

1880.

—
VICTORIA.

INTERCOLONIAL CONFERENCE.

MINUTES OF PROCEEDINGS

OF THE

INTERCOLONIAL CONFERENCE HELD AT MELBOURNE,

DECEMBER 1880.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

MINUTES OF PROCEEDINGS
OF THE
INTERCOLONIAL CONFERENCE HELD AT MELBOURNE.

FRIDAY, 26TH NOVEMBER 1880.

FIRST DAY.

The following gentlemen appeared to represent the different colonies :—

Victoria.

The Honorable GRAHAM BERRY, M.P., Chief Secretary,
The Honorable WILLIAM M. K. VALE, M.P., Attorney-General.

New South Wales.

The Honorable Sir HENRY PARKES, K.C.M.G., M.P., Colonial Secretary,
The Honorable JAMES WATSON, M.P., Colonial Treasurer.

South Australia.

The Honorable CHARLES MANN, Q.C., M.P., Treasurer,
GEORGE SWAN FOWLER, Esq., M.P.

On the motion of Sir HENRY PARKES, seconded by Mr. MANN, the Honorable GRAHAM BERRY was called to the Chair.

Sir HENRY PARKES and Mr. WATSON presented their Commissions appointing them to represent New South Wales at this Conference, and to execute any agreement on behalf of the Government of that colony.

Mr. MANN and Mr. FOWLER presented their Commissions in like manner.

A preliminary objection was taken that Mr. FOWLER was not a Member of the Government of South Australia, but it was subsequently withdrawn with the expression of the opinion that it would have been better if all the members of the Conference had been Members of their respective Governments.

The following subjects were agreed upon for consideration by the Conference, Mr. MANN desiring that note should be taken that he was under the impression that the Chinese question was to have been excluded from the consideration of the Conference :—

- Federation.
- Military and Naval Defences.
- Border Customs Duties.
- Intercolonial Free Trade.
- Court of Appeal.
- Intercolonial Legislation.
- Railway Extension.
- Railway Tariffs.
- Telegraphs.
- Postal Matters.
- Patents.
- Chinese.
- Vine Diseases.
- Diseases of Stock.

The Conference then adjourned until to-morrow at ten o'clock.

GRAHAM BERRY,
Chairman.

November 27th, 1880.

SATURDAY, 27TH NOVEMBER 1880.

SECOND DAY.

Members present.:

Victoria.

The Honorable GRAHAM BERRY, M.P., in the Chair,
The Honorable WILLIAM M. K. VALE, M.P.

New South Wales.

The Honorable Sir HENRY PARKES, K.C.M.G., M.P.,
The Honorable JAMES WATSON, M.P.

South Australia.

The Honorable CHARLES MANN, Q.C., M.P.,
GEORGE SWAN FOWLER, Esq., M.P.

Minutes of yesterday's proceedings read and confirmed.

The Commissions issued to the Honorable the Chairman and the Honorable the Attorney-General of Victoria, authorizing them to represent and act in behalf of the Government of Victoria in and at this Conference, were laid upon the table, the Chairman intimating that they were couched in the same terms as those embodied in the Commissions issued to the other honorable members of the Conference.

The following memorandum was submitted by the representatives of New South Wales, as forming the basis of a possible agreement in respect of Border Customs Duties :—

Memorandum handed in on behalf of New South Wales by Sir Henry Parkes.

