

Republicanism, Politicians, and People's Conventions— Goulburn 1854 to Canberra 1998*

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Perusing the pages of Australian social and political history, these last one hundred and fifty years, it is difficult to avoid the conclusion that Australians have always looked with either bemusement, apathy or the keen eye of disapproval at their political representatives—and politics in general. In the later 1840s Robert Lowe (eventually to be William Gladstone's Chancellor of the Exchequer, and after that Viscount Sherbrooke) noted in the pages of his Sydney weekly journal, the *Atlas*, that New South Wales:

... is the colony that's under the Governor, that's under the Clerk, that's under the Lord, that's under the Commons, who are under the people, who know and care nothing about it.¹

Political disinterest, Lowe claimed, plagued the citizenry in Britain and in the colonies.

The decades that followed self-government in the lead-up to federation, it seems, did little to alter popular prejudices. William Goodge, a prominent *Bulletin* poet at the turn of the century spoke for many in his poem entitled 'Australia's Wisdom'. He retained a healthy scepticism about the elected few:

* This paper was presented as a lecture in the Department of the Senate Occasional Lecture Series at Parliament House on 28 August 1998.

¹ From the *Atlas* (Sydney), quoted in *Australian Dictionary of Biography*, vol. 2, p. 135.

In other lands the wise men and the great,
The greatest minds, are given to rule the State;
Each seeks to make his own the ascendant star
And genius leads them to the verge of war.
But mild Australia, wiser in her ken,
To trade and commerce gives her wisest men,
While shiftless dolts and wealthy fools are sent
To play at making laws in Parliament!²

And the politicians have fared little better, even by their own partisan assessment, in the second half of this century. The conservative *Sydney Morning Herald* in 1958 ran an article by Malcolm Muggeridge which provided a stringent, mid-term report card for the Menzies era when it noted that ‘When they become politicians Australians are pretty odious—small-eyed men with quick glances and often a bottle of Scotch in the desk cupboard. They have practically no political ideas as they are extremely old-fashioned, an antique Whiggism which finds expression in Mr Menzies’ relentless platitudes washing like breakers against the harsh, rocky shores of the mid-twentieth century ...’³

In the decades that followed, politicians themselves, regardless of party orientation, continually added to this severe critique of the fraying relationship between the people and their elected representatives. Jim Cameron noted rather acidly in 1971 that ‘Australians appear to a man to regard their politicians as time-serving crooks or simple-minded hirelings; as a direct consequence of this many of them doubtless are.’⁴ Robert James Lee Hawke, before he became Prime Minister, registered his opinion on the subject with uncharacteristic clarity. ‘People’, he suggested in the 1979 book *The Resolution of Conflict*, ‘have become cynical about politics and this is unhealthy and dangerous for our body politic.’⁵ It would be fair to say that, if anything, such cynicism has actually increased in the last twenty years. In part at least, the rise in support for the One Nation Party reflects this development.

With the sands of his prime-ministerial hour-glass almost through, Gough Whitlam during November 1975 repeated his faith in ‘the Australian people themselves—in their commonsense, their intelligence, their decency, their instinctive sense of fair play’.⁶ History records that Whitlam’s sense of ‘intelligence’ and ‘fair play’ was not commensurate with that of the electorate. Not for the first time, before or since, had a politician completely misread the people. The perception of the politician radically differed from that of his constituent. How, then, to

² William Goodge, ‘Australia’s Wisdom’, quoted in Stephen Murray-Smith, ed., *The Dictionary of Australian Quotations*, Richmond, Vic., Heinemann, 1984, p. 95.

³ *Sydney Morning Herald*, 24 May 1958.

⁴ *Sunday Australian*, 27 February 1971.

⁵ Robert J. Hawke, *The Resolution of Conflict*, Sydney, Australian Broadcasting Commission, 1979, p. 31.

⁶ E.G. Whitlam, Australian Labor Party policy speech (November 1975), quoted in Murray-Smith, *Dictionary of Australian Quotations*, op. cit., p. 282.

discuss meaningfully this gap, some would say a chasm? Michael Boddy and Bob Ellis wrote a musical play in 1974 called *The Legend of King O'Malley*. In his Introduction to the play, Donald Horne gets us some way towards answering my question. With characteristic bluntness he stated that:

Politicians cannot help being clowns. Political activity is essentially absurd. The hopes held for it can be high, the results tragic but the political act itself must lack dignity: it can never match our ideals of how such things should be done.⁷

Here, I believe, is the clue to my enquiry: Horne's suggestion that many 'ordinary' Australians, far be it from deferring to politicians, from creating heroes and heroines of their politicians, in fact believe that they could do a better job themselves. Not that they want the job; just that they could do it more successfully if they had it. How excruciating it is for us to watch our politicians on the campaign trail being mischievously followed by television cameras if they dare to enter a suburban or country pub. They know—we know—that they might just get ignored completely. I have vivid memory of a coiffured Andrew Peacock, on the campaign trail in 1983, walking into a Sydney wharfies' pub, desperately trying to establish conversations—one group to the next—with palpable and increasing panic. What do we make of this not atypical response of a lunchtime hotel crowd? And how is it relevant to my broad subject here?

