Government in Two Worlds

A.R. Downer

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GOVERNMENT IN TWO WORLDS

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G O V E R N M E N T I N T W O W O R L D S

An introductory survey of the governments of
Britain and Australia.

by

A. R. DOWNER

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PART ONE : INTERNATIONAL DROPSCENE

INTERNATIONAL DROPSCENE

1. GENERAL

The British democracies form the most notable essay in government in the world's history. Ideally suited, ~~in many respects~~, to the temperaments of their peoples, they have sprung from the characters of those peoples themselves. The highest spray at the fountain-head has emerged gradually through seven centuries of peaceful trial and error rather than, as elsewhere, through dynamic collisions. For nearly 260 years England has been free from revolutions; not since 1648 have her placid meadows, parks, and fields been desecrated by civil war. The smaller sprays, the Dominion constitutions, are in the nature of charters, freely conferred by the home authorities to meet the universal desire of every organised group of British subjects: self-government. The Canadian, Australian and New Zealand constitutions were preceded by neither bloodshed nor revolution; in the main, they represent the work, or at least the suggestions, of the colonists of those countries. The exception - there is always an exception - in the faltering stream of South Africa resulted from a clash between an expanding, and perhaps over-assertive, Imperial power and an alien people in earlier possession.

The bases of these governments are neither doctrinaire nor logical, but in each instance provide a specific plan for specific needs. Democratic principles, though implicitly acknowledged, are not inexorably applied. A hereditary monarch, even when limited by a multitude of constitutional conventions, is hardly consonant with the theory of democracy. And although in Britain viceroys, ecclesiastics, judges, diplomats are customarily appointed on the advice of the Cabinet, a proportion of the Cabinet itself owes no personal allegiance to the people but is drawn from the House of Lords. So, too, with regard to this hereditary and nominee ~~body~~; to a lesser extent the life-appointed Canadian Senate; and to a lesser degree again the Legislative Councils of five Australian states. None of these, in strict theory, should be accorded a place in any system of popular rule, But these chambers have been held generally to promote sound administration and to suit local requirements, and hence their retention, in an era of questioning, as part of our parliamentary institutions.

To a European liberal, the British democracies, apart from their illogical and undoctrinaire natures, are remarkable for their lack of guarantees of individual liberty. There is no Declaration of the Rights of Man such as exists in the French, Belgian, and certain other foreign constitutions. Equally absent is any systematic codification of the civil and criminal law, though in the last respect the Australian states have followed the French example. But the biggest divergence lies in the power inherent in the President of France and other European rulers to suspend the constitution, together with all its guarantees of carefully enumerated individual rights and legal codes, in times of emergency. The process is

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termed declaring a "state of seige", an alarm cord that the guard of every Continental express has unhesitatingly pulled whenever he considered his national train had exceeded the safety limit. Such dramatic action is legally impossible in any of the Dominions. Even in Britain, where the "King in Parliament" is supreme, this result could only be ~~effected~~ ACHIEVED in practice by a coup d'etat.

~~The existence of~~ These profound differences ~~between the~~ ARE BUT EXAMPLES OF THE ~~British and~~ THAT SEPARATE FROM ~~European, and of others not yet touched upon between~~ POLITICAL SYSTEMS EQUALLY STRIKING ARE THE DIVERSITIES BETWEEN ~~the British and American, political systems, renders an introduct-~~ BRITAIN & THE DOMINIONS ON THE ONE HAND & THE UNITED STATES ON THE OTHER. ACCORDINGLY, ~~ory sketch of the principal types of world government desirable~~ IF THE ADMINISTRATION OF OUR OWN COUNTRIES IS TO APPEAR IN TRUE PERSPECTIVE ~~if the administration of our own countries is to appear in a true~~ AN OUTLINE OF THE PRINCIPAL TYPES OF FOREIGN GOVERNMENTS MUST FIRST BE ~~perspective~~ SKETCHED.

Everyone is familiar in recent years with the propagandist division of the world into democracies and dictatorships. In truth, however, the classificationwàs not so simple as the protagonists would have us believe, for many countries possessED governments that fall into neither category. To the democratic bloc belongs the British Empire, the United States, France, Belgium, Holland, and the Scandinavian States. In the opposite camp stand the absolutist governments of Germany, Russia, Italy and Spain. But the majority of peoples - though not of the great powers - should HAVE been placed in a third, a somewhat indeterminate group which was neither wholly democratic not entirely totalitarian. This last-named class includes the governments of such diverse nations as Japan, India, Egypt, Turkey, Poland, Greece and some South American republics.

It is natural to focus our attention first on the democracies and begin with the greatest democracy outside the British system - the United States.

2. THE UNITED STATES

The United States has emerged from the War as the most powerful, efficiently organised, and influential nation in the world. Without her assistance preservation of the British way of life would scarcely have been possible. American supplies helped to maintain Britain's air supremacy in 1941; in the dark days of 1942 her fleet and armies saved Australia and New Zealand from the Japanese; but for har forces no successful invasion of Western Europe in 1944 could have been contemplated. Gratitude and self-interest alike indicate the desirability of some knowledge of the government of this modern ~~Colossus~~ LEVIATHAN.

To the student of politics few countries exceed the United States in interest, for American constitutionalists have attempted a more logical, a more thorough-going, application of democratic principles to government than has been tried elsewhere. There, too, are manifest all the weaknesses of democracy, sometimes to the extent of overshadowing the strong points. Underlying the American system is a fundamental cleavage that divides it from our own: the Separation of Powers. The phrase refers to the three principal organs of government, Executive, Legislature, and Judiciary. In Britain and the Dominions the Executive and Legislature are combined; the former is chosen from the latter and dependent on

the Legislature's will; only the Judiciary is separate, and even that not absolutely so. In the United States the Executive is entirely distinct from the Legislature, and the Judiciary again is independent of both. This doctrine was first enunciated in the eighteenth century by the French political philosopher Montesquieu, being based, as he erroneously thought, on the operation of English parliamentary government. His reasoning, though founded on a misconception, appeared to early American legislators to describe the shadow representative government then prevailing in the Colonies. This in fact was but a legacy of late seventeenth century England, reflecting the constitutional development of the period preceding the rise of cabinet government, when ministers were responsible to the King rather than to Parliament. Colonial administration, on the same analogy, was conducted by a Governor and a number of officials appointed by him, who were not necessarily members of the local council. Combining their current practice with the inaccurate theorising of a Frenchman, the Americans incorporated the Separation of Powers as one of the cornerstones of the 1787 constitution. The nature of this important difference between the United States and British administrations will become more apparent in what follows.

At the head of the nation stands a President, elected every four years, not directly by the public as might be expected, but by an electoral college, the members of which are elected by universal suffrage for the express purpose of themselves choosing the President and Vice-President. Each state sends to the electoral college the same number of representatives as it does to Congress. The intention of the American Constitution was that these 'presidential electors', as they are called, should actually choose the President of their own volition; but from very early days the practice arose of the rival political parties nominating candidates in each state for the electoral college who are pledged to vote for their party's Presidential and Vice-Presidential nominees.

The President's position is one of considerable authority, and though the head of a republic his powers exceed in many respects those of the King of England and other constitutional monarchs. To some extent he exercises the functions of both the King and the Prime Minister in England. Like the British Prime Minister he is primarily a politician, a leading member of the Democratic or Republican parties, who has sought election on a programme which the public expects him to fulfil. He selects his Ministers, as the British Premier does, ten in number, and together with him they form the "Administration", but - and this is one of the best illustrations of the Separation of Powers - they must not be members of Congress. Nor need the President's Ministers be drawn exclusively from his own political party; Mr. Stimson, Roosevelt's war-time Secretary for ~~the Navy~~ WAR, was a Republican member of a Democrat administration. The President may recommend legislation by message to Congress, and he has the right, which on critical occasions he exercises, of addressing Congress in furtherance of measures desired by him. In each of these matters his position is more akin to that of a British Prime Minister than of a Sovereign. He has the regal power to veto bills passed by Congress, subject to an over-riding majority of two-thirds of both Houses, and this prerogative is from time to time exerted. Unlike the King, however, he cannot dissolve Congress; Congress can only expire by effluxion

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of time. Moreover, he may in theory be impeached and removed from office by Congress, but this procedure was only attempted once, in the 1860's, and failed. For his labours the President receives $75,000 a year, and in addition a generous travelling allowance.

The essence of the United States government lies in its federal nature, ~~and in this connection~~ FROM WHICH several parallels may be drawn with Australia. As with our own, but in contradistinction to the British, the American constitution is a written instrument in which enumerated powers are voluntarily ceded to the Federal government by the states. This means that the administration both in Washington and in Canberra can exercise authority only within carefully prescribed limits. If they wish for powers not specifically mentioned in the Federal constitution, they must first obtain from the states a transfer of the right to use them. In other words, the residuum of authority is inherent in the states, and not, as in Canada, in the central government. Again, the constitution, as in Australia, is subject to interpretation by the courts, in this case by the United States Supreme Court of nine judges who are appointed by the President. Furthermore, local jealousies have compelled both countries to build expensive national capitals in areas under direct central control. Washington, in many respects the finest city in the world, stands in the District of Columbia; Canberra in the Australian Capital Territory. Side by side with the National government are the forty-eight state governments, each consisting of a Governor, Executive, and Legislature. Thus is afforded a spectacle familiar to all Australians of three administrative categories: Federal, State, and Local. It will be shown subsequently how strongly influenced were the framers of the Commonwealth constitution by American federalism.

The Federal legislature is termed Congress. It is composed of a House of Representatives of 435 and a Senate of 96 members. Both houses are elected by universal suffrage over 21 years of age. Representation is on the same principle as at Canberra. In the House of Representatives, colloquially known as the Lower House, the States are represented in proportion to their population. Thus New York State sends more members to Washington than Colorado, just as New South Wales sends more representatives to Canberra than South Australia. In the Senate, or Upper House, State representation is equal, each State electing two Senators. The terms of the two chambers vary. Representatives sit for only two years, Senators for six years, one-third of the latter retiring every two years simultaneously with the House of Representatives. The Vice-President of the United States presides over the Senate, whilst the Representatives elect a Speaker of their own on the analogy of the House of Commons. Both Houses have plenary powers, though if anything the Senate possesses the greater authority since it controls the President's prerogative of concluding foreign treaties and may veto his principal administrative appointments.

The State legislatures are microcosms of the Federal Congress. There, as at Washington, the Separation of Powers is rigidly observed. Presiding over each State is a Governor elected by popular vote for two years, assisted by a Lieutenant-Governor, a Secretary of State, Treasurer, Attorney-General and other customary office-bearers, all of whom are likewise elected for the same period.

In every State the legislature comprises two Houses, usually of the same appellation as their Federal prototypes. These chambers vary widely in numbers, ranging from the Senate of Minnesota with 67 members to that of Delaware with 17; and again from 414 Representatives in New Hamshire to 35 in Delaware. In most States Senators are elected for four years, representatives for two. Generally speaking, both Houses have equal powers and political parties therein correspond with those in Congress.

It seems hardly necessary to discuss local government in the United States, for in many ways it approximates to that of Britain and Australia where the "Mayor-Council" plan operates. But Americans have made one extremely interesting innovation in this respect which has evoked much commendation. This is the substitution in some cities of administration by a City Manager assisted by a small number of officials, in place of the traditional civic rule of a Mayor and Corporation. The argument is that local government should be conducted on business lines by experienced administrators who, of course, are elected by rate-payers for a fixed term. In a sense it signifies a reaction against the corruption which has disgraced American Municipal politics for so long in favour of more direct and efficient government. The success of the City Manager plan can be guaged from the fact that from the year when it was first introduced - 1908 - until 1930 it had been adopted by over 300 cities.

To a foreign observer, one of themost noticeable characteristics of American democracy is the distrust shown by the public in their chosen representatives. Not only are elections held more frequently in this country than in ~~another State~~ ANY OTHER LAND, not only are more government instrumentalities subject to election than elsewhere, but even after Governors, Ministers and Congressmen have fought their way to their respective offices they are not beyond the ~~pale~~ REACH of popular control. In most State Constitutions are found two potent devices borrowed from Switzerland which ensure that politicians continue to represent current thought. These are the Initiative and the Recall. The Initiative, as the name implies, is a means whereby a specified percentage of the electorate on presentation of a petition to the Legislature, may demand that legislation be introduced forthwith along the lines indicated in the petition. The Recall is a weapon which to the United States representative must seem like a veritable Sword of ~~the~~ Damocles. If a ~~government~~ MINISTER, minister, or district member is deemed by his constituents to be out of touch with their interests, a proportion of them, usually twenty-five per cent, have the right to demand by petition that his seat shall be declared vacant and that an immediate by-election shall ensue. This political nightmare, though rarely translated into reality, is a grim reminder to public men of the ultimate source of their authority. Another invention of Swiss origin much employed in the United States is the Referandum, an expedient well-known to Australians but never resorted to in Britain. It will be advisable, however, to postpone consideration of the Referendum until the sections on the operation of government in Australia.

There remains to be considered the United States legal system. As in Australia, there is a hierarchy of Courts ranging from those of first instance, District, and Supreme Courts in the

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States, to the United States Supreme Court, the highest tribunal in the land. To the latter body, which sits in Washington, falls the important duty of interpreting the Constitution and adjudicating on disputes between States. Although Federal judges are appointed by the President for life, State Supreme Court judges in the main share with politicians the unenviable experience of having to run the gauntlet of popular election. In 38 States, judges of superior courts are chosen by the electorate, and in four others they are elected by the Legislature. The terms of office vary from two to ten years. To British eyes there is something incredible in judicial elections, for throughout the Empire there is with one exception a complete divorce between the Bench and politics, aptly summarised in the old maxim, 'Once a judge always a judge'. There can be little doubt that in some cases prospects of re-election weigh more heavily with American State judges than the dispensing of justice.

3. FRANCE

The European democracies are variegated in form, but two examples, France and Holland, will suffice for present purposes. They are contrasting types of popular government, for apart from the differences between a Latin and a Nordic race, there is the distinction between a republic and a monarchy.

It would be profitless to discuss constitutional changes in France following on her defeat in 1940, and it is still too soon to comment on her new order. Many useful lessons, however, may be drawn from the constitution as it existed between 1875 and 1940, a period known as the Third Republic.

As with the United States constitution, that of France was a written charter embodied in an Act of the French Parliament. But in other respects there were more similarities between the British and French systems than between the French and the American. France, like Britain, had a unitary government as distinct from a federal one. There was no Separation of Powers. The Executive, for the most part, was modelled on that of Britain, ~~its essence being~~ CONSISTED OF a Cabinet composed of members of Parliament, ~~and~~ dependent on the will of the legislature for its continuance in office.

The nominal ruler of the State was the President. He ~~was~~ OWED his election ~~for~~ EVERY seven years ~~by~~ TO a body known as the Constituent National Assembly, which in fact is a joint sitting of the two Houses of Parliament meeting for this purpose in the matchless splendour of Versailles. Candidates for this high position were usually prominent politicians in search of quietude after the storms and vicissitudes for which French politics are noted. Sometimes the President, in the earlier part of his career, had been Prime Minister and almost always a leading Cabinet Minister. Millerand and Doumergue, to name two Presidents since the First World War, were both Premiers who subsequently went to the Elysée.

The presidential powers were narrower than those in the United States. The business of government, was conducted by a Prime Minister (more correctly designated the President

of the Council of Ministers) and a large Cabinet, on whose advice the President acted. He ~~cannot~~ COULD, for example, openly recommend legislation such as his American counterpart frequently does. Nevertheless, he ~~was been accorded~~ POSSESSED considerable reserve powers. With the consent of the Senate he ~~may~~ COULD dissolve parliament, and in times of national emergency suspend the Constitution and the rights and liberties of all Frenchmen by declaring a "State of Siege". This machinery, though rarely utilised, enables the government to rule absolutely for a temporary period.

The Legislature ~~was~~ WAS composed ~~of~~ two Houses, a Senate and a Chamber of Deputies.

The Senate was elected indirectly by electoral colleges, there being one for each of the eighty-nine departments, consisting of major local governing bodies and the deputies of the area concerned. Senators ~~must~~ HAD TO be over forty years of age, and ~~are~~ WERE elected for nine years, one third of the members retiring ~~every three years.~~ TRIENNIALLY. There were three hundred members of this House, which was endowed with the same powers as the Chamber of Deputies, except that financial measures could be initiated by the Deputies alone. The Senate ~~may~~ also function AS A Court for the impeachment of Ministers and even the President. It ~~has one great~~ HAD THE CHIEF advantage over the lower House in that it ~~cannot~~ COULD NEVER be dissolved ~~by the President.~~ AS IT NOW DOES.

The Chamber of Deputies ~~sits~~ SAT behind the classic portico of the Palais Bourbon overlooking the Seine from the Quai d'Orsay. It consisted of 612 members including representatives from Algeria and the colonial empire. Members were elected for four years by universal suffrage over 21 in single constituencies on a variant of proportional representation known as the Second Ballot. Under this system, on the failure of any candidate to secure an absolute majority, those candidates who ~~have~~ POLLED fewest votes were deleted from the list, and another election ~~is held~~ ENSUED to decide between their more successful rivals. From this Chamber the majority of ministers were drawn, but at times governments were made and undone in the Senate just as ~~they are~~ IN THE DEPUTIES. A convenient rule in France, with no counterpart in British countries, is the right of ministers to speak in both Houses. They must vote, however, in the House to which they belong.

French public life is notorious for its instability. The average tenure of a French government between 1920 and 1940 amounted to seven months; in England over the same period the average was three and a half years. This unsatisfactory state of affairs, which resulted in such disastrous incompetence, may be ascribed to three main causes.

The first of these lies undoubtedly in the emotional nature of the French people and their disposition towards change and revolution in times of adversity.

In the next place, the electoral system ~~has~~ AFTER THE WAR promoted the growth of a multiplicity of political parties unequalled in numbers by any other legislature. In the Chamber of Deputies ~~there are~~ SAT approximately twelve parties, ranging from Royalists to Communists, which were really subdivisions of three groups: ~~the~~ THESE Right, Centre and Left. The result was that no one party, or no two parties, could ever command a majority in the House. Consequently every French administration ~~is~~ CONSISTED OF a coalition of several parties, arrived at AFTER hard bargaining, and at the expense ~~not only~~ BOTH of elevating unsuitable

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candidates to office ~~but~~ AND ~~of~~ compromising the professed policies of all sides. Stability can NEVER be expected from Cabinets erected on such shifting sands.

Thirdly, ~~there is the disadvantage~~ every French Government labours under THE DISADVANTAGE of not being able to threaten Parliament with dissolution in the event of their defeat. This is a lament of all ex-Premiers. In British parliaments the Prime Minister's right of advising the King or his Viceroy to dissolve Parliament, and order fresh elections, HAS a SALUTARY EFFECT ~~most valuable weapon in the government armoury~~, inasmuch as members will think twice before turning a government out of office if the sequel is to be the personal trouble, expense, and anxiety of a premature appeal to the country. IN THE NEW France, ~~returns to democracy, it is safe to assume that~~ AT WE SHALL SEE the electoral system and the powers of the Cabinet ~~will~~ HAVE undergone radical alteration.

The French judicial system corresponds in some respects with those of the English-speaking democracies; but there is only one aspect with which we need be concerned. In the British Commonwealth and the United States every man is equal before the law, and if guilty of an offence or liable to a civil action may be tried in the ordinary courts of the land. In France and most European countries this is not so. A distinction is drawn between civilians and civil servants. The latter can only be prosecuted and tried in tribunals specially established by the State for this purpose. In France, therefore, there are two distinct forms of legal process, and the protection thus accorded to civil servants is known as "Droit Administratif" or Administrative Law.

4. HOLLAND

The other example of Continental democracy is Holland, officially styled the Netherlands.

This country, with a population of over eight millions and one of the richest empires in the world, is a constitutional monarchy with a Parliament called the States-General. This body meets at The Hague, in the Binnenhof, a seventeenth century palace overlooking a picturesque lake in the centre of what is one of the most charming cities in Europe. Here, too, resides the Queen for the greater part of the year. The Dutch Royal family live quite unpretentiously; Queen Whilhelmina's palace ~~at~~ IN the ~~Hague~~ CAPITAL fronts directly on to a street of undistinguished appearance, and were it not for the presence of two sentries and the Royal Coat of Arms over the entrance one would never associate it with being the principal residence of the Sovereign. ~~This~~ Informality is also the keynote of the Scandinavian Courts. In Copenhagen, before the War, it was a common occurrence to see the King of Denmark riding through the streets of his capital on horseback, unattended. The King of Sweden, in his younger days, displayed a similar affection for trams.

The States-General consists of two Houses, an Upper House, the Eerste Kamer, of 50 members, and a Chamber of Deputies, the Tweede Kamer, of 100 members. The former body is elected by the eleven Provincial Councils for six years, one half retiring

every three years. The Deputies are elected by universal suffrage over 25 for four years, on a basis of proportional representation. They form the most powerful body of the two, for to them alone belongs the initiative in all legislation. As in all other countries where this mode of election is in vogue, there are numerous parties in the States-General, and the government of the day is of necessity either a minority or a coalition of rival groups. The Executive is modelled on that of Britain and France, the Sovereign acting on the advice of a Prime Minister and Cabinet of ten ministers who in turn are responsible to the Legislature. Both or either Houses may be dissolved by the Crown at any time in accordance with constitutional practice.

5. COMMENT ON FOREIGN DEMOCRACIES.

Before leaving the democracies it may be useful to try to establish certain conclusions from the operation of government in these three countries UNDER REVIEW.

It is clear that the United States citizen is overworked in his role of voter. His obligations can best be appreciated by contemplating the position in Australia were the American governmental system suddenly transplanted there by some malevolent hobgoblin. Every year in our cities mayoral elections would take place as at present; every two years these would be followed by Municipal and district council elections; in the same biennial period Federal and State elections would be held, together with elections for the State Governor, Lieutenant-Governor, and State Cabinet Ministers; every four years the people would choose the Governor-General. And this is not all. Interspersed amongst this series of polls would be elections at regular intervals for local and Supreme Court judges; whilst finally, traversing this electoral galaxy like roving comets, would be occasional Referenda, Initiative petitions, and movements for the Recall of haughty Governors and somnolent M.P's. Now, the reaction of the average American to this deluge of ballot papers is in some cases bewilderment, in others boredom, and in most instances a complete lack of interest in politics. This deplorable frame of mind provides ample scope for the entry into the political scene of highly paid party organisers, racketeers, unscrupulous sectional interests such as Big Business cliques, who find in the weary disinterested voter an easy tool for the furtherance of their own selfish desires.

This leads to a second feature which is much more marked than in Britain or the Dominions: the corrupt NATURE of public life in ~~both~~ the United States and France. During the last twenty-five years the public in each of these countries has been gravely disturbed by the scandals in which a number of their representatives have been involved; not only Congressmen and Deputies but Cabinet ministers, senior civil servants, and, in an American instance, even A ~~the~~ President. The degeneracy of French politics since the Treaty of Versailles was largely responsible for the collapse of France in 1940.

A personal experience will illustrate in a small way the degree to which bribery has permeated American administration.

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Some years ago I paid my first visit to the United States. In a sweltering August evening such as only New York can know, we steamed up the Hudson River in the "Mauretania" past the majestic elegance of the city's tapering skyline. The heat was rendered all the more oppressive by the fact that Prohibition was then in force, and the ship's bar firmly shut. Immediately on docking, with an efficiency unequalled in the world, 600 customs officers were detailed to inspect the baggage of 600 passengers. Now I had been warned of the severity of the American customs and the thoroughness of their searching, and the number and size of my trunks did nothing to allay these apprehensions. I walked down the gangway and was promptly shown the official allotted me. It was apparent at once that he, at any rate, had not been observing the liquor laws. With a drunken lurch he grabbed my arm and from beery fumes came a thick spluttering,

"Say Chief, if you treat me like a gentleman I'll get you out of this place in five minutes."

There was nothing for it but to play the part indicated. Swallowing all old-fashioned principles about the probity of government employees I slipped $5 into his hand, and whispered, "O.K." ~~buddy~~".

He was as good as his word. Not a single package of mine was opened, and within five minutes he had piled my self and baggage into a taxi and sent us speeding away to an hotel.

With this example of a twofold infringement of the law before me, I thus entered the democratic portals of the United States. Now, whatever may be the faults of His Majesty's Customs, neither at Southampton nor at Sydney will the traveller meet an officer who is both drunken and corrupt. The incident was symbolic of what one later discovered to be characteristic of many aspects of American administration.

(3) Experience, especially on the Continent, has shown the need for great care in choosing the mode of electing parliamentary representatives. The dire results of proportional representation, even when the system has been partially applied as in France, have already been noted. The same effects were reproduced in Germany and the post-1918 democracies of Central Europe, all of which incorporated proportional representation as the basis of their electoral systems. Any form of popular administration, it seems, must guard against the paradox of democracy defeating its own ends by being too democratic. The average citizen in most countries is not particularly interested in government nor does he wish to participate in it actively. Given efficient administration and a fair deal to all classes, he is content to leave politics to the politicians. It is only when he ~~feels~~ THINKS his rights are infringed, his liberties threatened, his sense of justice outraged, that he grows vociferous and his concern in public affairs is truly aroused. It has been contended that in the United States these powers have been applied to government more widely than elsewhere, and that the overburdening of the American voter has tended to place the government of the country in the hands of skilfully organised sectional groups. On the Continent the device of proportional representation, by its mathematically precise reflection in the legislature of the many divergencies of public opinion in the nation, has in practice well-nigh frustrated the primary aim of all governments - efficient

and impartial rule. The wheel of politics, indeed, threatens to turn full circle. Having freed themselves in the course of centuries from government in its primeval form - rule by a despot - the peoples of these great republics, thanks to a too thorough application of democratic principles to their institutions, were faced before the War with an insidious reaction towards the common starting point of 1500 years ago. It is a sort of political counterpart to the modern astronomer's theory of relativity, of the finite universe, in which after aeons of time the explorer comes back to the spot from which he commenced his journey through space.

6. THE TOTALITARIAN STATES : ITALY

The second ideological category was formed by the totalitarian states. There is nothing new about it except the shirts of its adherents and an unwieldy name. Essentially, the system is simply a revival of that oligarchical absolutism that prevailed throughout Europe from the Middle Ages to the eighteenth century.

Though possessing many points of similarity the pre-war political structures of the leaders of this group - Germany, Russia, Italy and Spain - differed in important respects. Thus, Italy is a monarchy, where until her entry into the war in 1940 the Royal Family enjoyed widespread popularity. The personal ineffectiveness of King Victor Emanuel was outweighed by the strong impress the monarchical idea retains on Italian minds; and Mussolini had to yield to this spirit when he contemplated the establishment of a republic in the early days of Fascism. In Germany, on the other hand, the Nazis perpetuated the republican flavour of the Weimar Constitution and merged the offices of President and Chancellor (formerly corresponding with the President and Prime Minister in France) into a combination bearing the resounding title of "Reichsfuhrer". A further differentiation could be sought in the unitary constitutions of Italy and Hitler's Germany compared with the Federal Union of Soviets in Russia.

It will not be possible in this brief survey to dwell upon the individual features of each of these nations. Instead, it is wiser to concentrate on the one that constituted the clearest example of this type of government. The choice is not Russia, but Italy. ~~The~~ Twenty-one years of Fascism afford the best object lesson available of a dictator state; for to Italy was applied a political philosophy that had been more carefully developed than either Nazism or Spanish Falangism, and that proved subject to fewer transmutations than Russian Communism.

The edifice of Fascism presented a facade resembling in many features that of a democracy. Above the turbulence of politics reclined the King in whose name the administration of the Italian Empire was carried on. The Executive, nominally a Cabinet, was selected by the Prime Minister, portfolios being distributed in much the same way as elsewhere. The familiar titles of Prime Minister, Foreign Minister, Minister for Finance, Minister for Agriculture, Minister for the Interior and so on all existed in the Italian Constitution. Moreover, the Blackshirts preserved the appearance of a parliament in a bicameral legislature consisting

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of a Senate and a Chamber of Corporations. The constitution itself was a written one, contained in an Act of the Italian Parliament, in which were set out the respective powers of King, Cabinet, Legislature and Fascist Grand Council.

The Sovereign retained the prerogative of appointing and dismissing the Prime Minister, of nominating ~~the~~ members of the Senate, of dissolving the Chamber of Corporations, whilst no act of Parliament could become law without his assent; he could also exercise certain arbitary powers and privileges such as the bestowal of honours. The fact that the reigning monarch was too old and until 1943 too fearful to ~~sack~~ DISMISS Mussolini or to swamp the Senate with his own personal supporters, would not have precluded a stronger man from exercising what were the Sovereign's acknowledged constitutional rights. In Russia, Spain, and pre-war Germany the dictators were removable only by force; in Italy to the remedy of a coup d'etat was added that of an exercise of the Royal will.

The Italian Senate was a nominee house whose members were appointed by the King for life. Like the House of Lords, its numbers were unlimited; in 1938 the Senators totalled approximately 400. It was composed of Princes of the Royal Blood and men of distinction drawn from twenty-one walks of life such as literature, the arts, science, the professions, public affairs, and the services. Senators, as in France, had to be over 40 years of age, with the exception of the Royal Princes. This House sat primarily as a chamber of review; in the main its powers were more restricted than those of the Lower House; nevertheless it was designed to perform a useful function, and in addition acted as the highest court of justice in the land before which ministers could be impeached.

The more popular body, the Chamber of ~~Corporations~~ DEPUTIES, UNTIL ITS ABOLITION IN 1939, WAS KNOWN AS THIS might have served as an experiment of world-wide interest. It consisted of 400 members elected for five years. For electoral purposes there were no single constituencies; indeed, the whole kingdom comprised one gigantic electorate. In place of electoral districts were substituted corporations. All Italian citizens in employment were banded together in associations; in industry, for example, of employers and employees. These industrial associations in turn constituted 13 national Confederations, who proposed 200 out of the 400 candidates for the Chamber. Other avocations formed similar associations, and these proposed the remaining half of the candidates. Once compiled, the list of candidates was forwarded to the Fascist Grand Council for approval. The latter body could substitute names of its own choice to those already suggested; and having settled the list promulgated it to the nation. On polling day, which on the Continent always falls on a Sunday, those so entitled voted on the whole list by a simple affirmative or negative.

Generally speaking, all Italian citizens over twenty-one, or married men over eighteen with children, were given a vote. But this rule was subject to certain restrictions. The elector had first to be a contributor to a syndicate or confederation. If he was not that, his direct taxation must have amounted to 100 lire (£A1.6.0) a year. If he failed to qualify for either of these classes his last chance lay in his being a state employee or a Roman Catholic priest. The latest figures show that out of a population of 42 millions only 10½ millions were enrolled.

Great Britain, with a slightly larger population, had at that time over 30 million voters.

Theoretically, the Corporative Scheme possesses abundant merits. The multitudinous sections that make up the national life are represented by men who in their way are specialists and who can speak authoritatively on behalf of their constituents. Thus the Trade Unions virtually elect their respective deputies; the professions elect theirs; another coterie is drawn from manufacturing interests; another from agriculture; others again from mining, shipping, and public utility undertakings - in short, from every organised group in the realm. The result is a parliament composed of men who are trained, knowledgeable, and experienced, and who are potentially capable of rendering better service to the State than many of the ill-informed, and ~~insufficiently~~ HALF educated gabblers ~~that~~ WHO lounge along the benches of democratic legislatures.

