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TUESDAY, MARCH 30, 1897.

Petitions-Notice of Motion-Powers of Committees-Sittings of Convention-Federal Constitution-A
Point of order-Power of Select Committee-Adjournment.

The PRESIDENT took the chair at 10.30 a.m.

PETITIONS.

Mr. REID: I beg to present a petition to this honorable Convention from the Salvation Army in New South Wales. It is signed by 1,029 persons, and prays for the recognition of God as the Supreme Ruler of the world in the preamble of the Federal Constitution. It is in due form, and I beg to move that it be received.

Mr. BARTON: I desire to present a petition from 1,084 members and adherents of the Australasian Wesleyan Methodist Church, citizens of New South Wales, praying that in the preamble of the Constitution to be framed there should be a recognition of God as the Supreme Ruler, that each daily session of the Upper and Lower House of Parliament be opened with prayer, and that the Governor-General be empowered to appoint days of national thanksgiving and humiliation. The petition is in due form, and contains a prayer.

Mr. BRUNKER: I have a petition from 1,500 members of the Women's Christian Temperance Union of New South Wales praying that there may be an acknowledgment of God in the Federal Constitution, and in the opening ceremonies of the daily sessions of the Federal Parliament. The petition is respectfully worded, and contains a prayer. It is signed by 1,500 residents in New South Wales. I beg to move that the petition be received.

Mr. BRUNKER: I have a petition from 1,500 members of the Women's Christian Temperance Union of New South Wales, praying that there may be inserted in the Federal Constitution a clause reserving to each colony the right to legislate as to the importation, manufacture, and sale of alcoholic liquors and opium. I beg to move that the petition be received.

Mr. CARRUTHERS: I beg to present a petition from 292 adherents of the Primitive Methodist Church of New South Wales, similar to that presented by Mr. Barton. The petition is respectfully worded, and concludes with a prayer. I move that it be received.

Petitions received.

NOTICE OF MOTION.

Mr. BARTON: I give notice of motion for to-morrow, it of course being contingent on the debate not being concluded to-day:

That the Convention shall, at 5.30 p.m. this day, suspend its sitting until 7 p.m., at which hour the Convention shall be resumed and the transaction of business continued.

POWERS OF COMMITTEES.

Sir RICHARD BAKER: Before the business of the day is called upon, I wish to call attention to a question of practice and procedure which is somewhat important. In the original resolutions as moved by Mr. Barton there are some words to which I have strong objection, but I did not move to excise those words because I considered it was understood that the committees which are to be appointed are to have a free hand, and that the resolutions which are to be referred to them are not in any way mandatory, but that the committees can consider, discuss, and arrive at any conclusion they think fit. I mention this matter so that it may be beyond discussion when the committees have been settled; that it may not be asserted that we were a party to these resolutions, and that the committee cannot alter them. I wish to call attention to that point, and ask your ruling.

Mr. BARTON: Is there any particular portion to which you allude?

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Sir RICHARD BAKER: Yes,

and to possess the sole power of originating all Bills appropriating revenue or imposing taxation.

In the short speech which I had the honor to make to this Convention I stated that though that has been the ordinary parliamentary proceeding, I would have moved to strike these words out, but inasmuch as I understood that these were only preliminary resolutions, not intended to be binding on the committees appointed to consider them, I refrained from making any amendments. I wish to ask you, and perhaps Mr. Barton may also be able to state whether in his opinion I am right or wrong in the conclusions to which I have arrived.

Mr. BARTON: I shall not attempt to anticipate any decision of the Chair, but I would only say that my leaning is altogether on the side of the greatest freedom on the part of committees, so that they may have, by their own decisions, and by the work of the drafting committee whom they shall appoint, so free a hand as to enable everything that has been evolved during this debate, as well as during the sittings in Committee, to be considered on the question of whether it should be embodied in the Bill. That is the design with which I moved the resolutions, and if your ruling goes in favor of the matter being left quite open to the Committee by the resolutions being referred in the manner intended, then I shall be all the more pleased.

The PRESIDENT: I could have wished that my attention had been previously drawn to this matter, but what I take it is this: that the duties of the Committee will be fixed by the instructions which are given by the House in relation to their appointment. These instructions at the present moment form the subject of a contingent notice of motion, and I am under the impression that if the notice of motion is carried in the form in which it appears on the paper with reference to the appointment of the committees, the Committee will have a fairly free hand in connection with the preparation of the Constitution, though, of course, that can be made more clear if desired by the Convention when the resolutions for the appointment of the Committee come on for discussion.

Mr. BARTON: Hear, hear.

SITTINGS OF THE CONVENTION.

Mr. BARTON: I desire to move the following motion standing in my name-

That the Convention shall, at 5.30 p.m. this day, suspend its sitting until 7 p.m., at which hour the Convention shall be resumed and the transaction of business continued.

Question resolved in the affirmative.

FEDERAL CONSTITUTION.

Debate resumed on resolutions by Mr. Barton (*vide* page 17).

Mr. SOLOMON: Last evening, when the time arrived for the adjournment of the Convention, I had almost finished dealing with that portion of our business which relates to the consolidation of loans. It seemed to me during the discussion of this most important point, in listening to the speeches of the hon. member for New South Wales, Mr. McMillan, and the hon. member for Tasmania, Sir Philip Fysh, that both these gentleman took rather a pessimistic view of the possibilities of a consolidation of our bonded debt for the whole of Australasia which would lead to any degree of saving. I am inclined to think that both those hon. gentlemen, and some others, including the hon. member, Sir William Zeal, are disposed to omit the consideration of the most important fact that, in issuing new bonds for the whole of the debt of Australasia, we will give several advantages to the present bondholders—first of all, the advantage of having one bond with a greater degree of security; and secondly, that we may effect a considerable saving by making these bonds of longer date than [start page 263] the existing bonds which we ask them to return. However, I admit I am not in the position of some hon. members to discuss this question as fully as I would like, because up to the present time none of us have before us the work of the statistical experts, which would show us the amounts of the various bonds becoming due, the dates at which they mature, and the amount of interest which is payable on these bonds. Without the whole of those details with reference to all classes of bonds, which so far are not on our files to guide us, it would be impossible to fully indicate what the probable saving might be by the consolidation of the whole of our loans. Therefore I am of opinion that perhaps it would be better to leave the discussion on this part of the financial question until after the Financial Committees have dealt with it, and until light has been thrown upon it by statistical experts. The next question of importance, perhaps, is the handing over of the various railways to the Federal Parliament, and the arguments that have been used in favor of this system have principally been based upon the supposition that, in the first place, great economies could be made by doing away with lines which at present only duplicate the work, and, in the second place, that control could be obtained over the various lines which at present are not paying owing to the establishment of differential rates. It has been pointed out that it would be useless to have intercolonial freetrade and remove the whole of the border duties between the colonies if, on the other hand, the railways were permitted to have differential rates which would deprive us of all the advantage of intercolonial freetrade. On the question of handing over the railways to the Federal Parliament it seems to me that the majority of the members who have spoken are not inclined to give them to the Federal Parliament, which will not have sufficient revenue from Customs alone to pay for the expenses of the Commonwealth and also to pay the interest on the whole of the loans. It seems to me that, supposing the difficulties in regard to handing over these railways are decided to be insurmountable, it will then perhaps be better to adopt the system shadowed forth by the Hon. Mr. O'Connor, I think it was, that these matters should be dealt with by a system of account-keeping, so that each colony should be credited with the net amount of the revenue, of its railways, and still retain the full control and management of them.

Mr. O'CONNOR: It was not I who advocated that.

Mr. SOLOMON: Then I am mistaken. I know it was one of the members of the Convention who shadowed forth that that should be the system adopted. Whether it is so or not, it appears to me that it would be an excellent system. In the first place, it would give to the Federal Parliament three millions or thereabouts of revenue. In the next place, without any interference with the local control of the railways of the different colonies, it would still give to the Federal Parliament a sufficient degree of control, enabling them—that is, if supported by sufficiently definite clauses in the Bill—to deal with the question of differential rates. There are two clauses in the Commonwealth Bill of 1891 which some members of this Convention have alluded to as being quite competent to deal with this question. In my opinion, and in the opinion of a great many other members, those two clauses which deal with the restriction of trade are too indefinite to permit interference by the Federal Parliament with the rates to be charged on any of the intercolonial railway lines. At the same time many advantages could be gained by handing over the whole of these railway lines, though, on the other side, interference with the colonies and with proposed future lines for local purposes of development, might be somewhat

harassing. Still it would have been better perhaps in the history of nearly all of the colonies if [start page 264] the construction of some of the railways had been under some central governing power. I have only to look at our own colony of South Australia to see that in two portions of the railway system, that at the north end of the southern system and that at the north end between Palmerston and Pine Creek, we have an annual loss of £120,000, and these lines, perhaps too hastily constructed, are a fair example of a great many lines in other colonies. If the whole railway system had been under a central power, a greater degree of care might have been exercised in the construction of many non-paying, lines. If the difficulty in regard to the railways proves insurmountable, if the committee with whom the work of considering the question is left reports that the railways had better be left to the several colonies to continue the control of, I think still it would be wise and well if the net revenues of the respective systems were handed to the Central Parliament. Next in importance to the railway question, and Perhaps the most important of the whole Federation, is that of the right of the Federal Parliament to levy Customs duties, to take control of the whole of the Customs revenue, and to establish a uniform tariff. This, it appears to me, is the very outcome of the whole Federal movement. The restrictions of trade, the difficulties of very much contracted markets, the harassing annoyances of the border duties, have all, for years past, tended to ripen public opinion for some degree of Federation which will remove these difficulties. It seems that all of the colonies, without exception, are to a great extent of opinion that a uniform tariff should be established, and that the whole of the Customs revenue should be the first portion of the revenues of the Central Federal Parliament. What this revenue of the whole of the Customs will possibly yield it is indeed a very difficult matter to prophesy. We know, for instance, that there will be a considerable amount of loss as compared with the present revenues through Customs, owing to the removal of the border duties. That loss will of course be represented by the whole of the duties imposed at the present time between one colony and another on their respective products and manufactures. Then again we had pointed out to us by one of the speakers yesterday, Mr. McMillan or Sir Philip Fysh, that, supposing Queensland is able to supply the whole of the demand of the colonies for sugar, there will be a loss of duty on this one line of £180,000 a year. Of course at the present time we know Queensland is not in a position to supply the whole of the markets of the colonies. It was said by Sir Philip Fysh that this would be virtually making a present of this £180,000 to Queensland, and I interjected that instead of giving Queensland any great advantage for her products we would really be making a present, not to that colony alone, but to the whole of the taxpayers, from one end of Australia to the other. After all, what has been the great demand of the democratic section for many years past? Intercolonial freetrade on the one hand, and the removal of the duties on the necessaries of life on the other. And if, by establishing intercolonial freetrade, we can give a market to our neighboring colony of Queensland for her sugar, and can find a free and open one for the reception of our wine, jams, preserves, and products of a more temperate climate, and at the same time give the people of the whole of the colonies free sugar, we will be doing a good stroke of business. As to the manner in which this £180,000, and the other £800,000 lost in connection with the duties on other lines of products, is to be made up, is a question which may be safely left to the Federal Parliament. If we attempt to go into all these small details, and to provide for every contingency, we will land ourselves in tremendous difficulties. The main points for us to consider are how far we will trust the Federal Parliament in the administration of the various subjects, and in this category I think the majority of the Convention will place the dealing with the [start page 265] tariffs. It is difficult to estimate how these tariffs will work out, and, although Mr. Reid may throw some light on the subject when he speaks, it is difficult to prophesy how far the colonies will come into line in connection with a uniform tariff. New South Wales has the freest tariff in the whole of the colonies, and on the other hand Victoria has the most oppressive. To bring these two colonies together on a uniform tariff which will meet with the approval of both, and of the other colonies, without too much sacrifice of revenue, will be a problem for the Federal Parliament. As to the amount which is likely to accrue from the Customs, it has been put severally at £6,000,000, £7,000,000, and £8,000,000. Supposing we take it at the lowest sum, we find there will be undoubtedly a large surplus, after paying the expenses of the Federal Parliament, and the question arises-and on this there has been considerable debate - as to how it is to be dealt with. On the one hand we have the suggestion in the Commonwealth Bill that it should be repaid to the different colonies *pro rata*, and on the other it is proposed that it should be repaid in proportion to the population, and not in proportion to the contribution. The difficulties of both these systems have been

discussed. Then we find another view of the question, as indicated by Mr. Holder, who said that he saw so much difficulty in drawing any line between the two courses that we should not deal with this monetary question, and that each colony should pay its contribution to the Federal Parliament. This would be a simple and easy mode of getting out of the difficulty; but the point raised by other speakers that the difficulty of collection might lead to disruption, and perhaps to civil war, appears to me to set aside the strength of Mr. Holder's argument. In my opinion it would be much better to adopt the course indicated by some members, and that is to transfer the bonded debt, or a portion of it, to the Federal Government. The latter course I certainly would prefer; and then the surplus could be utilised by the Central Parliament in the payment of the interest upon the bonded debt. It is also suggested in the Commonwealth Bill, and has been suggested by the resolutions, that the Central Parliament shall have, in addition to the control of the Customs revenue, further powers of taxation. In what direction this further taxation might be I am unable to imagine.

Mr. BROWN: Excise.

Mr. SOLOMON: Undoubtedly excise is definitely dealt with in the proposals as to Customs duties; the imposition of uniform tariffs and dealing with excise come under the same head. Of course it is suggested that the excise duties could be extended, but in case of extreme urgency—in case of a sudden demand for large sums of money for defence, or some such purpose—it seems to me there would be very great difficulty in at once obtaining the necessary funds, and therefore I am inclined to think that so long as the funds of the Commonwealth are safeguarded by proper representation in the States Assembly, it will not be at all dangerous for the Commonwealth to have a surplus in hand, a surplus which might readily be invested in State bonds and kept against such contingencies. Again, on the control of the railways, there is one point I appear to have missed, and that is this: if the whole of the colonies decide to federate, South Australia will bring into the Federation an immense tract of country known as the Northern Territory, a tract of country having a small length of non-paying railway line on the north, and a small length of railway line in South Australia at the south end. It has for many years been the desire of many South Australians to construct the railway between these two points—Oodnadatta, on the south, and Pine Creek on the north—for the purpose of opening up this vast tract of country, the resources of which at the present time are absolutely unknown to the people. As to the value of that tract of country, it is impossible to [\[start page 266\]](#) speak, but our experience at the north end of the colony, in which we have found rich deposits of all kinds of minerals, and the experience at the south end, in the Macdonnell Ranges, points to the probability of there being equally rich deposits of gold, silver, and other minerals in that belt of unknown country, as have been recently discovered in hitherto unknown portions of Western Australia. It seems to me that if the Central Government were to take over the whole of the railways there would be little difficulty in building this 900 miles of railway as a national undertaking. At the present moment the position taken by South Australia's Government and South Australia's people is that first of all they will not do the work themselves, as they do not feel inclined to involve the colony in an immense increase of bonded debt to construct this line, and on the other hand they will not accept offers from British capitalists or others to construct the line on the land grant system.

Mr. FRASER: Have they had them?

Mr. SOLOMON: Undoubtedly they have. I should be extremely sorry, as representing the north end of the country, if the proposal to take over the railways is not adopted, as it would bring with it the possibility of constructing that line, which would bring immense possibilities to that country. The question of the post and telegraph departments and their being placed under the control of the Central Parliament does not appear to me to be of anything like so great importance, because, after all, there is a good deal in the argument of some of the speakers that the administration of a post and telegraph department involves so much detail work with outlying districts, especially in the larger colonies, that very little good could come from removing the seat of control from local bodies to the Central Parliament. At the same time it appears to me that some medium course might be adopted, so that, while, on the one hand the control of local post offices and small local telegraph lines might remain in the hands of the colonies, the control of what might be termed national lines, such as the telegraph

line between Adelaide and Port Darwin, which is for the benefit of the whole of Australia-and I was pleased so hear Sir Philip Fysh pay a justly deserved compliment to the originators of that scheme-might be handed over to the Central Parliament, so that all questions in regard to ocean mail services, questions in which the whole of the Australian Colonies are equally interested, might also be dealt with, not by promiscuous conferences of Ministers and officers controlling the post and telegraph departments as now, but by the Central Parliament, and so that the calling of tenders for our ocean mail service might be better managed by the Central Parliament than by the local bodies. As to the question of the military and naval control that seems to me to require no argument whatever. It appears that most of the members of this Convention are at one in this opinion, that the whole control of the naval and military forces should be placed in the hands of the Central Parliament. I was at first somewhat inclined to be timid as to the possibility of the central Federal Parliament launching out in a heavy expenditure for a large standing army, or for a vastly increased naval force; but if the main points which I have alluded to before, and which I strongly advocate as to the control of the finances in the States Assembly, where the rights of the States will be protected, are conceded, we need have little fear with regard to that head. But this is certainly one of the items which, without that concession, without the right to control the expenditure in the Assembly where the States are equally represented, might at some future time prove a great danger. Next in importance is the question of the establishment of a Federal Court of Appeal, and it has been suggested that this Federal Court of Appeal should not be a final Court of Appeal, that while establishing it we should still give to litigants the [start page 267] full right of appeal to the Privy Council. I think it would be a farce to establish any Court of Appeal in such circumstances, and the only way in which a difficulty which might occur could be met appears to me to be that this Federal Court of Appeal should be absolutely final in all matters except such as relate to disputes between States. There might be a difficulty where disputes might occur between States-for instance, with regard to the river ways, which have been alluded to-and these disputes might lead to heated feeling and to heated arguments, and the States where the disputes occurred might be indisposed to trust them for settlement to the local Court of Appeal. In that case undoubtedly the best and most proper course would be to leave the appeal open to the Privy Council in England. In speaking yesterday afternoon in regard to the Constitution of the Federal Parliament I dealt entirely with the question of the number of representatives which each State should have in the respective Houses, but I omitted one point upon which I now desire to say a few words. I believe the representatives in both these Houses-in the House of Representatives, where the people are to be represented as a whole, and in the States Assembly, where the people are to be represented as States-should undoubtedly be upon the broadest possible franchise, and in the hands of the people. The Commonwealth Bill of 1891 laid it down upon the one hand that while the House of Representatives should be elected by the people upon the same franchise as that for the popular House in the colony, on the other hand the election of the Senate should be left in the hands of the local Legislatures. This appears to me to be a dangerous and most unpopular scheme. From what I can learn of the opinion of the electors of this colony at any rate, all of them would seek to have the fullest possible voice in the selection of their representatives to represent them as a State in the States Assembly. There has been some question raised as to the desirability of a uniform franchise for the first Parliament, and it has been pointed out by some that it would be wise that this should be laid down in black and white in the Bill we are here to formulate. Now, I am inclined to think that such a course would lead to a tremendous lot of trouble, and therefore I would say that the proposals of some members of this Convention that instead of its being laid down-instead of our attempting to dictate to the other colonies as to a uniform suffrage of the first Parliament-we should leave each State to decide upon it for themselves. I am sure for one thing, that if the representatives of South Australia were to go back with a Bill drafted in such a form as to provide that the election of both Houses of the Federal Parliament should be only upon manhood suffrage, and not upon adult suffrage, we would have very great difficulty in persuading the people of South Australia to accept such a Constitution. Whether South Australia has gone in advance of the times or not in providing for adult suffrage, and giving her women as well as men a vote, is a matter for reasonable discussion, but having once given adult suffrage to the people of South Australia, it is little use to attempt to go back upon it. To my mind the best and safest course, if we desire to have the Federation approved of by the people, is to leave to each State the manner in which the representatives for the Federal Parliament shall be selected, and then leave the Federal Parliament to decide upon the franchise for future parliaments. I am sorry I had

to divide my remarks into two portions. It has been somewhat disconcerting to myself, and I have no doubt also somewhat annoying to other members, but I have endeavored to keep my remarks-in view of the desire expressed by Sir John Forrest and others that we should not go into details but get to practical business as soon as possible-within as close a limit as possible, dealing only with those questions [start page 268] which are of grave importance. Like other members of the Convention, I have no desire to force my opinions as to representation in the Lower House-or as to the sliding scale and other questions-upon the Convention. I throw these matters out merely as suggestions for the consideration of hon. members, and with them I shall be equally willing to discuss all those points which have been raised fairly, and for the purpose of establishing this Federation on some reasonable terms-not upon any terms-which will be accepted by the people, and to give and take in the kindest possible spirit.

Mr. REID: I beg to congratulate you, Sir, as one of the prominent leaders of the Federal movement, upon the most distinguished position to which you have been elected. Personally, I would have preferred your more active participation in the business of this Convention upon the floor of the House, but I am entirely reconciled to your present position owing to the fact that we can hope to have the full benefit of your assistance in the various committees which will probably be appointed. I have never concealed from myself the grave difficulties of the task which is before those who desire the Federation of the Australian Colonies. Those difficulties are large when we consider the geographical conditions of the colonies, when we consider that the six colonies occupy a small island and a vast continent, that five of them divide a coastline of 8,000 miles, that each has a metropolis which is a seaport, each capital distant from 500 to 1,000 miles from its nearest neighbor, all possessing more or less instincts of commercial rivalry. It is also another element of difficulty in our case that we have six separate systems of Government, which are marked by radical political differences, that we have five or six fiscal tariffs which also present inequalities-inequalities so serious that if you attempt to apply even a uniform tariff to them all they remain still of the utmost gravity. The difficulties which surrounded earlier federations were not so great in these respects as ours.

Dr. QUICK: Hear, hear.

Mr. REID: The United States federated under a pressure which happily does not overshadow our present deliberations. They were flanked by two powerful hostile nations-Great Britain on the St. Lawrence, and Spain in command of the Mississippi-and the perils of the Confederate States were eminently calculated to double the desire for compromise. Our happier fate it is to endeavor to work out this problem under circumstances which will enable us to pursue our deliberations with the utmost freedom, and yet I do hope that, although no danger of war overshadows us at the present time, we will never forget that such dangers may come upon us at any moment.

Mr. FRASER: Hear, hear.

Mr. REID: At any moment we may be compelled to rush into an alliance which may lack those elements of wisdom and deliberation which are now within reach of the Australian Colonies. Consequently I feel that we should have just as earnest a desire to complete our union as if those great dangers which attended the confederation of other countries were upon us. Another grave difficulty which confronts us arises from the great diversity of revenue, of population, and of development which marks the various colonies, but I, as one of the representatives of the oldest, and in some respects, perhaps, the richest of the Australian Colonies, do not come into this Convention with any desire to make too much of such considerations. Development is altogether too immature to enable us definitely to pronounce where the ultimate greatness of the Australian people will rest. Colonies which to-day are insignificant in their population are possessed of territory so vast, and so full of possibilities, it is quite possible that in days to come they may occupy the position of leadership, which it is the privilege of New [start page 269] South Wales to occupy to-day. It seems to me that although in matters of finance it will be necessary to pay some attention to figures, and to reach exactness as closely as we can, when we deal with the broad constitutional principles which are to be placed in this Federal Constitution we must lay absolutely aside any thought of our local politics, of

our varying degrees of development, the number of our population, or the extent of our influence; we must absolutely forget our boundaries, and bring a common judgment and conscience to bear upon these matters, because what is expected of us by every elector, who sent us here is not that we shall make a good bargain, but that we shall bring into existence a system of government which will prove equal to the varying conditions of the future, whether of prosperity or adversity, of peace or war. I bring my own mind into this matter absolutely upon those lines. To secure the best principles for this Constitution is the one great duty which we have to discharge, and when we have found the right principles, we must then exercise our ingenuity in adjusting the details so as to meet with the least amount of opposition in the respective colonies which we represent. Before coming to what I regard as the most difficult points of our work, I should like to glance at one or two matters. In the first place, I think every member of this Convention will agree with me that wherever we possibly can we must put the stamp of economy upon this federal machine. It is one of the calamities of our task that these several colonies are already grievously overweighted with expensive official administration, which cramps the pioneer energies of Australasia. We have already six or seven complete and pretentious systems of government, the proportion of which should absolutely disappear when this Federation is happily consummated, and one of the greatest inducements to my mind to the taxpayers of Australia to pray for Federation is the fact that when the larger affairs of Australia are centralised in a Federation, the local affairs can be placed upon an infinitely more sound and economical basis. That I regard as one of the far-reaching, substantial advantages of the work in which we are engaged. If we hope that the virtues of economy shall be brought home to the official authorities in the different colonies, we will do well to set them a good example; and one of the defects, to my mind, in the draft Bill of 1891 was the appearance of, I would not say extravagance, but of altogether too expensive a financial basis for the Houses of Parliament. If Parliaments are to bring home to the people economy, they must begin by setting their own house in order, and I say at once that this Federal Parliament, instead of having a membership in the two Houses of 168, should be brought down to a membership in the two Houses of something like ninety-six; instead of a basis for the States Assembly of eight for each colony, I would suggest, with my friend, Sir George Turner, that the basis should be six; instead of a basis for the House of Representatives of one representative for every 30,000 I think that was it—of the population, I would suggest one representative for every 60,000 of the population, giving the smaller States the maximum which the Federal Bill allows.

Mr. HIGGINS: The minimum.

Mr. REID: Yes, the minimum; maximum to them. That would be a change which certainly should recommend itself to the representatives, I will not say of the smaller States—because that term always seems to me to be entirely mistaken—I will say to the smaller populations, because in the Draft Bill the Lower House—and again I do not object to those familiar phrases to which we are accustomed—had an advantage of seventy-two members over the Senate. Under my suggestion, however, there would be a difference of only twenty-four. My reasons for this basis are simply these, that, having regard to the work which it is proposed to allot to the Federal Parliament, it should not contain a [\[start page 270\]](#) larger number of members than ninety-six. Then, again, without seeming to belittle the system of payment of members, I think that the annual allowance might well be fixed at £300, with a certain allowance for travelling common to all Federations, which are generally of great extent.

Sir GEORGE TURNER: That would come to as much as £500 without travelling expenses, as proposed in the Commonwealth Bill.

Mr. REID: Oh, no.

Sir GEORGE TURNER: More, I should think.

Mr. REID: The allowance I would strictly limit to something like £50.

Sir GEORGE TURNER: It would depend on where the Parliament sat.

Mr. REID: The free railway passes help one along very comfortably.

Mr. TRENWITH: They do not pay hotel bills.

Mr. REID: Of course, if my friend Sir Joseph Abbott has his way, and the capital is fixed somewhere in the internal wilds of New South Wales, I admit that my figures would be inadequate. I see, however, the chance of saving something like £50,000 per year on the figures of the draft Bill. I make no difficulty about equality of representation in the Senate. As to the franchise of the Senate, I think, in the interests of those who wish to make it a strong national body, that they should not follow the American method.

Mr. ISAACS: Hear, hear.

