

1856-7.

VICTORIA.

---

R E P O R T

FROM THE

SELECT COMMITTEE

UPON

FEDERAL UNION OF THE AUSTRALIAN  
COLONIES,

TOGETHER

WITH THE PROCEEDINGS OF THE COMMITTEE.

---

*Ordered by the Legislative Assembly to be printed, 9th September, 1857.*

---

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

NAMES OF MEMBERS OF THE COMMITTEE.

Mr. Gavan Duffy,  
Mr. O'Shanassy,  
Mr. Moore,  
Mr. Michie,  
Mr. Foster,  
Mr. Horne,

Mr. Griffith,  
Dr. Evans,  
Mr. Harker,  
Mr. Syme,  
Mr. McCulloch.

---

EXTRACTED FROM THE MINUTES.

---

FRIDAY, 16TH JANUARY, 1857.

FEDERAL UNION OF AUSTRALIAN COLONIES.—Mr. Gavan Duffy moved, pursuant to *amended* notice, for a Select Committee to consider and report on the necessity of a Federal Union of the Australian Colonies for legislative purposes, and on the best means of accomplishing such an Union, and that the following Members constitute the Committee:—Mr. Childers, Mr. O'Shanassy, Mr. Moore, Mr. Michie, Mr. Foster, Mr. Horne, Mr. Griffith, Dr. Evans, Mr. Harker, Mr. Syme, Mr. McCulloch, and Mr. Gavan Duffy.  
Question—put and passed.

---

THURSDAY, 16TH APRIL, 1857.

SELECT COMMITTEES.—Mr. O'Shanassy moved, pursuant to *amended* notice, That Mr. Foster, Mr. Duffy, Mr. Horne, and Mr. O'Shanassy be added to the Federal Union Committee.  
Debate ensued.  
Question—put and passed.

---

THURSDAY, 28TH MAY, 1857.

SELECT COMMITTEES.—Mr. Haines moved, pursuant to *amended* notice, the appointment of the under-mentioned gentlemen on the following Committee:—  
Federal Union.—Mr. Moore, Mr. Michie, and Mr. McCulloch.

## REPORT.

---

THE necessity of a Federal Union of the Australian Colonies for legislative purposes, and the best means of accomplishing such an union if necessary, having been referred to the present Committee, they have given these questions of national polity the prolonged and deliberate consideration which their importance demanded.

On the ultimate necessity of a Federal Union, there is but one opinion. Your Committee are unanimous in believing that the interest and honor of these growing States would be promoted by the establishment of a system of mutual action and co-operation among them. Their interest suffers, and must continue to suffer, while competing tariffs, naturalization laws, and land systems, rival schemes of immigration, and of ocean postage, a clumsy and inefficient method of communicating with each other, and with the Home Government on public business, and a distant and expensive system of judicial appeal exist; and the honor and importance which constitute so essential an element of national prosperity, and the absence of which invites aggression from foreign enemies, cannot perhaps in this generation belong to any single Colony of the Southern Group; but may, and we are persuaded would, be speedily attained by an Australian Federation representing the entire.

Neighboring States of the second order inevitably become confederates or enemies. By becoming confederates so early in their career, the Australian Colonies would, we believe, immensely economize their strength and resources. They would substitute a common national interest for local and conflicting interests, and waste no more time in barren rivalry. They would enhance the national credit, and attain much earlier the power of undertaking works of serious cost and importance. They would not only save time and money, but attain increased vigor and accuracy, by treating the larger questions of public policy at one time and place; and in an Assembly, which it may be presumed, would consist of the wisest and most experienced statesmen of the Colonial Legislatures, they would set up a safeguard against violence or disorder—holding it in check by the common sense and common force of the Federation. They would possess the power of more promptly calling new States into existence throughout their immense territory, as the spread of population required it, and of enabling each of the existing States to apply itself, without conflict or jealousy, to the special industry which its position and resources render most profitable.

The time for accomplishing such a Federation is naturally a point upon which there are a variety of opinions; but we are unanimous in believing that it is not too soon to invite a mutual understanding on the subject throughout the Colonies. Most of us conceive that the time for union is come. It is now more than eight years since the Privy Council reported to Her Majesty that "the want of some such general authority for the Australian Colonies began to be

seriously felt." At present, a Federal Assembly would not only have the control of a larger territory than any of the Great Powers possess in Europe; but of a population exceeding that of several of the smaller Sovereign States, and of a revenue which equals or exceeds the revenue of the Kingdoms of Belgium, Sweden and Norway, Hanover, Holland, Naples, Hungary, Turkey, Bavaria, Saxony, or Greece. Some of the most renowned Federations in history had less population or wealth, and certainly possessed infinitely inferior agencies of Government than belong to an age of telegraphs and railways.