The main issue, I am certain, is this gaping space between what the politicians do and what the people believe might ideally be achieved. Some politicians might be clowns, crooks or hirelings—but that is incidental. Predictable. No different here to anywhere else. But we believe that, given the right circumstances, we non-politicians could do it better than they can. If we needed any proof of the contemporary currency of this assumption, then we got it at the Australian Constitutional Convention held at Old Parliament House on 2–13 February 1998, when Victorian delegate and politician-turned-self-appointed-people's representative Phil Cleary, a high-profile participant over the two weeks, caught the mood of the Convention in his shrewdly populist way:

It's really not hard to understand why the pitched ideological battle fought in the chamber, in King's Hall, in every nook and cranny in the Old Parliament ... captured the imagination of the nation. In the cavernous Big House on the Hill where the party line rules, dissent just isn't tolerated. The truth is the real Parliament doesn't represent Australia—not our diversity, not our much vaunted larrikinism, nor our innate creativity. In the Old Chamber above the Aboriginal Embassy it was different. With the party line struggling to assert its dominance over the disparate collection of free-travellers who gathered there to discuss the republic, the dissenters had a chance to speak for another Australia, and speak they did. Pedantic scholars, dreamers, the young, old men and women who'd once been something, historians and thinkers traded ideas with such passion [that] a rollicking yarn was born.⁸

⁷ Donald Horne, Introduction to Michael Boddy and Robert Ellis, *The Legend of King O'Malley*, Sydney, Angus & Robertson, 1974, p. ix.

⁸ *Australian*, 16 February 1998.

The truth is that this is one ‘rollicking yarn’ (of pollies, people and the coming republic) which was with us long before Phil Cleary—indeed, even before Robert Lowe, as an energetic thirty-something-year-old cast a yearning, pinkish eye on the ocean of Empire politics in London from his colonial billabong in the 1840s.

In this paper today, I will not have time to run the gamut of this whole historical yarn. Mark McKenna has done that superbly in his award-winning *The Captive Republic* (1996), a history of republicanism in Australia from 1788 to the present.⁹ What I will do is to focus on four compelling moments in our social and political history when this divide between politicians and the people, replete with republican and/or federation overtones, was discussed and debated in earnest. I will start close to home—in Sydney and Goulburn in the 1850s—as a young Daniel Henry Deniehy articulated his vision of the coming republic and the role he might play in giving substance to that vision. With the utmost reluctance Deniehy entered politics in 1857, specifically because he felt those already in the New South Wales Legislative Assembly were performing so abysmally. He felt personally underdone, not yet up to assuming what he believed to be the awesome responsibility of an elected representative of the people. Deniehy heading to Sydney as the Member for Argyle in 1857? This was Mr Smith heading to Washington, a young man of the people determined to challenge the old hard-heads of the political establishment.

With Deniehy established as my prototypical dissenter and impractical dreamer, a reluctant people’s representative and one of the first Australian-born to articulate publicly and powerfully the rollicking yarn of ‘them’ versus ‘us’, politicians versus the people, I will then discuss three so-called ‘people’s’ conventions in Australian political life. At these gatherings, stretching over one hundred years, those issues raised with such cunning and humour by Deniehy in the mid-1850s re-emerged with heightened meaning: first, the Federal Conference in Corowa, held over two days, 31 July and 1 August 1893; second, the ‘People’s Federal Convention’, as it was named, held in Bathurst over five days in November 1896; and, finally, the February 1998 Constitutional Convention, ‘Con Con 1’, claimed by some to have been, in fact if not in name, a ‘people’s convention’. This gathering was accurately described as a strikingly successful example of democracy in action. Certainly, it raised issues about participatory politics that had been canvassed in Goulburn, Corowa and Bathurst a century and more earlier. But did Con Con 1 enhance the prospects of a meaningful republic in 2001? Can those Australian voters, the ‘people’ if you like, who want to be actively involved in the process of ‘republic creation’, be meaningfully accommodated? In attempting to provide a few answers to these questions, I trust I will be able to bring to the discussion a better grasp of Australian social and political precedent than was immediately obvious from any of the self-proclaimed delegates of the people in Canberra last February. Goulburn, Corowa and Bathurst will be our compass points.

Dan Deniehy was born in Sydney in 1828, the son of Irish convict parents. He was thus categorised as a ‘currency lad’ or, as Deniehy would later put it, a true ‘son of the soil’.¹⁰ His

⁹ Mark McKenna, *The Captive Republic—A History of Republicanism in Australia 1788–1996*, Melbourne, Cambridge University Press, 1996.

¹⁰ D.H. Deniehy, ‘The Legend of Newtown’, *Sentinel* (Sydney), 5 November 1845.

father, transported from County Cork for seven years on a vagrancy charge, was routinely emancipated and made good in commerce. This gave his brilliant son the opportunity to receive a decent colonial education—and gave him a chance to travel, the family touring extensively through Europe in 1842–4. The Deniehy's decided to include a return to Ireland, doing so at a politically volatile time. Young Dan probably heard 'the Liberator', Daniel O'Connell, speak on at least one occasion. Deniehy's later writings indicate that this trip confirmed his sympathies for Ireland, the downtrodden Irish, and their affinity with native-born Australians. Deniehy would never waiver from this position as an outspoken opponent of privilege and of establishment politicians. He would forever oppose the culturally cringing 'geebungs', the colonial status quo.¹¹

Deniehy was at his most politically active at precisely the time when the colony of New South Wales was undergoing a significant social and political transformation, during the years from the anti-transportation activism of 1849 up to the confirmation of self-government in November 1855. It was during this period that Deniehy, in his restless twenties, emerged so strikingly in the life of the colony that for decades after his death he would be fondly recalled as the brightest star in the Australian firmament. The pride of the native-born sons of the soil.

While he had written in 1845 a number of published poems and stories as a precociously confident sixteen-year-old ready to take on the world, and some trenchant reviews for Henry Parkes' *Empire* newspaper in 1851, it was two speeches given in the space of just three weeks in August/September 1853 that projected Deniehy into public prominence.¹² The speeches came at a time when William Charles Wentworth, arguably the most influential senior politician in New South Wales, was lobbying hard for the establishment of colonial hereditary titles for the Upper House, in effect an Australian House of Lords. The specifics of the New South Wales Constitution were being publicly debated and the native-born, fearing the prospect of being shut out from power, were furious. None took this issue more seriously than Deniehy, whose speeches (historian Ken Inglis has suggested) take their place amongst Australia's finest. In both addresses Deniehy gives passionate and, it must be said, manipulative voice to the people/politicians dichotomy, that curious divide which continues to affect the shape of our polity to this day.