Mr. REID: We have had some experience of the results of the system of election by the legislature of men to positions of emolument in New South Wales which, I think, none of us would like to see repeated in connection with the Senate of a united Australia. In the interests of those who wish to see this Senate an honored and powerful body, I respectfully submit that the franchise should be

Broad based upon the people's will.

As to the objection that under such circumstances we should have a uniform franchise for both Houses, I would point out that the difference between an election such as I would like to see for the Senate, making the whole community an electorate, will be considerable enough when its results are compared with those of a system which divides the colonies into a number of districts. Then I also think that we would do well to face this question of the franchise provisionally, leaving to the Federal Parliament the power of alteration, of course.

Mr. ISAACS: Hear, hear.

Mr. REID: The Federal Enabling Acts contain a provision which, added to the clause in the draft Bill which prescribes for the basis of election to the House of Representatives the rolls for the more numerous House of the State legislatures, would meet all difficulty for the time.

Mr. PEACOCK: Hear, hear.

Mr. REID: Under that provision no person was allowed to vote more than once.

Sir GEORGE TURNER: Hear, hear.

Mr. REID: Add that provision to the provision in the draft Bill and you have an interim settlement of this matter, which gets over the South Australian difficulty completely, and leaves the electoral systems of the various colonies untouched except for this one purpose. Now, my reason for making a point of this is that the first Federal Parliament in many respects will have far more important work to do than any of its successors. If there ever was a time or ever can be a Parliament to which as broad a franchise as possible should be applied, that Parliament is not the second Parliament of the Federation or the third, but the first; and so I put that matter into a position of importance, and in doing so I am encouraged by the result of the experiments in the various colonies under the Federal Enabling Acts.

Sir EDWARD BRADDON: Hear, hear.

Mr. REID: I think every member of this Convention will admit that, although it was but one, single experiment, which we must [\[start page 271\]](#) not forget, still as an experiment it was eminently satisfactory, at any rate to the moderate men of these colonies. Passing away from that point I come to a question which I am glad to say is diminishing in size and cloudiness under the admirable speeches

which have been delivered up to this point in this Convention. I mean the question of State rights. It has always seemed to me that those who spoke too much at large on this question from every point of view entirely forgot the scope which this Federation is to assume; that is to say, if we are going to proceed on the lines of the Bill of 1891, which I am prepared to do. If you go over the list of subjects which that Bill prescribes for the Federal Parliament, and if you follow, as I am prepared to do, a valuable provision of that Bill that what is not expressly handed over to the federal power remains vested in the several colonies, taking those two points together, you can absolutely examine the whole scope of the federal powers. It may have any number of developments in the future, but all those developments must follow within the lines of its powers, and when you look at those powers, I think this question of State rights ceases to press so seriously as it used to do upon the various representatives of these colonies. Every State right which is a legitimate right must be placed in the Constitution. Only there will a right lie safe. When we come to the distinction which my friend Mr. O'Connor so happily drew, by a change of terms, when we come to the question of State interests, then I confess that if there is anyone - and I do not think there can be in this assembly - who is prepared to indulge in the enterprise of expressing in the terms of a federal compact safeguards which will be adequate to the protection at all times of all States interests, he is a gentleman whose activity I envy, but whose labors will be absolutely fruitless.

Mr. ISAACS: Hear, hear,

Mr. REID: When we come to the flexible varying interests of the future, it is absolutely impossible to do more than to lay down sound general principles. In the application of these sound general principles we all, whether we represent a population of 1,200,000 souls or a population of 150,000 souls, must equally and absolutely rely upon the wisdom and justice of those who will administer the federal power; so I say to the States who have rights, let us recognise them in the deed, and to those who have interests, let us all, large or small, trust to the justice of the Parliament and the Executive of the Commonwealth. Those States that are in fear of being overshadowed by the combination possible between Victoria and New South Wales indulge in a conjecture which experience, unfortunately, has never justified. So far as I can judge of the possibilities of the future, if any combination be possible it is not that. The combinations of the future, as far as they seem to me to touch the vital powers of this Federation, will be combinations with reference to matters of finances. It will be a calamity of the future if any Government submitting Estimates, whether an Appropriation Bill or other Estimates, submits Estimates framed on a basis unjust to any State in the Commonwealth. I do not at present wish to touch the crucial points; I am preferring to deal, before doing that, with some matters which are of sufficient importance to mention, and upon which I may be able to add something to what has already been said. As I have said with reference to the powers of the Federation, subject to a few minor alterations, I entirely accept the scope of the draft Bill of 1891. There is a possibility of confusion in the construction of the clauses which confer these powers and the clauses which refer to State legislation on subjects of the same kind, which must be regretted. Clause 52 of the Bill does not give exclusive power on the long list of subjects therein mentioned to the Commonwealth. It gives concurrent authority [start page 272] to legislate; the States Chapter contains the power for State legislation on these subjects until other provision is made; and there is another clause which provides that when the law of a State and the law of the Commonwealth conflict the law of the Commonwealth shall prevail. Now, we must have a Bill so drawn, that that illimitable field of ingenuity for the legal profession which might arise in the federal courts on questions as to whether State laws and federal laws were inconsistent, is avoided. We must make it clear that the moment the Federal Parliament legislates on one of those points enumerated in clause 52, that instant the whole State law on the subject is dead. There cannot be two laws, one Federal and one State, on the same subject. But that I merely mention as almost a verbal criticism, because there is no doubt, whatever that the intention of the framers was not to propose any complication of the kind. I come to a very important chapter in the draft Bill, and I think hon. members will see I am following the structure of the draft Bill. Much as I have criticised that Bill, I have no hesitation in saying that if fifty Parliaments sat for three months they could not construct a better basis for our deliberation than is ready to our hands. In my opinion, and I am not criticising this stage of the procedure, because it was common to all our proposals, and is serving an admirable and useful purpose, but after this general

interchange of opinion I must say I will deeply regret if we are not prepared in the open light of day before the public of these colonies to enter upon a revision of that draft Bill.

Mr. DEAKIN: As to finance also?

Mr. REID: No, we must have a Financial Committee, because that Bill left that subject in a condition which, we all admit, forms no basis for settlement; but as to every other matter, we all admit that that Bill is a perfect basis for amendment and settlement. I think-and knowing as I do that the strong prejudice which followed the Bill of 1891 is owing to the fact that most of its vital compromises were fought out in the dark-I think it will be a thousand pities if we, not the delegates of a Parliament, but the representatives of the people, fight out these compromises in the dark. We will afterwards have to fight them out in the open, and I say, "Let us fight them out in the open all through." But in this I somewhat digress. With reference to this matter of a Federal Judicature, there is one criticism which is not a verbal one, I think, that I wish to make. There is one example in the Constitution of the United States, which we would do well to follow. The Supreme Court of the United States is not a court created by Parliament, as the draft Bill proposed our Federal Court should be. It is a court embedded in the Constitution itself, and it is essential to the just exercise of federal powers that this Supreme Court shall be strong enough to do what is right-strong enough to act as the guardian of all the rights and liberties of the States and people of Australia. I am glad that Mr. Barton agrees with me in this respect. It is almost a verbal criticism. but there is more behind it than a verbal criticism.

Mr. BARTON: I think it is very important indeed.

Mr. WISE: The mistake was admitted.

Mr. DEAKIN: Especially as to the power of increase of the judiciary.

Mr. REID: It was admitted some time afterwards. Now I come to the very important question as to whether the Supreme Court is to be a Court of Final Appeal for Australia or not. I at once confess that I heartily approve of the solution of that matter contained in the draft Bill. It should be, in my humble judgment, a Court of Final Appeal if it is to be a Court of Appeal at all. At the same time there is a provision in the Commonwealth Bill, which perhaps is scarcely neces- [start page 273] sary, because it is one of the inherent rights of the subjects of Her Majesty the Queen, that it is within the competency of Her Majesty in Council, in the event of any appeal, to bring about a review of the decision of the Federal Court in the highest tribunal of the Empire. With that provision, I am in favor of a Court of Final Appeal. If it is not to be a Court of Final Appeal, then as a Court of Appeal it is simply adding another pitfall.

Mr. TRENWICH: Hear, hear.

Mr. REID: It is simply adding another pitfall to the unfortunate persons who are compelled to litigate. The difficulty might be got over in a clumsy, perhaps, and, to my mind, unsatisfactory method, in this way: that it might be used as a Court of Appeal if both parties agreed that its decision as between them should be final; but that is a mere clumsy sort of expedient which I do not suggest, and I say broadly if it is to be a Court of Appeal it must be a final Court of Appeal, or it should not be a Court of Appeal at all.

Mr. TRENWICH: So far as we can make it.

Mr. REID: Yes; I quite agree with the hon. gentleman. Here is another matter which I might incidentally mention, following on the lines of the Bill to which I have referred. To my mind there is a matter which calls for serious consideration in connection with the question of intercolonial freetrade. It is a universal admission that one of the main motives for Federation is the destruction of our intercolonial fiscal boundaries.

Mr. PEACOCK: Hear, hear.

Mr. REID: I believe that is generally admitted, and certainly it is a matter in the very essence of the contract, but unfortunately on this vital matter the provisions of the draft Bill left us in this position: that the hostile tariffs might remain in existence for an indefinite period, for many years perhaps, because until a uniform tariff is agreed upon the old state of things continues, and we see at once that unless the Federal Parliament is tied down to some reasonable period within which this work must be completed, the temptation on the part of this or that State that did not like the proposed tariff so well as its own, to prevent uniform tariff legislation, is apparent. We must not put temptation in the way of any State to play a false part to this union, because without this free intercourse of the people of Australia, without the destruction of these tariff walls between us, I say all this Federation would be a sham. We must provide in our Constitution a liberal time within which this uniform tariff, which means this intercolonial freetrade, shall commence. Giving a reasonable time to the Federal Parliament to perform this most difficult task means, under any circumstances, one or two years, during which these fiscal differences will continue. I merely suggest, therefore, whether it is not possible in some way to bring about the benefits of intercolonial freetrade to some extent upon the establishment of the Federal Constitution. But this is a matter attended with difficulty, and I am certainly not here to raise difficulties, but rather to endeavor to smooth them. After these observations, I come to the Scylla and Charybdis of this federal enterprise. There is not the slightest doubt in my mind that this Federation will become an accomplished fact if we can hit upon a solution of the difficulties as to executive responsibility and the difficulties as to the rights of the two Houses over Money Bills in such a manner as to commend our work to the people of all the colonies. That is the great difficulty which faces us, and Sir Richard Baker, who has rendered many eminent services to the cause of Federation, never rendered a greater service than when he, in a few simple words, raised those issues in a most statesmanlike and conciliatory manner. Considering the strength of the views expressed by him and some other hon. gentle- [start page 274] men who sympathised with him, I hail as one of the happy auguries of our labors the attitude they have assumed. They have recognised, as we all must do, when we come to close quarters upon the vital principles of this Constitution, that we are landed in a great difficulty. Study history as you will, it does not completely cover the ground we have to deal with. All that we can do is, as the result of our study of other Federations and of British and colonial Constitutions, to arrive at an agreement upon this point, and if we do not our labors probably will be all in vain. What model are we substantially to follow-not on every detail, not to the length of every adjustment or compromise, but what historical model, amongst all the historical models, will we prefer to take as the one that must be followed more closely than any other?

Mr. ISAACS: The British.

Mr. REID: I should think so. I think there can be only one answer to that question. I say it with great respect, because these are most difficult matters, and no man is more likely to be wrong than the man who expresses his opinions in too positive a manner. I confess that one of my difficulties has been a habit of putting my opinions in too positive and pugnacious a way, and my anxiety, like every other member of the Convention, in addressing this assemblage, is to endeavor to get rid of that defect and to express my views with due submission to the better intelligence of this great body. I admit that the subject is altogether one so difficult that it becomes us to approach it in an attitude of the deepest humility. But as a result of my studies I have come to the conclusion, in the first place, that it is absolutely impossible to take the Constitution of the United States as our leading model. The reasons for that conclusion are so obvious that I will simply glance at them. In the first place, the Americans, doing their best in those days, thought a King was indispensable, but took care to keep his Ministers out of Parliament, because at that time-this view was taken by my gifted friends Mr. Isaacs, Sir George Turner, and Sir John Downer-it was the fact that the King had his pliant tools leading Parliament which gave him most of his power for mischief, and the people of the United States, not having reached that stage at which the monarch had become dependent on the Parliament, got over the difficulty by putting the monarch and his Ministers outside of Parliament. It appears to me that if there is one merit by which the British Constitution is distinguished above every other Constitution in the

world it is the lesson which it affords of firm, flexible, incessant, popular control over the instruments of executive power. We may say Great Britain is not a Federation. That is true, but no Federation this world has ever known has had to provide and maintain institutions of law and order over a larger number of countries and races than the British Parliament, and in this sense I speak of the two Houses alike. One of the glories of that Parliament is that it is a whispering gallery for all the just grievances of all the races which are subject to the rule of Queen Victoria.

Mr. TRENWITH: A whispering gallery?

Mr. REID: Whispering in the sense that there is no outrage so distant from the seat of the Imperial power, that there is no wrong vested in ever so humble a subject of the throne, that has not there a chance of being heard. Yes, it is more than a whispering gallery, this British Parliament, because it has shown singular efficiency in redressing the wrongs of the various divisions and races of that vast Empire. I fear the American President, with all his absolute power over his Ministers, with powers transcending in many respects the powers known to monarchs in these days, has not been equally successful in redressing the wrongs of many thousands of people in the United States; [start page 275] has not even been powerful enough to protect the faithful servants of the State from one of the most cruel systems of organised injustice that ever disgraced a people; has failed even in the relationship between the head of the Executive and those humble, faithful instruments. All these were given over to the rings. That solemn judgment which the genius of the authors of the American Constitution thought they had established for the election of the man clothed with these vast powers-to what has it degenerated? There is no doubt majesty in numbers, but behind the millions of voters there is a system of wires, held perhaps sometimes in the worst hands, which make a mockery of the free choice of the American people, which attaches, it may be, to the exercise of that free choice marks of everlasting reproach. I rejoice to think that amidst all the struggles for power and place-and they have been fierce enough-which have been waged in Great Britain, the powers of the Constitution have proved admirably adapted to protect the purity of the judicial bench, inviolability of tenure in the public service, and to maintain a system of efficient and economical government which, considering the vast and varied responsibilities of the British Empire, has, in my mind, been one of the marvels of history. I say, with due submission to my friends from all parts of Australasia, let us, as far as we can, follow upon lines which, after all, have constituted the strongest ties of the empire, and which have helped to maintain, with singular steadiness, the power of Great Britain during centuries of crises in the surrounding countries. There is another great reason for adopting the British Constitution as our leading model, and it is this: that it is the model of the Constitutions of the colonies comprised in this Federation. That is a substantial argument in its favor. Then, if we take the British Constitution as our model, the Executive must be responsible to one House.

Mr. ISAACS: Hear, hear.

Mr. REID: The homely saying that

No man can serve two masters

applies absolutely to this proposition. Divided control means weakened responsibility. In order to maintain that rigid responsibility, without which responsible government is worse than useless, the controlling power must be clearly vested somewhere. Well, then, I think we are forced to the conclusion that the Executive of the Federation must be responsible to the House of Representatives. Now the next great difficulty is as to Money Bills. No reader of the history of the British Constitution can help seeing that this, after all, is the most important point in any Constitution. The power which holds the purse no doubt is the power which predominates everywhere, and I do not wish to advance my argument by concealing its significance, and so if we are to follow the British Constitution the power of the purse must be in one set of hands. The stability of the British Executive and the stability of British finance began when that state of things began. Finance has this double significance: it is not only the most vital matter amongst constitutional powers, but it is also the most vital matter of every day life to the people at large. I sympathise entirely with those honorable gentlemen who happen to

represent colonies whose power in the popular House will be so limited, with their anxiety to see how they can accept that principle, and yet leave in the Constitution somewhere power strong enough to prevent gross injustice.

Sir EDWARD BRADDON: Hear, hear.

Mr. REID: It would be wrong in a matter where single control is so essential to expect a power to interfere in trifles. But I admit that we must here deviate from the British Constitution and give the Senate powers which have ceased practically to belong to the House of Lords for a long period. We know well that for some time past the House of Lords has [start page 276] given up any pretence to financial control, any pretence to amending the Appropriation Bill or throwing it out, any pretence to amending a Taxation Bill or throwing it out; and when my honorable friend, whose gifted speech I greatly admired-I allude to the representative from New South Wales, Mr. Wise-thought that these matters about Money Bills were among the antiquities, he was quite right as far as Great Britain is concerned, but they are anything but antiquities to the gentlemen representing the smaller States who are drafting this Constitution, because the whole question is brought up in the most acute form, and it is a vital question. I admit that to face this federal difficulty in a Federal Constitution we must deviate from the strict lines of the British Constitution. The question is, how far can we deviate with safety, not to the larger States, not to this colony or that, but with safety to the proper working of the federal machine, which is not a local matter, which is a matter vital to hon. members, because if we construct a machine which will not work we had better have left the work alone; so that is a vital point, and I say at once I am prepared to meet my friends to the farthest possible point of conciliation, until I come to a proposition which, in my judgment and conscience, and speaking of the Federation as a whole, will not work well for the Commonwealth. If the Senate were allowed the power of amending Money Bills, the financial control resembles that exercised in the two Houses of the United States Congress. There both Houses have equal powers with reference to Money Bills. I wish for a moment, and only for a moment, to dwell upon the working of that system. The successful working of that system was only possible under one condition - a treasury so full that the two Houses working as hard as they were able to do could not get rid of the money. In such circumstances both Houses displayed wonderful unanimity in squandering the public revenue, absorbing a gigantic surplus amounting to \$150,000,000 or \$200,000,000 a year.

An HON. MEMBER: Not now.

Mr. REID: Some years ago the ingenuity of these two Houses in passing Money Bills was so enormous, and their activity so indomitable, that tens of thousands of money Bills went rattling through them both to recognise the valuable services of a number of doubtful individuals, rendered in the dim past if rendered at all; and in that way the nation was saddled with a pension system of \$150,000,000 a year. No wonder their finances ran out. If we could think that the system would soon die with the veterans there might be perhaps room for forgetfulness, but there was, I believe, an ingenious provision that if an old veteran happened to contract a matrimonial alliance with a young maid of seventeen the pension lasted during her life as well. So long as money is plentiful, I do not know that any harm would be done by giving both House sa chance of spending it, but the finances of this Federation will not bear. I hope, such experiments. The taxation imposed upon this Federation, from my view, should be strictly limited according to the interests of the States as a whole. In any case the expenditure should be strictly limited, as in that matter the States have as large an interest as the Federation, because, under anything like the sort of Customs tariff which my friends opposite from Victoria would like to establish, it would be essentially vital to the States that a very large sum should come back to them. Now let me press this principle upon those who are in favor of the amending of Money Bills by the Senate as a principle of right and justice-if you nationalise the area and incidence of taxation you must nationalise the power and representation of the taxpayer. The fallacy of the contention for equal power in the Senate over Money Bills is-I think, with great respect-very easily disposed of. If our federal finances were based upon an equal contribution into the Federal Treasury by each of the States that form the alliance my contention would disappear. The States would be absolutely entitled [start page 277] to equal power - not in one House, but in two Houses-of

voting away the taxation as derived from the States as States; but, inasmuch as the whole burden-and we must remember that, so far as the people of Australia are concerned, the whole burden of this Federation rests upon those who provide the money-of finding the money is placed on a national basis, it cannot be handled on a provincial basis. I put that as a principle based upon honesty and fairness. But, again I wish to deviate, in fair recognition of the position of the States.

Sir EDWARD BRADDON: Hear, hear.

Mr. REID: I admit that there should be a reserve power in this Constitution which should enable the Senate, based on an equality of States, to veto an unjust Bill -

Mr. ISAACS: To prevent any injustice.

Mr. REID: To prevent a wrong; and therefore I say that States should have-not as an antiquated maxim of the British Constitution, never to be used, but as a really living right put in the Federal compact in black and white-the right of exercising their power to reject any Bill which to their minds is permeated by any serious wrong or injustice.

Mr. HOWE: And the whole machinery is thrown out of order.

Mr. REID: Now I come to that. In the first place the machinery can only fall into disorder over finance. Finance is the steam power which works the federal engine. So long as the finances are not subject to any indefinite collapse the Federation will work: but I admit I have always contended that one of the vital points about this machine should be that it must contain within itself something which will enable it in times of enormous strain to work on, because if we construct a machine knowing, as we must, that in the days to come it will have to bear enormous strains, if we construct a machine which affords no solution of such a crisis, we construct a machine at the risk of its breaking down at the point where it should be strongest. We presume that the Federal Government will have an ordinary degree of business ability and good sense. We are sure the Senate will possess all these qualities. Now let me remind hon. members that the federal finances are not altogether so full of such burning elements as provincial finance not altogether; to some extent they are. What is the motive of a common-sense Government in submitting Estimates? It knows there is an absolute power of veto against injustice. It knows that the weaker States in the Lower House are the strongest in the Upper House, that while they are as seventeen to sixty-one upon the basis I have mentioned in the Lower House they are as thirty to twenty in the Senate. Now, especially when you consider the precise amount which is to be contributed by the smaller States at present-New South Wales may be a small State some day-when you consider the amounts that are at stake in order to secure that each State will have as much money spent in it as it contributes, I do not think there is much danger that the Federal Parliament will act with gross injustice to the smaller States. Allow me just to mention that I have prepared a scheme of federal expenditure which may be useful by-and-bye to the Financial Committee. I include the postal and telegraphic charges. The Federation will pay something like £3,028,000, and taking off the expenditure for post and telegraph services, which will be made up by revenue upon the other side of the account, that large total is reduced to £1,518,840. This will partly be met by large savings in the annual expenditure of the various States. But let us take the amount each colony will have to pay to the annual expenditure. New South Wales will have to pay £628,000, Victoria £568,000, South Australia £174,000, Western Australia £66,000, and Tasmania, £80,000.

Sir GEORGE TURNER: Upon the basis of population.

[start page 278]

Mr. REID: Yes; so that the three smaller States, having eighteen senators would contribute something over £300,000, against nearly £1,200,000 contributed by States represented by twelve senators. To get over this fear of injustice, although it seems to me out of place in a Constitution, I would be quite willing to have a stipulation in the federal compact that the whole amount contributed to the federal exchequer by the smaller States should be spent within their own boundaries.

Mr. TRENWITH: How would you do with defences then? Military experts think that certain points should be specially defended.

Mr. REID: That might be, but, as representing one of the larger populations, I wish to say at once that in all financial matters within the bounds of reason I want to act in the most generous way towards the other communities, because I do not at all forget that, small as the contribution of these States is, so far as their population goes it is an equal contribution with our own. If the expenditure was on the federal basis each State would pay £303,000 to this annual expenditure; so I say, if the smaller States are willing to base finance on the equality of the States and to pay an equal share with us, I give up all my contentions about Money Bills; but if, on the other hand, they prefer the national basis, then I think the national basis of the British Constitution should follow our financial arrangements, with this living power given to the States, that they should have the power of throwing out any Bill—whether of taxation, or even perhaps of appropriation, if there is a provision against a deadlock—if in their opinion that Bill is of such a character that it would be grossly unjust to let it pass. Now, I do not believe in our little estimates of expenditure there will be the slightest danger. Let us remember the financial problem involved in defence, and here it is that the larger populations and the wealthier States make a substantial sacrifice in entering into this compact. Above all other points, what is the central point which this alliance is to secure? It is to secure that the whole strength of population, of wealth, of resources in all the colonies shall be pledged in defence of the integrity of every acre of Australasian soil. We, in New South Wales, with, our twelve or thirteen hundred thousand people, with our capacity for raising without any effort a revenue amounting to nine or ten millions a year, we pledge every man within our boundaries and every pound of our power of raising money to the last shilling in defence of your great coastline of Western Australia, of your great coastline of South Australia. It is a serious undertaking, it is a substantial sacrifice, because, after all, above all questions of finance comes the question of strength to vindicate your rights, comes the question of resources to maintain the integrity of your island; and there is, I say, a sacrifice real and substantial in that term of the bond that we do not pledge ourselves on a population basis or on a Federal basis, but we pledge ourselves to the last shilling of our resources.

Mr. FRASER: You would do that without Federation.

Mr. BARTON: You could not do it so effectively without Federation.

Mr. REID: I ask my hon. friend, Mr. Fraser, who, although a man of very keen commercial spirit, is not destitute of a keen sense of honour, would that be a worthy part to play?

Mr. FRASER: On our part?

Mr. REID: On our part; and it is a part we would play probably without reference to finance. But that being the attitude we are assuming, it will be seen that after all our position is one not destitute of a sacrifice to Federation.

Mr. PEACOCK: Hear, hear. That is the point.

Mr. REID: Now I wish to clear away another matter. I entirely sympathise [start page 279] with those hon. members who wish to put an end to the vague state, politically understood, of the expression "Money Bills." I entirely agree that in this Federation the class of Bills which should not be amended in the Senate should be of the smallest possible number. For instance, the Appropriation Bill, the Taxation Bill, and the Loan Bill, and I say frankly at once, for I do not believe in keeping things behind, that of those three, if it meant saving Federation, I would be willing to give up one—the Loan Bill. As far as the Appropriation Bill and the Taxation Bill are concerned, I say that we safeguard the smaller States by giving them the power of redress against injustice - a power which is not a figment or a fiction, but a living reality—to throw out a Bill which they feel will justify that course. Now we must come to some provision which, if the two Houses happen to get into obstinate

conflict, will save an unfortunate people from the ruin which would eventuate, and the financial collapse which would result in the future. There must be some such provision, in my humble judgment, and I have always thought so, and I am of the same opinion now. The question is, "What should it be?" There are several suggestions. There is the suggestion of the two Houses sitting together, which would much more strongly recommend itself to the representatives of the smaller States if the difference between the two Houses, instead of being seventy-two, as is stated in the Commonwealth Bill, was only twenty-four, as in the scheme I suggest. That, I think hon. members will see, is a very serious change in the overwhelming preponderance of the Lower House.

Mr. DEAKIN: What numbers do you propose?

Mr. REID: I propose that the Senate for the six colonies should consist of thirty-six members, and the House of Representatives for the same number of colonies, of sixty members, or one for every 60,000. Now the difference between a combined sitting of 124 members of the Lower House and forty-eight of the Upper, and sixty of the Lower meeting thirty-six of the Upper, is a very serious one for the smaller States. That is one proposal which I do not at all feel enamoured of, but which I am willing to accept on the condition that we must have some provision to afford to the Lower House, and to the whole of the Australian communities, a guarantee against a deadlock, in which we might not be the sufferers, but which might cripple the financial and industrial prosperity of the whole of those communities. We must keep in mind that the people have a common interest in this machinery, if it is to work at all, being so constructed that at some unhappy moment it will not explode and scatter destruction on all sides. There must be within the machine some latent power which, on a given pressure, will protect the Australian people from that catastrophe.

Mr. FRASER: After a lapse of time.

