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On 1 March 1901 the military and naval forces of the former Australian colonies were transferred to the Commonwealth. Although this date is celebrated as the Army's birthday, it wasn't until the Defence Act was proclaimed three years later that the Army had the legal machinery to operate.

The events of the period between the Commonwealth takeover of the Army in 1901 and the proclamation of the Defence Act in 1904 were to play an important part in shaping organisation and administration of the Australian Army and they reflected the concerns of the society from which it derived. There was a dichotomy of feeling in the community in respect of the Empire. On the one hand there were those who believed that rational strategic thinking required that there should be a single Imperial command to which the Australian Army should be subordinated.

On the other hand there was a feeling of new nationalism and sensitivity over Australian sovereignty that demanded that the Australian Army be raised for national defence only and should not be deployed overseas for Imperial purposes. Control over the disposition of its troops should be the prerogative of the Australian Government. Nevertheless this nationalism did not necessarily supplant the feeling of being part of a great Empire and that Australians should be free to contribute to its defence should they so desire. Therefore provision had to be made to enable volunteer forces to be raised for Imperial purposes.

The Defence Act, the legislative response to these strands of public opinion was to play an important part in determining the manner in which Australian forces were to be raised and committed to war service for many years. In the First and Second World Wars and, to an extent, Korea, as well as providing an Australian component for the British Commonwealth Occupation Force in postwar Japan, it was specially raised volunteer forces that were initially sent overseas. However, there were other more profound consequences of the legislation for Australian history and Australian society that would

have surprised those who framed it. Under the provisions of Section 69 of the Constitution Act 'on a date or dates to be proclaimed by the Governor General' the defence functions of the states were transferred to the Commonwealth. Consequently, on 1 March 1901 the military and naval forces of the former colonies were formally transferred to the Commonwealth.

National in name only, the Army continued to be administered by six sets of Colonial legislation. There was little uniformity in organisation and no rational force structure. For example, the Queensland, South Australian and Western Australian forces had no service corps elements; only New South Wales had ordnance and medical departments organised as military units [1]. The contingents of horse raised in 1902 for the Boer War as the Australian Commonwealth Horse were raised on a state basis [2]. The permanent artilleries of Victoria, New South Wales and Queensland were amalgamated into the Royal Australian Artillery in 1899 (thus forming the first federal institution) but the militia units were not included [3].

The Minister for Defence, Sir John Forrest, had presumed that the arrangements then in force could continue but he was soon disabused when it was pointed out that these arrangements had no legal basis [4]. However the legislative process was to be drawn out and acrimonious. This is not surprising considering the political environment in which the debate took place.

Concerned at the cost of Imperial defence, the United Kingdom was looking to contributions of men and money from the Dominions [5]. There was strong support for the British position in many sectors of local opinion. This was reflected in the set of proposals for Australia's defence forces by the Federal Military Committee, the body on which Forrest relied for advice in the initial drafting of the Defence Bill.

This Committee, composed of the state commandants, proposed:

the establishment of a field force which would be available for Imperial military operations, offensive as well as defensive, beyond Australian shores;

that the military commander be directly responsible to the Governor General rather than the Minister;

that the office of Commander in Chief be held by an Imperial officer and the office of District Commandant be held by an Imperial or Commonwealth Permanent Service officer [6].

The Imperial views of the State commandants were generally reflections of those held by their Governments [7].

In contrast to the Imperial school of thought there was a strong nationalist body of opinion in the community. It derived from a number of differing attitudes, but all were opposed to the establishment of a large permanent military force and to Australian troops being subordinated to Imperial control. Large sections of the community were suspicious of the military. In the previous decade the colonial forces had been employed against organised labour on a number of occasions [8].