Unfortunately in Italy, according to our own way of thinking, an enormous gap divided principle from practice. The rule that candidates for the Chamber of Corporations had first to win the approval of the Fascist Grand Council meant, in effect, prior membership of the Fascist party. Moreover, the voter was in reality accorded no choice. He had either to accept or reject the list in its entirety; there were no alternative candidates. And in a totalitarian state the wise citizen refrains from expressing dissatisfaction with the government either by word of mouth or in the doubtful privacy of the polling booth. The concentration camp and ~~worse~~ THE FIRING SQUAD are never far away. It was hardly surprising, then, that the Fascist party list repeatedly gained the ostensible support of nine-tenths of the electorate. This pretence of election, solemnly indulged in at regular intervals, was a feature common to all the dictator states. The recollection is still vivid of Nazi methods of obtaining majorities, and of Hitler's boasts that his policy was backed by 96 per cent of the German people. Many people were equally amused when shortly before the War the Russian government established an allegedly popular chamber whose members were elected on the customary absolutist plan.

Superior in importance to either the King of Italy or the Legislature was the Fascist Grand Council. Originally purely a party organisation, it was grafted on to the Constitution to the extent of becoming its most powerful limb. It rapidly emerged as the central co-ordinating authority of the State, had to be consulted on all constitutional questions, kept lists of possible Ministers, and although convoked only at the behest of the Duce who settled its agenda, was in fact the principal organ of government in Italy in whose hands the members of the Chamber of Corporations were mere marionettes. No measure, in practice, could be introduced in parliament without being sponsored by the Council; ~~and as has been shown~~, FURTHERMORE it controlled the whole machinery of elections. Eventually this body grew more powerful than Mussolini himself; the child of his creation, ~~it~~ became his master. Indeed, the Fascist Grand Council was so much the core of Italian government that it is truer to speak of Fascist Italy as an oligarchy than as a dictatorship.

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7. JAPAN

The third category in this suggested classification consists of the Intermediate States, those countries whose governments can be regarded as neither democratic nor totalitarian. As with the dictatorships, it will be sufficient to concentrate on a single instance of this group, the most interesting of which is Japan.

There are three salient features of the Japanese government; the Emperor, the Cabinet, and the Legislature. The powers of these instrumentalities are contained in the law of the constitution enacted by the Japanese parliament in 1889. The Emperor, besides being invested with the aura of a deity, is in his mundane sphere supreme commander of the army, navy, and air force. He declares war, makes peace, and concludes foreign treaties. He convokes parliament, closes and prorogues it. To him belongs the right of dissolving the popular chamber, the House of Representatives. He appoints and dismisses ministers and in times of emergency may issue Imperial ordinances, that is, he may govern by decree, but these ordinances must be approved by the legislature in the following session. The Emperor receives an allowance of £450,000 a year.

The actual government of the nation is conducted by a Cabinet of twelve ministers presided over by a Prime Minister. These dignitaries, appointed by the Emperor, are responsible to him alone. This is one of the cardinal points of the Japanese constitution. In all British legislatures the Cabinet is chosen from parliament and is dependent for its continuance in office on the confidence and support of that body. In Japan, ministers need not necessarily be, and in fact seldom are, members of either House and, as in the United States, they are beyond all parliamentary control. Thus the elected representatives of the Japanese people can never turn an unpopular ministry out of office; in theory the Emperor alone possesses this authority. In passing, it is interesting to note how low are the salaries of Japanese Cabinet ministers. The Premier is paid £1200 a year, each of the remainder £800. In Australia his opposite number receives £5000 annually while other Federal ministers draw salaries ranging from £1500 to £2500.

The Japanese Legislature, commonly termed the Diet, was first convoked in 1890. There are two chambers, a House of Peers (Kizoku-in) and a House of Representatives (Shugi-in), of equal powers.

The House of Peers is an original experiment, in composition partly hereditary, partly nominated, and partly elective. Members fall into five groups. First are the hereditary princes of the Royal Blood, princes and marquises. Next come the Counts, Viscounts and Barons all of whom are elected for seven years by their respective orders. These are followed by men of high learning or distinguished service, who are nominated by the Emperor. Fourthly are representatives of the taxpayers, elected by the taxpayers for seven years. The fifth section comprises four members of the Imperial Academy nominated by the Crown. The

last available figures showed 405 members of this chamber. Its powers, except for the initiative in financial legislation, are equal with those of the Lower House, but it has an advantage over the latter body in that it cannot be dissolved.

The House of Representatives, somewhat larger in size than the House of Peers, consists of 466 members elected for four years. Of these, 354 represent rural constituencies, 112 metropolitan constituencies. The whole country is divided into 122 electorates, each returning between 3 and 5 members, on a basis of one member to every 120,000 voters. The ballot is secret, on the principle of one man one vote, but the franchise is restricted to men only. Out of a population of 80 millions there are only approximately 10 million electors. Representatives are paid £300 a year.

The Japanese parliament is clothed with full legislative authority, and absolute control over taxation. Neither the Emperor nor the Cabinet can levy taxes; this is the sole prerogative of the Legislature. The Emperor must summon parliament at least once a year, the sessions usually lasting for three months.

The clear-cut party alignments of the western world have little place in contemporary Japan. This is to some extent due to the Cabinet being independent of parliamentary support for its continuance in office. The individual M.P. possesses ~~nothing like the same~~ BUT A SMALL PART OF THE authority ~~of~~ OF his fellow-members in the democracies. Out of the six or seven parties in the House of Representatives, there are only two which count; the Seiyukwai, notable for its aggressive policy in Asia and the Pacific, and the Minseito, which is less warlike and of more moderate ambitions. Other parties, such as the Shinto Club, and the Proletarians, are numerically insignificant and of slight consequence. In recent years, however, all these groups have been overshadowed by the rise of the Imperial Rule Association. This militant body, before the War, exercised tremendous sway. Composed largely of men in the fighting services, of which the army predominated, it captured many of the key portfolios as well as the chief advisory positions near the throne. The disastrous sequel to these events needs no recapitulation here.

There are three major characteristics in the constitution which prevent Japan from being classified as a democracy. Pre-eminent amongst these is the limitation of the suffrage to men only, for no government can be deemed representative which withholds from women the right to voice their opinion in matters of State. Secondly, the Cabinet is practically divorced from the legislature. Its responsibility is to the throne alone, and although parliament holds the purse strings, an unscrupulous minister with a strong personality is able, in his oriental way, to influence members to such a degree that the apparent value of the financial weapon as a controlling force over the Executive is virtually removed. In the third place, a Cabinet confronted by a recalcitrant Lower House may appeal to the Emperor and persuade him to ease the government's difficulties by proroguing or dissolving the Chamber. This procedure is by no means unknown.

Yet, if Japan is no democracy neither is it an absolute State. There is in Tokyo at least a partly representative parliament whose members are something more than the ventriloquist dummies

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that ~~echoed in~~ COMPOSED the Italian legislature. Rival political parties exist, and voters are free to choose between alternate candidates. Nor was there, until the Pacific War, a Duce or any rigid regimentation of government. Cabinets in Japan rise and fall with the regularity of the long Pacific rollers that wash their country's picturesque shores. As an example of a political betwixt and between, the government of Japan is perhaps the most illuminating that one can find.

PART TWO : BRITAIN

BRITAIN

1. HISTORICAL

No discussion of the British governmental system can be intelligible without some allusion to its historical development. It is not only England's story, it is our story too; for most of the ~~landmarks~~ ERUPTIONS of British constitutional history had ~~been passed~~ OCCURRED by the time representative government was granted to the Australian and New Zealand colonies.

~~At the outset it is important to realise that~~ The British Constitution is the result neither of deliberate design nor of doctrinaire theory, but on the contrary has evolved according to the exigencies of succeeding centuries. It was begotten, not made. Unlike any other constitution, it will not be found codified in any one Act of Parliament; instead it is contained in a series of statutes of world renown and a number of unwritten rules called "Conventions". These Conventions, though not in themselves legally binding, in effect have the force of law. They are founded on custom, on the accumulated usages of hundreds of years, and though in a sense anomalous today are one of the most original and useful contributions England has made to political science. The statutes referred to range from Magna Charta to the Parliament Act of 1911, and include such celebrated measures as the convocation of Edward 1's great parliament of 1295, the Petition of Right 1628, the Bill of Rights 1689, the Act of Settlement 1701, the Act of Union of England and Scotland of 1707. To these should be added the progressive extensions of the franchise comprised in the Reform Acts of 1832, 1867 and 1884, and the Representation of the People Acts of 1918 and 1928.

British Constitutional history may be divided into two main periods; the first, the struggle of the landed class against the Crown; the second, the emergence of Parliamentary government and the growth of democracy. This division is an arbitrary one liable to arouse the ire of historians, since ~~both of~~ the TWO phases were concurrent; nevertheless there is some justification for saying that between 1066 and 1689 the Constitution evolved out of the efforts of the great landed interests to emancipate themselves from Royal control, whilst between 1689 and 1928 the chief characteristics were the development of Cabinet government, the rise of a powerful commercial class that eventually over-rode the influence of the landed aristocracy and - the last stage - the organisation and education of the working class, and with it the ultimate establishment of what is loosely called democracy.

It is with the second period only that we need concern ourselves here.

The Act of Settlement provided, amongst other things, that upon the death of Anne the Crown should pass to the descendants of the Electress Sophia of Hanover. In 1714 this event occurred, and the throne was occupied by a German prince, George 1. Now until this date it had been the custom of the Sovereign to attend in person and preside at all meetings of the principal inner group of his Privy Council, the Committee of Foreign Relations, colloquially

termed the Cabinet, but with the advent of the Hanoverians a difficulty presented itself in the fact that the new King spoke no English. It is not surprising, therefore, that from the earliest months of his reign George absented himself from Cabinet meetings and that his place as president was taken by the principal Minister, who as the century wore on, became known as the Prime Minister. Of the chief ministers of this reign Sir Robert Walpole is the most conspicuous. This remarkable politician held office for the record period of 21 years, from 1721 to 1742, and is usually regarded as the first of the distinguished line of British Premiers.

The year 1714, then, is a watershed in our history, marking the beginning of the division of the Crown from politics. Thereafter these tendencies gathered in momentum, and by the middle of the 18th century the Executive had largely fallen into the hands of a Cabinet, virtually independent of the Privy Council, but dependent for its existence on the pleasure of the House of Commons as well as that of the King. The significance of this development lay in the fact that an increasing number of Royal prerogatives instead of being directly exercised by the Sovereign, were now coming to be wielded in his name by Ministers responsible to Parliament. This denoted yet another stage in the gradual erosion of the absolute powers of the Crown that had been in progress since 1215.

On the death of George 11 in 1760, however, this process suffered a temporary setback. The new king, but 22 years of age, aimed at restoring to the Throne the pristine authority it had enjoyed under the Stuarts. Unlike his royal grandfather and great grandfather, George 111 was born in England, English was his native tongue, and in his adolescence he had captured popular imagination by such declarations as,"I glory in the name of an Englishman". This was a welcome change from the Teutonic sentiment of the previous courts. The story of his upbringing is wellknown; how he must not merely reign but rule, and his mother's repeated adjuration, "George, be King".

Unfortunately for George 111, circumstances were against his attempt to re-establish absolute rule. When he ascended the throne, the country was in the throes of the Seven Years War, and sixteen years later the ill-considered policy ofhimself and Lord North had plunged the nation into an unedifying struggle with its own colonies in North America. Thanks to his political machinations, the years 1760-1783 rank as the most corrupt period in English politics, and the disastrous result of the Government's attitude towards the American Colonies, combined with the constant ebb and flow of Ministries in the first ten years of the reign as the King tried one Premier after another, did nothing to enhance the Sovereign's prestige. On the contrary, this sorry spectacle of the degeneration of public life, mingled with such stubbornness and incompetence, did much to strengthen the hands of those prescient statesmen who appreciated the significance and possibilities of the constitutional developments of the preceding 50 years.

With the conclusion of the American War, and the King's unwitting blunder of appointing Pitt to the premiership in 1783, the Crown's direction of politics was finally thwarted. For at this point two further circumstances arose directly antagonistic to George's ambitions. He became afflicted with recurrent attacks

of insanity, which increased in severity as time wore on, preventing him from transacting matters of State. And then there was the personality of his new Prime Minister. Though summoned to office at the incredibly early age of 23, first as Chancellor of the Exchequer, and in the following year as Premier, Pitt from the first displayed those qualities which even after an intervening span of 150 years still mark him as the greatest minister in British history. His personal courage, resoluteness, integrity, the sagacity of his counsel, and the progressiveness of his policy, soon won for himself a unique position in the House of Commons only paralleled by that of Churchill in the recent struggle. The effects of George lll's madness and Pitt's influence were momentous. The power of the Cabinet and of Parliament rose to a degree never before equalled, and thenceforth the erosion by Parliament of the royal prerogatives continued apace. There were no more serious checks. By 1810 the King had become totally insane, and from then until his death in 1820 his place was taken by his son the Prince Regent. The disreputable conduct of the Regent, who eventually succeeded as George lV, and the ineffectiveness of William lV, stimulated the constitutional evolution of the preceding century; and by the time a strong, obstinate, and masterful sovereign sat on the throne again, in the person of Victoria, the final victory by Parliament had been won.

2. THE KING

Without further preliminaries, let us turn to the framework of government as it exists today.

First of all, the King.

There is a widespread idea that the Sovereign is a mere figurehead, a society personage, a resplendent ornament without any essential function in the government of the NATION. Critics of the monarchy, such as H.G. Wells, Bernard Shaw, and Sir Stafford Cripps declare that it is an expensive anachronism for the State to expend nearly half a million pounds a year on maintaining a Court whose functions could be as efficiently and more economically performed by a president or a civil servant. An attempt will be made in what follows to refute this view, and to show that far from being a dispensable luxury, the Crown plays an important and an influential role not only in the British Constitution but in those of the Dominions.

The Sovereign may be considered in his three major capacities: (1) as head of the State in Great Britain; (2) as head of the British Empire; and (3) as head of the established National Church, the Church of England. Convenience will best be served by examining each of these separately.

(1) The King of England is an institution as well as a personage - a duality expressed in the old maxim "The King never dies". His office is hereditary, not nominative or elective. Upon his demise, the Crown passes to his eldest son or, if he has no son, to his eldest daughter. He is entirely removed from party politics and is above all clashes between factions, classes, and

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sectional interests. This aloofness from contemporary controversy is one of the Sovereign's chief merits, for it helps to preserve him from partisan criticism, and endows him with the character of a rock around which the ceaseless surgings of public opinion eddy and break, but never submerge. Governments rise and fall, parties ~~evolve~~ APPEAR, ~~disintegrate~~ DISINTEGRATE, and ~~reform~~ RE-FORM, but the King remains constant, and thereby ~~forms~~ ACTS AS the one central stabilising force in the administration of the realm.

Compare his position with that of the French and American presidents. It has been emphasised that they are essentially politicians, elected on short tenure, exponents, often protagonists, of burning issues of the hour. Few men after years of participation in party politics can suddenly divest themselves from partiality and bias on their election to the Presidential office. A modern hereditary monarch, on the other hand, assiduously trained from an early age for his high vocation, is more likely to be unprejudiced in his opinions, and to exercise his powers impartially, on account of his inexperience of party warfare and of the economic conflict for existence that besets most of his subjects. Furthermore, ~~the fact that~~ the Sovereign ~~is~~ BEING permanent instead of transitory results in a monarch of even the most ordinary intelligence acquiring a store of wisdom and a soundness of judgment, based upon a detached observation of men and affairs, that is of inestimable value to his ministers and those in authority under him. The reigns of Edward Vll and George V, to name but two examples from our own century, are rich in illustrations of the influence of a wise, far-sighted, monarch on the course of events. The Entente Cordiale between England and France, perhaps the most outstanding achievement in foreign affairs of the Edwardian decade, was greatly aided if not chiefly brought about by King Edward himself. George V's prestige reached a high pinnacle in 1931, when during the Financial Crisis of that year he expressed the wish to Mr. Ramsay MacDonald, then the leader of a Labour Government without a majority in the Commons, for the immediate formation of a National Government, composed of all three parties. The suggestion met with an immediate response not only from the Prime Minister, but from Mr. Baldwin, on behalf of the Conservatives, and Sir Herbert Samuel, on the part of the Liberals, and in September the Coalition Ministry was sworn in.

Despite the usurpation by Parliament and the Cabinet of many of the royal prerogatives, it is surprising how numerous are those that still pertain to the Sovereign.

In the first place, the King is the Commander-in-Chief of the Navy, Army, and Air Force. The days have long passed since he played the role of generalissimo - George ll, a better soldier than a king, was the last monarch to command his forces in the field, at the Battle of Dettingnen in 1743 - but this important function still belongs to the Crown.

It is in the political sphere that the authority of the Sovereign is most clearly revealed. Though removed today from politics, he is the first member of the triumvirate known as the King in Parliament - King, Lords, and Commons, the three estates of the realm. Thus he convokes the Legislature, prorogues it, and may dissolve at any time the House of Commons. He appoints

the Prime Minister and members of the Cabinet. No measure passed by Parliament can become an Act, that is, can become law, without his assent; every enactment commences with the words,

> "Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:"

This positive power implies possession of the negative right to veto bills of Parliament, a potent weapon in the Royal armoury. Himself the fountain of honour, the King alone can bestow honours, a prerogative of great consequence since it involves the creation of peerages and thereby partial control of the House of Lords. In addition, he declares war, makes peace, and concludes treaties with foreigh states, whilst in his hands rests the appointment of Privy Councillors, Judges to the High Court of Justice, as well as Ambassadors and diplomatic representatives.

There is an important constitutional convention, established during the last 130 years, that the King must act on the advice of his Ministers. The fact that he does so, thereby earning for himself the nomenclature of a constitutional monarch, does not vitiate in law his extensive powers. These can best be appreciated by imagining what an arbitrary and obstinate ~~monarch~~ SOVEREIGN could do were he determined to exert his authority. Thus, he could SUSPEND the Army chiefs thinking perhaps that they were incompetent, dismiss the Prime Minister and the Government of the day, flood the House of Lords with his own nominees, dissolve the House of Commons whenever he chose and order a general election, withhold his assent to legislation passed by Parliament and thereby temporarily bring to a standstill the whole machinery of government; he could promote personal friends from the Bar to the Bench, and entrust the conduct of prominent embassies such as Washington, Berlin, or Paris, to favourites.

But modern Kings of England move circumspectly, Warned of the dangers of headstrong action by the experiences of some of their predecessors - Charles l lost his head, James ll his crown, George lll his reason, George lV his reputation, by precipitate conduct - they exercise as a general rule their prerogatives sometimes at the request of, at other times in collaboration with, the Prime Minister and Cabinet. Thus the names of candidates for the positions of Lord High Admiral, C.I.G.S., and Air Chief Marshal are submitted by the Cabinet to the King for approval, backed by a strong recommendation that the candidate considered most suitable by the Cabinet be appointed. Again, Parliament is never summoned by the King on his own initiative, but always in accordance with the wishes of the Ministry. The same is true of prorogation, and usually of dissolution. There are precedents, nevertheless, for the Sovereign declining to accept his Prime Minister's advice to dissolve the House of Commons, on the grounds that Parliament had still a long period to run, and of the presence in the Commons of an alternative party sufficiently strong to form an administration capable of commanding the support of both Houses. The tendency, however, during the last twenty years, seems to be for the Crown to act unquestioningly on the wishes of the Government in this regard. When Neville Chamberlain returned from Munich in October

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1938, and many of his supporters urged on him the party advantages of an immediate appeal to the country, there was never any doubt but that the King would acquiesce if the Government recommended this course of action.

Concerning the choice of the Prime Minister, the Sovereign reserves to himself greater latitude. The convention is that the leader of the party commanding a majority in the House of Commons is requested by the King to form a Government. This does not necessarily mean that the Prime Minister must be in the Commons himself. He may, like Lord Salisbury, whose last tenure of office extended from 1895 to 1902, be a member of the House of Lords. And had it not been for the war, the successor to Neville Chamberlain would probably have been Lord Halifax, the former Foreign Secretary and British Ambassador to the United States between 1941 and 1945. The most striking instance of the Sovereign's freedom of choice occurred in 1923, when Bonar Law resigned the Premiership owing to ill-health. At that time, the probable leader of the Conservative Party appeared to be Lord Curzon, an ex-Viceroy of India and Foreign Secretary. It was generally supposed that George V would send for Curzon, a conviction shared by that statesman himself. To the public surprise, the royal selection fell on Mr. Baldwin, then a comparatively obscure parliamentarian who had but lately achieved prominence through being Chancellor of the Exchequer. Lord Curzon, it is related, on hearing of the decision which sounded the death-knell of his political ambitions, burst into tears.

So far as the selection of Cabinet Ministers is concerned, this in practice is the privilege of the Prime Minister. Having once assured the King that he is backed with sufficient support in Parliament to form an administration, he presents his list of colleagues to the Sovereign, who formally concurs. The Ministers are then sworn in at a special ceremony at Buckingham Palace or Windsor, in the presence of the King, who thereupon hands to them their seals of office, on receipt of which they kneel before him and kiss his hands. The proceedings usually conclude with a lunch or dinner party.

In the matter of assenting to bills passed by Parliament, the Sovereign for many years has subscribed his signature as a matter of course. The last occasion on which the Crown withheld its assent occurred when Queen Anne refused to sign the Scottish Militia Bill. About ninety years later, in 1801, George lll was equally obstructionist in declining to agree to Pitt's proposals for the abolition of restrictions on Roman Catholics in Ireland. On learning of the King's intransigeance the Government resigned, and a nonentity, Addington, succeeded the great Minister; but within three years Pitt was back in office, though at the expense of having to sacrifice his plans for a happier Ireland.

Public attention is often focussed on the bestowal of honours. Who in fact is responsible for the crop of barons and knights that appears every King's Birthday and at the beginning of every New Year? A distinction must be drawn between those conferred for political purposes, and those for other forms of meritorious service. Political honours, such as peerages, baronetcies and knighthoods, are customarily awarded on the recommendat-

ion of the Prime Minister; other awards, even peerages, are often dispensed by the Sovereign at his own discretion.

The first point was well illustrated in 1910-11 during the deadlock between the House of Lords and the House of Commons over the Budget and Parliament Bill. The Liberal government had passed through the Commons a bill the substance of which was to curtail the powers of the House of Lords regarding financial measures, and to limit their right of veto on bills in general. Not unnaturally, the House of Lords, the preponderance of whose members belonged to the Conservative party, objected. A general election ensued leaving the Ministry still in command of the House of Commons. The Bill was sent up again to the Lords, and again threatened with rejection. Mr. Asquith then appealed to the King, requesting him to create sufficient peers to overpower the Conservative opposition. George V consented; but rather than see the peerage swamped with over 300 nominees of the Liberal Party, the Conservatives withdrew their opposition to the measure, and the bill was ultimately carried on account of a large number of Tory peers absenting themselves from the chamber on the day of the division. A parallel case had previously arisen in 1832, on the issue of ~~Cabinet's emancipation~~ PARLIAMENTARY REFORM ~~in England~~, when the opposition in the House of Lords similarly gave way in face of the preparedness of the Crown to follow the Cabinet's advice to create additional peers.

Even in the conferment of political peerages, however, the Sovereign on occasion acts at his own discretion. In the General Election of November 29th, 1924, when the Conservative Party swept the polls, and the minority government of Mr. Ramsay MacDonald together with its Liberal supporters, were cast into the shadows, Mr. Asquith, the leader of the Liberal party, was defeated for Paisley. Before the new government was sworn in, George V conferred on the veteran statesman an Earldom and thus ensured the continuation of his distinguished services in Parliament.

It is unnecessary to discuss the prerogatives of declaring War, making peace, and concluding foreign treaties beyond saying that since the reign of Charles ll the Sovereign has exercised these powers solely on the advice of the Executive and with the express approval of Parliament. Today they are in fact parliamentary, not royal, prerogatives.

Finally, there is the appointment of judges, Privy Councillors, and diplomatic representatives. In the mode of their selection, the King's role is one of consultation rather than of direction. Judges are recommended by the Lord Chancellor from members of the senior Bar and approved by the Sovereign as a matter of course. The formula runs: "The King on the advice of the Lord Chancellor has been pleased to approve the appointment of....." Ambassadors are normally chosen on the advice of the Cabinet from the diplomatic corps, though this is not an inflexible rule. Lord Lothian and Lord Halifax, the last two British Ambassadors to the United States, were not members of the diplomatic service. Privy Councillors, too, are customarily political nominations, and any Member of Parliament on elevation to Cabinet rank is forthwith accorded the status of Privy Councillor with the prefix "Right Honourable" to his name.

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The second role of the Sovereign is head of the British Empire.

In view of the constitutional developments of the past twenty-five years, and of the fact that since 1926 the Dominions have acquired the status of independent self-governing nations, and of future possibilities, the Imperial position of the King bids fair to outrival his political importance at home. Just as he is the central stabilising factor in the government of Britain, so he is the central co-ordinating force in the British Commonwealth. It seems to be insufficiently realised that the Sovereign is the Emperor of India, the King of Australia, of New Zealand, of South Africa just as much as the King of England. When the King and Queen paid their state visit to Canada in 1939, the Dominion Parliament was opened by His Majesty in person and he affixed the Royal Assent to bills passed by that body. But ordinarily, as the King cannot reside in more than one place at a time, he delegates his functions to Viceroys, Governors-General, and Governors (as the case may be), who exercise the royal prerogatives in his name. On the relationship of the monarch to his representatives much may be said, but it will be best to defer such discussion until a subsequent section on the position of the Governor-General and State Governors in Australia. Suffice it to say now that the selection of his personal representatives is a matter of great concern to the Sovereign and one in which he plays a positive part. The King corresponds directly with his Governors-General and Governors in regular dispatches but in the case of the colonies the normal channel of communication on political questions is through the Colonial Secretary. On the other hand, the Dominion Prime Ministers have the right of access to the Crown accorded to that of the Prime Minister of Britain, though they receive their commissions from their respective Governors-General and are in part responsible to the latter. It is well to remember that Dominion Cabinets are technically "His Majesty's Ministers" advising in all matters of state the Governor-General, and on rare occasions the King himself.

The third aspect of the Royal activities is ecclesiastical.

The King is head of the National Church, the Church of England, established and endowed by Acts of Parliament as a result of Henry VIII's quarrel with the Pope and the final breach with Rome in 1534. Ever since that date the King has occupied this spiritual position. But today the title is a nominal one, except in connection with ecclesiastical patronage, for the real head of the Church is the Primate, the Archbishop of Canterbury. There are 43 Bishops in England, including the 2 Archbishops of Canterbury and York, all of whom are appointed by the King on the advice of the Prime Minister. The King likewise appoints deans and some canons. In addition, there are numerous livings connected with the royal residences, the incumbents of which owe their places to the Crown. The relations between the Sovereign and the Church appertain to the constitution of the Church of England, a subject outside the scope of this book, but no account of the place of the Crown in the British Commonwealth can be complete without passing reference to the Sovereign's titular leadership of the religious

life of the nation.

It would be a mistake to leave the constitutional position of the King without some reference to his social influence. The personalities of Victoria, Edward VII, and George V won for the monarchy one of its most treasured functions: that of exemplar of the nation's virtues. Until 1837 the conduct of the King, both public and private, had often aroused just and bitter condemnation. Shelley expressed the sentiments of many when in 1819 he wrote of George III and the Prince Regent:

"An old, mad, blind, despised, and dying king,
Princes, the dregs of their dull race, who flow
Through public scorn, mud from a muddy spring - "

But as the years passed by following on the advent of the youthful and pure Victoria, the people began to see in the moral rectitude of the Court the putting into practice of their own ideals. The popularity achieved by Edward VII in his short reign, and George V's revival of his grandmother's sterner but duller qualities, evoked a devotion to the throne unparalleled in British history. Yet the image that appealed to people was not that of a Fuhrer or a wonder worker, but rather of a conscientious man, hard-working, happy in his family life, and possessing tastes shared by millions of his subjects. It was the threat to ~~shatter~~ this ideal that underlay the opposition of large sections of the masses to Edward VIII's proposed marriage with Mrs. Simpson, just as its maintenance by their present Majesties accounts for much of their popularity.

What remuneration does the King receive for all his services to the realm? Previously the Royal Family were possessed of large hereditary revenues, but many years ago these were surrendered to the State in return for a fixed annual grant by Parliament known as the Civil List. This sum, which amounts to £410,000, is settled by Parliament at the beginning of each reign, and the principal allocations in 1937 were as follows:-

£110,000 to the King's privy purse, that is for his own personal use;

£134,000 for salaries and retired allowances of officials and employees of the Court;

£152,800 for household expenses in connection with the maintenance of residences such as Buckingham Palace, Windsor, Sandringham, and Balmoral;

£13,200 for the Royal Bounty.

In addition to the Civil List, the Crown was formerly in receipt of revenues ranging between £115,000 and £120,000 from the Duchy of Cornwall, but since 1936 the King has voluntarily surrendered this income to the State, after payment of allowances therefrom to the Princess Elizabeth and the Duke of Gloucester. Other members of the Royal Family are allotted annuities paid out of the consolidated fund, which are quite separate from the emoluments voted to the Sovereign.

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3. THE EXECUTIVE

The next branch of the constitution for consideration is the Executive.

The Executive is composed primarily of members of the Privy Council in the form of a Cabinet, but also of other ministers who are not Privy Councillors. Together they constitute the Ministry under the leadership of the Prime Minister, the whole being responsible to the House of Commons and the King. The Cabinet is the body, the other ministers the tail; to the former belongs the privilege of deciding the government's general policy, its conduct, and the parliamentary timetable.

The development of the Cabinet has already been traced: its origin in the seventeenth century as a Committee of the Privy Council (the committee on Foreign affairs) and how through the accident of circumstance in the eighteenth century it grew in numbers and influence until by the reign of Victoria it had become the controlling force both of Parliament and the Crown. During the course of this evolution certain underlying principles were established which apply today not merely in Britain but in Australia and the other Dominions.

The first of these is that all Ministers must be members of Parliament, save for a period of three months grace at the beginning of their tenure of office. Since the Ministry is dependent for its existence on the will of the House of Commons, it follows that its members must be accountable to that body or the House of Lords.

Second in importance is the principle of collective responsibility. That is to say, Ministers are publicly responsible for the acts of their colleagues as well as their own. No matter how strongly a Minister may disapprove of the conduct of a colleague he is bound inside and outside of Parliament to defend such an attitude. As a rule matters of policy are decided at regular (usually weekly) Cabinet meetings, and thereafter members are bound by the majority decision so arrived at. If a Minister disagrees on a question of major import, he is free to resign, and in fact is expected to do so. The principle of collective responsibility is succintly summarised in the well known story attributed to that picturesque Premier, Lord Melbourne, when at the conclusion of a Cabinet meeting he languidly remarked from the staircase of 10 Downing Street to his fellow-Ministers: "It doesn't matter what we say, gentlemen, so long as we all say the same thing."

