Wales from Parkes. They were, Deakin wrote, drawn together by the 'bond of sympathy in the cause of Australian Union.'³ They are pictured together, below.



Deakin was determined to do everything in his power to achieve federation. In his opening speech to the convention, Deakin said:⁴

Were it a question today ... of accepting the Commonwealth Bill or postponing Federation ever for a few years, I should, without hesitation, accept the Commonwealth Bill ... It is perhaps possible for us to fail altogether in our high aim, and we may easily fall short of its final achievement; yet it is certain to be long before such another opportunity can present itself... Political opportunities of this sort if missed rarely return again in the same generation.

The big problem, however, was how to resolve the democratic demand for majority rule, being assertively pushed by George Reid (the Premier of NSW), with the small states' fears of being swamped by NSW and Victoria.

Because the Constitution was required to go to referenda in both the most and the least populous states a resolution acceptable to all was necessary. The conflict centred on the role of the Senate which was designed as a states' house with equal number of delegates from each state. Democrats had already won a great victory in that the Senate would be elected by popular vote rather than by the state parliaments, as was the case in the United States of America, but its powers were contentious. New South Wales would not accept a Senate that could veto majority decisions of the House of Representatives and the Victorians too were wary, given the long history of conflict between their two houses. Further, Reid argued that as two-thirds of the future Commonwealth's revenue would come from Victoria and New South Wales, the lower house must control the government's finances.

South Australia, Tasmania and Western Australia would not accept a toothless Senate and if they voted as a block would win every time. If the Senate won control over money bills, New South Wales would withdraw and the federation would be doomed for the foreseeable future.

So Deakin turned his full persuasive powers on federationists from the small colonies. On a trip to Broken Hill he, along with two other Victorians, persuaded three Tasmanians to support a compromise, namely that they must be content to allow the Senate to make suggestions and not amendments in money bills unless they wished to shipwreck the whole Bill. The limitation of the Senate's money powers passed by a single vote and the Bill was saved.

Time and again during the debates Deakin argued that the fears of the small states were unfounded. The lines of division in the Senate would not be between the less and more populous states, he said, but between two parties, divided by the line of 'more progress and faster' and 'less progress and slower', or in other words, liberals and conservatives.

He also argued that the federation principle — and the endurance of state sovereignty — did not depend on the Senate's approval of federal laws but on the division of powers in the Constitution. It was the Constitution and the High Court rather than the Senate which would be the real, effective guarantor of states' rights, he argued, with most of the federal government's actions having no effect on state interests.⁵ On the first, Deakin's prediction was prescient, but the second was to prove completely wrong.

After the convention had settled on the Constitution, the next step was the referenda. In March 1898, on the eve of the first referendum, prospects of success were not looking good.

Neither the premiers of New South Wales or Victoria had yet endorsed the bill. *The Age* newspaper looked set to oppose it on democratic grounds and its powerful editor, David Syme was pressuring Deakin to do the same. Instead, Deakin made a speech which turned the tide. Delivered without notes to the ANA banquet at the Shamrock hotel in Bendigo, this is the supreme oratorical feat of Deakin's life as he told the men of the ANA that their 'hour has come':⁶

These are the times that try men's souls ... But it is not a time to surrender. Let us nail our standard to the mast. Let us stand shoulder to shoulder in defence of the enlightened liberalism of the constitution. Let us recognise that we live in an unstable era, and that, if we fail in the hour of crisis, we may never be able to recall our lost national opportunities.... The contest in which you are about to engage is one in which it is a privilege to be enrolled. It lifts your labours to the loftiest political levels, where they may be inspired with the purest patriotic passion for national life and being.

When he finished, the Natives rose to their feet, yelling and cheering and waving their handkerchiefs. Deakin was the mirror for their idealism. In him they saw their best and noblest selves; together they would stare down the doubters and prevaricators and make history.

The Natives went back to their branches filled with zeal to mobilise the Yes campaign.⁷ With operating branches across the colony, in all the major regional towns and suburbs, the ANA had a formidable organisational base. The weeks between the end of the Convention and the referendum in early June were frenetic. Deakin was inundated with invitations from ANA branches to address meetings, and he accepted as many as was physically possible, addressing four of five meetings a week.

Deakin hoped popular enthusiasm would scare *The Age* off a campaign against the Bill, but he was also active behind the scenes bringing pressure to bear on doubting parliamentary colleagues, including the Victorian premier, George Turner.

Victoria embraced the Bill: not so New South Wales, where the majority of parliamentarians opposed the Bill and premier George Reid had prevaricated. Reid suggested a meeting of the premiers to see if they could agree on an amended bill that he could support whole-heartedly. Federalists were furious with Reid, whom they regarded as a saboteur, but they could not easily oppose him when he was offering a way forward. Deakin urged Turner to co-operate with Reid, suggesting to him the compromise on the location of the capital, that although in New South Wales it be at least 100 square miles and 100 miles from Sydney. In closed meetings in Melbourne early in 1899 the premiers agreed to an amended bill to be put to the people at a second referendum. Once again Deakin took to the campaign trail, and this time the referendum succeeded, with Victoria returning an even larger majority.

