

Introduction to volume 2

Australia's Senators: In the Dark Age of the 20th Century

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This volume contains the biographies of senators who completed their terms of service in the Australian Senate in the most dismal period of Australian history. Their stories provide fascinating insights into the workings of the institution, the characters of the people and the nature of that extraordinarily difficult time.

By the end of the 1920s, it was clear that the country faced severe financial difficulties, signalled by its level of overseas debt. Then came the stock market crash of 1929 and an economic slump which from the beginning promised to be worse than any previous downturn. The most dire predictions did not foresee the Great Depression, an unprecedented, lengthy period of mass unemployment and abject misery. No sooner had an uneven and faltering recovery occurred than another Great War engulfed the country, worse than the first conflagration of that name, because Australia was directly threatened. The war at our coastline turned into a dispiriting holding operation, while our great allies concentrated on achieving victory in Europe first. Then began a period of post-war prosperity, but overshadowed by the Cold War, the threat of nuclear annihilation reaching a peak at the very end of this period, and the poisoning of domestic politics by the perception that the Labor Party was unduly tolerant of, and influenced by, Stalin's Soviet Union and his local agents, the Communist Party of Australia.

In summary, in those three decades the country suffered a life-threatening illness followed by a near-death experience and a slow recuperation haunted by constant fear of a relapse. It seemed that there was no real progress in civilisation, only a struggle to maintain the civilisation of the 19th century, which then had the appearance of a golden age. The commonplace predictions of the 1890s, that by 1950 Australia would be a great federal republic of 40 or 50 million people living in glittering cities sustained by amazing technology, were not to be. Of technology there was a ready supply: motor cars, aeroplanes, radio, motion pictures and television, mostly developed from earlier inventions. For most of this period these marvels feature as problems to be grappled with by the political system more than opportunities, their exploitation marred by the troubles of the times.

There was a loss of faith in the liberalism and constitutionalism of the 19th century which underpinned Australia and its Constitution. A decentralised federal structure and a division of power at the centre, as designed by the founders, seemed ill-suited to perpetual crisis. Political extremism flourished. Laborites tended to marxism and revolution, conservatives flirted with fascism and dictatorship. A large number of persons, returned servicemen from the Great War prominent among them, in 1931 and 1932 seriously entertained plans to turn out the Commonwealth and New South Wales governments by armed force and establish a military dictatorship with some suitable returned general. Religious sectarianism rose to a level embarrassing to the theological disputants of the previous century. The famous statement "we are all socialists now" acquired a sinister ring of truth in the 1930s and 1940s: drastic state action of some kind was widely favoured to overcome the enormous economic and social problems. All politics was coloured with an authoritarianism which would have disturbed the men of 1891 in their graves. The very name Liberal disappeared from the party lexicon for a time, until deliberately re-established. There was constant talk

of the need for “strong leadership”, always a sure sign of a democracy in peril. One type of extremism threatened the dismemberment of the country. The Western Australian secession movement in the early 1930s was thwarted only by legalism and Empire: it was thought that the British Parliament would have to approve of secession, although it was carried in a state referendum. There were also other secession movements, which did not get that far.

These events made it the age of party splits. The major historical milestones are party splits, beginning with the fall of a fatally divided conservative government in 1929 and ending in the late 1950s with one of the major parties formally divided and each faction claiming the party name. Having split over conscription in 1916 and been out of government for the 1920s, the Labor Party, regaining government in 1929 over its divided opponents on the issue of industrial relations, then almost immediately split in several directions over what to do about the Depression. Once again a leading member of the party defected and led a conservative coalition, keeping Labor out for the whole of the 1930s. Divisions in the conservative ranks, significantly starting over a national insurance scheme, but continuing over the conduct of the war and fuelled by personal antagonisms, brought the Labor Party back to government in 1941. Having maintained a fragile unity in wartime and for the beginnings of post-war reconstruction, the party was bundled out of government in 1949, largely over bank nationalisation and other “socialist” proposals, and then split again in 1955 over Communism. While the Labor Party repeatedly split, the conservative parties were always disunited and their ranks full of rebels, especially before 1949. One of their splits proved to be permanent: the rise of the Country Party was an expression of a “rural revolt” far more serious than the relatively mild phenomena subsequently known by that name. The level of discontent of “the men on the land” was best demonstrated by the earnest struggles of the Labor Party when it was first briefly in office to help them, especially those in the wheat industry. Probably the most common noun recorded in the parliamentary debates was “farmers”, followed by “banks”, the latter signifying the financial system’s part in the economic collapse and the determination of the Labor Party over this whole period to change it.