In the next place the Ministry is selected by the Prime Minister and stands or falls with him. If he resigns, it is the practice for the government to do likewise. Moreover, the Prime Minister has the right to demand the resignation of any of his colleagues, an authority which no Premier neglects.

Fourthly, the Cabinet so long as it enjoys the confidence of Parliament controls the whole range of the legislature's activities. The two Houses are summoned, prorogued, and dissolved at its request. It formulates the legislative programme for the session, fixes the length of the session, introduces nine tenths

~~cent~~ of the bills, and allots the time available for private members' business. The tendency of recent years has been for the Cabinet to become increasingly powerful, and to exert an iron discipline over its supporters. This from time to time has provoked a healthy reaction on the part of ordinary members, but the kaleidoscope of events since 1930, calling for ever swifter and more direct action, has militated against their efforts.

Finally, until quite recently the Cabinet has been composed almost entirely of Ministers each representing a department of State. Ministers thus assume a triple character: as representatives of their constituents, of the branch of the Civil Service assigned to them, and as framers of national policy. But today on account of the overwhelming pressure of departmental business and of the necessity for co-ordinated long-range planning, the practice is originating of an inner group of ministers devoting themselves exclusively to considerations of policy. It is more and more evident that senior Ministers cannot do both. Hence in the Churchill War Cabinet, itself an inner group of the Cabinet proper, 5 out of 9 members were virtually freed from departmental duties.

The number of Cabinet Ministers in England has shown a marked increase since the beginning of this century. In the First World War the figure soared to 23; during the interval of peace the average Cabinet consisted of 19 or 20 members. In 1940, however, on accession of Winston Churchill to the Premiership, the high water-mark of 29 was attained, whilst he continued the subdivision initiated by Neville Chamberlain of a War Cabinet of 9 and an outer Cabinet of 20 members. Amongst the numerous ministers and under-secretaries not included in the Cabinet the most prominent are the Attorney-General, the Solicitor-General, the Minister for Pensions, the Post-Master General, the Under-Secretary for Foreign Affairs, and the Financial Secretary to the Treasury.

The functions of the Executive are best revealed by glancing at some of the principal portfolios.

The Prime Minister is the leader of the party that commands a majority in, or the support of, the House of Commons. Appointed by the King, he presides at Cabinet meetings, is the spokesman of the Government on all major questions of policy, and in times of stress of the nation. He is leader of the House of Commons, which means that resolutions and bills of the first magnitude are usually introduced by him. He has the right of access to the Sovereign on all occasions, and is the customary channel of communication between the King and his Ministers. And here appears one of those amazing anomalies in which the British system abounds: though the most influential citizen in the land, his office until very recently was unknown to the Constitution. In England no statesman is Prime Minister as such; he is always the holder of some other office, frequently the First Lord of the Treasury, and his annual salary of £10,000, until the increase in ministerial salaries ~~before the War~~, was paid to him not as Prime Minister but as First Lord. Not until 1905 was he accorded any particular order of precedence, when Edward VII ordained that the Premier of the day, Campbell-Bannerman, should rank after the Archbishop of York; and not until 1917 was he mentioned in any Act of Parliament. The State provides two official residences for the Prime Minister;

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10 Downing Street, originally Sir Robert Walpole's London house, and Chequers, a mellow rose-brick Jacobean country seat in Buckinghamshire given to the nation in 1917 by Lord Lee of Fareham.

In normal times, the Prime Minister's second in command is the Chancellor of the Exchequer, known in other countries as the Treasurer or Minister for Finance. This office, which is one of great antiquity, owes its title to the practice in the thirteenth century of a clerk in the Lord Chancellor's department who sat behind a screen checking off the royal revenue receipts on a form of chess-board. The Chancellor of the Exchequer is parliamentary head of the Treasury, and is responsible for the finances of the country. Every year, in April, he presents to the House a statement of the Government's receipts and expenditure, the Budget, together with estimates for future revenue and expenditure and the methods of raising these sums for the ensuing twelve months. As a rule, he is the Prime Minister's deputy, in the event of the latter's absence through ill-health, and he is frequently (though not always) regarded as next in succession to the Premiership. Baldwin was Chancellor of the Exchequer before succeeding Bonar Law as Premier in 1923; Neville Chamberlain held the same portfolio for six years prior to taking over from Baldwin in 1937. The Chancellor always sits in the Commons, and lives in an official residence, 11 Downing Street, adjoining that of the Prime Minister.

Rivalling, and on occasions overshadowing in responsibility the Chancellor, is the Secretary of State for Foreign Affairs. This portfolio is an offshoot of one of the earliest offices in England, generically termed the Secretary of State. In process of time the functions of the Secretary of State were gradually transferred to specially created Ministries; ~~thus~~ at the end of the seventeenth century, in the reign of William III, the office had been divided into the Northern and Southern Departments; by the middle of the eighteenth century these had given place to the positions of Home Secretary and Foreign Secretary. Today the Secretaries of State number eight.

As the name implies, the Foreign Secretary is the government spokesman on all matters pertaining to Britain's political relations with the outside world. He usually represents the nation at international conferences, and normally acts through the agency of Ambassadors, though not always on their advice, The practice has arisen in late years of the Foreign Minister superseding some of the activities of professional diplomats by preferring to establish personal contacts with the heads of European states, instead of leaving such negotiations to trained ambassadors. Mr. Anthony Eden is one of the progenitors of this school of activity, and before the War was frequently criticised for his hurried Continental tours and consequent interference with the routine of the embassies concerned.

The Foreign Secretary may be a member of either House. Amongst occupants of this office over the last twenty years, Lord Curzon, Lord Reading and Lord Halifax were peers; Sir Austen Chamberlain, Arthur Henderson, and Anthony Eden belonged to the Commons. An under-secretary always assists the Foreign Minister with his parliamentary and external duties, and it sometimes happens that the under-secretary succeeds his chief, as Eden did

in 1935 upon the resignation of Sir Samuel Hoare.

The seven remaining Secretaries of State represent Home Affairs, India, the Dominions, the Colonies, and Scotland, together with the two service departments of War and the Air.

The Home Secretary is solely concerned with domestic problems. He is the principal representative in Parliament of the Civil Service, and is the equivalent, on a much bigger scale, of the Chief Secretary in any of the Australian State Governments. He handles a number of ecclesiastical matters in connection with the Established Church, and performs many traditional offices of State. Amongst other things, he is responsible for prisons, asylums and reformatories; to him are addressed petitions for the reprieve of criminals condemned to death; and it is he who advises the King as to the exercise of this prerogative ~~in this regard~~. Many matters formerly within his purview, however, have in the last sixty years been delegated to newer departments; thus education is dealt with by the President of the Board of Education, local government by the Minister for Health and Local Government, employment by the Minister for Labour, housing by the Minister for Housing, and pensions by the Ministry of that name. The Home Secretary takes precedence in seniority over the other Secretaries of State, and, like the Chancellor of the Exchequer, is always a House of Commons man.

Of the three portfolios relating to the Empire, the Secretary of State for India is pre-eminent. It is generally allotted to a senior member of the ministerial party, but unfortunately a first hand knowledge of Indian affairs does not appear to be an essential qualification. He is, however, assisted by six non-parliamentary advisers appointed for five years, half of whom must have served for ten years in India, and who must receive their appointments within two years of having ceased to work in that country. The Secretary of State works in close conjunction with the Viceroy on questions of policy, and the success of a Viceroy's term in India is often conditional on the measure of agreement possible between himself and Whitehall. Lord Halifax, better known in his Indian days as Lord Irwin, criticised by many as an unsuitable representative, was greatly hampered in the administration of his office by the lack of sympathy prevailing between himself and Captain Wedgwood-Benn, the Socialist Secretary of State from 1929 to 1931. During the last twenty years this portfolio has been held by several prominent politicians, notably Lord Birkenhead, Sir Samuel Hoare, and Mr. Amery.

Two portfolios of particular interest to British peoples overseas are the Colonial and Dominions offices. The position of Secretary of State for the Colonies was first created in the eighteenth century, and after several vicissitudes became amalgamated, significantly enough, with the War Office in 1801. In 1854, however, these two departments were separated, and thenceforth the post assumed an increasing importance. With the status of the self-governing colonies enhanced to that of Dominions in the present century, a new portfolio reflecting this evolution came into being in 1925, the Secretary of State for the Dominions, and both were combined in one Minister. But the new arrangement proved cumbersome; and in 1930 a separate Secretary of State was assigned to Dominion and Colonial affairs respectively.

As the name implies, the Dominions Secretary is the

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channel of communication between the British and Dominion Governments. He works in close conjunction with the Dominion High Commissioners stationed in London, and is the mouthpiece of Dominion points of view at Cabinet meetings. In the appointment of Governors-General and State Governors he plays an influential part.

The Colonial Secretary, on the other hand, is concerned with those countries of the Empire (apart from India) which have not acquired Dominion status. These are the various types of Crown colony, such as Gibraltar, Ceylon, the Straits Settlements, or Sierra Leone; protectorates of which Northern Nigeria and the Malay States are examples; and mandates from the League of Nations such as Palestine and Tanganyika.

Just as his colleague represents the Dominions, so the COLONIAL SECRETARY IS the spokesman for the colonies in the British Cabinet. Similarly, he advises the King regarding the appointment of colonial governors and certain senior colonial officials. But in other respects his position is more onerous than that of his counterpart at the Dominions Office. He is answerable to Parliament for the administration of each colony, and both Governor and the highest officials therof are in turn responsible to him rather than to their local advisory or legislative council. Hence he is in continual communication with Britain's numerous pro-consuls, and in conjunction with them must often decide questions as complex as they are far-reaching in effect.

The three ministers for the fighting services are the First Lord of the Admiralty, the Secretary of State for War, and the Secretary of State for Air. They usually sit in the House of Commons and are responsible to Parliament for the conduct of their respective arms. The relations between the political heads and commanders in the field, between the men who govern and those who fight, are always delicate and frequently the occasion of considerable friction, as biographies of the First World War reveal. The same is probably true of the last conflict, for the points of view of a statesman and of an admiral or a general are fundamentally antithetical. The former is taught to achieve his ends by mastering the art of persuasion, of diplomacy, of leadership through widespread appeal; the latter by the execution of tactics based upon a tyrannical system of arbitrary commands. In Mr. Churchill's War Cabinet Mr. A.V. Alexander was First Lord of the Admiralty, Captain Margesson and later Sir James Grigg Secretary for War, and Sir Archibald Sinclair Secretary for Air, each representing the Labour, Conservative, and Liberal parties respectively.

An office carrying high Cabinet rank is that of Lord High Chancellor, one of the greatest and most historic positions in England. In origin earlier than either the Chancellor of the Exchequer or Secretary of State, the Lord Chancellor was at first an ecclesiastic, a royal chaplain, confessor, the keeper of the King's Conscience; but in progress of time he became the administrator of equity redressing the injustices of the Common Law, until by the eighteenth century he stood acknowledged as the supreme judicial officer in the land. This is his position today. In the Lord Chancellor, then, one finds an exception to the rule that the judiciary and politics are separate, for he is simultaneously the head of the British legal system and an influential Cabinet

minister participating in the political controversies of the hour. As head of the judiciary he presides over the House of Lords, when sitting as the ultimate Court of Appeal and on those rare occasions as a Court of first instance; when sitting in its parliamentary capacity he directs the debates from his seat on the Woolsack, just as the Speaker does in the House of Commons. Curiously enough, the Lord Chancellor need not be a peer, but in practice always is. It is on his recommendation that the King appoints judges to the High Court and King's Counsellors; judges of inferior courts and Justices of the Peace are appointed by the Lord Chancellor directly. In addition he dispenses considerable ecclesiastical patronage.

The holder of this portfolio is always a barrister of very high standing. He receives a salary of £10,000 a year, and an annual pension of £5,000 on retirement. These figures may seem large, but it is well to remember that a leading advocate at the English Bar will earn in good times anything up to £30,000 a year. The most scintillating Lord Chancellor since 1919 was the Earl of Birkenhead, but the last incumbent, Lord Simon, will probably equal the reputation of his old friend in the brilliance of his judgments.

~~Space will not permit of a description of~~ IT IS HARDLY NECESSARY TO DESCRIBE each of the LESSER ~~remaining 29~~ portfolios in the British government such as the Board of Trade, Education, Health and Labour, but there are two sinecures often mentioned in the press to which allusion should be made. These are the posts of Lord Privy Seal and Lord President of the Council. Both offices have beginnings discernible only in the mists of centuries long passed, and are usually awarded to distinguished politicians, who, on account of their consequent freedom from departmental duties, are thereby enabled to concentrate on issues of national policy. The Lord Privy Seal, until 1884, was nominally responsible for the care of the King's private seal; he affixed it to State documents before they were forwarded to the Lord Chancellor for the impress of the Great Seal; since then his functions have been undefined. The Lord President of the Council presides over the Privy Council whenever that body meets, but beyond this he has few duties.

Of the non-Cabinet ministers, the most important are the two Law officiers, the Attorney-General and the Solicitor-General, and the Post-Master General. On instructions from the Attorney-General's department are launched all major prosecutions in the name of the Crown, whilst in leading civil and criminal cases in which the Crown is involved he appears in Court on its behalf. The Solicitor-General assists the Attorney-General in the conduct of legal business, and both sit in the Commons. A curious custom, always observed, is that M.Ps. on appointment to either of these places receive the honour of knighthood. The Post-Master General is in function self-revealing, being the Minister in charge of posts, telegraphs, cables, and telephones. Sir Rowland Hill, the author of penny postage, is perhaps the best-known Post-Master General in English history, but his reputation was rivalled in the nineteen-thirties by Sir Kingsley Wood under whose guidance vast improvements in postal facilities were effected.

The functions of the Cabinet are never static. They are perpetually in a state of flux, expanding or contracting according

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to the exigencies of the moment. ~~Thus~~, After the outbreak of the last war, several new ministries were created, the most prominent being those of Supply, Food, and Reconstruction, held initially by Lord Beaverbrook, Lord Woolton, and Lord Reith. Recourse was also had to the establishment of nondescript positions such as Minister of State and Minister without Portfolio for the express purpose of enabling these office-holders to assist the Prime Minister in formulating general policy. These precedents are of necessity being followed in coping with the present complexities of a difficult peace.

No picture of the Executive is recognisable without some reference to the Civil Service. It is in the government departments that the real administration of the state is carried on. The Civil Service is as much a requisite of parliamentary government as the Cabinet, party system, or any other constituent organ. Without it the entire body politic would cease to function. This duality of a permanent head and a parliamentary head is the basic feature of administration in Britain and the Dominions.

Every ministry is headed by a permanent official, aided by a number of senior assistants. These are variously designated according to the department concerned. Thus, at the Foreign Office there is a Chief Diplomatic Adviser, a Permanent Under-Secretary, a Deputy Under-Secretary, and four Assistant Under-Secretaries. Likewise, at the Home, India, and Dominion offices the head is the permanent Under-Secretary supported by a Deputy and Assistants. At the newer ministries, however, such as Labour, Health, the Board of Trade, and Supply, this official is simply termed the Secretary. At the Post Office he is known as the Director-General. All departmental heads receive the same salary, £3,000 a year, whilst payment of subordinate positions corresponds similarly between each ministry.

The role of senior Civil servants is best appreciated by considering the embarassment of certain ministers on first being allotted their portfolios. Not every member of the government can expect to receive the ministry of his choice; political and personal considerations frequently prevent the most knowledgeable man from reaching the post best suited to him. Consequently, in every administration, a number of ministers must perforce lean heavily on their departmental heads for information, guidance, even instruction, all of which is freely and loyally proferred. Unworthy is he who fails to acknowledge this assistance.

The Civil Service throughout the Empire is essentially a silent service. Often attacked for alleged obstructionism and red tape, jeered at as a bureaucracy, assailed by a former Lord Chief Justice as the new despotism, it is precluded by convention from reply. This the minister of the department concerned is expected to do both in Parliament and outside; in Britain such reticence is observed with commendable promptitude. Civil servants must have no politics, be possessed of abnormal discretion, and a personal integrity not only above reproach but beyond all suspicion. In addition, they are expected to accord to the succession of ministers, Conservative or Socialist, who preside over their departments an equal measure of loyalty. The fact that they do so with such spontaneity is one of the reasons why the British Civil

Service enjoys ~~such an~~ an enviable reputation today.

4. THE HOUSE OF LORDS

The moment has now arrived to examine the British Legislature, the finest representative assemblage in the world. It consists of two Houses, the Lords and Commons, whose origin and growth form the principal theme of the domestic history of England.

The House of Lords possesses several remarkable characteristics, the chief of which relates to its composition. Membership falls into two main classes, the Lords Spiritual and the Lords Temporal. The Lords Spiritual are not strictly peers, but consist of 26 ecclesiastics of the National Church who sit in the Chamber ex officio. These are the Archbishops of Canterbury and York, the Bishops of London, Winchester, and Durham, and 21 of the remaining 38 Anglican bishops who are accorded this privilege in order of seniority of appointment. The Archbishops rank equivalent to the Dukes, the Bishops side by side with the Barons. By custom, the Lords Spiritual always sit on the government side of the House, there being no cross-benches in the Chamber.

The Lords Temporal are peers of the realm proper, comprising every branch of nobility - Royal Princes, Dukes, Marquises, Earls, Viscounts and Barons. These, however, fall into three subdivisions according to whether they are hereditary, elected, or Law Lords.

English and Welsh peers are hereditary, their rank entitling them to a writ of Summons commanding their presence at Westminster. Their numbers are unlimited, since all peers are nominees of the Crown, and today they have passed the 700 mark.

The Scottish and Irish peers, on the other hand, are elected, in the case of the former for the duration of Parliament, in the case of the latter for life, by the peerage of Scotland and Ireland respectively; 16 come from Scotland, 28 from Ireland. This method of representation is commendable since it ensures the attendance in the chamber of members who are genuinely interested in, and who have some capacity for, politics. A criticism frequently levelled against the 700 English peers is that less than half take their seats, and barely one-third regularly attend the sittings.

The third class comprises those peers ennobled for the purpose of assisting the House in its judicial functions - the Law Lords, or more correctly, the Lords of Appeal in Ordinary. Prior to their elevation they have been without exception High Court judges, but though they possess the rank and privileges of a peer, their tenure is for life only. They are created under a special enabling Act, for as was shown in the Wensleydale Case 1856 a life peerage carries no seat in the House of Lords. There are about 10 Law Lords, and when the House is sitting as a legal tribunal it has for many generations been customary for their Lordships to leave the entire conduct of judicial proceedings to those so qualified. Conversely, when the House is transacting ordinary business the Law Lords take no part in the work of a second chamber unless their opinion is specially desired on a point of law.

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This leads to the next noteworthy feature of the House of Lords, its dual function as a legislative and judicial body. In its latter capacity it crowns the hierarchy of the British judicial system, being the final court of appeal for civil cases in the land. It is also a court of first instance inasmuch as it may try peers charged with treason or felonies, persons impeached by the House of Commons, determine claims to the peerage, and adjudicate on disputed election returns of Scotch and Irish peers. Numerous cases may be found illustrating each of these points: the trial of Warren Hastings, which extended over seven years, is the most notable instance of the impeachment of a statesman by a vindictive House of Commons before a reluctant House of Lords.

Another salient characteristic of the House of Lords is that it can never be dissolved. Preponderantly a hereditary and nominee chamber, it assumes a permanence denied to the Commons, and is consequently divorced from the electorate and the momentary demands of public opinion.

It is partly because of these characteristics that the powers of the Lords have become circumscribed. As far back as the reign of Charles II the Commons contested the right of the upper house to reject financial measures, and though the controversy was never seriously revived in the eighteenth or early nineteenth centuries, it finally came to a head in our own era with the passing of the Parliament Act in 1911. This statute left unimpaired the right of the Lords to originate legislation, but in other respects it severely curtailed their powers. Under its provisions, the House of Lords cannot amend or reject any bill which the Speaker of the Commons certifies to be a money bill. Furthermore, its veto on other bills is limited to three successive sessions in two years. This means in effect that a government with sufficient determination and patience can sidestep a hostile House of Lords by sending its proposals to that body in three successive sessions and in the event of the bill being thrice rejected, then direct to the King for his assent. Thus the ultimate functions of the Lords today, as a parliamentary chamber, are reduced to sometimes originating, always reviewing, and occasionally delaying legislation. But in practice the upper house is more powerful than in strict constitutional law, ~~for~~ it is difficult usually for a Government so to disarrange its programme to the extent required to circumvent the Lords' veto; and the defeat of a measure in the House of Lords in two successive sessions (let alone three) is ~~usually~~ generally sufficient to cause the abandonment of any project.

It has been previously observed that the Lord Chancellor presides over the House of Lords ~~both~~ when sitting as a court and as a part of the Legislature. The statement, though correct in practice, is not altogether true in theory so far as Parliament is concerned. To the Lords, so the legend runs, is attributed greater decorum than the unruly Commons. Hence they keep their own order, and the Lord Chancellor on the Woolsack sits technically outside the chamber. None the less he presides in fact, and when absent his role is filled by the Deputy Speaker or the Chairman of Committees.

It is in the gilded chamber, too, that the King opens Parliament. On the appointed day he and the Queen drive in great

to Westminster and take their places on their thrones in the er. Meanwhile the Commons, led by the Speaker, are summoned e Bar of the House, and the King thereupon opens the proceedby reading a formal document known as the King's Speech, which ct is a survey of the legislative proposals for the ensuing on prepared for him by his Ministers. The King and Queen depart, the Commons return to their Chamber, and proceed to a motion called the Address-in-Reply, assuring His Majesty eir loyalty, thanking him for past favours, and for the res he has outlined in his Speech. The debate that follows several days, for it affords any member an opportunity of cising the Government's policy and of expressing his opposn thereto by tabling amendments to the motion. The Addressply, therefore, becomes in reality a vote of confidence in vernment, and a Ministry defeated on this issue has no altive but to resign.

To an onlooker, the House of Lords appears as perhaps ost disappointing assembly in the world. So much is expected, o little is apparent. Within its walls sit some of the FINEST t minds of the Empire: statesmen, lawyers, former Viceroys, NOTABLE e ecclesiastics, eminent scientists, leaders of commerce. YET ow seldom does this powerful combination exert its influence. THE acoustics of the chamber are extremely bad, a defect that is IN way compensated for by its sumptuous surroundings. Their ships have a habit of speaking in undertones which, from the GALLERY ry, sound like an incoherent mumble. Attendances are sparse, SAVE on rare occasions such as the opening of Parliament, which HAS become a social event coloured by historic pageantry; the defeat of a vital government measure; or a declaration of war. THOUGH from time to time the debates rise to a high order, there is ready a very strong case for radical reform of the constitn of this archaic body, and it is a problem from which no GOVrnment will dare to flinch now that the long night of war assed.

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5. THE HOUSE OF COMMONS

Every lover of politics must approach the subject of the House of Commons with feelings of reverence, awe, and emotion. In observing its origin and growth he beholds also the evolution of democratic institutions in the Dominions; in its struggles against the Crown in the sixteenth and seventeenth centuries he sees the refusal of Englishmen to tolerate arbitrary and despotic rule; in its final mastery of the administration of the realm he acclaims the establishment of that self-government through elected representatives which is the heritage of all British peoples. Nor is it merely the past that evokes such veneration. The intellectual lights of Westminster gleam as brightly today as in the age of Disraeli and Gladstone, of Peel and Canning, of Pitt and Burke, of Chatham and Walpole. Despite the snipings of disgruntled journalists and the jeremiads of decaying statesmen, the ability and integrity of members and the conduct and tone of their proceedings are unequalled by any other contemporary legislature.

The House of Commons consists of 615 members, elected for five years, drawn from England, Wales, Scotland, and Northern Ireland. Most of the constituencies return one member only, though there are certain exceptions to this rule. Since Mr. Baldwin's extension of the franchise in 1928, voting has been on a basis of universal suffrage for every man and woman over 21 years of age, on the principle of one man one vote. Occasional anomalies exist, such as the university seats (Oxford, Cambridge, London, English and Scottish Universities) candidates for which are elected solely by graduates of those centres of learning. The same graduates also have a vote for the districts in which they dwell, thus giving them two votes to the ordinary person's one.

The system of voting employed in the United Kingdom is that of "First past the Post". It is the simplest form of election known, and one advocated by many people in Australia. Voting is not compulsory, but politics excite considerable interest in England, and the average poll at a general election ranges between 76 and 80 per cent of the electorate. The matter is best 74
illustrated by an example. British constituencies frequently possess fantastic, picturesque, descriptive names, and the fortunes of war have provided a fictitious one that may fall into this category. Suppose that in the electorate of Percival-in-the-Wyre[1]

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1. General Percival was G.O.C. British, Australian and Indian troops in Malaya 1941-2, and along with 60,000 officers and men (of whom the author was one) capitulated to the Japanese at Singapore on February 15th, 1942. The force was thereupon placed in a Prisoner-of-War Camp, surrounded by barbed wire.

there are 75,000 voters enrolled, and one representative to be chosen. Four candidates offer their services: General Retreat (now at last on the retired list) in the Conservative interest, Commander Valiant (seeking to win fresh laurels on land after his exploits at sea) for the Liberals, Air-Marshal Venturesom for the Socialists, and Mr. U. Winjer as an Independent. After a spirited campaign, polling day dawns, and in the evening the votes are counted, with the following result:-

General Retreat	(Cons)	25,000
Commander Valiant	(Lib)	9,000
Air-Marshal Venturesom	(Soc)	22,000
Mr. Winjer	(Indep)	4,000

The contest has evidently been keen, for 80 per cent of the electors have voted. General Retreat wins. Though only gaining the outright approval of slightly more than two-fifths of those who have troubled to vote, the policy and personality of the General has attracted greater support than any other individual candidate, and he therefore takes his seat in the House of Commons as the member for Percival-in-the-Wyre.

Supporters of this form of election contend that it has two main advantages. In the first place it is very simple, and easily comprehended by even the stupidest elector. It obviates the necessity for marking the ballot paper 1, 2, 3, 4, in order of preference, as is the general practice in Australia; a cross opposite the desired candidate suffices. Secondly, this method ensures a comfortable majority for the winning side, and hence stable government. The House of Commons does not reflect with arithmetical precision the divergent shades of public opinion, but rather gives an exaggerated expression to the nation's political preferences just as if the public looked at itself in a contortionist mirror. This theoretical defect, it is argued, is richly compensated for by the prize of administrative stability.

On the other hand, critics of the system maintain that the House of Commons is no true expression of the will of the nation when many of its members are returned by a minority vote in triangular or four-cornered contests. Their contention is substantiated by official figures. At the ~~last~~ general election in 1935, approximately 13,150,000 people voted for National Government candidates, 8,435,000 against, yet the Ministerial party came home with 431 members to the opposition's 184. As to the merits of the controversy the reader must judge. On the one side, the system represents an affront to democratic theory; on the other, it tends to ensure stability of government, administrative efficiency, and continuity of policy over a reasonable period.

There were over 30 million electors on the rolls for the general election of November 1935, and millions for that of 1945.

This will afford a convenient opportunity to say a few words on British political parties. Always in a state of coagulation or disintegration, they fall nevertheless into three main groups representing the Right, Centre, and Left facets of public opinion, under the respective names of Conservative, Liberal and Labour.

The Conservatives and Liberals are the two great historic

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parties in English politics. In the seventeenth and eighteenth centuries they were known as Tories and Whigs, both labels being originally epithets of abuse. It was not until after the Whig triumph in 1832, with the passing of the First Reform Act, that the Tories under the leadership of Sir Robert Peel adopted the name "Conservative". The term "Liberal" was appropriated by the Whigs about the same time. This continuity envelops British politics with much of their romance. A Conservative M.P. today knows that he belongs to a party that has been in part responsible for British policy over the last 250 years - a party led variously by Churchill, Baldwin, Balfour in the present century; Salisbury, Disraeli, Peel and Liverpool in the nineteenth; Pitt, Chatham, and Bolingbroke in the eighteenth. Similarly, a Liberal member looks back with equal pride to Lloyd George, Asquith, Gladstone, Palmerston, Lord John Russell, Melbourne, Grey, Foxe, and Walpole. Happy will be the day for the Dominions when parliamentarians will feel honoured to be members of a party once led by a Smuts, a Bruce, a Laurier or a Seddon. For continuity breeds tradition, and both promote a fixity of purpose, ~~of~~ principles, and ideals, all of which are so sadly lacking in the public life of our own country.

The Socialist party as a parliamentary body is essentially a child of the twentieth century. Formed in 1900, it won but two seats in the elections of that year; in 1910 its numbers rose to 42; in 1924, with nearly 200 members, ~~191 and some Independent supporters,~~ and with the assistance of the Liberals, it formed a short-lived Ministry. ~~and~~ In 1929 it reached its ~~high water mark~~ APOGEE with approximately 280 members in the House of Commons, being sufficiently strong once more to assume office. Since 1919, Labour has tended to supplant the Liberal party as the radical force in English politics, gaining the allegiance of many left-wing Liberals. The more cautious Liberals, on the other hand, have inclined to throw in their lot with the Conservatives, a process hastened by the Economic Crisis of 1931.

The formation of the National Government in the autumn of that year provoked a split in the Labour and Liberal parties with far-reaching consequences. Thenceforth, Labour and Liberal supporters of the National Government stood as National Labour and National Liberal candidates. Each of these coteries is nominally a separate party, but it is probably true to regard them nowadays as appendices in disguise of the Conservative party. An equally important breakaway occurred in 1886, when a section of the Liberals under Jos. Chamberlain and the Duke of Devonshire severed their connection with Gladstone on the question of Irish Home Rule, establishing themselves as Liberal Unionists; in course of time they dropped their separate identity and became absorbed in the Conservatives.

The state of the parties in the House of Commons after the 1945 elections was, in round figures:- Conservatives, ; National Liberals ; National Labour ; Labour ; Liberals . The balance is made up of Independents such as the universally popular extremist James Maxton, and A.P. Herbert, the celebrated wit, together with several lesser known professors of fancy political creeds.

The presiding officer in the House is the Speaker. His is a position of great constitutional importance in that he regulates the debates, must be a ready encyclopaedia of parliamentary procedure, calls on members to speak, and is the channel of communication between M.Ps. and the Sovereign. A member of the Commons has no right of personal access to the Crown, but he may make representations through the intermediary of the Speaker. The Speaker always belongs to the party in office. Like any other M.P., he is an elected member of the House, but on elevation to the Chair he divests himself of party attachments and generally contrives to conduct himself with commendable impartiality. He has no vote except a casting vote, and even when the House is not sitting plays little part in current political controversies. In England it is usual for the Speaker to be returned unopposed at a general election, a tacit acknowledgement of his peculiar status.

There are, however, frequent occasions when the Speaker does not preside over the Commons. These are when the whole House goes into Committee, for example on Ways and Means, prior to consideration of the Budget, or on a bill of national importance. He then leaves the Chair, and the Chairman of Committees presides in his place. The Speaker is paid £5,000 a year, and receives a peerage together with a substantial pension upon retirement. The privileges and procedure of the House of Commons, and the whole machinery of legislation, have been adopted practically in toto by the Australian Commonwealth and State Parliaments. Accordingly, it will be best to defer consideration of these matters until the third part of this book when the making of an Act is discussed.

