Although the Commonwealth of Australia was established in 1901, it took several decades to fully develop new protocols which reflected Australia’s new relationships with Britain and other foreign powers, and internal relationships with its component States. It was inevitable that, in dealing with several levels of national and international government authorities, some loose ends would remain. The two case studies discussed in this chapter reflect the interplay between different levels of government and the personalities of those involved, which, in even the most official and formal negotiations, often contributed to unnecessary tension and misunderstanding.

The first example is the 1915 Royal Commission on Mail Services and Trade Development between Australia, the New Hebrides, Lord Howe Island and Norfolk Island. It illustrates how the Governor-General saw his role as representing British international interests, as compared with the very different perceptions and assumptions of Federal politicians seeking to extend Australia’s influence in the region.

The fate of the Imperial Norfolk Island Seal provides the second, if perhaps less significant case study. Negotiations over its disposition involved successive governors of New South Wales, the Colonial Office and Commonwealth officials, including Murphy, Leane and
other administrators. It was not until 1974, 60 years after the transfer of Norfolk Island to Australia, that a final decision was made that Norfolk Island would be the appropriate place where this historic emblem of Imperial authority should be displayed.

**The 1915 Royal Commission on Mail Services and Trade Development between Australia and the New Hebrides**

While tensions between the Commonwealth and New South Wales could be dismissed as part of the natural processes of a transitional period, the British Government was often more concerned that expansionist activities by Australia would threaten wider international relations.

The 1915 Royal Commission on Mail Services and Trade Development between Australia and the New Hebrides provides a remarkable insight into these transitional relationships. The circumstances surrounding the establishment of this Commission illustrate the Governor-General’s role as a watchdog for the Imperial authorities, and the problems which often arose when Ministers relied too heavily on briefings from their departments.

Since the Burns Philp mail contract for the Western Pacific was negotiated shortly after Federation, debate had continued over Australia’s interest in, and possible responsibility for, British settlement in the New Hebrides. In 1911, an article in the *Sydney Morning Herald* stated that:

> Though the French to-day outnumber the British, and have much greater plantation interests, there was a time — and it was not so very long ago — when all the Europeans in the New Hebrides were British subjects, and practically all the trade was with Australia: and had the islands been annexed then little or no opposition would have been raised by Foreign Powers. But this is only one of many opportunities which Australia has let slip.
In 1914, when Glynn was still Minister for External Affairs, a proposal was put forward to conduct a special enquiry into trade development with the New Hebrides. Walter Lucas, the Island’s Inspector for Burns Philp, met with Glynn and later wrote to offer his services if the Government wished ‘to add somebody with commercial experience to any temporary administration or enquiry arising out of the changed position in the Western Pacific’ As Secretary of the Department, Hunt had been a major player in the original mail contract negotiations and had a keen interest in promoting further, more direct, involvement. However, these were the dying days of the Cook Ministry and, not surprisingly, Glynn’s meticulous approach meant that there was insufficient time to examine the implications of the proposed enquiry. He may also have felt that more discussion was needed with British and French officials before any decisive action was taken. 2

Not all Ministers were as alert as Glynn to British sensitivities, or to the broader international implications of Australia’s interests in the South-West Pacific. On 27 March 1915, with Hugh Mahon now the Minister for External Territories, a formal proposal for a Royal Commission to examine ‘Mail Services and Trade Development between Australia and the New Hebrides’ was presented to the Executive Council. Prime Minister Andrew Fisher was absent, and his Deputy, William Morris Hughes, was quite happy to sign the Commission, without any awareness or concern that this action might affront the French Government. The Governor-General, Sir Ronald Munro Ferguson, was caught in the position of having to try to stall the appointment of the Commission, or at least modify its terms of reference. The somewhat desperate, and ‘most secret’, despatch he immediately sent to the Secretary of State for Colonies described the delicate position in which he found himself. 3
SECRET

March 27th, 1915

The Right Honorable
The Secretary of State
For the Colonies.

Sir

I have the honour to report that on 25.3.15 at the Meeting of Executive Council two Members of Parliament were appointed by Royal Commission to proceed to the New Hebrides, Norfolk Island, and Lord Howe Island. The Commission (a note of the terms of which is appended) was handed to Mr. Hughes for signature as I reached the Council Room and came before the Council immediately afterwards.

