

(No. 3.)



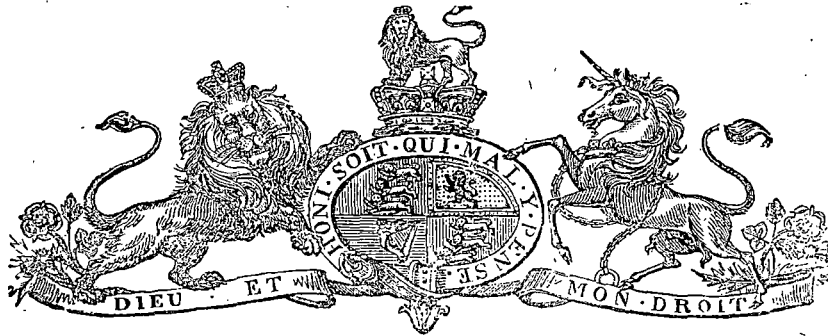
1860.

T A S M A N I A.

STATE AID ABOLITION BILL.

DESPATCH (No. 16, MARCH 10, 1860) FROM HIS GRACE THE
DUKE OF NEWCASTLE.

Laid upon the Table by Mr. Attorney-General, and ordered by the House to
be printed, 25 July, 1860.



[No. 16.]

Downing-street, 10th March, 1860.

SIR,

I HAVE had under my consideration the Tasmanian Bill, No. 43, of the Session of 1859, entitled "An Act to provide for the Abolition, upon certain Terms, of State Aid to Religion in the Colony of Tasmania," which Bill was reserved for the signification of Her Majesty's pleasure.

I take this opportunity of acknowledging your Despatch, No. 94, of 4th October last, enclosing the Attorney-General's report on the measure; and also your Despatches of the numbers and dates specified in the margin, enclosing a great number of Memorials, Petitions, and Remonstrances having relation thereto. You will inform the Petitioners who have addressed the Crown that their representations have been fully attended to.

In considering this measure, which Her Majesty's Government have done with the more deliberation in consequence of the amount of contradictory feeling and opinion which its provisions have produced in the Colony, they have, in the first place, regarded it, as the Act of an independent Legislature, with whose judgment on public questions of internal policy they have no wish to interfere. It is no part of their duty, as Advisers of the Crown, to recommend Her Majesty to overrule the solemn opinion of that Legislature on the question whether or not State Aid to Religious Worship be continued.

And they have felt, in addition, great reluctance in interfering with a measure which is obviously intended to render the passage from the system of State Aid to the Voluntary System as little injurious as possible, by making a liberal and gratuitous provision in lieu of the present annual subsidy.

But the objection on account of which they have felt themselves unwillingly compelled to advise Her Majesty to withhold her sanction from the Bill, although at first sight of minor importance, is, in reality, one which they cannot in justice or in honor disregard.

When the present Constitutions of the several Australian Colonies have been by various enactments established, and their Revenues made over without control to the local Legislatures, this transfer has always been attended by stipulations intended to secure vested interests. When power has been given to the Legislature to vary or to abolish the several sums reserved by way of Civil List, Acts for this purpose have been reserved for the assent of the Crown, not because it was desired to interfere on public grounds with such changes as the Legislature might think fit to make, but because of the obligation which was considered to attach to the Home Government to preserve from violation the vested interests of those whose salaries were paid out of the funds so transferred.

The representations of so many of those affected by the present Act, particularly of the Chaplains of the Church of England, have satisfied Her Majesty's Government that vested interests are injured, and that they are injured in such a manner and to such an extent as to render interference for their protection unavoidable. An Act which gives, indeed, compensation, but gives it subject to the ordinary rules of Pensions, treats Ministers of Religion from whom their salaries are withdrawn in a manner altogether different from that in which other public servants placed on the so called Civil Lists have been dealt with in the Australian Colonies when such Lists have been remodelled. The present Act, in substance, renders the amount of Pensions dependent almost absolutely on length of service. If its provisions were carried into

No. 98 of 7 Oct. 1859.
 103 of 10 ditto.
 104 of 10 ditto.
 105 of 10 ditto.
 106 of 10 ditto.
 107 of 10 ditto.
 112 of 11 Nov. 1859.
 113 of 11 ditto.
 114 of 11 ditto.
 115 of 12 ditto.
 116 of 12 ditto.
 117 of 12 ditto.
 118 of 12 ditto.
 119 of 12 ditto.
 120 of 12 ditto.
 121 of 12 ditto.

execution, the consequence would be, that while some of the older Chaplains might perhaps be amply provided for, the younger men would have only too just cause of grievance. They would be deprived of the certainty hitherto secured to them, with nothing approaching to an equivalent, or calculated as such. And yet their case would, in reality, be much harder than that of Civil Servants if so treated; as in their case change of profession is impossible.

I have not failed to take into consideration also the doubt which has been raised whether on their first appointment the Chaplains may not be said to have received from the Home Government a warning that their salaries were not secured to them. But I do not think that a mere doubt of the meaning of a Despatch, even were it more strongly founded than appears to me to be the case, ought to prevail against the fair application of ordinary principles.

Such is the plain ground on which Her Majesty's Government have felt themselves justified in tendering their advice to the Crown not to allow the measure in question to come into operation. You will accordingly signify to the Legislature that Her Majesty's assent will not be signified to the Bill.

From the principles which I have thus stated, it follows that, if any Bill should be passed embodying similar provisions in other respects, but giving to vested interests such compensation as either satisfies all claimants or is above all reasonable objection, such a measure will be submitted without hesitation to the Crown for assent.

I have the honor to be,
Sir,

Your most obedient humble Servant,
NEWCASTLE.

Governor Sir H. E. F. YOUNG, C.B.,
Tasmania.