Being a member of Parliament is not all hard work with no rewards. Members of the House of Commons enjoy a position of respect in the community, are paid £600 a year, receive concessions in the matter of railway travel, and possess certain legal privileges. Thus under the Bill of Rights 1689, a member is unhampered by the law of slander in his utterances in the House, and may speak with unrestrained freedom and candour on matters under discussion. Again, in civil cases he is immune from arrest. If an M.P. is apprehended he will be immediately discharged upon motion in the court whence the process issued. This freedom from arrest, it should be noted, is confined to civil cases only; for a criminal offence a legislator is just as much liable to arrest as any other member of the public. An M.P. is also exempt from service on juries.

Of all the attributes of the British Parliament, the most prominent is its sovereign nature. Its powers are absolute. It can pass or repeal any measure it desires. If it so wished, it could prolong its life to ten years, force every person in the realm to pay five-sixths of his income to the Exchequer in taxation, or repeal the Statute of Westminster. There is no superior authority to interpret its powers, as in the United States or in Australia, in which countries both constitutions are subject to interpretation by courts specially created for that purpose. In England, Parliament itself is that authority, is above the courts, and its scope is boundless.

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6. LOCAL GOVERNMENT

The relations between Central and Local Government attracted considerable attention in England between the close of the Great War and the resurgence of Germany. One of Neville Chamberlain's many achievements which today pass unrecognised, or are deliberately overlooked by hasty critics, was the passage in 1929 of the Local Government Act, a measure of reorganisation that gave to British Local Government much of its present efficiency.

The central authority is the Ministry of Health and Local Government, headed by a Minister with a seat in the Cabinet. Local administration itself is farmed out between at least 6 bodies:- Administrative County Councils, County Borough Councils, Non-County Borough Councils, Urban and Rural District Councils, and Parish Councils.

The most important of these are the Administrative County Councils. They are called "administrative" to distinguish them from the 52 geographical counties. In number, the majority of them are in fact responsible for local government in the geographical counties; the remaining 10 being accounted for by subdivisions of the larger counties, such as Yorkshire, into North, East, and West Ridings, Sussex into East and West, and the like. These County Councils are responsible for all places within their areas except the County Boroughs. They vary in size, but in substance are the same, being elected by ratepayers every three years, in March. Councillors, once elected, proceed in turn to elect aldermen either from amongst their own members or from outside; the latter hold office for six years, one half retiring every three years. The County Council is presided over by a Chairman. It is the chief administrative and financial authority for the county with power to delegate its authority to lesser bodies, retaining a right of supervision over their activities - a practice of necessity frequently resorted to. It is responsible for elementary and secondary education, police, main roads and bridges, public health services, registration of births, deaths and marriages, and supervizion of food supplies.

Next come the County Borough Councils. A borough is an incorporated city or town, and a County Borough is a large provincial town of sufficient size to warrant its being administered separately from the County in which it is situated. There are 83 of these in England and Wales, and though geographically they always lie in a County Council area, they are outside the County Council and quite apart from it for administrative purposes. Thus Birmingham, with a population equal to Melbourne, sprawls from a corner of Warwickshire into Worcestershire but, as a County Borough, stands quite apart from the Warwickshire or Worcestershire County Councils. The test of a County Borough consists in the population of the unit concerned. Until 1929, all towns with a population of 50,000 inhabitants and over fell into this category, but since that date no town can attain County Borough status unless it has a population of 75,000. A County Borough Council has exactly the same powers as a County Council, is constituted on the same basis, and is elected triennially in March.

The Borough Councils number 255, and are incorporated by Royal Charter. They are towns with populations, since 1929, of less than 75,000. Each Council consists of a Mayor, Aldermen, and Councillors. A Borough is divided into wards, every ward returning one Councillor elected by ratepayers for three years. As with the County Councils. the Councillors elect aldermen for 6 years, and along with the non-retiring aldermen they also elect the Mayor who holds office for one year only. Forty Boroughs in England and Wales bear the title "City", a distinction conferred by Royal Charter and Letters Patent; and in 16 of these the Mayor is styled "Lord Mayor".

There are in round figures nearly 800 Urban District Councils, 650 Rural District Councils, and 7,200 Parish Councils. As the names imply, they are concerned with lesser local governmental functions in their areas, together with matters delegated to them by the County Councils. They are responsible in the main to the County Authorities and must be considered as subdivisions thereof.

Local finance consists partly of grants-in-aid from the Central government, partly of revenues raised by the local councils themselves in the form of rates and various fees. This is not the place to enter into a discussion of public finance, whether central or local, but many interesting points are involved in the financial relations between Whitehall and the Provinces, and in the solution of this relationship lies much of the satisfactory working of local administration.

7. JUSTICE

It is a moot point which is the greater of England's contributions to the world: parliamentary government or her legal system. Whenever British people have settled abroad and founded colonies, their laws have accompanied them; hence English law is the foundation of the juristic structures of the Dominions as well as the United States.

The judiciary is divided into four sections: the House of Lords, the Supreme Court of Judicature; the County Courts; and Courts of Quarter Sessions and Petty Sessions. To this should be added a fifth, comprising Coroner's and other miscellaneous courts, which may be ignored for present purposes. It is with the organisation of the Supreme Court that this section is more particularly concerned.

The highest tribunal in the land is the House of Lords, presided over by the Lord Chancellor, who is assisted by the Lords of Appeal in Ordinary and other peers of judicial experience. Its principal function is as an appellate court in civil cases, and all inferior courts are bound by its judgments as being authoritative pronouncements of the law. Even in Australia and the other Dominions the judgments of the House of Lords are followed as a rule by the courts of those countries, though there these judgments are regarded as "persuasive" rather than binding authorities. As to the original jurisdiction of this court, four examples were mentioned in section 4, namely, treason or felony of peers,

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impeachment by the Commons, peerage claims, and disputed Scottish and Irish election returns. Cases in this jurisdiction, however, rarely arise and when they do are invested with quaint survivals of earlier days. A peer convicted of treason or a felony, for example, if condemned to death is entitled to be hanged by a silken rope if he so chooses.

The tremendous prestige attaching to the House of Lords today is due to the calibre of its judges. They are almost without exception drawn from the finest legal minds in the kingdom. This has not always been so. During the eighteenth and the first half of the nineteenth centuries the quality of its members contained little of the richness found in Chancery or the old ~~corpse~~ COURTS of King's Bench and Exchequer. In the eighteen-sixties reformers actually toyed with the idea of abolishing the judicial functions of this venerable institution. Since the reorganisation of the British legal system, however, in 1873 the House of Lords rapidly soared to an unchallenged eminence, and for the last sixty years the pronouncements of its judges have become models for the clarity with which they have explained in simple, and often faultless prose, the complexities of the law.

Commensurate in status with the House of Lords, though more limited in jurisdiction, is the Judicial Committee of the Privy Council. As the name implies, it is an offshoot of the parent body with origins only vaguely perceptible in the tapestry of mediaval England. But in 1833 the various judicial activities that in course of time had become interwoven with the functions of the Council were vested in the Judicial Committee by statute, and so commenced its modern form.

The significance of the ~~body~~ JUDICIAL COMMITTEE lies in its being the final court of appeal in civil and criminal cases from the Dominions and Colonies. In Britain its authority is confined SIMPLY to acting as the ultimate tribunal for the hearing of ecclesiastical appeals. Today, when most of the bonds uniting the mother country and the Dominions have become intangible, its Imperial importance is thrown into greater relief, for its judgments are binding on all Dominion and Colonial courts. The Privy Council, therefore, remains as one of the last legal ties of the British Commonwealth. There is but one exception to this rule: a Dominion has now the right to abolish appeals to the Judicial Committee by unilateral action. Not unexpectedly, Eire has seized this fresh opportunity of severing connection with everything British, and in criminal cases Canada has followed suit.

The court may consist of the Lord President of the Council, the Lord Chancellor (both of whom are Cabinet ministers), the Lord Justices of the Court of Appeal, judges in the Dominions and self-governing colonies if they happen to be Privy Councillors, holders or former holders of specified Indian judgeships, and such other members of the Council occupying or having previously occupied certain judicial offices. Provision is also made for enumerated Colonial judges to act as assessors to the Committee. Litigants cannot appeal to London as of right. One of the parties must first obtain leave from the court below within a given time of the latter's judgment; the claim involved must amount to a considerable sum; adequate security for costs (which are necessarily high) must be forthcoming. Even so the Judicial Committee may in its discretion

decline to hear the appeal.

This court differs from others in two interesting respects. Its decisions are announced by a single judge only; there are no individual judgments as in the House of Lords or Court of Appeal. The judges, moreover, are pledged to secrecy as to the way they voted. Secondly, proceedings are characterised by great informality. Neither bench nor bar robe, hearings are conducted in a room of one of the State departments, and counsel argue their cases in an atmosphere that is almost conversational. Thus the highest tribunal in the Empire is in its externals amongst the simplest of the King's courts.

Next to the House of Lords comes the Court of ~~Appeal~~ SUPREME JUDICATURE. THIS CONSISTS OF THE COURT OF APPEAL AND THE HIGH COURT OF JUSTICE. THE COURT OF APPEAL ~~This~~ is presided over by a judge called the Master of the Rolls, who sits together with seven other judges known as Lords Justices. The Lord Chief Justice is also a member of this tribunal. The Court of Appeal usually sits in two divisions, in order to expedite litigation, and as its name implies, is solely concerned with hearing appeals in civil cases from the lower branches of the High Court. In recent years there has been a tendency to strengthen this Court in order to reduce the time and expense of legal proceedings, and ~~accordingly~~ today no appeal can be made to the House of Lords from a decision of the Court of Appeal unless the Lords Justices first certify that the matter is a fit subject for appeal. Side by side with this body is the Court of Criminal Appeal, the ultimate court in England in which criminal cases can be heard. It consists of the Lord Chief Justice and judges of the King's Bench Division; no appeal from its decisions lies to the House of Lords.

So much for the appellate Courts. The lower branches of the High Court are in the main courts of first instance, though frequently they hear appeals from the decisions of inferior courts. They are classified into five divisions; Chancery, King's Bench, Probate Divorce and Admiralty, Commercial Causes, and Bankruptcy.

The Chancery Division consists nominally of the Lord Chancellor and five Chancery judges, but in practice the Lord Chancellor never sits here. These judges deal with that branch of the law known as Equity, for example suits relating to wills, trusts, conveyances, mortgages, specific performance of contracts relating to land, and partnership disputes.

The King's Bench Division, so called because, originally, in the thirteenth century the King used to preside in person over this Court, is headed by the Lord Chief Justice of England. The present holder of this historic office is Lord Caldecote, better known as Sir Thomas Inskip, the former Attorney-General in the Chamberlain Government who as late as July 1939 declared that war between Britain and Germany was extremely unlikely. It is believed that his judicial ability exceeds his political perspicacity. Besides the Lord Chief Justice, there are sixteen King's Bench judges who adjudicate on all matters relating to the criminal and common law, that is to say the law of torts, contracts, mercantile and company law.

The Probate Divorce and Admiralty division has a president and four other judges. This Court embodies a heterogeneous collection of functions, for it is here that a requited executor comes to prove his uncle's will, a husband to divorce his wife,

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a ship-owner to recover damages for the injury caused to his vessel in last week's collision at sea.

The Commercial Causes Court is a comparatively recent innovation designed to comply with modern business requirements. Pleadings and procedure are considerably shortened, the jury is waived, and the time NORMALLY occupied by a suit ~~normally~~ ~~is~~ greatly reduced. For ~~contemporary~~ MODERN commerce it provides speedier and cheaper justice with the quality unimpaired. Two judges sit permanently in this jurisdiction.

Finally, there is the Bankruptcy Division with two judges exercising functions which to many people are only too distressingly familiar.

The County Courts, compared with the High Court, possess a very limited jurisdiction. In the main this is confined to the recovery of small debts and demands not exceeding £500, but it also extends to equity and bankruptcy within the same restricted scale. Proceedings in these tribunals are less formal than in the High Court, and cases are less protracted.

Now for the inferior courts. Quarter Sessions are held every quarter before Justices of the Peace in the Counties and before a law officer called the Recorder in the Boroughs. They try principally criminal cases, with the exception of murder, treason, perjury, forgery, bigamy, bribery, and abduction; but they also deal with many civil cases of a minor character. The lowest courts in the land are Petty Sessions and they too are presided over by Justices of the Peace. They are courts either of summary jurisdiction, or for the purpose of holding a preliminary inquiry when a person is charged with an indictable offence, and are concerned with trivial offences such as pilfering or driving without a licence and other infringements of the Road Traffic Act.

It will be remembered that Judges of the High Court are appointed by the King on the advice of the Lord Chancellor. They occupy a position of great national importance. To them falls the task of interpreting and declaring the law. It is not enough that they should possess profound legal knowledge; they must be detached from sectional controversies, free from any taint of politics, sufficiently remunerated to be beyond the temptations of bribes and favours, and unmoved by higher ambitions. Under the Act of Settlement 1701, their tenure is for life "quam diu se bene gesserint" which means literally so long as they behave themselves well, or, being freely translated, as long as they faithfully discharge their functions. Judges are removable from office only on an address to the Crown by both Houses of Parliament or, of course, by voluntary resignation. Those in the Chancery, King's Bench and Probate divisions are appointed from members of the Bar, and must be barristers of at least ten years standing. They receive a salary of £5,000 a year and a pension on retirement. It is customary for the King to confer on a barrister the honour of knighthood upon his elevation to the Bench. Vacancies in the Court of Appeal and the House of Lords are usually filled by promoting judges from the Chancery and other divisions, but this is not an inflexible rule as regards the Court of Appeal. Sir Wilfred Greene (Master of the Rolls) and Lord Justice Slessor, two prominent members of this court in recent years, were appointed direct from the Bar. The same is true of the present Lord Chief Justice, Lord Caldecote.

The correct way to refer to a Chancery, King's Bench, Probate or Bankruptcy judge is "Mr. Justice (Avory)"; to a judge of the Court of Appeal "Lord Justice (Scrutton)"; to a law lord, "Lord (Atkin)". In Court, they are all addressed as "My Lord". The High Court sits in London, but King's Bench judges travel regularly on circuit throughout the provinces for the convenience of litigants, the sittings being termed Assizes.

County Court judges, Coroners, Recorders and Justices of the Peace are appointed directly by the Lord Chancellor. With the exception of the last-named, they must all be experienced barristers. Justices of the Peace occupy an anomalous position. They are not qualified lawyers as a rule, especially those who preside over Petty Sessions. Usually they are country gentlemen, with a smattering of law, dispensing in a purely honorary capacity a rough and ready sort of natural justice. The system is open to severe criticism on several grounds, but it is the ancient English form of local justice, and on the whole works surprisingly well.

Cases are argued in the High Court, at Assizes, and often at Quarter Sessions, by barristers. These gentlemen are divided into two groups, according to whether they are members of the Senior or the Junior Bar. The former are King's Counsel, appointed by the Lord Chancellor and commonly known as "silks" from the silken robes they wear in contradistinction to the Juniors' robes of stuff. They are briefed, that is, are instructed to appear in Court on behalf of parties to a suit, by Solicitors, who form quite a separate branch of the legal profession.

To become a member of the Bar, a candidate is required to join one of the four Inns of the Court - the Inner Temple, Middle Temple, Gray's Inn, or Lincoln's Inn. Once admitted to any of these historic societies he must DINE AT HIS INN SIX TIMES A TERM FOR ~~eat thirty six dinners in the Hall of his Inn over a minimum period~~ ~~of~~ three years (an unusually sensitive digestion may take longer), pass a series of searching examinations, and pay the fees. So far as the dinners are concerned, what might be a pleasant social occasion is spoilt by exceedingly bad food and undrinkable wines; nevertheless they are partaken in an atmosphere redolent of past ages and long traditions. The students, clad in black gowns, sit in the Hall at tables arranged lengthwise; at one end of the Hall is a dais on which stands the High Table where dine numerous distinguished members known as Benchers. It is a common occurrence on any night in term to see some of the most notable lawyers of the day dining at High Table. After his three years tutelage, the student is called to the Bar amidst time-honoured ceremonial, and he is then launched upon the uncertain seas of his professional career. For the first year or two, if he is wise, he will pay to read in the chambers of a senior barrister, thereby acquiring invaluable experience. Thereafter, the real struggle commences and he may have to wait for years before earning anything more than a modest competence.

To the legal profession, perhaps more than any other in England, belongs a strict ethical code, a series of ancient traditions, and a pageantry of considerable charm. One of its most pleasing characteristics is the spirit of camaraderie and mutual help prevailing amongst all members of the Bar. The most distinguished King's Counsel and the youngest Junior are in their personal

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relations on terms of complete equality, addressing each other simply by their surnames. A barrister will always gratuitously assist another seeking his advice on a difficult point of law. In the law there is none of the rigid classification and artificial distinctions that abound, for example, in the army. The body which is popularly supposed to be the staunchest pillar of conservatism, if not of reaction, in the community, is in practice one of the most democratic in the daily life of its members.

8. NORTHERN IRELAND

No impression of the British administrative picture is complete without some reference to Northern Ireland. The experiment began in 1920 when the six counties of Armagh, Down, Tyrone, Omagh, Fermanagh, and Antrim united to form a government separate from the Irish Free State. Only one bridge between the north and the south remained: the Council of Ireland on which both were represented. In 1922, however, the Free State received Dominion status, and the northern counties thereupon promptly voted themselves out of the union. A boundary commission was set up, which, after three years, succeeded in delimiting the frontier of the two states. Northern Ireland emerged as a province of approximately 5500 square miles, or about one-fifth of the size of Tasmania, but with a closely settled population of over one and a quarter million.

The relationship established between Northern Ireland and the Imperial government is of peculiar interest to Australians, for it resembles in many respects that of the States to the Commonwealth. The government is based on the principle of division of powers between Westminster and Belfast. The King is represented by a Governor, appointed for six years, possessing the usual Vice-Regal powers of summoning proroguing and dissolving Parliament, appointing ministers, and the like, but he is subject to control from Whitehall in a way that no Australian Governor is. Thus, he is invested with the right to reserve bills, if so directed by the King (that is, Downing Street) "For the significance of His Majesty's pleasure"; furthermore, he must comply with instructions given by the Sovereign regarding any bills or orders approved by the Legislature.

The government is in the hands of a Cabinet of eight ministers all of whom are members of the Privy Council of Northern Ireland, and responsible to a Parliament of two Houses. This consists of a House of Commons of 52 members, elected every five years by universal suffrage over 21 years of age, the numbers being drawn from the counties in proportion to their respective populations. The upper house is termed the Senate and contains but half the membership of the Commons; 24 senators are elected by the latter body (an example followed in the reconstituted New South Wales Legislative Council in 1933); the remaining two are the Lord Mayor of Belfast and the Mayor of Londonderry. The relationship between the Houses follows closely on that between Lords and Commons, the Senate being circumscribed in its power over money bills, all of

which must originate in the house below. The legislature sits at Stormont, a suburb of Belfast, in perhaps the most beautiful parliament house in the Empire. Occupying an elevated position, this dignified Georgian edifice of white stone is approached by a long straight avenue with trees and handsome light-standards on either side. It was opened by King George V in 1922, ~~and~~ AND constructed at the cost of the British, not the Irish, taxpayers.

In addition to its local representatives, Northern Ireland sends 13 members to the British House of Commons, just as each Australian State and Canadian province sends a specified number of members to Canberra and Ottawa. But the powers of the Northern Irish Parliament are more limited than those of the Australian States. They consist merely of those delegated to it under the acts of 1920 and 1922; the residuum of authority is at Westminster. Generally speaking, it may legislate on questions of purely domestic concern. In this respect it has displayed initiative regarding education, unemployment insurance, police, old age pensions, and the government has earned warm praise for its successful agricultural marketing schemes. Yet the limitations on its ambit are severe. The Crown, defence in all its aspects, foreign relations, religious equality, post and telegraphs, customs and excise, overseas commercial treaties, and - most vital of all - income tax, all these are reserved to the Imperial Parliament. On the revenue side approximately nine-tenths of the taxes are collected by the British Exchequer; only relatively light levies such as stamp, licence, and death duties are garnered by the local finance officials. After allowing for services performed in Northern Ireland any unexpended balance of revenue is paid over to the Belfast Treasury. The control of the infant, by the parent, government is thus considerable and far more direct than that of the Commonwealth over the States in Australia.

Justice is organised on customary lines, the higher judiciary consisting of a Supreme Court of Northern Ireland. This sits in two divisions, a High Court presided over by a Lord Chief Justice, and a Court of Appeal with three Lords Justices. From this tribunal appeals lie to the House of Lords.

THE political divisions of the community are somewhat different from those in England. The burning issue, after twenty-five years of separation, is still membership of the British Empire characterised by close association with Britain, as opposed to a united Ireland. Those in favour of the present constitution form the Unionist party, and in a land notorious for religious feeling are almost without exception Protestants. Their antagonists, who are equally ardent Catholics, comprise the Nationalists. The Labour party is small, and inclined to support the Unionists on Imperial questions. In the earlier parliaments the Sinn Feiners managed to return one or two representatives. So far, the Unionists have had everything their own way. Repeatedly victorious at every election, they have at all times commanded at least forty out of the fifty-two votes in the House of Commons, and consequently a correspondingly large majority in the Senate. In domestic policy and general outlook they are the counterpart of the Conservative party in Britain, and despite an uninterrupted tenure of office have consistently maintained administrations of able and

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high-principled men. The name of the first Prime Minister, Lord Craigavon, will always be remembered in Irish history, and the present leader of the government brings many qualities coupled with wide experience to the discharge of his high office.

PART THREE : AUSTRALIA

1. APPROACH

The wisest approach to the study of government in Australia is along the ~~avenues~~ WATERCOURSES of history.

Originally, the early settlements were Crown Colonies, administered autocratically by a Governor responsible to Whitehall, ~~for his actions,~~ assisted by a small Council of his own choice. In process of time, as transportation ceased and voluntary immigration increased, this system of absolute rule was supplanted by what is termed representative government, the essence of which lay in a Governor working in conjunction with a Legislative Council mostly elected but still partly nominated. The principal officials in these representative bodies were the Colonial Secretary and the Colonial Treasurer. The suffrage was on a restricted basis, being limited to male property owners or men with special qualifications, but it was no more backward than the system of representation prevailing in England after the Reform Act of 1832.

In the eighteen-fifties, however, one of the biggest milestones in Australian constitutional history was passed. During the thirties and forties there had sat in the Imperial Parliament a coterie known as the Philosophic Radicals prominent amongst whom were Sir William Molesworth, and Lord Durham. The latter's famous Report on Canada in 1840 derived much of its inspiration from his private secretary Edward Gibbon Wakefield, who had already achieved notice ~~in connection with~~ OVER the founding of South Australia. Durham's report profoundly affected the subsequent constitutional development of Canada, and the liberal, far-seeing ideas of these statesmen influenced the whole trend of British colonial policy. Imbued with their doctrines, the Colonial Office granted almost complete self-government to New South Wales, Victoria and Tasmania in 1855; to South Australia in 1856, and to Queensland in 1859, thereby conferring on the Colonies a status known as responsible government.

Under responsible government the colonies were empowered to establish their own legislatures and enact their own constitutions. They were nominally administered as before by a Governor, but he was no longer solely accountable to London; INSTEAD HE WAS ~~but~~ advised ~~and~~ BY, & expected to act on the advice of a Cabinet wholly composed of members of the colonial Parliament who were primarily responsible to that Parliament. Their powers included all local affairs within the colony, taxation, customs, defence, the only limitations being control of foreign policy and certain enumerated matters which the Governor in his discretion could reserve for Her Majesty's pleasure. THIS MEANT, IN effect, the approval or otherwise of the Colonial Office. Apart from these reservations, which in practice did not impinge very seriously on their authority, the Australian colonies were sovereign states owing allegiance to the Crown. ~~This~~ SUCH was the system, extended to Western Australia in 1890, that remained in force until Federation at the dawn of the twentieth century.

From the start, Australian political development has been rapid. Within thirty years of the granting of responsible government to New South Wales, the movement for Federation had been launched; by the beginning of the nineties it had gathered

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such momentum that the first Convention was held in 1891, followed as the decade wore on by the great Conventions of 1897 and 1899. The final draft of the Commonwealth Constitution was agreed upon in the last-named year, and enacted in 1900 by the Imperial Parliament to take effect as from January 1st 1901.

For the past twenty years all sections of the community have suffered from varying degrees of disappointment over the working of the Constitution in practice. To the preceding generation it promised so much; to us its performance is so questionable. Yet before final censure is drawn due heed must be paid to the circumstances existing in Australia prior to Federation.

The idea of a Commonwealth devised in the eighteen-nineties was confronted with serious obstacles. The leaders of the movement were, in conception, far beyond the public opinion of their day. The States, after barely forty years emancipation from the leading strings of the home government, were asked to relinquish a portion of their newly-acquired sovereignty and between themselves create an all-bestriding Colossus called the Commonwealth to which would be entrusted matters of national concern. This they agreed to do, after years of persuasion, but without apprehending sufficiently some of the implications of their action. Though conscious of the advantages of the new plan they were loath to surrender a jot more of their legislative and financial powers, and their political independence, than was necessary. Unfortunately the Commonwealth came into being before the Australian people were truly prepared for it. Political federation preceded mental federation. This fact lies at the root of much of the discord between ~~the~~ central and state governments in subsequent years.

Then there were geographical circumstances. Australia is a continent in area, ranging from the tropics to the South Temperate zone, inhabited by a scattered population with many different problems, occupations, modes of living, and points of view. At the turn of the century, the people of Queensland, for example, knew little of the economic difficulties of Tasmania, nor were Victorians particularly interested in the outlook of distant Western Australia. Communications, moreover, were ~~comparatively~~ RELATIVELY slow, travelling compared with today lacked comfort, and these circumstances were hardly conducive to the production of a national outlook which can only be founded on a comprehensive national understanding.

Fortunately, the problem was not entirely an original one. In the United States, SOME OF the same difficulties had had to be faced one hundred years earlier by constitutionalists of that Republic, and the solution they arrived at provided a model from which our own Federal leaders derived much of their inspiration. The operation of federalism in Switzerland was another example much discussed and intensively studied. At the same time, the founders of the Commonwealth were determined to incorporate in the national edifice the salient features of English parliamentary government - a King represented by a Governor-General, and an Executive in the form of a Cabinet dependent on the will of a popularly elected Parliament - and in this combination of American Federalism and English Parliamentarianism lies the unique contribution of Australian statesmen to political science.

2. NATURE OF AUSTRALIAN FEDERALISM

From these preliminary considerations the main features of the Commonwealth Constitution will, it is hoped, appear in an intelligible light as the outcome of historical, geographical and political circumstances.

~~(1)~~ Pre-eminently, it is a contract between the States for the vesting of certain of their powers in a supervening authority. As with most important agreements, the contract is set out in written form embodied in an instrument of government enacted by the Imperial Parliament entitled "The Commonwealth of Australia Constitution Act". Without that Parliament's consent Federation could never have been born in a British Australia. Until Australia's adoption of the Statute of Westminster in 1942, legally the British parliament could have repealed the constitution at will. Today this could only happen were the statute itself first repealed. Neither contingency, of course, is remotely possible.

~~(2)~~ Secondly, only specified powers are ceded by the States to this master of their own creation. They retain the residuum of authority, the wells of their much-prized sovereignty, and it is to them that the Commonwealth must come for any additional functions it desires to exercise. One may criticise this arrangement, in keeping with the fashion of the day, but it is only fair to remember that Federation in 1900 would have been utterly impossible had the States been asked to surrender all their powers as the Canadian provinces did to the central government in 1867. The DIVISION OF FUNCTIONS IS A ~~characteristic is one~~ characteristic of cardinal importance. Whereas the legislature in Britain is the supreme authority in the land, the Australian Parliament can only make laws within the LIMITS prescribed by the Constitution. In the United Kingdom, sovereignty resides in the King-in-Parliament - King, Lords, and Commons; in Australia it is apportioned between the King acting through his Governor-General and the Federal Parliament on the one hand, and the King acting through his State Governors and State Parliaments on the other.

~~(3)~~ In view of this division of authority between Commonwealth and States, it is not surprising that the Constitution provides for its interpretation by a neutral judicial body created for this purpose, the High Court of Australia. The High Court, as will be shown later, is the final arbiter of the Constitution, though it may in its discretion permit litigants to appeal from its decisions on a point of constitutional law to the Privy Council.

~~(4)~~ Fourthly, the constitution is rigid and conservative in nature. Though it makes some provision for the unavoidably expanding functions of the central government, such as in the federal taxing powers or the birth of new states, it strives to retain as far as possible the status quo ante 1900. The framers of the constitution, moreover, deliberately assigned to it the characteristic of inflexibility. They were terrifed of the squalls and gusts of popular feeling to which all democracies are prone, and which in moments of ill-considered haste might result in an

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alteration of the constitution to the general detriment, and especially of the smaller states. Accordingly, they devised the elaborate and cumbersome machinery for alteration: the necessity for prior parliamentary approval, then for a referendum in which a majority not only of the total electorate but of the states was requisite before amendment could be effected by the Legislature. This procedure, for better or worse, has caused the rejection of two-thirds of the proposals for constitutional reform since federation.

The Constitution contains a system of checks and balances designed to ensure equality of treatment amongst several partners, and to protect the smaller States from their richer and more populous neighbours. It establishes a bi-cameral legislature with a House of Representatives elected in proportion to the populations of the six respective States, counter-balanced by a Senate designed as a "States House" to which each State, irrespective of population, sends the same number of members. The primary object of the Senate was to redress the disadvantage suffered by the smaller states on account of their minority representation in the lower chamber; furthermore, a conservative flavour was introduced by conferring on Senators a term of six years, and by providing that only half of this body retired for election on the dissolution of the Representatives. We shall observe how this principle has worked out in practice when we come to examine the constitution more closely.

Nor were these the only devices resorted to in order to safeguard the smaller partners. The constitution provided that for the first ten years of federation a specified proportion of customs duties was to be paid to the States by way of compensation for their financial sacrifice in yielding so lucrative a source of revenue to the Commonwealth. After this period had elapsed, redress was to be secured by the creation of an Inter-State Commission. Again, State equality was guaranteed by the well-known sections of the constitution prohibiting discriminatory taxation that have proved such a harvest to lawyers, ensuring "freedom of trade, commerce and intercourse", and the like.

Before discussing the framework and operation of the Commonwealth Government, it is best to turn to the States in order to preserve in historical perspective our survey of Australian politics. It will not be possible to investigate each State in turn, but this omission may be mitigated by the fact that all of them have essentially the same form of governmental structure. Thus in each, one finds a written Constitution embodying many of the features of the British Parliamentary Government; a Governor, Lieutenant-Governor, Executive, a highly organised judiciary, an efficient Civil Service, and a carefully planned local administration. Let us start at the top and examine the position and functions of State Governors. The observations that follow apply equally to the Governor-General.

3. THE KING'S REPRESENTATIVES

A Governor is appointed by the Sovereign for a period of five years. He is the King's direct, personal representative in the State, and nowadays is in no way the agent of the Imperial Government. There is a tendency amongst various sections of the community to think of the Governor in terms of resplendent uniforms, top hats, and garden parties; to regard him merely as a decorated figurehead, an opener of bazaars, of agricultural shows, handing out prizes at schools before the Christmas holidays, and delivering appropriate speeches on the occasion of national crises or commemorations. An attempt will be made here to advance a MORE RATIONAL ~~different~~ point of view.

