

# ‘The Free Utterance of its Character’: Constitutional Celebrations in Western Australia

DAVID BLACK\*

*This article analyses the public significance of major constitutional developments in Western Australia and in particular Proclamation Day, 21 October 1890. The article explores the reasons why, despite the enormous public enthusiasm generated in October 1890, the public holiday was rapidly overshadowed by the celebration of the Eight Hour Day leading to the eventual disappearance of Proclamation Day from the public holiday calendar. Associated developments include the West Australian reaction to federation over the years and the 2012 change from Foundation Day to Western Australia Day.*

## INTRODUCTION

*‘If the ballads of a people are the essence of its history, holidays are, on similar grounds, the free utterance of its character’.*<sup>1</sup>

In 1974 the ANU historian, Ken Inglis, published *The Australian Colonists* described as ‘an exploration of social history 1788–1870’.<sup>2</sup> Nearly a third of the book is devoted to ‘Holidays Old and New’ using as its rationale the words of an American patriot writing in 1857 who, perhaps ‘rightfully fearful that the United States were about to disintegrate’, set about ‘scanning the calendar for festivals on which his countrymen could affirm their common sense of nationality’.<sup>3</sup> Nearly 40 years later it can be argued that perhaps the most revealing chapter in Inglis’ book is that entitled ‘Anniversary Day’, referred to by Inglis as the day on which ‘[t]he people of New South Wales had one holiday of their own’.<sup>4</sup> In 1867 Inglis recounts that Henry Parkes delivered a toast to 26 January which meant ‘all the noble and sacred feelings of a people in their aspirations for nationality’. Yet:

[o]nly if New South Wales was a nation could 26 January be called a national holiday [and] ...people elsewhere in Australia would think it presumptuous of Parkes to speak as if the day meant anything to them...

\* Parliamentary Fellow (History) and Emeritus Professor, Curtin University, AM

1 Henry T Tuckerman, ‘Holidays’ (1857) 82(2) *North American Review* 334, 336.

2 KS Inglis, *The Australian Colonists: An Exploration of Social History 1788–1870* (Melbourne University Press, 1974) 57.

3 Ibid 64.

4 Ibid 137.

Patriots in Tasmania, Victoria and Queensland chose to think of New South Wales as a former guardian rather than a parent, and to remember the dates of their own separation from New South Wales. In Western Australia and South Australia they celebrated their own independent foundation.<sup>5</sup>

Inglis concludes this survey suggesting that in 1870:

[i]t was not yet easy to foresee a day on which people throughout Australia would celebrate their common nationality as the Americans had long celebrated theirs on the anniversary of 4 July 1776, or as the French were to celebrate theirs, in the years after their humiliation by the Prussians in 1870, on the anniversary of the storming of the Bastille on 14 July 1789. If federation were achieved in due course it seemed likely to be the object of passionate commemoration'.<sup>6</sup>

It is beyond the scope of this paper to pursue what happened to Australia Day since 1870 except to suggest that Inglis in 1974 did not perhaps foresee the extent of the changing meaning of Australia Day for the populace at large in the ensuing four decades, nor did he attempt to deal with the significance or otherwise of 26 January to Indigenous Australians. These issues first became more apparent to the wider Australian community with the emergence, during the sesquicentenary celebrations in 1938, of the Day of Mourning and Protest and then Invasion Day, concepts to which the federal and state governments sought to coordinate their response. Even so, it was not until 1994 that the Australian governments agreed to set a common nationwide holiday on 26 January itself and not the nearest Monday.<sup>7</sup> However, the relevance of the Australian Day issue for this paper is that whatever the actual significance of events on a particular historical day, the way these events are regarded in the wider political and popular culture will be crucial to the meaning attached by the community to that particular day.

In this paper the starting point for discussion in the Western Australian parliamentary context is Proclamation Day 21 October 1890. However, this also leads on to a consideration of the significance of Foundation Day 1 June 1829. What did and has happened to Proclamation Day? Indeed, in 2012, one would have great difficulty identifying more than a relative handful of individuals who have any idea of the significance of 21 October in Western Australian history? Further, what is the rationale for the 2012 legislative change designating the closest Monday to 1 June as a public holiday celebrating Western Australia Day

---

5 Ibid 143.

6 Ibid 150.

7 A significant point of demarcation in Australian holidays is when the day in question is considered to be of sufficient significance to be specifically celebrated on the actual day and not on the nearest Monday (though even in these instances a Monday holiday is usually assigned in lieu when the event falls on a Saturday or Sunday). In WA, dating from the *Bank Holidays Amendment Act 1899* (WA) onwards, neither Proclamation Day nor Foundation Day was assigned that special significance. (This issue is discussed further below).

instead of Foundation Day? (Importantly, the latter nomenclature was originally determined by Governor Stirling during the first decade of the Swan River settlement). Changes in popular culture; as reflected through official days of celebration and commemoration, tell us a great deal about what in fact occurred in the past and why the meaning of those events can change markedly over time.