Mr. REID: When an explosion comes a lapse of time is very immaterial to those near it.

Mr. TRENWITH: Mr. Fraser means, would you allow a lapse of time, that is, some time to intervene between the coming of the conflict and the settling of it?

Mr. REID: Certainly. In the first place we are not ignorant of the various ways of Parliamentary compromises which can be resorted to under our Standing Orders, and we may hope that there will be no more serious difficulties than present themselves at present to us; but, certainly, there should be no interval. For instance, a Bill should be rejected in two consecutive sessions. I do not disguise from myself the fact that, say in the case of the rejection of an Appropriation Bill—which I do not suppose will happen, but supposing it did happen—it would be in the power of the Executive to prorogue [start page 280] Parliament and re-assemble for another session in two days, so that the measure might be dealt with in a week. That would not afford much time, but still it would afford some time for reflection and perhaps for a modification of the Bill. There is another suggestion which has been made, and that is the dissolution of the Lower House. This is an old-fashioned method, which has never been satisfactory in the settlement of these matters; it is an old-fashioned clumsy form in which the referendum exists under the British Constitution, a most unsatisfactory thing, and the result must be that things would be left very much as they are. Let us suppose that the representatives of South Australia, Tasmania, and Western Australia were bitterly opposed to a Loan Bill or an Appropriation Bill, on the ground that it was grossly unjust to those colonies, their senators could probably go to their colonies with a tolerable degree of safety on the question. It would be like a member of a local Parliament going to his constituents on the subject of a bridge which they had been agitating for years, and being simply shouldered back to Parliament again to protect their rights and interests. I do not think, even if we dissolved both Houses, that that would be a satisfactory solution, and above all I do not wish to dissolve this Senate. If those who wish to put this Senate on a strong basis will only harmonize with the strength of the Senate the elasticity of the system, so that there shall be in certain matters scope for the predominance of the representatives of the people in matters of taxation, and for the principle I have mentioned, then I say no man will be found more anxious to see that Senate placed in a lofty and immovable position.

An HON. MEMBER: Destroy it.

Mr. REID: If the Senate to be placed in an immovable position, it must not ask to be an immovable dictator of the Commonwealth. That must not be. So I go with those who wish to make a strong and stable Senate; but on the question of taxation, which is, as I have said, collected on a national basis, the national representatives should in justice predominate.

Mr. HOLDER: How about the referendum?

Mr. REID: I say, with all respect to the referendum, which I am quite willing to arrange for in our Provincial Assembly, and which is a system for which I have the highest possible respect—a system which I think in some form or another will be amongst the reforms of the future—that I must submit when I consider the enormous area of the Federation, and the scattered state of its population, that there never was a more unfavorable arena for the referendum than this. It may be justified, and it was justifiable when the people were asked to give authority to representatives to frame a National Constitution; but I should be sorry to see that organ used for the determination of internal matters which might be of small moment. Suppose that there was some bitter conflict over a sum of £20,000 or £30,000 in a Loan Bill, which might be a small matter to the more populous colonies, but a larger one to the smaller, it would perhaps cost three times the amount involved in carrying out the referendum. I must, however, admit that if Parliament had come to a deadlock, it might be worth many times £20,000 to remove the strain, because then the very life of the Federation would be at stake, so that, on reflection, if no better method can be found, I would disregard the expense, because a safety - valve is absolutely essential in the manufacture of a Constitution. There is no good machine ever invented, which is subject to pressure or strain, that is not so designed that, in the event of carelessness, or stupidity, or madness on the part of those who are using it, there springs into action some latent contrivance to save the apparatus, and with it the life and [start page 281] property in its neighborhood, and we, in framing this piece of political mechanism, must not disregard the cardinal rule which the humblest mechanic adopts.

Mr. HIGGINS: It is an extreme power held in reserve for extreme cases.

Mr. REID: It would be a power, which even the strongest Government would shrink from employing. If I may be allowed, I would draw an illustration to show how even a man so impulsive and pugnacious as myself may be overweighted by the sense of responsibility. Members may recollect that the Government of which I was a member found itself engaged in a cardinal conflict with our local Senate over a certain Bill which we considered vital. Well, I did not fulminate in the House, I simply dissolved it, and went to the country to get the requisite power to pass that measure. When I got the power, instead of seeking to overbear the other Chamber, instead of insisting—backed up as I was by the popular verdict upon every letter of the thing which the public had approved of my demanding—I immediately adopted a moderate and conciliatory attitude, although at the time I had every reason to believe that I could have put a strain upon our Constitution to have had my own way which might have been fatal to the usefulness and efficiency of the Upper Chamber. My honorable friend Mr. O'Connor, I think, knows enough of the situation to say I am not overstating the case.

Mr. O'CONNOR: You would have got nothing if you had not adopted the wise course you did.

Mr. REID: My honorable friend is perfectly right, but is imperfect in his history.

Mr. BARTON: The Premier called my honorable friend and the Council "old fossils," just as if they had been the referendum.

Mr. REID: I do not think they are old fossils.

Mr. BARTON: They are platonic fossils.

Mr. REID: I made and published my conciliatory proposals before I went into conference. I went into the conference with those proposals, while my honorable friends from the other Chamber were sent in sworn almost on the Bible not to surrender, but they did surrender; and there is a bit of unwritten history in that, and while I was flushed with victory my honorable friend was pallid with defeat. Now, in our Constitution there is a safety-valve against a deadlock, and, as I say, this safety-valve was not applied to the difficulty to which I have referred. I have too proper a sense of the importance of preserving the influence of the Second Chamber to endeavor to go to such an extreme as to use that safety-valve. To lightly go to such an extreme, without exhausting the other modes of settling a difficulty, or finding it impossible to arrive at a reasonable compromise, would be the act of a madman. And I say in reference to this Constitution it must be, on a broader scale, on a nobler scale than our local politics. The whole wisdom of the Convention, I trust and believe, will be far above allowing the possibility of risk to the strength and harmony of the Constitution. But we cannot be blind to the teachings of experience. We know that such calamities do occur. We do know that they are a distress to the community in which they occur. If there is one thing which we ought to strive above all other things to effect, it is the peaceful and harmonious working of the Constitution. With some security of some kind against the danger of a fatal strain I would be perfectly content to concede the right on proper occasions to the Senate to reject Money Bills. Now I want to leave that question, and say a word or two upon the financial difficulties which stare us in the face. I have had prepared a scheme of federal expenditure as closely as I could fix such a problematical matter, which shows that the total expenditure of the Commonwealth, working on the basis of the draft Bill, will be £3,028,000 [start page 282] a year, of which £1,618,000 will be for the postal and telegraph service, which will be made up, or nearly so, by corresponding revenue. The estimated revenue from posts and telegraphs on a uniform tariff equal to that of Victoria, South Australia, and Tasmania would be £1,626,800; the mint would yield £39,000; navigation and shipping, £181,000; Appeal Court, bankruptcy, patents, and other services, £24,300-making a total of £1,871,100, leaving £1,156,000 to be raised by federal taxation. Taking the freetrade tariff of New South Wales as it will stand on July 1st next, that is, mainly a tariff from narcotics and stimulants, and taking the average imports of the five colonies for the three years 1893-4-5, which is a very fair basis to take, the tariff of New South Wales on the basis of intercolonial freetrade would yield an annual revenue of £3,258,000, leaving a surplus for return to the States of £2,100,000. On the Victorian tariff of January, 1896, the surplus for return to the States would be £5,240,000; on the basis of South Australian tariff of 1894 the surplus would be £4,499,000; on the basis of the Western Australian tariff of 1895, the surplus would be £3,123,000; on the basis of the Tasmanian tariff of 1894 the surplus would be £5,730,000.

Sir GEORGE TURNER: Including border duties?

Mr. REID: As if there had been intercolonial freetrade during the three years. Then a difficulty, and it is a serious one, comes up, and no matter what uniform tariff you impose on these Australian Colonies, the result of that uniform tariff on different colonies will be most unequal.

Mr. GLYNN: Would it upset your figures?

Mr. REID: No; only their application. I will show how inequalities would arise. These figures would be the result of a uniform tariff on the facts, but the figures I am about to mention would represent the inequality of returning the Customs duties on a uniform basis of population. For instance, if the uniform federal tariff were the present tariff of Victoria, on the facts of these three years I have mentioned, on the basis of intercolonial freetrade, this result would be brought out: if the money were afterwards distributed on the basis of population - Western Australia would suffer a loss of its own money paid by its own people of £271,200 a year; on the basis of the South Australian tariff Western Australia would suffer a loss of £365,980 a year; on the basis of the Tasmanian tariff Western Australia would suffer a loss of £244,285 a year; and on the basis of the New South Wales tariff Western Australia would suffer a loss of £127,000 a year. The loss inflicted upon New South Wales by a uniform Victorian tariff in the distribution would be £668,545, whilst Victoria would gain £811,925, a difference of £1,480,470 between these two colonies if the money was distributed on the

basis of population. I have got other figures, with which I do not want to weary the Convention, but they follow similar lines. They show, no matter what tariff you take to serve as a basis, an inequality which will add to the trouble of our Financial Committee. Upon the financial point I think we must try to arrive at a definite basis of financial expenditure; that is, the ordinary annual expenditure of the Federation, with a fair margin. Unless you get that there will be no certainty either in federal or provincial finance, because the finances of the States will all hang upon the finances of the Federation if the Federation collects the Customs duties.

Mr. MCMILLAN: How would you estimate it?

Mr. REID: That is the point. It is a very difficult thing to do. I quite admit if this were a Government with vague [start page 283] general powers such as a nation has it would be absolutely impossible, but with a limited Federation, in which the sphere of the Federal Government is tied down to definite services and subjects, I do not know that the question is quite insoluble.

An HON. MEMBER: What about a time of war?

Mr. REID: Of course a state of war or danger would be met by the unlimited power which the Commonwealth will have in taxation, whether Customs or otherwise. We must give it unlimited power to meet emergencies, and, having given that, then if it is possible to limit expenditure in normal years, it would be possible to give some certainty to the provincial finances. because otherwise a province will never know what its finances are until two years or so after the federal year is over. The interest upon the various public debts is more than enough to absorb any surplus which any colony is likely to get from the Federation. As to the question of railways, I confess to a change of opinion. I was strongly of the opinion that unless the railways were handed over to the Commonwealth-a course which I felt to be full of difficulties-it would be impossible to give the Commonwealth any power of control over the local railways; but I have become-in the spirit which we ought all to feel in wishing to remove everything unfederal, or the exercise of any anti-federal power-convinced that as part of this great work upon which we are engaged some power should either be indicated or established to prevent abuses. It is impossible to prevent differential rates with the working of our railway systems. I am going to this extent, that the one thing which I think no railway system should be allowed to do after Federation is to have two rates for the same goods between the same points-one rate for the goods of the inhabitants of one colony and another rate for the goods of the inhabitants of another colony.

Mr. BARTON: I have some clauses prepared to cover that.

Mr. REID: I will go to that extent. I think we ought to do so. There is no doubt that New South Wales and Victoria have been involved in painful competition over that matter, and we must put an end to it. Each State must have full right to fix its own rates, but in fixing its own rates there must not be one rate for the produce of one man and another rate for the produce of another man.

Sir WILLIAM ZEAL: Suppose that results in a loss to a colony; will the Federation recompense that colony?

Mr. REID: If it is possible for a colony to work this system of differential rates profitably, by making large rebates to other people in another colony, it shows there is an opening for reducing the rates to its own people who pay for railways. Each colony will be put in precisely the same position. If it is a hardship to Victoria it will be equally hard upon us, because we will be compelled to quote a uniform rate quite irrespective of our desire to compete with Victorian railways.

Mr. MCMILLAN: If a colony suffers any great loss it may make it up through taxation.

Mr. LYNE: Would you not agree to any long distance rates?

Mr. REID: It would be impossible to assert a power to interfere with the management of the railways, so long as there are not two rates charged to two individuals between two points for the same goods.

Mr. BARTON: Or preference given to one port over another?

Mr. REID: I really feel I have trespassed on the indulgence of this Convention at too great length. However, I am very grateful to hon. members for the attention which they have bestowed upon my speech. I shall always be proud to remember that the other Australian Governments asked me two years ago, when the Federation movement was in sore straits, to take the leadership, and put the mother-colony in the van. I [start page 284] loyally accepted that task, and I hope the Government of New South Wales have loyally acted up to it. We have been strengthened by the co-operation of the Governments and the Parliaments of the colonies represented in this Convention in the most thorough and loyal manner. I have never concealed the confidence which I feel in the wisdom and stability of the Australian constituencies. They have placed on us a very solemn and momentous task. Whilst I have expressed freely and fearlessly my opinions, I will not have the slightest hesitation to go as far as reason and justice will allow me to go to meet the various difficulties which may be suggested by other members of the Convention, for it really is, after all, in the courtesy of our intercourse, in the kindness of our differences, in the breadth and liberality of our views, in our perfect readiness to yield to superior argument, and above all in our indomitable resolve to crown this movement with success, that the full significance and grandeur of this Convention will reveal itself. We, I hope, will faithfully discharge the trust committed to us. I hope we will truly voice the patriotism and brotherly instincts of the Australasian people. I hope that, since they have called us to this task, we will be enabled to fashion a fabric of national government which shall be strong enough to withstand the shocks of time, which shall be elastic enough to overtake the mightiest possibilities of this grand new world of ours, and which will be just enough to do no wrong to any man.

Mr. DEAKIN: It is but natural that, in addressing an assembly of this description, we should be at every turn confronted with memories of its predecessor in these colonies. The Convention which sat in the City of Sydney in 1891 gave a first tentative form to the proposals for federation with which we had been familiar for many years. It is but natural that presence in such an assembly should remain one of the recollections - the deepest recollections-of a lifetime, and it is perhaps inevitable that at every stage of the proceedings which we are here witnessing one should be struck with the similarities and differences between the two gatherings. To these even frequent allusions may not be out of place, since the aim of both gatherings was the same, and a number of us have taken part in both. Had not Sir John Forrest gracefully anticipated me, I, too, should have thought it fitting to express regret at the absence of many Australians who, through one circumstance or another were unable to become candidates, or were not successful candidates for this Convention. I notice that the "Hansard" report of his remarks omits the name of one gentleman who may be, I believe, singled out for additional reference-the Hon. Inglis Clark, of Tasmania, whose services, both in 1890 at Melbourne and in 1891 at Sydney were among the greatest helps to the discussion of federal principles. It is impossible to revive the question of Federation, or such recollections, without reminiscences of the great central figure of the former meeting. In 1891 Sir Henry Parkes, from his past services and his position as Premier of New South Wales, was the principal presence. In his hands had been unanimously placed the general conduct of the federal movement. We are now enabled to couple with that remembrance another most happy experience. We feel we owe a further debt to the mother-colony, in that she has given us in the person of her present Premier a gentleman who has to-day proved himself worthy to wear the mantle of his illustrious predecessor. One of the features of the debates of 1891, a turning point in the evolution of its thought, which affected the substance of the draft Bill, was marked by the speech of Sir Henry Parkes, in which he, having listened patiently to a long discussion, after mature deliberation, gave his preference- [start page 285] and his adhesion meant a great deal-to the principles of responsible government, as exhibited in the British Constitution. From an entirely different standpoint, under precisely similar circumstances, with very different arguments, the present Premier of New South Wales has arrived at exactly the same conclusion; and, taking into account the masterful ability of his speech, the position he occupies, and the influence he rightly wields, I believe

we shall discover that his speech of to-day presents just such another turning point in the development of the thought of this Convention. It should fix the form of the future Federal Executive, and its relation to its Parliament. Another happy parallel in our proceedings has been the unanimity with which the Hon. E. Barton was chosen to fill the high office of Leader of the Convention, enjoyed by the distinguished federalist Sir S. Griffith in 1891. Our work is safe in his capable hands. I must confess that the urgency with which the necessity of compromise has been put forward is rather apt to provoke in the minds of many a reflex determination not easily to part with our own opinions or yield to anything like a general flux of thought. I have not yet been able to note any general departure from what I have understood to be the customary modes of thought and opinions of those who have addressed this Chamber, but I do begin to feel, or think I feel, one of those undercurrents of feeling which sway even thoughtful and deliberate minds, and cause them to be drawn together by one common influence. My own opinions seem more malleable, and more capable of modification than I supposed while listening to speeches which I do not hesitate to say, so far as my poor judgment enables me to speak, are no whit inferior to those which ushered in the Commonwealth Bill of 1891. Those speeches have been delivered here in accordance with exactly the same procedure as was followed there, but have exhibited, in many cases, an entirely different standpoint—a changed atmosphere, an emergence of new points of view. Following speech after speech, starting in most cases from different, and sometimes from antagonistic, standpoints, it has become possible to gather what, if I understand it aright, is the general sense of this Convention on some grave issues which we are called upon to reconsider. recognise that the old problems of 1891 have every one emerged, but almost all with new faces. The natural processes of political thought in later years, and the discussions which we have listened to here combine together to present these old problems, to me at all events, in many cases in a new light. Had it not been for this, I should not have ventured to trespass upon the limited time that remains to us. If the point of view at which I have arrived be not new to others, I may be pardoned for the belief that it is by the presentation even of merely personal views that others may be, as I have been, largely, assisted. In the Commonwealth Bill it was my misfortune to be in the minority, and sometimes a small minority, on certain important points. On one or two of these points it appears to me that there is a prospect now that I may happen to be with the majority.

Mr. GORDON: Hear, hear.

Mr. DEAKIN: Nevertheless I would like to clear the way by admitting that were it a question to-day, as it was in 1891, of accepting the Commonwealth Bill or postponing Federation even for a few years, I should, without hesitation, accept the Commonwealth Bill. At the same time, as this Convention is assembled under a fresh mandate, delivered directly from the peoples of the several colonies, giving us immediate and direct authority to speak for them to the best of our power, I hold myself in no sense bound by any vote or speech in that Convention of 1891.

[start page 286]

Willing as I am to accept the Commonwealth Bill, I recognise the obligation, now laid upon us as a distinct obligation, to draft the best Constitution possible under the circumstances in which we find ourselves. I had at one time noted portions of those speeches of my predecessors in this debate which most appealed to me, with some idea of commenting on them should the opportunity arise, but I am about to abandon them because, though I am anxious to ex-press my indebtedness to many members for particular arguments on particular points - that personal obligation cannot stand against the general sense of urgency that is upon us to approach, after this thoughtful, useful, and essential discussion, the consideration of the details to which we must necessarily give form and shape without further delay. To pass without further preliminary to the first problem which confronted us in the Convention of 1891, in identically the same words in which it is presented to us here, I join in expressing, with my brother delegates, our acknowledgments to Sir Richard Baker for the searching speech in which he followed the opener of this debate. We were confronted with exactly the same problem in 1891, but on that occasion the challenge came from the lips of a member who was rarely heard in that Convention, but whose speeches contained the essence of the views of those who agreed with him, delivered in classic form and nervous English which few of them could hope to rival. Mr. Hackett, on the 12th of March, 1891, told us that-

Either responsible government will kill Federation, or Federation, in the form in which we will be prepared to accept it, will kill responsible government.

I am the more reminded of this, because at that time, those who, like myself, differed from the standpoint of Mr. Hackett, had the great advantage and satisfaction of having on our side the mature judgment and experience of no less a person than Sir Richard Baker. He had issued a manual which we had in our hands in 1891, in which, on pages 44, 45, and 46, he expressed his then opinion in regard to the possible forms the Executive of the Federation might assume. He pointed out to us that the Americans were not satisfied with the mode of conducting public business. Hon. members will see what he said on page 44-

Some of them have cast longing eyes on England, and advocate the introduction of responsible government as the only cure for the evils under which they are suffering.

He now recommends for our approval the Swiss form of Executive. Then he was able to say:

In the first place we knew very little about it. It is said to work well in Switzerland, but even if that is so, it would be the rashest of assumptions to conclude that it would work well in Australia.

He went on to add:

The soil, the climate, the physical and political environment of Switzerland, the history, feelings, and sentiments of its people are so different from ours, and must exercise so important an influence on the working of its political institutions that any conclusions drawn from them is, to say the least, hazardous. In the past, experience has shown that all political institutions which have been lasting are of slow growth; that the ideas and sentiments which give rise to such institutions, and ensure their utility, must be as it were engrained in the people; and that imported and transplanted exotics have never flourished.

I should seek in vain to express in language equally concise and well chosen the objections which operate upon my mind, and, probably, upon the minds of others, in regard to the application to our Federal Government of the system of the Swiss Executive.

Sir RICHARD BAKER: You forget that, in the second edition of that book, I said I had altered my mind after hearing the objections.

Mr. DEAKIN: If I had remembered that, I would have done the hon. member the justice of stating it, but it does not affect the purpose to which I wish to put this quotation, where finally he sums up:

If the Swiss experiment is to be tried, let it be tried somewhere where it will do less harm if it [start page 287] does not succeed; and let us adhere to the system of responsible government, under which we have been born and bred, and which, with all its faults and imperfections, has worked at least as well as any other system adapted to Republican institutions.

Now whilst we are all aware that the hon. gentleman has changed his opinion, and no doubt has in his own mind good reason for changing his opinion, it is unfortunate that he did not favor us with a statement of a single reason which has led him to depart from that weighty argument then placed before us. He told us that he favored the Swiss Executive. He might have told us that he admired the beautiful scenery of that interesting country, but as to how he proposed to transfer its glacial Alpine heights and acclimatise them upon the sunny plains of Australia, he left us entirely in the dark. Consequently I feel justified in sparing the time of this Convention by putting in his own words, much better than I can express it, what seem to be unanswerable objections to the recommendation which he made to this Convention. In addition to that I might add that, as the hon. the Premier of New South Wales indicated this morning, we find the ground of choice by no means free and clear for such an

innovation. In point of fact, those who ask us to accept the Swiss Executive do so forgetting that it would be introduced as an intermediary government above colonies which will preserve responsible government as we have always known it-so far, at all events, as we can at present judge. The peoples in these colonies have been trained wholly under responsible government and live in those colonies under that form of government, having above them the Imperial Government of England based upon exactly the same lines, upon the same principles, and upon the same traditions. It is actually suggested that between these responsible governments-the Imperial Government above and the responsible governments of the States below-in an Empire which has known no other form of government-we should interpose an entirely novel form with which our people are absolutely unfamiliar. Surely Federation, as we know it, is surrounded by problems enough, and difficulties enough, which must be surmounted in order to win the adherence of the people of the several colonies, without adding to these sometimes unpalatable proposals this entirely unexpected, and, to my mind unnecessary innovation of requiring them not merely to vote aye or nay for union, but of voting for the union to accept also what is to us an entirely new and untried system of government. Of course, the facts are, as the authorities upon the Swiss Government remind us, that the constitution which, in its present form, does not date back half a century, is slowly changing its form. We are told that their ministers, who previously were extremely limited in their departmental authority, are acquiring more and more influence. We are told that the inclination to elect the Executive as one whole on party lines is becoming more and more manifest. I may add to those who think to force the Swiss form of government upon this country, upon a people politically earnest and politically alert, your mere paper constitution would be twisted between their fingers in twelve months back into its present shape. Your Executive would be made answerable as a whole to the electors-

Mr. BARTON: Supposing the Parliament were elected of sixty protectionists, and forty freetraders, what escape would there be from the protectionists electing the whole Ministry?

Mr. DEAKIN: I know of no escape. I am obliged to the hon. member for the illustration; and it appears to me that while Sir Richard Baker laid us all under an obligation, as Mr. Wise has said, compelling us to return upon ourselves, and re-think our conclusions, we need no longer debate the possibility, at this time at any rate, of the adoption of a new form of government-a new form which we could not induce or [\[start page 288\]](#) compel the people of Australia to accept. The influence of party government upon the working of our institutions was first indicated by the late Mr. Macrossan in 1891. It is a most fruitful influence hitherto ignored in this debate, and to which I shall recur. I am perfectly aware, as Mr. Dobson reminded us, that responsible government, as we use it, may not be theoretically perfect as a form, nor may it effectually prohibit the manifestations of human nature-political human nature especially-as we are more or less acquainted with it. Apparently, because that hon. gentleman has seen party spirit degraded to small and petty things, he would contend that what we need is a mere change in its form. I would venture to reply that no change of form known to us, and no form I am acquainted with in the civilised or uncivilised world, can confine, or is capable of seriously altering, the political spirit under which the inhabitants elect to work it. The Constitution of the United States, which has a supreme Senate, and an independent Executive, certainly has not shown us any improvement upon party Government as we know it in the mother-country and here. We all recognise that, not only would it be impossible for us to frame an ideally-perfect, and scientifically-flawless Constitution, but that if we did devise it any people would speedily reduce it in its operation to their own level. Be the form adopted what we will, the reliance which we place upon the future of Australia will never be based upon the form of its Government, but always upon the intelligence, the conscience, and the judgment of the people. True, we find in responsible Government-to say no more-the promptest, the most sympathetic means of expression and execution of the popular will consistent with deliberate consideration of the problems to be solved. We find that the closeness of touch existing between the executive Government and the people as a whole has not only in the past been found the best guarantee for those liberties, the gradual conquest and co-ordination of which have made the honor and the glory of our mother-land, but this closeness of touch with the Executive has become an essential in these colonies, and must be also in the Federal future before us. Any proposal to place the Executive above or beyond Parliament and two or three removes from the vote of the people, as it is certainly contrary to our present practice, would, I think, be

equally foreign to our political aspirations. Then as to the constitution of the national House, nothing, I take it, need be said; but as to the constitution and powers of the Second Chamber, here again, as in Sydney in 1891, much has been said, and possibly something remains to be said. The argument, as it affects my mind, is not one which I might employ were I sitting in one of the legislative Chambers of our colony either supporting or opposing Ministerial proposals of the day. I realise, as we all realise, that we are under an implicit obligation to look at both sides of each problem, and to place ourselves as far as possible in the position of those from whom we are compelled to differ. I take it we are anxious not to differ; we are anxious to agree. We are not here to differ; we are here to agree. But we are also to remember that our individual or collective agreement is perfectly idle and futile unless it be an agreement that carries with it the approval of those whom we represent. An authority, to whom we have often referred since 1890, an authority to whom our indebtedness is almost incalculable, is the Hon. Mr. Bryce; and here, it will not be out of place if I express the obligation we owe to Mr. Garran, of Sydney, for his excellent literary labors on this question. His work is one of the most lucid and well digested political handbooks which we possess on this important subject. I was saying that the position we are placed in as representatives is this: that we should accept only those proposals upon which we can carry our constituents.