Deakin could set out the arguments for and rebut those against the Constitution Bill as well as any other federationist. His special gift was to create the imagined nation of Australia as an object worthy of sacrifice and devotion, elevating it above sectional and parochial interests. On the eve of the vote in late July, as torchlight processions marched down Swanston Street and up Bourke Street to Fitzroy and Collingwood, Deakin addressed a final meeting in the Town Hall:⁸

When Australia raises its flag it would be the flag of a united nation and not even a Colonial Secretary in Her Majesty's Imperial Government would venture to pull it down ... The swinging of this globe is bringing us nearer to tomorrow's dawn. When its sunlight

silvers the vast panorama of this continent and the richly jewelled islands that lie within its seas, it shall shine upon a territory by which the act you will then perform and the solemn compact in to which you will then enter will be bound once and forever in a united commonwealth, an indissoluble union, everlasting and strong – into an Australia – one and indivisible.

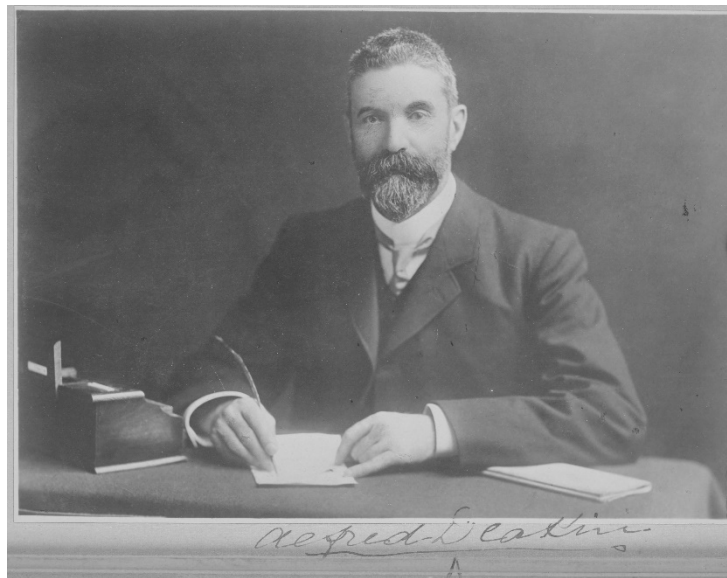
Deakin appealed to the idea of the nation which had captured the nineteenth-century Western political imagination: that a people united by territory, history, religion, race and culture should be joined under a political rule to which they consent. Barton's catch cry — 'A nation for a continent' — had unfurled the territory and Deakin's final images of the swinging globe and the sun silvers the land imbued federation with cosmic significance.

With federation achieved, Deakin became Attorney General in the first Commonwealth government, and after Edmund Barton retired to the High Court, its second Prime Minister. When the Constitution was finally law and the Commonwealth inaugurated, Deakin saw it as the duty of those who had argued for federation to make it work, a compact between the people who had voted 'Yes' and their elected representatives.

The Constitution provided a framework for the government of the nation, but that was all — it was only a framework. Federal institutions had to be built and federal laws passed for areas of federal responsibility. Support for the federal union slumped in the early years, once voters confronted the expense and the states realised how much they had given up. There was, for example, fierce resistance to the establishment of the High Court because of the expense entailed. Deakin fought hard for the court, arguing that its establishment was 'a direction from

the people from whom the constitution came.’ Without his advocacy it is likely it would have been long delayed.

There was a real danger that if these early Commonwealth governments failed, the new federation itself would fail, foundering on partisan differences, parochial jealousies and personal animosities. Federal sentiment and a wide federal perspective had to be nurtured. Again and again in his speeches after federation, Deakin conjured up the map of Australia, reminding his audience that they were no longer just Victorians or South Australians or Tasmanians, they were now also Australians. This was Deakin’s great mission after federation: to make real the promise of a nation carried in the Constitution.



Endnotes

- 1 Victorian Parliamentary Debates, 12 June 1884, 85-6.
- 2 *Argus*, 14 December 1893.
- 3 Letter from Edmund Barton to Alfred Deakin, 24 July 1894, MS 1540/11/15 (National Library of Australia).
- 4 Convention Debates, Adelaide, 30 March 1897, 295, 302.
- 5 *Ibid* 293-8.
- 6 Alfred Deakin, Speech, '*These are the times that try men's souls*', 15 March 1898, Bendigo.
- 7 *Advance Australia*, April 1898.
- 8 *Argus*, 27 July 1899.