Others were disillusioned by certain events in the Boer War which had added jarring notes to the fanfare of support for Britain sounded in 1899. While there had been moments of glory, by 1901-1902 Australian soldiers were largely employed in dispossessing and interning Boer farming families. Ironically the Boer way of life was one to which the Australian soldiers felt they could relate than was that of his British allies. The execution of Morant and Handcock by the British Army without reference to the Australian authorities left a bitter taste [9]. Acts of indiscipline committed by Australian soldiers also helped bring the military into disrepute [10]. The raising and dispatch to South Africa of the Australian Commonwealth Horse in 1902 demonstrated the ambivalence of public opinion concerning Imperial commitments. [11]

In the Parliament, the Protectionist member H. B. Higgins represented a school of thought which believed that militarism was a European phenomenon best abjured by the new nation, while the Labor member, W. M. Hughes, called for a citizen force based on regular compulsory training. [12] The 1901 Manifesto of the Liberal Party stated that it would 'not sanction the expenditure of public funds in the maintenance of large bodies of professional soldiers'.

The fiscal aspects were also important. While the cost of Imperial defence was regarded with alarm by the British Government, defence was a drain on the Australian treasury also, especially as the

Commonwealth, for the first ten years of its existence, was obliged to remit to the States 75% of customs and excise revenue, its main source of funds. [13] Some saw Federation as an opportunity to rationalise the colonial forces to reduce expenditure. [14] The supremacy of the British Navy was seen the chief guarantee of Australia's security.

Forrest himself, although by no means personally anti-Imperialist, and 'keen to assist Australians to go to war as volunteers', was determined as Minister for Defence that political control of the military would be held by the Commonwealth Government. It was undesirable to compel 'Australian conscripts' to serve on Imperial operations. [15] He rejected the proposals of the Federal Military Committee (the proposal concerning the Governor General's control of the forces was constitutionally invalid). When he refused to reconsider his rejection the commandants withdrew support from the Defence Bill. [16]

The Bill was first introduced into the House of Representatives by Forrest on 9 July 1901. It reflected the need to reconcile the view that Australian troops should only be used for national defence purposes with the fact that volunteer forces were involved in operations in China and South Africa.

The debate over the Bill ranged across the whole spectrum of opinion. While there was a considerable body in favour of contributing to Imperial defence, this was to be on a voluntary basis, with forces to be raised only after the outbreak of war. For, although it did not go as far as the Federal Military Committee had wished, there was provision in the Bill for the mobilisation of forces in a 'sudden emergency'. Labor members believed this term to be inexact while Higgins raised the possibility that 'emergency' could be interpreted as 'any emergency which the British Government think a national emergency', putting an obligation on Australian troops to serve overseas.

The general tenor of the debate favoured the creation of a citizen force with a small permanent professional cadre for national defence only. [17] It became obvious that the Bill as drafted was far too ambiguous and beyond simple amendment. Forrest's sponsorship of the legislation was dogged by his poor health, lack of motivation and absence

to attend his brother's funeral in Western Australia. [18] Consequently it was withdrawn for redrafting.

If supporters of the Imperial case had received a setback on the first presentation of the Defence Bill and the rejection of the scheme of defence proposed by the Federal military Committee, they were soon to have their cause revived. The Government had recruited a British Army officer to act as the Australian Army's General Officer Commanding in Chief. The failure of the Federal Military Committee to provide an acceptable scheme effectively meant that this officer would be the chief adviser to the Government on Australia's military defence.

The officer chosen was Major General Sir Edward Hutton, who had previously commanded the forces of the colony of New South Wales and those of the Canadian Government. However, given Forrest's concerns that Australia should control its Army, Hutton was a poor choice for the appointment. He was a firm believer in the dominions providing a reserve of troops for Imperial purposes and arrived in Australia with the intention of organising Australia's defences so that a reserve of 20,000 mounted men would be created. This intention he had discussed with the British authorities. [19] Hutton also had a record of poor relations with the colonial administrations he had previously served. [20]

On 7 April 1902 he submitted his scheme of defence to the Australian Government. He proposed that the military forces be divided into two separate organisations - a garrison force of 16,000 and a field force of 14,000, the latter expanding to 29,000 in wartime. The field force was to be 'capable of undertaking active operations either in Australia or in any part of the world in which it may be desired by Australia to employ it' (my italics). [21] Hutton displayed a certain deviousness, never actually explaining his agenda but leaving the Government to draw its own inferences. He maintained that the field force was intended to defend the White Australia policy or operate against foreign powers in the islands to the north. [22]

Additionally, the term 'garrison force' was something of a misnomer as it had a capability for field operations built into its organisation including as it did mounted infantry and cavalry units. There was

no provision for any force level higher than a brigade and the brigades had their subordinate units scattered around the country, making realistic training as a unified force practically impossible. [23] In effect Hutton's scheme created a highly impractical local defence force but one that would provide a valuable reinforcement for Imperial forces. This was actually admitted to the Australian Government by the Colonial Defence committee, completely undermining Hutton.

