

(No. 1.)



1872.

SESSION II.

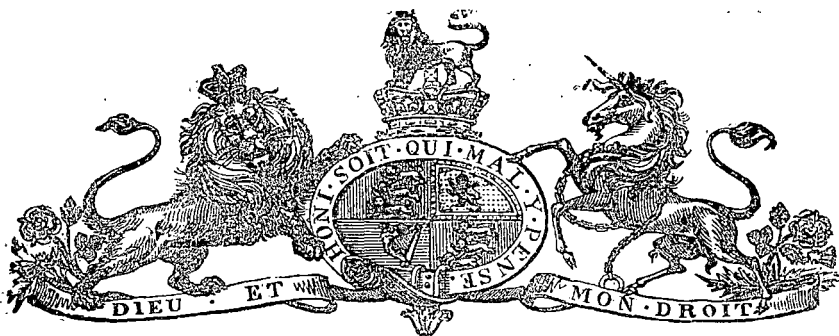
TASMANIA.

LEGISLATIVE COUNCIL.

INTERCOLONIAL FREE TRADE.

CORRESPONDENCE.

Laid upon the Table by Mr. Wilson, and ordered by the Council to be printed.
October 23, 1872.



INTERCOLONIAL FREE TRADE.

*South Australia,
Chief Secretary's Office, Adelaide, 19th June, 1872.*

SIR,

I HAVE the honor, by desire of His Excellency Sir James Fergusson, to enclose for your information copy of a Circular Despatch, dated 19th April last,* from the Right Honorable the Secretary of State, upon the subject of Intercolonial Free Trade.

Being desirous to ascertain whether the several Governments represented at the late Conference at Melbourne propose replying directly to any similar Despatch they may have respectively received, or whether joint action with respect to the same may not be considered desirable, I shall be glad if you will place me in possession of the views of your Government thereon as early as convenient.

I have, &c.,

(Signed) HENRY AYERS.

The Hon. the Colonial Secretary, Tasmania.

*See Paper No. 20, House of Assembly, 1872.

[MEMO.—The views of the Government of Tasmania upon the subject of this letter were communicated to the Hon. the Chief Secretary of South Australia in a letter under date 18th June, 1872. See Paper No. 20, House of Assembly, 1872, page 25.]

*Victoria,
Chief Secretary's Office, Melbourne, 4th July, 1872.*

SIR,

I AM much obliged to you for allowing this Government an opportunity of perusing the Memorandum adopted by the Government of Tasmania as their reply to the Earl of Kimberley's recent circular on the question of Intercolonial Reciprocity.

In your letter enclosing the Memorandum you point out that the Secretary of State's Despatch deals with a much wider question of the policy than the claim of the Colonies to pass Acts enabling them to enter into agreements for facilitating mutual commercial intercourse; and you accordingly recommend and urge that—confining ourselves for the present to the original demand—the Governments of Victoria and New South Wales, acting concurrently, should submit Bills to their respective Legislatures of similar purport to those passed by Tasmania, New Zealand, and South Australia—now awaiting the Royal Assent—which were designed solely for the purpose of obtaining the requisite powers for concluding conventions to effect the above object.

The subject is one that has already received great consideration from the present Administration, and it is still occupying our attention. We have not arrived as yet at a final determination as regards the course that should be adopted by this Colony; but, so soon as our line of action has been definitely decided upon, I will take an early opportunity of communicating further with the Government of Tasmania.

I have, &c.,

The Hon. the Colonial Secretary, Tasmania.

(Signed) JAS. G. FRANCIS.

TASMANIA.
No. 13.

Downing-street, 24th May, 1872.

SIR,

I HAVE to acknowledge your Despatch, No. 23, of 25th March, enclosing a Memorandum from the Colonial Secretary of Tasmania with reference to the Tasmanian Intercolonial Free Trade Act of 1870.

You will have learnt, by my Circular Despatch of the 19th April, the views of Her Majesty's Government upon this subject.

I have, &c.

Governor DU CANE.

(Signed) KIMBERLEY.

Sydney, 6th August, 1872.

SIR,

REFERRING to your letter of 18th June, on the subject of the Intercolonial Reciprocity Act of the Tasmanian Parliament, and enclosing copy of your Memorandum to His Excellency Governor Du Cane, I now have the honour to inform you that this Government is in favour of a Conference of the Australian Colonies and New Zealand to consider the important question to which you invite attention, and the Despatches of Lord Kimberley in reference to it.

2. Other subjects of scarcely less importance,—the Ocean Mail Services and Telegraphic Communication, for example,—appear to this Government to demand consideration at the present time; and it is believed that they can be dealt with more satisfactorily by the Colonies in Conference than by isolated and independent efforts on the part of one or more of the Australian Governments.