The following proposals are submitted towards forming a basis of agreement between Victoria, South Australia, and New South Wales, for the discontinuance of the collection of Customs Duties on the borders of the three colonies :—

- 1st. That the duty on imported spirits shall be uniform in the three colonies, and at the highest rate now levied in any one of them.
- 2nd. That the duty on spirits distilled in the three colonies shall be also uniform, and at the highest rate now levied.
- 3rd. That the duty on tobacco and cigars imported into the three colonies shall be uniform, and at the highest rate now levied in any one of them.
- 4th. That the duty on tobacco and cigars manufactured in the three colonies shall be uniform.
- 5th. That the duty on ale and porter imported into the three colonies shall be uniform; and that there be also a uniform Excise duty on all ale and porter made in the said colonies.
- 6th. That no duty of Customs or tax shall be levied or collected in any part of the three colonies other than at their respective seaports.
- 7th. That in order to arrive at the amount equitably due to any one of the three colonies from the duties collectable on the Border trade, the Customs revenue derivable therefrom, whether actually collected or represented by payments under any convention, shall be taken for the years 1878, 1879, and 1880, and the annual average balance so shown to be due, with a percentage added for prospective increase of population and trade, shall be the annual sum payable to the colony entitled to receive the same.

The colony of New South Wales is prepared to execute a convention for three or for five years on the basis now submitted.

November 27th 1880.

HENRY PARKES.

It was then agreed to postpone the further consideration of the subject of Border Duties until the next sitting of the Conference.

A lengthy conversation then took place on the questions of federation, military and naval defences, the expediency of establishing a Court of Appeal, and other questions proper to be considered at the Conference.

MR. VALE undertook to draw up resolutions effecting certain modifications in legal practice between the different colonies, in the way of establishing a uniform and concurrent jurisdiction.

The Conference then adjourned until Monday next at ten o'clock.

GRAHAM BERRY,
Chairman.

November 29th, 1880.

MONDAY, 29TH NOVEMBER 1880.

THIRD DAY.

Members present :

Victoria.

The Honorable GRAHAM BERRY, M.P., in the Chair,
The Honorable WILLIAM M. K. VALE, M.P.

New South Wales.

The Honorable Sir HENRY PARKES, K.C.M.G., M.P.,
The Honorable JAMES WATSON, M.P.

South Australia.

The Honorable CHARLES MANN, Q.C., M.P.,
GEORGE SWAN FOWLER, Esq., M.P.

Minutes of Saturday's proceedings read and confirmed.

Mr. MANN intimated that the representatives of South Australia had considered the memorandum submitted by Sir Henry Parkes on Saturday last in the matter of the Border Customs Duties, and that they had agreed to the expression of the following opinions on the subject :—

We observe on the memo. submitted by Sir Henry Parkes as follows :—

1. We prefer not altering our Tariff ; but, in order to enable us to arrive at an agreement, are willing to make the Customs duties on spirits, ale and porter, and unmanufactured tobacco uniform at the present highest rates. We suggest, however, that the duty on manufactured tobacco should be 2s., as in New South Wales and South Australia at present.
2. We cannot agree to making the Excise duty on colonial spirit the same as the duty on imported, but are willing to make it two-thirds.
3. We have no Excise duty on ale, &c., and do not wish to impose one, but, sooner than jeopardize the chances of arriving at an understanding, will agree to impose such a duty as suggested.
4. We prefer naming a fixed sum to be paid by South Australia to New South Wales, and suggest £45,000 as a fair amount, taking into account the rapid extension of the railways in New South Wales, which must necessarily have the effect of diverting a considerable amount of the trade. If an average is to be taken, it should be for 4 years instead of 3, the former being the period for which reliable statistics are available. If the amount is to be fixed by taking an average, no further amount should be allowed for the increase in the population, as, in our opinion, that will be more than counterbalanced by the effect of the extension of the New South Wales railways.
5. We are of opinion that, if an agreement is entered into, New South Wales should undertake not to carry goods on her railways under a minimum rate to be arranged.

C. MANN,
G. S. FOWLER.

The CHAIRMAN then read the following memorandum, first expressing his anxiety that this Conference might bring about some basis of agreement on the subject of the Border Duties :—

We do not think that the question of the Border Duties can be dealt with by a definite proposition, but we submit the following paper, the consideration of which may possibly advance the question so far as to permit of some common ground of agreement.

