

The Western Australians: A Silent Majority

In John La Nauze's magisterial study of the making of the Australian constitution¹ the Western Australian delegates play a diminished role, emerging almost entirely as the mute satellites of their premier, Sir John Forrest.

Although, through various accidents, more Western Australians attended the 1897-98 Federal Conventions than representatives of any other colony – fourteen, as against the usual ten, and none for Queensland – only three of them made his list of delegates entitled to rank as founding fathers of the Commonwealth: Forrest himself, Winthrop Hackett and, largely because of seniority, Sir James Lee Steere. This is a smaller proportion than La Nauze awarded any other colony and invites the thought that, apart from Forrest, the Western Australians made only a slight contribution to the Convention.

A revisionist would find difficulty in overturning La Nauze's judgment. There can't be much to say on behalf of Frederick Crowder, whose two contributions to debate consisted of inane questions about finance, or Andrew Henning, who spoke not at all. It was always a source of some irritation to me that La Nauze successfully insisted that, by virtue of having attended the Convention, these and other nonentities won automatic admission to the *Australian Dictionary of Biography*. Probably the strongest case for them was made by L. F. Crisp, who argued that 'constitution-making, being a special branch of politics, is very much the art of the possible, and getting a Constitution through a Convention... is very much a matter of pitching appeals to

the minds and votes of all members.² But just as Sherlock Holmes made deductions from the dog which did not bark in the night, so we might deduce something useful from the silence of the Western Australian delegates.

The political culture

By comparison with the other Australian colonies and New Zealand Western Australia's political culture was immature. Whereas the others had exercised parliamentary self-government since the 1850s, Western Australia remained a Crown colony until 1890,

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and even until 1897 the British Government maintained in theory a supervision of race relations through the Aborigines Protection Board. Elsewhere in Australia enough time had elapsed for factionalism to give way to a tolerably well defined party system. In Western Australia politics still polarised between those who for one reason or another supported Sir John Forrest, Premier for a term of office unbroken since self-

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government, and those who opposed him.³ Although at the outset of self-government Stephen Henry Parker was seen as leader of the opposition, he soon joined Forrest's cabinet, and it was only in the second Parliament elected in 1894 that a formal opposition came into being. Its leader in 1896-97 was Parker's brother-in-law George Leake, member of one of the legendary 'six hungry families' who had allegedly dominated Western Australia since its beginnings, but himself tinged with Deakinite Liberalism. He should have been an ideal choice to bridge the two opposition groups, but at this period was regarded by many as an amusing lightweight.

The majority of Forrest's opponents were conservative 'sandgropers', grudging tax-payers who mistrusted the Forrest government's bold programme of public works and state enterprise. They were the 'croakers' who fought the schemes of Forrest and his engineer-in-chief C. Y. O'Connor to centralise the economy on the metropolitan area by building an artificial harbour at Fremantle and to supply the Coolgardie goldfields with a 600-kilometre water pipeline from Mundaring Weir. They have achieved less prominence in the history books than the handful of oppositionists who stood to the left of Forrest: a small number of city liberals, of whom the most notable was Walter James, tenacious advocate of women's

1 J. A. La Nauze, *The Making of the Australian Constitution*, Melbourne University Press, Carlton, Vic., 1972.

2 Quoted in J. A. La Nauze, 'Who are the fathers?' *Historical Studies*, vol 13, no. 51, 1968, p. 345.

3 C. T. Stannage, 'Electoral politics in Western Australia 1884-97', MA thesis, University of Western Australia, 1967.

suffrage, together with one or two goldfields representatives. In early 1897 the most prominent of these was Frederick Illingworth, Yorkshire-born fugitive from spectacular failure in the Melbourne land boom, who was nevertheless regarded in the West as one of the legislature's few authorities on finance. But there were also Forrest supporters among the goldfields members, and as yet none tinged by the radical and republican movements which had stirred in eastern Australia in the late 1880s.