## CONTEXTUALISING PROCLAMATION DAY, FOUNDATION DAY AND WESTERN AUSTRALIA DAY

The events of the first Proclamation Day really began on the late afternoon of Saturday 18 October 1890 when new Governor Sir William Robinson stepped ashore at Albany to commence his third term as Governor of Western Australia and bearing with him, for proclamation and implementation, the colony's constitutional documents following receipt of the Royal Assent from Queen Victoria on 15 August.<sup>8</sup> In anticipation of the forthcoming events two Western Australian bank holidays had been gazetted for Tuesday 21 October and Wednesday 22 October 1890. In addressing a large welcome meeting in the Albany Town Hall, Robinson (borrowing from words uttered by two of his predecessors) stated:

At last she moves...It is necessary that with one hand, and with one voice the colonists should use their best energies to launch the ship of State in deep waters'.<sup>9</sup>

For the editorial in the *West Australian* on Proclamation Day, the way was finally being cleared for the colony 'to govern herself at her own pleasure'.<sup>10</sup> Two days earlier on the evening of Sunday 19 October Governor Robinson boarded the Great Southern Railway train for an 'extraordinary journey' to Beverley. Bonfires were lit every one and a half miles with eight separate stoppages to allow the Governor to receive a formal address and make a welcoming speech in reply.<sup>11</sup> The journey continued on the government railway to York for breakfast with a 30 minutes stop at Chidlow's Well. The Governor and his entourage reached Perth at noon to be sworn into office at the Town Hall. Proclamation Day was 'a day to remember'<sup>12</sup> and the city was adorned with banners and triumphal arches. Approximately 6000 people (one in eight of the colony's total population) listened to the acting Chief Justice Sir Henry Wrensfordsley read the proclamation. Throughout the colony many celebratory activities followed during the ensuing two days with perhaps the most imaginative being 'the ritual burial of the "Old Constitution"' in Geraldton.<sup>13</sup>

8 See David Black, 'At Last She Moves'—The Advent of Responsible Government in Western Australia. 1890' in David Black (ed), *The House on the Hill: A History of the Parliament of Western Australia 1832–1990* (Parliament of Western Australia, 1991) 9ff.

9 Ibid 9 and 18 (endnote 3).

10 *West Australian*, 21 October 1890.

11 Black, 'At Last She Moves', above n 8, 10.

12 See CT Stannage, *The People of Perth. A Social History of Western Australia's Capital City* (Perth City Council, 1979) 207–211.

13 *West Australian*, 24 October 1890.

In hindsight, one of the more intriguing issues is when exactly the new process of government began? What occurred in the weeks and months following the Royal Proclamation and the assent to the colony's 1889 *Constitution Act*? One argument, put forward by former Legislative Assembly Speaker Hugh Guthrie,<sup>14</sup> focussed on the establishment of responsible government in 'its correct legal and historical sense', commencing with the establishment of the two Houses of Parliament and the appointment of an executive body.<sup>15</sup> On the day following the reading of the Proclamation, writs were issued for elections to choose the 30 members of the (significantly malapportioned) Legislative Assembly. These elections took place between 27 November and 12 December, after which (in Guthrie's view), the Governor had then to decide who to commission as Premier; to nominate the members of the (for the time being totally nominee) Legislative Council; and to preside over the swearing in of the new Executive.