The only satisfactory solution of the Border question is a uniform Tariff for the three colonies of New South Wales, Victoria, and South Australia, which would probably be promptly adopted by the other colonies.

The proposal of making uniform the Customs duties on spirits, tobacco, and beer would by itself intensify the difficulty at present existing, so far at least as Victoria, and probably South Australia, are concerned.

Changes in the Tariff of Victoria are imminent, the adoption of which by the Legislature might abrogate any treaty entered into at present.

On the other hand, these contemplated changes might be utilized in the direction of uniformity of Tariff, if the colonies of New South Wales and South Australia would follow a similar course, of appointing Royal Commissions to investigate and report.

Whilst the main features or policy of the present Victorian Tariff would have to be recognised as a basis, large concessions could, and probably would, be made on behalf of this colony, in the direction of simplification and brevity, to meet the views and desires of the other colonies interested.

The present would appear an exceptionally good opportunity for a sincere attempt in this direction.

New South Wales and Victoria have both invited competitive exhibitions from all countries in matters of production, skill, and enterprise, and the results in both instances are highly instructive, and if dealt with at once, in a practical manner, should aid in the work of uniformity of Tariffs.

At the present moment, although it is the custom to speak of New South Wales as a free-trade colony, as a matter of fact the policy of protection still exists as a reality. It is only necessary to mention sugar, which pays no excise, but is subject to £5 per ton on importation—even from the sister colony of Queensland ; and tobacco, the leaf of which imported is charged 1s. per lb., but when grown in the colony is free, and manufactured tobacco, the Customs duty on which is 2s. per lb., and the Excise on home-made only half that rate. Other articles in the Tariff of New

South Wales display the protective idea as the duty is increased in proportion to the amount of human labor expended on articles which can be produced within the colony itself; and further, at the late election, many so-called free-trade candidates made an exception in favor of Government expenditure, which was to be increased in favor of colonial production in competition with foreign.

This reference to the state of the question in New South Wales is not made for any other purpose than to show that no principle would be violated by the Legislature of that colony in accepting—for the many obvious benefits involved—a Tariff uniform with that of Victoria amended in the directions already indicated.

If it is said in answer to this that Victoria might quite as well accept the existing Tariff of New South Wales as a basis, the answer is that Victoria openly avows a policy of protecting through the Custom House the industries of its own people, and repeated elections have proved that a majority of the electors are definitely in its favor. Therefore, so far from violating no principle, the request would involve a violation of the settled policy of the colony on one of the leading questions of the day.

Thus, whilst New South Wales, in assimilating her Tariff to that of Victoria for what might be regarded as good and sufficient reasons, even in the interests of ultimate Free Trade, would simply increase her revenue from new sources, Victoria, in taking a similar step, would run counter to the public opinion of the colony, and the attempt, if any statesman were sufficiently hardy to make it, would probably soon be reversed.

New South Wales and South Australia best know whether their respective colonies—from the ulterior benefits to be reaped—would sanction a step in the direction we have named; but, as it appears to us the only road by which the various colonies can approach the position of one nation, we at least take the responsibility of pointing it out.

If this course is entered upon in good faith, and in the spirit of these remarks, we pledge the Government of Victoria to do all in its power to remove every difficulty out of the way, and to advise large concessions of local ideas to secure the co-operation of all the colonies in a national fiscal policy.

If, however, unfortunately the representatives of the other colonies consider the foregoing proposals impossible of achievement, we will proceed to make another which, although not so comprehensive or satisfactory, may yet prove more feasible.