Western Australia's population was expanding very rapidly during the 1890s as gold attracted newcomers largely from Victoria and South Australia with smaller intakes from the other Australian colonies, New Zealand, and Britain. Although old colonists dismissed these immigrants as 'birds of passage' who did not deserve to take part in the political process they challenged the snug little coteries who made up the 'sandgroper' Establishment. Forrest, whose bluff and domineering exterior concealed a canny tactician, endeavoured to placate the goldfields by a number of measures, including railways and public works, and also by increasing the number of mining constituencies in the legislature in time for the next elections. These were scheduled for the first half of 1897. With an influx of 'tothersider' members from the goldfields, the third Western Australian Parliament would be less docile than its predecessor, and this calculation shaped Forrest's tactics in preparing for the 1897-98 Federal Convention.

Forrest was present at the conference of premiers at Hobart in January 1895 which agreed on the calling of a second federal convention, but like Sir Hugh Nelson of Queensland, he was uneasy about the proposal that delegates should be elected by the voters at large of each colony. When the Enabling Bill to select a Western Australian delegation was before Parliament in October 1896 Forrest had little difficulty in persuading the legislature that the colony's volatile demography made it impractical to choose the delegates by plebiscite. It would be preferable, he argued, to entrust the selection to members of the two

Houses of Parliament, who at that time numbered fifty-four: twenty-four in the Legislative Council, elected on a property qualification, and thirty in the Legislative Assembly, chosen by manhood suffrage. (Women were not allowed voting rights until 1899). The Parliamentarians, he claimed, were best qualified to make a judicious choice, and he cited the procedure then used in the United States Senate as a precedent. However, any Western Australian male citizen could nominate for a position on the delegation. The field would not be confined to sitting members of Parliament. These arguments were readily accepted within Parliament.⁴ Outside the main protest was voiced by the *Geraldton Express* and the *Albany Advertiser*. These newspapers were located in two outposts who felt themselves disadvantaged by the centralising policies of the Forrest government and their editors were quick to criticise the Premier's autocratic tendencies. On the Coolgardie-Kalgoorlie goldfields the press was slower to react, and this is at first sight puzzling since by the closing stages of the Federation campaign Kalgoorlie was the power-house of the federal movement. In late 1896 and early 1897, however, the quest for gold was still an overwhelming preoccupation. In some quarters such as the *Coolgardie Miner*, the forthcoming Convention was viewed sceptically, as unlikely to result in any practical outcome.

Attendance no certainty

In any case Western Australia's attendance was no certainty. At the Federal Council meeting in January 1897 Western Australia supported a Queensland resolution calling for the popular election of delegates to the Council as a means of strengthening its functions, powers and authority. This would have increased the Council's legitimacy while at the same time retaining the requirement that all its resolutions must be endorsed by the constituent colonial governments. As an alternative federal model empowering the member-colonies against the federal centre the Queensland proposal would have presented an embarrassing and perhaps formidable alternative to the 1891 Constitution. At the Federal Council it went to a tied vote, which

meant it passed in the negative. It should have passed but for the unexplained absence of Winthrop Hackett from the Western Australian delegation. Only after this episode, and only after a Premier's meeting at Melbourne decided that the other four colonies would elect their delegates on 4 March and proceed with or without Western Australia or Queensland, did Forrest commit his colony to the Convention.⁵

This made for tight timing, since the Enabling Act required a month to elapse between the call for nominations and the selection of delegates by members of Parliament, and the Convention was expected to open in the third week of March. It would not have been necessary to convene a meeting of members of Parliament for the selection process – the ballot could have been postal – but in the upshot a special sitting was required to approve finance before the dissolution of Parliament, and it was resolved that the delegation would be selected on Saturday, 13 March. Giving the delegates a week to organise their affairs, they could not leave Albany for the eastern colonies until Saturday, 20 March, and if, as happened, the Convention opened on Monday, 22 March the Western Australians could not help arriving a few days late. Also, because of the forthcoming elections, they would have to leave early: Professor Frank Crowley estimates that they missed at least one-third of the proceedings.⁶ In these circumstances it was not surprising that Forrest was a strong supporter of Kingston's push for Adelaide as the site of the first session of the Convention rather than a more distant venue.

This reminds us that the tyranny of distance placed constraints on the number of Western Australians who could aspire to serve on the delegation. They must be able at short notice to leave their business or profession and to cover the inevitable expenses of the journey. They would have enjoyed fewer opportunities of previous interaction with the delegates from the other Australian colonies, and though they could boast greater Parliamentary experience than the seven novices who confronted the 1891 Convention, they were still at a

4 Western Australia, *Parliamentary Debates, new series* (henceforth WAPD), ix, pp. 845-859, 998-1013. Only S.H. Parker spoke up in favour of popular election.