The principal function of the Governor is constitutional. His powers are analogous to those of the King in England, and he exercises on the King's behalf all those prerogatives which the Sovereign would exercise were he himself resident in the State. It will be apparent, then, that just as in Britain no measure passed by Parliament can become law without the Royal Assent, so at Canberra and in the States no bill approved by the Legislature can be inscribed on the statute book without the Governor's concurrence. In addition, the Governor convokes and dissolves Parliament; appoints the Premier; approves of the Premier's selection of Cabinet Ministers; presides at meetings of the Executive Council; on the recommendation of the Cabinet appoints Supreme Court judges; formally opens each session of Parliament amidst picturesque ceremonial; recommends to the King, usually at the suggestion of the Premier but sometimes on his own initiative, the bestowal of honours; and performs numerous other duties of a lesser character. Although the constitutional convention is strongly established that a Governor acts on the advice of his Ministers, he is in law at liberty to disregard that advice, and is still possessed of formidable reserve powers, as appeared in 1932 when Sir Phillip Game dismissed Mr. Lang from the Premiership of New South Wales and sought other advisers.

It is frequently urged that vice-regal representatives should be Australians rather than Englishmen. There is much to be said for this contention, and it is prominent in the creed of the Labour party (though not always acted upon) in most States. Why, so runs the argument, should the highest position in the land be denied to Australians who in every OTHER respect are governed by their own nationals? Is the country so destitute of capable men that recourse must be had to outsiders to discharge the duties of this office? Nevertheless, an examination of the reasons adduced in support of "imported" governors discloses other useful functions which can only be performed by dignitaries from Britain.

They are visible Imperial links. So long as the membership of the British Empire is valued by the people of Australia, any factor conducive to the preservation of our ties with England is to be welcomed. The greater the interchange of public men and officials between the two countries, the readier will be the assimilation and understanding of their problems and points of view. To the average Australian, in particular the country dweller,

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who is prevented by the high cost of travel from visiting the land of his forefathers, the Governor is the representative not only of the King but of the British people. It is he who interprets to them, in a ceaseless round of visits, the British outlook on matters of daily life as well as on problems of Empire.

Again, it is desirable that the occupant of the office of Governor should be as impartial as is humanly possible. This goal is more likely to be attained by appointing an outsider, a man from another country and a different environment, than by elevating some local politician to Government House. A Governor arriving from England knows little of the intricacies of party politics; the religious divisions, sectional jealousies, the petty feuds that abound in any Australian State, and which are intensified in those with small populations. He brings a fresh mind to the administration of his office and is less likely to be suspected of partiality, self-interest, or bias than a local citizen no matter how meritorious the latter may be.

Nor is this all. Although a Governor acts on the advice of his ministers, even a mediocre MAN OF ABILITY is often of the utmost assistance to his Cabinet. His experience in Britain and elsewhere, together with the accumulated wisdom of a varied career, are frequently availed of by those with whom he works. For examples of this, though these men were not mediocrities, one need only turn back to the recent years of crisis, Lord Gowrie, the Governor-General, and Sir Winston Dugan, the Governor of Victoria, were distinguished soldiers; the Governor of Queensland, Sir Leslie Wilson, a former member of the House of Commons and subsequently Governor of Bombay; Sir Ernest Clark, Governor of Tasmania, a notable practical economist; the Governor of South Australia, Sir Malcolm Barclay-Harvey, an agriculturalist also well versed in problems of housing and slum-clearance.

There is also the question of finance. Though State Governors are paid by their respective governments, the salaries in every case are inadequate for the maintenance of the dignity and prestige of their position. Consequently appointments are usually offered to and accepted by men with sufficient private means to enable them to conduct the Vice-regal office in the customary manner. The average salary of a State Governor is £5000 a year, but in normal times it ~~will~~ CAN SCARCELY cost him another £5000 annually for living, entertainment expenses, and subscriptions. Now this additional expenditure is the equivalent of an export of goods and services, or, looked at in another way, represents an annual import of £5000 which is spent locally. In addition, an English Governor brings with him a considerable staff, all of whom are consumers of food, clothes, transport, and ordinary economic wants, and some of whom, like himself, are people with private incomes.

Finally, it seems only logical that since the Governor represents the King and is in regular communication with him during his term of office, he should be a person known to the King. The fact that the Sovereign resides in England renders it more likely that he will either know personally or be better informed about a Viceroy appointed from that country than one who has lived most of his life in Australia. It is said that one of George V's objections to the appointment of Sir Isaac Isaacs as Governor-General in 1930 was that on no occasion had he made the acquaintance of Sir Isaac; and that he intimated to Mr. Scullin, the then Prime Minister, that he would prefer to be represented in Australia by a man with whom he had had previous personal contact. Mr. Scullin, nevertheless, remained adamant, and the King, displaying a better grace than his Australian Prime Minister, reluctantly gave way.

These considerations, on balance, point to the wisdom of maintaining the present system of appointing Governors from England. But whether they be Englishmen or Australians it is apparent that the Governors play an active, useful, and significant role in our national life, and are fully entitled to the respect accorded them as representatives of the King and the widespread organisation of the British Empire.

Besides the Governor, each State has a Lieutenant-Governor.

The Lieutenant-Governor is appointed by the King for life on the recommendation of the State Ministry conveyed through the Secretary of State for the Dominions. He is always a distinguished local citizen, usually the Chief Justice, though the present Lieutenant-Governor of Western Australia (Sir James Mitchell) was formerly a well-known politician and Premier of that state. The office, from a practical standpoint, is intermittent in that the Lieutenant-Governor functions principally during the interval between the departure of a retiring Governor and the arrival of an incoming one. He may also officiate when the Governor, during his term of office, is absent from the State either on business or on leave (a Governor is entitled to six months' consecutive leave once in five years), but in this case the Lieutenant-Governor acts not automatically by virtue of his position, but as the Governor's deputy, that is, being expressly appointed by the Governor so to do. The distinction is unimportant except in connection with assenting to bills of Parliament, for when the Governorship is vacant he signs as Lieutenant-Governor, but when the Governor is merely absent from the State he signs as Governor's Deputy.

On the foregoing occasions, the Lieutenant-Governor exercises all the functions of Governor, both constitutional and social, enumerated above. But even normally, when the office is dormant, he may play a helpful part in advising the Governor on difficult points of constitutional law and procedure, especially if, as is customary, he happens to be the Chief Justice. During such periods, the Lieutenant-Governor draws no salary; he is only paid when actually functioning as Lieutenant-Governor or Governor's Deputy.

The Lieutenant-Governorship is purely a State office. In the Federal sphere, in the interval between the departure and arrival of Governors-General, one of the State Governors carries out their duties. When Lord Gowrie went home on furlough in 1938, the Governor of Victoria (Lord Huntingfield) assumed office as acting Governor-General in his stead.

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4. STATE EXECUTIVES

In all British democracies, the Executive is a ministry composed of members of Parliament primarily answerable for its actions and policy to that body. The Australian States offer no exception to this rule. Upon the grant of responsible government to the colonies in the eighteen-fifties, they adopted the British cabinet system in its essential features, and modelled the rules and procedure of their parliaments directly on those of the House of Commons. Most of the conventions that developed with English cabinet government find expression in our own States. Thus the Premier and his ministers are always selected by the Governor from the party commanding a majority in the Legislative Assembly; when they lose the confidence of the House they either resign or advise the Governor to dissolve Parliament. Portfolios, too, are distributed on the same principle as in Britain. Each minister is allotted one or more departments for which he is the parliamentary head, and they in turn are organised on lines similar to the British civil service. Differences, however, exist. In Australia the British distinction between cabinet and non-cabinet ministers is lacking. The cabinet is the ministry. Nor does the convenient practice obtain of dividing departmental duties between a minister and a parliamentary under-secretary. More often than not, the minister carries the burden alone, though in recent years there has been a tendency to lighten the load by creating two or three honorary or assistant ministers.

The ministry is headed by a Premier, and comprises a Treasurer, Chief Secretary, Attorney-General, together with Ministers for Education, Crown Lands, Agriculture, Railways, Local Government, Health and various other offices. Together with the Governor, they compose the Executive Council, which meets at regular intervals. These Cabinets, however, vary considerably in size from State to State. In New South Wales, ministers fluctuate between twelve and fourteen; Queensland and Victoria have ten; Western Australia eight, South Australia and Tasmania six.

The position of Premier corresponds with that of Prime Minister in England. He is appointed by the Governor, and selects his ministers who are approved by the Governor as a matter of course. An exception to this rule arises in the case of Labour governments, members of which are not the Premier's personal choice but elected by Caucus - a full meeting of the parliamentary party. The Premier presides over the Cabinet, is in constant touch with the Governor, is leader of the Legislative Assembly (in which he always sits), represents the State at important interstate gatherings such as meetings of the Loan Council, Premiers' Conferences, the Melbourne Cup, and is the spokesman not only of the Government but of the State on all major political questions.

Second in seniority to the Premiership comes the Treasury. In the smaller States, the Premier frequently combines both these offices, or, if he has no taste for finance, some lesser portfolio. The Treasurer's functions are similar to those of the Chancellor of the Exchequer in England. He is responsible for the administration of the State finances, and every year presents

a Budget to Parliament containing an account of revenue and expenditure over the past twelve months, ~~together with~~ TO THIS HE ADDS estimates of future receipts and expenses over the forthcoming annual period, TOGETHER ~~and~~ WITH methods for meeting such obligations.

After the Treasurer, the Attorney-General usually ranks next in importance. He is the law officer of the Government, and like his prototype in England, institutes major prosecutions and actions in the name of the Crown. In special cases he himself appears in Court, and when he does so is regarded as leader of the Bar. It follows that to shoulder adequately the responsibilities of his office, the Attorney-General must be a barrister, but unfortunately occasions have arisen when this necessary qualification has been overlooked. An instance occurred in Tasmania some years ago, when a Labour M.P. was allotted this portfolio whilst still a law student, and before he had passed the requisite examinations necessary for his admission by the Supreme Court as a legal practitioner. It sometimes happens that when the Premier is a lawyer himself, he assumes in addition the position of Attorney-General in preference to the Treasurership.

An office known to many people is that of Chief Secretary. This is one of the earliest portfolios, but its ramifications differ somewhat from State to State. Many of the former functions of the Chief Secretary in, for example, New South Wales, have been apportioned out amongst newer ministries, but in some of the other States he is responsible for police, prisons, asylums, the administration of charitable grants, licensing of entertainments, local government, the Civil Service, and a miscellaneous collection of other duties.

Other portfolios, such as Railways, Education, and Agriculture need no elaboration. Since the States own their own railway systems, and as education is their sole responsibility, each of these departments is represented in Parliament by a minister.

Ministers are drawn from both Houses of Parliament, but those from the Legislative Assembly are more numerous, and the holders of key positions such as the Premier and the Treasurer always sit in the lower chamber.

Attention is often drawn to the remuneration of ministers, Though substantial the figures are not high. Except in Queensland and Western Australia salaries are allocated by way of a lump sum which is apportioned by the Cabinet amongst themselves. The amount ranges from £23,400 in New South Wales, to £11,250 in Victoria, and £7750 in South Australia. In Queensland the Premier recieves £1,450 a year, each of his colleagues £1,150. In Western Australia the figures are rather higher; £1,700 for the Premier, and £1,500 for other members of the ministry.

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5. STATE PARLIAMENTS

A consideration of State Cabinets inevitably leads on to one of State Parliaments. Apart from Queensland, every State is governed by two Houses. a Legislative Assembly and a Legislative Council. In South Australia and Tasmania the former body is termed House of Assembly. The Assembly is loosely spoken of as the Lower House, the Council as the Upper House, but these phrases merely signify that to the Assembly belongs most of the initiative in legislation, whilst the Council is more a chamber of review.

The Legislative Assemblies exhibit great diversity in numbers. As might be expected, that of New South Wales is the largest, with 90 members, followed by Victoria with 65, and Queensland with 62. At the other extreme stands the Tasmanian House of 30 members, whilst South Australia has but 39, having been reduced to this figure in 1936 from its previous total of 46. Western Australia, on account of its large area, supports an Assembly of 50. In every State except Tasmania, these bodies are elected for three years. Tasmanian members sit for five years, an experiment likewise adopted by South Australia between 1933 and 1938, but abandoned by the Government in the latter year by reason of the loss of its majority at the polls.

The franchise extends to all British subjects over 21 years of age who have resided in the State for more than six months. Voting is sometimes compulsory, as in New South Wales or Victoria; in South Australia, on the other hand, it is voluntary, with the result that barely sixty per cent of the electorate trouble to go to the booths. The case for compulsory voting, however, cannot be based on this high degree of abstinence alone. For the essence of democracy is freedom; and if over one-third of the people are insufficiently interested in the government of Australia to exercise their prerogative of indicating once in three years what national policy should be, it seems illogical to compel them to express directions which they neither desire, nor in many cases are competent, to give. In the mainland States, constituencies are single, one member representing each district, and the mode of election employed is known as the Alternative or Single Transferable Vote. The Alternative vote will be discussed in the section on the House of Representatives, for the same system obtains there. In Tasmania, on the other hand, candidates are elected by a form of proportional representation known as the Hare-Clarke system, the island being divided into five constituencies each returning six members.

As in the House of Commons, so in the Legislative Assemblies, the presiding officer is the Speaker. Elected at the opening of every new parliament, he is always a member of the ministerial party, receives a substantial salary, and enjoys a position of great respect. He usually appears in his traditional robes of office, though as a rule these are not worn by Labour occupants of the Chair; but most Speakers have well maintained the high standard of impartiality, and knowledge of parliamentary procedure, that has always characterised those in the House of Commons.

The powers of, and the relations between, the Legislative Assemblies and the Legislative Councils are in every State the same. On all matters of finance, the initiative lies with the Assembly. When the Budget is sent up to the Council, it cannot be rejected or even amended by that chamber; the most the Council can do is to suggest amendments to the Assembly, which in practice the latter often agrees to accept. In other respects the powers of both Houses are equal. Most legislation originates in the Assembly, but sometimes in order to avoid congestion bills are first introduced in the Council.

The Legislative Councils were designed as a brake on the Assemblies, and they have amply fulfilled this purpose. Their conservative temperament may be attributed to the election of members for long tenure and on a restricted franchise. In four states, councillors are elected for 6 years, either one-half or one-third retiring every 3 years upon the dissolution of the Assembly; in New South Wales they sit for 12 years, one-quarter retiring every 3 years. The franchise in Victoria, South Australia, Western Australia and Tasmania is limited to the following groups: owners of property bringing in an annual return of £10; inhabitant occupiers of property of a similar value; those who have matriculated at the University; members of certain professions; and in South Australia returned soldiers. In New South Wales, since 1933, the Legislative Council has been elected not directly by the people but by a joint sitting of the Assembly and the non-retiring members of the Council. Queensland, as was noticed earlier, has no second chamber; it ~~having been~~ WAS abolished by Mr. Theodore's Labour government in 1922.

The Upper Houses, in common with the Assemblies, vary considerably in numbers from State to State. New South Wales heads the list with 60 members; Victoria has 34, Western Australia 30, South Australia 20, Tasmania 18. Each of these bodies elects a President as chairman, who, like the Speaker of the Assembly, is a nominee of the party in power. The position has come to be regarded as one of distinction in the community, and has been filled by many notable public men.

The respect accorded to the President of the Legislative Council springs from the confidence felt by many sections of the public in the activities of the Chamber itself. There prevails in the Upper House of every State a far more deliberative, impartial atmosphere than would be possible in the Assemblies, and it is a common occurrence to find members voting on non-party lines, often against the attitude of their own side in the House below. Debates in the Councils frequently rise to a high level, though the contrast in environment between the two Chambers is very marked. After the squalls and tempests, the lightning personal interchanges, the electricity, of the Assembly, the Council resembles a tranquil lake in which State problems are reflected in the calm light of reason. This characteristic of comparative detachment has a salutary effect on hasty, ill-considered measures sent up from below, resulting in their either being frustrated or amended in vital passages.

In some respects, the Legislative Councils are the counterparts of the House of Lords. As with the Lords, they are essentially chambers of review where party feelings are not

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manifested strongly. Likewise, they are regarded as the senior legislative body, within whose walls the Governor formally opens each session of Parliament amidst picturesque ceremonial. Just as the King opens the proceedings at Westminster with a Speech from the Throne, so a State Governor from the steps of the Legislative Council reads a speech formulated for him by his ministers outlining the proposed programme for the session. After the Governor has delivered his speech, an Address-in-Reply is moved in the Assembly on similar lines to the Address in the Commons, and, as in the Commons, the motion affords an opportunity for all members to air their views on the Government's projected legislation.

Political parties in State Parliaments follow much the same lines as those at Canberra. Confusion may arise, however, on account of the various names by which they are known in different states. Opinion of the Right and Centre is represented by the United Australia party in New South Wales and Victoria; by the Nationalists in Queensland, Western Australia, and Tasmania; and by the Liberal party in South Australia. Country interests, especially those of the farmer and small landowner, are catered for by the Country party in New South Wales, Victoria, Queensland, and Western Australia. In South Australia the Country and Liberal parties are merged in a joint organisation called the Liberal and Country League. In Tasmania, the Country party does not exist. The Trade Unions and political opinion of the Left are represented in all States by the Labour party, perhaps the best organised and in policy the most consistent of the three. In addition to these groups, a number of Independents have made their way into parliament in recent years, largely as a result of the growing public antipathy to the existing method of pre-selecting candidates employed by all three parties. But their presence on the whole, has been ineffectual, since the party system is one of the leading features of English-speaking democracy; they have seldom retained their independent status for long, being gradually absorbed by the rival parties as circumstances dictate.

Members of Parliament are paid variously according to States. Those in New South Wales Assembly receive £875 a year; Legislative Councillors in this State are unpaid. In South Australia and Tasmania, representatives in both houses receive £400 per annum, a salary scarcely adequate to meet the expenses of their position.

6. JUSTICE

It is a basic principle of English colonisation that on the proclamation of an uninhabited territory as one of the King's possessions, the laws of England then in force - statutory, equity, and common law alike - shall bear the same application to the new colony as they do in England, so far as local circumstances permit. With the foundation of the Australian Colonies between 1788 and 1836 came a wholesale transplantation of English law and customs to the south Pacific. Accordingly, just as the States subsequently modelled their parliaments on the House of Commons, so their judicial institutions were copied very closely from those of the mother country, and these resemblances have subsisted down to the present day. Thus in both countries, judges, counsel, and clerks wear similar robes and wigs - picturesque survivals of the eighteenth century. The rules of court, especially of the Supreme courts, are taken from those of the High court in England. Forms of procedure are practically identical, and English precedents are constantly referred to and accepted. The law of evidence is the same, whilst in the realms of equity and common law the number of cases in which English High court decisions are not followed is MINUTE. Such authorities, it is true, are "persuasive" only, except judgments of the Privy Council in appeals from Australian courts, but in practice they are as binding as on the courts in England.

Being derived from a common ancestry, administration of justice in the States proceeds on a similar pattern, varying only sometimes in nomenclature, sometimes as to details in response to peculiar local needs. To this statement there is but one exeeption: the continued separation of law and equity in New South Wales. The eldest state, surprisingly conservative, has declined to follow the English Judicature Act of 1875, although this measure was promptly adopted by the other COLONIES in the nineteenth century.

In every state the jurisdiction of the courts follows the same pattern. Broadly speaking, it is graded in three layers. The Supreme courts are at once courts of first instance, of appeal, and criminal courts. Actions for relatively small amounts are heard in tribunals variously known as District, County, or Local courts; the less serious crimes in General or Quarter Sessions (Police courts in South Australia). Claims for very small sums and minor offences, come before courts of Petty Sessions. To these must be added a miscellaneous category consisting of special bodies such as the Industrial court for the hearing of trade disputes occurring within the state, the Coroner's court, Traffic courts for road offences, and the New South Wales court of Marine Inquiry.

The highest tribunals in the States are the Supreme courts. These vary considerably in personnel in proportion to respective populations. On the bench of the New South Wales Supreme court sit eleven judges, presided over by a Chief Justice who receives £3,500 a year; the ten remaining (or puisne) judges are each paid £2,600. Of the latter, two belong to the equity jurisdiction, the senior being known as the Chief Judge in equity, and these adjudicate on

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all cases concerned with such matters as trusts, wills, specific performance of contracts, brought in this court. The greater part of the Bench, however, is engaged on the common law side, and one of the judges sits continually on criminal cases. Retirement at the age of seventy is compulsory, but this personal misfortune is deprived of financial terrors by each judge thereupon becoming entitled to a substantial pension.

Elsewhere the lot of the judiciary is similar, exept that there is no separate equitable jurisdiction. As in Britain, they hold office during good behaviour and are removable only on an address to the Governor from both Houses of Parliament. In Victoria, the Bench is smaller, being confined to a Chief Justice and five others. Emoluments of the former are £3,000 a year, of the puisne judges £2,500, and as in New South Wales, they must retire at seventy. Queensland, on the other hand, provides for a Supreme court of seven judges, though at somewhat lower salaries; there the Chief Justice receives £2,250, the puisnes £2,000. In South Australia the judges number five, and earn the same remuneration as in Queensland, though that of the Chief Justice amounts to £2,500. They have the advantage over their brethren in New South Wales and Victoria of being appointed for life. The Western Australian and Tasmanian benches are smaller again, ~~in either state~~ EACH consisting of a Chief Justice and two puisnes. In the West, the Chief Justice receives £2,300 annually, in Tasmania only £1800; the other judges get £2,000 and £1,500 respectively.

The rewards of the judiciary are modest for the services they render to the community. From the early days the standard of Supreme court judges has been high, and almost without exception they have in every State administered the law with fearless impartiality. Appointed by the Governor on the advice of the State ministry (in practice the Attorney-General) they must be barristers of at least ten years standing, and in fact are usually prominent members of the bar who have "taken silk". Frequently elevation to the bench involves pecuniary sacrifice, for a successful barrister will normally earn anything between £2,000 and £8,000 a year in fees. Furthermore, the position entails isolation from many social activities; no judge can afford to be implicated in political, religious, and other controversies of the day. Such abstinence often means the loss of old acquaintances and abandonment of accustomed haunts.

The civil jurisdiction of the Supreme courts corresponds with that of the King's Bench, Chancery, Probate Divorce and Admiralty, Divisions of the High Court in England. Suits involving claims for breach of contract, damages for torts (that is, injuries to the person or property of another such as libel, slander, nuisance, trespass), provided the claims amount to more than £500 in New South Wales and Victoria, £700 in South Australia, are instituted here. So, too, are matters involving the interpretation of settlements and wills, and disputes arising therefrom, above the same financial limit, together with petitions for divorce, and applications for admission to the Bar. These are examples of the original jurisdiction of the Supreme courts, so called because proceedings are commenced here, and not in an inferior court. In recent years a separate jurisdiction has been set aside in the New South Wales

Supreme court for commercial causes. This, as was shown earlier, was an English innovation of the early nineteen-thirties which rapidly achieved great popularity in London. The aim in speedier trial of commercial disputes consonant with the exigencies of contemporary business. In order to expedite proceedings, formal pleadings have been virtually abolished, and the jury dispensed with.

Of equal importance is the work of Supreme courts as courts of appeal. The Full court, consisting in the larger states of at least three judges, in South Australia, the West, and Tasmania of a minimum of two, hears appeals from the decisions both of the District, County, or Local courts, and those of Supreme court judges sitting alone. From judgments of the Full court a further appeal lies either to the High court or the Privy Council if leave be so granted.

On the criminal side the Supreme courts possess no original jurisdiction in the foregoing sense. No matter how grave an offence, proceedings against the accused are invariably begun in the courts below. But the most serious crimes, such as murder, manslaughter, treason, rape, and arson, can only be tried in the Supreme court - (in Sydney at the Central Criminal court) and accused, if convicted, can appeal as of right to a court of Criminal Appeal composed of three judges of which the trial judge shall not be one. If he obtains leave accused may appeal once more, this time to the High court or the Privy Council, but such cases are rare.

An integral feature of the British legal system is trial by jury. The judge determines questions of law, and directs the jury to the law as it applies to the facts in dispute. The jury then bring in their verdict, and the judge pronounces judgment accordingly. He is not bound, however, to follow the jury's finding, and if he deems it perverse may set it aside and order a fresh trial before new jurors. In every state a Supreme court judge sits with twelve jurymen in criminal cases (there are no women on the jury as usually occurs in England), but in civil actions the practice diverges. South Australia has abolished trial by jury, and there bench and bar alike agree as to the excellence of this reform. New South Wales and Victoria, on the other hand, in common with England, have retained the jury for common law actions; it numbers ~~four~~ six in the Supreme court. In equity suits the jury has never existed, nor in New South Wales is it used in divorce petitions unless damages are claimed.

The Supreme courts do not, in the main, sit continuously, nor need actions necessarily be tried in the capital cities. The law year is divided into three terms, with a two and a half months vacation in summer. During this period, however, a judge is always available to attend to urgent matters. In order to meet the convenience of litigants one or more judges every year go on circuit, sitting in the chief provincial towns, and exercising both civil and criminal jurisdiction.

Next in the judicial hierarchy come what are known in New South Wales as District courts, County courts in Victoria, and Local courts in South Australia. In the two former states they are presided over by judges, in South Australia by stipendiary magistrates. Whereas a Supreme court judge is described as

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"Mr. Justice (Aguecheek)", a district or county court judge is styled "Judge (Belch)". In court both are addressed as "Your Honour".

The object of these tribunals, following the English pattern, is to settle relatively small claims in an inexpensive and expeditious manner. Hence pleadings are simpler and shorter, and proceedings less formal, than in the superior courts. In New South Wales and Victoria their civil jurisdiction is limited to claims up to £500, a figure that was raised in South Australia a few years ago to £700. They cannot deal with questions involving individual status, for example, divorce, or title to land, and though even in New South Wales they may apply equitable remedies, in practice nearly all equity suits are brought in the Supreme court. In Victoria, however, parties may ask that actions which can only be brought in the Supreme court be remitted to the County court for trial, and this privilege is often availed of. Appeals from the decisions of these courts lie as of right to the Supreme court. Concerning the jury, the practice differs in various states. Victoria retains a jury of four in the County courts, but in the New South Wales District courts it is dispensed with unless demanded by one of the parties, which sometimes happens. South Australia, as we have seen, has abolished trial by jury altogether in civil cases.

When exercising their criminal jurisdiction these tribunals change their name. In New South Wales they become Quarter Sessions, in Victoria General Sessions, in South Australia they are known as Police courts. Here are tried all classes of crimes exeept capital offences, in every instance before a jury of twelve.

The lowest grade is primarily composed of courts of Petty Sessions; in this category may also be placed tribunals for the trial of minor offences, such as the Traffic courts, and the Sydney Water Police court. In essence relics of an ancient form of British justice, whereby a man was tried by his equals, they are presided over in metropolitan districts by stipendiary magistrates, in country areas by Justices of the Peace. Neither magistrates nor justices, as a rule, are qualified lawyers; the former have usually been clerks of court, the latter are often tradesmen or farmers of some standing. The result is a rough and ready sort of justice which on many occasions proves remarkably fair, but at other times betrays an ignorance of the law which a little more learning might have avoided. Prolonged controversy has raged both in England and Australia over the composition of these courts, and though far from settled yet, eventually the professional argument will probably win.

As with the higher tribunals, Petty Sessions have a civil and a criminal jurisdiction, but here the last-named is the more important. This is the starting-point of the majority of criminal cases. Preliminary evidence is taken, and if the magistrate considers there is a case against the accused, he commits him for trial at General (or Quarter) Sessions. Minor offences, however, may be tried summarily in these courts - and this indeed is their principal work - but they can only

imprison for a short period, in Victoria for not more than a year. The jurisdiction of Petty Sessions in every state is explicitly laid down by statute, and appeals in criminal and civil cases may be made therefrom to the courts immediately above.

On the civil side, claims for only very small amounts with a maximum of £50 can be heard at Petty Sessions. To this rule there are several statutory exceptions. For example, if the parties agree, a magistrate can try actions involving sums well beyond this figure. But in general terms, a magistrate sitting alone has the same civil jurisdiction up to £50 as a district or a county court judge.

Before leaving this subject, a few words on the legal profession may not be out of place. Its organisation in Australia differs somewhat from that in England, where barristers and solicitors are carefully segregated. In four states the two branches are combined, students on qualification being admitted as "barristers, solicitors, proctors, and attorneys". In New South Wales and Queensland, on the other hand, practitioners must choose as to which side they will go, though in the former state a barrister after admission, and a solicitor of five years' standing, may seek permission of the Full court to change over if they so desire. Amalgation of the profession is defended in smaller communities on the ground that there is less work to go round, and consequently specialization spells poverty. The larger the centre, however, the less noticeable in fact is this fusion. Thus in Melbourne, solicitors in the main practise apart from the Bar; in Adelaide, leading counsel undertake little work of the kind usually performed by solicitors.

A law student undergoes a longer and a less pleasant tutelage than his counterpart in London. Australia has no ancient institutions such as the Inns of Court, nor the eating of dinners therein. In most states the less colourful, and far more onerous, procedure is followed of becoming an articled clerk to a solicitor for five years. During this period, the student either reads at the University for his law degree (LL.B.), which he can take in four years, or alternatively sits for a series of examinations conducted by the Supreme court. He must also attend daily at the office of the solicitor to whom he is articled, thereby gaining indispensable experience in the practice of his future profession. In Sydney, two courses operate, one for the Bar, the other for solicitors. Intending barristers need not necessarily, but almost always, pass through the law course at the University which, after complying with certain formalities, entitles them to admission. Would-be solicitors must do their five years as articled clerks, and in addition pass either the University or the Supreme court examinations. Students are admitted on motion before the Full court.

In all states, training is more arduous and more thorough than for the English Bar, though for solicitors the period in both countries is the same. The profession in Australia has maintained, as a whole, a high standard of integrity and learning, and despite very occasional lapses, magnified out of all proportion by sensational sections of the press, serve the public industriously and honourably, and at considerably lower fees than their co-practitioners in London.

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8. THE COMMONWEALTH GOVERNMENT

The late Mr. Alfred Deakin, one of the early Prime Ministers of Australia and a noted orator, in a typical effusion declared the structure of the Commonwealth to be "Strong as a fortress, sacred as a shrine". That, of course, was long before the fortification of Singapore. Today, the public probably knows more about fortresses than the deceased statesman ever did, whilst those of the A.I.F. who sweated in Japanese working parties do not look with favour upon shrines. Unfortunately for the precursors of constitutional change, they built fortresses better in Deakin's day than in our own. The provisions of the Commonwealth constitution are more difficult to circumvent than were the defences of Singapore island; they are still revered by many Australians in a more sacrosanct light than their national cathedrals.

This rigidity has already been mentioned as one of the leading characteristics of Australian federalism. An even more prominent feature previously observed is the division of authority between Canberra and the States, and the strict formulation in the Constitution of the powers ceded by the States to the Federal government. Now these powers, about which such controversy rages, ~~and whose interpretation has yielded such a harvest to the lawyers~~, are MOSTLY contained in Section 51 of the Constitution Act, and set out under 39 clauses known as "placita". They may conveniently be classified in two groups: those that are exclusive, that is belonging to the Commonwealth alone, and powers that are concurrent with those of the States.