The speeches are stunning examples of rhetorical, public-meeting strategy, but my concern here is strictly with what he said, not how he said it. In the first of the speeches, delivered at Sydney's Victoria Theatre to a capacity crowd, Deniehy begins by identifying himself as one of the crowd, a 'native of the colony', but one privileged to have the opportunity to speak out because nothing less than 'the political institutions of the country' were being undermined.¹³ Such a process was already threatening 'the very dearest interests of the citizen'. To thunderous applause Deniehy

¹¹ See, for example, David Headon, 'God's aristocracy: Daniel Henry Deniehy's vision of a Great Australian Republic', *Australian Journal of Political Science*, vol. 28, pp. 136–45 (Special Issue: *Australia's Republican Question*); David Headon, 'Sons of Morning: Daniel Henry Deniehy's trustees of the coming republic', in Headon, et al, eds, *Crown or Country—the Traditions of Australian Republicanism*, Sydney, Allen & Unwin, 1994.

¹² See *Sydney Morning Herald*, 16 August 1853 (reproduced in David Headon and Elizabeth Perkins, eds., *Our First Republicans*, Leichhardt, NSW, The Federation Press, 1998, pp. 127–30; *Sydney Morning Herald*, 6 September 1853.

¹³ Citations from the 'Bunyip Aristocracy' speech in *Our First Republicans*, *ibid.*, pp. 127–30.

compared the group for whom he was determined to speak, the anonymous citizenry, with that group he categorised as the ‘patrician element’—the Wentworths, Macarthurs, Murrays and Nichols—‘political oligarches’, fumed Deniehy, men who treat ‘the people at large as if they were cattle to be bought and sold in the market’ Deniehy proceeded to configure imaginatively each one of these men for the crowd, concluding with his memorable phrase that theirs constituted not a genteel nobility at all, but ‘a bunyip aristocracy’. What Deniehy sought, by contrast, was:

... a land, where man is rewarded for his labour ... there is an aristocracy worthy of our ambition. Wherever man’s skill is eminent, wherever glorious manhood asserts its elevation, there is an aristocracy that confers honour on the land that possesses it. That is God’s aristocracy.

Here, then, was the choice for mid-century colonial Australian society, put for the first time with clarity as two mutually exclusive options: the future colony posited either as a society of patricians, with Wentworth’s ‘clique’ dominating, or as a real democracy, with office-bearers drawn from the people, chosen on merit. Politicians, or true representatives of the people? Either the aristocracy of ‘William the Bastard’, or, Deniehy asserted, that of ‘Jack the Strapper’. The chaotic scenes at the end of the speech (according to the *Sydney Morning Herald*, the ‘Vehement and prolonged applause’) confirmed for Deniehy where the sympathies of his audience lay.

Deniehy was no less successful in his next foray into public life when, shortly after his Victoria Theatre appearance, he addressed a crowd at Circular Quay variously estimated at between ten and twelve thousand people. The young son of Erin and Australia had become an instant cult figure. He merely re-worked the same material, this time categorising his audience and himself with a sort of Les Murray or perhaps Tim Flannery flourish, as ‘the movement out of doors’, the out-door, honest citizenry—men whose labours starkly contrasted the ‘fallacies, sophistries, and speculative disquisitions’ of Wentworth and co.¹⁴ Those politicians he dismissed as ‘Macquarie Street legislators’, the ‘Dukes in blossom and the Marquises in bud’. Emboldened to really chance his arm, Deniehy ultimately depicted Wentworth out at Vaucluse House as an ageing, debauched figure, a man ‘wallowing in soup and pig, and claret’. Wentworth the politician, and his sycophantic political allies, were not the representatives of honest men at all, but rather of ‘bullocks, buniyps, sheep and gum trees’.

These two speeches of Deniehy’s were so dramatic, so carefully focused to appeal to a popular audience already deeply distressed that decisions were being made into which they had no input, that when the Rev. John Dunmore Lang sought to broaden his base of republican sympathisers in early 1854 by establishing the Australian League, Deniehy was chosen as the main speaker. Addressing the League in mid-March 1854 on the subject of ‘Political Independence for the Australian Colonies’, he raised the spectre of the American revolutionary example, he aimed the now obligatory criticism at the bunyip aristocracy of the colony, and then he began to outline for his audience his vision of a government, a ‘really responsible’ government, which would provide for its people. It would be one:

¹⁴ *Sydney Morning Herald*, 6 September 1853.

... entirely identified with the place and the people—the growth of a national character—the full development of the country’s physical resources—the necessity that would ensure of making the best of everything around us and so converting the country really into a home, and also allowing our laws and institutions to expand freely into forms fitted for the character and social conditions of the people.¹⁵

Deniehy envisaged nothing less than government of, by and for the people. In the years that followed, easily the most productive of his professional life, he methodically constructed in writing his blueprint for a model democracy. The town of Goulburn thus appears on our canvass.

Within two months of giving the Sydney speeches, Deniehy had moved lock, stock and barrel to the thriving southern town of Goulburn, intent on establishing a law practice which would make money. He was ultimately unsuccessful in this over the next few years (1854–7), mainly because he was writing so prolifically. While some of his speeches and occasional writings were published in the *Sydney Morning Herald*, the *Empire* and the radical *People’s Advocate*, the vast majority of his output appeared only once, in the pages of the *Goulburn Herald*. It was a period in which, by his own admission in a letter to a friend, Deniehy enjoyed a ‘regular Reign of Terror’ over the editorial pages of the newspaper.¹⁶