[start page 289]

Mr. Bryce reminds us—and were he not so great an authority it would be an extremely hazardous proposition to quote; in fact I should hesitate to quote it from an authority less high—that if the United States Constitution had been submitted to the United States people at the time it was framed it would certainly have been rejected. The Canadian Constitution when it was framed was not submitted to its people. We are placed in an entirely different position, therefore, to the founders either of the Canadian or of the United States Constitutions. We are compelled, and fortunately so, to submit these proposals to our constituents—a condition that enormously increases the burden of the task which devolves upon us. Our duty, therefore, is to discuss in the fullest manner possible the whole of our difficulties in order that our motives and proposals may be clearly understood. We are under obligation to assent to no scheme simply for the sake of arriving at an agreement here, when we know within our own minds that to propose such a scheme to our own people would be to ensure its rejection. Anxious as we are to conciliate and study each other's susceptibilities, we must not mislead. We are bound to look forward to ultimate results, and steer so as to avoid a final disaster. Of course it would be possible to use arguments of this kind having something in them of the nature of a threat, but my colleagues will do me the justice of recognising that this is far from me. It is because our proposals have to be remitted to the referendum in the more populous and the less populous States that I have been casting about in my mind to see if it were not possible to find some line of argument and compromise which would enable us to go to our several constituents and place before them a scheme which they would all accept. It is absolutely necessary that this Convention should carry the more populous States; it is equally necessary it should carry the less populous States, and, if possible, carry them both together. In 1891 we adopted the referendum in order to obtain the popular verdict upon that Constitution. In this instance our Enabling Bills have been printed for it in advance. Let me ask my colleagues to place themselves in the position of representatives of the more populous States particularly, while I indicate to them a consideration which also obtains in regard to the less populous States. What is the principle upon which our present form of government is erected, and upon which it is worked from day to day? What is that principle to which we appeal because it constitutes our final arbiter in all political discussions, and to which we must appeal in the last resort? I am not here to argue as to whether it should be the sole arbiter. The sole arbiter, the sole Court of Appeal, which constitutionally we have come to recognise in this country, or in the mother-country, is the rule of the majority. Upon the ultimate rule of the majority the British Constitution swings as upon a pivot, and upon that principle it rests. Our whole history is the history of a struggle to give more and more effect to that principle, and the whole occasion of the existence of our parties, whether in the colonies or in the mother-country, is the division between those who frankly and fully accept the principle of the rule of the majority, and those who, for one reason or another, accept it only with qualification.

Mr. DOBSON: Do you accept it without qualification of any sort?

Mr. DEAKIN: If the hon. member will ask that question a little later I will try to answer it. That being the guiding principle of the whole of our political actions, and the determining factor in all British Governments—the principle more than any other that the people have been accustomed to put their political reliance upon—have the delegates present realised the difficulties in which we are placed upon the very threshold of any scheme of Federation by the proposition that that principle should not only be departed from, but absolutely reversed?

[start page 290]

Mr. WISE: If that principle were in full force in Victoria, Melbourne and the suburbs would return nearly half the members.

Mr. DEAKIN: The hon. member's remark refers to another branch of the subject. It refers to the electoral conditions of the country and to the divisions we make of the colony in order to recognise the different interests. There is a difference with us as there is with most colonies, I think, between the numerical strength of a constituency returning a member in the country, and the numerical strength of a constituency returning a member in town.

Mr. WISE: So it is with us.

Mr. REID: There is no difference with us.

Mr. DEAKIN: That difference with us is based upon a distinction between the sacrifices imposed upon the respective voters. It is scarcely a qualification, and practically the principle of the rule of the majority is not departed from. That being the case, if our hon. colleagues realise the position, they will see how we shall be placed when facing our constituents to discuss with them the basis of the second Chamber for a Federal Government, because that second Chamber is to be based on the principle of the rule of the minority and not of the rule of the majority.

Sir RICHARD BAKER: No, the rule of the majority of the States.

Mr. DEAKIN: A majority of the States representing probably a minority of the people—the rule in the States Council of a minority of the nation.

Sir RICHARD BAKER: Not necessarily.

Mr. DEAKIN: Not necessarily, but in most cases, if not in all, under the Constitution which is here proposed.

Mr. MCMILLAN: In imaginary cases.

Mr. DEAKIN: Less imaginary than the picture which has been continually drawn showing the populous States uniting together to oppress the less populous States. That is highly improbable, and I will give reasons, if my colleagues will follow me. I wish them to realise the difficulty at the outset. When we go to our constituents to propose to them the adoption of the principle of equal representation in the Senate, we must have the whole force of the political training, the prepossessions, and the instinct of our people against us. We shall have the almost insurmountable difficulty of asking them to reverse the principle of political action under which they have lived, under which they have learned their politics, and under which they have conducted their own affairs. I want that realised, because it has been assumed in this discussion that the principle of equal representation is conceded without argument, because it represents no sacrifice. It will, however, require a great deal of argument, and it certainly represents a great sacrifice.

Mr. PEACOCK: Hear, hear.

Mr. DEAKIN: My hon. colleagues were ready to put cases, about which I shall say a word or two in a few moments, extreme cases under which the populous States were to unite together to oppress those which were less populous. We shall be confronted on the platform with equally extreme cases put from the opposite point of view—as indeed I have noticed them put from various platforms in the recent elections—pointing out that under such a proposal as that of equal representation in the Senate it would be possible for the populous colonies to carry a particular measure at their general elections by hundreds of thousands of votes, and yet that measure could be rejected in the Senate, not only by an absolute minority, of the people of the nation as a whole, but by an almost insignificant minority. Deducting the minority in the Upper Chamber who would agree with the majority in the populous States, it might come to this: that hundreds of votes in the State election of members for the Senate might negative the decision which had been carried [start page 291] by hundreds of thousands of votes in the election of members for the popular House. This illustration is not a whit more extreme than some of those which have been put to us. I put it, in order that all may fairly realise what we shall have to meet when we stand on the platform and advocate equal representation in the Senate.

Mr. GLYNN: The same thing takes place here.

Mr. DEAKIN: We have an instance of its working. This Convention is a Council of the States, and we are here with equal representation. We are here as a Council of the States, and the people will very justly, properly, and reasonably, look at the result of our decisions as indicating what they may expect from the Council of States when it is permanently established. It was a happy spirit of conciliation which pervaded the speech of the Premier of New South Wales from his first word to his last—and I trust that that self-same spirit will actuate the whole of this Convention. We should be anxious, and deeply anxious, to be able to show to the constituencies of the more populous and the less populous States that all these problems have been fairly and frankly considered; and that the populous States are asked to make a sacrifice, a great sacrifice, an unexampled sacrifice for Federation. It is one which they will be justified in making for that great cause. I have never varied from the doctrine that equality of representation in the Council of States is the only possible means of representation. We are, therefore, thoroughly justified in asking our colleagues to realise that there is too much disposition to suppose that this sacrifice has been made by us already, and there was no question of any difficulty in having this conceded. So far for that point, which was passed over lightly in Sydney, and probably too lightly. Beyond that, when we have conceded equal representation in the Senate, we have by no means finished with the concessions proposed to be made to the Council of States. I prefer using the expression "Council of States" to any other. In the States Council we propose to give continuity and a fixed tenure, and render it superior to all possible dissolution. By those three conditions alone it is elevated into a position of supremacy as regards its fellow Chamber. On those three conditions we place it above the popular Chamber. If you follow the practice of relieving them of a considerable amount of the dreary work of detail in connection with legislation and criticism of administration, and make fewer and smaller demands upon their time, you also make the Senate attractive to a class of minds most capable of exercising influence in their several States. By each of these successive conditions you are exalting one Chamber above its fellow; and if you, as appears to be the desire in this Convention, elect it on as broad a basis as its fellow Chamber, you are giving it another warrant for its authority, another dignity which represents a real power and a vital influence. What makes the power of the United States Senate is not its executive authority, but its fixed and longer tenure of office, which enables it to attract the best men. Because its tenure is more various the Swiss Council of the States is inferior to the National Council. By our proposals in these regards we shall make our Council of the States like the American Senate, attractive to the best, and more attractive than the National House. In reply to my extremely subtle and courteous friend, Sir John Downer, when he advocated with so much ability what he is pleased to describe as co-equal powers for the two Houses, he at the same time laid down these conditions which render the Council of States the more powerful and influential Chamber. What we have to see is that we in no way detract from the Council, because, realising its influence, its importance, and its value, so that, as a powerful and important legislative body, we desire that it [start page 292] should draw to its ranks the best men in the community; yet we cannot afford to see that Chamber placed in such a position of vantage as will necessarily cause the Constitution to commence its career, not with any fine balance, as required in

the theory of Sir Richard Baker and Sir John Downer, but with its balance heavily weighted in favor of the Council. It appears to me that, when we have agreed to that, not only must responsible government be preserved, but that the Executive of the day must be responsible, primarily and mainly to the National House. We have even then barely redressed the balance if you are comparing House and House and measuring the power of resistance that will exist in a Council protected against dissolution and with a lengthy tenure of office against the propelling power of the National House. A Council strengthened in these respects will be in possession of a power of resistance such as we have never witnessed in these colonies before-and we have proved that much less exalted Upper Chambers exercise more than sufficient power of resistance-but this one will have a power equal, if not superior, to the driving force which should exist in the other Chamber. The Council of the States will be represented on the Executive, will have great influence on the Executive, will be capable of causing it to re-shape, re-model, or lay aside its measures. It will have all those powers by which such Assemblies have sometimes been able to make an Executive quail and surrender, at the price of penalising its supporters. Under these circumstances, even when we have made the Executive chiefly responsible to the National House, in my opinion, you have not yet arrived at the working adjustment required for an efficient Federation; and it is from this standpoint that I approach the question whether there should not be, and must not be under any Federation with responsible government, what has been sometimes termed a predominant Chamber. Must there not be a chamber of initiative, a chamber in which the most important Bills are first analysed and sifted. Its predominance should not be sufficient to render its driving force irresistible. Some brake is essential, as our experience has proved; and it should be an effective brake, capable of responding to those who, under this proposed Federal Constitution, would have the power of applying it, namely, the whole body of the people as grouped in the States; but it must not be a brake so powerful as to render the vehicle of the Constitution absolutely immovable. Checks and balances are essential, but motive power is, after all, even more essential than such restraints. There are the weighty reasons urged in the statesmanlike speech of Mr. O'Connor: the absolute necessity which exists that the Queen's Government should be carried on, that the public creditor should be paid, faith kept with the public service, the honor of the country preserved untarnished. In this Federation, the Government having charge of the Customs and excise, in a sense controls the trade and commerce of the country, and if an absolute deadlock occurred, its servants being unpaid, might absolutely prohibit all import and export until the dispute between the two Chambers was settled. It is with that possibility of rare, let us hope impossible, conflicts of that kind before us that, it seems to me, a well-balanced Constitution requires of necessity that these measures on which the Government and country live, so to speak, from day to day the Government shall not be capable of being paralysed by a Chamber which is not capable of being brought into immediate contact with its constituents at the time the difficulty arises. Of course it must be recollected at every stage of the argument upon all these points that the States are only parting with a small part of their powers of self-government, and that the Federal Government has but a strictly defined and [start page 293] limited sphere of action. The delicate problem, whether it is possible for responsible government to exist with two co-equal Chambers, has not been essayed in any Federation. The only case approaching it is in the French Republic. Since it has been established that republic has passed through one serious crisis involving the resignation of one of its Presidents and a threatened civil war. It was on the occasion when President MacMahon endeavored to support a Government against the wish of the Chamber of Deputies, who had the power of the purse. The end of that struggle was not the despotism or its alternative, a revolution, which might have arisen, but the retirement of the gallant soldier.

Mr. WISE: Was that not got over by a dissolution of the Lower House?

Mr. DEAKIN: The Lower House was dissolved, but the people returned a majority in favor of the policy advocated by their predecessors, and rather than face the humiliation of surrender, or risk a *coup d'etat*, the President resigned.

Mr. WISE: It Shows that public opinion will always prevail.

Mr. DEAKIN: It may be an evidence of public opinion prevailing, but it cast on the public the duty of deciding between civil war and the untimely expulsion of the President. Since then the late Cabinet, a Radical Ministry, has been driven from office by the action of the Senate alone. Are we prepared to accept such contingencies in Australia? In his most taking and persuasive speech Mr. Wise stated that he considered the possibility of deadlocks the price paid for the privileges of constitutional government, but to me it seems the price paid for neglecting to secure a perfect means of self-adjustment in that government.

Mr. ISAACS: It is all the difference between guessing and ascertaining public opinion.

Mr. DEAKIN: The money power naturally belongs to the National House in all Anglo-Saxon communities. The United States, when they faced the question of coequal Houses 100 years ago, made its Senate the chief of the two legislative bodies, and, although the Executive was placed outside the House of Representatives, the power of initiating Money Bills was strictly confined to the inferior House. Even without the Executive Government dependent upon it, without equality of powers, the inferior House - because it was the National House in the United States - was entrusted 100 years ago with the sole power of initiation. This arose from no antiquarian reasons, but from the very living and present reasons, set out so convincingly by the Premier of New South Wales, that I do not propose to develop them at any length. It appears to me that the representatives of the less populous States decline to distinguish sufficiently between the money powers and the general powers to be conferred by a Constitution. Now the distinction is no mere fantasy. It should be recognised in the forefront of the Constitution. In the exercise of both powers there are instances in which it is possible that State interests may be put in jeopardy. State rights cannot be put in such jeopardy; they are enshrined and preserved under the Constitution and protected by the courts to be established under that Constitution. But as regards State interests, what proportion of the business of the Federation will involve their consideration? If hon. members ask themselves how many measures presented to the United States Congress are questions which are even supposed by the imagination of any suspicious member to involve State interests, hon. members, I venture to say, will not only search their Bryce, but search the records of Congress in vain to discover more than the most insignificant fraction. Hon. members representing the less populous States fail to remember that what is proposed to be granted them is co-ordinate power over the whole legislation of the Federation, not only over that [start page 294] which relates to State interests - which, however important to the States, if and when their interests are impinged upon, involve but an insignificant fraction of the business of the nation - but under the Federal Constitution in order to secure the States against the rare possibilities of any injury they are given co-ordinate power over all legislation.

Mr. DOUGLAS: Why should not one Chamber be equal with the other?

Mr. DEAKIN: I do not quite understand the hon. gentleman's interjection.

An HON. MEMBER: He means as regards general legislation.

Mr. DEAKIN: I should say that one Chamber should be equal with the other in general legislation, but that I would not give co-equal powers to the Chamber a majority in which often represents a mere minority.

An HON. MEMBER: May not State interests be involved in Money Bills?

Mr. DEAKIN: State interests may arise in regard to Money Bills, but possibly in a smaller proportion than in general legislation. Take the ordinary services of the year, the payment of the public service, the payments of creditors, and the various disbursements which are made throughout the country - in how many of those items are State interests likely to be affected? You may say the erection of a new post office or of a new telegraph station here or there will affect some particular locality, and you may say that through that locality in an indirect and petty fashion some State interests may now and then be touched upon. But it is surely perfectly true that ninety-nine hundredths

of the Appropriation Bills will hardly touch State interests, even in that trifling way. In regard to Taxation Bills how are State interests to be affected? It is the people of the States who are taxed, not as citizens of the States, but as citizens of the nation, because in the proposed Federation taxation would be absolutely equal upon each and all of them.

Sir E. BRADDON: You are begging the whole question.

Mr. DEAKIN: I am begging no question in this regard. The first principle of true Federation is that taxes are levied, not upon States, but individuals, be they resident in Tasmania, New South Wales, Victoria, or any other part of Australia. No distinction is made. How, then, can it be said that this equal levy can affect any State interest? What is affected is the interest of the taxpayer as a federal taxpayer, and only as a federal citizen. In this one matter there is no dual citizenship.

Mr. BARTON: But, as you argue, to tax under the Commonwealth by so much do you diminish the taxation power from which the States have to draw their only income and from the same persons.

Mr. REID: That leaves the argument as it is.

Mr. DEAKIN: My argument is that every State has all its citizens taxed in the same way.

Mr. MCMILLAN: Supposing you had an excise duty on any article particularly connected with one State?

Mr. DEAKIN: I will deal with excise separately. First with regard to taxation. Undoubtedly it affects all taxpayers in the same manner.

Mr. HOLDER: An excise on sugar would not.

Mr. DEAKIN: I will deal with excise directly. I do not see why this point should be confused. If you tax every taxpayer alike you deal with each one as the citizen of the nation, and he gains nothing or loses nothing by belonging to any State. Every State and every citizen in every State has the same motives for resisting or supporting this taxation, and it can be no question of the more populous as against the less populous groups. People in the more populous colonies are not more anxious to pay taxation than any [start page 295] others. State interests do not arise, as all have the same, and, as States, no one interest is opposed to another. The matter of excise is continually relied upon. It is said that the Federal Government may impose excise upon one particular industry, because that one particular industry may be carried on in one colony and not in another. That is absolutely so. It is just one of those possibilities which justifies what otherwise would be unjustifiable-our constituents reposing in the Councils of the States the absolute power to veto Money Bills as well as all other measures. It is just because the Federal Parliament might, by the imposition of excise or a bounty, affect State interests, that we take the absolute precaution, and in order to guarantee them against even a fractional injustice, we give the Senate power over the whole range of Money Bills. Here, as in the former case, the generosity of the gift implies a large concession from the populous States. Passing on next to the amendment of Money Bills-the *crux* in 1891 as now I dare say my argument is somewhat imperfect, but, as it appears to me, not only do reason and experience absolutely require that financial responsibility should rest in one Chamber, but justice requires that it should do so. That Chamber represents the majority of the people as a people. It is a national Chamber. Who pays the taxation? Who pays the majority of the taxation? The majority of the people.

Sir WILLIAM ZEAL: The ratepayers.

Mr. DEAKIN: No, not the ratepayers. It is claimed in our colony, whether true or not, that those who are not ratepayers pay a greater portion of the indirect taxation than they should, and it is largely on indirect taxation that the Federal Parliament must rely for revenue. Put the converse of our position. Are the members in this Convention prepared to put the power of taxation-if the right of

amending Money Bills means anything it means the right of absolutely shaping and directing taxation-in the hands of the minority? Dare either protectionists or freetraders permit the States Council to alter their tariff? Could any greater peril be provided for the future than permission to the few to tax the majority?

Mr. GLYNN: Why give the veto?

Mr. DEAKIN: Well, a veto is more than a mere negative. It is a negative pregnant, so to speak, but much more pregnant and dangerous if it be a veto in detail as well as a veto of the whole. It might mean an interference with the fiscal policy of the country. If the Senate decided to take the important step of rejecting the financial policy of the Executive, what would happen? It would thus challenge the policy of the Government, and the Government would consult the electors. This may be regarded as penalising them for introducing a measure in accordance with the views of the people; but, if the Government is returned at the election, it will be clear that the policy of the Government is approved, I take it that the Council of the States will have fulfilled its office. It will have satisfied itself that the majority of the people who find the money have decided that it should be raised in the way suggested by the Government.

Mr. LYNE: Would you give a second power of veto after a dissolution?

Mr. DEAKIN: I am afraid the power of veto must remain absolute; otherwise, in times of excitement, it might lead to coercion and disruption. I would leave to the Upper Chamber the absolute power of veto, and trust to the good sense of the community, and to the final fairness of public opinion, to bring it into harmony with the popular Chamber. In any Constitution which is expected to prove workable and discharge its duties from day to day, so as to retain the goodwill of the people, the introduction of a power to the second Chamber to alter and thus to direct taxation, and to alter Appropriation Bills, [start page 296] would mean the introduction at the very outset of its career of a piece of mechanism which would be likely in the end to lead to disastrous conflict. A strong permanent and influential Council of the States is an indispensable element of a federal Constitution, but it is no derogation from its dignity to require that, in order to ensure safe practical workableness, it must undertake the high offices of revision and reconsideration, rather than of initiative or detail in finance. Here there cannot be a perfect similarity of duties between the two Chambers. When two men ride the same horse one must sit behind. Now, there is one matter to which I would like, if I could put italics in my voice, to call special attention. I have been arguing on the lines I have followed until now because I think it is the only fair way of meeting those with whom I desire to argue. I have hitherto accepted their manner of looking at these difficulties instead of my own. I personally hold a very different view as to the way in which this Constitution is likely to be worked, as the consequence of framing it in unfamiliar form, operated upon by the different forces which experience has taught us are certain to come into play upon it. The assumption throughout in this Convention is that the States Council is to be the guardian of what are termed State rights or State interests. Mr. Higgins, in the course of an able examination of this part of the question, read from Mr. Bryce a passage which showed that after 100 years of American experience they had never been able to distinguish between the Senate and the House of Representatives as the guardian of State rights. Have my hon. colleagues weighed the full force and significance of that most important negative fact? Here is a Union which was rent in pieces by a question of State rights; for it was upon the discussion of State rights that arose the conflict which re-wrote some clauses of the Constitution in the blood of a million Americans, which for five years threatened the very existence of the Republic. It was the crowning culmination of a long struggle waged between South and North upon more than one question, upon a variety of issues: not merely slavery, not merely freetrade and protection, but all were at last focussed in one principle - the right of the States to secede and to govern their own affairs, which is the most absolute State right. Have hon. members realised the force of the fact that these rights were never more claimed or protected in the senate than in the House of Representatives, or that it was even supposed that either House was the guardian of State rights? Although our special Senate is to be created nominally to protect State interests and rights, as a matter of fact and history, if we trust to American experience, we can say that State rights will never be more dependent upon the State Councils of

Australia than they will be upon the House of Representatives; and they will be fought for as earnestly in the House of Representatives as in the States Council. As a matter of fact this is another instance in which the wise and great founders of the American Constitution find the event falsifying their prediction. The Senate was intended to protect the States in all such struggles as those in regard to the Kansas dispute and the Mason and Dixie line; yet the Senate was never one whit in advance of the House of Representatives in defending State interests. The key to this matter, I submit, is to be sought elsewhere. It is the key to the whole position, and the perfect antidote to all the fears of the less populous States of which we have been hearing so much ever since 1891. The complexion that will be given to our politics, especially as responsible government is to be preserved, must necessarily be exactly the same complexion that we find in colonial Parliaments to-day; that is to say, so far from it being natural or customary for the more populous States to combine against the less populous States, such conflicts are [start page 297] never likely to arise; they never have arisen in America, and they never ought to arise here. From the first day that the Federation is consummated - Heaven hasten that day - the people will divide themselves into two parties, not as in France of entirely opposite views and invincible antagonisms-Legitimists, Republicans, and Bonapartists; but parties only divided by the line of "more progress and faster," and "less progress and slower," in other words, Liberals and Conservatives. The instant Federation is accomplished the two Houses will be elected on that basis. State rights and State interests, I venture to say, will never be mentioned because they will never be imperilled. Both sides, in order to secure support, will make the first plank of their platform the maintenance and defence of State interests. If the representatives in the National Assembly from the less populous States are relatively few, on such issues they will always be compact, and need I ask whether the experience of our Legislature shows that compact bodies, however small, are likely to be ignored under our system of party Government? Is it not the small compact parties, sometimes called factions, held together by a common principle, who often hold the fate of Ministries and Executives in their hands? I say that, if ever State interests were imperilled, the votes of the representatives affected in the National House-small in number although they might be on that subject would be unanimous-would be eagerly sought for by both sides. From the first day of Federation, as far forward as we can venture to see or prophesy, the politics of our Federation will be determined without the least regard to the more populous or the less populous States. The very first watchwords will undoubtedly be protection and freetrade. State interests will not be questioned or mentioned. The whole continent will range itself on one side or another of this question. It will divide every district, every city, every hamlet, and many households. There will be two distinct camps, and each camp will be anxious to secure votes in every State by the most absolute of pledges to study all its interests.

Mr. BARTON: I thought we were going to say good-bye to all that.

Mr. DEAKIN: When that question is settled by the passing of the tariff, there may be some slight alteration in the grouping of members, because, unfortunately, all liberals are not protectionists, though they clearly ought to be.

Mr. REID: On the principle of standing on your head.

Mr. DEAKIN: Well, if it came to standing on his head, I can understand the reluctance of the hon. member to engage in an exercise of that description.

Mr. BARTON: My hon. friend may contrast the operations of standing on his own head, and dancing on nothing.

Mr. REID: Our friend Mr. Peacock stands on his laugh.

Mr. DEAKIN: When that dividing question, which does not in all of the colonies accurately represent the difference between liberal and conservative, is withdrawn, inevitably the two parties will at once emerge-those who consider they should march in agreement with the advanced political thought of their time, and their rivals who think it too soon to take that particular step, and who desire to go more slowly.

Mr. DOBSON: You may go "like a crab, backwards."

Mr. TRENWITH: Well, you ought to know.