1. Arrange some mode of calculating the sum which would be due from Victoria and South Australia to New South Wales, and agree to pay the same on the following conditions:—
2. That New South Wales withdraws her Customs officers from the Border, and allows free importation from South Australia and Victoria.
3. That Victoria, and, if she choose, South Australia, shall have full liberty to impose and collect on the border of Victoria and New South Wales, and of course South Australia, any duty, charge, or impost upon the importations from New South Wales for the purpose of carrying out the protective principle of the colony.
4. Railway convention with New South Wales, fixing the rates of carriage for goods and merchandise, so far as regards lines competing with Victoria on the one hand, and South Australia on the other.
5. Wahgunyah bridge to be purchased by the Governments of Victoria and New South Wales, and made free of tolls. The same course with respect to any other bridge now or hereafter to be erected across the Murray.
6. No wharfage rates to be imposed by either colony.

GRAHAM BERRY.

Sir HENRY PARKES proposed that the further consideration of the Border Customs Duties should be postponed until Wednesday next.

INTERCOLONIAL LEGISLATION.

Mr. VALE moved the following resolutions upon this subject:—

1. That this Conference concurs in the opinion that there should be an Australian Court of Final Appeal, open to suitors who are dissatisfied with the decisions of their respective Supreme Courts, and that all the Australian colonies be invited to join in the establishment of such court.
2. That the representatives present undertake to prepare the necessary measures for the establishment of an Australian Court of Final Appeal.

Mr. VALE moved the following further resolutions:—

1. That this Conference is of opinion that warrants for the arrest of offenders issued in one colony should have effect in all, and that provision should be made for anticipating by telegram the effect of such warrants.
2. That this Conference concurs in the opinion that all process for the recovery of debts or damages originating in any one colony should have full effect in all the colonies.
3. That this Conference concurs in the opinion that warrants for the apprehension of men who have deserted wife or child, or both, should have force and effect in all the colonies.
4. The Conference is of opinion that Patents granted or Trade Marks registered in one colony should be valid in all.
5. That the representatives present undertake to prepare the necessary measure of Legislation for giving effect to the foregoing resolutions.

Read and agreed to.

The Conference then adjourned until Wednesday next at ten o'clock.

GRAHAM BERRY,
Chairman.

WEDNESDAY, 1ST DECEMBER 1880.

FOURTH DAY.

Members present :

Victoria.

The Honorable GRAHAM BERRY, M.P., in the Chair ;
The Honorable WILLIAM M. K. VALE, M.P.

New South Wales.

The Honorable Sir HENRY PARKES, K.C.M.G., M.P.,
The Honorable JAMES WATSON, M.P.

South Australia.

The Honorable CHARLES MANN, Q.C., M.P.,
GEORGE SWAN FOWLER, Esq., M.P.

Minutes of Monday's proceedings read and confirmed.

A lengthened discussion took place on the several proposals submitted in respect to the Border Trade, in the course of which the question was raised as to the desirability of each colony issuing a Commission to enquire into and report on its Tariff, each such separate Commission to be followed by a Joint Commission to enquire how far one uniform Tariff can be framed which will meet the circumstances of the several colonies. The consideration of the subject was then further postponed.

FEDERATION.

Sir HENRY PARKES submitted an outline of a plan for the construction of a Federal Council which should have authority, by local legislation, to deal with a limited number of questions, and undertook to draw up a more complete scheme on the subject.

RAILWAYS.

Mr. MANN proposed the following resolution :—That this Conference is of opinion that Sydney, Melbourne, and Adelaide should be connected by Railway with a common junction at Wentworth ; and with this view the Representatives agree to endeavor to have the following proposed extension of Railways carried out as soon as possible—viz., New South Wales to Wentworth, and thence to the boundary of New South Wales and South Australia ; Victoria to Wentworth ; South Australia, from Morgan to eastern boundary, meeting New South Wales.

Sir HENRY PARKES moved :—That the further consideration of this resolution be postponed until the adjourned sitting of the Conference after Christmas.—*Agreed to.*

INTERCOLONIAL FREE TRADE.

Mr. MANN moved the following resolution :—With a view of practically testing to some extent the feasibility of Intercolonial Free Trade, this Conference agrees that all wines the product of Victoria, New South Wales, and South Australia, shall be admitted into each of those colonies free of duty. This arrangement to be subject to determination on three months' notice by any of the colonies interested.