It is significant that the Western Australian Constitution then and now, while always requiring one Minister of the Crown to come from the Legislative Council, does not include any other provision such as was subsequently provided for in the *Commonwealth Constitution* for a Minister to be or become a sitting member of either House. It is contended therefore that it was a decision made by Governor Robinson to await the outcome of the Legislative Assembly elections before determining who should be asked to form a government. The electoral outcome was such that it left Sir John Forrest as the obvious person to be commissioned to form a government. Furthermore, although on 29 December 1890 the five members of the first Forrest Ministry were sworn in, under the terms of the Constitution, four of those five ministers (those representing Legislative Assembly seats) had then to vacate their Assembly seats and contest by-elections for their parliamentary seats before they could be confirmed.<sup>16</sup>

Arguably, it was one of the more extraordinary anomalies in Western Australian political history that this outmoded provision requiring ministerial by-elections, a last minute inclusion as s 29 in the *Constitution Act 1889* (WA), remained intact until 1947.<sup>17</sup> Except on one occasion, towards the end of 1901 when three ministers (two from the Legislative Assembly and one from the Legislative Council) were defeated in ministerial by-elections leading to the demise of the Morgans Government,<sup>18</sup> the only occasion when a minister was

14 Hugh Norman Guthrie, MLA 1959–1971, Speaker of the Legislative Assembly 1968–197

15 Included in a Memorandum sent to the author on 27 July 1989—see Black, 'At Last She Moves', above n 8, 19, endnote 28.

16 The provision was apparently included in line with provisions in the UK intended to ensure that the Crown could not offer ministerial benefits to members of Parliament without the consent of the member's electorate.

17 All the Australian states except South Australia had such provisions initially but all of the others had abolished the requirement by 1915. This provision never applied in the *Commonwealth Constitution*.

18 See Peter Boyce, 'Government and Parliament' in Black, *The House on the Hill*, above n 8, 277; and BK de Garis, 'Self Government and Political Parties' in CT Stannage (ed), *A New History of Western Australia* (University of Western Australia Press, 1981) 348.

forced out of office following defeat at a ministerial by-election was in July 1917 (when former Labor Premier John (Jack) Scaddan was defeated in a ministerial by-election following his decision to leave the ALP over the military conscription issue and join the newly formed Lefroy Nationalist ministry).<sup>19</sup>

Finally, the new WA Parliament convened on 30 December 1890; members took their oaths of allegiance, a Speaker was elected and the Governor chose the Legislative Council President. However, Parliament was not able to meet to transact business until 20 January 1891 after the ministers had been confirmed in office (following by elections for their Legislative Assembly seats). As it was, the first parliamentary sittings were short (continuing only until late in February) with the Governor advising on behalf of his ministers that, with the exception of certain pressing and necessary measures, 'legislation would as far as possible be deferred until the next session'<sup>20</sup> which began in December 1891.

In short, what occurred as a consequence of the Proclamation of the new 1889 WA Constitution, was that Western Australia for the first time simultaneously saw the establishment of:

1. a bicameral legislature (with the Legislative Council becoming fully elective from 1894);
2. a system of responsible government in that the Executive consisted of Ministers responsible to the Parliament and the Governor; and
3. a mode of constitutional reform which was to depend on parliamentary and legal decision-making within Western Australia and which under s 73 of the *Constitution Act 1889* (WA) (as amended in 1978) also includes a requirement for the holding of referendums for specified constitutional amendments.

Underpinning these constitutional changes was the further transfer of authority from the United Kingdom to the colonial representatives, at least to the extent that Western Australia could be described in 1890 as having achieved internal (other than defence and foreign policy) self government. This self government was, however, significantly qualified (such as with special provisions affecting the treatment of Aboriginal Australians in s 70 of the *Constitution Act 1889* (WA)).<sup>21</sup>

19 The Scaddan Labor government lost office in July 1916 following its defeat on a confidence vote in the Legislative Assembly (the last occasion on which a West Australian Government has fallen in these circumstances). In reaction to his defeat Scaddan resigned his safe goldfields seat of Brownhill-Ivanhoe to oppose, unsuccessfully as it eventuated, one of the new Nationalist ministers in a ministerial by-election in Canning, and was then re-elected for Brownhill-Ivanhoe when the ALP seat-warmer JT Lutey resigned. However, nine months later in a further ministerial by election, the seat warmer Lutey won the seat again defeating Scaddan who had been included in the Nationalist ministry following his decision to defect from the ALP over the conscription issue.

20 *West Australian*, 30 December 1890 and Western Australia, *Parliamentary Debates*, Legislative Council, 20 January 1891, 6.