Some fifty-plus articles were published in a little over two years, most of them addressing his model republic, commencing with a long editorial entitled ‘Our Country’s Opportunity’, which was published on 10 June 1854.¹⁷ Wentworth’s ‘dishonest statesmen’, his squattocratic allies, are again mentioned and summarily dismissed, as well as the system of patronage and nomineeism which maintains them, but Deniehy spends the bulk of his time outlining the rights and responsibilities of those men whom he believed were poised to supplant them: the ‘honest and zealous patriots’ that he calls ‘trustees’ of the coming republic. It is a grand dream, yet in truth one where the more utopian the dream became, the more it departed from political practicalities. Realisation was impossible. Elected in February 1857, Deniehy was a member of the Legislative Assembly for about three years. The longer he stayed on, the more disenchanted he became with the pragmatism and opportunism of his colleagues. These men were no trustees, they were Parkes and Wentworth men with ‘too much’, as Deniehy once said of Parkes, ‘not of the English man *in* [them], [so much] as Englishmanism *about* them.’¹⁸

¹⁵ ‘Mr Deniehy’s lecture before the Australian League’, *People’s Advocate* (Sydney), 18 March 1854, republished in *Our First Republicans*, op. cit., p. 132.

¹⁶ See letter to John Armstrong, 6 January 1856, MSS 869, Mitchell Library, Sydney.

¹⁷ ‘Our Country’s Opportunity’, *Goulburn Herald*, 10 June 1854, republished in *Our First Republicans*, op. cit., pp. 140–4.

¹⁸ See letter to J.D. Lang, Lang Papers, vol. 7, MS ML A 227, pp. 60–3, Mitchell Library, Sydney, and republished in *Our First Republicans*, *ibid.*, p. 138.

The rapid and desperately sad decline of Deniehy in public life I have detailed in other publications.¹⁹ Until recently you could access virtually none of his original writings, except on microfilm at the National Library or in one of our state libraries. However, there is at last an edition of Deniehy's finest writings, along with the selected prose of his fellow republicans, John Dunmore Lang and the poet Charles Harpur, in a volume launched in late 1998 by the Leader of the Opposition, the Hon. Kim Beazley, and published by the Federation Press. It is called *Our First Republicans*, edited by Elizabeth Perkins and myself, and in it the idealistic, impractical visionary Deniehy speaks for himself in what deserves to be a key source book in Australian republican discussion. The people and their natural rights, are central.

That Deniehy's social and political stance continued to have relevance for the next generation, the Federation generation, appeared to be confirmed in 1888. In that centenary year, when the *Bulletin* revitalised and reclaimed Australia's convict past, Deniehy's bones were exhumed from their pauper's grave in Bathurst and, with belated fanfare, re-buried under a handsome obelisk in a prime location at Sydney's Waverly Cemetery. Henry Parkes, still energetic though aged, one year later delivered his Tenterfield oration, followed shortly after by the 1890 Australasian Federation Conference in Melbourne and the 1891 National Australasian Convention in Sydney. The latter produced the draft bill to constitute the Commonwealth of Australia. If these were positive signs of federation momentum, then what went wrong in the next few years? The complex set of reasons do not have to concern us here, only the result. A short time after the lawyer-dominated, politician-dominated 1891 Convention, Sir John Robertson declared federation 'as dead as Julius Caesar'.²⁰ While federation historians dismiss Robertson's extreme opinion, they do agree that little or nothing happened in the years following the Sydney Convention to progress the cause. A rescue operation began, and to this the towns of Corowa and Bathurst were pivotal.

Let me include my second plug. The Senate's journal, *Papers on Parliament*, published a special issue which gathers scholarly articles on both of these conferences: Corowa in 1893 and Bathurst in 1896.²¹ I am not going to restate the basic facts about these gatherings, for that has been well covered in the *Papers on Parliament* issue. What I will do is discuss the opinions espoused and the strategies used by the delegates which added substance to the narrative of this country's people/politician divide.

For when politician and non-politician alike rubbed shoulders in Corowa and Bathurst, they were agreed on one thing: that when solely entrusted with progressing what many regarded as the high cause, even the sacred cause, of federation, the politicians had failed miserably. Reading the *Official Report of the Federation Conference Held in the Courthouse, Corowa, on Monday, 31st July and Tuesday, 1st August 1893*, one cannot help but be struck by the unanimous agreement

¹⁹ See footnote 11.

²⁰ See *Sydney Mail*, 25 April 1891.

²¹ *Papers on Parliament*, No. 32, December 1998 (Special Issue: *The People's Conventions: Corowa (1893) and Bathurst (1896)*, David Headon and Jeff Brownrigg, eds.)

on this point.²² Here again, the perception that the ideals of those not in politics, the ‘people’ if you like, were simply not matched by those in power. Corowans, of course, and those in the Murray border towns, definitely had tariffs on their mind at the conference. Professor Stuart Macintyre has shown this to be the case.²³ He has also shown that politician Edmund Barton’s support for the Corowa Conference was not necessarily based on lofty motives, for Barton’s attempt to establish a central Sydney branch of the Federation League at the Town Hall a month earlier had disintegrated into scenes of pandemonium as John Norton and his rowdy republican mates disrupted proceedings and managed to pass a republican motion by a 2-1 majority.

But it is equally clear that the Corowan delegates were not only motivated by hip-pocket considerations; they genuinely sought to enhance the debate and to take the country along with them. The aim of the organisers, largely achieved, is plainly expressed by Edward Wilson, the Honorary Secretary to the Conference and a member of the Corowan Australasian Federation League, when he states in his Preface to the report:

Several statesmen from the ranks of those known to be favourable to the movement in both colonies were invited in order to make the demonstration as imposing as possible; but it was never intended that the gathering should be of a political character; and, in consequence, invitations were not issued indiscriminately.²⁴

True to their aim, of the seventy-four delegates attending, only six were members of parliament. But just to provide a bit of on-site insurance, and to demonstrate the determination of organisers on this point, an agreement was confirmed at the outset that ‘the Conference should be conducted free of party or political influences ...’²⁵ The Conference President was given power to rule out of order ‘anything of a party nature ...’

