

1856

GOVERNMENT BY THE PEOPLE

Parliamentary government in Australia came first to New South Wales on 22 May 1856. The former penal colony had, in most respects, come of age, for, as the *Sydney Morning Herald* pointed out, henceforth:

The subordination to the parent State exists only with things Imperial. With regards to the internal administration of the colony's affairs we are independent. The colonists of New South Wales may make what they please out of the colony. They may adopt whatever system of law, of police, of government, of taxation that they like. They may make any new experiments and develop any new line of policy that they may think adapted to their circumstances. On them entirely rests the duty of directing the course of government. Their own will be the glory of success — their own the disgrace and disaster of failure.

Although only the Legislative Assembly (Lower House) was elected, with the Legislative Council consisting of members nominated by the Governor

for life, it was a remarkable advance on the autocratic system of government introduced when the colony was established seventy years earlier.

Governor Phillip, like his successors, was, according to historian G. W. Rusden:

... not only vice-regent, charged with the awful power over life and death; on him also fell the care of the infant settlement in the most trivial affairs. For him it would be to negotiate bills in England, to influence shipments of food and necessaries, to distribute land, to foster agriculture, to settle disputes. He was himself the local Court of Appeal. From no petty trifle could he escape, from no high duty could he shrink.

No wonder John Hunter, Governor from 1795 to 1799, complained that the 'multiplied duties of the Governor are far, very far, beyond any idea you can possibly form of his situation, and, unless some means are fallen upon to lessen them, losses in various ways are unavoidable.'

In 1823 a Legislative Council, consisting of up to seven members appointed by the Governor, set up as an advisory body. Five years later the Council was enlarged to between ten and fifteen members, of which seven were not government officials, and the Governor was now obliged to accept the Council's recommendations.

A campaign for a greater voice in government, led by W. C. Wentworth, cofounder of the *Australian*, and the Australian Patriotic Association, simultaneously with the end of transportation to the colony in 1840, influenced the Imperial Government to pass an 'Act for the Government of New South

Wales and Van Diemen's Land' two years later.

It meant that the Legislative Council was again enlarged, this time to thirty-six members, of whom twenty-four were elected by voters satisfying a high property qualification.

A Speaker was chosen by members of the Assembly when it met for the first time in August 1843, but the Governor retained the right to veto any legislation, as well as retaining control over Crown lands and some of the colony's finances.

The real breakthrough in the struggle for responsible government came with the passing of the 1850 Act 'for the better Government of Her Majesty's Australian Colonies' under which the district of Port Phillip became the colony of Victoria.

Generally considered as 'the charter of Australian self-government', the Act introduced the 1842 form of Legislative Council to Victoria, South Australia, Tasmania (the new name adopted by Van Diemen's Land), and when financially feasible, to Western Australia.

More importantly, it gave these Legislative Councils the authority to draw up their own constitutions — a direct invitation to the Australian colonists to decide for themselves how they wished to be ruled.

There was, however, a stipulation that the Imperial Government had to approve the new constitutions before they could be put into effect.

In July 1855 an 'Act to confer a Constitution on New South Wales, and to

grant a Civil List to Her Majesty' was passed by the colony's Legislative Council and received Royal assent not long afterwards. The first Legislative Assembly elections were held on 30 April 1856.

The New South Wales lead was followed shortly afterwards by all other colonies, except Western Australia. Each adopted a bicameral Parliament, but went further than New South Wales by electing members to both Houses.

The Victorian Parliament met first on 21 November 1856, the Tasmanian on 2 December, and the South Australian on 22 April 1857.

South Australia introduced manhood suffrage from the start, while the other colonies insisted on property or residential qualifications. South Australia was also the first to contemplate voting by secret ballot, but introduced this two weeks after Victoria had legislated for the world's first secret ballot on 19 March 1856.

Manhood suffrage came to Victoria in the following year. In 1859 the term of the Legislative Assembly was shortened from five years to two, and eleven years later Victoria again led Australia by introducing payment for Members of Parliament. All these innovations had been among the demands of the Reform League at Ballarat, and there can be little doubt that the echoes of the Eureka Stockade hastened their introduction.

Under the new system, the Governor was no longer the Government but, as the *South Australian Register* explained, the Governor 'henceforth occupies the same political position... that the Queen occupies in England... Hitherto the Government have had to carry out the policy of the Governor; now

they will have to carry out the policy of the public, as without the suffrages of the public they cannot hold office.'

But, although the parliamentary practices were generally based on the Westminster model, there were some problems in making them function effectively.

Professor F. K. Crowley explains it this way:

First, there were no organised political parties with members in parliament, so members followed personalities rather than principles...

Second, the way in which the constitutions had been framed meant that in practice the parliamentary system was not very democratic, and soon there was pressure to enlarge the franchise and reduce the political power of property...

Third, there was no practical definition of what was a local matter, which could be legislated on by the parliament, and what was an imperial matter, which should be left to the authorities in London; this led to clashes between government and governors...

Western Australia was granted a Legislative Council in 1870, two years after transportation ended there. In 1890 responsible government, similar to that in the other colonies, was introduced.

By then most of the political divisions of modern Australia had been laid down, for in 1859, 1 435 000 square kilometres had been sliced off the northern part of New South Wales to form a sixth colony, Queensland.