It was the zenith of Empire loyalty, when it could not be seen that the Empire was in terminal decline, and regardless that Britain proved unable to defend Australia in the war. Anglophilia was a spiritual refuge in time of trouble. The successful conservative election slogan of 1931, “tune in to Britain”, said a great deal in its combination of new technology with political remedies now obviously inadequate to the crisis at hand. Empire loyalty was kept alive in the third decade, some would say by artificial life-support. There were, however, highly significant constitutional developments in Australia’s relationship with the United Kingdom, largely unappreciated. The Statute of Westminster of 1931, significantly not adopted in Australia until the Labor Party got around to it in 1942, established that Australia, and the other “dominions”, were independent states, linked to Britain only by having a common monarch. In 1939 the government sought effectively to deny this by assuming that the King’s declaration of war automatically bound Australia without any decision by the Australian Parliament or cabinet. Its predecessor had already demonstrated the new constitutional situation by insisting on the appointment of a local Governor-General over British opposition in 1930.

It was also the zenith of the Westminster hegemony, a perception that the Australian system of government was essentially the same as that of Britain, contrary to the efforts of the framers of the Constitution to establish a republican structure of checks and balances under a nominal Crown. This meant that it was a period of executive government domination of Parliament, because that is what the Westminster system had become. That domination was tempered by party instability, analogous to the aptly-described eastern European system of despotism tempered by assassination.

The Senate also prevented the Parliament from being completely a rubber stamp. The conservative governments of 1931 to 1941 had nominal anti-Labor majorities in the Senate, but because of their lack of party cohesion did not ever really control it. The Labor governments had to endure opposition Senate majorities, albeit fragmented, in 1929 to 1931 and 1941 to 1944. Only the Labor government from 1944 to 1949 and the new Liberal-Country Party Coalition government from 1951 to 1956 and 1959 to 1962 could be said to have controlled the Senate in the modern sense, and the Liberals were then still not sure of controlling their senators. However fitful and haphazard, the Senate was a check on governments.

There were, however, loud complaints about the decline of Parliament and the arrogance of the executive. These centred on executive law-making by regulation and the inability of the houses to focus systematically on scrutinising the conduct of the administration. Some corrective action was taken in the Senate. An inquiry into the committee system in 1929 led to the establishment in 1932 of the Regulations and Ordinances Committee to scrutinise government regulations, supported by improvements in the statutory control of regulations, particularly by the power of the Senate to disallow them. Like all advances in accountability, this development was inseparable from the political battles of the time, and was assisted by a quarrel between the non-Labor majority in the Senate and the Labor government over the remaking of regulations which the Senate had disallowed. Similarly, the Senate's action in 1931 in calling before it the Chairman of the Commonwealth Bank Board was part of the battle between Labor and the conservatives over what to do about the financial crisis, but it was also a shade of things to come: the Senate conducting inquiries into matters which governments would rather keep to themselves.

These stirrings coincided, perhaps not coincidentally, with the quickening march of centralism. Power was accumulating in the central government. Economic crisis and world war on the doorstep exalted the national government, but the most significant step was a political decision: the uniform taxation legislation of 1942, whereby the Commonwealth took exclusive control of income taxation and, effectively, the whole public purse. The imbalance of power in the federation thus created blighted the system for decades to come. In part, however, centralism resulted from efforts to assist the states financially and to forestall secession movements.