Notwithstanding, two ‘political’ issues did emerge: Corowans clashed with their Albury neighbours over which town had the superior credentials as a likely capital for the coming Commonwealth; and two politicians, Edward O’Sullivan, a New South Wales MLA, and Victorian Socialist MLA Dr Maloney, sought to pass a motion advocating a republic based on one man one vote. Under pressure, motions on both topics were withdrawn since they were certain to divide the delegates.

There was no division, however, on the issue of the necessity of the ‘people’ being involved, or feeling involved, or being seen to be involved, if Federation was to succeed. On this point, politician and non-politician were unanimous. Corowan delegate C.T. Brewer put it bluntly: ‘... it was rather hopeless’, he said, ‘to expect much from the politicians of the present day in carrying

²² James C. Leslie, *Official Report of the Federation Conference, Proceedings and Debates*, Corowa, NSW, Free Press Office, 1893.

²³ See Stuart Macintyre, ‘Corowa and the voice of the people’, *Papers on Parliament*, no. 32, December 1998, pp. 1–12.

²⁴ Edward Wilson, Preface, in *Official Report (Corowa)*, op. cit., p. 4.

²⁵ *ibid.*, p. 9.

out what was required'²⁶ These sentiments were reinforced by Sydney Australian Natives' Association (ANA) representative Edward Dowling and Melbourne ANA representative Herbert Barrett. As Barrett put it: 'Parliament ... was proverbially slow-going'²⁷ Unless the people stepped forward, he said, federation was destined to 'be little more than a dream'. All the politicians present wholeheartedly agreed.

While history records that John Quick's intervention was the crucial moment for the Corowa Conference, as he proposed his 'Corowa Plan' based on the simple proposition that federation was 'essentially a question for the people to deal with', I find the most compelling contribution to be that from a Mulwala farmer named Robert McGeogh. He made two very brief contributions to the conference. The first of them begins unmistakably though unintentionally echoing Dan Deniehy, with the declaration that he, McGeogh, was 'no politician, but a simple son of the soil'.²⁸ While he admitted openly to his dislike of 'those cursed Border duties', he had principally come to Corowa because he was determined 'to do anything he could in order to advance the prospects of the country in which he lived ... ' Such testimony (along with McGeogh's diaries²⁹) belies Stuart Macintyre's claim that Corowa was just concocted by organised lobby groups for political ends.³⁰ Indeed, when secretary Edward Wilson concluded the conference with the

observation that 'he saw before him so large a gathering of friends to Federation ...',³¹ based on the official proceedings, I find it difficult to disagree with him. Despite the more complex political overtones, the group shared a common purpose: that of motivating their fellow colonists—the 'people', the 'citizens' as they were constantly invoked—to embrace the cause of federation. On their own, the politicians, as Mr Brewer said, had shown themselves to be rather hopeless.

Conscious of the success of the Corowan strategy, stage-managed or not, when William Astley (perhaps best-known for his convict short-story writing pseudonym 'Price Warung'), the organising secretary of the Bathurst Federal Convention in 1896, sought a compelling nomenclature for his event he strategically opted for the Bathurst '*People's Convention*'. Astley sought to broaden the appeal of federation by angling if possible even further away from the politicians, whom he distrusted, towards a grass-roots constituency. It was a tactic, Australian history was telling him, likely to succeed. And it was a tactic that, once again, the delegates—politician and non-politician alike—totally endorsed. In her book *To Constitute a Nation—A Cultural History of Australia's Constitution* (1997), Helen Irving observes that by the mid to

²⁶ *ibid.*, p. 22.

²⁷ *ibid.*, p. 26.

²⁸ *ibid.*, p. 25.

²⁹ Tessa Milne, 'Farmer McGeogh's Diaries'. This paper is included in *Makers of Miracles—the Cast of the Federation Story*, to be published by Melbourne University Press in Spring 1999.

³⁰ See Macintyre, 'Corowa and the voice of the people', *Papers on Parliament*, *op. cit.*, pp. 11–12.

³¹ *Official Report* (Corowa), *op. cit.*, p. 31.

later 1890s ‘the people had become the legitimating force behind Federation.’³² She is absolutely right. The official *Proceedings of the People’s Federal Convention, Bathurst* substantiate the claim. As William Lyne, leader of the New South Wales Opposition expressed it in his Bathurst speech, Bathurst was doing ‘similar work’ to Corowa, ‘only in a larger degree’³³; the motto was simultaneously inclusive and directed at the triumphal (‘By our Union we are made equal to our destiny’³⁴); the politicians all supported Barton, who declared that the most ‘noticeable feature of the Convention’s debates’ was that ‘no spirit of political partisanship was shown’³⁵; and the Bathurst Convention president, the indefatigable Thomas Machattie, taking his cue from Corowa, proclaimed that he and his co-workers ‘distinctly let the delegates understand that they came here as people and people only.’³⁶ Machattie certainly did, tirelessly stressing this point in both his inaugural and closing addresses. The Bathurst organisers, he trumpeted proudly, wanted:

... a People’s Convention divested of all political or party significance; in fact, the spontaneous effort of a people crying aloud for more light, knowing no party, favouring no sect, having for its goal the attainment of an organisation of unity and coherence ...³⁷

Daniel Deniehy’s address to the Australian League, forty years earlier, consciously invoked the people, their immediate and future aspirations, in precisely the same way. Indeed, the artfully modulated rhetoric of Machattie not only recalls Deniehy, it pre-figures one Phil Cleary and his rollicking yarn. Let us shift to Canberra.

In studying the two-week catalogue of activity at the first federal Constitutional Convention this century, held in Canberra early last year, the echoes of the past are manifest. Many of the questions asked at the Convention replicated the Bathurst experience. Would it capture the popular imagination? Were the delegates representative of the community? Could the professional politicians resist the grandstanding and the politicking? Would the results justify the money and effort by furthering the debate for which they were brought together in the first place?