The implications of Imperial control were not lost on the public at large and were the subject of adverse comment in sections of the press. [24] When the Defence Bill was reintroduced into the Parliament it was apparent that Hutton's deviousness had come to nought. The section authorising the government to send its forces 'to any part of the world in which it may be desired ... to employ it' had been excised and service beyond the limits of the Commonwealth was not required unless voluntary.

The Bill was passed in October 1903 and proclaimed on 1 March 1904. The Army at last had the legal machinery to operate. Following proclamation, military regulations and financial instructions were published and all officers placed on a single promotions list. Importantly, and against Hutton's advice, the Bill vested control of the Army in a Military Board. Hutton, who, apart from his attempts to create an Imperial Reserve against the wishes of the Government, had also displayed arrogance and a lack of tact and scruples in his dealings with it. This was to influence the Australian Government by making it very wary of having a single source of advice for the Minister. [25] The Military Board was an administrative arrangement which, except for a period during World War II, was to last for 70 years.

The Australian Government's resolve to retain control of the Army was a forerunner of future struggles against British endeavours to institute a single command to which the Empire's forces would be subordinated. These were to involve not only the Army but the Navy for many years to come.

The decision to limit overseas operations only to specially raised volunteers was to have important consequences which could not be foreseen in 1904. Firstly, it was to lead to a 'two army' situation with continuing tensions between the specially raised

volunteer forces and the militia. A particularly sorry example of these tensions was the discouragement of militia officers enlisting in the 2nd AIF in 1939. More importantly, the arrangement was to have far-reaching effects on the course of Australian history and the development of Australian society. Hughes' attempts to obtain public approval to change the Defence Act and introduce conscription for overseas service during the First World War caused deep divisions in the Government, the Labor Party and Australian society which have echoes today.

Endnotes

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2. Field, LM: *The Forgotten War, Australian Involvement in the South African Conflict of 1899-1902*, Melbourne, Melbourne University Press, 1979, pp 147-148.
3. Cubis, Richmond: *A History of 'A' Battery*, Sydney, Elizabethan Press, 1978, p 71.
4. Coulthard-Clark, CD: 'Formation of the Australian Armed Services 1911-14' in McKernan M and Browne, M: *Australia: Two Centuries of War and Peace* Canberra, Australian War Memorial in association with Allen and Unwin, 1988, p 123.
5. Meaney, Neville: *The Search for Security in the Pacific 1901-14*, Sydney, Sydney University Press, 1976 p 40.
6. Mordike, op cit, pp 72-75.
7. Field, 146.
8. Robson, LL: 'The Australian Soldier: Formation of a Stereotype' in McKernan and Browne, op cit, 315-316.
9. Field pp 173-174.
10. Ibid p 177.
11. Ibid p 149-151.
12. Meaney, op cit, pp 43-48.
13. Ibid, p 42.
14. Grey, Jeffrey: *A Military History Of Australia*, Cambridge, Cambridge University Press, 1990, p 67.
15. Mordike, op cit, p 78.
16. Ibid, p 75.
17. Ibid, pp 82-83.
18. Ibid, p 68, p 78.
19. Meaney, op cit, p 60.
20. Grey, op cit, p 69.
21. Greenwood, Gordon and Grimshaw, Charles (eds): *Documents on International Affairs 1901-1918*, Melbourne, Nelson, 1977, p 219.
22. Coulthard-Clark, op cit, p 125.
23. Mordike, op cit, p 104.
24. Greenwood and Grimshaw, op cit, pp 221-222.
25. Mordike, op cit, p 151.

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