A significant consequence of party instability was a major change to the electoral system. The abandonment of the old plurality, or first-past-the-post system, whereby the candidate with more votes than anyone else wins even when other candidates together attract the support of an overwhelming majority, was directly due to a party split. The establishment of preferential voting in 1919 was an attempt by the conservatives to manage the rise of the predecessors of the Country Party: it avoided the division of the conservative vote by

farmers' candidates. By allowing the conservative side of politics to accommodate the Country Party, preferential voting ended the period of two-party rule which followed the advent of Labor majorities in both Houses in 1910. The new system achieved acceptance during the 1930s, and was a necessary step towards the next electoral reform, which was even more momentous. The introduction in 1949 of proportional representation for Senate elections put an end to the situation of one party's ticket of candidates capturing all of the seats up for contest in a Senate election, and the consequent lopsided majorities in the Senate. As its name suggests, the proportional system awards seats to groups more nearly in proportion to their share of the electors' votes. Its introduction is usually seen as a cunning plot by the Labor Party to preserve its numbers in the Senate in the looming 1949 election, but proportional representation had been discussed as the most rational method for Senate elections since the Constitution was drawn up. That it was a move away from the Westminster model and a refurbishment of the founders' design of checks and balances was not clearly foreseen. Even by the end of this period, however, its effect can be seen in the tentative emergence of a multi-party and more independent Senate.

That development is the story of later decades. Because those in this volume completed their terms of service by 1962, it does not include many of those who were influential in the 1950s and who were to shape the 1960s and 1970s. The stories here belong largely to the grinding struggles of the 1930s and 1940s.

What kind of people were Australia's senators during this time? (We may say people rather than men because, at long last, a few women arrived upon the parliamentary scene.)

Above all, they were tough and resilient. The times demanded it of them, and in that they represented most of their constituents. Even so, three senators took their own lives while in office: Harold "Pompey" Elliott (Nat, Vic), Edward (Bertie) Johnston and Edmund Piesse (both CP, WA), reflecting the personal strains behind the distressing events. Stories of hardship abound. Few politicians nowadays could match the disadvantage of John Ryan (ALP, SA), who was born in an establishment called a destitute asylum. The times took a heavy toll on personal lives; representative of his constituents in another way was Richard Nash (ALP, WA), who lost two sons in World War II.

As an aspect of this toughness they were also very independent. This is seen not only in the party splits, but in the "normal", relatively quiet times. It has already been noted that rebels were plentiful among the conservatives. It was also not unusual for Labor senators to vote against their party, something almost unthinkable now. Party discipline had not reached the level of more recent decades. Some, like Charles Grant (Nat, UAP, Tas), were professional rebels, often more dangerous to their party than to their nominal opponents. Notable Labor Party rebels included Albert Hoare (SA) and Arthur Rae (NSW), who were among those who voted against their government's Depression measures. James Ogden (ALP, Ind, Nat, Tas) succeeded in being a rebel in each of the major parties in succession. Rebellion was not a bar to subsequent promotion, as illustrated by George McLeay (UAP, Lib, SA), who voted against his own government but was later a minister and Leader of the Opposition in the Senate. Perhaps the prize for outstanding rebellion goes to James Cunningham (ALP, WA), who, while President of the Senate, voted against his own party's government, his vote bringing about the government's defeat, on a matter of disallowance of regulations. It may be that this independence was sometimes sustained by a more discerning and supportive

electorate. Agnes Robertson (Lib, CP, WA), having been recruited by the Liberals as a popular community activist, successfully switched to the Country Party when disendorsed by the Liberals because of her age.

There was a fine line between independence and the extremism to which reference has been made. James Arkins (Nat, NSW) made perhaps the speech most disturbing to us, with our knowledge of what followed, when he referred to encouraging immigration by “young men of Nordic descent”. Arkins was also associated with sectarian Protestantism. Then there was William Thompson (Nat, Qld), whose enthusiasm for the use of troops against strikers made him an extremist even among his most hardened Nationalist colleagues. Joseph Collings (ALP, Qld) was regarded as a moderate in the ranks of Laborites after co-authoring the “socialist plank” (nationalisation of industries), a measure which, to some of his colleagues, appeared lily-livered. Strange doctrines flourished in this atmosphere. The Douglas Social Credit Movement claimed amongst its adherents Charles Lamp and Richard Darcey (both ALP, Tas). Ideological combinations defied the boundaries of today; extreme socialism and what we would now call racism was not an unusual mixture, given the history of the White Australia Policy, but nor was racial prejudice in immigration and a great sympathy for Aboriginal people, as with John Macdonald (ALP, Qld). The allegation that the Labor Party was penetrated by Communists seemed to be confirmed by the presence of senators such as William Morrow (Tas), who was finally expelled by the party after a long career of “fellow-travelling”. Hal Colebatch (Nat, WA) emulated the United States senators of the Confederacy by leaving the Senate to promote the secession of his state. For examples of Empire loyalty carried to extremes, we may cite the ten UAP senators who voted against the ratification of the Statute of Westminster as tending to the dismemberment of the Empire.