Let me make a few observations which might help to address these questions.³⁸ First, despite the reservations of the Democrats and Labor Party, along with many political pundits around the

³² Helen Irving, *To Constitute a Nation—a Cultural History of Australia’s Constitution*, Melbourne, Cambridge University Press, 1997, p. 152.

³³ See *Proceedings, People’s Federal Convention, Bathurst, November, 1896*, Sydney, Gordon & Gotch, 1897, p. 94.

³⁴ *ibid.*, p. 20.

³⁵ *ibid.*, p. 97.

³⁶ *ibid.*, p. 41.

³⁷ *ibid.*, p. 78.

country, once the Constitutional Convention legislation passed, the enthusiasm generated was palpable almost immediately. The media began seriously to analyse the terms of the legislation and, when announced, the Prime Minister's seventy-six appointees. As *The Canberra Times* (7 September 1997) put it: '... if they represent a cross-section of the community, it is a community sadly unrecognisable to many Australians.' Non-parliamentary appointees included the usual suspects such as Geoffrey Blainey, Digger James, Leonie Kramer, Donald McGauchie, Roma Mitchell, Arvi Parbo, David Smith and Lloyd Waddy—mostly unelectables deemed by the Prime Minister to be suitably brahmin, or anti-republic, or both. *The Canberra Times'* Robert Macklin, a former press secretary to Sir John McEwan, was not impressed. He entitled his article on the subject 'PM stacks the convention deck' (*The Canberra Times*, 2 September 1997). Many keen observers agreed.

By contrast, the election for the other seventy-six, the people's representatives, the community seventy-six, was rich with theatre. The New South Wales slate of candidates provided an abundance, including Godfrey Bigot's 'Traditional Family Values Party'; candidates proclaiming themselves the 'Voice of the Ordinary People'; 'Republicans for a Helluvalot More Democracy'; the 'Bush Telegraph Republican'; the 'Dinkum-Boss Cobbers'; the 'Bob Fung for People Movement' (touting but one candidate, not surprisingly Mr Fung himself); and Marlene Byrne, 'Australia's Holiday Coast Northern NSW Republican'. None was successful but they all stood, with pride, expectation and presumably the odd tongue-in-cheek.

In the ACT, electors were faced with far less choice, though the contest was vigorous indeed. Ultimately, two Australian Republican Movement (ARM) candidates were elected: a young woman, Anne Witheford, and an older man, Frank Cassidy. Alan Fitzgerald and Malcolm Mackerras both stood as constitutional monarchists, unsuccessfully. Malcolm did not take it like a man. Partly attributing his failure to his gender, age and 'Britishness' (certainly not any lack of discernible talent), he could not contain his disappointment. Rather than blame the electors, whose voting patterns have always been something of a mystery to him, he critiqued Ms Witheford's credentials with undisguised acerbity, noting that she was a 'young woman' and of 'Asian look' (*Australian*, 19 December 1997). I suspect we have seen the last of Malcolm's fleeting career as a political candidate.

With the jostling of the preliminaries over, the main event began, and what a show it was! The ABC covered 'Con Con' with dedication and discernment, quickly realising that it had a ratings winner on its hands; Australians tuned in, many riveted by the mix of personalities and backgrounds and the live theatre; commercial television stations and newspapers right around the country picked up the scent and ran with it within a day or two of commencement; crowds flocked to Canberra to see for themselves, the unprecedented numbers catching the Old Parliament House security people, used to the torpor and neglect of recent years, completely off-guard. Many people queued in King's Hall again and again, on the same day, day after day, seemingly intoxicated by the atmosphere, the living history, despite the fact that each viewing

³⁸ Sections of what follows can be found in my paper specifically on the February 1998 Constitution Convention in Canberra. See David Headon, 'The 1998 Constitutional Convention; people, politicians and poor old Malcolm', *Current Affairs Bulletin*, vol. 75, No. 1, June/July 1998, pp. 24–30.

was a bare fifteen minutes in the gallery. If this was not a convention of the people, it was giving a darned good impression. Each day had something new to offer the citizenry.

Monday 2 February was in effect a ‘getting to know you’ routine for the delegates, accompanied by the opening addresses of the Prime Minister, the Leader of the Opposition and other key individuals including ARM Director and merchant banker Malcolm Turnbull. Initial expectations of Con Con ranged from editorial writers counselling caution to Kim Beazley, with his stated aim of an Australian republic in time for the Sydney Olympics in 2000. The heavyweight speeches—of Howard, Beazley and Turnbull—unanimously favoured a Parliament-elected president. Far more important on day one, however, was what was happening off the ball.

Glenn Milne noted ominously in *The Australian* (2 February 1997) that John Howard’s ‘accelerating shift towards recognising the inevitability of an Australian republic had coincided with a critical series of private conversations’ with Malcolm Turnbull. The suggestion of deals being done by the perceived key players, the professional politicians or their clones, backroom deals brokered entirely independent of rank-and-file delegates, was shaping as Con Con’s most controversial issue. The historic divide was widening once again. The politicians saying ‘trust us’. The others saying ‘no way’, we can do it better, our aspirations are set higher. Our ideals have not been compromised by public life.

On the first Tuesday and Wednesday, the monarchists’ contribution to proceedings was confirmed as a slight one. *The Australian*’s editorial heading on Tuesday—‘Monarchists on the road to irrelevance’—seemed to be confirmed the next day when perceived ‘loyalists’, Peter Costello and Tony Abbott, declared for a republic. Clearly, the main game developing was that between competing republicans: those delegates (the ARM and a few independents) wanting the minimalist, parliament-elected, president option, and those delegates whom Gareth Evans prematurely dismissed as nothing more than a ‘rag-tag’ bunch. Journalists christened them variously ‘the fringe-dwellers’, ‘the bomb-throwers’, or simply the ‘radical republicans’. Assuming to speak for the people, this alliance, ultimately terming itself the ‘Direct Presidential Election Group’, included Clem Jones, Ipswich councillor Paul Tully, Pat O’Shane, and academics Moira Rayner and Paddy O’Brien. State Labor leaders and Northern Territory Chief Minister Shane Stone joined their ranks to comprise a formidable team. It launched a stinging and persistent attack on brahmin Turnbull.