As regards the former group, the Commonwealth has sole control of the army, navy, and air force, together with all matters pertaining to defence such as the manufacture of armaments and munitions; external affairs, involving Australia's political relations with foreign countries; the issue of coinage and bank notes; customs and excise; posts, telegraphs, telephones, and wireless; immigration; the administration of mandated territories such as ~~Papua~~ NEW GUINEA, some of the Solomon Islands, and Nauru; navigation; weights and measures; PATENTS copyrights and trademarks; and a number of lesser matters of which quarantine, naturalisation, census and statistics are examples.

The concurrent powers include authority to levy taxes, borrow money, engage in banking, transport, and business undertakings, and regulate public health. In addition, the Commonwealth is enabled to deal with industrial disputes extending beyond the limits of any one State, a prerogative that finds expression in the Courts of Conciliation and Arbitration. Some of the concurrent powers, such as taxation and banking could be exercised, were the Commonwealth so disposed, to such a degree as virtually to exclude the States from these fields. A selfish and avaricious Federal government, by the use of the taxing machine, could drain dry the wells of public revenue, and by simultaneously directing the Commonwealth Bank to engage in cut-throat competition with State Savings and private trading banks, shatter the financial structures of the States.

The framework of the Commonwealth government follows in outline that of the States. The King is represented by a Governor-General; the Executive, DESCRIBED IN THE CONSTITUTION AS THE FEDERAL EXECUTIVE COUNCIL, takes the form of a Cabinet drawn from the Legislature; Parliament is bi-cameral, consisting of a House of Representatives and a Senate; in the background operates a well-organised and efficient Civil Service.

The position and powers of the Governor-General resemble in many respects those of the State Governors, which have already been discussed. It will be obvious, however, that by reason of the Commonwealth's control of defence, external affairs, and other matters of national concern, his responsibilities are greater than those of any State Governor. After India and Canada, the Governor-Generalship of Australia ranks as the third most important viceroyalty in the Empire, and appointments are made to this office only after prolonged consultation between the Sovereign, the Dominions Secretary, and the Federal Cabinet. Under the Constitution, the Governor-General is Commander-in-Chief of the army, navy and air force; in law the various service chiefs exercise their respective commands as his delegates. He also, in the name of the King, declares war, makes peace, and concludes treaties with foreign countries; appoints the Prime Minister, convokes Parliament and dissolves it. His term is for five years, and he receives an annual salary of £10,000. The Government provides him with two official residences; Yarralumla at Canberra, and Admiralty House in Sydney.

The Governor-General, like the King, acts on the advice of his ministers. Their number is prescribed by the constitution, but Parliament is empowered to alter this figure in its discretion. Thus during the War, the Federal Cabinet reached the record number of 19; normally it does not exceed 14. In 1940 the British example was followed of dividing the Ministry into two sections, an inner group of ministers - in the Curtin government 7 - comprising a War Cabinet which decided questions of general policy and strategy. Every Federal government is composed of members of both Houses, but three-quarters of the Cabinet including all the principal ministers such as the Prime Minister, Treasurer, Attorney-General, and Minister for External Affairs sit in the House of Representatives. In order to assuage inter-state jealousies, portfolios are allotted according to state representation. This, in a national parliament, is a most unfortunate custom as it frequently means the exclusion of able men from Cabinet rank, and the allocation of offices to members whose only qualification is that they represent a particular State.

The Cabinet is presided over by the Prime Minister. He is invariably the leader of the party commanding a majority in the House of Representatives, and is appointed by the Governor-General. His functions are similar to those exercised by his counterparts in Britain and in the States, which have already been described. The success, it seems, of a modern Australian Prime Minister depends not so much on intellectual brilliance or oratorical achievement as on a likeable personality, a capacity for choosing men, a shrewd sense of political tactics, coupled with an ability to maintain harmony, unity, and loyalty amongst his colleagues. Of such a type the late Mr. Lyons was without question the supreme example; compared with his successor he was

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a mediocrity, but the former succeeded in a premiership of seven and a quarter years whereas Mr. Menzies lost the confidence of his followers in a little over two. The Prime Minister draws a salary of £5,000 a year, and lives in an official residence at Canberra styled "The Lodge".

Besides the Prime Minister, the principal portfolios are Treasurer, the defence ministries of the Army, Air and the Navy, the wartime ministry of Supply, External Affairs, Attorney-General, Trade and Customs, Commerce, and the Post Office.

The Treasurer is usually deputy-leader of the ministerial party, and his position is becoming one of increasing responsibility. Not only is he charged with administering the Commonwealth finances - Federal revenue now exceeds the aggregate State revenues - but he plays an important part in influencing Australian monetary policy through his relations with the Commonwealth Bank. Monetary policy is so much a cornerstone of government and politics today that a passing allusion to this branch of the Treasurer's activities is necessary.

The Commonwealth Bank was founded in 1911 as a Government trading and savings bank. Within thirty years it acquired a status akin to that of the Bank of England in Britain, as the Central Bank of the nation. Since 1924 it has had sole control of the note issue; in 1931 it assumed control of the overseas exchange rates. In a sense it is a "bankers' bank" in that today the trading banks, that is, the privately owned banks such as the Bank of New South Wales, hold both their reserves and a proportion of their deposits with it. Accordingly, its capacity for expanding and contracting the volume of credit is immense. It is administered by a Governor, and its policy is framed by a Board consisting of the Governor, the Secretary to the Treasury, and six others who must have been actively engaged in agriculture, commerce, finance or industry. From the foregoing, the importance attaching to the relations existing between the Ministry and the Bank Board will be readily perceived. These relations were much to the fore in 1930 and 1931 during the controversies between Mr. Theodore, the Federal Treasurer, and Sir Robert Gibson, the Governor of the Bank, concerning the Treasurer's proposals to inflate the currency; they were, inter alia, subsequently investigated by the Royal Commission on Banking in 1936, under the presidency of Mr. Justice Napier, whose recommendations were published in the following year. These recommendations, however, were not adopted by the Federal Parliament, until 1941, and their effect is to enhance considerably the Treasurer's influence and authority over monetary policy.

There are two prominent features of this legislation. Firstly, in the event of a deadlock between the Government and the Bank Board, where their differences are irreconcilable, the Government can compel the Bank to carry out its policy - providing it assures the Bank that it accepts full responsibility for, and is in a position to take (and will take) any action necessary to implement the proposed course of action. Thus in the last resort monetary policy is directed by the Cabinet and not by the bank. Secondly, the Commonwealth Bank may now compel the trading banks to conform to its policy. With the Treasurer's consent - which in certain circumstances may well amount to his direction - it may, and today actually does, require every trading bank to

keep with it a deposit of not less than a percentage specified in the requisition of the liability of that bank to its depositors in Australia.

This virtual subordination of the Commonwealth and trading banks to the Federal government has greatly added to the Treasurer's stature. In recent years he has become, IN THE EYES OF TAXPAYERS a modern version of the ogre in a fairy story, and is indeed one of the most powerful personages in the land. He has also a loud voice in determining the Commonwealth's financial policy towards the States, and always attends, sometimes in a presidential capacity, meetings of the Loan Council.

The ministry of External Affairs is another position which, like the Treasury, is on the up-grade. During the years of peace between 1918 and 1939, the Dominions sprang from adolescence to maturity as independent self-governing entities, a status defined in the Balfour Declaration of 1926 and partly expressed in legal form five years later by the Statute of Westminster. The effect of this evolution, amongst other things, is that Australia may conduct her own relations with foreign countries, and thus the Minister for External Affairs is rapidly becoming an office equivalent to that of Foreign Secretary in Britain. By 1941, the Commonwealth had already established separate Legations in Washington, Tokyo, and China, whilst for some years it has had a liaison officer attached to the Foreign Office in London. These representatives are all directly responsible to the Minister, and take their orders from him. The results of War on this department will be momentous, and Australia's future leadership in the South-Western Pacific combined with her ascending place in world counsels, will necessitate the portfolio being filled by men possessing only the highest qualifications.

Until 1939 the service departments were amalgamated in a ministry of Defence. In the same year they were partitioned by the Menzies government into three separate ministries; Army, Air, and Navy, a distinction that promises to be permanent. In addition, two new portfolios were created, Munitions and Supply, later to be supplemented by a ministry of Aircraft Production. Mr. Curtin on his advent to power in October 1941 established a ministry of War Organisation and Industrial Research. Other departments which sprang up to cope with the exigencies of war were the ministries of Information (another of Mr. Menzies' creations) and Home Security.

We come next to the Attorney-General. This minister corresponds with State office-bearers of the same name, but his functions are far more onerous. It will be remembered that the Federal government labours under the disadvantage of being subject to a written constitution by virtue of which it can exercise only enumerated powers, the nature and extent of which are interpreted by the High Court. It falls to the Attorney-General, as the law officer of the government, to advise the Cabinet as to whether proposed legislation is within the boundaries demarcated by the constitution, or whether it is ultra vires. Such opinions often occasion great difficulty, and the Attorney-General is frequently wrong, as is illustrated by the numerous cases in which individuals and States have successfully challenged the validity of Commonwealth legislation. The intricacies of constitutional law and

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the ambiguous statements of High Court judges in many previous cases compel the holder of this portfolio to be a barrister of experience and distinction. Dr. Evatt, ATTORNEY-GENERAL from 1941 to 194- sat on the High Court Bench from 1930 to 1940 and soon came to be regarded as an eminent judge; his predecessor was Mr. Spender, a prominent member of the New South Wales Bar. Mr. Menzies, acknowledged by his profession as one of the ablest lawyers in Australia, held this office in the second Lyons Administration; whilst the Chief Justice of the High Court, Sir John Latham, was Attorney-General between 1932 and 1935.

Of the remaining departments of state only a word or two will be said about the most conspicuous of them.

The Minister for Trade and Customs is charged with the administration of the tariff, and on questions of fiscal policy is assisted by a non-political group of economists known as the Tariff Board. Unfortunately the advice proffered by this body, which is always the result of patient research and impartial judgment, is sometimes ignored by all parties because of the political inconvenience likely to arise from its acceptance.

The Minister for Commerce is concerned with problems of primary production, the marketing of Australia's products overseas, and with the conclusion wherever possible ~~with~~ OF reciprocal trade treaties. In view of the Commonwealth's dependence on its primary exports this is a post carrying great responsibilities.

The Minister for Transport is answerable for the operation of the Commonwealth railways - the trans-continental and central Australia lines, the co-ordination of air services, and national road policy.

The Minister for Repatriation deals with vitally important problems affecting a large section of the public arising out of the two great wars of this century. In some governments this minister is in charge of widows, orphans, invalid and old age pensions. The latest tendency, however, is to assign pensions to a department of Social Services.

The Minister for Health is responsible for public health services in Commonwealth territories and mandates, and functions side by side with similar authorities in the States. He imposes, for example, health restrictions on persons entering the Commonwealth from overseas, and is in charge of quarantine.

In normal periods there is a Minister for Immigration, whose department should be one of the busiest in these years of reconstruction.

It was said of the British Cabinet that its functions are always in a state of flux according to swiftly changing circumstances. The same is true of the Federal ministry. Just as the War called into being several temporary departments, so these have lapsed in the aftermath only to be replaced ~~in one or two~~ SEVERAL ~~instances~~ by new portfolios designed to cope with the transitional period. These in turn will give way to other offices when the world returns to more normal living. This concertina characteristic of Cabinet ADMINISTRATION, which enables such rapid expansions, contractions, and alterations in its activities, is one of the chief means by which a democracy can prove itself as an effective, adaptable, form of government.

The principles and basis of organisation of the Civil Service in Britain find similar expression in Australia. So far as opportunities for employment are concerned the country is a civil servants paradise. Not only is there some duplication occasioned BY one Federal and six State administrations, but in a land where several industries are nationalised, government departments exist, especially in the states, for railways, lands, AND mines, which have no complement in Britain.

In the Commonwealth Civil Service each department has an official known as a Secretary as its permanent head. Sometimes, as in England, he goes by another name. The chief of the law department is the Solicitor-General; that of the post office is the Director-General of Posts; the railways are under the guidance of the Commonwealth Railways Commissioner. But in reality these are distinctions without a difference.

* SEE BELOW. [The senior ~~department~~ BRANCH is the ~~Treasury~~ PRIME MINISTER'S DEPARTMENT. The permanent head, the Secretary to the Treasury, is aided by an Assistant-Secretary and lesser officials. The stupid fiction prevalent in England of not recognising the Prime Minister as such is discarded at Canberra, where there is a properly constituted Prime Minister's department, also under the control of a permanent secretary. On the legal side the same arrangement is observed. The Solicitor-General, who directs this important department, is an ever-present help in trouble to the Attorney-General on the constantly recurring points of constitutional law which beset a Federation. This office has hitherto been filled by distinguished lawyers, the best known of whom was Sir Robert Garran K.C.]

The department of External Affairs is still in process of expansion. Already, however, the Secretary is assisted by counsellors and first, second, and third secretaries, being modelled on the less senior officials of the British Foreign Office. The department is divided into a political section and an international co-operation section. The former is concerned with foreign policy in general, and inter-Imperial relations. The latter deals with diplomatic representation in the Commonwealth, the League of Nations, treaties, and legal matters.

* THE STUPID FICTION PREVALENT IN ENGLAND OF SCARCELY RECOGNISING THE PRIME MINISTER AS SUCH FINDS NO ACCEPTANCE AT CANBERRA. THERE, THE PRIME MINISTER'S DEPARTMENT FORMS THE SENIOR BRANCH OF THE SERVICE WITH A PERMANENT SECRETARY AT ITS HEAD. THE TREASURY COMES NEXT, UNDER THE CONTROL OF A SECRETARY, WHO IN TURN IS SUPPORTED BY AN ASSISTANT-SECRETARY AND LESSER OFFICIALS. ON THE LEGAL SIDE THE SAME ARRANGEMENT IS OBSERVED. THE SOLICITOR-GENERAL, WHO DIRECTS THIS IMPORTANT DEPARTMENT, IS AN EVER-PRESENT HELP IN TROUBLE TO HIS PARLIAMENTARY COUNTERPART (THE ATTORNEY-GENERAL) ON THE CONSTANTLY RECURRING POINTS OF CONSTITUTIONAL LAW WHICH BESET A FEDERATION. FROM ITS INCEPTION THE PRESTIGE OF THIS OFFICE HAS BEEN HIGH, THANKS LARGELY TO THE DISTINGUISHED CHARACTER OF ITS FIRST OCCUPANT, SIR ROBERT GARRAN, K.C.

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9. THE HOUSE OF REPRESENTATIVES

The Federal Parliament comprises two Houses, the Senate and the House of Representatives, whose composition and powers are clearly set out in the constitution. Although the Senate is nominally the senior body, the lower House will be discussed first on account of its superior importance.

The House of Representatives consists of 75 members elected for three years. Representation is in proportion to State populations, the number of members for each State being computed according to a given mathematical formula. Since these populations are apt to vary both in their totals and in their ratios to those of other States, the distribution of seats is flexible and subject to automatic readjustment. Thus in 1934, South Australia, by reason of the slow growth of her population, lost a seat to one of her larger neighbours, her already meagre representation in the Chamber being reduced from 7 to 6. There is a prescribed minimum, however, below which no State can fall. Tasmania, with 240,000 people and Western Australia with 470,000, stand equally on this bedrock, sending 5 members apiece to the Lower House. The present (1945) distribution of seats is: New South Wales 28, Victoria 20, Queensland 10, South Australia 6, Western Australia 5, Tasmania 5. The Northern Territory supplies the remaining member, but his position is anomalous in that he can speak but cannot vote except on a matter affecting the Territory.

A characteristic of Federal constituencies is their enormous variation in size. On the one hand are the metropolitan seats, such as East Sydney, Henty in Melbourne, Boothby in Adelaide, covering but several hundred acres; at the other extreme are the country electorates, a few of which extend over 100,000 square miles, in which a fortnight sometimes elapses before the returns come in from outlying settlements.

The Constitution's method of allotting seats has been the object of serious criticism.

In the first place, it is argued, representation according to population only operates fairly in small, thickly inhabited countries where interests, problems, and social conditions are similar. In a continent like Australia, which extends from tropical to south temperate latitudes, representation in accordance with the economic importance of occupations would reflect national opinion more accurately in Parliament. There is nothing novel in this contention, for it is the principle on which constituencies are arranged in the Victorian and South Australian State Legislatures.

Again, so the critics contend, even assuming the population basis to be the most democratic form of representation, the constitution contradicts this theory by prescribing a representational minimum. It is manifestly absurd, they say, for Western Australia with a population double that of Tasmania, and with an area amounting to one-third of the whole of Australia, to be represented by the same number of members as the island State; to a lesser extent it is illogical to give South Australia, with a population of nearly 3 times that of Tasmania but one more

member. Whether these objections are well-founded or not, the effect of the representation-in-proportion-to-population principle is that New South Wales and Victorian members together command 48 votes out of 74 in the lower House, a majority of 22 over the other four States combined, and this overwhelming preponderance inevitably influences the general trend of Federal policy.

Despite the foregoing differences of opinion most people today will agree that there is scant justification for treating the member for the Northern Territory as a gummy shark - an imposing fish without teeth to bite his opponents when the division bells ring. To represent an area equivalent to Germany, Austria, and France combined, one not only of cardinal importance for the defence of the nation but possessing considerable potentialities for development on specialised lines, and yet to have no vote in the national parliament, is ~~an anomaly so common sense~~ BOTH INEQUITABLE AND INIMICAL TO THE COUNTRY'S BEST INTERESTS.

The House of Representatives is elected on the principle of one man one vote by men and women over 21 years of age who are British subjects and who have resided in Australia for more than six months. Voting is compulsory with the result that the poll averages between 97 and 98 per cent at general elections. The mode of election employed is the same as that in force in all States save Tasmania, variously called the Single Transferable, Alternative, or Preferential vote. Its operation can best ~~more clearly illustrated~~ BE EXPLAINED by considering an example.

Let us project ourselves in time some years hence, and suppose that a generous and forgiving Australia re-names a federal electorate containing a noticeable proportion of Italian and German settlers "Musso-Adolphia", in memory of the dead dictators. There are 60,000 electors enrolled. Four candidates offer themselves to the public. Mr. Lavoretti, a prominent North Queensland unionist who has served as an M.P. for many years, deserts his present metropolitan seat hoping, no doubt, to win a large section of the Italian vote; he stands, of course, in the Labour interest. The Country Party puts forward a prosperous farmer, Mr. Bountyfed, whose platform is a government guaranteed price of 6/- a bushel for wheat, 5/- a pound for wool, and drastic reductions in railway freights for the man on the land. The United Australia Party candidate is Miss Carriage, in her youth a well-known society beauty who, after an unfortunate experience, became an ardent feminist devoting her remaining energies to the advancement of women in politics. The fourth aspirant represents a new organisation of rising strength whose origins date back to the incarceration of the 8th Australian Division on Singapore Island between 1942 and 1945, the Services Party. This body aims at ensuring to those who fought in the war, whether on land, sea or air, or served on the home front in the supply and munition factories, a share in the direction of national policy. Its candidate is a useful countryman, Mr. Parish Bull, who in the past has performed indispensable services in his district for very moderate fees. ~~He has the reputation of never having missed once~~.

Polling takes place on a Saturday between the hours of eight in the morning and eight at night, in accordance with Commonwealth law. On entering the booth, each elector is checked off

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on the roll and handed a paper on which the names of the contestants are set out in alphabetical order. Opposite each name is a square and in these squares the voter must express his preference by inserting the numerals 1, 2, 3 and 4 according to his choice. Three candidates at least must be voted for, otherwise the vote is informal. By midnight counting is completed except for a few postal votes, with the following result:-

Mr. Bountyfed	(C.P.)	15,000
Miss Carriage	(U.A.P.)	20,000
Mr. Lavoretti	(Lab.)	17,500
Mr. Parish Bull	(S.P.)	6,500

So far, the poll is inconclusive. 59,000 people have voted, but to win the seat a candidate must secure over half this number. Now this is where the preferential system begins to operate. The candidate scoring the lowest total is first excluded; his votes are re-examined and distributed amongst the three other candidates according to the preferences expressed thereon. Most of the second preferences of Mr. Parish Bull go to Miss Carriage - there have been connections between these two in the past. The figures now reveal this good lady in a more comfortable position, but still no candidate has gained a clear majority:

Mr. Bountyfed	(C.P.)	16,500
Miss Carriage	(U.A.P.)	25,000
Mr. Lavoretti	(Lab.)	17,500

Accordingly, it is Mr. Bountyfed's turn to be excluded. Miss Carriage and Mr. Lavoretti are now interlocked in a vital struggle, for the whole election hinges on the distribution of Bountyfed's preferences. Normally, Country party and United Australia party second preferences are interchanged, but in this electorate the rift between Miss Carriage and Mr. Bountyfed has proved unbridgeable, and the bulk of his No. 2 votes passes to Labour. The final figures are:

Miss Carriage	-	29,000
Mr. Lavoretti	-	30,000

At the declaration of the poll a few days later the Returning Officer, amidst public acclamation, declares Mr. Lavoretti the elected member for Mussoadolphia.

Now, under the British system of "First past the post", previously exemplified by the imaginary instance of General Retreat winning the electorate of Percival-in-the-Wyre, Miss Carriage would have been the successful candidate, despite the fact that nearly two-thirds of the electors declared they did not wish her to be their member. The Preferential System, whatever its faults, provides a truer representation of public opinion, by affording the voter an alternative choice in the event of his first selection failing to meet with the requisite degree of popular support.

The powers of the Federal parliament are divided equally between the Senate and Representatives with the exception of finance. As in most democracies all financial measures must originate in the lower House, but unlike most second chambers the Senate can reject money bills though not amend them. It is important to appreciate this distinction, for it means that the Senate has power to refuse the Budget, and thereby bring the whole machinery of govern-

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ment to a standstill. And although the Senate may not amend money bills, it does so in practice through the medium of messages to the Representatives recommending certain alterations. As often as not, the Government acquiesces in the Senate's requests, especially if, as sometimes happens, it does not command a majority in the upper House. Mr. Chifley's first budget of October 1941 was altered in a number of important respects as a result of pressure from a hostile Senate. In all other matters the two Houses stand on an equal footing.

Occasionally neither House will agree to amendments inserted by the other, and a deadlock ensues. Whenever such a contingency arises, the constitution prescribes that if the disputed measure is again rejected by the Senate after an interval of three months, the Prime Minister may request the Governor-General to dissolve Parliament; if at the subsequent election the government is returned with a majority in the House of Representatives, and the disputed bill is once more defeated in the Senate, the ministry may advise the Governor-General to convoke a joint session of both Houses. The fate of the measure is then decided by the combined voting strength of all members. So far, however, there has only been one double dissolution since the inception of the Commonwealth - that of 1914. The threat of a premature appeal to the country is apparently sufficient to soften the judgment of the most obdurate Senators.

The presiding officer of the House of Representatives, as in the House of Commons and State Assemblies, is the Speaker. The British custom is followed of electing him from the party in power at the opening of every new parliament. In addition, there is the Chairman of Committees who presides in place of the Speaker when the whole House goes into committee on, for example, the Budget. The rules and procedure of the House of Representatives follow closely on those of the Commons, and are discussed in Section 11 below. The Speaker sits on an elevated chair surmounted by a carved wooden canopy, a replica of the Speaker's chair at Westminster, donated by the House of Commons to the Commonwealth Parliament in 1927 on the occasion of the opening of Canberra by the present King and Queen. To his right sit the Government, to his left the Opposition. In the centre of the chamber stands a large table at which the four or five principal ministers sit, whilst the leader of the Opposition accompanied by one or two of his colleagues confront them on the other side.

The House normally sits on Tuesdays, Wednesdays, and Thursdays during the session. Sometimes members are asked to sit on Fridays, but the suggestion is received coldly as the majority like to disperse to their homes for the week-end. The House rarely assembles before 2.30 in the afternoon, adjourns for dinner, and resumes at 8 p.m. Towards the close of the session, there is always a congestion of bills waiting to be dealt with and consequently the Government, in order to conclude its legislative programme, is driven to the unpopular expedient of several all-night sittings. On these occasions, the proceedings tend to become farcical. Members generally are inattentive, speakers suffer interruption from the snores of the somnolent, mattresses are carried into the chamber for the weary who are awakened by the party whips only whenever a division is about to be taken. These are aspects of democratic government that enhance neither its reputation nor its efficiency.

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10. THE SENATE

With this brief survey of the House of Representatives in mind let us take a glance at the Senate. Both bodies deliberate in the same building, but in a different setting. Whereas the colour scheme of the Representatives is green carpets, green leather seats, and panelled walls of Australian walnut, the prevailing tone of the Senate is red, with darker panelling for a background. Colloquially known as the Upper House, the Senate consists of 36 members elected for a period of six years. Half the Senators retire simultaneously with every dissolution of the House of Representatives, so that though an entirely new lower House is elected triennially, only half of the Senate is renewed for the same period. Procedure is controlled by a President who corresponds with the Speaker in the Representatives. Elected at the commencement of each parliament, he is similarly a party nominee who must seek re-election in the same way as any other Senator at the end of his term.

Representation is on an entirely different basis from the lower House. With the American precedent in mind, the founders of the Constitution sought to redress the preponderance of New South Wales and Victorian members in the Representatives by according to each State numerical equality in the Senate. Thus all the states elect six members alike, New South Wales with its population of over 2,750,000 sending the same number of Senators to Canberra as the 240,000 people of Tasmania.

The franchise is identical with that of the Representatives but the electoral system is radically different. Instead of separate constituencies, each State forms one huge electorate. Voting is preferential, and it operates in a very peculiar way. There are usually at least ten or twelve candidates in the field for the three vacancies at each election. They are grouped together according to party affiliations and appear on the ballot paper in the order that they win the draw. Until 1938 the names were arranged alphabetically, and many politicians considered it advantageous for their names to be placed as close to the top of the ballot paper as possible, being of the opinion that he who leads the list of candidates heads the poll. This cynical belief in the puerile intelligence of the electors led to the practice of some parties putting forward candidates whose names commenced with an initial between A and D. The New South Wales Labour Senate team in the 1937 elections was composed of men whose surnames began with A. They won. And in Tasmania, a few years earlier, Mr. Seabrook deemed it expedient to alter his initial letter from S to C; he was not so fortunate.

When polling is concluded, the votes are counted and because of the multiplicity of candidates no one ever secures on the first preferences the absolute majority necessary for his election. Accordingly, those candidates who have polled fewest votes are first excluded in exactly the same manner as was shown in "Mussoadolphia". Preferences are distributed on strictly party lines, and the contest is at length narrowed down to the two leading candidates. When one or other of these gentlemen gains the requisite majority he is declared elected. There are still, however, two other vacancies to be filled, and for this purpose counting starts all over again. That is to say, the whole of the first successful candidate's votes are examined and redistributed amongst those that were temporarily excluded according to the preferences indicated thereon; to these are added the primary votes cast for the latter candidates. Once the second member is elected, the same procedure is followed for the third member.

Now, the result of this system is that the candidate who receives the largest number of first preferences usually wins the election not only for himself but for his side. For so undeviatingly do electors vote the party ticket that 95 per cent of his second and third preferences will go to the two other candidates in his team; hence the entire Senate election in each State is, in reality, a race between the leaders of the rival party teams as to who will poll heaviest. But there is another effect of a more serious nature. The fact that the other successful candidates owe their election to the distribution of the first member's preferences, means that the party scoring the highest tally scoops the pool, leaving the always very large minority without any representation whatsoever. Suppose, for example, that in Queensland with a Commonwealth electoral roll of 575,000 people, 320,000 votes are cast for United Australia party candidates, and 255,000 for Labour. The United Australia party will win all three seats and Labour, despite its large total vote, will be deprived of a voice in the Senate at this particular election.

Such an electoral system has rightly aroused grave dissatisfaction amongst many thoughtful Australians. In his policy speech before the 1937 elections the late Mr. Lyons foreshadowed the introduction of reforms ensuring a more adequate representation of minority opinion, but the project went the way of so many platform promises. This is yet another political problem that demands most careful attention now that the golden years have returned.

The Senate was designed to exercise two important functions. Primarily, it was to be a "States" House" wherein the interests of the smaller States could be represented more fully than in the Representatives. The method employed, as has been stated above, was equality of numbers from each State, coupled with the endowment of this body with powers stronger than any other second chamber in the British Empire. The second objective was to create in the Senate a chamber of review, where members, being elected for a tenure double that of the lower House, could act in a revisory capacity and, if need be, as a check to measures emanating from the Representatives. For the satisfactory fulfilment of both these functions it was hoped that a non-party atmosphere would prevail. Over forty years experience has demonstrated beyond contradiction that in its chief objective the Senate has failed. Within ten years after Federation most Senators had fallen victims to the party machine, and for the past two decades they have been in the main just as much actuated by party considerations as the Representatives. Consequently, far from constituting the voice of the States, the Senate merely echoes the opinions of the conflicting parties in the House below. In its secondary capacity, however, as a body deliberating on bills

passed by the House of Representatives, the Senate has displayed more success. Measures are frequently amended here with great advantage, and at times the debates rise to a praiseworthy level. ~~(Reference has been made to the powers of this chamber in the preceding section.)~~

The Senate has always been regarded as the senior chamber of the Legislature. It was here that the present King and Queen opened the Commonwealth Parliament's first session at Canberra in 1927. It is here, too, that the Governor-General, amidst traditional ceremonial, opens each session of Parliament in the presence of Senators and Representatives, with a speech prepared for him by his Ministers containing an outline of the Cabinet's legislative programme. After the Governor-General declares the session open, the Representatives return to their House and follow the House of Commons procedure of moving an Address-in-Reply. The occasion, as in the Commons and State Assemblies, enables members to express their views on the ministry's policy, and the motion is tantamount to one of confidence in the Government.

THE POWERS OF THE SENATE ARE DISCUSSED IN THE PRECEDING SECTION.

11. PARLIAMENTARY PROCEDURE

Procedure in Australian parliaments, both State and Federal, has been borrowed almost wholly from that of the House of Commons. As with so much of our constitutional machinery, it is founded on custom and centuries of experience as well as on statutary law embodied in orders enacted by each house. Although intricate, and occasionally obscure, these rules are necessary for the despatch of the enormous mass of business with which a modern legislature has to deal; and if at times they provoke individual hardship, they operate by and large to the general satisfaction.

Parliament legislates by means of bills which on receiving the Royal Assent become Acts. Bills are of two kinds: public and private. The former concern matters affecting the general community, and occupy most of the time of the House; the latter deal with questions of individual, local, or limited interest, and in England are usually extremely expensive to introduce. Public bills in turn naturally divide into finance and non-finance measures; the procedure in financial proposals is somewhat different, as will appear hereafter.

Any member may introduce a bill, and even the most important government measures commence by being tabled by a minister in his capacity as an individual member. To this rule, however, there is one important exception. A finance bill can only be initiated by a member of the government, and in the lower House, for one of the fundamental tenets of all British constitutions is that demands for money must emanate from the Crown alone. The position is best stated by the celebrated constitutionalist Sir Erskine May. Writing of the British parliament (and this applies mutatis mutandis to our own) he says:

> "The Crown demands money, the Commons grant it, and the Lords assent to the grant. But the Commons do not vote money unless it be required by the Crown; nor impose or augment taxes unless the taxation be necessary for the public service, as declared by the Crown through its constitutional advisers."