As a corrective to this picture, we may also note some senators who were professional moderates, like Robert Clothier (ALP, WA), who, apart from his balanced approach to politics, expressed concern about deforestation long before global warming was an issue. It is also heartening to note some cases of extremists who later became moderates, like Donald Grant (ALP, NSW), even if only by the passage of events. Some showed an awareness of the contradictions of their own party positions, like George Latham (CP, WA), who referred to the tension between Empire loyalty and the desire for British protection and the colour-based immigration policy.

The two wars cast long shadows. The most deadly accusation that could be made against a man was that he was of service age in World War I but failed to enlist. It was thought that the qualities most valuable in war were also those required for the disturbed peace. Always prominent amongst senators were returned servicemen. The parties deliberately recruited them for electoral advantage. James Dunn (ALP, Lang Lab, NSW) formally added “Digger” to his names to gain the enormous advantage of having it on the ballot paper. Some of these recruits were very useful in politics, some were regarded as merely disruptive. Some were brilliant in war but clearly unable to adjust to civilian life, like General Harold “Pompey” Elliott (Nat, Vic). Indeed, the Senate became known as the home of “the generals”, particularly Elliott and William Glasgow (Nat, UAP, Qld), who spent a good deal of their debating time in disputes about World War I tactics. Many of these senators had limited interests apart from defence and the care of veterans, like Charles Cox (Nat, UAP, NSW) and Burford Sampson (Nat, UAP, Lib, Tas). As the latter’s party designation indicates, some

lasted a long time, like Hattil Foll (Nat, UAP, Lib, Qld), who was elected as the youngest senator at the age of 27 in the “khaki election” of 1917, and served until 1947. World War I veterans were still being recruited well into the 1930s, like Charles Brand (UAP, Lib, Vic), who distinguished himself with attacks on politicians who had not served. World War II veterans included Robert Wordsworth (Lib, Tas), who served in both wars and who, like many of his predecessors, was said to be “unhappy” in the Senate. (It was not only war veterans who were recruited: John Leckie (UAP, Vic) was a football hero who turned out to be not always helpful in his party.)

There was a higher percentage than now of senators from what are now called the rural and regional areas of Australia. The Labor Party still had many bush workers, such as Arthur Rae (NSW), who was also a leftist militant. There were several small farmers in the Labor Party, such as Benjamin Courtice (Qld). The effects of the rural revolt may be represented by John Barnes (ALP, Vic), whose career was interrupted by the rise of the Country Party, and who discussed the formation of a country wing of the ALP, an idea whose time had not yet come. The Country Party had its own internal difficulties, as exemplified by its prominent rebel William Gibson (Vic).