By mid-first week, one journalist suggested the republican mood was one of ‘sinking despair’. Paul Kelly, in his Wednesday morning *Australian* column, summed up the dilemma in his header: ‘Will people power lose as realists and dreamers collide?’ The direct-election republicans were growing in confidence and resolve as they characterised themselves, with increasing frequency, as the ‘people’s’ republicans, for the ‘people’s’ republic. The ARM’s plan, built up over years of national campaigning, was beginning to unravel. Some blamed Malcolm Turnbull’s ego, others the minimal nature of its minimalist model. Enter the consummate politician, deal-maker, number-cruncher and ego-soother, ‘nifty’ Neville Wran. In a stirring address on Wednesday of the first week, he implored all the Con Con republicans to ‘seize the day’. When questioned by ‘rag-tag’ University of Western Australia political scientist Paddy O’Brien about his ‘battler’ credentials, Wran was ready to pounce: ‘I come from the shit heap. Just because I wear a nice suit now and have a good-looking missus and live in Woollahra, doesn’t mean I’m an

elitist.’³⁹ At the end of week one, with Clem Jones calling Malcolm Turnbull not the ‘father of the republic’ but the ‘mother of destruction’, and the ARM scrambling to replace Malcolm’s visage on television with that of Mary Delahunty and Janet Holmes à Court, the Convention’s contending republican camps had reached a potentially damaging impasse.

By mid-second week, though, when it seemed possible that the Convention might *not* endorse one model for referendum purposes, the deal-makers sought to take over. The group that was soon labelled the ‘Politburo’—Malcolm Turnbull, Gareth Evans, Barry Jones and Attorney-General Daryl Williams—brokered a compromise termed the ‘bipartisan’ or ‘midi’ model. It was tested against the Richard McGarvie ultra-minimalist model of president elected through a council of elders, and against the direct-election model. With national poll after national poll consistently saying that Australian voters wanted to elect their president (in fact, with many declared republican voters saying they would not vote for anything else), the Convention finally, amidst tense and teary scenes on the last day, voted 73 to 57 (with 22 abstentions) for the adoption of the midi compromise, the parliamentary two-third majority model. The ballot to proceed to referendum, the Convention’s final ballot, was won 133 to 17.

While not a pyrrhic victory for the ARM, this was no victory about which to feel complacent. Fourteen declared republicans at the Convention abstained in the final vote. While it was clear that theirs was not a vote for the monarchy (as one journalist stupidly asserted), it was equally certain that the abstainers did not necessarily represent ‘the people’ either, as Ipswich councillor Paul Tully maintained. If Con Con was an event which stimulated far more community interest than pundits predicted, then its conclusion was disconcerting. Stuart Macintyre suggests that Corowa and Bathurst were triumphs, not of the citizenry but of politicians in people’s clothing. Or words to that effect. In the wash-up of Con Con 1, Canberra 1998, some commentators suggested the same.

Professor Geoffrey Blainey was quoted in a newspaper article on 21 January 1998 as saying that ‘The debate about republicanism is still in its infancy.’⁴⁰ Blainey’s more recent social and political assessments lack the perspicacity of his earlier, less doggedly ideological years, but he could be right on this. If enough Australians do not regard the republican process as a genuine, fair dinkum exercise in participatory democracy then, quite simply, the referendum will not get up. If Turnbull, Evans, Williams et al. are not William Astley’s feared political spin doctors, then for many Australians they certainly resemble them. No Australian republican today could view Malcolm Turnbull’s Con Con performance as anything but a liability for the cause, at the crucial level of public perceptions. For years Turnbull has given stoutly of his time and his money for the republican cause, yet his high public profile, his very success, now represents a problem. As the *Weekend Australian*’s editorial put it one week after the Convention’s conclusion: the ARM ‘remains a company with Mr Turnbull and others as its directors.’ Between now and the referendum in late 1999, if the republican option is to be adopted by the Australian people, then they need to see much less of rich old Malcolm and more of Lowitja O’Donohue and Hazel

³⁹ See Miranda Devine, *Daily Telegraph* (Sydney), 5 February 1998.

⁴⁰ See James Devine, *Australian*, 21 February 1998.

Hawke, more of young republicans come to prominence at Con Con like Jason Yat-Sen Li, Mischa Schubert and Anne Witheford.

When Dan Deniehy worked energetically through the first blueprint of his model republic, in his first-floor room at Mandelson's Hotel looking across Goulburn's Sloane Street, north-east past the railway line and into the beautiful countryside, he was full of hope for his country. Establishing a republic, he felt, would constitute the mature change that an independent nation must undergo. One hundred and fifty years on, Goulburn to Canberra, the nation is still grappling with the change. The forthcoming years are crucial. With slow, deliberate and, above all, inclusive steps Australia can establish a republic worth having. This will happen providing the politicians work with the people, not on their behalf. Nothing less than a partnership will ensure a republican outcome.



Question — Thank you David. My question really is related to these great divisions which are coming about; I do not mean the divisions between the Republic majority and Monarchist minority, but the difference which you mentioned between the people and politicians. Well, I just want to plead guilty to being both, and I wondered whether you thought that looking at conventions, looking at what you might do for the future, you would feel that once a politician had ceased to hold office he regains his senses. The other question is related to the lecture that was given last month by your colleague, Chandran Kukathas, who divided the country into ethnics and others and I was wondering whether you had met many of the 'others', bearing in mind that the world 'ethnic' means 'people' or 'folk'. I was wondering who were the 'others' and whether they would be eligible to vote in any referendum, particularly if they were not people or folk.