Mr. DEAKIN: Whichever way parties may move, one thing is certain, namely, that their division into the more populous States on the one side, and the less populous States on the other side, is the last possible eventuality of a thousand eventualities which are more likely to occur. We shall have party government [start page 298] and party contests in which the alliances will be among men of similar opinions, and will be in no way influenced by their residence in one State or another. The guardianship of State interests is so secure under these conditions that their protection in any special way becomes comparatively immaterial. It is not a matter of speculation as to whether there will be these alliances between the populous States. When we have adopted responsible government, we have necessarily adopted party government, and we have to be guided by experience as to how it works. It may be hard to prophesy what all the results will be, but, though neither a prophet nor the son of a prophet, no man need fear that whatever political struggles arise will very rarely indeed, even remotely, relate to State rights or interests. There is always the possibility of the referendum being applied in the event of a question of this sort being raised, and if representatives of the less populous States choose to demand the referendum requiring a vote to be counted by States as well as by the nation, I have no doubt that this Convention would lend an attentive ear to a reasonable request; at least, as far as I am concerned, they have only to make that demand to have it conceded. They would then have the most absolute guarantee possible, not only for the protection of their interests, but for the preservation of a State veto by popular vote upon all disputed issues. My object is that the members of the less populous colonies in this Convention may be able to go back to their constituencies, and be sure of winning their adhesion to the new Constitution. just as we wish to go back to our constituents with a similarly successful result. Let me offer an illustration of the real and relative importance of this States interests bogey. Many of the delegates here have some knowledge of South Australia. It is a vast colony embracing 900,000 square miles. It is large enough to contain a number of the most important European empires, and still retain a large unoccupied territory. Victoria, a comparatively small colony, is yet as large as Great Britain, still very sparsely peopled, and with wide unsettled areas. These two colonies have been gravely debating for years about a little strip of territory which, in comparison to the area of South Australia, is as my little fingernail to the whole bulk of my body. In connection with the dispute as to this tiny piece of barrenness we have had oceans of ink and miles of oratory employed. We have heard it raised as a question of grave disagreement as to who should possess this tract generally in the possession of the rabbits, or perhaps deserted in many parts by that interesting animal, because even he could not find the wherewithal upon it to get a livelihood. That illustration fairly represents the true importance of the actual issues that are imperilled. The last important matter which I seek permission to submit to this Convention- and I have striven to ignore all but the crucial issues of this debate-is that in this discussion as a whole we are, in one other vital issue, proceeding upon an assumption which is possibly, if not probably, a mistake. The assumption is that we are about to create a Federal Government so powerful and authoritative that it will altogether overshadow and dwarf the States, and that the Central Government, occupying a position of Imperial authority, will be able to put them and their interests aside in the loftiest manner. It is assumed that it will have interests apart from the States, and it will be capable of brushing them aside in order to attain its own centralising ends. I must say, after listening attentively to those who have preceded me, that I am driven to an entirely opposite apprehension. We should recollect, not only, as Mr. Reid put it, that instead of the thirteen States that commenced the American Union, or the forty-two that now constitute it, we have but six colonies. We should further recollect that the whole of the thirteen American States could be placed within New South Wales, and prob- [start page 299] ably could be hidden in South Australia so that you would have to look a long time before finding them. Supposing they were deposited in Western Australia you would never find them at all, if we are to judge from the description which Sir John Forrest gave of the extent of his colony yesterday. If we sufficiently recollect this fact we shall see that no comparison is possible between such colonies as we possess and the States of the American Union. There, by their number they neutralise and balance one another, but there is practically no balance of power probable here. It is

easily conceivable in the course of time that Western Australia, as her Premier has said, might outstrip us, and, judging by her area, might easily outstrip all the other States placed together; and what would then become of us in face of the overwhelming alliance possible between Western Australia, with her millions of people, and the great territory of South Australia, with her millions? Where would the unhappy colonies to the east be considered? The point I wish to put is this: that so far from our Federal Government over-awing the States, it is more probable that the States will over-awe the Federal Government. Take the colony of New South Wales, with her immense resources and possibilities and present position, and remember if the Federation does not acquire her railway system what a difficulty there will be in imposing those conditions which Mr. O'Connor and others desire to see imposed in regard to the prohibition of differential rates, uniformity of gauge, and other questions of railway administration. Have members asked themselves what they can expect if a great and populous colony declined to be bound by the dictates of the Federal Government? As it seems to me each of these colonies is yet but the germ of, and a comparatively minute germ of, the States which they may reasonably hope to become-enormous in territory, populous, and wealthy. If it appears to anyone of those great powers, larger than European empires and populated almost to the same extent, that the Federal Government is not yielding to its demands, such a State may easily be a greater danger to the Federal Government than the Federal Government could be to the State. I recognise the almost insuperable difficulties that surround the transfer of the railways to any Federal Government; but still I feel much more impressed than when I entered the Convention with the importance of having these enormous agencies of production, if at all possible, at some time, and the sooner the better, placed in the hands of the Central Government. It may be, as Mr. McMillan said, that there is great danger in transferring so vast an organisation to the Federal Government, but the Federal Government would have the national interest first and chiefly to consider, whereas the States can scarcely be prevented, if they ought to be prevented, from more or less directly competing against each other by the construction of rival lines-which, in the opinion of the Federal Government, might be considered unnecessary. It follows upon these reflections that, gigantic as are our difficulties in taking over the railways, it is a matter which is well worthy of our most mature consideration. Whether they be taken over or not, it appears to me certain that the Federal Government as proposed to be created, with its limited scope and its authority chiefly on the seaboard, will be a comparatively feeble power when opposed to the great States growing up in this continent. It is for this reason also that we should calmly and cautiously scrutinise every proposal regarding the finances which involves any future bargaining between the Federal Government and the States Governments. I do not intend to enter into a consideration of a subject which must be attempted exhaustively hereafter. We shall require as a solution of the problem that it shall be a solution arrived at as in America, which will deal with the finances of the colonies as they are at present, which shall cause them to lose nothing, not a single penny, by the creation of a [start page 300] Federal Government, but which will leave to the Federal Government the whole of the future increases of those vast sources of revenue intended to be transferred to it. Those increases Federation will hasten. We need not fear to give to the Federal Government a large revenue. We can require them to assume the existing State debts; and in regard to an ultimate surplus those who have had anything to do with the administration of post offices, telegraph lines, and railways will have no fear of any surplus being found with the Federal Government for any time. Rates of postage, or of railway carriage, can readily and cautiously be reduced as any surplus permits. For my part it appears to me that one of the tasks which will devolve on those who form the Federal Government will be the due, cautious, deliberate - but unceasing - development of those vast unoccupied tracts in the north-west of Western Australia, if she be willing to part with them, and of the Northern Territory of South Australia, which is, I believe, willing to part with it. There are great areas of this continent larger than kingdoms which require to be dealt with, not perhaps as States, but as territories, and which will provide means for a wise expenditure of the federal surplus for many years to come. With all these tasks before the Federal Government, I think there is little fear of rendering it too wealthy. I have one word further to say with regard to the finances. Whatever the Financial Committee may do, and no doubt they will scrutinise their accounts figure by figure and decimal by decimal, we as a Convention ought not to lose sight of the future. We should say to ourselves that, whatever the bargain struck may be-and it must be largely an impromptu, or rule of thumb, settlement-we will, with a common tariff and absolute intercolonial freetrade, secure such a wonderful development of our national resources as will enable us not only to carry easily the

cost of the new government, but will re-introduce a tide of prosperity-not transient, but permanent-into Australasia. New South Wales, I think, with all due deference to one of its representatives, has the most golden prospects. Her commanding natural position, her superb port, the wealth and population with which she commences her career, mark her out as certain to gain the greatest advantages flowing from Federation. If I turn to the colony in which I stand, whose Customs revenue bears the least favorable proportion to its debt, and which has started the heroic enterprise of connecting the south with the north and settling her tropical lands-with her territory enlarged by the trade of one portion of New South Wales, which she is rich enough to spare and yet find much more equally rich within her own territory, and with a part even of Victoria nearer to her seaboard than our own-I say that to South Australia will flow the second advantage of this union. But I do not now pretend to distribute the advantages among the colonies. I do not ignore the fact that Victoria hopes by the permanent advantages which will be given her productiveness to reap her reward for the undoubted sacrifices which she will be called upon to bear. Tasmania, with the markets of the continent thrown open to her and with her attractions, will have a future before her which she has longed for for many years, and which she has not yet been able to obtain. As for Western Australia, the Federal Government, whether asked to take over the railways or not, may make a connection that will bring our mails from Albany, and also undertake the development of the north-west territory of that colony. There are prizes for all to gain. The Hon. the Premier of the western colony would not confess to her reaping any advantages; but we have only to realise his shrewd business knowledge and tact to be sure that in one remote corner of that capacious brain of his is worked out a sum showing the substantial advantages of Federation to Western Aus- [start page 301] tralia. Why is he here? Those who know that hon. gentleman know that it is far from him to take distant tours during a general election for nothing. But, whatever the Finance Committee may propose, the Convention as a whole should take large views, and, seeing that there is indisputable gain to each and all, should not scrutinise to the last farthing or decimal any proposition which does not bear upon its face the stamp of absolute injustice. To sum up finally, with the National House and responsible government it appears to me that Australia as a nation will have nothing to fear; while with the States Council and, if they choose to demand it, a States referendum conceded, the States and their interests will have equally little to dread. As for the strain which is certain to be imposed in the future upon this Constitution, when these colonies, having then their tens of millions and their great potentialities, are sought to be brought into line by the Federal Government and show some sign of resistance and a too independent self-reliance, the same law-abiding quality which has brought the United States of America through all its trials and difficulties may be trusted to supply the centripetal force capable of keeping us together, provide the Constitution to be drafted be framed on sound lines within which centrifugal tendencies are not unduly fostered. I trust that all of us recognise that upon this Convention rests the responsibility of framing a Constitution for all time-that upon this Convention, and upon this Convention alone, rests the whole burden of Federation at the present moment. It is perhaps possible for us to fail altogether in our high aim, and we may easily fall far short of its final achievement; yet it is certain to be long before such another opportunity can present itself. The electors have set a great machinery in motion. The people of the whole continent have been moved and have responded. They have sent us here, and it would be the most unfortunate circumstance in our history if by any chance we could believe that, called into being under such auspicious circumstances, this Convention separated without drafting a Constitution which upon the face of it would commend itself to just and thoughtful minds. Political opportunities of this sort if missed rarely return again in the same generation. It is now known as an historical fact that the great power in the east of Europe whose despotic government constitutes perhaps one of the greatest menaces of the progress of political liberty in that portion of the world-the Empire of Russia, which remains a despotism today-had a comparatively liberal Constitution drafted and only awaiting its Emperor's signature to be affixed to it on the very day of his death. That untoward event has sufficed to check ever since, and evidently will bar for many years yet to come, the prospects which that magnificent nation then enjoyed of securing, after years of desperate agitation, an instalment of representative institutions. Should we fail in our task, it is as easily possible that decades may pass by before another such opportunity as this can present itself. The absence of Queensland from this Convention, once most ardent in its aspirations for union, is but the last of a long series of dangers of the cross currents of provincialism which we have still to encounter; and if the opportunity now offered does pass by we

cannot but remember that we have failed in a task which has been twice successfully accomplished under circumstances less favorable, although from external causes more pressing. The United States of America when founded constituted a far smaller area than that which we propose to bring into this Federation; it possessed a smaller population; it possessed less attractive prospects. The Dominion of Canada as established was smaller in area, smaller in population, and less hopeful in outlook. Where they have succeeded why should we fail? Is it possible when the Australian people for the first time have emerged as an Australian people, represented in an Australian Assembly to draft an Australian [start page 302] Constitution, that its great promise should disappear unfulfilled? Why should it if we are at once true to ourselves and loyal to each other? Rather than that any word of mine should have chilled or have deterred any of those who have come here in the hope that by mutual concessions an acceptable Constitution may be framed, I would that my tongue should have been withered at its roots. If any word of mine can have brought discord where there should be harmony, or can have repelled when it should have attracted-if any of my arguments have had that effect-it is my bitter misfortune; it has been farthest from my intention. The Constitution we seek to prepare is worthy of any and every personal sacrifice, for it is no ordinary measure, and must exercise no short-lived influence, since it precludes the advent of a nation. Awed as I feel by the fact that we come from, that we speak to, and that we act for a great constituency, awed as I feel in the presence of those who sent us here, I am more awed by the thought of the constituency which is not visible, but which awaits the result of our labors-we are the trustees for posterity for the unborn millions, unknown and unnumbered-whose aspirations we may help them to fulfil and whose destinies we may assist to determine. (Applause.)

POWER OF SELECT COMMITTEES.

The PRESIDENT: I must ask that order be maintained in the gallery, however eloquent the provocation. I may say that since this morning I have had the opportunity of considering the point of order that has been raised, and am now prepared to rule definitely on it. I rule, therefore, that if paragraph 5 of the contingent resolutions be carried in the form in which it appears in the paper, although the attention of the Constitutional Committee will be directed to the original resolutions, still no limitation whatever will be imposed upon their discretion in framing the Federal Constitution. I believe that this ruling will give effect, not only to the literal meaning of the contingent resolution, but also to the intention of the Convention with reference to the tabling and discussion of the original resolutions.

FEDERAL CONSTITUTION-RESOLUTIONS.

Debate continued.

Mr. CLARKE: I rise with very great diffidence to continue this discussion. We have heard an eloquent speech from Mr. Reid, and we have also heard an eloquent speech from Mr. Deakin, and it is very difficult for any ordinary speaker to continue the debate when the echoes of such eloquent voices are still ringing in this Chamber. If I may be allowed to substitute the name of Mr. Deakin for that of Brutus, I might say-

I am no orator, as Deakin is,

But, as you know me all, a plain blunt man.

I intend to speak my sentiments on this question very plainly, and I think it is the duty of all of us to give very plain expression to our views. In saying this I do not wish to detract in the slightest from the value of the speeches we have heard, because it is an acknowledged fact that when Mr. Reid and Mr. Deakin speak they cannot help being eloquent. I was one of those who at the start thought we ought to proceed without delay into Committee on the Bill of 1891, and, although I hold the same view still, I do not for one moment regret that I have been given the opportunity of hearing the very many excellent speeches that have been delivered in this debate. I think, however, a great mistake has

been made, for if we want to grasp the real difficulties of the situation it would have been much better if this assemblage, instead of listening to the speeches of those whom I may call juveniles, had been favored instead with the ripe experience and matured thoughts of the leaders of the Convention of 1891. I think it would have been much more instructive if we had heard [start page 303] the views of the great leaders of the federal movement in these colonies. The matters upon which I wish to speak are few in number, and I shall endeavor to make my remarks concerning them as brief as possible. I am glad to be able to say that, although a number of members have spoken, only two of them have disputed the rights of the smaller States to equal representation in the Senate.

Mr. LYNE: Four.

Mr. CLARKE: Only two unconditionally have repudiated the right of the smaller States to equal representation in the Senate. One of these, Mr. Lyne—who, by the way, Tasmania has lent to the mother-colony—has denied the rights of the smaller States to equal representation, and he has promulgated a scheme under which the two larger colonies would have sixteen representatives between them in the Senate, while the three smaller colonies combined would have only thirteen—that is to say, the two larger colonies together would have a majority of three in the Senate and an overwhelming majority in the House of Representatives. That is a system which no doubt would very admirably suit New South Wales and Victoria, but it is a system which the smaller colonies would not entertain for one single moment. Mr. Higgins also has disputed our right; and when I heard these gentlemen denying in calm and deliberate tones the right of the smaller States to equal representation in the Senate, I began to ask myself: On what basis have we come to this assembly at all? The answer is that we come here as coequal States. Has there ever been a federal assembly in Australia at which the right of the colonies to be treated as equals was not recognised by each of them having equal representation in the assembly?

Mr. HIGGINS: We are not in partnership yet.

Mr. CLARKE: I know we are not, but we want to get into one. And when this great movement was put on a proper footing by an arrangement among the Premiers to take the people into their confidence, how were the colonies invited to take part in this federal gathering? Were we asked to send members here on the basis of population? If that had been one of the terms, do any of you think the representatives of Tasmania would be here to-day? No; but the invitation given to us recognised our right as co-equal States, recognised the right of Tasmania as a State equal in all the attributes of sovereignty to any of the colonies in the group. This brings me to a question put by Mr. Higgins. He asks why should 160,000 people in Tasmania have the same voice in the Senate as the much larger population of New South Wales? I shall tell him it is because Tasmania is a State just as much as Victoria and the mother-colony are States, and because she possesses in the same degree the same attributes of sovereignty. I do not propose to follow Mr. Isaacs into an historical discussion upon the Connecticut compromise. We can afford to leave out historical discussions at the present time. It is true that the proposal made at the Philadelphia Convention which secured for each State equal representation in the Senate has been known as the Connecticut Compromise; but whether various schemes of representation were proposed during those deliberations or not, the one which was ultimately adopted and embodied in the Constitution of the United States became, to my mind, one of the principles of that Constitution, and on this point I beg leave to differ from Mr. Isaacs when he says we cannot base our claim on any principle. At all events, if we cannot base our claim to equal representation upon any historical principle, we can be at least original enough to discover a principle for ourselves, and I think the smaller States can lay down this principle, that unless the right of equal representation is conceded, they will have nothing to do with any scheme of Federation.

Mr. BARTON: Is it not rather previous to say that?

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Mr. CLARKE: No; because I think it is the one of the vital principles of Federation. I should like to know from Mr. Lyne and Mr. Higgins, who have denied the right of the smaller States to equal

representation, what sort of an union it is they want. They say that 160,000 people in Tasmania are only entitled to the same voice in the Senate as 160,000 in Victoria. I join issue with them at once, and say their argument is bad, because we are not going into this Federation simply as so many units of population. We are to be treated as separate political entities, and not treated as so many units of population. In accordance with the scheme of Mr. Lyne, and the arguments used by him and Mr. Higgins, a man is simply a man wherever he is, and 160,000 people in Tasmania would have no more voice in the Senate than 160,000 in New South Wales. The argument used by these gentlemen blots out altogether our existence as a separate colony. It blots out our own separate sovereignty and our separate State life, and, if carried into effect, would establish not a Federation, but a unification of these colonies, and reduce the State Parliaments to the position of municipal bodies. I desire to say a word in reference to the election of the representatives of the Senate. In my opinion each State should be one constituency, and if we adopt this system we will do away with the possibility of gerrymandering that so disgraces public life in America, and has even found its way to Switzerland. If the various local Parliaments have the right, either in the matter of electing members to the House of Representatives or to the Senate, of cutting up the colonies into electoral districts, it will open the way to that political corruption which has taken place in America, and which has disgraced public life there-the system of gerrymandering. I am, therefore, in favor of making each colony one electorate for the Senate. I have listened with very much pleasure to the speech delivered by Mr. Deakin, and I heard him declare that he is in favor of the rule of the majority. I am in favor of the rule of the people. I do not want a majority of the population in any particular colony to return all the members for that colony. I want to see the wishes of the people take effect, and in order to carry out the wishes of the people, and make Parliament a reflex of the opinion of the people we must introduce some such system of election as the Hare system. Under that method of election the views of the minority are taken into account, and it would be a fatal mistake-as we are establishing a Federation and want to establish it on proper lines-if we do not introduce some system by which the opinions of the minority would be respected to some extent. I therefore think that the Hare system of election ought to be adopted, both in reference to the Senate and the House of Representatives. Under the Commonwealth Bill of 1891 it was proposed-in reference to the House of Representatives - to give power to the local Parliaments to cut up the colonies into various electorates. I think that the Federal Parliament, however, ought to retain control over this matter, because we know the same power was given to the local Legislatures in America, and in the course of time the corrupt system of gerrymandering grew up, under which the various local Legislatures cut up the States from time to time into electorates to suit their own political purposes. The Federal Parliament ought therefore to retain control over this matter, so that at any time it could step in if the local States attempted to do any wrong. As to the franchise, I consider there ought to be a uniform franchise for both Houses. I recognise the great difficulties which have been pointed out in reference to this subject during the course of the debate. If we put into the Federal Constitution a provision that adult suffrage shall be the suffrage on which both Houses shall be elected it is possible that some, like my friend Mr. Dobson, whose conservative speech on Friday last seemed to many members like an echo of the olden [start page 305] time might find it very difficult to accept Federation on such terms. On the other hand, if we leave it to the Federal Parliament to frame a federal franchise it is quite possible that the women of South Australia would be running a great risk. On the whole, I am in favor of Mr. Isaacs' suggestion that manhood suffrage should be adopted as the federal franchise, with a proviso that in any colony where women have a vote for the local legislature they should not be deprived of their vote for the election for the Federal Parliament. With regard to the powers of the Senate, I think that it ought to have power to amend Money Bills except the annual Appropriation Bill. Members of this Convention seem to be greatly taken with the distinction drawn here last week between the different kinds of Money Bills. If they would only take the trouble to look at the debates of 1891 they would find that the very distinction which evoked so much praise here a few days ago was drawn by that very able statesman, Sir Samuel Griffith. Members of the Convention who object to give the Senate power to amend Money Bills are yet in favor of giving the Senate power to reject them *in toto*. The opinions of Sir Samuel Griffith are so weighty on this point that I would like, with the permission of the Convention, just to read a passage from the speech delivered by him on March 17th, 1891. Sir Samuel said:

As far as the ordinary Appropriation Bill is concerned, I do not think that the matter is worth fighting about. Most of the argument used has been made to apply to Money Bills generally—a class which none can describe in a few words, for almost any sort of Bill can be made into a Money Bill. Most of the argument has been applied to these in order to show that the ordinary machinery of government could not go on if the Senate could interfere with Money Bills. Why? If that means that the ordinary machinery of government could not go on, if the Senate interfered with the Appropriation Bill, I could understand the argument. But it must be remembered that it is not proposed to deny the Senate the power of veto. Surely if the Senate wanted to stop the machinery of government the way to do that would be to throw out the Appropriation Bill. That would effectually stop the machinery of government. I, for my part, am much inclined to think that the power of absolute rejection is a much more dangerous power than the power of amendment; yet it is the power that must be conceded. We all admit that; and in a Federation there is much more likelihood of that power of rejection being used than there is of the power of amendment being used. It is said that the Upper Houses in the Australian Colonies are coerced by putting things in the Appropriation Bill. So they are in the United Kingdom. Why? Because they are part of the same community, living in the same place, and elected by or chosen from the same class of people; but let it be borne in mind that in the Federal Constitution the members of the Senate would come from different parts of Australia, and be charged with the duty of protecting the rights of their own States, and if they saw that those rights could be protected only by rejecting a measure absolutely, and not by any smaller or milder action, I am sure that they would not hesitate to reject it and take the consequences.

I think that the views of this veteran statesman ought to commend themselves to the members of the Convention.

Mr. LYNE: What class of Bills comes under the definition of Money Bills?

Mr. CLARKE: That is a thing I am not competent to say; neither do I think that any member of the Convention is competent to define what is a Money Bill. I am satisfied with the distinction drawn by Sir Samuel Griffith, and I think we could get out of the difficulty if the members of Victoria and New South Wales were to look at the matter in the same way as Sir Samuel Griffith, and give to the smaller States the power to amend Money Bills, except the annual Appropriation Bill. Mr. Higgins gave us an illustration of what happened in Victoria. He told us that the Government of the day introduced a Bill dealing with the imposition of an income and land tax, and that the Upper House in that colony was favorable to an income tax, but disapproved of a land tax. As it could not amend it, it was obliged to throw out the whole measure.

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The result was that subsequently a measure was sent up again, dealing solely with the income tax, and it was agreed to. I would like to suggest to Mr. Higgins, because I think he is a reasonable man—all lawyer's may not be reasonable, but I think an equity one ought to be reasonable—and I should like to put it to him whether it would not have been better if the Upper House in Victoria had had this power of amendment, because by a simple process they could have accomplished without delay the very same result as was brought about subsequently after the loss of much time, and after the expenditure, no doubt, of a vast amount of lung power in the Lower House. The same thing applies to the illustration given by Mr. Reid. In his case he sent up a Bill, which was objected to, and he appealed to the people. He then sent it up in a less objectionable form, and by wooing the members of the Upper House managed to get it passed. It might have been better if the Upper House had had the power of amendment, or if Mr. Reid, instead of appealing to the country, had, in the first instance, adopted the conciliatory course he adopted in the second. With reference to the question of deadlocks, I do not think there is any necessity whatever to introduce any provision into the Constitution to deal with the Subject. The members whom the people of Australia will send to the Federal Parliament will, I hope, be reasonable men, with a high sense of the responsibility of their position, and of the magnitude of the interests committed to their charge. We do not want at the present time to frame a thoroughly perfect machine of government. No constitution was ever yet perfect, and none ever will be. Mr.

Gladstone has written on the subject, and I cannot do better than read one or two sentences from his remarks. He says of the English Constitution:

More, it must be admitted, than any other, it leaves open doors which lead into blind alleys, for it presumes more boldly than any other the good sense and the good faith of those who work it.

Then he says:

If, unhappily, these personages meet together on the great arena of a nation's fortunes, as jockeys meet upon a racecourse, each to urge to the uttermost, as against the others, the power of the animal he rides, or, as counsel in a court, each to procure the victory for his client, without respect to any other interest or right, then this boasted Constitution of ours is neither more nor less than a heap of absurdities.

He goes on to say:

The depositories of power will all respect one another, will evince a consciousness that they are working in a common interest for a common end, they will be possessed together with not less than an average intelligence, with not less than an average sense of equity and of the public interests and rights. When these reasonable expectations fail, then it must be admitted the British Constitution will be in danger.

These reasonable expectations have never failed in the old country, and I hope they will never fail in Australasia. The representatives of Victoria want to introduce a system of referendum to the States and to the people.

Sir WILLIAM ZEAL: Some of them.

Mr. CLARKE: I should say some of them. This, to my mind, seems to be an admission that, in their opinion, the reasonable expectations to which Mr. Gladstone referred will not be found in these colonies, and that the men whom Australia will send to the Federal Parliament will be less qualified to guide the destinies of their country than their brothers at home.

Mr. ISAACS: There is a safety-valve in the British Constitution.

Mr. CLARKE: There is no safety-valve in the British Constitution like the referendum. However, if those representatives of Victoria who wish to insert this admission of inferiority into the Constitution insist on it, I am willing to concede it if they abandon their objection to giving the Senate power to amend Money Bills, with the one exception to which I have referred.

Mr. ISAACS: It is no concession at all.

Mr. CLARKE: If we adopt the system they want it will not bring us any nearer to a settlement.

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Mr. ISAACS: Why do you call it a concession?

Mr. CLARKE: Because you want the referendum, and I am willing to concede it on the condition I have stated.

Mr. ISAACS: I am not asking for it in the interests of Victoria alone.

Mr. CLARKE: I was much struck in reading the reports of 1891 with the speech that was made at that Convention by Sir Richard Baker. I think Mr. Deakin said to-day that Sir Richard Baker had changed his mind on the subject since the last Convention, but on referring to the debates of 1891 I

find that on the 18th of March he advocated the same principle that he advocated here a few days ago—the principle of the Swiss Constitution. His speech is reported on pages 465 and 466 in the report of the proceedings of that Convention, and it is a very able argument. It was very forcibly laid before the Convention of 1891, and I am glad to say that it was laid before us a few days ago with equal emphasis and lucidity. I appreciate the difficulties which Sir Richard Baker has pointed out. I admit that we must start with responsible government, but we must also have the system of two Houses co-ordinate in every respect, except with regard to the one matter to which I have referred. We cannot hope, as I said before, to frame a thoroughly perfect Constitution, but the genius of our people will, in the course of time, evolve what is necessary to make the principles of responsible government and of two almost co-ordinate Houses work well together. With regard to the matter of the Federal Supreme Court I think it is a very moot point whether we should permit appeals from its decisions to the Privy Council, and on that matter I shall reserve my opinion until we get into Committee. I think, however, that we should adopt a different procedure with reference to the establishment of a Supreme Court to that which is set out in the Commonwealth Bill. Instead of giving the Parliament of the Commonwealth power to establish a Supreme Court we should embody it in the Constitution itself, so that it should not be in the competence of that Parliament to establish a second Supreme Court if it thought fit. I agree to a large extent with Mr. Wise with regard to the manner in which the judges should be appointed, but, on the other hand, there is a danger in allowing the Federal Assembly to appoint the judges. This point is very clearly set out by Dicey in his "The Law of the Constitution," in which he says—

Judges, further, must be appointed by some authority which is not judicial, and where decisions of a court control the action of Government there exists an irresistible temptation to appoint magistrates who agree (honestly it may be) with the views of the Executive. A strong argument expressed against Mr. Blaine's election was, that he would have the opportunity, as President, of nominating four judges, and that a politician allied with railway companies was likely to pack the Supreme Court with men certain to wrest the law in favor of mercantile corporations. The accusation may have been baseless; the fact that it should have been made and that even Republicans should declare that the time had come when Democrats should no longer be excluded from the Bench of the United States tells plainly enough of the special evils which must be weighed against the undoubted benefits of making the courts rather than the Legislature the arbiters of the Constitution.