They were professional politicians, in the sense that politics was then becoming a full time job, but following other careers. The Senate became the home of political veterans, especially for the Labor Party. This phenomenon has been distorted into a perception that elderly party hacks were common, but the actual picture is more complex. The most notorious examples of hackdom are the “four As”, the NSW Labor senators whose names all began with the letter A, which was a distinct advantage when candidates were arranged in alphabetical order on ballot papers. In this period two of them, however, William Ashley and John Armstrong, were very competent and active politicians, who more than balanced their less agile colleague Thomas Arthur. For the misuse of the Senate for party manoeuvres William Large (ALP, NSW) may be cited, as he was placed on the Labor Senate ticket to allow Dr H.V. Evatt, then on the High Court, to stand for his seat in the House of Representatives, but he was not by any means useless. It is something of a myth that Herbert Payne (Nat, UAP, Tas) was simply a government “front man” in promoting compulsory voting in 1924: in reality it appears that his bill arose from personal support for this institution, and it is significant that he also suggested proportional representation for the Senate. There were certainly many greybeards, but age was not then regarded as such an impediment in politics. Donald Cameron (ALP, Vic) was elected at age 60 after a varied career and retired reluctantly at age 84, a Boer War volunteer and anti-conscription campaigner. Frederick Ward (ALP, SA) was aged 75 when elected in 1947 after a long and turbulent party career. There was, it must be admitted, a remarkable tolerance by the parties of senators who could be described as passengers. John Devlin (ALP, Vic) was allowed to remain notwithstanding that his long absences due to ill-health led to a dispute about pairs which severely hampered the Labor Party and the Democratic Labor Party after the latter’s arrival on the scene.

The conservatives tended to reward service of a different kind. They included captains of industry amongst their number, such as Robert Elliott (CP, Vic), the business tycoon and party manipulator. The professionalisation of politics even in their ranks was symbolised by John Tate (Lib, NSW), an architect and a rare representative of such an intellectual calling, who lost his party preselection to a better organised politician.

There were also senators of great capacity of more than the usual political kind, who were in the right place at the right time to carry on some of the parliamentary advances of the period. John Spicer (UAP, Lib, Vic) promoted the Regulations and Ordinances Committee as its chairman and its legal adviser, amongst his many other achievements. Thomas Brennan (UAP, Vic) was another lawyer who promoted that committee and the parliamentary control of regulations. Self-confident and independent senators were a nuisance to their leaders, but supported the development of legislative institutions: John Duncan-Hughes (UAP, SA) was a handy man to have as chairman of the Regulations and Ordinances Committee when there were regulations to be disallowed over the objections of the government.

For many senators their Senate careers were interludes in state parliamentary service. This draws attention to the political importance of the states at this time compared with today, notwithstanding what has been said about centralisation. The Senate career of Harry Lawson (Nat, UAP, Vic) was a “postscript” to his long service in state parliament, including six years as state premier. Some with notable careers in state parliaments served a long time in the Senate, like Herbert Hays (Nat, UAP, Lib, Tas). Walter Kingsmill (Nat, WA), who was President of the Senate in 1929-1932, served in the state parliament from 1897 to 1922. Some went back to state parliaments, like Michael O’Halloran (ALP, SA), and some went back and forth between the Senate and state parliaments, like Charles Grant (Nat, UAP, Tas) and George Latham (CP, WA). Senators with state service were more likely to put the interests of their states before their party, as with Charles Grant (Nat, UAP, Tas) and Herbert Hays (Nat, UAP, Lib, Tas), particularly on tariff questions, which were always important in this period of economic woes. Party splits often had a strong state-based element, the most obvious example being the defection of the Langites, the followers of NSW Premier Lang, who wanted the Labor Party to embrace suspension of debt repayments as a remedy for the Depression.

The comings and goings of such senators were often involved with the provisions in the Constitution, which were changed in 1977, relating to casual vacancies. Vacancies caused by death or resignation were filled by the state governors until the state parliaments could make appointments, but then only until the next general election, when the vacancies were up for contest at the polls, regardless of the length of the remainder of the vacating senator’s term. Neither state parliaments nor electorates necessarily endorsed the choice of their governments. The convention that vacancies were filled by members of the same party as the departing senator was not established until the first vacancy occurred after proportional representation, in 1951. The electoral legislation contained almost incomprehensible provisions to determine how places of the various kinds would be filled at an election. This resulted in very complicated terms for many senators.

There was a growth in the number of ministers in the Senate. Notable in that regard was the long career of George Pearce (ALP, Nat, UAP, WA), the only survivor of the 1901 intake and generally acknowledged as the most capable minister of the times. He was a minister for 25 years, and might have served even longer had he not been ousted in the Western Australian secession movement in the 1937 election. Later ministers, Labor and Liberal, were political veterans and powers in their parties, so that senators bulked large in government affairs, regardless of whether their parties had a Senate majority.