There is a further qualification respecting this class of bill. If its main object is to impose a charge on the public revenue, a resolution carrying the Governor's recommendation must be agreed to by the whole House in committee before the measure is introduced. On the other hand, if the consequence, as distinct from the main object, of the bill is to impose such a charge, the bill is initiated in the usual way, but before being sent to committee, the whole House in committee must similarly agree by resolution to sanction the impost.

With these provisos, all bills, public or private, originate in the same way. A member, after either obtaining leave from the Speaker, or giving notice of his intention, sets the process in motion by walking to the table of the Clerk of the House and handing him a copy of the measure; in fact this is merely a paper bearing the title of the bill and the names of any members desirous of supporting it. The bill is then ordered to be printed. This

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proceeding constitutes what is known as the first reading.

After distribution amongst members the bill takes its place in the parliamentary timetable for the second reading. And here the tussle begins. If the measure be sharply contentious, this may well mark the stage of its downfall. On the other hand, if the proposals appeal to members in principle they will afford them a safe passage temporarily, awaiting their opportunity subsequently to delete unacceptable details. For on the second reading only the principles of the bill are debated; the details are examined in committee.

The first obstacle cleared, the bill is then sent to committee. Committees are of three kinds: of the whole House, standing, and select. Money bills and others of major importance are considered by the first-named. Committees of the whole House on financial proposals are Supply, wherein the estimates for the forthcoming year are examined; and Ways and Means, wherein taxation for the meeting of such estimates is discussed. Standing committees are constituted at the beginning of every parliament to deliberate on the remainder. They are formed on party lines, reflecting the strength of rival groups in the chamber; very often a few additional members are nominated possessing specialised knowledge of the particular measure involved. A Select committee is a body appointed to consider a bill containing highly specialised features, but this device is rarely used. Each committee is presided over by a chairman, and the proceedings are less formal than in the House. Members, for instance, can speak more than once, and meetings take place in certain rooms set aside for the purpose rather than in the awesome atmosphere of the chamber. It is in these committee rooms, indeed, that the serious work of legislation is done. Every bill is examined minutely, clause by clause, and nearly always amended in important respects. Unfortunately, the activities of members in committee receive little publicity, for the proceedings, though open to the press, seldom contain "news" interest. This is regrettable because were the public more enlightened in this respect they would attain a truer appreciation of the work of M.Ps.

Once a bill has emerged from committee, frequently in a very different form from when it entered, it is "reported back" to the House in its new guise. This is known as the Report stage. The whole House is now free to consider the measure anew; amendments may be moved, and any aspect or detail discussed. Having survived this further ordeal, it is then set down for a third reading.

The third reading is not the last gallop to the winning post, but it is usually the decisive hurdle on the course. No amendments other than those of a formal nature can now be moved, and only the actual substance of the bill can be debated. The moment has arrived when the House must decide whether to accept or reject the measure as a whole; and the majority of bills, having progressed so far, are carried.

Then begins part two of the bill's journey from its originator to the Royal Assent. It is now sent to the Senate, or Legislative Council, as the case may be, where exactly the same process of first and second readings, committee, report, and third

reading, is repeated. Frequently the upper House inserts amendments of its own, and then the bill has to be returned to the lower House for the latter's approval. Sometimes neither House agrees to the other's amendments and a deadlock ensues; such a contingency is discussed elsewhere. As a rule, however, such differences are surmounted by conferences between representatives of the two Houses, and once the measure as amended has gained the approval of the parent body, it is forwarded to the Governor-General (or Governor) for his assent.

In Australia, Governors assent to bills without formality, but in England an ancient deremony is enacted in the House of Lords. The Sovereign is not present in person, but is represented by three Lords Commissioners who, arrayed in brilliant uniforms and wearing cocked hats, sit in front of the throne. The Lord Chancellor reads out the King's commission, a clerk the name of the bill, and another clerk His Majesty's decision. If the King approves, as he always does, the Norman-French formula "Le roy le veult" is used; if he disapproved the phrase would be "Le roy s'avisera" (the king will take advice).

There are several aspects of parliamentary procedure which should be borne in mind. Bills may originate in either House except, as we have seen, those concerned with finance. Formerly it was the practice for nearly all legislation to commence in the lower House, but in recent years, owing to the congestion of business, the opportunity of launching measures in the Senate has been availed of increasingly. This same pressure of business has necessitated recourse to recognised expedients for controlling the parliamentary timetable. Thus, at any stage of a debate, a member may move "That the question be now put", and if this is carried the Speaker must put the question to the House. Such a device is known as the closure. Again, when the whole House is in committee, the minister in charge of a bill may move beforehand that divisions on certain clauses will be taken at specified times: this is the procedure called the guillotine. An even more drastic method is aptly described as the kangaroo. Here the minister moves that divisions be taken on certain clauses only, the remainder being jumped. The two last-named means are frequently employed in face of a recalcitrant opposition determined to use every form of obstruction to delay the passage of some controversial measure. And the weapons of obstruction are many and powerful, aided as they are by the rule that unless a bill is disposed of in the same session as it is introduced it will automatically lapse. Although such restrictions undoubtedly hamper the most valued privilege of any parliament, freedom of speech, and despite the fact that the manner of their exercise at times provokes bitter hostility, they are generally regarded by members as inevitable concomitants of modern procedure. For without them, the King's government could not be carried on.

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12. THE PARTY SYSTEM

In recent years the whole concept of party politics has come up for review. The lengthening shadows of the nineteen-thirties, the long dreaded outbreak of another world war for which the British Empire was unprepared, found party wrangles in Australia persisting heedless of the gravity of the hour. Nor was it merely the customary clash between Right and Left. Inside each of the two principal parties petty jealousies and the strivings of ambitious personalities obtruded themselves, thereby adding to ministerial instability and neglect of national interests. The example of Westminster was not followed at Canberra. Eight months after the outbreak of war a Conservative - Labour - Liberal government took office under Mr. Churchill, and remained in power until victory was won; general elections were suspended,,most by-elections were uncontested; the House of Commons returned in November 1935 continued substantially unchanged for ten years. The opposite occurred in Australia. The Labour party declined to join the Federal Cabinet in the formation of a national government; a minority of the supporters of Mr. Menzies objected to his leadership and brought about his resignation; six weeks later the ministry of Mr. Fadden, the new Prime Minister, lost the confidence of the House, and in turn gave way to Mr. Curtin. Two general elections were held, in 1940 and in 1943. State politics, happily, were less personal and embittered, but NOWHERE ~~has formed~~ EMERGED an all-party government, and regular elections were fought every three years. To outside observers the Australian political scene appeared bewildering, an attitude exemplified in the London "Times" when in September 1941 it wrote: "At no time have Australian politics been more difficult to understand".

It is not only, however, the events of the war period that have disturbed people's minds. As the twenty years peace drew towards its close, the opinion became widely held that the tone of public life was declining, and that the quality of members of Parliament left much to be desired. Parliament came to be regarded with irritation and derision; seldom was it referred to in terms of respect. The word politician, far from being a description of honour, is NOW more often an epithet of opprobrium, in the eyes of many sections of the community a polite expression for a racketeer.

Furthermore, the practice of pre-selecting candidates adopted by Australian political parties has evoked weighty criticism. Portions of the public have felt that they are thereby being deprived of a freedom of choice on polling day that would otherwise be theirs; and the successful stand made on occasions by candidates opposed to this method has achieved a publicity for the controversy that would otherwise be lacking.

For these reasons, the reputation of political parties TODAY has ~~today~~ reached its nadir. In disgust many people are turning away from the established organisations, and are hazily envisaging some sort of golden age when Parliaments are filled with independent members owing allegiance to none others than their constituencies and their own consciencies. No longer, it is said, will party whips crack in the lobbies; Cabinets of the future will be elected

on the floor of the House from the best available talent.

This view is so widespread that it must be treated with respect. Nevertheless, it is an impracticable vision, impossible of realization, as the following considerations ~~appear to~~ show.

Fundamentally, political parties are expressions of an instinct inherent in man. In any society that is free, and in which exists some degree of popular education, people will tmnd to assemble in certain well-defined groups. No community will ever be classless, nor is it desirable that it should be; there was never a more palpable falsehood propounded than the natural equality of man. The diversities, indeed, between individuals are notorious. Heredity, climate, economic circumstances, environment, aspirations, all combine to produce profound difference in outlook on the social, political, and economic circumstances of any age. Now, people who think alike on these matters will inevitably cohere in organised bodies for the attainment of their ends, and under a system of representative government will nominate from these bodies individuals desirous of advancing a common point of view. Herein we see the genesis of the modern political party. The initial agreement, however, is general rather than particular; a union concerning fundamentals, the principles which should regulate the government of the state. On questions of expediency, and more ephemeral issues, there remains ample room for divergence; hence on specific proposals these groups frequently shade into one another and merge, only to separate again perhaps a few years later on a conflict of principles. The process resembles what everyone has observed on looking at telegraph wires through the carriage window of an express train: a never-ceasing convergence only to separate, regroup, and then break up again as the miles pass by.

How have the various currents of opinion in the Australian communities coagulated? As a general rule, the property-owning, professional, and commercial classes, together with large numbers of those whose livelihood depends on them, such as agricultural labourers, small tradesmen, clerks, and domestics, tend towards preserving the status quo. The bulk of the wage-earners, the very small farmer, and at times the minor salary employees, very naturally strive to secure a larger share of the national wealth, and the control of its production, for themselves. But there are important cross currents. Many wage earners who are non-unionists consistently vote for the parties of the Right from generation to generation, whilst rich men in the Left are not unknown, and a minority of professional men have Labour sympathies; of these Sir Stafford Cripps in England and Dr. Evatt in Australia are conspicuous examples.

The present form of parliamentary government in its English origins developed side by side with the growth of the party system. Parliamentary government, in short, is party government. The whole practice of administration by a Cabinet is founded upon it. It has been shown earlier that the Cabinet is chosen by the King (or Governor) from the majority party in the popular chamber, is responsible to both Sovereign and Parliament, depends for its existence on the confidence of the lower House, and ultimately, when it loses that confidence, gives way to an alternative party prepared to undertake the government with the least possible delay. In the absence of a properly organised government and

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opposition, the present form of representative democracy would, through instability and inefficiency, cease to function. The matter may be considered again from a slightly different angle. It will be remembered that an important constitutional convention, both in Britain and the Dominions, is the collective responsibility of the Cabinet. If all its members are individualists, and bound together by no common party allegiance founded as that is on an agreement on underlying principles, this custom will be maintained only with the utmost difficulty. Yet its preservation is a sine qua non of Cabinet government, for without it any ministry would rapidly disintegrate. The party system is one of the central pillars of the British constitution, and by implication, of our own.

Twentieth century problems have strengthened instead of weakened the necessity for party government. Since 1900 the work of all parliaments has been doubled. A growing social consciousness, a developing economy, and the two greatest wars in the world's history, have compelled governments to engage in an ever-increasing number of matters both at home and abroad. In nearly every succeeding session Parliament has been confronted with a longer and more diverse agenda; to debate and carry these proposals in a reasonably short time an organised, disciplined House is essential. Moreover, there is a universal demand that a government must act efficiently and, in these critical days, promptly. But in order to do so it must always be able to rely on an assured measure of support to implement its legislative programme; otherwise any ministry will soon lose control over the chamber, the parliamentary timetable will be seriously dislocated, and the business of the country brought to a standstill. A non-party cabinet in a House of unco-ordinated Independents would quickly reduce the parliamentary machine to impotence. And of all the evils that can befall the state a weak and insecure government is the worst. The hesitancy of the Scullin and Menzies ministries was due in no small measure to the absence of a reliable rank and file to support either administration.

The dangers of individualism are similarly illustrated in those nations where an unwise electoral system results in a multiplicity of parties caused by a too meticulous representation of minorities. It has been shown earlier how the French electoral system resulted in twelve parties in the Chamber of Deputies, nearly as many in pre-Nazi Germany, and six in the Dutch States-General, THE EFFECT WAS TO make the tenure of governments in each country precarious and shortlived. Here, though the disease was too many parties instead of no parties at all, the same principle is involved: excessive individualism, representation of a number of heterogeneous interests, rather than two or three large groups united on basic principles.

A further plea may be advanced in support of the party system. The magnitude and complexities of contemporary problems admit of no facile solutions, but on the contrary demand persistent study culminating in the promulgation of planned policies. Now to be effective, such work is best undertaken by organised bodies; the task is too far-reaching for the individual acting alone. Appreciating this fact, every established party today has numerous

committees inquiring into problems of national concern, and the conclusions resulting from such co-operative research are the more readily carried into effect by these highly organised bodies than would be possible through the exertions of solitary individuals.

Party politics, then, appear as an integral factor of British representative institutions. Without them the constitutional machinery would break down. Yet to acknowledge this fact is in no way to express satisfaction with their operation over the last twenty-five years. Nothing can justify the attitude of Sir Joseph Porter in "Pinafore":

"I always voted at my party's call,
I never thought of thinking for myself at all".

Once the necessity for party government is admitted, the question that he raises, that of the relationship between the member and his party, is one the delicacy of which has not hitherto been satisfactorily answered. For as with other human institutions, political organisations have defects in abundance. Perhaps the gravest of these is the practice favoured by at least one of the most powerful parties in Australia of deciding before-hand what the attitude of members must be towards projected legislation. There may be a close division of opinion; out of, say, fifty M.Ps., twenty-eight may be in favour, twenty-two against; yet on the floor of the House the large minority are compelled to vote according to the wishes of the small majority. A recalcitrant member who declines to conform to this principle of outward "solidarity" risks expulsion from the fold, and withdrawal of the mainstay of his support at the next election. The general result is more unfortunate. In eight cases out of ten the attitude of the Opposition to the bill will coincide with that of the dissentient ministerialists, and so a majority of the House would reject the measure were personal convictions alone allowed to count. But they are not; and in obedience to the rule of the dominant party the proposal is forced through parliament and on to the statute book. Thus unchecked may democracy defeat its own ends.

Another serious fault common to parties in all countries is the dangerous tendency of party considerations becoming paramount. "Whatever we do", the Premier urges, "we must win the next election". A pressing social reform will be shelved for fear of unfavourable repercussions in the constituencies on the forthcoming dissolution of Parliament; it is deemed expedient for certain appointments to be made only within the first few months of the lifetime of a new House; gradiose public works may be directed to electorates where the government's chances are most in doubt. Unhappily, the short view of continual electoral victories has in many politicians developed into an obsession. Few appear to appreciate that in the long run consistency pays; that their cause is more likely to be vindicated by adhering to principles and policies sincerely believed in, even though this means a temporary eclipse which compromise or bribes or pandering to momentary expediency might otherwise avert. Until both party leaders and the rank and file learn to take a more objective view of their mission, the cynicism and distrust of the public towards their representatives will never be eradicated.

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Pre-selection of candidates is often alleged as one of the most notorious abuses of party politics. Without seeking to defend the practice unduly, a great deal of nonsense is talked about its operation. Some people seem to imagine that it is a device invented by unscrupulous party managers to impose upon the public hacks approved of by a hidden junta. In fact, there is nothing sinister or mysterious about pre-selection, and in our own three main parties it is conducted on similar lines.

Anyone with sufficient interest can join a political organisation. Usually those who do so are in sympathy, even though nebulously, with its aims. The chief criterion, however, is not so much adherence to the official platform as willingness to pay the annual subscription. This is generally very small, for example, half a crown for men, one shilling for women, though of course larger donations are "gratefully received". Once this nominal sum is paid, the individual is as much a member of the party as are its parliamentary representatives. As such, he is entitled to attend and speak at meetings of his branch, to be elected by his branch as a delegate to the district committee of his electorate, to the annual party convention, or to sit on the party executive. Once on the executive he has opportunities for election to various committees, some of which are influential. These cover a variety of subjects from publicity to the needs of primary producers. But the member's chief privilege is the right to vote in pre-selections for parliamentary candidates. For state and federal constituencies these are run by the respective district committees; for the Senate by the executive.

The process employed by the district committee is quite straightforward. The date of the poll is fixed, nominations are called for, arrangements made for the campaign speeches of candidates. Voting is by post, and is conducted on the Alternative principle obtaining in state and federal elections. Any member of the party may nominate; this costs him a prescribed sum, say, £5, which goes towards the expense of conducting the plebiscite, and serves at the same time to discourage frivolous contestants. Providing a member is on the roll of the electorate concerned, and has paid his subscription three months prior to the calling for nominations, nothing can prevent him from exercising his right of voting.

From the candidates' point of view, the situation is equally satisfactory. If successful, they are approved by the executive as a matter of course, and become the endorsed party candidates at the general election. If defeated, they may still stand wearing the party colours, but deprived of the official backing of the central organisation.

Supporters of pre-selection claim that there is nothing derogatory to the rights of the ordinary citizen in this method. Their argument is strengthened in the case of "safe" state seats which, even on the occasion of a landslide, the opposing party cannot hope to win. In these constituencies, financial members of the predominant party sometimes amount to between one-third and one-quarter of the names on the electoral roll; and to that extent the choice at the plebiscite is the choice of the electorate. Furthermore, there is something in the contention that if a man cannot first win the support of

his own party he is unlikely to gain that of the people.

In the years immediately prior to the War, critics of pre-selection were responsible for the removal of its most glaring defects. These were the prohibition of unsuccessful candidates subsequently offering themselves at the general election, and the stuffing of party rolls by the protagonists. This last practice was aided by the closing of membership lists only a week or ten days before voting commenced, which afforded, as may easily be imagined, an irresistible temptation to each candidate to induce as many people as would promise to vote for him to join the party irrespective of their real political sympathies. If half a crown seemed too high a price to pay for this unwanted privilege, it was not difficult to circumvent the rule forbidding the payment by a candidate of members' subscriptions. Moreover, this race to swell the lists meant good business for the organisation; it added to general funds, and brought the party's policy to the notice of a wider public. These abuses, however, finally became so scandalous that steps were taken to lead to their suppression. Even party managers came to realise that lists composed of numerous names which, at general elections, were suspected of supporting the opposing forces, brought the whole practice of pre-selection into ridicule and contempt. The three months rule, noted above, was the remedy attempted in South Australia and elsewhere, and while it can never be wholly candidate-proof, it has at least mitigated the reprehensible activities of earlier years.

What are the alternatives to pre-selection? There is the English practice of nomination by the divisional (that is, district) committee. Provided the personnel of this body are representative, intelligent, and capable assessors of merit, this probably forms the most satisfactory method yet propounded. It obviates the disagreeable features of a plebiscite; it provides a smoother and a quicker path for the entry into Parliament of an outstanding man. If results are any criterion, this arrangement has worked reasonably well in England where the standard of parliamentarians is appreciably higher than elsewhere. But were such a scheme transposed to an Australian political party, it would almost certainly be rejected as undemocratic.

There remains the more primitive expedient of a free fight. Let the parties, it is urged, give their blessing to as many candidates as wish to crusade under their respective colours. Yet experience of multiple candidates has demonstrated conclusively that this is the surest way of selling the pass to the enemy. Under the single transferable vote system, the longer the list of candidates the greater is the chance of second, third, and fourth preferences straying to the opposition. In other words, the vote is "split". And this is to vitiate the attainment of those very objects for which political organisations exist. On few matters are all parties so unanimously agreed as this.

In the end one is forced back to basic premises. The necessity for political parties is either admitted or denied. Once recognised, as it has been here, it follows that they can only function effectively according to prescribed rules and discipline. The various groups in the community will best advance their interests, and govern the state as they think it should be governed, by organised campaigns and through approved representatives. It

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is the present and future task of these groups to restore public confidence in parliamentary institutions by putting forward candidates possessing that degree of personal integrity, education, experience, and breadth of vision necessary to the handling of the tremendous problems with which a shattered world is faced.

13. THE HIGH COURT

The High Court is one of the cardinal features of the Commonwealth constitution. The notion of a judicial body pronouncing on the ambit of the central government's powers is unknown in Britain, New Zealand, and South Africa, for each of these countries possess a unitary system in which Parliament is untramelled and supreme. It was to the United States that Australian lawyers turned for a precedent for the High Court, and in the United States Supreme Court they considered that they found a model well suited to the requirements of a youthful federation.

The bench consists of seven judges including the Chief Justice who presides over the Court. One judge sits permanently in the Bankruptcy division. Prior to their elevation they must be barristers of at least ten years standing, and are almost invariably eminent King's Counsel. The Chief Justice is sometimes chosen from the bench, as was Sir Isaac Isaacs in 1930, occasionally from a State Supreme Court, or he may be appointed direct from the bar; the last procedure was followed in 1936 on the appointment of Sir John Latham. It is through no design or policy that nearly all High Court judges have been drawn from New South Wales and Victoria.

The aim of any civilized legal system is to ensure the utmost impartiality in the dispensation of justice, and to achieve this end the judiciary in all British countries is accorded a position of considerable privilege combined with security of tenure. Thus, in contrast with the practice obtaining in many American states where judges are elected by popular ballot for definite terms, High Court judges, like their brethren in England and in some of the State Supreme Courts, are appointed for life holding their offices subject to good behaviour. Appointments are made by the Governor-General on the advice of the Federal Attorney-General, and a judge is only removable on presentation of a joint address to the Governor-General by both Houses of Parliament. Freedom from bias and the ephemeral clamour of public opinion is further secured by payment of substantial salaries - £5,000 a year, with an additional emolument to the Chief Justice. Nor is there any stipulation as to age of retirement, as in the New South Wales and Victorian Supreme Courts. In the last twenty years the public has grown accustomed to the spectacle of several High Court judges well above the allotted span, and in two instances - Mr. Justice Gavan Duffy, and Mr. Justice Rich - attaining octogenarian longevity. The arbitrary fixation of seventy as a retiring age for the judiciary is a questionable expedient, but most people will agree that at eighty a judge, however eminent, has ceased to serve the community to its best advantage.

In order to suit the convenience of litigants the High Court is an itinerant body. Once a year it moves to Queensland, South Australia, Western Australia, and Tasmania in turn; in South and Western Australia the bench has earned the sobriquet of "The wise men from the East". But the greater part of its work falls naturally in New South Wales and Victoria, and to cope with litigation more expeditiously the Court often divide into two sections, one adjudicating in Sydney, the other in Melbourne.

The High Court performs three main functions. First and foremost it is the interpreter of the constitution. In the next place, it is the highest court of appeal in the Commonwealth for civil and criminal cases alike. Thirdly, it is a court of first instance, of original jurisdiction. Let us consider each of these briefly in turn.

In its constitutional aspect the High Court achieves its greatest consequence. An almost inevitable concomitant of a large federal structure, it acts as umpire on the frequently uncertain boundaries of Commonwealth and State powers. One of the paradoxes of a written constitution is that however accurately lawyers may strive to express its provisions in unequivocal statutory form, the necessity for interpreting those provisions immediately arises; and when to this is added the task of interpreting them in relation to written State constitutions, and pronouncing on the allocation of powers to each, the magnitude of Australian constitutional case law since 1901 is the more readily understandable. To implement the doctrine of responsible government and render Australia completely free from outside interference, the decisions of the High Court on all matters concerning the Commonwealth against the States, and inter-State disputes, are declared to be final. There is an exception to this rule, however, which in no way impinges on the underlying principle: litigants may appeal to the Privy Council provided they obtain special leave from the High Court to do so. Since 1907 this privilege has been accorded only on two occasions; the Colonial Sugar Case 1914, and in James v. The Commonwealth 1936. Once the jurisdiction of the Privy Council is invoked the High Court must bow to its decision.

The second function of this tribunal is as a court of appeal. In this capacity the court has appeared in its most favourable light, and has been spared the criticisms that some of its constitutional judgments have aroused. But it is not the only appellate court to which a dissatisfied litigant may turn. Once his suit has failed in his particular State Supreme Court, he has the choice either of appealing to the High Court or direct to the Privy Council in London. These alternate courses are important to note. Having sought the jurisdiction of the High Court an appellant cannot, in the event of an unfavourable decision, take his case further to the Privy Council "unless", to quote section 74 of the constitution, "the High Court shall certify that the question is one which ought to be determined by His Majesty in Council". The rule is a wise one, for thereby the court's prestige is considerably enhanced, and a finality given to its decisions which would otherwise be lacking. In this respect, it will be remembered that prior to the War a move was made in England to strengthen the English Court of Appeal by limiting the classes of cases that could taken therefrom to the House of Lords. The

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evil intended to be remedied was that which had been avoided in Australia - an insufficiently decisive appellate tribunal which was coming to be regarded as but another stopping place on the road to the ultimate goal. In practice, most litigants take their cases to the High Court in preference to the Privy Council. The reason is probably not so much on account of their belief in the superior quality of its judgments, as because of the time and heavy expense involved in an appeal to London.

The last, and in practice the least important, aspect of the High Court's activities is as a court of first instance. Its jurisdiction covers, inter alia, infringements of laws passed by the Federal Parliament, for example, prosecutions under the Crimes Acts, the Commonwealth Income Tax Act, offences against Immigration regulations, and the like. The next category includes disputes between States, disputes between residents in different States, and also between a resident of one State and the government of another State. Cases concerning representatives of imperial and foreign countries must ~~also~~ be initiated in the High Court, but these are infrequent. Bankruptcy, and industrial disputes extending beyond the limits of any one state, must also be included under this heading, but for each of these separate tribunals have been established, the Bankruptcy Court, and the Commonwealth Court of Conciliation and Arbitration.

How far has the High Court fulfilled the hopes entertained for it at its inception? The answer cannot be unqualified either way. The standard of judges has, on the whole, been high, but on occasions the bench has exhibited a lack of harmony scarcely conducive to the establishment of that atmosphere of tranquillity and respect which should characterise the highest tribunal in the land. Whether the Court is too unwieldy in size, or the judges too individualist in temperament, it is difficult to say. Whatever the explanation, dissensions amongst the judges during the hearing of cases, at times accompanied by undisguised personal animosities, together with constant interruption of counsel, have occurred with sufficient frequency to detract from the prestige with which the Court should be clad. In this regard the comparison between the more dignified proceedings in the State Supreme Courts and in the High Court is very marked.

These, however, are not ineradicable failings. Of greater consequence is the manner in which the Court has contradicted itself, and over-ruled its own judgments, according to the changing personnel of the judicary. Despite the intellectual eminence of the various judges, appointments have not always been free from a political flavour, a circumstance which must inevitably influence the pronouncements of any body adjudicating on so difficult and controversial a subject as constitutional law. Without going into details which more properly belong to a study of the Commonwealth constitution, it is clear that the original High Court judges, such as Sir Samuel Griffiths, Sir Edmund Barton, and Mr. Justice O'Connor, interpreted the powers of the Commonwealth in a much more restricted light than the school of thought exemplified by Sir Isaac Isaacs and Mr. Justice Higgins. The opinions of the former prevailed so long as they remained in the majority, but on their decease the younger judges successfully maintained a contrary viewpoint, and it is extremely unlikely that the future will see their findings disturbed.

14. CONCILIATION AND ARBITRATION

The problem of industrial disputes has long excited attention in a country where, from the earliest days, clashes between Capital and Labour have been rife. The solution devised, that of conciliation and arbitration, is applicable throughout Australia, but two parallel systems operate, one for the Commonwealth, the other for the States.

The Commonwealth entered the field in 1904 when it established a court of Conciliation and Arbitration. Technically a branch of the High Court, this tribunal is presided over by a Chief Judge assisted by four other judges, who, in order to cope with consistently long cause lists, arrange their sittings so that some sit in Melbourne and others simultaneously in Sydney for the greater part of the year. In the exercise of its primary functions the court is empowered to determine hours and fixed wages, but its jurisdiction is limited to industrial disputes extending beyond the limits of any one State. Disputes confined to a single State must come for settlement before the State tribunal concerned.

The court, however, cannot hear every dispute in the foregoing category. Employers and employees must first register as organisations in the court's offices, and to do so a prescribed minimum is laid down. This consists of any single employer or group of employers in an industry who have employed an average of at least one hundred in that industry over the preceding six months prior to applying for registration. A similar rule applies to wage-earners: any group of one hundred or more employed in an industry over the same period may likewise apply to be registered as an organisation. Compliance with these regulations entitles either side to seek the protection of the Court.

Such preliminary requirements also work in another way. They provide the court with a powerful weapon to enforce its authority. It sometimes happens that a union, dissatisfied with the court's decision, flouts its award. Then, as a last resort, the court can threaten to cancel that union's registration, and so place it beyond the pale of its jurisdiction. But the utterance of this threat is usually sufficient to moderate the attitude of the most recalcitrant disputant, and on the rare occasions when a union has remained obdurate and been de-registered, its leaders have sought re-admission to the fold as soon as the law permits.

A basic principle common to both Federal and State courts is that in all disputes every effort should first be made to settle differences by conciliation before resorting to arbitration. Accordingly, a number of conciliation commissioners are attached to each of these bodies, who, by means of round table conferences between both parties, seek to define causes of disagreement and harmonise conflicting views. Should their efforts prove successful, as frequently happens, the terms of settlement are set out in writing and certified by one of the judges of the court; they then possess the same force as one of the court's awards, and are equally binding on all parties. It is only when attempts at conciliation have been exhausted that the court summons the disputants for arbitration.

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Proceedings in the Commonwealth Arbitration Court are less formal than in the High Court or State Supreme Courts. Doubtless on account of its nature, and in order to save expense, employers and employees may be represented by their members or officials. Counsel, solicitors, or other representatives may appear on behalf of the parties only with the permission of the court and the opposing side. In important cases, however, counsel are briefed by all interested groups, and with the volumes of decisions already existing in this field it would seem that the aims of litigants could best be realised with the advice and advocacy of those qualified in the law.

The functions of the court as a tribunal for the fixing of wages and hours are of more concern to the majority of Australians than its activities in maintaining industrial peace. It is regrettable that circumstances have necessitated the existence of seven wage-fixing authorities instead of one, for the result is much confusion and overlapping between Federal and State pronouncements. So distracted was the Commonwealth government in 1929 by this intractable situation that the Prime Minister, Mr. Bruce, proposed the abolition of the Federal Court and the placing of its jurisdiction entirely in that of the States. The government, however, was beaten on this issue both in the House of Representatives and in the country, and the project has not since been revived. Overlapping has, in fact, been reduced by action in both Federal and State spheres. Thus it is now laid down that where there is an inconsistency between a Federal award and the legislation or award of a State authority for the same industry, the Federal award prevails. Again, the Commonwealth court may restrain a State authority from proceeding in a matter already covered by one of its awards, or which it is investigating or adjudicating. Furthermore, New South Wales has enacted that the Industrial Commission of that state must embody in its awards Federal rates and loadings for a wage-earner with more than one dependant child. The Victorian Parliament has also declared that Victorian Wages Boards must incorporate Commonwealth awards for corresponding industries so far as the provisions of such awards do not conflict with State law. South Australia and Tasmania, on their part, pay keen attention to Federal awards and follow them closely in industries under their jurisdiction.