3. I am desired by His Excellency Sir Hercules Robinson to invite the concurrence of the Government of Tasmania in the desirability of the proposed Conference. It is suggested that it be held in Sydney about the middle of next month, and that each Colony be represented by two Members.

4. I have addressed letters to the Governments of the other Colonies inviting their agreement.

I have, &c.,

The Hon. the Colonial Secretary of Tasmania.

(Signed) HENRY PARKES.

*Tasmania,
Colonial Secretary's Office, 17th August, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter under date the 6th instant, in which you inform me, in reply to my letter of the 18th June, that the Government of New South Wales is in favour of a Conference of the Australian Colonies and New Zealand to consider the important question of Intercolonial Reciprocity, and the Despatches of Lord Kimberley in reference to it, and on other subjects of Australian interest.

The Government of Tasmania learns with lively satisfaction that this large and interesting question continues to occupy the attention of the Government of New South Wales, and heartily concurs in the proposed Conference.

I have, accordingly, the honor to acquaint you that His Excellency Governor Du Cane will commission two of his Responsible Advisers to attend the Conference as Delegates from the Government of Tasmania.

I have, &c.,

*The Hon. the Colonial Secretary.
New South Wales.*

(Signed) J. M. WILSON.

Sydney, 23rd August, 1872.

SIR,

I HAVE received communications from the Governments of Victoria and Queensland, informing me that they cannot send Representatives to the Conference proposed to be held in Sydney next month, owing to inconveniences arising at that time. I would therefore suggest that the Conference be postponed to a later period of the year. So soon as a date convenient to all can be definitely fixed, I will make a further communication to you on the subject.

I have, &c.,

The Hon. the Colonial Secretary of Tasmania.

(Signed) HENRY PARKES.

*Victoria,
Chief Secretary's Office, Melbourne, 23rd August, 1872.*

SIR,

REFERRING to my letter of the 4th ultimo, I have the honor to transmit herewith the Memorandum adopted by this Government as embodying their reply to the Circular Despatch from the Secretary of State, of 19th April last, on the question of Intercolonial Free Trade.

As it has not yet been made public, I will ask you to regard it as confidential for the present.

The Hon. the Colonial Secretary, Tasmania.

I have, &c.,

(Signed) J. G. FRANCIS.

MEMORANDUM FOR HIS EXCELLENCY THE GOVERNOR.

HER Majesty's Government for Victoria have had under their consideration a Circular Despatch of the Secretary of State for the Colonies, dated 19th April 1872, on the subject of Intercolonial Free Trade, and having immediate reference to the resolutions signed by the delegates of the Australian Colonies at a Conference held in Melbourne on the 27th September 1871, and also to a memorandum conveying the views of the New Zealand Government, bearing date the 8th December following.

It is in their opinion matter for regret that the Secretary of State should have dealt in one despatch with the views not wholly identical, and the demands in many respects dissimilar, which have proceeded from the various Australian Colonies in reference to this subject. From this circumstance it has arisen that the despatch in question relates mainly to a claim alleged to be advanced on behalf of New Zealand to make commercial treaties with foreign countries without interference on the part of the Imperial Government of Great Britain.

The resolution adopted by the Legislative Assembly of Victoria, on 17th October 1871, was confined to the assertion of the principle that the Legislature of this colony should be at liberty to authorise arrangements with other colonies of the Australian group for the reciprocal admission of their products and manufactures on such terms as may be mutually agreed upon; and that such arrangements should not be prevented either by Imperial legislation or by treaties made by the Imperial Government with foreign powers. It does not appear from the despatch of the Secretary of State now under consideration that any insuperable difficulty exists in the recognition, by the Imperial Government, of this principle. The Zollverein Treaty was thought to have imposed obligations upon the Imperial Government inconsistent with it, but is now admitted by the Secretary of State to have no such effect; while the practical exemption of the colonies from the operation of future commercial treaties which may be concluded by Great Britain appears to be recognized as a claim that may reasonably be made by British communities not represented in the British Parliament, having powers of self-government, but which, without such exemption, are practically deprived of the power of reviewing through their representatives the exercise of the prerogative in matters affecting their fiscal and commercial concerns.

I purposely abstain from comment on the remarks of the Secretary of State, repeated in the despatch under consideration, in reference to the subject of "Free Trade" and "Protection." The opinions of individual members of either Her Majesty's Imperial or Victorian Government upon this abstract question have no inherent claim to authority, and have not therefore any proper place in a correspondence of this nature between the two Governments; and this Government are bound to assert that this, as well as every other question relating to the internal control and welfare of this community, can only be judged and determined by Victorians for Victoria.