5 Federal Council of Australasia, *Official Report of Debates*, 7th Session, pp. 77-102, 116-147.

6 F. K. Crowley, 'Forrest and Federation', lecture given to the Royal Historical Society of Western Australia, 16 April 1997.

disadvantage compared with the Melbourne, Sydney and Adelaide delegates who had enjoyed more opportunities of networking together and achieving familiarity. The problems of mustering a ten-man team of sufficient calibre were substantial. Few had ministerial experience.

At the close of nominations thirty-two candidates put their names forward, among whom the politicians strongly predominated.⁷ Twenty-one were sitting members of Parliament, three were ex-members, and four (including two of the ex-members) were seeking to contest a seat at the forthcoming elections. Only six had no involvement in Parliamentary politics, of whom W. F. Samson, member of an old Fremantle family and sometime mayor, was the most prominent, although Henry Schimmelpennick Ainsworth of Geraldton deserves mention if only for the imagination of his godparents. One of these cleanskins was disqualified for an irregular nomination – he was one of only two goldfields residents – and George Throssell, MLA withdrew his name because of his imminent appointment as Minister for Lands. Of the remaining thirty only Winthrop Hackett, editor-proprietor of *The West Australian*, took the trouble to publish a manifesto setting out his views (pro-federation but with strict respect to State rights).⁸ It was understandable that the Kalgoorlie *Western Argus* should complain:

What the views are of any of the West Australian candidates for the Convention on these very important questions, or whether they have any views on them at all, the public has no means whatever of knowing... but the representatives may rest assured that their actions at the Convention will be closely watched and remembered by the voters.⁹

Of the fifty-four members of Parliament eligible to vote on the makeup of the delegation, forty-seven recorded votes, though one was disqualified because he inadvertently selected eleven names rather than the required ten. Unsurprisingly Sir John Forrest topped

the poll, with 45 out of 46 valid votes. (Presumably, in accordance with the quaint custom of his day, he refrained from voting for himself.) The Speaker, Sir James Lee Steere, came next with 43, then Leake, Leader of the Opposition, 40; Frederick Piesse, Minister for Railways, 38; Winthrop Hackett, 37; William Thorley Loton, a successful merchant, 33; young Walter James, 30; Albert Young Hassell, a grazier with broad acres

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FORREST.

Sir J. Forrest (*Western Australia*).
'Quiz', 15 July 1897.

north of Albany, 27; Robert Sholl, pearler and pastoralist, 23; and John Howard Taylor, the sole goldfields representative, 17, just ahead of a cluster of others. None of the non-Parliamentarians scored more than seven votes; one hapless fellow had none. As the Perth *Morning Herald* remarked, tongue in cheek: 'Sir John Forrest must be disappointed, because they picked members of Parliament only.'¹⁰

In reality Sir John cannot have been too disappointed with the outcome. A few evenings previously, having occasion

during a banquet at Guildford to refute comments that the election of the delegation by members of Parliament was a 'farce', he asserted that this procedure would prevent the city of Perth from overwhelming the country districts.¹¹ This argument was specious. As the *Albany Advertiser* pointed out the popular vote in New South Wales was heavier in country districts than in Sydney.¹² As it happened, although several of the delegates resided in Perth, all except James and Taylor had substantial pastoral and farming interests. It is also relevant that if the press is a reliable mirror of attitudes in rural Western Australia, the Federal Convention was meeting with the profoundest apathy. Such newspapers as the *Bunbury Herald*, mouthpiece of Forrest's own constituency, the *York Eastern Districts Recorder* and the *Northam Advertiser* carried no coverage at all of the election and very little of the subsequent Convention debates. It may be that rural readers relied on the *Western Mail*, the weekly arm of Hackett's *West Australian*, for their news of the outside world, but the silence is telling.