Generally speaking, Commonwealth rates and hours apply to all Federal employees, such as those engaged on Commonwealth railways, in the post office, dockyards, munition factories, and the like; they also extend to all those industries which, through being involved in disputes beyond the limits of their particular State, have been brought within the ambit of the court. The Federal basic wage was initiated in 1907, in the Harvester case, when Mr. Justice Higgins, sitting in Melbourne, awarded two guineas a week, this amount in his opinion constituting the minimum at which an unskilled worker could support himself, his wife, and two children. For the next twenty-seven years the rate was gradually increased to meet the rising cost of living, and the basis of computation was widened so as to provide for three children instead of two. Then, in 1934, the court altered its course. Henceforth, the principle of the minimum wage was to be the highest that, in the court's opinion, an industry could support. Three years later

The territory of Papua comprises the south-eastern portion of New Guinea and several groups of islands, such as Woodlark and Entrecasteaux, an area three times the size of Scotland. It was acquired by the Queensland government in 1884, who, alarmed at German encroachments in the Pacific, took possession of this region in the name of the King; twenty-two years later it was handed over to the Commonwealth. Population is sparse, being confined to less than two thousand Europeans and approximately three hundred thousand natives. The government is conducted by an Administrator appointed by the Governor-General for a fixed term. He is assisted by an Executive Council of nine, four of whom are leading government officers, the remainder being non-officials appointed by him. In addition, there is a partly elected, partly nominated, legislative Council of thirteen members. The seat of government is Port Moresby.

Of much less importance than Papua is picturesque Norfolk Island. Until 1913 it was administered by New South Wales, much as Lord Howe Island is today. Thereafter, it came under Commonwealth control and though barely fifteen square miles in extent and inhabited by a mere thousand people, it is ruled an Administrator and an Advisory Council of eight elected members.

The most valuable, and strategically the most vulnerable, of Australia's external responsibilities is the mandate of New Guinea. This battleground of 1942-1944 covers an area equal to that of the United Kingdom. It includes the north-eastern section up to the Dutch border, the islands of the Bismarck Archipelago, more particularly New Britain and New Ireland, and the two northernmost Solomon Islands Bougainville and Buka. The administrative framework is moulded on that of other British protectorates and mandates. An Administrator, appointed by the Governor-General, heads the government; in addition there is an executive Council of nine members, and a Legislative Council of fifteen men. The Council may make ordinances for internal law and authority but these are subject to disallowance by the Governor-General, which in practice means the Federal government. For administrative purposes the country is subdivided into seven districts, each of which is assigned to a District Officer, who in turn is aided by Assistant District Officers and more junior officials. Justice is in the hands of a Chief Judge and a judge, but petty offences amongst the natives are dealt with by the Assistant District Officers. As in all these regions, the population is scanty. Europeans number only five thousand, and natives are estimated at 670,000.

The other mandate in which Australia is directly concerned is Nauru. This rich phosphate-bearing island is only eight and a half square miles in extent, but is subject to a condominium between Britain, Australia, and New Zealand, who are jointly and severally responsible to the League for its government. A resident Administrator discharges these functions.

The Commonwealth's remaining territorial obligation was acquired in 1933 in the form of the huge Antartic Dependency, an ice covered waste of two and a half million square miles, approaching in magnitude the area of Australia itself. Its value at the moment is confined to whaling, but large coal and mineral deposits are believed to lie concealed in these latitudes.

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the court adopted the expedient of "loadings", that is, flat ra varying with the locality concerned. These, in contradistinct to the basic wage, are stabilised, whereas the latter fluctuate every quarter in accordance with the cost of living. These loa in ..... 1945 ranged from £...a week in Sydney and Melbourne £...in Adelaide, Perth, and Hobart. The basic wage in those ce at the same date was £... and £... respectively, making a total of £... and £... weekly.

The states have approached the problem a little diffe ly. The powers of the local authorities are wider than those o the Federal court, for they may intervene in industry before ma have reached the stage of a dispute. They are known by various names. New South Wales has an Industrial Commission composed o president and five other judges, each of whom receive a salary £2,600 a year. They are assisted by Conciliation Committees an two Conciliation Commissioners. In Victoria, there is no centr body, but a number of Wages Boards for separate trades on which employers and employees are represented under the chairmanship a ~~mutual~~ NEUTRAL member. Appeals, however, lie from these Boards to a court of Industrial Appeals on which sit a Supreme Court Judge, representative of the employers, and one for the employees. Ta mania has followed the Victorian example as regards Wages Boar but in the island state their decisions are final. Western Aus ia, on the other hand, has a State Arbitration Court in composi rather on the lines of the Victorian Court of Industrial Appeal consisting of a President and two other members nominated by em ployers and employees respectively; there are also Industrial Boards for certain occupations. In South Australia Parliament instituted an Industrial Court under the presidency of a single judge, and Queensland likewise possesses an Industrial Court wi a president assisted by two members.

15. TERRITORIES AND MANDATES

Before the War, Australia's territories and mandates were but a name to the general public. They knew that gold ca from New Guinea, and phosphates from Nauru; that Darwin was a storm centre for labour disputes, whilst liners occasionally c to the Solomons. It never occurred to people that the Commonwe was responsible for the administration and defence of these vi strategic areas, the neglect of which nearly cost Australia her LIFE in 1942.

On the mainland, the Federal government directly con CONTAINS the half million square miles known as the Northern Territory, and the diminutive Australian Capital Territory in the midst o WHICH stands Canberra. The former is governed by an administrator, WHO resides at Darwin, and a District Officer subordinate to him a Alice Springs. He has no advisory council, but there is a loc Supreme Court under the presidency of a single judge. The Aus ian Capital Territory is administered by a commission consisti OF government nominees and popularly elected citizens.

16. IMPERIAL RELATIONS

One of the most interesting aspects of present day affairs is the relationship between Australia, Britain, and her sister Dominions. The loosely-knit British Commonwealth, a unique essay in political experimentation, fulfilled the most sanguine expectations of unity in September 1939; it has withstood the stresses, disappointments, and defeats of a long war until ultimate victory, with a cohesiveness that sorely disillusioned its enemies. The efficacy of this UNION justifies the hope that it will serve as a nucleus for a wider form of international organisation, which if practicable, will represent the greatest contribution British genius has yet made to the world.

The preceding pages have revealed, however, that despite the flair of British peoples for self government, they are averse to expressing their systems in detailed legal form. The same is true of the structure of their Empire. Once again we enter the realm of law intermingled with convention, with convention uppermost. There is also an added difficulty. Whereas the constitutional conventions surrounding the King, his representatives, and Cabinet government have now assumed concrete form through long usage, the conventions regulating the conduct of members of the British Commonwealth have originated within the lifetime of many people, and are still in course of development. Hence ~~the complication surrounding~~ COMPLICATED BY IS any attempt to describe Imperial relations differences of opinion as to what these relations actually are.

They have been broadly defined at Imperial Conferences, and a somewhat clumsy attempt has been made to express them in statutory form, but the results of the former tend to be nebulous, and the latter unsatisfactory and incomplete. On this question there are two schools of thought. The first considers it advisable to minimise definition and avoid codification, on the principle that it is wiser to allow the Imperial constitution to evolve according to circumstances and necessities, just as the constitution of Britain was built up according to usage, custom, and convenience rather than by premeditated enactments. On the other hand for the past thirty years there has existed a vociferous body of opinion which seeks to delimit the powers of Great Britain, the Dominions, and the various classes of Colonies. This school, instead of regarding the Mother Country and the Dominions as members of a family living IN different apartments of ~~a vast and~~ A rambling edifice bearing the superinscription "British Empire", has urged the desirability of breaking up the establishment into a number of separate villas, each a self-contained unit, yet still standing within the confines of the Imperial park. To the former school belong the public opinion of Britain and her statesmen, members of all parties in New Zealand, and that large section of public opinion in Australia represented in Parliament by the United Australia and Country parties. The second school is led by Canada and South Africa, and supported to some degree, though by no means altogether, by the Labour party in Australia. It was on account of the claims put forward by the senior Dominion and of the separatist tendencies of South Africa, that Imperial relations were the subject of so

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much definition in the years between the wars, to such an extent, indeed, that the last-named school may be said to have prevailed.

Before setting out on these ~~vaguely~~ INCOMPLETELY charted waters let us see what means are employed for expressing Australia's point of view in other Empire countries. In this respect she is fully represented by her own nationals. In common with Canada, South Africa, and New Zealand, the Federal government sends to London a High Commissioner representing the Commonwealth, and in addition each State is separately represented by an Agent-General. The Canadian Provinces do likewise, but the status of the Australian Agents-General is higher than that of their Canadian counterparts on account of the greater importance attaching to an Australian State as compared with a Province of Canada. South Africa and New Zealand, being smaller Dominions and having unitary governments, are represented solely by a High Commissioner. Nor is it to Britain alone that representatives are sent, In Canada, New Zealand, South Africa, and India there is an Australian High Commissioner; a Trade Commissioner operates in Malaya. The other Dominions and India reciprocate, and so does Britain. After Governors-General and State Governors ceased to act in any respect as emissaries of the British government and became solely viceroys, Downing Street appointed its own High Commissioner to each Dominion.

The High Commissioner for Australia in London is one of the most important posts in our public life. Appointed by the Federal government for a fixed term (usually five years), he receives an annual salary of £5,000 and is accorded an official residence in London, 18 Ennismore Gardens. His office, together with those of all Commonwealth officials, is at Australia House, an imposing building not altogether wisely situated on an island site in the Strand. Here, too, are to be found some of the State offices, but Queensland, South Australia, and Western Australia have preferred to establish independent headquarters in the more frequented parts of the West End.

The High Commissioner's functions partake of an ambassadorial, a political, and a commercial nature. First and foremost, he is the channel of communication between the Australian and British governments. It is he who acquaints the Secretary of State for the Dominions of his government's attitude on the multifarious questions that arise affecting the two countries, and he in turn is frequently consulted by the Dominions Secretary on matters of Imperial policy. During the Czech crisis of 1938, and throughout the critical months of 1939, the High Commissioner was in constant touch with Downing Street; during the War he was actually admitted to certain Cabinet meetings when Imperial strategy and war organisation were discussed.

In the next place he is the representative, the impersonation, of the Australian Commonwealth to the British people. In that capacity, it falls to him to attend a ceaseless round of State and social functions, at which he must often speak in the name of Australia and put forward the Australian point of view. And this aspect of his activities is not confined exclusively to Britain. Before the War, the High Commissioner frequently represented Australia at the League of Nations sessions at Geneva. The

old League, it will be recalled, consisted of two deliberative bodies, an Assembly and a Council. The Commonwealth has always been represented in the League Assembly; in the Council one seat is reserved permanently for the Dominions which they occupy in rotation. Some years ago, the signal honour was conferred on the Australian High Commissioner, then Mr. Bruce, of being elected president of the League Council, a task that he carried out with a distinction that earned universal praise. This attendance, then, of the High Commissioner at Geneva enlarges him from an Imperial into an international figure, and as such he has the power of advancing or diminishing the prestige of his country in the eyes of the world.

The High Commissioner, again, is repeatedly entrusted with the handling of financial and commercial arrangements. Australia is a debtor country whose development is largely conditioned by the amount of overseas capital flowing to it for investment either in the form of government loans or the establishment of industries. In the past the majority of these loans have been floated in London, and the High Commissioner is one of the instrumentalities employed by the Federal government whenever it desires to borrow money, redeem loans falling due, or secure other means of financial accommodation. In these respects, Mr. Bruce, by reason of his knowledge of finance, of the London market, and the personal relations that he established with British financiers, played a conspicuous role in arranging for Australia's loan requirements during his term of office. On the purely commercial side, insofar as this deals with the marketing of Australian products in England and on the Continent, the High Commissioner is assisted by a Trade Commissioner; but in the last resort, on account of his varied personal contacts, an able High Commissioner can bring about the conclusion of trade agreements that are highly beneficial to his country.

The foregoing considerations will indicate the importance and responsibilities of the Commonwealth's representative in London. It need hardly be emphasised that men with only the very highest qualifications should be selected for this office. But it is also necessary that they should be conversant with and sympathetic to the English way of life, possessing the education, training, diplomatic skill, experience of public affairs as well as the intellectual equipment essential for the maintenance of so influential a position. Of all the High Commissioners who have previously represented Australia, none have equalled the standard set by Mr. Bruce in 1933. His integrity, industry and deep knowledge of British and Australian problems contributed greatly to the restoration of Australia's reputation after the setback it received during the years of the Great Depression.

The States, as was mentioned earlier, are each represented by an Agent-General. He is appointed by his State government for a fixed term at a salary of between £2000 and £3000 a year. His functions resemble in some respects those of the High Commissioner, except that his field of action is naturally circumscribed by the limited powers of the States. But in matters exclusively affecting his State he, like the High Commissioner in the Commonwealth sphere, is the communicating tube between the State government and the Dominions Secretary. An example of this appears in connection with the selection of Governors. A panel of names is

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presented by the Dominions Secretary, with the approval of the King, to the Agent-General who in turn transmits them to his government. After considering the qualifications of each candidate, the State ministry indicates its preferences, which the Agent-General forwards to the Dominions Office. Providing the State Cabinet's choice is acceptable to the Sovereign, he duly appoints the name thus designated as Governor. This procedure is not always followed, but it is the general rule. The main range of an Agent-General's activities, however, lies in the sphere of trade and marketing. Since commerce is so much a State function, it is his duty to promote the sale of goods exported from his State whenever possible, and to keep his government constantly informed as to the condition and possibilities of the British markets. In recent years, in view of the increasing extent of the Agent-General's commercial activities, there has been a tendency to appoint experienced business men to this position. The larger States, such as New South Wales, have a separate Trade Commissioner subordinate to the Agent-General.

Now for the more profound subject of the relationships governing the senior members of the British Commonwealth.

It will be recalled that self-government was granted to five of the Australian colonies between 1855-9, to New Zealand in 1856, to the Canadian provinces some ten years earlier which blossomed into the Confederation of 1867. This decentralisation of administration amongst such distant communites soon revealed the strong necessity for discussion at regular intervals between home and colonial statesmen. It is not surprising, therefore, that one of the big events in Imperial constitutional history occurred in 1887 when the first Colonial Conference met in London, consisting of the Premiers of, and one other delegate from, every self-governing unit in the Empire, under the chairmanship of the British Colonial Secretary. A second Colonial Conference assembled in London ten years later, but of greater interest is the third Conference of 1907. Two important decisions were made by this body. For the first time the term "Dominions" was applied to the self-governing colonies in order to differentiate them from other parts of the Empire. Secondly, it was decided that future meetings between the Dominions should be known as an Imperial Conference, which organisation should be "the formal bond of connection between His Majesty's governments in the United Kingdom and the Dominions", and which would consist of the British and Dominion Prime Ministers. So magnified and reconstituted, the first British and Colonial assemblage to be styled Imperial Conference met in London in 1911. It passed a significant resolution on foreign affairs, declaring that the practice that had arisen of the Dominions being consulted by Whitehall on questions of foreign policy directly affecting their interest should be continued; furthermore, the Dominions were henceforth accorded a share in the determination of the broad outlines of the Empire's foreign relations. But as to the declaration of war and peace, and the concluding of foreign alliances, it was agreed that Britain must still have the final voice.

The growth of the Dominions in stature and responsibility was quickened by their conspicuous services in the 1914-18 War. This became evident at the Peace Conference, to which they

~~Dominions~~ sent their own representatives. The various treaties were signed separately by each Dominion, side by side with Great Britain, nor did they become operative until ratified by the Dominion Parliaments. Furthermore, the Covenant of the League of Nations, itself an integral part of the Treaty of Versailles, provided that the Dominions were to be admitted to the League as separate members and even entitled to election to the League Council. These concessions were of momentous effect, for, as Professor Berriedale Keith points out, they amounted to a confirmation of Canada's claim that the Dominions had gained the same degree of autonomy in their external relations as they possessed in purely domestic affairs.

The precise nature of this enhanced status accruing to the Dominions as a result of the War was crystallised in the most celebrated of all Imperial Conferences, that of 1926. The declaration of the relations between the Mother Country and the Dominions drawn up by Lord Balfour, the wisest British statesman of the post-war decade, will be acclaimed as a classic for all time. Great Britain and the Dominions, so runs the well-known sentence, "are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations". But this pronouncement, although portentous, had no legal foundation, despite its strict observance in practice. It is a clear example of constitutional convention as opposed to law. The subsequent Conference of 1930 was in the nature of a sequel, seeking to clarify the implications of the declaration, and to express both declaration and implications in legal form. As usual Canada and South Africa led the way, but the Australian Prime Minister, Mr. Scullin, took a more restrained view, observing that "it was a mistake to dot the i's and cross the t's" - an opinion with which all people conversant with the advantages of a flexible, uncodified, governmental system will unreservedly agree.

Two major results flowed from the 1930 Conference. The Dominions agreed to communicate fully with one another on matters of external relations in order that each might be aware of the other's action, and have the right to express its opinions on actions contemplated by the remainder. The outstanding achievement, however, was the ~~passing~~ AGREEMENT ON THE PROPOSED of the Statute of Westminster, containing some sort of codification of the status expressed in the Balfour declaration, and ~~enacted~~ DRAFTED IN 1929 BY THE CONFERENCE ~~Imperial Parliament~~ ON THE OPERATION OF DOMINION LEGISLATION.

The Statute of Westminster 1931 is a short measure - the third of its name - of ~~eleven~~ TWELVE ~~short~~ sections. At the outset it is well to note that the Act only applies to Great Britain, ~~and three Dominions~~ CANADA, ~~and~~, SOUTH AFRICA, AND EIRE. ~~who have adopted it in their own Parliaments.~~ ~~Canada, South Africa, and Eire accepted it with the alacrity of prisoners of war being offered turkey and trifle.~~ INITIALLY Australia and New Zealand, FOR THE TIME BEING, preferred to leave matters as they were, and not until 1942 was the measure adopted by ~~the Australian~~ CANBERRA Parliament. The Statute, again, takes great care not to impinge upon the rights of the Australian States and Canadian Provinces as established by the British North America

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and Commonwealth of Australia Constitution Acts; to this purpose it devotes two sections.

~~With~~ These reservations, APART, THE STATUTE commences WITH A LONG PREAMBLE. THIS asserts that the Crown is the symbol of the free association of members of the British Commonwealth of Nations, who are united by a common allegiance to the Crown. The words "free association" seem to imply that membership of the Empire is now a voluntary act which might possibly be terminated by any of the partners at will. And for the first time, the phrase "British Commonwealth of Nations" appears in a British Act of Parliament, again emphasising the independence of the constituent parts.

The ~~Statute~~ PREAMBLE, then goes on to declare that any change in regard to the succession to the throne OR THE ROYAL STYLE AND TITLES requires the assent of the Dominion parliaments as well as that of the United Kingdom. This is one way of expressing the principle that since the Sovereign is the King of Australia as well as of England, the peoples of both countries are equally concerned with regard to questions affecting the monarchy. During the constitutional crisis of 1936 the Federal Parliament sat uninterruptedly in session, and on the abdication of Edward VIII and the accession of George VI, enacted legislation similar to that of the British Parliament, providing for a Regency on the premature demise of the King, and other matters.

~~Now comes~~ The central feature of the whole enactment is CONTAINED IN SECTIONS 2 AND 4. SECTION 4 LAYS DOWN No Imperial Act, ~~the Statute lays down~~, shall extend to any Dominion after December 11th 1931, unless it is declared therein that the Dominion in question has requested and assented to the measure. Once it is remembered that the Australian constitution is itself an Act of the British Parliament, and that the British Parliament is a sovereign body able to repeal at will any of its statutes, the full significance of this provision will readily be APPARENT. For though in the past it was in the highest degree improbable that the Imperial Parliament would tamper with the Federal constitution, this enactment MAKES such a contingency now impossible, unless, of course, the Statute of Westminster itself is repealed. Another effect is to render the Dominions entirely free from any British legislation whatsoever - a point strengthened by ~~a further~~ Section 2 of the Statute, which states that legislation by a Dominion contrary to Imperial legislation applying to that Dominion is no longer invalid. This ~~is to~~ SAME SECTION EXPRESSLY ~~repeal~~ REPEALS the application of the old Colonial Laws Validity Act of 1865 IN SO FAR AS IT EXTENDS TO A DOMINION.

Other noteworthy sections relate to merchant shipping, AND confer on the Dominions the right of extra-territorial legislation, whilst for the first time in English history the term "Dominion" is given legal as distinct from conventional recognition.

What then, in short, is Australia's position today? Despite this rapid evolution, which the events of the recent War have emphasised and strengthened, there is still a popular belief that in many respects Australia acts at the behest of Britain. Looking at the Balfour Declaration and the Statute of Westminster together, Australia is an independent nation, possessing the same status as Britain, in no way subservient to her and no longer under British tutelage. She is tied to Britain only in the same way as Britain is bound herself - to the same King. The new situation was commented on by an English wit who remarked that Britain was now a dominion of Australia. Australia, furthermore,

has complete control over all matters of domestic policy; she can, for example, alter her system of government, and trade with whom she pleases and in her own fashion. She can declare war as she did on September 3rd 1939, and make peace, of her own volition. She has absolute authority over the disposition of her armed forces, as was demonstrated when she withdrew her troops from the Middle East early in 1942. She is entitled to, and does, appoint her own diplomatic representatives to foreign countries. She can abolish the right of litigants to appeal to the Privy Council, as Canada has done in criminal cases and Eire altogether. In every sense she is mistress in her own house.

Yet despite this show of independence, powerful ties still persist. They are none the less real for being intangible. The bonds that unite the sister nations of the British Commonwealth are neither governmental nor legal but of a far more durable nature. Fundamentally, they are to be found in a sense of kinship, in the pride of a common race, a common ancestry, and for 300 years a common history. They are expressions of individual, human, relationships which are too profound, too delicate, too intricate to be translatable in the cold objective language of legal formulae or constitutional conventions. But these bonds also exist because of practical considerations. The Mother Country is strong, populous, rich, the most influential power in Europe. The Dominions are comparatively undeveloped, extensive in area, small in numbers, unable to stand alone politically or commercially in a highly organised, competitive, and aggressive world. Membership of the Empire not only affords the Dominions a measure of political security and protection that would otherwise be denied to them; commercially it provides them with markets - in Australia's case for the disposal of her surplus meat, wheat, dairy produce, and fruit which she would find difficulty in selling at a remunerative price were she outside the British Commonwealth. Hence the desire to preserve the Imperial connection springs both from the heart and the head.

In days like the present, when the glow of victory is still softened by STORM ~~fear~~ clouds ON THE HORIZON ~~in the sky than sun~~, men's thoughts inevitably turn to the future of the British Commonwealth. The War has shaken Britain to her foundations. In 1940 her very existence was at stake. Her possessions in the Middle East came within an ace of being captured in July 1942. The Empire of the Far East fell earlier in that year, a temporary victim to an unscrupulous and predatory foe. Britain's commitments in Europe, the Mediterranean and Africa, her policing of three oceans, prevented the fulfilment of her historic role as the protector of Australia. This country has been saved from invasion not so much by our own exertions as by those of a foreign ally - the United States. Yet, in spite of these calamities the outlook is bright, if we choose to make it so. No British subject ever really doubted that Britain would recapture her lost colonies, or that Australia would once again exercise undisputed control over her Pacific territories. The Empire, with its American and Russian allies, as Mr. Churchill bravely foretold, swept the enemy from the seas, drove his planes from the skies, overwhelmed his armies on land.

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But these are only pre-requisites to the accomplishment of a greater task. The biggest obstacles to peace between the wars were American isolationism, and Anglo-American misunderstandings. Recent events will probably help to kill the isolationist spirit, and convince even the farmers of the Middle West that the frontiers of the United States stretch from the Yang-tse to the Rhine. The joint sacrifices of American and British forces in all theatres of war may do much to expose the futility of past suspicions. This, however, is not enough if the Empire is to escape future disasters of a similar nature. It is in the promotion of an organised, lasting, Anglo-American concord that the hopes of all peace-loving nations lie, and it is here that Canada and Australia can act as invaluable bridges between Britain and the United States. Canadians in particular, and to a lesser extent ~~we~~ Australians, ~~can~~ appreciate more clearly the American point of view than ~~can~~ do the people of Britain. If through our efforts - and the task will entail great effort - we can be instrumental in bringing about a system of collective security in international affairs between the British Commonwealth and the United States, the Empire will emerge into the most glorious period of its history, so much so that of us it could truly be said that we built well for the peace of ~~Australia~~ OUR COUNTRY, the Empire, and the world.

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Suspend ~

Hut E 1

Changi.
21/5/45

Dear Alick:

Notwithstanding my deep admiration of your book, and my desire to make no comment other than that of a cnngratulatory nature because of its general worth, I am impelled to offer the following trifling criticisms. I am, howerer, very conscious of my temerity.

P. 23. para 1. Line 2. I suggest that the word ' sack ' in a work of this nature and style seems incongruqus and out of place. What about something a little more dignified?.

P. 26. para 3. Line 8. " Including the two Archbishops of Canterbury and York " Are there then, four of these gentlemen?. A little rearranging, eh?.

P. 27. para 1. Line 13. The " Pure Victoria " dont you think " Youthful " quite sufficient?.

P. 27. Line 21. From " It was this..." to end of para. A dangerous and challengable statement. Not important to the work itself and detracts from it.

P. 59. Line 5. From " Mr Scullin " to end of para. A comment better left unsaid, I think, in a wonk of worth. The tinge of bias tends to spoil the general excellence of the value as a whole. Things printed assume greater importance than things spoken, and last longer. I suggest giving consideration to the elimation of this.

P. 60. Line 10&11. Is this so in NSW? I think not. Perhaps there is some ambiguity here, as evidenced by Line 2. para 3.

P. 77. para 3. Line 25. From " He has.. " to end of para. These words appear redundant and tend to spoil the humour of the preceeding lines. They fall far below the general dignified level of the whole work, as does a corresponding quip in line 15-16. page 78.

P. 79. Would suggest additional information about salaries of members.

May I repeat what I have already said, that you have created a work which is valuable, interesting and entertaining. I believe that when published it will

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be widely read, not only by political aspirants, for the knowledge it contains, but by the general public, too because of its brightly written revelations of a subject for too long to little known.

Of the welter of published works of all kinds, I believe that this will stand out as one of the few that are really worth while.

Once again, Alick, my very sincere congratulations.

Yours Sincerely,
Arthur Calwell

38/39 Re Received
40 ? why not Hughes for
Asst. History record
him as outstanding Dust Pan

P48
59 ... P 23 Lord High Admiral
68 C I C's

Air Chief Marshal

Should be 3 Thus

Irish Sea Lords & C in C's

C. of S.

Chief of the Air Staff

3 Thus is not High Admiral is an obsolete title + Air Chief Marshal is a rank NOT an appt.

p 26 - Don't through Dominions & Colonial Governors?

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1. Universal suffrage in France? Male suffrage only?

2. P. 24 Baldwin & Curzon: King must send for chosen leader of the party. Otherwise, they wld. have declined to serve under B.

3. K. Church: p. 26. K. must be Protestant.

4. P.M. 'If he resigns it is practice for govt. to do likewise'. They must resign.

p. 28 - 'P.M. as such'. Since 1937 P.M. draws his salary as such, & not as 1st Lord.

5. P. 29 - 'P.M. as such'. Since 1937 P.M. draws his salary as such, & not as 1st Lord.

6. P. 31 Sec. for India is Sec. of State for India & Burma.

7. P. 35 Irish Peers: Since Treaty haven't elected any replacements, & hence nos. are falling.

8 - Occasional anomalies ex.

p. 38. Business vote. Hay have been abolished.

9. ~~Vo~~ P. 39. Voting. (1) Check Govt figs. 1935. 11,791,461 Govt. & 930,000 for unopposed Lab. seats = 12 3/4 m. Opposn. 999,2710 + 1/2 m for unopposed = 10 1/2 m. (2) ~~[illegible]~~ only 58 out of about 580 3 Lab. Cd. Cornered contests. Possibly have been affected of above. Vote had been applied.

10. P. 41 (1) Speaker always belong to party in office. No. Only initially belongs to party in office e.g. Brown re-elected in Aug. 45, but Brown is Conv. (2) Plays NO part in current controversies, not 'little'.

11. P. 42 (1) Para 3 line 1. Adve. Cy. Cls. are ~~just~~ no more important than Cy. Bro.

appear to the chair that such a motion is an ~~[illegible]~~ above of the rules of the Ho. & an infringement of rts. of the minority. (2) Guillotine: applies to allotns of business of Ho. as a whole. But check.

J. H. Harrison
Bugbrooke Hall
Northampton.

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3

Cls. Both are on exactly the same footing.
(2) Check elections: whether the whole is elected in March or only 1/3?
(3) Cy. Bro'd. elections are only in November, not March. elect 1/3 every year.
(4) Cy. Bro Cls. also have Mayors, Aldermen, etc. 1st para. p. 43 applies to Cy. Bro Cls. as well.
12. P. 47. only 12 M.P.S. from N. Ireland not 13.
13. P. 79 Election of Speaker from party in power — but this not quite right re England.
V. Supra P. 83. Bills. Don't differentiate enough betn. Private Bills & Private Members Bills.
15. P. 85 (1) Question be now put 100 strong. Unless it alld.

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(2) ~~Lord~~ Lord Ernest Hill was about
1886-1888 Lord [illegible]
Lord [illegible] P.C. [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] off. [Lord
Brey: P.C.]

p2 ⓐ para 1. Lord [illegible]:
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

ⓑ S. A. [illegible] [illegible]
[illegible] [illegible] [illegible]
so [illegible] [illegible]
ⓒ [illegible] [illegible] [illegible]
legal [illegible] [illegible]
[illegible] [illegible] [illegible]
be [illegible] [illegible]

p. 28 - [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
53 — [illegible] [illegible]
[illegible] [illegible] [illegible]
55 — [illegible] [illegible]
[illegible] [illegible] [illegible]

(1) 5 - [illegible] [illegible]
9 - [illegible] [illegible]
92 - [illegible] [illegible]
93 - [illegible] [illegible]
66 - [illegible] [illegible]
[illegible] [illegible]
67 - [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
19 - [illegible] [illegible]
ⓐ [illegible] [illegible]
ⓑ [illegible] [illegible]
ⓒ [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[

(3) "Ld. Rig 43 Ch": ✓
"SC. Jdg Underwood: commencing 7(1)C.A. A&H. Ch. J
✓ Jurors, 12. = Civil cks.
C.A. MR 45, 46 ? Check.
Ldg. Oct 1873, came into operation 1875.

(4) Party system: Colton p. 86. But Churchill did: Suggest retain party organ & party but shorn him of powers for evil. Cross following, did not repeal to care for all party ministers.

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Major J R Cole

27 King - Sandringham Balmoral
23 Lord High Admiral etc.
X independently wealthy
of Victoria
£6,000,000

24 Curzon + Baldwin
25 Appt of Ambassadors — war time
34 Chief Dip Advisor of Horace Wilson
Chief Econ. Adviser
Anchd Golden-Derby
5 House, Cliffs

45 Pairs Coronet not robe.

p 47. Coroner
County Gentlemen J.Ps.

50 Name of present leader —

Speaker not always Govt party.

73 Legation in China Bowden?
100 Trade Comm - Shanghai — Vlg Bowden

101 since - use in

X 1000.000 Vict. for P.C.
500.000 Nuild

£5000,000 Eth Hardie Portrait Influence of
Queen V.
quoted Sidwell - Victoria of England.

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