Mr. Fisher was absent from the Executive, and in view of the Acting Prime Minister’s deafness I did not intervene at the Meeting but asked Mr. Hughes to come to lunch after the subsequent Cabinet. He then told me that he had not read the Commission, which was only placed on the table as the Executive assembled. (I have now asked that any papers relating to business outside ordinary routine, which are to come before the Council, should be sent to me not less than two hours before the Meeting of the Council). I explained to Mr. Hughes that I felt unable to sign the Commission as drafted without communicating its purport to the Secretary of State and obtaining his assent, and that for the following reasons —

1. It would be clearly irregular to send a Commission to a foreign territory without previous communication to its government.

2. The scope of the Commission, which in its opening paragraph deals ostensibly with Mail contracts and expands in para.8 to promotion of trade between New Hebrides and Australia.

3. The New Hebrides and our possessions are treated throughout the Commission as if there were no distinction in their status, or in the relations of the Federal Government to either.

I said to Mr. Hughes that it seemed to me that you should be informed of the appointment and scope of the Commission. He quite
understood my point and offered as a possible solution that the Commissioners’ visit to the New Hebrides should be unofficial, i.e., that the name of these Islands should be deleted from the Commission.

Mr. Mahon, the Minister for External Affairs, whose acrimonious correspondence with Mr. Deakin I have already reported, must evidently have refused to agree to this course, and Mr. Fisher was communicated with. Yesterday I received from Mr. Hughes a draft of a Cable (see appendix) to the Secretary of State asking that a communication should be made to the French Government intimating the visit of our Commissioners to the New Hebrides for the purpose of inquiring into “the Mail Contract between the Pacific Islands, including the New Hebrides and Australia”. I then pointed out that the scope of the Commission went beyond the Mail Contract. Mr. Hughes suggested the addition of the words “and matters incidental thereto”. I felt it, however, to be my duty to supplement this official message with a personal message to you informing you of the terms of Para. 8.

Apart from the merits or otherwise of this Commission of Inquiry, it remains obvious-

1. That for the Commonwealth Government to appoint a Royal Commission to proceed to the Colony of a foreign government with a view to capturing trade for Australia without obtaining the consent of the government concerned would be irregular.

2. That that consent must necessarily be obtained through the Foreign Office.

3. That to ask you to secure the co-operation of the Foreign office on behalf of a Commission proceeding to the New Hebrides to inquire into Mail contracts whereas the terms of reference were far more comprehensive, was a proceedings I could not sanction.

Had Mail contracts indeed been the sole ground for action it is hard to see why the requisite information could not have been obtained here.
I gather from such information as is at my disposal that the reasons for the appointment of the Commission is the desire to ascertain if British settlers are placed at any economic disadvantages as compared with French settlers in the New Hebrides. That being the ulterior purpose of the Inquiry into Mail Contracts I feared lest any tactless disclosure of the object of the Mission by the Australian Commissioners might disquiet the French government.

I have the honour to be,

Sir,
Your most obedient,
humble servant

(Signed) R.M. Ferguson

After some modification of the title of the Royal Commission to meet the Governor-General’s concern, and communication between French, British and Australian authorities it appeared that the French government was not particularly alarmed by the proposed visit of the Commission. However, Ferguson’s assessment that the main purpose of the Commission was to check on British settlement in the New Hebrides was correct. A written submission from Burns Philp’s Island Inspector outlined the links between the Mail Contract awarded to this company in 1901 and continuing Commonwealth support for, and involvement with, British settlement in the New Hebrides. Other papers collected as appendices to the Report, and the records of 19 interviews with members of the New Hebrides British Association and 31 other residents also clearly reflected the special interests of the Commission. In contrast, only Murphy, Nobbs and four other residents were interviewed on Norfolk Island and very limited attention was paid to the situation on Lord Howe Island.4

Ferguson continued to be concerned that the Australian Government and its senior advisers might act in ways which would be embarrassing or counter British policies in the region. On 5 September, in a further secret despatch, he pointed out that: 5
Another sphere in which a timely hint would be useful is in regard to the lines to be adopted in settling the affairs of the Pacific after the war. The views of Australia on this subject are entitled to great weight, but on the other hand the experience of the Colonial Office in administering the affairs of Crown Colonies and of trade organisation is not only unique but covers a field in which Australia is in most respects wholly unprepared to enter. ... The danger is of Australian governments anticipating Imperial decisions by taking action which might prove embarrassing.