The Secretary of State points out that "in order to meet the views of the Colonial Governments, it would be necessary to repeal so much of the Australian Government Act, 13 & 14 Vict. c. 59, as prevents the imposition of differential duties." The law as re-enacted in the Victorian Constitution, sec. 43, would no doubt require to be amended, but the spirit of what is now contended for has been in operation under the Victorian Customs Act 1857, 21 Vict. No. 13. Section 236 of that Act authorises "the Governor in Council to make regulations and arrangements with the Governors of New South Wales and South Australia respectively for the importation of goods by or across the River Murray, and for the imposition of duties and the amounts thereof on such goods, or the exemption of the same from duties, and in other respects so to regulate the trade on the said river as may be from time to time agreed upon by the said Governors or either of them; and also to determine at not less than three months' notice any such arrangements: Provided that no such duties shall exceed the duties of Customs lawfully collected and paid on goods otherwise imported into Victoria." The same principle is also affirmed by the Imperial Act 18 & 19 Vict. c. 59.

As the right of British colonies to make commercial treaties with foreign nations has not been claimed by this colony, this Government do not feel called upon to offer any remarks in regard to it. They may, however, observe that the Murray River Customs Treaty is not an international but an intercolonial treaty; and His Excellency's Advisers cannot admit that a mere extension of the principle of that treaty to the boundaries other than the River Murray of the Colony of New South Wales, or to other colonies, could have the least tendency to weaken the bonds of the Empire, or be more likely to do so than the arrangement of a similar character which has been concluded between the Dominion of Canada and Newfoundland.

I, therefore, beg respectfully that His Excellency will again press upon Her Majesty's Imperial Government the resolution passed by the Legislative Assembly of Victoria on the 17th October, 1871, and will also convey this explanation of the views of this Government to the Secretary of State; and at the same time assure him that the cordial spirit and friendly feeling which pervade his despatch are fully appreciated, and that there exists in this Colony an unanimous and intense desire to strengthen rather than destroy, or in any way weaken, the ties which unite the several parts of the British Empire.

J. G. FRANCIS.

Melbourne, 8th August, 1872.

[NOTE.—The above Memorandum now printed with the consent of the Hon. J. G. Francis, the same having been communicated to the Parliament of Victoria.]

Sydney, 19th September, 1872.

SIR,

REFERRING to my letter of 6th ultimo, inviting the Government of Tasmania to join in a Conference of the Australian Colonies and New Zealand, to be held in Sydney, for the consideration of several questions of Intercolonial interest therein specified, and to subsequent correspondence as to the most convenient time for holding such Conference, I now have the honor to name Monday, the 18th November, for the assembling of the Representatives of the respective Governments.

2. From the communications I have had with the other Colonies I infer that the last two weeks of November will be generally convenient for the sittings of the Conference. The Parliament of this Colony will then be in Session; but that circumstance will not interfere with due consideration being given to the Intercolonial business.

3. I hope the date now suggested will meet with your concurrence.

I have, &c.,

(Signed) HENRY PARKES.

The Hon. the Colonial Secretary of Tasmania.

BY ELECTRIC TELEGRAPH.

Tasmania, 3rd October, 1872.

WILL the 18th November suit your Government for Meeting of Conference in Sydney?

As our Parliament will then be in Session, the 1st December would answer Tasmania better.

Under any circumstances Tasmania will be represented.

Pray favour me with your views.

(Signed) J. M. WILSON.

The Chief Secretary, Victoria.

BY ELECTRIC TELEGRAPH.

Melbourne, 3rd October, 1872.

NEW South Wales has been informed we do not see our way to attend Conference at Sydney on 18th November, and can make no definite promise at present.

J. G. FRANCIS.

The Hon. J. M. WILSON, Hobart Town.

*Tasmania,
Colonial Secretary's Office, 5th October, 1872.*

SIR,

I HAVE the honor to acknowledge the receipt of your letter of the 19th ultimo, in which you name Monday, the 18th November, for the assembling of the Conference proposed by your Government to be held in Sydney for the consideration of the several questions of Intercolonial interest mentioned in your previous communication of the 6th August last.

In reply I beg to state that the Parliament of Tasmania will be in Session at the time you name; and I am informed that the Government of Victoria cannot make it convenient to attend the Conference at that date. I should therefore be glad to learn from you that the Conference was postponed to the 1st December next.

At the same time I wish you to understand that the Government of Tasmania will, under any circumstances, be duly represented at the Conference; and that, in all probability, the Honorable the Colonial Treasurer and myself will be appointed for that purpose by His Excellency Governor Du Cane.

I have, &c.,

(Signed) J. M. WILSON.

The Hon. the Colonial Secretary, New South Wales.

BY ELECTRIC TELEGRAPH.

Sydney, 18th October, 1872, 5.55 P.M.

GOVERNMENT of South Australia named 9th of December for opening of Conference. Will that date suit you? Reply by telegram.

Colonial Secretary.

The Colonial Secretary, Hobart Town.

BY ELECTRIC TELEGRAPH.

Tasmania, 19th October, 1872.

THE 9th of December for opening of Conference will suit this Government.

J. M. WILSON.

The Hon. Colonial Secretary, Sydney.