21 For continuing developments, including the *Australia Acts 1989* (Cth & UK) see generally Peter Johnston, 'Freeing the Colonial Shackles: The First Century of Western Australia's

The facts at one level are clear and unequivocal. For example, the enthusiasm which preceded and developed during the ceremonials linked to the Proclamation's arrival and reading, though very substantial, was very shortlived. Certainly, it is hardly surprising, in view of the complexities of actually implementing the new forms of government, that it was only when the newly elected Parliament, including re-elected Ministers, met on 20 January 1891 that there was a further 'measure of public ceremonial' and that public interest was 'correspondingly greater'.<sup>22</sup> Even then:

[o]n a day when the heat and the absence of wind militated against a large crowd, "the usual number of inquisitive sightseers" were to be found but in the words of one reporter "the crowd was by no means imposing nor was it enthusiastic".<sup>23</sup>

Indeed, it can be argued that:

Constitutional happenings in Australia have tended not to provide the impetus for paying homage to the past—nor even the excuse of another day of leisure. In the main, as with federation such milestones in Australian history have been reached "too soberly to be the objects of passionate commemoration".<sup>24</sup>

In some cases too, for example, the federation of the Australian colonies on 1 January 1901, is a public holiday albeit New Years Day, not Federation Day. Indeed, this was, and in many respects remains, a problem with Australia Day in terms of the lack of opportunity for school children to be roused with enthusiasm. Again, in interpreting the community response on 21 October 1890, a comparison can be made to the equal community enthusiasm in colonial WA displayed for Queen Victoria's Golden Jubilee celebrations in 1887<sup>25</sup> (and Queen Elizabeth II in 2012!) or on the inauguration of the Perth to Kalgoorlie railway service in 1896 when a special train, hauled by two locomotives, included 'vice-regal' and 'ministerial' cars.<sup>26</sup>

What has been particularly significant about Proclamation Day as a focus for community activity has been its tenuous grip on its community support and subsequently legal recognition. Having been gazetted as a public holiday in 1890 (along with 22 October for that year only) Proclamation Day remained a gazetted public holiday under that name until 1921. However, by 1894, it was clear that those who wished to celebrate the achievement of the Eight Hour Day and push for further labour reform were already pre-empting the celebrations.<sup>27</sup> The *West Australian* suggested that 'the dual celebration of Proclamation Day and Eight

Constitution', in Black, above n 8, 313.

22 *West Australian*, 21 January 1891 cited in Black, 'At Last She Moves', above n 8, 15.

23 Ibid.

24 Inglis, above n 2, 150.

25 See Jack Honniball, 'The Celebration of Queen Victoria's Jubilee in Western Australia' (1987) 9(5) *Early Days* 35.

26 See *Daily News*, 7 September 1896 and *West Australian*, 8 September 1896.

27 Stannage, *The People of Perth*, above n 12, 211ff.

Hours Day was “not incongruous”<sup>28</sup> and, by October 1911, contended that:

[a]lthough Monday’s holiday primarily honoured a turning point in the history of the state, its importance in that direction was almost forgotten in the glamour cast over the city by the great festival which annually presents the happiest and most potential features of manual labour.<sup>29</sup>

In this regard, it should be noted that the Legislative Assembly election, held at various dates in the weeks preceding this editorial, produced the greatest ALP electoral victory in the State’s history. Indeed, Labor’s 1911 electoral success:

can be considered as the completion of a struggle between “ancient colonists” and “recent arrivals” which had been waged in the Legislative Assembly for fourteen years and for longer in the electorate.<sup>30</sup>

In 1899 the *Bank Holidays Act 1884* (WA) had been amended to provide that most of the existing bank holidays (effectively bank and public service holidays) including Proclamation Day would be observed on the nearest Monday.<sup>31</sup> In 1921 the WA Parliament went one stage further and legislated to have the gazetted October Bank Holiday redesignated as Labour Day and moved to 1 May to bring it in line with some of the other colonies: significantly, only one parliamentarian, a conservative independent in the Legislative Council, objected to the deletion of Proclamation Day from the statutory holidays.<sup>32</sup> Then, in 1948, Labour Day was moved to its current date at the beginning of March in line with the developments in some of the other states. The result was obvious: all connection with Proclamation Day was severed.

During the early 1980s the Burke Labor Government and minister Arthur Tonkin made a determined effort to create the concept of a Parliament Week and this was linked directly to Proclamation Day. Indeed, this supports the assertion that:

It is not too much to say that any move to give Proclamation Day a renewed place in the annual calendar is most likely to emanate from the Parliament itself.<sup>33</sup>

Quite apart from the longer term issues of maintaining the meaning of any individual public holiday, one major reason why enthusiasm for Proclamation Day

28 *West Australian*, 21 October 1905.

29 *West Australian*, 25 October 1911.