Mr. VALE moved (seconded by Sir HENRY PARKES) :—That the further consideration of this resolution be postponed until the sitting of the Conference after Christmas.—*Agreed to.*

The Conference then adjourned until to-morrow at ten o'clock.

GRAHAM BERRY,
Chairman.

December 2nd, 1880.

THURSDAY, 2ND DECEMBER 1880.

FIFTH DAY.

Members present :

Victoria.

The Honorable GRAHAM BERRY, M.P., in the Chair ;
The Honorable WILLIAM M. K. VALE, M.P.

New South Wales.

The Honorable Sir HENRY PARKES, K.C.M.G., M.P.,
The Honorable JAMES WATSON, M.P.

South Australia.

The Honorable CHARLES MANN, Q.C., M.P.,
GEORGE SWAN FOWLER, Esq., M.P.

Minutes of yesterday's proceedings read and confirmed.

Sir HENRY PARKES moved the following resolutions :—

- (1.) That the Conference, at its rising to-morrow, adjourn until Thursday the 13th January next, and that it then meet in Sydney.
- (2.) That the Honorable Graham Berry, as Chairman, be requested to invite the Governments of Queensland, Tasmania, Western Australia, and New Zealand to join in the deliberations of the Conference at its adjourned sitting.

Mr. MANN seconded the resolution.—*Agreed to.*

Sir HENRY PARKES stated, on behalf of the Representatives of New South Wales, that he wished to hand in the following memorandum, as a further expression of their views on the subject of the Border Duties:—

The colony of New South Wales is prepared to execute a convention for the non-collection of Customs Duties along the Borders, on the basis submitted in the memorandum of Sir Henry Parkes, as modified by the further memorandum of Mr. Mann, with such amendments as may be mutually assented to in respect to details. It is urged that there really is no insurmountable obstacle arising out of her fiscal legislation (the tax on live stock excepted) to Victoria joining in such convention, at least no obstacle which would not present itself with equal force in almost any possible proposal for relieving the Border trade from the actual interference of the Custom House. It may be fairly doubted whether a uniform Tariff for the three colonies would be a "satisfactory solution" of the Border difficulty if the "main features of the present Victorian Tariff were recognized as a basis." If the Custom House officers were withdrawn from the Border, high duties on any article entering largely into consumption would be just as likely under a uniform Tariff as under the convention now proposed to lead to speculative Border traffic, when the markets of one colony were attractive, and the circumstances of another colony were favorable to overland exportation. But, as a matter of fact, no serious inconvenience or injury of this character was experienced under former conventions, and it is contended that there is no reasonable ground for anticipating any such inconvenience or injury in the future, if all parties to an agreement would do their best, as it is believed they would do, to carry it out in good faith.

The second scheme submitted by Victoria appears to be open to fatal objections. Admittedly, it would not effect the main object contemplated—the removal of the Border Custom Houses. Any plan which failed of this object, would practically be of no value.

In any view of the primary question, the construction of a uniform Tariff, under present circumstances, would be the work of years, subject to all the political vicissitudes which are inseparable from the course of parliamentary government in the colonies, and therefore can hardly be accepted in any endeavour to afford immediate relief to the settlers and traders along the Borders of the three colonies.

HENRY PARKES.

FEDERAL COUNCIL.

Sir HENRY PARKES moved the following resolution (seconded by Mr. MANN):—

- (1.) That in the opinion of this Conference the time has arrived when a Federal Council should be constituted to deal with questions affecting all the colonies in common.
- (2.) That such Council might be constituted with limited powers, by separate Acts of the several Parliaments, each colony being represented by an equal number of members.
- (3.) That in the constitution of such Council the authority of each colony over its own revenues should be preserved intact.
- (4.) That New South Wales be requested to prepare a Bill to carry out the foregoing resolutions, to be submitted to the Conference at its adjourned sitting after Christmas.