Referring to the problems he had had over the New Hebrides Royal Commission, he concluded:

On its return the Commissioners presented me with a secret report recommending the abolition of the New Hebrides! All that could be done at that time was to pigeonhole the document.

In this situation, the Governor-General and his Imperial superiors saw the actions of the Australian Cabinet as reflecting naivety or a lack of understanding of the larger international stage on which they were now playing. However, it is likely that politicians such as Hughes viewed this as another attempt on the part of the British Government to reassert authority. Certainly, if acted upon, Ferguson’s call for a ‘timely hint’ would not have gone down well with Atlee Hunt, who considered himself as experienced and competent as any of his British counterparts.

**Saving the Norfolk Island Seal**

This official seal, approved by Queen Victoria after the Pitcairn community settled on Norfolk Island in 1856, was held by the Governor of New South Wales in his role as Governor of Norfolk Island. The Order in Council of 24 June 1856 had stated that ‘the Governor shall keep and use the public seal of Norfolk Island for sealing all things that shall pass the said seal’. When Norfolk Island was transferred to New South Wales authority, this clause was repeated in the 1897 and 1900 Orders in Council.
The usual practice was that once official seals became obsolete, they were returned to the Privy Council for ‘defacement’. Sir Gerald Strickland was well aware that this was the normal procedure. However, he felt that the seal was of special beauty and historic importance and that a special case should be made for its preservation. When the Commonwealth took control on 1 July 1914, the question arose as to what should happen to the now out-of-date Imperial Seal. In October 1915, Strickland wrote to the Governor-General asking whether there would be any objection from the Commonwealth Government to the Seal being transferred to the Australian Museum. Although signed by the Acting Prime Minister W.M. Hughes, the official reply clearly reflected Atlee Hunt’s cautious approach to any attempt to usurp Commonwealth authority.6

I have the honor, at the instance of my colleague the Minister for External Affairs, to ask that your Excellency will be so good as to inform Sir Gerald Strickland that whilst this Government has no objection to the proposed transfer, it would appear that such action would not be in accordance with the usual practice; which is to return old seals to the Imperial Authorities for defacement by the Privy Council.

This practice is set out in the Warrant dated 19th April 1912, issued in connection with the use of a new seal for the State of New South Wales.

Following this exchange Strickland wrote to the Colonial Secretary on 31 December 1915:

I have the honour to report that the old seal of the Government of Norfolk Island is in my custody.

It appears to have been the rule that old seals are subject to defacement by the Privy Council, in accordance with the terms of Warrant dated 19th April 1912, but as Norfolk Island has ceased to be a separate part of the Empire and is now included in the Commonwealth, it may be possible to approve of the seal being
handed over for custody as an interesting relic to the Sydney Museum, where important records of Captain Cook are preserved.

Initially, the Colonial Secretary was unwilling to make an exception, needing reassurance that the Commonwealth was agreeable to this departure from the normal procedure. Nothing daunted. Strickland continued his campaign. Finally, on 19 May 1916, the Governor-General reassured the Colonial Secretary that:

I have the honour to inform you that I am advised by my Prime Minister that the Commonwealth Government concurs in Sir Gerald Strickland’s suggestion.

Curiously, once agreement had been achieved, no further action appears to have been taken. The Seal remained in the possession of the Governor of New South Wales and lay undisturbed in the Governor’s safe until 1922, when it was presented to Murphy as a token of his services to Norfolk Island. When Colonel E. T. Leane took over as Administrator in 1924, Hunt was no longer Secretary of the Department of Home and Territories and confusion arose as to the historical function and location of the Imperial Norfolk Island Seal. Leane was asked to provide impressions of the old Seal for the departmental record. On 20 August 1924 Leane reported to his Minister that:

This Seal is in the possession of Mr. Murphy, late Administrator of Norfolk Island, who claims that it was given to him by the Government of New South Wales.