It was in this period that senators had to get used to the Senate meeting in Canberra, whether they liked it or not, and most of them did not. This meant that more of them were regular travellers over long distances. The development of air transport no doubt owed a great deal to the incentive for politicians to use aircraft to spend the minimum amount of time on the barren Limestone Plains. It was then that politicians became the kind of migratory birds we know now, here today and off to the other side of the continent tomorrow, always on the move and following a pace of politics hostile to reflection and long-term thinking. Symbolic of the era was Charles Hardy (CP, NSW), who made extensive use of air travel in campaigning, and who was killed in an aircraft crash in 1941.

There were many colourful characters (the term was then not entirely a euphemism for those who engaged in activities of dubious legality). Given the cultivation by soldiers in wartime of a kind of disillusioned drollery, it was not surprising that returned servicemen like Charles Cox (Nat, UAP, NSW) were prominent amongst the entertaining figures. Cox had transported a collection of chickens about with him while campaigning in Palestine so that he could have fresh eggs, and he supported the move to Canberra so as to take revenge on Melbourne-based politicians by making them travel. Then there was Macartney Abbott (CP, NSW), who had given up his state seat because his constituents disagreed with him in the conscription referendum, and who expounded his quixotic scheme for world peace through an International Thought Exchange. No doubt overawed by his idealism, the Senate endorsed the Thought Exchange by passing his motion on the subject.

There were many Presidents of the Senate during this time, all seemingly too much embroiled in the turbulent events of the period to be as presidential as their prototype of 1901, Richard Baker (FT, SA). They were all, however, from small states, and in that respect followed in his footsteps. Only one served as president for more than one three year term. John Newlands (ALP, Nat, UAP, SA) had to defend his rulings against sniping by his long-serving predecessor Henry Givens (ALP, Nat, Qld), and retired in ill-health. Walter Kingsmill (Nat, WA) was similarly given only one term, and was a victim of the Western Australian secession movement as well as poor health. Patrick Lynch (ALP, Nat, WA), an old-style Labor bush worker, miner and seaman, had to defeat six opponents in his party to obtain his second term, but was also a casualty of the rebellion in the West. John Hayes (Nat, UAP, Lib, Tas), a one-time premier of his state, lost the presidency by disloyal party colleagues and misadventure on a tied vote in 1941, allowing the Labor Party to take the position for the first time since the conscription split. The action of his successor, James Cunningham (WA), in defeating his own government while in the Chair has already been noted, but this promising start was cut short by his death in office in 1943. His Labor Party successor, Gordon Brown (Qld) is not found in this volume because, although he lost the presidency when the Liberals gained a Senate majority in 1951, he served as a senator until 1965. Neither Labor nor conservative Presidents seriously questioned the Westminster hegemony, and it is notable that, in the presidential rulings which appear in the manual on Senate procedure, *Odgers' Australian Senate Practice*, the rulings of this period are relatively sparse.

As in Volume I, the Clerks of the Senate of the time are included. Although George Monahan was the longest serving, from 1920 to 1938, it is difficult to form a full appreciation of his career because of the paucity of the written record. He was, however, a man of substance, as illustrated by his presiding over the difficult election of the President in 1932 (the Clerk presides until a President is elected). His colourful successor, Robert Broinowski, who served

only from 1938 to 1942, has been well described by his grandson and biographer as a martinet, but he was very capable, perhaps brilliant, and prevented from achieving his full potential because of his short term and the dismal nature of the period. His great energies were directed to extra-curricular activities, such as campaigning to keep the National Library out of what later became his Senate rose garden. John Edwards, who retired in 1955, began the pattern of Clerks of the Senate publishing on parliamentary matters and entering public comments on matters affecting the Senate. All three were, like their Presidents, subject to the Empire loyalty and Westminster hegemony of the period, and it was only when the Senate began to recapture the independence of its 1901 to 1910 halcyon days that the Clerks had scope for inventiveness and innovation in their advice to senators.

All of these people are admirable for the varied contributions they made, and they all made some contribution, to the survival of parliamentary institutions at a time when those institutions perished in so many other places. We can only read about them with surprise at their endurance and that of their country.