30 Stannage, ‘The Composition of the West Australian Parliament 1890–1911’ (1966) 4(4) *University Studies in History* 21, cited in D Black, ‘Factionalism and Stability, 1911–1947’ in Black, above n 8, 119.

31 See Western Australia, *Parliamentary Debates*, Legislative Council, 15 November 1899, 2285 (A B Kidson).

32 Western Australia, *Parliamentary Debates*, Legislative Council, 29 November 1921, 1953–1954 (H F Colebatch, Minister for Education).

33 Black, ‘At Last She Moves’, above n 8, 17. Matthew Trinca (‘Proclamation Day’ in Jenny Gregory and Jan Gothard, *Historical Encyclopaedia of Western Australia* (University of Western Australian Press, 2009) 349) contends that ‘Nowadays, it is used by various authorities and educational institutions to focus attention on constitutional matters’.



evaporated almost as soon as it began was that, put simply, for a large proportion of thousands of 't'othersiders' who flocked to the colony during the 1890s and were critical of the Forrest Government on a plethora of issues:

...Proclamation Day must have signified nothing more than the transfer of power from an imperial representative to a colonial oligarchy.<sup>34</sup>

The changes were astonishingly rapid. Between 1890 and 1894 the population rose from 45,000 to 81,000 and, by 1900, to 180,000, at which time 41% of WA's population had been born in other Australian colonies and a further 23% in the UK. For many of these newcomers there was an 'experience of trade unionism and radical politics' and this became all the more significant in the second half of the decade as deep mining requiring heavy capitalisation and expensive machinery meant increasing numbers on the goldfields were wage earners and 'politics began to loom more largely in their minds'.<sup>35</sup>

The conflict which tends to dominate the retrospective view of Western Australian politics in the 1890s is most obvious in struggles over electoral redistribution to accommodate the rapidly expanding goldfields population. In this regard, malapportionment was at the heart of Western Australian politics from 1890 onwards as it had been in the representative government era (and as it continued to be). Thus in 1890 before the Coolgardie and Kalgoorlie gold rushes, the Legislative Assembly seat of Perth had an enrolment of 455 and Fremantle 309 compared with Murchison 24, Kimberley West 39, Ashburton about 50, Roebourne 67, Kimberley East 88, Greenough 124 and Bunbury 187.<sup>36</sup> Certainly, Parliament's nature changed significantly during the course of the 1890s. In the Third Parliament, elected in 1897, 19 of the 44 members had arrived in the colony since 1885 compared with five in the Second Parliament. Even so, in 1901 Perth had an enrolment of 2,748 and Fremantle 1,341, compared with Kalgoorlie 4,126, Coolgardie 3,723, Bunbury 1,443, Murchison 455, Pilbara 431 and Roebourne 299.

Consequently, it is not difficult to appreciate why Proclamation Day was not likely to loom large as a day for celebration in the rapidly expanding electorate. The danger is that focussing on this aspect tends to underplay the Western Australian democratic achievement of the 1890s. For example, the colony has been described as 'a delinquent laggard on a recognised path of development'<sup>37</sup> and as 'politically, backward, apathetic and ultra-conservative'.<sup>38</sup> A somewhat

34 Black, 'At Last She Moves', above n 8, 16.

35 See de Garis, above n 18, 68.

36 See generally David Black (with the assistance of Valerie Prescott), *Election Statistics Legislative Assembly of Western Australia 1890–1996, Listed Alphabetically by Constituency* (Parliament of Western Australia and Western Australian Electoral Commission, 1997). In 1890, 19 of the 30 Legislative Assembly members were elected without opposition.

37 AGL Shaw, 'Once Golden West', *Nation*, 27 August 1960, 21.

38 Stuart Macintyre, *A Concise History of Australia* (Cambridge University Press, 2<sup>nd</sup> ed, 2004) 103. The citations are from Isla Macphail, "'Beyond the Ambitions of Chartism': The Attainment of Women's Suffrage in Western Australia' in David Black and Harry Phillips



different view emerges when the focus is on constitutional reforms. For example, the argument that:

Indeed, although it is rarely acknowledged in the historiography, [it is] contend[ed] that Western Australia initiated, or was in the forefront of adopting, major electoral reform in a number of key instances. Western Australia, for example, with its “magnificent distances” was a world pioneer in postal voting; and the colony transferred the arbitration of controverted elections from partisan in-house parliamentary committees to the judiciary well before all the other Australian jurisdictions. And, as is better known, Western Australia at federation was the only Australian colony other than South Australia—and one of the first polities in the world [the seventh in the world according to one significant listing]—to have advanced “beyond the ambitions of Chartism” by enfranchising women.<sup>39</sup>