Mr. Murphy, I am sure will supply the impressions if asked.

Leane did not explain that the request had already been discussed with Murphy and his response suggested that there was some doubt as to how the Seal had been acquired. Murphy had already organised for the New South Wales government printer to produce the impressions. They were then forwarded, with a hand-written personal letter, to the officer in charge of Norfolk Island matters.
Rhodesia
Tryon Road
Lindfield
6th Sept. 1924

F.J. Quinlan Esq.
Dept. of Home & Territories
Melbourne

Dear Mr. Quinlan,

I called upon Colonel Leane prior to his departure for Norfolk Island. I had a chat with him about matters generally, and was impressed with the idea that he would get along well with the people. Personally I think he is a very fine fellow, & with his splendid war service he should be an authority to which the residents would bow complacently. His wife, too, I am sure will in any social matters, with the assistance of her winsome daughters, (whom I had the honour of meeting) be a great acquisition.

The Colonel had a copy of a Memo to your Minister, sent to me, with reference to a request for two impressions of the Norfolk Island Seal. I am forwarding them herewith. I got our Government Printer to do them for me, & they are really well done, as I am sure you'll agree.

Will you kindly, through your Secretary, convey them to the Minister, with my compliments.

This Seal was given to me not by the Government of N.S.W., but by the Governor. I handed it to the Governor in 1914, when the Commonwealth took over the Island. He communicated with the Colonial Office with reference to it, and they informed him they did not require it. It was then given to me as the last Administrator of Norfolk Island as a Crown Colony.

I had already arranged to hand it over to the Mitchell Library, which is the home of all these historical records. I propose to give it to them next week.
How is Mr. Carrodus? Remember me kindly to him, also to those other courteous officers of your department, with whom I came into touch, & whom I remember with much appreciation for kindness received. Claude & his wife are well & join me in sending their kind regards.

Yours sincerely,

V. M. Murphy

Quinlan was away when this letter arrived, and it remained unread until his return. However, action was speedily taken to deal with the problem of the apparently unauthorised removal of the Seal from Norfolk Island. Murphy was understandably disconcerted to receive a letter, dated 12 September 1924, from Secretary J. G. McLaren, which stated:9

The Administrator, Norfolk Island, was recently requested to forward to this Department two clear impressions of the Norfolk Island seal for record purposes. He replied that he was unable to do so owing to the seal being in your possession.

I shall be glad to be informed whether the seal of the Territory is in your possession and, if so, on what authority it was removed from Norfolk Island.

Considerably affronted that he was being accused of taking the Seal unlawfully, Murphy responded formally:10

Rhodesia
Tryon Road
Lindfield
N.S.W.

The Secretary
Home and Territories Department
61 Spring Street
Melbourne

With reference to your letter of 12th September, No 24/23193, re Norfolk Island seal, it is evident that there is a misunderstanding.
The seal in my possession, as I explained to Colonel Leane, is not the seal of the Territory of Norfolk Island, but the old Imperial Seal of the Colony of Norfolk Island, before it became a Territory of the Commonwealth. It was not removed from Norfolk Island, as it had always been kept by the Governor of New South Wales under an Imperial Order of Council.

I was informed by the Governor of the day (Sir Gerald Strickland) that it became obsolete when the Colonial Office transferred the island to Australia. Sir Gerald Strickland gave me to understand that he intended returning it to England. But this was not done.

I understand that it was lying at Government House for years and was regarded as obsolete. It was brought under the notice of the Governor (Sir Walter Davidson) about 2 years after my retirement, when he approved of it being given to me as a memento, and it was sent to me by the Governor’s Secretary.

I promised to hand it to the Mitchell Library, but held it over pending the receipt of impressions, which Colonel Leane advised me the Minister required. I sent those to him about a fortnight ago, enclosed in a private letter to Mr. Quinlan.

As there appears to be some doubt, from the tenor of your memo. as to whether the seal is obsolete, I am returning it to the Governor of New South Wales.