Surprisingly the *Coolgardie Miner*, edited by the fiery F. B. C. Vosper, a graduate of the 1891 Queensland shearers' strike, attacked what it called the 'ultra-metropolism' of the delegates, but that is probably shorthand for asserting that the goldfields had been neglected at the expense of the old-established South-West.¹³ Taylor, the only goldfields representative included in the delegation, had only squeaked in as the last man of the ten. La Nauze conjectures that Forrest may have contrived or suggested his election 'in order that the newcomers on the fields might suppose that they had some representation.'¹⁴ Colour is given to this theory by the fact that on the day prior to the election the *Morning Herald* published a forecast of the likely result with absolute accuracy as to the first nine places, but with the Fremantle headmaster, Henry Briggs MLC, as the tenth name.¹⁵ Briggs polled fourteen votes, only three short of Taylor, and it

7 *West Australian*, 11 March 1897.

8 *ibid.*, 12 March 1897.

9 *Western Argus*, 11 March 1897.

10 *Morning Herald*, 15 March 1897.

11 *West Australian*, 11 March 1897; *Coolgardie Miner*, editorial, 15 March 1897.

12 *Albany Advertiser*, 18 March 1897.

13 *Coolgardie Miner*, 15 March 1897.

14 La Nauze, *The Making of the Australian Constitution*, p. 104.

15 *Morning Herald*, 12 March 1897.

may be that, perceiving no goldfields representative on the *Morning Herald's* list, Forrest or another – it could have been the whip, his brother Alexander Forrest who had extensive mining interests – persuaded one or two members to switch their votes from Briggs to Taylor. Indeed, it would only have required the votes of the Forrest brothers themselves. Taylor, an Englishman who had made a quick fortune at Coolgardie as a flashy stockbroker, was a safe nominee unlikely to proffer radical or disturbing opinions.

Of the ten delegates six were locally born, three were English and one (Hackett) came from Ireland. Five (Forrest, Lee Steere, Loton, Hassell and Sholl) had been members of the old pre-1890 Legislative Council. Four (Forrest, Hackett, Loton and Lee Steere) attended the 1891 Convention. All, because of the 1890s boom, were comfortably off, in contrast to some of their colleagues from eastern Australia. None was Catholic. Several of the editorials commenting on the election stressed the lack of information available to the public about the opinions of members of the delegation. Having been very little exposed to the activities of such pressure-groups as the Australian Natives Association and the Federal League, Western Australians had not enjoyed much opportunity for extensive public discussion of the pros and cons of Federation, and the *Albany Advertiser* was probably right when it surmised that the majority of delegates were 'going to the Convention with open minds on the subject, prepared either to decide for themselves or to follow their leader.'¹⁶ *The Morning Herald*, noting the rural bias of the delegation and the commitment of several of its members to protective tariffs on meat and farm produce, predicted that 'they are very likely to sacrifice federation to a wagstraw utopia.'¹⁷

Not surprisingly the most cogent analyses came from the critical editorials of the *Albany Advertiser* and the *Geraldton*

Express. The Albany editorial pointed out that it gave the public mixed messages to include among the delegation both Hackett, an ardent advocate of federation, and Lee Steere, who as a veteran member of the almost toothless Federal Council believed that would suffice Australia's needs for the foreseeable future; yet many members of Parliament must have voted for both men. The *Albany Advertiser* still believed that the two Houses of Parliament 'have assumed powers which they did not possess', and wondered how much weight the Western Australian 'hole-in-corner' delegation would command in contrast to the popularly elected representatives from elsewhere.¹⁸ The *Geraldton Express* also made much of Lee Steere's lack of sympathy for the federal movement, calling him a 'mouldering weather-beaten relic of the past', although an estimable private citizen. He was quoted as exclaiming that 'the Victorians elected to the Convention were practically Trades Hall nominees and opposed to state rights.'¹⁹ One wonders how Sir William Zeal or Simon Fraser reacted if they ever got to hear of this description; and one can't help feeling that La Nauze was over-charitable in including Lee Steere among the Founding Fathers. Only Forrest, the 'able' Hackett, and Walter James, 'a clever young man with a brilliant future' gained the approval of the *Geraldton Express*. Leake they considered a comedian, Piesse an unknown, Loton superannuated, and Hassell, Sholl, and Taylor 'bulgy figureheads that cannot even claim the merit of being fairly ornamental'.²⁰