There is one matter to which my friend Sir Edward Braddon has alluded, and that is the question whether or not members of the Federal Parliament should be eligible to sit in the local Parliaments and *vice versa*. I consider the matter might be very well left to the local Parliaments. Let us leave it perfectly open for any man, who is of course qualified in a proper way, to become a member of the Federal Parliament, and if the local States at any time find, after experience, that it is inconvenient or wrong for a man to sit in both Houses it will be open to them to pass laws disqualifying him from sitting in the local [\[start page 308\]](#) Parliament. I think it could very well be left to the local States to deal with these matters should the necessity arise. I do not intend to say anything on the question of finance or the railways further than this, that, in my opinion, we ought to retain to the States as large a measure of home rule as possible; but while extremely anxious to do this, I wish to so frame the Constitution that the Federal Parliament should not be put in the position contended for by Mr. Holder. That gentleman, in his able and admirable speech, suggested a scheme of confederation which resembled in its utter inefficiency the system which was originally in vogue in America, and which it was found so necessary to alter. I do not propose to address this Convention at any further length, but I desire to compliment the various gentlemen who have spoken upon the admirable manner in which they have conducted this debate. They have shown a true appreciation of the difficulties of the situation, and a spirit of compromise as to many matters which, I hope, will result in the establishment of the great principle we all have in view. Let us cultivate this spirit more and more, and show the people who sent us here that we know the seasons when to take occasion by the band, and make the bounds of freedom wider yet.

Sir EDWARD BRADDON: Mr. President—With the view of shortening the debate, I wish to make a brief statement, and that is that my hon. colleagues, the representatives of Tasmania, who have not

addressed themselves to this Convention have, applied to themselves the self-denying ordinance, and have agreed not to speak on this occasion. Mr. Brown, with that object, has yielded place to Mr. Clarke.

Mr. WALKER: I was one of those who hailed with satisfaction the chance of coming to visit this beautiful city of Adelaide, as it seemed to me only fair in the interests of Federation that we should have an opportunity of meeting in another capital. Hitherto meetings have been held at Sydney, Melbourne, and Hobart, and I trust that when we have an adjourned meeting for the final revision of the Constitution, that by that time, Queensland being within the Convention, we shall meet at Brisbane, and thereby prevent any anti-federal spirit existing in Queensland. It is only my intention to speak very briefly on a few of the constitutional points, and to enlarge to some little extent upon the financial aspect of this question. I have derived very great pleasure from hearing the speech of Sir George Turner, which was so very practical, but I shall restrict my remarks as much as possible, because I think that Mr. Barton and other hon. members who will be entrusted with the drafting of this Constitution, have by this time a pretty good idea of the consensus of opinion upon most points. I may say with regard to Tasmania—we have heard allusions to "little Tasmania" more than once—that, although Tasmania is not very large in area, it is twice the size of Switzerland, a country with three millions of inhabitants, and rather larger than the country I have the honor to come from, Scotland; and if Scotland is able to support 4,000,000 people, with its rigorous climate, surely Tasmania may hope in time to have quite 4,000,000 also. When I was there the other day, an elderly retired merchant informed me that he was not without hopes that in close upon five years Tasmania would have a population not far short of New South Wales to-day. Believing as I do in equal representation of the States in the Senate—we have no idea what the population of the various States will be within the next fifty years—and although on the face of it it might look rather singular that New South Wales or Victoria should have the same representation in that House as the less populous States—I think the time may come when we shall be very glad that we [start page 309] had adopted this plan. With regard to the number of members of the two Houses, our friend the Premier of New South Wales said he was willing that the National Assembly should have one member for every 60,000. It seems to me that this is an admirable arrangement, and it might be made a regulating ordinance, by which every time a new State is received into the union an additional ten members would be given to the House of Representatives; and consequently from time to time it would be easy to calculate what would be the proper number of electors entitled to return a member. Alluding to the hon. member's remarks, if we allow sixty members at present for these States, that means we have a population of 3,600,000. There would be in the House of Representatives one member for every 60,000, with a minimum of four for the less populous States. As an additional State comes in we may have to reduce the electoral quota, but if the population increases—as undoubtedly it will do—the electoral quota will be increased correspondingly. Considering the duties proposed to be conferred upon the Federal Parliament the House will for the present be large enough if it does contain sixty. On this point I am disappointed that there is no more general feeling in favor of increasing the duties of the Federal Parliament, when we consider what representation we shall have to undertake these duties. According to the Premier of New South Wales the tariff would yield only something like four millions, but I take the liberty to differ from him. I think, I have Mr. Coghlan on my side in saying that the present total Customs revenue is about six millions.

Sir GEORGE TURNER: Did he not say that if there were free trade it would be four millions?

Mr. MCMILLAN: Taking the New South Wales tariff as it will be in July next.

Mr. BARTON: With certain duties remitted.

Mr. WALKER: Four millions of money is a small revenue for the Federal Government; and I was particularly struck, therefore, with the magnificent speech of our honorable friend Mr. Deakin, in which he evidently thought there was a considerable waste of power. We should, I think, give the Parliament some work to do, and that work I take it should include the full control and management of the railways of Australasia. We speak about intercolonial freetrade. To carry that to the necessary

issue we should undoubtedly transfer those railways, and thereby fulfil the fifth clause in the first resolution-

That the trade and intercourse between the Federated Colonies, whether by land or sea, shall become and remain absolutely free.

I do not believe that the railways will be absolutely free so long as their control is left in the hands of the States. I do not think goods will have proper and expeditious conveyance from one part of the country to another until there is a uniform gauge, but I will not anticipate that part of my remarks. With regard to the franchise I recognise the force of the remark that the House which has the broadest franchise will be the predominating partner-the good old British idea that responsible government representing the largest number is the correct principle in government. It appears to me hon. members are straining at a gnat and swallowing a camel in allowing the Senate to veto a Bill, but not to accept at the same time any amendments in the same Bill. I admit that I retain a free mind on this matter, awaiting further guidance. I have been largely educated in federal principles since this Convention met - in listening to the magnificent speeches we have heard and in noticing the tone of them. Surely in these respects we have reason to be proud of the Convention. Now, as regards a matter we have heard little about-as to the federal capital. It seems to me that we must distinctly mention in the Constitution that the federal capital must be on federal territory, and [start page 310] must not be one of the existing capitals. With regard to the position, we are not called upon at present to say, as that, undoubtedly, ought to be settled by the Federal Parliament. There is a great deal of force in the idea that it should be placed comparatively accessible to the two colonies with largest population, probably between Sydney and Melbourne. I have heard some hon. members suggest some place on the dividing line between New South Wales and Victoria, and it is possible that may be acceptable hereafter. I met an old South Australian this morning, and he had rather a novel idea. He suggested that the federal capital of Australia ought to be London. He said all the Premiers were going there shortly, and he thought it would be a favorable opportunity for all the federal representatives of the people to accompany them. We ought to recognise in Federation that defence is a very important matter. The first consideration undoubtedly is to be able to defend ourselves. On this point I thoroughly agree that the total cost of defence, as well as quarantine, should be borne by the federal authorities. There is one colony which is not represented here which we hope will be seen here later-that is Queensland. One member, Mr. Higgins, referred to the necessities of Queensland. He seemed to have the idea that some provision would be required by that State for maintaining the control of its present system of colored labor within certain districts perhaps for some short time further. I need scarcely say that, having lived in that colony for twenty-five years, and having travelled over it from one corner to another, I know there are places in Queensland where, had it not been for the employment of colored labor, many white people would not have been where they are now; that is to say, where colored labor is employed very large business is, in consequence, done by white people. No doubt if we were at some future date to meet at Brisbane we would have an opportunity of seeing for ourselves that the employment of a certain proportion of colored labor is, in certain localities, necessary for the profitable carrying on of the sugar industry. We could visit Bundaberg, and see how happy many of those men are. We could see there magnificent plantations and a splendid refinery, and if we walked the streets on a Saturday night we would be impressed with the comfortable appearance of many of the kanakas.

Mr. HOLDER: If members go there they will come back stronger against colored labor than ever.

Mr. WALKER: I beg to differ from Mr. Holder. Now I come to the question of federal finance. In glancing through a paper, kindly supplied to me by Sir John Forrest, on "The Cost of Federal Finance," by Mr. Owen, the Government Actuary of Western Australia, I find an extract from a work which has already been very worthily praised by Mr. Deakin. The extract is from "The Coming Commonwealth," by Mr. Garran, in which he says-

The conditions which a perfect system of federal finance should satisfy are: That such a system shall-

(1) Be fair to all the States, not only at the date of union, but in view of their probable growth and other contingencies.

(2) Be so far final as to offer no encouragement to constant tinkering or agitation for better terms on behalf of one State or another.

(3) Be nevertheless so far elastic as to be adaptable to changing conditions.

I hope in anything I have to say today I shall not depart from any one of these excellent principles. In regard to statistics bearing upon this matter one cannot but deplore that the States do not end the financial year on the same day, and I trust that when Federation is accomplished the States will see it is consistent with States rights to make their financial years end at the same time. It will undoubtedly simplify correspondence between the Minister of Finance in the Federal Government and the local Treasurers. The proposed union, I take it, will have a commercial basis. There can [start page 311] be very little doubt but that the Customs revenue must be transferred to the Federal Government, and hereafter, when the Financial Committee meets, we shall, no doubt, have a strong discussion as to the basis on which net proceeds from Customs will be divided. To the average man who has not investigated the matter, it seems fair and just that the Customs duties should be distributed on a population basis all over the territory, but, unfortunately, when we come to look into it there must be a great deal to be said in favor of distributing in some proportion to be ascertained as to how much is contributed by each State. I admit that since the Bathurst Convention, where I had to speak on the financial question, I have had to modify some of my views. Adhering to the lines of the Commonwealth Bill of 1891. I tried to follow out the idea of paying drawbacks on dutiable goods sent across the border between each colony, so that each colony might have the benefit of the duties on these goods, but, as has already been pointed out, it is practically impossible. When you import an article into Melbourne and afterwards export it in its manufactured form it is simply impossible to say what portion of the duty is represented in the value of the manufactured article. Under these circumstances I recognise Mr. McMillan has grasped the position, and I am quite willing to follow in his footsteps in this matter. Now, with regard to the position between the Federal Government and the State Governments I take up the ground that this is largely a book-keeping matter, of one State having to pay so much and another State to receive so much. The position I take up is this: that the Federal Government will credit each State with its due proportion of the Customs and excise duties. If the railways are placed under the control of the Federal Government it will also credit each State with the net income, and upon the other side, if the consolidation of the debt takes place, it will debit each State with its proportion of the expenses of the Federal Government, and the amount of its interest on the consolidated debt, and thereafter hand the balance over to them in monthly instalments if so arranged. I took the opportunity of working out from Coghlan, a few months ago, a table which I will show to any one who likes to see it, and by it each colony on the previous basis I have mentioned comes out with a surplus. If in the case of the railways New South Wales gains a larger profit, New South Wales will reap the benefit, and as the railways are now going ahead in Western Australia, that colony will have the benefit. I may be asked at this stage what do you estimate as the total cost of the Federal Government? You will have to transfer to the Federal Government the cost of defences, quarantine, lighthouses, buoys, and so forth, and also charge them with the interest on the cost of fortifications in all the colonies. I think the annual expenditure transferred will represent about £700,000, and the cost of the Federal Government should be covered by about £300,000; so that the total cost need not exceed £1,000,000, or, say, at the rate of 2s. per head of the population for new expenditure. As against that you may say, what advantages shall we have, irrespective of prestige? If time permitted it would not be difficult to show these, and one of them will be that hereafter there will be the saving of interest on the consolidated debt.

Mr. HOLDER: We will lose a million by the adoption of intercolonial freetrade.

Mr. WALKER: To remedy that we shall have to instruct the Treasurer to produce a tariff that will give us as much as we now obtain by the outside and other duties.

Mr. BARTON: Well, that would increase the burdens of the people.

Mr. WALKER: Before going further into details in connection with the railways, I may mention that in regard to posts and telegraphs South Australia has a profit of something like £47,000 a year, [start page 312] whereas New South Wales has a loss of £69,000 a year. It would be manifestly unfair to South Australia, therefore, that her profit upon this department should be taken and put into the common purse to pay practically the loss of New South Wales. To get over that difficulty I take it that after we have had a few years' experience of a uniform postal rate, we shall be able to see the relative profit and loss of each colony, and if South Australia still shows a profit we shall have to capitalise the amount and credit her therewith.

Sir GEORGE TURNER: New South Wales gains £60,000 by your system of defence.

Mr. WALKER: I am thoroughly in favor of proceeding upon a proper business basis, and of not allowing any one place to have an advantage at the expense of another.

Mr. HIGGINS: Are the books in the South Australian Post Office kept on the same principle as the books in New South Wales?

Mr. WALKER: Of course, if a Federal Government is formed there will be one system of books in the departments in every State. The matter will rectify itself in a short time. Now you may say, "Where comes in the benefit?" Because, as my hon. friend Mr. Reid has said:-

We shall have to justify the cost of this Government to those who sent us here.

A strong anti-federalist in Sydney the other day, whose name I need not give, speaking to me, said:

So I see you are going to increase the cost of government still more to an already over-governed community.

"That may be so at first," I said, but it seems to me that if we proceed in the way in which we ought to proceed we should be able to reduce the cost of government, and that the seven governments will ultimately be less burdensome than the six governments are at the present time. When the States Governments see so many of their duties transferred to the Federal Government I hope they will arrange for a reduction in the number of members in their local parliaments, so that I think it will not be difficult to prove that the aggregate cost of the seven governments ought not to be a greater burden than that of the six is at the present time. To those, therefore, who take the rather commercial view of Federation, I think we can give some little comfort. With regard to the non-political control of the railways, I was glad to notice that Mr. McMillan, though opposed to handing over the railways to the Federal Government, recognised that in course of time, when we have a uniform gauge, the cost of procuring such should be borne by the Federal Government. Otherwise, if the question of a uniform gauge is left to the States, I fear we shall never have a uniform gauge. I do not want to go into details on this matter, because I believe the Premier of New South Wales and the other Premiers will see their way clear to allow their Chief Commissioners and other high railway officials to give evidence before the Committee to be appointed to look into finance and trade matters. As a non-expert I should be quite willing and be perfectly satisfied to accept the recommendations of the experts. Until I see them I hold to the opinion that it will be in the interests of Federation that there should be a federal non-political control of the railways. Many persons are under the impression that under the Federal Government the railways will be pooled. No one believes that under Federation the States will be pooled. Then, why should they entertain the idea that the railways will be pooled? It will really practically amount to this: if we consolidate the debts of these colonies the railways will be hypothecated by each State to the Federal Government as a security with the addition of the Customs duties to make provision for each State's share of the interest. Another advantage, which is a small one in the minds of some people, is that when the railways are under federal control we may hope to see all rolling-stock made in these [start page 313] colonies and extensive workshops built to meet the

demands. I am told by a railway expert that if all the railways were placed under one board there would be such a large amount of work to be done that it would pay well to have the railway workshops established here. I am aware that it would be a very difficult thing to show any great advantage at present time to Tasmania or Western Australia to come in under the railway board, but it seems to me that in connection with each of these colonies we can leave the matter in abeyance until they apply to be brought in. So anxious am I to see Western Australia connected with other portions of Australia that I hope the Federal Government will see their way clear to have a railway line connecting that colony with Port Augusta. Then when that is accomplished no doubt they will begin to see that there are advantages to be gained in being in the Federation, at any rate from a railway point of view. With regard to the advantages of uniformity I will take the liberty of giving you a quotation from a report made by Mr. Eddy at the opening of the Hawkesbury Bridge, New South Wales. Mr. Eddy said:-

The opening of the bridge over the Hawkesbury by His Excellency the Governor, Lord Carrington, on May 11th, marked a great event in the railway history of Australia, as it enabled passengers and goods to be conveyed by railway between four of the capital cities of the continent, but it is much to be regretted that, although this is true in regard to the continuous railway system, yet the inconvenience, delay, and expense of transshipment has to be suffered by all traffic owing to the lines having been constructed on three different gauges. The question of a universal gauge is of such vast importance to this great continent, both from a commercial point of view and also from a military standpoint, that we cannot too earnestly urge upon the Government the necessity of pressing the question upon the Governments of the other colonies, as we feel certain that if the break of gauge is allowed to continue the consequent inconvenience and cost will in a few years be so great as to render the adoption of a universal gauge imperative. Every year the change is delayed the mileage of rolling-stock increases and the cost of altering the gauge becomes greater. If the question could be settled at once, and the change carried out in about four years' time, and all additions to the rolling-stock constructed with a knowledge that at the end of that period it would have to be adapted to the requirements of the universal gauge, the cost of making the alteration would be found to be comparatively trifling if divided between the four colonies affected.

With regard to the delay arising from fixing the break of gauge, I find that in Ohio, after trying all sorts of mechanical appliances, they altered 10,000 miles of line from the 5ft. gauge to the 4ft. 8 1/2in. gauge in one week.

Sir GEORGE TURNER: How long will it take to alter the rolling stock?

Mr. WALKER: I am not an authority. I believe on the Great Western line in England they altered the gauge in thirty hours.

Sir GEORGE TURNER: That was only moving a rail.

Mr. WALKER: It has been said that in America they have an Inter-State Commission, and if Federation takes place here, I propose that we should have a Federal railway, and it may also be necessary to have a States Commission representing the Federal Government and the State Governments. However, I shall not go into that subject now, but I shall be prepared to state my proposal fully to the Committee next week. An excellent suggestion has been made by a member of the Upper House of this colony, regarding the difficulty of looking after the money received by the Federal Government, and which ought to be returned to the respective States. He states-

Why not have a Federal Finance and Audit Department, permanently established, beyond the reach of the Federal Government, which will receive and allot all Federal revenue-at any rate, all the revenues that the Federal Government is not directly empowered to receive, such as Customs, &c.? It seems to me, in the institution of such a department, with a clear, business-like, and commercial statement of how the State accounts were to be kept, we have provided against all surplus, against any

attempt of the States to badger the Federal Government, or cajole them, and take away any opportunity for the Federal Government to act extravagantly with the money of the States.

[start page 314]

We hear a great deal about the Federal Government having too much money, but I must admit that it seems to me it is generally the deficits that trouble the people, and not the surpluses, but still there seems to be a general opinion that the Federal Government is going to have too much money. I have a suggestion to make as to the way in which that danger may be removed. The way I propose is that we should try to consolidate our debts. However, Sir Philip Fysh has spoken on that subject, and I do not intend to follow him, or Mr. McMillan either, at present. I am one of those old fashioned people who think it will probably be better to consolidate the loans as they mature. Mr. Nash has told us that if we consolidate our debts at the present time, something like one million could be saved; but I am inclined to think it would be better to wait until our respective loans mature. I presume and hope that when the Premiers of the colonies go home to England shortly, as they intend doing, they will see the English authorities, and endeavor to have the Australasian consols placed on the list of stocks in which trustees are empowered to invest the funds under their charge. If by the consolidation of our debts we could in time save 2 1/2 millions a year, this would enable us to largely reduce our Customs duties, and free the people of heavy burdens which they at present have to bear. I desire to acknowledge my indebtedness to Dr. Quick for a paper which contains a large amount of valuable information in reference to the consolidation of our debts. With regard to this consolidation, we know that in everyday life, when we value a security, we want to know what return it brings in. When we know what return it brings in, we have some idea what its capital value is. The debt of these colonies, which we trust will federate, is something like £180,000,000, out of which £110,000,000 in round numbers represents the cost of the railways; but if we transfer to the Federal Government the Customs, producing £6,000,000 plus another £3,000,000, which is about the railway earnings, we give it an income of £9,000,000. With such a guarantee to offer the British investor, surely the Federal Government would have no difficulty in effecting a great saving in interest. I am aware that it is not probable that at the present time the Convention will agree to take over the railways, nor perhaps will it be desirable to do so without some delay, but I should like to see a clause in the Constitution making it mandatory on the Federal Government to take them when it is deemed by it desirable to do so.

Sir GEORGE TURNER: Without the consent of the States?

Mr. WALKER: Yes. With regard to Australasian consols, it seems to me that when we have to offer them they should be interminable, except at our own option, say after forty years.

Sir GEORGE TURNER: Twenty-five years would be long enough.

Mr. WALKER: Of course, we must recognise that trustees and others like investments which will not be disturbed for many years, and you will get a better price if it is a long time before you can redeem them. It seems to me that when we have these Australasian consols we should issue them with the right to redeem them after a certain time, as it was because such a power was retained by the Imperial Government that Mr. Goschen was enabled to make such a grand success of his conversion of the National Debt. We know in connection with the colony of Western Australia that if they have merely to rely on the federal tariff for revenue they could not possibly afford to come into the Federation. It seems, therefore, to me, that in the Constitution power must be given to treat that colony in an exceptional manner for some time. How that is to be done it is difficult to say, but, at the first blush, it would appear that the best way [start page 315] would be to give them permission to have a little extra tariff on their own account, as otherwise they could not afford to lose the revenue.

Mr. LYNE: A tariff within a tariff.

Mr. WALKER: I do not see otherwise how you can do it. I presume that it is understood that the name of the new Government is to be the Commonwealth of Australasia, and not of Australia, as I believe if once we federate, sooner or later, the great colony of New Zealand will come in.

Mr. BARTON: Not for along time.

Mr. WALKER: As has already been said, if we could agree to this scheme of Federation, nothing could better celebrate the record year of Her Majesty's reign. I am aware, Sir, that I have not done justice to this theme; but, on the other hand; I hope I have not trespassed too long on the attention of the House. It appears to me there may be railways undertaken for strategic purposes by the Federal Government, not only that one to Western Australia, but one to connect us with Port Darwin. There is a magnificent harbor there, and sooner or later we ought to make use of it. We ought to have a naval depot there for contingencies that may arise.

Mr. SOLOMON: It would have been there instead of at Thursday Island if justice had been done.

Mr. WALKER: I should say at both, as unfortunately we are not owners of New Guinea. Had we obtained by cession or otherwise the portion belonging to the Dutch, who do little colonisation, and the portion belonging to Germany, New Guinea would have been an appendage of Australia. Port Darwin is too magnificent a port to be allowed to remain idle. If we ever make this Transcontinental railway it will be an important station on the postal route to England and the East. We must, of course, proceed in the spirit of compromise, and as a representative of New South Wales I shall be sorry if after such a splendid commencement as we have made we should allow private views to prevent the public having something from our work. I feel disposed to support my honorable friend Mr. Reid about responsible government, but I want to reserve my opinion. I have heard so many good speeches and am not a lawyer that I want to think the question out so as to vote in a proper way when in Committee. I think the States Council should have power to amend Loan Bills, whether or not they should have power to amend Taxation Bills. If you give them the power to veto a Taxation Bill and not to amend it it seems to me like straining at the gnat and swallowing the camel. Very often a short amendment would have the desired effect. I thank the Convention for the quiet way they have heard my remarks, and I trust we shall proceed with our work and get into Committee as soon as possible.

Mr. GORDON: I propose to make a very short speech in addressing myself to these questions which have been so fully and so ably discussed. I shall jettison everything in the way of rhetorical embellishment, both for reasons of brevity, and, I am not ashamed to confess, because I know that my poor wares of this kind would be overshadowed completely by the admirable productions we have had from honorable members during the course of this debate. But with one's natural love for his offspring, no matter how humble, I would ask the Premier of New South Wales if, when as captain of the ship he happens upon the flotsam and jetsam on the "Unknown sea of Federation," he will rescue it for the sake of memories of other days. When I heard one hon. member describe the resolutions as a text, and when I heard the Hon. Mr. Barton himself say that one part of them was an inspiration, the combination of text and inspiration inclined me to be a little shy of dealing with them in a mixed assembly.

[start page 316]

But I must be a little courageous with regard to one matter of which I have been reminded by the Hon. Sir Richard Baker. In the last line but one of sub-section A of the resolutions I shall move before I sit down

That the word "for" be inserted after the word "Bills,"

making it read:

To possess the sole power of originating all Bills for appropriating revenue, or imposing taxation,

so as to make it perfectly clear that the sole power of origination shall be confined to Bills specially of that class and shall not be extended or be claimed to be extended to Bills which only incidentally require some provision from the national exchequer.

Mr. BARTON: I should like to say, Mr. President, that that was really my intention, that it was purely a slip that the word "for" was not inserted. The word is in the Constitution Bill dealing with that, and with the concurrence of the Convention I think that word should be inserted now.

HON. MEMBERS: Hear, hear.

Mr. GORDON: I take it that will be done then. I would like, with the permission of this distinguished assemblage, to confine, my remarks to a few general observations, which will nevertheless have a particular bearing. Admittedly, any attempt to deal with this question is one of very great difficulty. No one can be otherwise than daunted by its difficulties and its magnitude. The well-known dictum of Freeman, that the federal form of government is a delicate and highly artificial structure which ill bears transplanting to soil not properly prepared for it, was never more signally justified than by our present deliberations. One of the greatest of our difficulties is, in my humble opinion, the doubt whether or not the soil, as represented by the necessities and desires of the people of the colonies, is properly prepared. In the evolution of history, as in the same law in nature, a premature step or a step too quickly taken means in the end delay, not progress. Judging from the comparatively small interest taken in the recent elections, as well as from the tenor of this debate, I think it is very much open to doubt whether there is such a general desire for Federation as will make the erection of the delicate federal structure altogether an easy matter. Men of the British race are very slow to transfer their allegiance to new governmental masters, to change the forms of government the working of which they know, to which they are accustomed, and upon which they have relied. It must be remembered that the results of our deliberations have to be referred to the people. There are reasons which we should not entirely overlook which cause many, to regard the Federation movement with extreme caution, and with some apprehension as to its effects upon their immediate interests. The ordinary citizen is compelled by his necessities to take somewhat short views. Intercolonial freetrade will undoubtedly change the manufacturing centres, and with them the residences of the masses of labor must also change. This will be an immediate but not a permanent disadvantage. We have to show to the people of the colonies who will be affected in this way that this immediate dislocation of trade will be of ultimate and permanent advantage to them, as I believe it will be. Even in the case of the American States, pressed as they were by dangers from without and dissensions within—bankrupt as a Confederacy and bankrupt as States—the men of genius who led the Federal movement had the greatest difficulty in securing the adhesion of the people to their proposals. This difficulty is ten times enhanced in these colonies, where no such urgent reasons exist; where each of the colonies stands high in the credit of the world's markets, equal in that respect if not better than many of the ancient European countries. These remarks are in themselves trite, but they are necessary to the short argument which I shall make, and the point of which is, that in the Constitution we are about to formulate, [start page 317] we should make the smallest draft which can be made consistently with cohesion, upon the allegiance of the people of these States to the Governments under which they at present live. They are the governments to which they are accustomed; they are the governments they have themselves moulded into effective legislative machines under which a greater share of political liberty is experienced than in any countries the world ever saw. Young as they are, the colonies have histories and traditions to which they have become attached, and they are justly proud of the social and political conditions which their genius has largely created. It is an easy gibe to call this attachment parochial. I have heard that objectionable word used a good many times in the course of this debate. Cannot hon. members see that this admirable attachment to existing institutions is the best guarantee of loyalty to the new government we seek to create, when once fealty is given to it? Do not let me be misunderstood. I have no wish to decry the national ideal which has been adorned and exalted with so much moving rhetoric during this debate. I have worshipped a little at that shrine myself, though never, of course, in language so graceful or so noble as I have been privileged to listen to here. But when the music of these speeches we have listened to has died away, I have asked myself more than once, as each member no doubt has, what answer shall I give to the people when they ask

what benefits they will get under the new government proposed? How much, in addition to their present advantages, is this government going to promote the liberty and happiness of the people of these States beyond the happy stage they have at present reached, and which they have reached by the exercise of those very powers which they are now to surrender to a new government? For it must be evident that if, in addition to the powers and utilities proposed to be conferred by the Commonwealth Bill, the States surrender also their railways they will have little or no control either over their social development or over those commercial arteries through which, as Sir John Forrest said, the lifeblood of the colonies flows. We are raising a new government in Australia, the exact operations and effects of which, I venture to submit, there is no man in this Assembly able to predict. Though we have every belief in its success, it is entirely an experiment.