Agreed to.

CHINESE.

Sir HENRY PARKES (seconded by Mr. VALE) moved:—That in the opinion of this Conference the grave consequences which must follow the influx of large numbers of Chinese call in a special manner for the concerted action of all the colonies, both in representations to the Imperial Government and in local legislation.—*Carried.*

The Representatives of South Australia desired it to be understood that they did not express any opinion on this subject at this stage of the proceedings of the Conference.

PHYLLOXERA VASTATRIX.

Mr. MANN moved the following resolution:—That this Conference considers that the alarming extension of the vine disease, *phylloxera vastatrix*, in Victoria is a matter of more than local importance, seriously affecting as it may all the colonies where wine is made, and in that view agrees that it is desirable that prompt and thorough measures should be taken to eradicate the disease, and the colonies represented will contribute equally to the necessary expenses, not exceeding in the first instance £20,000. This principle of joint contribution is to be applied to any colony where the disease may hereafter break out.

Seconded by Sir HENRY PARKES.—*Agreed to.*

RABBITS.

Mr. MANN moved:—That joint action being necessary for the suppression of the Rabbits on the Border between Victoria and South Australia, the Representatives of those colonies agree to prompt, decisive, and simultaneous action for the suppression of the nuisance.

Seconded by Mr. VALE.—*Agreed to.*

The Conference then adjourned until to-morrow at eleven o'clock.

GRAHAM BERRY,
Chairman.

December 3rd, 1880.

FRIDAY, 3RD DECEMBER 1880.

SIXTH DAY.

Members present :

Victoria.

The Honorable GRAHAM BERRY, M.P., in the Chair,
The Honorable WILLIAM M. K. VALE, M.P.

New South Wales.

The Honorable Sir HENRY PARKES, K.C.M.G., M.P.,
The Honorable JAMES WATSON, M.P.

South Australia.

The Honorable CHARLES MANN, Q.C., M.P.,
GEORGE SWAN FOWLER, Esq., M.P.

The following memorandum was read by Mr. MANN, viz. :—

That the representatives of Victoria and South Australia agree not to collect duties on the border between those colonies, but to institute a system of permits in accordance with the draft agreement submitted by the Victorian Government and printed as a South Australian Parliamentary Paper, No. 130 of 1880.—*Agreed to.*

Mr. WATSON handed in the following memorandum, viz. :—

The representatives of New South Wales and South Australia at this Conference agree, that the convention entered into between these colonies, dated the 30th day of October 1878, and which was terminated on the 30th June last, shall be brought into operation, and continued for a period of three years from the 1st day of January 1881, subject to the following modifications, viz. :—That the colony of South Australia shall increase her duties on imported wines and spirits, and on unmanufactured tobacco, to the rate now levied in New South Wales, and shall also increase the duty payable on spirits distilled in the colony to two-thirds of that now levied on imported spirits in New South Wales; and that the yearly sum to be received by New South Wales, in lieu of the collection of the duties, shall be £47,500, payable quarterly.—*Agreed to.*

The following resolution was moved by Sir HENRY PARKES and seconded by Mr. VALE :—

This Conference, impressed with the great importance of the establishment of a uniform Tariff for the Australian Colonies, recommends the further consideration of the question at the adjourned meeting of the Conference, on the 13th January, at Sydney.—*Agreed to.*

Mr. WATSON moved the following resolution :—

“That it is desirable for continuity of action that the present Secretary to the Conference should continue so to act at the further sittings of the Conference appointed to commence in Sydney on the 13th of January next, if not incompatible with his other duties.”

Seconded by Mr. MANN, and carried.

The Conference then adjourned, pursuant to former resolution, until Thursday the 13th of January 1881.

GRAHAM BERRY,
Chairman.

December 3rd, 1880.