Willing to cast a sharp dart

None of this necessarily means that the delegation went to Adelaide as Forrest's pliant brute votes. Leake and James were already figuring in the Legislative Assembly as picadors willing to cast a sharp dart or two at the tough skin of their premier. Hassell and Sholl, as members of established Western Australian families, could remember Jack Forrest when he was the miller's son from Bunbury, and were never averse to trying to deflate some of Forrest's grand ideas, and Lee Steere, although sworn to

impartiality as Speaker, was cut from similar cloth. Hackett, who conceived of himself as Forrest's intellectual grey eminence, seldom differed overtly from the premier, but when *The West Australian* published a cautionary editorial, Forrest listened. Loton had the prestige of the successful businessman, Taylor of his success story on the goldfields. Only Piesse, the sole Cabinet minister accompanying Forrest, might be seen as the Premier's satellite, for although very much the lion of his home town Katanning, he tended to be lamb-like in larger arenas, lacking eloquence so that in some circles he was known as 'the Piesse that passeth all understanding'. Nevertheless, despite the differing perspectives which these ten men brought to politics within Western Australia, they soon agreed to present a united front when attending a nation-wide convention at which they might be seen as punching above their weight. Their silence in debate was due not to any intimidation by Forrest, but from deliberate policy. After the Adelaide session Hackett was quite explicit on this point: '...the Western Australian delegates agreed that there should be no speaking on our side whatever, but that business should be got through as soon as possible in order that we might return.'²¹ He was supported in this interpretation by Taylor, who indignantly complained that, with some of the other delegations, every member had insisted on exercising his right to speak.²² The Western Australians thought they had better uses for their time than sitting about in a strange town listening to other men's eloquence.

What did the Western Australians achieve at the Adelaide session of the Convention? One or two of them ventured initiatives in the major sub-committees of the Convention. The most interesting of these originated with Walter James, who raised the question of the Commonwealth government's power to appoint federal courts other than the High Court. Advice was sought from Sir Samuel Griffith, as a result of which it became feasible for State courts to be endowed with federal

16 *Albany Advertiser*, 18 March 1897.

17 *Morning Herald*, 15 March 1897.

18 *Albany Advertiser*, 18 March 1897.

19 *Geraldton Express*, 12 March 1897.

20 *ibid.*, 19 March 1897.

21 WAPD, x, pp. 104-5.

22 *ibid.*

jurisdiction.²³ But perhaps the most significant role of all was played by Winthrop Hackett, though necessarily it went unpublicised at the time. As is well known, the critical question resolved at Adelaide involved the power of the Senate to reject legislation passed by the House of Representatives. Forrest, believing that the Senate would function more effectively as a States' House than in fact turned out to be the case, hoped to overturn the 1891 compromise restricting the Senate's right to amend laws imposing taxation. The Constitutional Committee, on which Hackett, Hassell, Lee Steere, and Sholl served, fulfilled Forrest's hopes by a 14 to 10 vote, the three smaller colonies ganging up against Victoria and New South Wales. When the issue appeared before the full Convention, Forrest was conspicuous in boasting 'we have the numbers'; but a providential catarrh enabled Edmund Barton to defer the vote overnight, during which time some deft lobbying secured the defection of two Tasmanians and William McMillan, and the restoration of the 1891 compromise. Once again, although knowing the vote would be close, Hackett absented himself.²⁴

Despite this outcome, Hackett in reporting the Convention to the Legislative Council, described the result overall as a triumph for the smaller colonies: 'That the small populations made such a good fight, and secured such good terms is due in the main to the stand made by Western Australia. That stand was made by delegates from this colony with no idea of bringing special distinction to themselves, but from a sense of duty.'²⁵ He was informing his hearers that Western Australia's influence lay in its disciplined voting behaviour rather than the length of the delegates' speeches, and he may well have been right although Walter James for one foreshadowed that he would be prepared to consider some concession on the Senate issue rather than see federation wrecked. Interestingly, Hackett in 1891 had been the only Western Australian to vote in favour of the 1891 compromise. When he voted against it in the Constitutional

Committee of 1897 he may have done so more out of a wish to preserve the solidarity of the Western Australian delegation than out of private conviction. He may even have anticipated that the full convention would restore the 1891 compromise, and his absence from the vital vote because of 'urgent private business' may also have had a tactical component. We should remember that he was reporting to the Western Australian Parliament during Forrest's absence overseas. There was a real risk that the Western Australians, disappointed at the outcomes of Adelaide, might withdraw from later sessions. Hackett's version of events was designed to commit the West to staying involved, and in this he was successful.