Mr. HOWE: We have the experiments of other countries to guide us.

Mr. GORDON: We have the experience of very few Federations, and of none under similar conditions. If I had to say now whether I would rather see a United Australia in the same condition as America is now, or whether I would rather have the separate States of Australasia in the condition in which they are now, I would not hesitate to hold up both hands for the maintenance of the present conditions.

Sir WILLIAM ZEAL: If a European war broke out, and Great Britain stood alone, where would you be then?

Mr. GORDON: I do not share the fears of the hon. member as regards the safety of Australia in the event of a European war. As a Minister of Defence for three years I have studied this question pretty closely. Some of the most eminent naval and military authorities point out that there is no power in the world at present that in the event of a war could afford to detach an invading force that the Australian Colonies, with even their present means of defence, would not be able to eat up in a month. The same might also be said of a naval attack. No European nation has squadrons to spare which our present defence by the Imperial men-of-war and the local gunboats is not sufficient to meet. The danger from flying cruisers along our enormous coastline would always exist.

Sir WILLIAM ZEAL: How could you prevent the Japanese from taking Port Darwin?

[start page 318]

An HON. MEMBER: How could you protect the commerce?

Mr. GORDON: The hon. member may not have the confidence in the English Government that I have. I have every hope that England will continue to protect us to the same extent as now. The commerce of Australia is part of British commerce, and so long as Great Britain is mistress of the seas she will protect it. When she ceases to be mistress of the seas I think we may all hand in our checks, whether we are federated or not.

Mr. HOWE: All the more reason why we should federate.

Mr. GORDON: If England ceased to be mistress of the seas Federated Australia would not be able to protect its commerce against naval powers which overcame the greatest navy the world has ever had. But all these questions are hypothetical, and are leading me away from the point I wish to make.

Sir JOHN DOWNER: Are you speaking against Federation?

Mr. GORDON: If the hon. member will allow me I hope I will convince him I am not against a Federation which involves a reasonable surrender by the States. I am attempting to lay down, perhaps out of abundant caution, one or two principles by which I humbly think we should be guided, and by which I think the people will expect us to be guided in framing this Constitution. Many hon. members

are protesting against surrendering more power than is necessary, but while they are protesting with their mouths their hearts are not in the business, and they are agreeing to surrender everything. They are stripping themselves of their clothes, and the only thing that will be left to them will be the tattoo marks which expressed their early attachment to their States. The genius, at any rate of South Australian politics, has been local government; but proposals which embrace, amongst other things, the surrender of railways, telegraphs, and post offices take us back to a huge system of centralisation. I agree entirely with Sir John Forrest in his concise and businesslike remarks on this head. So far as South Australia is concerned, we have nothing to gain in the way of additional social advantages as distinguished from purely commercial advantages by Federation. We are already in the very van of social progress, while some of the other colonies are halting behind us. But we have, I admit, a good deal to gain commercially from a fair compact with our neighbors, just as we have a good deal to give.

Mr. FRASER: But nationally you gain.

Mr. GORDON: Undoubtedly Australia will gain in national strength, but at the same time there are powers proposed to be surrendered, which the colonies can, I submit, control better themselves.

Mr. ISAACS: Surely this question was determined when the Enabling Bill was passed?

Mr. GORDON: I have not the hon. member's rapidity of argument and conclusion. If he follows me he will see that I am only speaking by way of attempting a limitation of the surrenders which it is proposed to give to the Federal Government. I say when we submit to the contract we make here we shall have to prove to the people that the powers we surrender can be better used than heretofore. They will not be content with eloquent assurances that it is all right. We must demonstrate to them that the proposals are advantageous. And now let me with great rapidity look at some of the proposals in the light of the proposition that the draft upon the allegiance of the people to their States Governments should be as small as possible, and that the disturbance to local conditions should be as little as possible. I shall make my articles of belief brief and categorical. I see no great advantage in handing over the post offices. The advantage so loyally mentioned by Sir [\[start page 319\]](#) Philip Fysh of having the same Queen's head upon all Australian stamps does not seem to compensate for the creation of a large body of federal servants in each State beyond the control of the State Government, and owing their allegiance to the superior power; and further, I fully coincide, as an old post office Minister, in the remarks made by Sir John Forrest upon the much less effective administration which a distant control involves. I agree, for reasons so ably given by Mr. O'Connor and other delegates, that the railways should not be handed over. This argument has been already so well put that I will not elaborate it. But no hon. member has expressed any opinion as to the effect upon a State of having all the servants of these two great branches, post offices and railways, turned into federal servants, directly removed from local control, having no local interests, so far as their ambitions are concerned, and by a gradual process of detachment becoming in interest and sentiment alien to the State in which for the time being they are employed. There must, however, be vested in the Federal Government ample authority to prevent both preferential railway rates and the building of competitive railway lines. Some hon. members may remember that I ineffectually sought to have this power incorporated in the Bill of 1891. It is encouraging to find that opinion has changed. It has been argued that the provision will be inoperative because a similar authority over railways in America and England has failed. But I point out that there is only a seeming analogy between the cases. Both in England and America the lines are owned privately. Their proprietors are bound neither by any bond of honor between themselves nor by any obligation to the Governments. They are purely commercial adventurers. In the case of the colonies the contracting parties will be sovereign States, whose public honor will be pledged. To doubt their adhering in good faith to any contract they solemnly agree to is to poison at its very source the fountain of justice and good faith upon which the Commonwealth, if it is to stand at all, must stand. I have no doubt whatever that any contract entered into between the States would be fully and amply maintained, and that the difficulties which in America and England have been found in dealing with private companies would not exist. The hon. the Premier of New South Wales has made a very handsome recognition of the necessity for the vesting of this power in

the federal authority. The hon. gentleman is representing the colony which could best of all maintain its position in the fight of railway tariffs. We are all grateful for the concession he makes. But I hope that the hon. gentleman in reconsidering the question will be disposed to go a little further than he has stated he is prepared to go, and will agree to the federal authority having the power to prevent, also, the building of any railway which would have the direct, unmistakeable effect of diverting trade from its proper outlet. Of course, the judge in this matter would be the federal authority. The hon. member will see that I have in my mind's eye the railway that is threatened to be built from the Barrier to a distant point in New South Wales. All the experts who have inquired into the matter agree that it would never pay. If the railway were built it would be only for the purpose of taking away the trade from the South Australian ports—Port Pirie and Port Augusta. Mr. Reid rather qualified his adherence to the principle I wish to lay down, but I do not doubt that, on consideration, he will agree that any measure should be prevented which would have the designed effect of diverting trade from its natural channels within the Commonwealth. I am exceedingly glad to be supported in my view on these questions by so eminent a railway expert as Mr. Grant, the representative of Tasmania. I only repeat that once the agreement is entered into there will [start page 320] be no breach of it. If we are to anticipate breaches of faith in such matters as this, our troubles will not end with the wedding bells, but will only begin with them. And now just a word on the financial problem. I think I should be more than human if I did not remind hon. members that I was the only member of the 1891 Convention who boldly ventured to say that the financial proposals of the Commonwealth Bill were clumsy and inequitable: and such is now the view of those best qualified to express an opinion. I am glad to know in regard to this financial problem, that some of those of more mature experience than myself who supported the proposals in the Bill of 1891 so vigorously, have since reconsidered the question, and now partially support the view which I took. I have struggled in vain to master the subject in connection with our present proposals, and to find a solution of the difficulties. I have read and re-read the disquisitions of Sir Samuel Griffith, Dr. Quick, and notably Mr. Nash, who has entered upon a long, exceedingly coherent and sustained examination of all the financial propositions, but I have come out of the study more confused and confounded than ever.

Mr. REID: You should read them after you study them.

Mr. GORDON: I am dealing merely with what appear to be little more than conjectures on this question, and if we place the conjectures of the experts in juxtaposition, I do not know that a prettier problem was ever submitted to an innocent amateur financier. In addition to these attempts at its solution, I have listened to the very able speeches made by Mr. McMillan, Mr. Walker, and other acknowledged masters of the art of financing, but I have come out more confounded and confused still, and I venture to think that everyone else is in the same position.

Mr. REID: Only a method of bookkeeping.

Mr. GORDON: Mr. McMillan practically admits with regard to the schemes of the other financial experts that madness lies that way; and he admits that even his own scheme it is only a milder form of lunacy which is to be periodically tempered by intervals of lucidity. Each of these financial experts launches himself upon a troubled sea in a financial cockle boat of his own design, most of them taking in water and none able to make a port. Out of all this confusion which exists in the minds of the men who, if there were any solution, would be the men to find it, comes the clear, simple, understandable, and workable proposition which I advocated in 1891, and which has since had the indorsement of eminent authorities, not the least of whom is the hon. member, my old colleague, Mr. Holder. You may be assured that what he states to be right in matters of finance is not far from wrong.

Mr. GLYNN: You have been colleagues.

Mr. GORDON: That is why I know so well the value of his opinion. No scheme which has been propounded and which involves the collection of the Customs duties by the Central Government gives either satisfaction or justice all round. It contains the germ of discontent, and, as Mr. McMillan has suggested, might lead possibly to revolution. Let us examine the problem. The object to be achieved is

to secure a contribution *per capita* from the people of each State towards the expense of the Federal Government. Except for considerations which I shall presently mention, the obvious way of achieving this is for each State to collect the tax and pay it over to the Central Government. We are told, however, that this scheme is inherently vicious because it makes the Federal Government dependent to some extent or, as others say, wholly dependent on the State. For the sake of argument I will admit that, but I do not propose that there should be no ultimate and direct resort for the Central Government [start page 321] as was the case in the American Confederacy, which broke down because the Government had no power to enforce its demands upon the individuals of the Commonwealth. But what is to prevent our giving the Federal Government the power, if any State makes default, to assume not only the collection of the Customs duties, but to impose any other form of taxation upon its people it chooses to exercise. I am sure that every State is so secure in its belief in its own honor that it would grant any penal power to the Federal Government in case of default. The American Confederacy had no such reserve power upon the individuals of the States to secure their quotas of either men or money. Where, then, if this is granted, is the argument that this scheme is vicious, because it allows no direct control by the Federal Government over the individual of the State? It vanishes into thin air, and those members who have been so impressed by the essays of Hamilton will, I beg with much respect, reconsider the whole matter. The weakness of the American Confederacy was that the compact between the States gave the central authority no power over the individuals of the State. The Confederacy asked for quotas of men and money, and when the States, either through inability or unwillingness, failed to comply with the requests, the only way to enforce the request was by actual entry into the defaulting State. They had no power over the individual units of the State. I propose to improve that by giving the Federal authority unlimited power of taxing individuals, that power to be held in reserve.

Mr. GLYNN: How would it work in intercolonial free trade?

Mr. GORDON: We know what the population is, and the contribution would be *per capita*.

Mr. GLYNN: How would you know the amount each State received?

Mr. GORDON: If it is agreed that the contribution should be *per capita* you must ascertain how many people there are in each State. The calculation would be a simple matter.

Mr. WALKER: How do you divide the Customs receipts?

Mr. GORDON: Let each State receive its Customs receipts as it does now.

A MEMBER: They would go over the border.

Mr. GORDON: Every scheme has its disadvantages, and if the hon. member can show a scheme with fewer disadvantages I would adopt it.

Mr. WALKER: By your scheme the goods come into Victoria and are consumed in New South Wales.

Mr. GORDON: Admittedly there are inequalities, but there is no scheme that avoids them. There is no scheme that has less elements of future discontent and quarrelling than this. It contains the advantages of practicability, of directness, and of being understood by the people.

Mr. DOBSON: Can you quote an authority?

Mr. GORDON: With very much submission I advocate this scheme, and if it is to be dismissed on the ground of inequalities between the colonies, then it should be shown that these are greater than the admitted inequalities of any other scheme; because I maintain, with much respect, that it cannot be dismissed on the grounds on which it has hitherto been dismissed, namely, that it will not allow the

federal authority to operate upon the individual; for I propose that the fullest powers shall be given to the federal authority.

An HON. MEMBER: What power?

Mr. GORDON: The fullest powers of taxation. I believe, as I have said, that every colony is so confirmed in its belief in its own honor and reputation in connection with the engagements entered into, that I do not think there is any fear of either of the States repudiating their obligations to the Federal Government.

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Mr. GLYNN: How would it be in the case of the federal authority being in default?

Mr. GORDON: These sovereign States, with the credit in the markets of the world, are not likely to make default.

Mr. REID: In your experience you have known more than one Taxation Bill suffer for a very small default.

Mr. GORDON: I cannot catch my hon. friend's allusion. The American Confederation had no such reserve as I propose to give the federal authority. But would any colony dare to repudiate its liabilities to the central authority without ruining its credit in the markets of the world?

Mr. GLYNN: They were six years' interest behind.

Mr. REID: What! the Australian Colonies?

Mr. GLYNN: No; the American colonies.

Mr. GORDON: Yes; the Confederacy was absolutely bankrupt. Too much has been made of the example of the outworn States of America. Even if it were proposed to give no more powers against States than the Confederacy had - though no one proposes so narrow a foundation-our colonies are in a very different position from them.

Mr. DOBSON: Supposing it is a refusal to pay on some religious dispute.

Mr. GORDON: I cannot agree that that is a reasonable contingency. I am afraid that the religious views of the colonies are not strong enough to enable them to take such a pronounced step. The fact is that none of the colonies would repudiate their obligations, and any colonies that did would become revolutionary on other grounds. It is as easy to suppose that any colony would revolt as that it would repudiate its obligations to the central authority. Mr. Barton said that if the States would not trust the Federal Government why ask the Federal Government to trust the States? I do not think that is the question. I have no more doubt of the honor of the Central Government to the States than I have of the honor of the States. Our difficulty is to find a method to discharge the obligations which these bodies must incur to each other, which shall be simple, efficacious, and not irritable. I know, of course, the reasoning of Hamilton on this question, but while there was great force in his theories, as applied to the conditions of his time, they do not apply to the circumstances of our colonies.

Mr. DOBSON: If the Federal Government has a surplus, can you not trust it to deal with the money under the Constitution?

Mr. GORDON: One great difficulty under the distribution of surplus scheme will be for the people to know exactly what they have to pay. I submit with much confidence that the balance of advantage is much in favor of the simple, direct, and easily understood scheme which I advocate. It has for all practical purposes the constitutional strength of the other proposals, and it is infinitely

simpler. It conforms to my proposition that State conditions should be disturbed as little as possible. On the question of the consolidation of loans, it occurs to me in passing that no allowance has been made in the calculations which we have listened to for the greater rate of interest which the States will have to pay for their State loans, for I suppose the States will have to finance for local purposes. Directly you elevate the Federal Parliament into the position of a first-class borrower, you reduce each of the States into the position of an inferior body.

Mr. WALKER: They can borrow at 3 per cent. through the Central Government.

Mr. GORDON: In reply to that I say that if this distinguished assemblage is anything like what the Senate is going to be—although I cannot conceive that this highly Conservative body is any- [start page 323] thing like the assemblage which will represent the final views of the people—that you would not get the Senate to authorise the borrowing of money for many such social schemes as have been carried in South Australia, and to carry on which money would have to be borrowed. I doubt whether we would have got our village settlements scheme through such an assemblage as this, nor do I think we would have established our State Bank.

Mr. WALKER: Hear, hear.

Mr. GORDON: There is the view of one hon. member at once, though he knows little about the special circumstances of this colony. The hon. member, who has not devoted much attention to this village settlements scheme admits he would object to the borrowing of money through the central authority for such purposes as I have mentioned. Here you would have a strangling grip on the policy of a colony such as South Australia, if, as appears likely, the States Government would have to pay heavier interest than it does now for schemes which the Federal Government would not approve. I protest with the strongest language of which I am capable, against every artery through which the life of local government flows being handed over to the Central Government. My hon. friend Mr. Walker might be in the Federal Assembly, and he says he would veto such institutions as our State Bank and Village Settlements, which I regard as among our most useful institutions.

DR. COCKBURN: Hear, hear.

Mr. DOBSON: Time will show.

Mr. WALKER: So long as you have a surplus coming to you, you can do whatever you like with it.

Mr. GORDON: If the hon. member knows anything of our finances, he must know that the surplus coming to the colonies after payment of current charges is not sufficient to enable them to establish such schemes as the village settlements.

Mr. WALKER: A good job too.

Mr. GORDON: Again the hon. member condemns one of our institutions of which we are most proud; one which cleared our streets of many who were starving.

Mr. SOLOMON: A most expensive charity.

MR. GORDON: The hon. member cannot divest himself of the idea that he is leader of the Opposition. The village settlements scheme is one of the most beneficent and useful. schemes established in any country in the world. I wish I could show many hon. members the people on these settlements who had no homes of their own before they went there. I have been somewhat diverted from my argument that the saving to be achieved by the federal authority borrowing is to be somewhat discounted by the higher rate the colonies would have to pay for their State borrowing. For there must still exist some things upon which the States must borrow upon their own account. I

instanced the village settlements, and the hon. member replied, "Why, come to the Central Government, and we will give you the money." I asked if he would give us money for the village settlements, and he said "No."

Mr. WALKER: We have given you one village settlement-Broken Hill.

Mr. GORDON: And we have taken great care of it; but I protest against Broken Hill being considered a village settlement of New South Wales. It was started and developed by South Australia. It is distinctly South Australian, and it would never have been exploited by the somewhat easy-going New South Wales.

Mr. BARTON: Do you want it?

Mr. GORDON: I have left myself little time to discuss the constitutional questions. With regard to the question of responsible government, I am not going to take up much time with regard to it. I do not by any means regard it with such sacred awe as does Mr. Isaacs. I am sorry if my irreverent interjection disturbed his glow- [start page 324] ing apostrophe. But when he struck an attitude, and declared that any man who did not believe in responsible government was execrable, I was both surprised and amused. Within these very walls two Governments, of one of which, Sir, you were the Premier, have proposed to adopt the Swiss method of electing Ministries, and I myself, twice in the Legislative Council, have been the leader of a Ministry which has proposed it, so that if the hon. member went round with his little bell, book, and candle he would find enough execrable persons in South Australia.

Mr. REID: I do not wonder that some of the Ministries only lasted a month.

Mr. GORDON: I only hope that the hon. member's tenure of office in New South Wales will be as long as one of the Ministries I refer to. I am sure it would be for the benefit of New South Wales.

Mr. ISAACS: Was it carried?

Mr. GORDON: It was proposed, and had many supporters. There is also a very large body of educated public opinion in England against responsible government, whose cry is "Americanise our great institutions." It is supported by Sir Henry Maine, a publicist and brilliant essayist. The hon. member overstated even the extreme opposite opinion when he said that anyone who opposed responsible government was execrable.

Mr. ISAACS: You put it a little stronger than I did.

Mr. GORDON: Execrable was the word. There is a strong feeling in South Australia in favor of the Swiss method of electing Ministers, and there is the solemn assertion of a Parliamentary Committee or Commission in New Zealand which absolutely condemns party government. Responsible government is on its trial. It is not ancient. It has really sprung into force within the lives of our grandfathers. While sorry that I interrupted Mr. Isaacs, I think that, on consideration, he will see that his suggestion was not justified by the present state of political opinion. The conversion of Sir Richard Baker is clearly due to the fact I have just mentioned, that twice in the Legislative Council I have advocated this system. He was in opposition at the time, but like a man of reason and a man of courage. Having listened to arguments which no reasonable man could hear and resist, he changed his opinion.

Mr. DEAKIN: I forgive him, then.

Mr. GORDON: While I am not advocating by any means the assertion in the Bill that the Federal Government should be worked upon any other than the responsible government system, I protest against any particular system being imposed on the Federal Government. I contend for freedom. As

Mr. Wise so well put it: the genius of the Federal Parliament will be equal to any necessity that may arise and will mould the machine which we entrust to their hands in a manner that will redound to the credit of Australia and the advantage of its people. I have never been able to see any fatal result to all that is best in responsible government in a recognition of the individual as distinguished from the corporate responsibility of ministers.

Mr. ISAACS: Responsible to whom?

Mr. GORDON: Responsible to both Houses of Parliament. Just a word on the question of the powers of the Senate. A great deal of interesting history has been quoted as to the genesis of the American Senate and the intentions of its founders. I do not think this helps us very much. The flowers of a hundred years have bloomed and perished on the graves of these gentlemen, and the political machine they constructed has acquired an importance which they may or may not have intended.

Mr. ISAACS: Because it was asserted, then, that it was not intended to make the [start page 325] Senate of the United States an Upper House.

Mr. GORDON: Whoever made that assertion uttered one which is comparatively idle as affecting the point at issue. The genesis of the American Senate has not much more to do with our present position than the evolutionary struggles of our anthropoid ancestors have to do with our actions in this Convention. We have to consider the Senate as a going concern, and to gather what lessons we can from it as it exists to-day. Equal representation in the Senate is necessary, and this is I think generally conceded. I lay it down as an absolute proposition that if we are to make this a fair partnership we must have equal representation in the Senate. We have had two excellent speeches from an intellectual point of view from Mr. Higgins and Mr. Deakin, but both of whom appeared to look at the question with one eye shut. The remarkable ability and the great learning of those two gentlemen enabled them to conceal the fact that they had not fully mastered the federal idea. Neither of them has been able to see the essential difference between an Upper House in a homogeneous State and a Senate in a Federation. I am quite unable to follow the hon. members, who are both generally logical, and combine with logic rhetorical brilliancy. When they have time to think about this important difference they will, I hope, come round to my view of the question. There is nothing in Mr. Higgins's argument as adduced from Mr. Bryce's book to the effect that the equal representation in the American Senate has been of no service in preventing infractions of States rights.

Mr. HIGGINS: I say there were no differences of interest. You might as well say there was no steep hill because there was a brake in the wheel of your buggy, The brake turns out to be unnecessary.

Mr. GORDON: If I am at all misrepresenting what the hon. member has said, there is no one more sorry than I am. I understood him to argue that the equal representation in the American Senate had not been of use in preventing differences in the States.

Mr. HIGGINS: No differences of interest arising between the large or populous States and the small or less populous States.

Mr. GORDON: The conditions here are not similar to those in America. In America the Government does not own the railways, telegraphs, and post offices.

Dr. COCKBURN: The post offices.

Mr. GORDON: Well, they do not own the railways, which are the most fruitful source of revenue, and therefore highly probable sources of trouble. The conditions under which the Senate and the Lower House have to operate here and in America are, to my mind, essentially different. Our conditions compel us to take the greatest care of our State interests, to take the greatest care that the

constitutional compact shall be so arranged that every germ of dissension amongst us may be avoided as far as possible. Mr. Deakin, in his somewhat sweeping statement with regard to the liability of the population of the larger colonies for the financial needs of the Federal Parliament, forgot that the Parliament will have powers to impose taxation in any way it pleases. Supposing the Federal Parliament imposed a land tax, would the landless millions of Victoria pay that? No. It would be South Australia, Western Australia, and New South Wales that would have to pay it, so that the conclusion he drew that the whole of the financial responsibility would fall on the populous colonies was wrong, and cannot be sustained on a complete examination of the partnership arrangement proposed to be made between the colonies. Land is the principal subject for taxation, and not the people. The people can avoid the tax by going away. The land always remains, and so long as land is a subject to taxation by the [start page 326] federal authority the colonies owning the largest landed estates bring in security for their full share of the federal debts.

Mr. HIGGINS: Land more than the man?

Mr. GORDON: As the ultimate resort for taxation I should say yes. I just desire to point out to my hon. friend that we give an asset which is responsible for every federal debt in the landed estates which we have developed at a cost of so much money and many lives. I am not going to labor the question of the privileges of the Senate. I am free to admit that sweet reasonableness has been displayed by the leaders from the larger colonies. No man who wishes to face these troubles, and be fair all round, can conceal the difficulty which lies wrapped up in the question of the powers of the Senate, and all will admit that on the whole the disposition of both sides has been so reasonable that no doubt a solution will be arrived at. I am the more nervous on this question of a strong Senate when I find myself standing shoulder to shoulder with such a lion of democracy as Dr. Cockburn, and a gentleman whose political opinions are such a curious survival as are those of the hon. member Mr. Dobson. It makes me just a little suspicious of the position-of course not suspicious of either of them as far as their honorable intentions are concerned, nor of their desire to benefit their country. While fighting, as in duty bound, for equal representation and equal powers in the Senate, I think that there is a good deal in the contention that the annual Appropriation Bill should not be amended if it were possible to define in the Constitution that the Appropriation Bill should contain absolutely only the charges proper to the carrying on of the Government, and that there should be no tacking on of loan money items. With this suggestion: I think it a question in which give and take may fairly obtain. There are two essentials-equal representation in the Senate and for that body practically co-ordinate power with the House of Representatives. All those who recognise what are the essentials to a true union will admit these essentials. They are necessary for the protection of the liberties and the purses of the States. I shall advocate a Federal franchise upon the basis of adult suffrage, but if I cannot get that I shall be content for my part with, at least, manhood suffrage everywhere and adult suffrage in the States which possess that admirable franchise. I advocate a Final Federal Court of Appeal for Australia-final in all matters except those involving Imperial concerns. No case should be remitted to the Privy Council except on a certificate of the Federal Court that it was of this nature. On such a certificate it should at once go on to the Privy Council without further cost. My hon. friend Mr. O'Connor was mistaken, I think, when he said that no Colonial Court could hope to equal the Privy Council in ability. I venture to think that I could select from the Bar-leaders present in this assembly, to go no further, a bench as strong and as independent as any which has ever sat in any part of Her Majesty's dominions. I will not further trespass on the exceeding good nature of hon. members. I will only add the hope that when our epitaph as nation-builders comes to be written it will be:

"They builded better than they knew."