The problem here arises from the fact that ‘[t]he enactment of the reform is almost uniformly dismissed as a “piece of expediency”; “a cynical manoeuvre”, a “purely opportunistic stratagem”’ devised by a ‘conservative elite within the Parliament determined to counteract the increasing voting clout of politically progressive “t’othersiders” on the eastern goldfields of Western Australia’.<sup>40</sup> Broadly speaking MacPhail examines ‘the diverse motives of the major players’ contending that ‘the motivation for a number may have been less about securing women’s rights than shoring up political support’ but that ‘for many others, their commitment to the female franchise was genuine, impressive progressive and deserving of recognition in the historiography’.<sup>41</sup>

Of course, a more substantial investigation of the circumstances surrounding Western Australia’s adoption of the female franchise at the end of the 1890s is beyond the scope of this paper, but what is highly relevant is the manner in which women’s suffrage is linked to the 1900 referendum in Western Australia to decide whether or not the colony would join the impending Commonwealth of Australia as an original State.

The State’s Constitution was proclaimed on 21 October 1890. Significantly, less than five months later (March 1891), the delegates assembled in Sydney for the Australasian Federation Convention attended by delegates from all the Australian colonies and New Zealand to draw up a federal constitution. The fact that Forrest involved Western Australia in the movement is referred to as evidence that Forrest had underlying sympathies for, and acceptance of, the concept of federation, although opposition, particularly from many of his own supporters, meant that in 1891, and again in 1897–1898, he had found it necessary to insist

(eds), *Making a Difference: A Frontier of Firsts: Women in the Western Australian Parliament 1921–2012* (Parliament of Western Australia, 2<sup>nd</sup> ed, 2012) 1–31.

39 MacPhail, above n 38, 1.

40 Ibid 2.

41 Ibid 3.

that ‘participation did not imply commitment’. Certainly the opposition to participation in the federation movement came from conservatives, old settlers and ‘Sandgroper’ farmers’ of the south west—the very group who had welcomed Proclamation Day.<sup>42</sup>

The dichotomy highlighted by the almost immediate involvement of the newly self governing colony in the projected subjugation and limitations of its powers and functions as a self governing entity dominated Western Australian political history throughout the 1890s and has continued to do so. Essentially, it can be argued that Western Australia was, to some extent, denied its birthright as one of the only two colonies founded directly from the United Kingdom and described as a ‘colony of addition’ rather than as ‘a colony of subtraction’<sup>43</sup> (referring to the distinction between the three Australian colonies separated from New South Wales before the end of the 1850s and those founded directly from England in the 1820s and 1830s). As described succinctly by one commentator, Western Australia’s ‘very late achievement of responsible self government in 1890 meant that it had to pass from subordinate colony to subordinate state with virtually no experience of semi-sovereign statehood’.<sup>44</sup>

This sense that Western Australia was being denied its birthright almost from the outset, coupled with the widespread belief among t’othersiders that WA’s entry into the federation would emancipate them from the tyranny of a colonial oligarchy, had the effect of rendering Proclamation Day, to an extent, pointless or, at the very least, promoting an illusion. Instead, there developed the belief that what had been promised on Proclamation Day could only be truly achieved if the decision to join the federation could be reversed. This meant that secession was consistently on the agenda and, in 1933, produced the historic, if eventually legally futile, vote in Western Australia for the State to leave the federation. Again the secession vote provides further context for the October 1890 constitutional celebrations.

When, on 31 July 1900, the West Australian electorate voted to join the Commonwealth, 67.7% of qualified electors voted and, of these, 69.5% of formal votes were affirmative. Within the regions, the vote in the Goldfields was 92.8% in favour; in the North West 82%; in the Metropolitan area 60%; and in agricultural areas only 38.1%. Thirty three years later, with compulsory voting, on 8 April 1933, more than 91% of the electorate cast a formal vote: 66.23% voted ‘Yes’ and 33.77% voted ‘No’. In this instance, in what was in effect a direct reversal of the 1900 poll, 72.9% of voters in the farming areas voted ‘Yes’ to secede, as did 64.85% of city voters and 59% of those in the north. The ‘No’ vote was in the majority (54.45%) only in the mining and pastoral regions. This outcome suggests that the same balance of forces existed on each occasion.<sup>45</sup>