Yours faithfully,

M. V. Murphy

23 September, 1924

In the meantime, Quinlan returned and discovered the letter and enclosed impressions. The Secretary, in an attempt to undo the offence his letter had clearly caused, immediately wrote again to Murphy, explaining that: 11

I regret that there has been a misunderstanding with regard to the seal of Norfolk Island. When my letter of 12th September was written I had not seen your communication with Mr. Quinlan.
The advice which I received from the Administrator of Norfolk island was misleading, in so much as it implied that the seal which you had was the seal which should be in the possession of the Administration of the Territory, and not the old Imperial Seal.

Mr. Quinlan was away on leave when your letter to him was received in the Department, and did not return until after my letter of 12th September had been transmitted to you.

I take the earliest opportunity of assuring you that this Department does not wish to interfere in any way with your possession of the old Imperial seal.

The misunderstanding which has occurred is extremely regretted and is due to the nature of the advice received from Norfolk Island.

Murphy was somewhat mollified by the Secretary’s letter, and by a personal letter from Quinlan, thanking him for the excellent impressions of the Seal he had supplied. Nevertheless, he felt it would be prudent to return the Seal to the Governor of New South Wales and so avoid any other disturbance to the peace of his retirement. Colonel Leane’s somewhat unthinking reaction that he must have taken the Seal without proper authorisation, must have also raised doubts regarding the accuracy of Murphy’s initial positive assessment. However, there was probably no inkling at that time that Murphy would shortly be called out of retirement to rescue Norfolk Island from the aftermath of a series of even more damaging and impetuous actions by the incumbent Administrator.

Following this adventure, the Imperial Seal remained in the Governor’s safe until 1929, when it was finally presented to the Mitchell Library. The Seal was mentioned again in the Mitchell Library records in October 1954 when the Island Administrator asked for permission to use the Seal as a letterhead device for its Centenary Celebrations. Finally, in 1974, coinciding with the Cook Bi-Centenary celebrations, which were to be attended by Prime Minister Gough Whitlam, the Seal was given into the custody of the Norfolk Island Administrator, Air Commodore E. T. Pickerd. Under
the heading ‘Great Seal to come home’, the *Norfolk Islander* reported that at the June meeting of the Executive Council:\textsuperscript{12}

The Administrator informed councillors of his receipt of the Great Seal of Norfolk Island to be held on perpetual loan to the Administrator of the day, on behalf of the Norfolk Island Council and people. This had been arranged by the Australian Government in consultation with the New South Wales Government.

A letter from the Prime Minister said in part: ….”I am pleased to learn of the agreement of the council of the Mitchell Library in Sydney to the transfer of the Norfolk island Great Seal and have noted the suggestion that the Seal should be held in the custody of the Australian Government rather than given to the Norfolk Island Historical Museum. In view of the historical importance of the Seal I see this as a prudent proposal and will ensure that arrangements are made accordingly…."

The Seal was held by the Administrator until it could be ‘adequately and securely displayed’. It is now on display in a locked cabinet in the Norfolk Island Legislative Assembly building. This entire saga of how it was rescued from defacement and finally preserved is another example of how personal intervention can, and often quite unexpectedly does, alter the course of official procedures. At the same time, it illustrates the competitive nature of interchanges between different levels of government, and how decisions by individuals and institutions are often part of a more over-arching power struggle.
Endnotes

1 ‘New Hebrides Control’, Sydney Morning Herald, 29 December 1911:7. See also the four issues of the New Hebrides British Association Gazette, Volume 1, 1–4, January 1911–December 1912.
5 NAA: A11085 B5/8, op. cit.
6 NAA: A518 S800/1/4 ‘Norfolk Island — Administrative — Public Seal’.
7 Ibid. Memo from Administrator Norfolk Island, 20 August 1924.
8 Ibid. Letter to Mr. Quinlan, 6 September 1924.
9 NAA: A518 S800/1/3, op. cit. Letter from Mr. McLaren, Departmental Secretary, to Mr. M. V. Murphy, 12 September 1924.
10 Ibid. Letter from M. V. Murphy to the Secretary, Department of Home Affairs, 23 September 1924.
11 Ibid. Letter from the Secretary, Department of Home Affairs to M. V. Murphy, 29 September 1924.
View from the Legislative Assembly towards Government House.
Insert: The Norfolk Island and the Australian national flags
Photography by Nigel Erskine