The main benefit

Perhaps the main benefit of the Adelaide session from a Western Australian viewpoint was its efficacy in educating the politicians on the Federation question. Leake in particular stressed the importance of the major sub-committees of the Convention,²⁶ and there can be little question but that in the tutorial environment of smaller groups the Western Australians learned much and gained confidence in participation. When the Adelaide session was debated in the Western Australian Parliament, not only federal enthusiasts like Walter James but also sceptics like Crowder agreed that the West must be present. Consequently there was no dissent when it became necessary to replace four of the original delegates for the Sydney and Melbourne sessions of the Convention.

Sholl retired from the Legislative Assembly in May 1897. There would have been nothing to prevent him retaining his membership of the delegation, but he seems to have decided to get out of politics altogether, although later he returned to the Legislative Council. Taylor went off to cut a dash in London society and the yachting world. Piessie dropped out, apparently because of his ministerial responsibilities. The Western Australian Parliament prepared to vote for their replacements on 26 August 1897, again cutting it fine as it was barely a week before the opening of the Sydney session. Only a day before the

vote was taken Loton resigned his post, having to undergo a serious operation, so four new names had to be selected. The first three chosen were those who had figured as runners-up behind Taylor in the March election: H. W. Venn, a former cabinet minister, whom Forrest had 'dismissed in his nightshirt' when he refused to resign office in March 1896, but subsequently reconciled to him; Briggs, the ex-headmaster; and Frederick Crowder, an aerated waters manufacturer with a style of carping criticism which made a misery of C. Y. O'Connor's existence and which Crowder was to deploy without great effect in the Convention.

Next in line following the 1897 voting pattern was Frederick Illingworth, the Opposition spokesman on finance. As member for a seat on the Murchison goldfields he would have stood for an interest previously unrepresented in the Convention. Despite his unfortunate past he was an abler figure than most of his colleagues. But he might have been unpredictably independent. To replace Loton the Parliamentarians chose instead a novice, Andrew Henning, a young lawyer originally from Adelaide who had been in the Legislative Council only a few months. But as a goldfields representative in the Upper House, unlikely to voice radical or controversial opinions, he could be seen as a logical replacement for Howard Taylor. At thirty-two years of age Henning outranked Walter James and Victoria's Alexander Peacock as the youngest member of the Convention, and he survived longer than any other member but Isaac Isaacs; and that is his sole claim to distinction. His colleagues chose him not only in preference to Illingworth, but also ahead of Charles Oldham, who is usually regarded as the first labour representative in the Western Australian legislature. Oldham, in a gathering almost destitute of labour men, might have provided a supportive colleague for Trenwith of Victoria.

Thus in the second and third sessions of the Federal Convention of 1897-98 the Western Australians had a weaker and less experienced team, and this fostered the impression of a delegation thoroughly

23 La Nauze, *The Making of the Australian Constitution*, p. 130, following the manuscript minutes of the Judiciary Committee, National Australasian Federal Convention, Adelaide 1897.

24 *ibid.*, pp. 139-149.

25 *WAPD*, x, p. 104.

26 *WAPD*, x, p. 188.

dominated by Forrest, with minor contributions by Hackett, Leake, and James. The role of the Western Australians has been seen as a bloc vote for Forrest, sometimes exercised beneficially as when Forrest supported Higgins in adding arbitration and conciliation to the Commonwealth's powers, sometimes on the side of conservatism. Perhaps the greatest value of Western Australian participation in the Convention should be found in its importance in making Western Australians aware of the federation issue. This was particularly the case with the goldfields, who realised how much their interests had been excluded from the debate. In March 1897 before the Convention began the reactions of the Eastern Goldfields newspapers was largely cynical and apathetic. By March 1898, partly stimulated by local grievances, they came to see Federation as a panacea with potential. Even in Perth and the South-West supporters and opponents alike were debating the issues with much greater clarity than twelve months previously. Without the process of information and education resulting from the Convention it is unlikely that the federal movement in Western Australia could have achieved impetus in time for the crucial vote of 1900. In this probably lies the most significant consequence of Western Australian participation.