42 Lyall Hunt, ‘Federal Movement’ in Gregory and Gothard, above n 33, 349.

43 See Douglas Pike, *Paradise of Dissent: South Australia 1829–1857* (Longmans Green, 1957).

44 Alan Fenna, ‘Commonwealth, relations with’ in Gregory and Gothard, above n 33, 215.

45 For a brief summary of the voting figures on each occasion, and also on the pattern of

Despite this apparent congruence in attitudes towards federation in the various regional areas, the real meaning of the vote is hopelessly confused by the fact that, at the general election in 1933 (held on the same day as the referendum), Premier James Mitchell (who supported secession) lost government and his seat in Parliament. This left the new Premier and Labor leader Philip Collier, himself an anti-secessionist, to pursue the letter, if not the spirit, of the electors' decision. The consequence was that 'there were no [WA] government representatives either in the group appointed to prepare the case for secession or among those who took the petition to London'.<sup>46</sup>

The contradictory votes might suggest quite simply that the voters were determined to simultaneously punish the Commonwealth and State governments. Subsequently, the official British response in 1935 to the State's petition was that 'the Imperial parliament would not amend the Commonwealth Constitution without the Commonwealth's consent'.<sup>47</sup> This decision was accepted more easily because by 1935 the economic conditions were easing and the threat of war intensified the need for unity.<sup>48</sup>

Another indication of Western Australian's movement away from celebrating their State's self governance is revealed in voting trends in proposed referendums seeking to amend the *Commonwealth Constitution*. Given Western Australia's apparent grievances concerning the impact of Western Australia's entry into the federation, some explanation is needed as to why until the post-1946 era Western Australians typically were more likely than electors in any other state to vote in favour of Commonwealth referendums proposing changes to the *Commonwealth Constitution* (and in the process enhancing the authority of legislative power of the national government). Between 1910 and 1919, for example, in 13 consecutive referendums or plebiscites, the Western Australian 'Yes' vote exceeded the national average with the State recording the highest 'Yes' vote in the two 1911 referendums and in the two conscription plebiscites (these two latter results in particular suggesting more intense loyalty to the UK). Again in the four war or post-war referendums from 1944 to 1946, the WA 'Yes' vote was above the national average. Subsequently, and in the aftermath of wartime changes in federal power relations, in all but one of the 22 referendums from 1948 to 1999, the WA 'Yes' vote was clearly below the national average, with the only exception being 1951 when a majority of WA electors supported conferring power on the Commonwealth Parliament to ban the Communist Party. Significantly, in 1977, the West Australian 'No' vote tipped the balance preventing the passage of the Fraser Government's referendum proposal for simultaneous House and Senate elections which presumably could have been

---

Western Australian voting in Commonwealth constitutional referendums and the national song poll see David Black (ed), *The Western Australian Parliamentary Handbook* (Parliament of Western Australia, 22<sup>nd</sup> ed, 2009) 389, 392–3 and 399–400.

46 David Black, 'Dominion League' in Gregory and Gothard, above n 33, 284.

47 Greg Craven, 'Secession' in Gregory and Gothard, above n 33, 801.

48 Ibid.

seen weakening, in some measure, the influence of the Senate.<sup>49</sup>

Arguably, one factor helping to explain this attitude in the West was a closer sense of identity with the UK which, until the aftermath of the Second World War, was seen as the prime factor in Australia's defence. By contrast, the changed defence alignment and the significant movement of fiscal, legislative and executive power to the Commonwealth developing during and after the Second World War would have made Western Australians more opposed to proposed increases in Commonwealth power. One might also note that in the National song poll in May 1977 Western Australians voted above the national average for 'God Save the Queen' and the South Australian originating 'Song of Australia', but below the rest of the nation for 'Advance Australia Fair' and 'Waltzing Matilda'. Indeed 113,054 electors voted for 'God Save the Queen' almost equalling the 116,142 votes for 'Waltzing Matilda'.