On the best means of originating such an union we are unanimous. No single Colony ought to take exclusive possession of a subject of such national importance, or venture to dictate the programme of union to the rest. The delicate and important questions connected with the precise functions and authority of the Federal Assembly, which present themselves on the threshold of the inquiry, can be solved only by a Conference of delegates from the respective Colonies. The course we recommend, therefore, is, that such a Conference should be immediately invited. To it will properly belong the duty of determining whether the plan of union to be submitted to the people shall propose merely a Consultative Council, authorized to frame propositions for the sanction of the State Legislatures, or a Federal Executive and Assembly, with supreme power on national and inter-colonial questions; or some compromise between these extremes. And to it also must be referred minor questions such as the following, which press for a decision:—

If a Consultative Council be adopted—Can it act without the aid of ministers charged to submit measures for its consideration? Is it desirable to constitute it a court of impeachment for the Colonies? Shall its deliberations be restricted to certain specified questions; and if so, to what questions?

If the plan embrace a Federal Legislature and Executive—Is the Legislature to consist of one or two branches? Must an absolute majority of its members, or the representatives of a certain number of States concur, to make its decisions law? Are its laws to take effect directly on the entire population of Australia, or only after the assent of their respective States? Are they to be administered by the existing Colonial Judicatures, or by Federal Courts? If its orders are violated by any State of the Federation how are they to be enforced? Shall it possess the power of taxation, or only of assessment on the respective States?

In either case—Where shall the Federal body sit; or shall it be rotatory? If the latter—Shall the Governor of the State where it sits for the time being exercise the royal prerogative on its bills, or must they be sent to the Governor General or senior Governor?

These, and similar questions, must be determined before a coherent scheme of federation can be framed; but we do not feel at liberty to offer any opinion upon any of them.

In order to invite a Conference of the Colonies it is necessary to make some specific propositions, and we, therefore, recommend:—

1. That the Legislatures of New South Wales, South Australia, and Tasmania, be requested to select three delegates each, two of whom might be members of Assembly, and one a member of Council, to meet three delegates from this Colony.
2. That these delegates assembled in Conference be empowered to frame a plan of federation, to be afterwards submitted, for approval, either to the Colonial Legislatures, or directly to the people, or to both, as may be determined; and to receive such further legislative sanction as may appear necessary.
3. That the expenditure incident to the Conference shall be borne by the respective Colonies, in whatever proportions may be fixed by the Conference itself.

4. That the Conference shall hold its meetings in whatever place the majority of the delegates may determine; their decisions being interchanged in writing within a month of their elections being completed.

If your Honorable House think fit to adopt these recommendations, it will be necessary to present an address to His Excellency the Governor, praying that he may communicate with the Governors of the other Colonies named, requesting them to submit the proposal to their respective Legislatures for consideration.

And we would further recommend that this Report be communicated by Message to the other House, inviting their concurrence in the selection of delegates for Victoria, in case the project is accepted by the other Colonies.

In conclusion, your Committee are fully convinced that a negotiation demanding so much caution and forbearance, so much foresight and experience, must originate in the mutual action of the Colonies, and cannot safely be relegated even to the Imperial Legislature.

Committee-room,

8th September, 1857.

## PROCEEDINGS OF COMMITTEE.

TUESDAY, 10TH FEBRUARY, 1857.

*Members present :—*

Mr. Gavan Duffy,		Mr. Foster,
Mr. Horne,		Mr. Harker,
Mr. Childers,		Mr. McCulloch.
Mr. Moore,		

Mr. Gavan Duffy was called to the Chair.

The subject of a proposed conference with the other Australian Colonies was discussed.  
Adjourned to Thursday, 26th February, at three o'clock.

THURSDAY, 26TH FEBRUARY, 1857.

*Members present :—*

Mr. Gavan Duffy, in the Chair.

Mr. O'Shanassy,		Mr. Foster,
Mr. Harker,		Mr. Griffith.

A general discussion of the question ensued.

Adjourned to Thursday next, at three o'clock.

TUESDAY, 7TH JULY, 1857.

No quorum.

THURSDAY, 9TH JULY, 1857.

*Members present :—*

Mr. Duffy,		Mr. Harker,
Mr. Foster,		Mr. Horne.

No quorum.

Adjourned to Thursday next, at half-past one o'clock.

THURSDAY, 30TH JULY, 1857.

*Member present :—*

Mr. Harker.

No quorum.

Adjourned *sine die*.

TUESDAY, 8TH SEPTEMBER, 1857.

*Members present :—*

Mr. Duffy in the Chair.

Mr. McCulloch,		Mr. Harker,
Mr. Moore,		Mr. O'Shanassy.

Draft Report was read and considered.

Motion made—That the Draft Report now read be adopted as the Report of this Committee.—  
(*Mr. McCulloch.*)

Question—put and passed.

Chairman ordered to Report.