David Headon — Let me deal with the second part and say that I disown the comments made by my ADFA colleague, so I will just put those to the side and not even comment on them. Let me deal with the other part, this notion of the division. It is fascinating when you look at the historical precedents in the 1890s, the very delicate road that the politicians had between being members of the community and, of course, politicians. Some politicians, it might be said, were far more successful in establishing themselves as one of the folk than others. A case in point is Edward O'Sullivan. O'Sullivan was the member for Monaro from 1885 until 1904, for about eighteen or nineteen years. One of the things that he did constantly, though he lived out of the area, was to always return, shortly before election time, and to head to the pub at Hall, the 'Cricketers' Arms' to buy a few beers, recite a few poems, sing songs. Every time there was an election, somehow he was perceived as being one of the people. Now, this is not necessarily easy. One of the things that really surprised me at Con Con 1 was the way in which the politicians, the professional politicians, revelled in being able to leave that part of their baggage—the politician's baggage—behind for two weeks. They were able to divest themselves of what they do up here, and really kind of get into the swing of things, with the result there was a better and better, looser, more informal atmosphere. Not that the politicking did not arise late in the Convention, but on the whole it was an interesting 'people's' exercise—so successful that we

should take it on as a nation. In the years to come we should have successive constitutional conventions to discuss republican legislation and an altered constitution. These would act as a good sort of reality check. A social conditions check. Con Con 1 really seemed to work. One would hope that it is something that we actually lock in, in the 21st century, as a genuine participatory exercise for the Australian public.

Question — That’s a terrific job you have done there. You could have dealt more thoroughly, I think, with the relevance nowadays of the policies that Deniehy had, especially his material on the independence of the public service, of the judiciary, his satire on the Attorney-General, and so on. But the critical thing about which I would like your views is on the way he collaborated with other people in the political scene last century. In Deniehy’s era, there was not a party line, and the thing that broke him finally was what he called ‘bunching’, what we would call factionalism and the party system, which we inherited from Westminster. Do you have any comments on his views about factionalism, bunching, and whether or not it is possible to have an independent type of person in Parliament?

David Headon — I regard that question as a revelation. I thought there was only perhaps a handful of us around the country that knew anything about Deniehy at all. I have been trying to change that. Deniehy was a fascinating figure. When he emerged in writing in the pages of the *Goulburn Herald*, beyond his famous speeches of 1853, he was determined to give some sense of his social and cultural blueprint for the future. He was, if you read his letters, genuinely reluctant to accept nomination in February 1857. He felt he was, as I said, underdone. But he was outraged at the way politicians in Sydney were acting. So off he went, as the Member for Argyle, for about three years. The critical moment for Deniehy came when his great mate from the past and with whom he went to school, William Bede Dalley (the man who sent the troops to the Sudan in 1885 and the man who gave his name to the first great rugby league player, Dally Messenger), was much more inclined to play the numbers game and get involved in things in Sydney. Deniehy and Dalley were elected to the NSW Legislative Assembly about the same time. Deniehy only lasted a few years, however; his cynicism resulted in the published satire: *How I Became Attorney-General of New Barataria* (1860). When an Englishman named Littleton Holyoake Bayley was actually appointed to the position of Solicitor-General by the NSW Government, and after only six weeks in the colony, in 1859, Deniehy was furious and wrote the satire. The appointment depressed him and he became progressively more maudlin, and alcoholic. When you read his speeches from middle-1859 onwards most are reported as ‘inaudible’. He was, of course, drunk in the House.

Deniehy hated the machinations of the Assembly itself and, when Bayley was appointed by Dalley, he was a shattered individual. The last vestiges of idealism disappeared. He still managed to publish his newspaper, *Southern Cross*, for a year (1859–60), but he was past it. By 1861 he was a bankrupt and a drunk.

Question — You mention that the Constitution badly needs change. Can you identify these areas of need?

David Headon — The area of greatest need, immediately, is the preamble. If you read the pragmatic, highly political Preamble in the Constitution at the moment, it is quite clear that in

1998 it is embarrassing. I am embarrassed by it. We must have a preamble that basically reflects Australia in 1998, not in 1898. At the very least we need to recognise Australia's first inhabitants, and custodians. Many other areas of the Constitution need attention—need to reflect Australia now. Of course, the original draftsmen of the Australian Constitution regarded such updating in the middle-term future as crucial. The Constitution, they felt, must not be seen as a set of unchangeable assumptions and edicts. Andrew Inglis Clark thought that the Constitution would have to be updated within a few decades. Sir Samuel Griffith also mentions in his letters that this was a document that had to be flexible enough to reflect a changing society. Thomas Jefferson was adamant that the American Constitution must also be a fluid document.

Question —I just want to follow on about the Constitution. You have stressed here the divide between politicians and the people. Do you see that as a key reason, perhaps, for the lack of referendum successes in Australia through the decades?

David Headon — That is a toughie. It is fair to say that, as people like *The Canberra Times'* Crispin Hull have said, referenda fail when they are perceived to be a grab for more power by the federal politicians. Whether rightly or wrongly does not have to concern us here. Perceptions, as we know, and I have said it many times in my talk, are very, very important. In the wash up of the Queensland election, a Griffith University poll suggested that something like eighty five percent of the people who voted for 'One Nation' were concerned to expressed what they saw as a protest vote against the politicians, capital 'P', in Canberra. It is crucial that in the 1999 republican referendum mechanisms are in place that maximise 'people' involvement, 'people participation'. As it stands, the president must be an Australian citizen, appointed by two thirds majority of Parliament after recommendation by the prime minister. A short list of candidates is presented to the prime minister by a committee comprising representatives from parliament 'and the community'. The politicians must show the voters that they have some level of involvement in the process. Any mechanisms that can enhance that involvement, such as several Constitutional Conventions, at intervals of say three years, would be very helpful.