Another aspect which perhaps also deserves some attention, is the extent to which it can be argued that the State's relationship with the United Kingdom has always been somewhat stronger than average given that, as the first port of call for those journeying by sea from Britain, Western Australia has always tended to attract a greater proportion of UK settlers than most of its eastern Australian counterparts. As recently as 2006 Western Australia had 208,380 UK born residents or 20.1% of all UK born Australians compared with a little over 10% of the total population of the country (and this relatively high proportion of the ethnic community distribution has been a constant factor throughout the State's history). At the same time it is necessary to note that, with the exception of Sydney, Perth has the highest proportion of overseas born residents from all sources of any of the Australian capital cities.<sup>50</sup>

Finally, in the context of constitutional celebrations, what is the relevance of the WA government's and Parliament's decision in 2011 and 2012 to legislate for Foundation Day to be renamed Western Australian Day? The first Foundation Day anniversary was marked by a ball held on 4 June 1830 at Government House.<sup>51</sup>

<sup>49</sup> See Black, *The Western Australian Parliamentary Handbook*, above n 45 for the tables from which these figures are derived.

<sup>50</sup> Another possible explanation for Western Australia's 'Yes' voting tendencies prior to the late 1940s (and attributed to ABC election analyst Antony Green by Liberal Party analyst, Jeremy Buxton in a personal communication with the author) is that, until the postwar era, Western Australians tended to see the Commonwealth Government as a bulwark against dominance by New South Wales and Victoria. Particularly interesting too is the thesis advanced by Jeremy Buxton (in an unpublished paper emailed to the author, 3 December 2012) that referendums are either non-contentious or partisan and the majority of these latter questions have produced a division along party lines. Buxton's analysis suggests that, for example, the 'Yes' vote by West Australian in all six referendums in 1913 (and all of which failed to win approval) was largely due to the 85% 'Yes' vote in Labor-dominated Kalgoorlie. By contrast, the 'No' votes by West Australians in most post 1946 referendums were due to a combination of opposition from Coalition voters as well as a bracket of ALP voters who were more likely to vote 'Yes' when the referendum coincided with a federal election (and it was this same combination which probably accounted for the WA 'Yes' vote in the Communist Party Dissolution referendum in 1951).

<sup>51</sup> Pamela Statham-Drew, *James Stirling: Admiral and Founding Governor of Western Australia*

By 1835 Foundation Day had been established as a major celebratory activity focussing on ‘the Glorious First of June’, the day on which Stirling had wanted to arrive in WA, and not the actual date that he set foot on Garden Island or the mainland.<sup>52</sup> Of course, as matter of history, the ‘Glorious First of June’ in fact refers to a naval battle between the British and the French in 1794 after which ironically both sides claimed victory.

The 1835 celebrations took the form of an ‘afternoon of old English sports’ and, in the following year, though on a smaller scale, were focussed on ‘rustic games and native demonstrations’.<sup>53</sup> In 1838, the last year of Stirling’s governorship, the celebrations were on a Friday and included balls, races and other amusements which had become a traditional part of the first of June holiday’.<sup>54</sup>

When Governor Robinson arrived bearing the Constitution to be proclaimed on 21 October 1890, Foundation Day was well established in the calendar. However, after the legislative change in 1898 it was always celebrated on the nearest Monday. The decision to change the name from Foundation Day to Western Australia Day was first proposed by the Labor Opposition and then taken up by the Premier, Colin Barnett, who moved the Second Reading of the Western Australia Renaming Bill 2011 (indicating that he had introduced a private member’s Bill in May 2008 seeking to make this change, and had at that time asserted that Foundation Day does not ‘account for the way this state has been shaped by other parts of our history; nor does it provide the best opportunity to recognise the range of contribution to our society; nor does it encourage reflections on our contemporary context’<sup>55</sup>).

By contrast the Premier, Colin Barnett, asserted during the Second Reading stage of the Western Australia Renaming Bill 2011 (WA):

Western Australia Day will extend the scope of the celebration to unite all who have made Western Australia their home [and] it will more readily acknowledge the rich histories of Aboriginal Western Australians which run for thousands of years before the that day in 1829.<sup>56</sup>

It might also be suggested that the change will also focus more specific attention on Western Australia as a distinctive entity within the federation, when, in the words of Colin Barnett:

From a stricken economy in the 1800s that was brought to life with the gold rushes of the 1890s, the people of Western Australia have built a

---

(University of Western Australia Press, 2003) 179.

52 Ibid 283.

53 Ibid 282, 296.

54 Ibid 352.

55 Western Australia, *Parliamentary Debates*, Legislative Council, 30 November 2011, 10162.

56 Ibid.

state that is now a significant participant in the global economy.<sup>57</sup>

## CONCLUSION

Within the above perspectives, the developments concerning the celebration and demise of Foundation Day as well as the fate of Proclamation Day strongly support the clear proposition that holidays become or are reshaped to become what society and governments see as expressing, for a people, 'the free utterance of its character'.