Mr. TRENWITH: I rise with very great diffidence to address myself to the question we have to consider at this stage of the debate. The debate has been all through an exceptionally able one, and this day is perhaps the most distinguished of all the days that the Convention has sat. The debate today, I am sure, may be said to have reached its highest altitude, and unfortunately for me, at any rate, in having to speak at all, my views in the main have been expressed, [start page 327] I believe, very much better than I can express them. However, I feel under some obligation to state my views in view

of the fact that this discussion is held more than anything else in order that we may understand each others' views with the object of coming closer together when the whole question is taken in Committee. The speech that I have just listened to has interested me in some measure, and I feel a good deal in doubt as to whether to take it altogether seriously. I do not know whether the hon. gentleman was really stating his views or whether he was out for a night and was entertaining himself and us. Certainly those views which he claimed to hold seriously were, to my mind, of a most extraordinary character. With a modesty that must be peculiar to himself he declared he was, of all the men who had discussed this important question, the only one who had discovered a real solution of the financial difficulty. He certainly mentioned incidentally that the study of this subject had a tendency to create insanity. However, he positively assured us, at any rate, that he was all right up to now. The scheme he proposes is that the contributions to the federal authority should be made upon demand from the various States *per capita*, and that if any of the States should be dissatisfied with the amount of the demand and should default, that then, and not till then, the central authority might step in and take action in reference to the individual State. It seems to me so obvious that this is impracticable that I cannot believe it was submitted seriously, that the central authority should have to ask for a certain amount of money from the States which, of course, to meet the requirements of the central authority, must be paid promptly; but of the amounts of which the States would have had no knowledge until they were asked, and consequently were literally unprepared to meet them. Supposing they were prepared to meet the demand in some instances, and some one or more did default, then the central authority would step in and take action to obtain it from the individual citizen. Does he mean that as it is a *per capita* demand, a *per capita* claim, the central authority has to ask each individual citizen to pay his or her share? Because if he does there is no doubt there will be a great deal of inconvenience on the part of many citizens in complying with the demand. Or does he mean that in some general way the central authority is to institute proceedings to raise the amount in default by some form of taxation; if he does that, whenever such a contingency arises, the central authority will then have to create all the necessary machinery.

Mr. BARTON: The Commonwealth will have to seize the assets of the defaulting States.

Mr. TRENWITH: And when it ceases to be in antagonism, and agrees to comply voluntarily, will all this machinery have to be disbanded? It does seem to me to be a difficult scheme to understand. The hon. gentleman said that there is no scheme without an objection. This particular scheme appears to have one objection, and that is that it is absolutely unworkable. He commenced his speech in a manner which astonished me more than his conclusion, by declaring that Federation was undesirable and impracticable in the interests of Australasia. It was suggested to me when he was speaking that his position here must be very like that of the fly in the amber, the sole consideration of which was how in the world he got there. The hon. member commenced by saying that it was extremely doubtful whether these colonies are ripe for Federation yet. Then he followed that by illustrations of the impossibility and difficulty of grafting Federation upon these colonies. Defences would be handed over, if handed over at all, with very considerable danger and possible difficulty; post offices certainly should not be handed over, because the interests [start page 328] of the States would suffer; and railways under no conditions should be taken over by the central authority. The substance of it all is that if the central authority is constituted it shall have nothing to do; if that is ultimately decided his financial scheme will suit admirably. But it did occur to me that we were called here because the States of Australasia were ripe for Federation, because they were longing for Federation, because they were expecting that we would prepare legislative machinery under which they could federate with advantage, and that the time for discussing why we should federate and the benefit of Federation was passed. That question has been answered a hundred times by the declaration that we have discovered that there are some things that we cannot do at all separated, and some others we can do much better federated. The Act under which we are authorised to be here declares in effect that the colonies represented here at any rate are ripe for Federation. The hon. member himself, I understand, took part in the discussion on an Enabling Act here to declare that the people should be called upon to elect a Convention. Clearly it was trifling with the people to ask them to elect a Convention and at the same time to honestly hold the opinion that the colonies were not ripe for Federation. We are here

authorised, commanded, to do what we can in the light of the experience of the world to prepare a Federal Constitution.

Mr. BARTON: And we have undertaken to do it.

Mr. TRENWITH: We have undertaken to do it, as has been aptly suggested by Mr. Barton, and I hope in the spirit of liberality. We shall have grievous differences-some of them very hard indeed to reconcile, some perhaps impossible to reconcile; but every man owes it to his own honor and to those who sent him here that he shall by every means in his power endeavor to reconcile them. We are here to frame a Constitution-not for South Australia, not for Victoria, not for New South Wales, not for any colony singly, but for all the colonies of Australasia-a Constitution that will not give to one an undue advantage over another.

Mr. BARTON: Hear, hear.

Mr. TRENWITH: And we ought, if we can, to consider ourselves not representatives of any particular State, but rather as representatives of Australasia-

Sir PHILIP FYSH: Hear, hear.

Mr. TRENWITH: Entrusted with the duty of doing the best we can for Australia, and making a Constitution that will give all the advantages that are possible from central government and federal management of such things as cannot be managed locally to secure to the representative States the most absolute and complete autonomy with reference to domestic legislation, and to create, if I may so express it, a nation of sovereign States with a sovereign Central Government within an area prescribed for it. This seems to me to be the consideration to which we must bend our attention, and to which we must bend our energies, and it brings us naturally to the consideration-what form of government? It seems to me that is the first question. Subsequently we shall have to consider, having decided what form of central government, what objects of government we shall hand over to the central authority. In view of the jealous, and properly jealous, manner in which the peoples of the various States have consideration for the importance of the power of their States, it seems to me that it will be wise to hand no more over than is absolutely necessary, at any rate for the first, while we can and should make provision within the Constitution for the respective States handing over subsequently, if that be thought desirable, such other governmental functions as they might from time to time see fit. Then we must have a Parliament of some sort, for, although we are told academically from [\[start page 329\]](#) time to time that Parliamentary government is on its trial, and that it is not by any means settled yet whether it is the best form of government that can be adopted, I think it will be generally admitted that there is no better form of government known to us.

Sir EDWARD BRADDON: It has been on its trial for a long time.

Mr. TRENWITH: And I think it will be on its trial for many centuries yet to come. This involves the consideration of what sort of Parliament? The world furnishes illustrations of different Parliaments-Parliaments of one House, Parliaments of two Houses, Parliaments elected by all the people, Parliaments elected by some of the people, and it seems to me, at any rate for this Central Government for which we are commissioned to provide machinery, it would be wise to have a Parliament of two Houses. I have said, and I feel very sure, that, with reference to our State Governments, we could have been governed better by one House than we have been by two; but we have to consider that we are dealing now with an altogether larger constituency to what is presented in any of our colonies. We have practically two units of representation. We have first, and most important of all it seems to my mind, the people of the various colonies; and then we have the various colonies themselves as separate States. And I think, in accord with everything that has been previously urged here, that we must have a People's House-and I prefer to call it the People's House-and a States House. How shall these Houses be fashioned? becomes the next consideration. Shall they represent the people in proportion to their numbers, or shall they represent the States equally without

regard to population? It is not necessary to argue that the People's House, at any rate, should represent the States in proportion to their population, because that is generally admitted, but the hon. member for Tasmania, Mr. Clarke, said this afternoon that there had been no disputing practically with reference to the right of the States to be represented equally in the States Council. Now I think that contention was inaccurate. I think there has already been some objection urged to the justice of that form of State Council. Certainly my hon. friend Mr. Higgins voiced that objection, but what I desire to urge is that even those who have admitted that, for the purpose of Federation, it will be desirable to grant representation to the States in the States Council, are not all agreed that that is a perfectly equitable and just arrangement; but they make that concession, to put it in the words of Mr. Deakin,

They make that sacrifice.

Mr. LYNE: No.

Mr. TRENWITH: They make that sacrifice out of regard for their opinion of the importance of Federation.

Mr. BROWN: They may want it themselves twenty years hence.

Mr. TRENWITH: The question we are dealing with, as Mr. Holder put it when Mr. Higgins was dealing with it, is a question of principle. We ought to, as far as we can, dissociate our minds from the fact that we represent individual States. For my part, I feel I represent my native country, Tasmania, just as much as I represent Victoria—that is to say, I believe Victoria sent me here to represent Australia in this matter, and to endeavor to secure a solution of the difficulty that will be for the benefit of Australia without regard to individual States: and the assumption upon which hon. members act in connection with this subject is to my mind fallacious. It is urged we must have equal representation of the States in the Senate, or else we will not get Federation; and some go to the length of saying that all the Federations of importance in the world have equal representation in the Senate. That seems to me to be where the [start page 330] fallacy is. So far as I know there is only one Federation in the world where there is equal representation in the Senate, and that is the United States of America. It is urged that it is so in Switzerland, but it is not so. There are twenty-five separate governments in Switzerland, and there are only forty-four senators. There are half cantonments, all of which are to all intents and purposes complete cantonments. So far as Switzerland is concerned they are independent States, having separate governments, but sending one instead of two representatives to the Switzerland Senate. Thus, I think my contention is correct, that even Switzerland, which I admit approximates to equal representation in the Senate, does not possess equal representation in the Senate. In the others, which may be said to be examples of the present day federation - Canada and Germany - there is not even the pretence to equal representation of the States in the Senate. The small States in Canada are bunched together and, for federal purposes, called single States. Germany—of course, everyone knows, may be said to be among the most successful of recent federations - is perhaps the most striking example in history of the immense advantage of federation. Germany—within the recollection of almost everyone here—was a number of isolated petty principalities, and Germany has almost, as if by magic, sprung into the position of a first-class power in Europe since it was federated, and there they have no equal representation in the Senate.

Sir JOHN DOWNER: Since it became an Empire.

Mr. TRENWITH: Since it was federated; and in Germany there is no equal representation of States. They vary from sixteen in Prussia to one representative in four or five of the smaller States. What would be an equitable adjustment of this difficulty—because it is a difficulty, and I am here for my part to bridge over difficulties, to meet them, and, where I can to remove them—it seems to me, would be a compromise between equal representation and proportional representation, something on the lines suggested by Mr. Solomon with reference to the people's House. That is, that some clear and substantial representation in Senate should be given to every State, and that after that a proportional representation should be adopted. However, in order to get the advantages of Federation, I would be

willing to go the length of giving equal representation in the Senate if, in conjunction with that condition, there were provided some proper means of securing that ultimately, when a difference should arise between the People's House or the House representing all the people as people and the States House, and after time for deliberation has been given, and the people have had an opportunity of clearly looking at the matter in dispute-the people's will should become law. Now, there are several modes suggested for bridging over difficulties between the two Chambers. I, like my hon. friend Mr. Reid, am not particular whether they are called the Upper or Lower House, or whether they are called the People's House, and another place, or what they are called, but, certainly, the House that represents the people on the basis of population must be fairly and properly described as the people's House, and the House which represents the States equally, without regard to population, cannot possibly be called the People's House, no matter how elected.

An HON. MEMBER: If elected on the popular basis?

Mr. TRENWITH: Not even if elected on the popular basis. Let me take an illustration, and I do so without any desire and without any likelihood of giving offence. But take the two extremes at this Convention. We have New South Wales with its 1,200,000 odd inhabitants, and we have Western Australia with its [start page 331] 130,000 odd inhabitants. Both colonies are represented in the Senate, we will assume, by ten representatives. The representatives of Western Australia each of them, or the voters in Western Australia each of them, would have ten times more control over public affairs than a single voter in New South Wales. How can you call such a House the people's House?

Mr. HIGGINS: Hear, hear.

Mr. TRENWITH: It has been artfully and ingeniously endeavored to be shown that if you elect the Senate by the popular vote-adult suffrage, if you will-it is impossible to have a House more representative than that is-that is to say, if you elect it to represent the people of the country in the country-but if you elect it to represent the people of the country in conjunction with another Senate of equal number, representing a greater number of people, it cannot be called the people's House of both those colonies. In the other respect the House of Representatives can truly be called the people's House of both colonies, because it represents every unit in each of the States equally. Now, the question of the franchise is, to my mind, an extremely important one, and I am pleased beyond measure at the tone of the debate on this question so far, because it shows the immense educational work that has been done in that connection within recent years. I see around me gentlemen of transcendent ability, who, only within the last half-a-dozen years, declared that it would be disastrous to allow the Senate to be chosen by any other body than the Parliaments of the various colonies. I see now that there is scarcely one of them who does not approve of the Senate being elected on the broadest possible franchise. My own impression is that it should be elected by the whole colony as one constituency. My reasons for that are twofold. The first is that that would give the highest possible satisfaction to all the electors-a very important consideration in connection with the question with which we are dealing. It would give a much more suitable House to have imposed upon it the duty of criticising the work of the House of Representatives. It is obvious that no novice could find his way into the Federal Senate. The men who would get there would need to have given some years of earnest and honest public service in some other walk of life, and have given a guarantee to the people that they possess the necessary ability and integrity. What we lay down is that a young man would not be able to get there, but that no man would be shut out from there. They could prove their fitness for this, the highest of all positions, by working hard and well in some other walks of public life. It will be urged by some, I have no doubt, that a House so constituted would be the fittest House of the two to deal with all important questions. I respectfully submit, however, in this connection, that legislation always is undertaken on behalf of the people, and in the interests of the people, and in these colonies, at any rate, we have gone upon the assumption that the people are the best judges of their own requirements, and that while it may be well to have the most able men, it is possible that, in their opinion, it would be better for the people themselves, ultimately, to be the arbiters of their own destiny. I know Mr. Dobson will probably call this the march of what he describes as the dangerous advance of democracy; but whether it is dangerous or not, it is a rule in these colonies to a very large

extent, and it is daily becoming more so. The question of the franchise for both Houses-whether it should be manhood suffrage, or whether it should be adult suffrage, whether it should be a restricted franchise, as to some extent they have in Queensland and Tasmania, or whether it should be plural voting, as I regret to say we have in Victoria-is a question that it seems to me this Convention must deal with. I know there are those who urge [start page 332] that the local Parliaments or the people of the various States may be permitted to decide that subsequently in the Federal Parliament, in the first instance electing the Federal Parliament by their local methods. I respectfully submit there are reasons why that is unwise. First of all I have no hesitation in saying that no franchise except that in operation in South Australia is in accord with the general political sentiment of the people of Australasia. I submit that, and I will submit reasons why I think so. If that be so, we have to remember that whatever Constitution we devise will have no effect unless it commends itself to the electors of Australasia. Thus, while we are bound to draw up a Constitution that in our opinion is as perfect as we can make it, we are bound also at the same time, and together with that thought, to consider whether that Constitution will receive acceptance at the hands of the people. Now, why am I justified in assuming that the Constitution of South Australia is the Constitution that is most in accord with the wishes of the electors of Australasia? One reason is, and a strong one, that two colonies have already adopted it, and that the people of Australasia in all of the colonies have been clamoring for a broader franchise. I remember my native colony of Tasmania, when I was in it many years ago, was said to be ruled by cliques, at any rate it is true that an immense number of the effective males of the colony had no vote.

Sir EDWARD BRADDON: They have it now.

Mr. TRENWITH: Yes; they have it now, but how did they get it. They got it by continually clamoring for a broader franchise, showing they were not satisfied with the restrictive cliqueism that prevailed, and that they wanted each man to have something to say in each election and to do something to impress his footprints upon the history of their colony. In New South Wales they have only recently abolished plural voting, and secured as nearly as possible complete manhood suffrage-one man one vote everywhere, one man no more votes anywhere-and they are urging that the next step should be the adoption of adult suffrage. In Victoria we have three times passed through the Assembly a Bill declaring that plural voting should be abolished and complete manhood suffrage established, and three times it has been rejected by another place. This proves to us how careful we should be in creating the other place that is to govern federated Australia. The question of how disputes between the two Houses should be settled must be considered, because I hold that there must be a way by which the people can obtain their will after reasonable and proper delay. I agree with the statement of my hon. friend Mr. Reid, when, in his able speech to-day, he said:

I hold that it is extremely important that we shall have an honored and respected check.

That was his language, and it is mine-a check; not something which can impede for all time, but something honored and respected which can check, something which can say:

What you are doing we believe to be dangerous. Take time. Let the people see what you are doing, and it is possible what may be a popular wave of delusion may blow over.

If after this time has expired and discussion has taken place in the two Houses, and in the press and on the platform, there is still an insurmountable difficulty in the two Houses coming together then there must be some means by which the people's will may become law. If we look at it we will see that the two Houses are the agents of the people; they are the hand, I may put it, with which the people give effect to their economic wishes. When the agents fall out the people have the right to demand what any commercial man would demand if the agents he had sent out to do business had fallen out, that they should sit back for a time and let [start page 333] him settle the dispute. Therefore, I favor what is known as the referendum as a means of settling disputes. My honorable friend Mr. Barton interjected the other day that the referendum was a Teutonic fossil, but I differ from him, as in the Constitution of his colony, in Victoria, and in the United Kingdom we have in a cumbersome and

awkward form the principle of the referendum as in every Constitution in the British Constitution with which I am acquainted. When a dispute arises either between the two Houses, or between two sections of the Lower House, as to the policy of the Government, we now resort in a clumsy and unsatisfactory manner to the referendum by dissolving the House and asking the people to speak on the issue. Unfortunately we mix up with it a hundred other issues, with the result that in nine cases out of ten we fail to settle the matter. In the House of Commons hon. members know that, although the term of the British Parliament is nominally seven years, it very rarely indeed reaches that term, because for some reason or other the cumbrous English system of referendum is resorted to, and my hon. friend Mr. Reid to-day, in eloquent language and with dramatic gesture, indicated that the British Constitution as represented by the mother Parliament is a whispering gallery, in which the slightest breath of oppression in any part of that Empire upon which the sun never ceases to shine is heard with such force that it secures attention and redress. We need not be afraid of him introducing a principle which we see by experience rarely, if ever, gives entire satisfaction because of the other disadvantages which are involved in it. We have other questions, such as whether we like the candidate. Which one of us, after hearing Mr. Reid to-day, could vote against him, whether we were protectionists or freetraders; and if we could, how great must be our devotion to the political situation, having in view the great qualifications of the man? But if we differed on one point and agreed with him on several others, and the point on which we were asked to vote against him was the one we would lose his support on the other points. While I would not go to Germany for my boots, I would go to the ends of the earth for a better system, and we are bound to ransack the earth to secure all advantages which experience can give us, because there is no light so useful for the guidance of our footsteps in the future as the light of past experience, and we must not reject any lessons taught by any part of the world, whether English or not, because how few institutions there would be in England if there were only those that were English. I earnestly hope, therefore, that the referendum will be attached to this Constitution Bill. However, if the foreign character of the institution is in the minds of some hon. members so great a bar that they cannot accept it on that account there is another suggestion which it seems to me would possibly meet the difficulty-not the one of both Houses sitting together. I am strongly opposed to that, particularly if it is proposed to give equal representation in the Senate to the States without regard to their population, because if we adopted that in such a Constitution the result would be that the minority in the people's House joined with the majority in the States House would carry a Bill against the people. But they might provide that there may be a reasonable delay in the event of a dispute between the two Chambers. The Bill should lie over and again be brought up in the people's House, and if again passed and again rejected it could again lie over until a general election to the people's House had intervened, and if passed again with the full sanction of the people of all the Federation it should become law without regard to the sanction of the States House. This, it seems to me, would be a perfectly safe and sufficiently [start page 334] slow solution of the difficulty between the two Houses.

Mr. O'CONNOR: That would be three Sessions?

Mr. TRENWITH: Yes; with a general election intervening.

Mr. WISE: It is much better than a referendum, at any rate.

Mr. TRENWITH: It would remove the difficulty, and my object is to remove that, for I am not anxious-if I had the power-to ride roughshod over the convictions of many hon. members.

An HON. MEMBER: It would be necessary to have three Sessions, but a general election must intervene.

Mr. TRENWITH: I should be better pleased to have one rejection and a general election intervening.

Mr. WISE: It would be an advantage to preserve the responsibility of Parliament.

Mr. TRENWICH: I do not care much for the responsibility of Parliament. I think I may leave this aspect of the case, and go at once to the character of the executive. The difference between a federation and a confederation, of course, is that one body creates machinery for doing its will and the other body only machinery expressing its will. The Executive is absolutely inseparable from a true Federation, and we have in the federations, it is acknowledged, four distinct forms of Executive. We have the American Executive, which, I think, with all deference to them, hon. members are in the wrong in saying is not a responsible Executive. But I feel I am correct in saying that the American people sought to make it a compromise between the responsible government, of which they had some knowledge, and autocratic government. They made their little king-if I may so express it-only capable of exercising certain autocratic powers for a period but they did not leave him absolutely autocratic, because they associated him with the Senate in the performance of certain administrative acts. They endeavored to make the chief administrator responsible, and did make him responsible, to the Senate, and they considered the Senate responsible to the States. In Switzerland they have a sort of responsibility. They saw, as I see, some of the evils of responsible government. Nobody is more willing to own them than I am, although I think we must adopt them in connection with this Federation. I shall be glad myself to see some modification of the Swiss system of Executive adopted in the State to which I belong, but I am showing that irresponsibility does not exist in the Swiss executive. It is responsible directly to the Parliaments for its administration. It is responsible in a different way to that to which we are accustomed. Individual members of the Executive are responsible for their individual administration. It is not responsible-and that is the marked difference between it and the British responsible government-for the measures that it introduces or the legislative matters that it recommends. But while I hold that a modification of the Swiss system with the executive in Parliament instead of out of it, would in my opinion be a better form of Executive than we have, I feel that we must keep in mind that when we are done with this Constitution it has to go to the people. Whatever anyone has to say about it, the people must ultimately accept the result of our labors before it can have effect, and as they must necessarily be largely unacquainted with the intricacies of this intricate question it will be wise to adopt that form of government with which the people are familiar, and of which they have knowledge. I would favour a clause providing for the Executive, a clause very similar to that of the Commonwealth Bill of 1891, for the reason that that clause left it open for the Parliament to adopt practically what form of Executive it chose. It did not say in definite or distinct terms how the Executive should be constituted, and if my views are right [start page 335] upon this point what would probably happen if we adopted a similar clause at any rate for the first? Our recognised form of constitutional government would be adopted. And if as time went on some reform in the matter of the Executive took place in the various States that reform could be without any alteration of the Constitution imported into the Central or Federal Government. It seems to me that would be a wise method of proceeding. There is a point I have not heard touched upon yet that, to my mind, is of as great importance as any I have heard. That is the question of the alteration of the Constitution. All experience teaches that rigid Constitutions, too rigid Constitutions, are extremely unwise and irksome to the people who are governed under them. I have no hesitation in expressing my opinion that if the American people had the opportunity of framing their Constitution now it would be a very different Constitution to that which they framed a century ago. I have no hesitation in expressing the opinion that the Americans would be glad of the opportunity of framing their Constitution anew, and that the difficulty of altering the American Constitution has often given rise to heart-burnings and to bad feeling and to great difficulty in government already in America. I believe that it will give rise to still greater difficulty, and possibly, and not improbably, to civil war in order to remove its irksome character. Recent experience of the world shows that both in legislation and in every other incident of our daily life the world travels with immensely greater rapidity than it did in times that are past, and that what might be admirably adapted for our requirements to-day would probably altogether inadequately meet the requirements of the people of these colonies fifty years hence, or perhaps in even a shorter time; and therefore, it seems to me, we must provide in the Constitution ready means of altering the Constitution. We have in this connection examples by which we may be guided or warned, and I think we are justified in using the experience of the past as a guide wherever the machinery upon which we are gazing has shown itself to have worked smoothly, and well, and we ought in the interests of those who have sent us here to be warned by the experience of the past, wherever the machinery we are considering has worked with friction or disadvantage to the

peoples associated with it. The American Constitution proves conclusively that we must adopt a very much readier means of altering our Constitution than that provided in the American Constitution. Again, it seems to me we can go with advantage to Switzerland. In the Republic of Switzerland they provide that the people, as represented in both Houses of Parliament, can alter the Constitution by a majority, and of course they have a safeguard, as, if anything is done that the people do not desire to have consummated, they can demand a referendum in connection with it; and they have a further provision, which I think we ought to adopt, that when a sufficient number of the people think it desirable that the Constitution should be amended, they can demand a referendum upon that question. The question must be put to the whole people-

Do you desire an amendment of the Constitution?

and if the reply is in the affirmative, both Houses are dissolved - and this seems to me to be a democratic idea that we might well follow, at any rate in connection with the alteration of the Constitution-both Houses are dissolved, and an election takes place on the single issue of Constitutional reform, and then, after a Bill has been drawn up, it does not become law until it is ratified by the people of the States. While I agree that ultimately, in matters of general legislation, the people, the majority of the people, should be the governing power, in connection with matters of the alteration of the Constitution, it seems to me equitable that the States also should [start page 336] have to acquiesce. Now, my reason is this, that when we federate - if we do-we shall federate under a Constitution that we have seen before us, the powers of which we clearly and properly understand, and we go into it as States, as well as individuals, with our eyes open. If it is proposed to alter that Constitution, then the States as well as the individuals must be permitted again to say whether they will submit to that alteration. That seems to me to be a sufficient protection of States rights. The State, in the first instance, agrees to hand over certain governmental functions. Having handed them over they cannot logically claim to hold them in their hand, but in reference to questions that they have not handed over they have the right to be asked, and ought to be asked, if any subsequent steps are taken, just as they will be asked, before they come into this Federation. Those who urge that State rights may be infringed unless we give the States as States the power to veto legislation for all time, seem to overlook the fact that the Constitution is the guardian of the State rights, but what is handed over with the Constitution is all that can be dealt with by the Parliament selected under the Constitution; and if we have a proper Federal Parliament with a proper Federal Supreme Court the Constitution will be the guardian of the State rights, and the High Court of the Federation will be the guardian of the Constitution. That seems to me to be adequate and complete protection as far as it ought to be given to State rights, as far as any person can reasonably ask. If we give more than that we infringe State rights. If we give representation in the Senate upon equal terms, without regard to population, we shall create the possibility of the rights of the large States being infringed by combination with the smaller States. I admit this is a highly improbable contingency, and I do not wish to press any argument an inch further than it can be legitimately pressed, but it is the answer to that very improbable contingency that the large States may combine to oppress the smaller ones. Either of these are unlikely to happen in Australia. I have warrant for this assumption in the surroundings of our local government. We have local States Parliaments representing large and small constituencies, representing wealthy and poor constituencies, but do we ever hear of the large and wealthy constituencies improperly combining to injure the smaller constituencies? So far as my experience goes it is almost all the other way about. The large, populous, and wealthy constituencies are continually taxing themselves to assist the poorer and smaller constituencies. We have a remarkable instance of it to-day in Victoria. We have a very small population upon the Murray called Mildura, immensely removed by distance from most of the rest of the colony, at present extremely poor, in the greatest financial straits, and extremely small numerically. We have the whole of the rest of the colony combining to tax itself to lift these few poor people out of the difficulty into which they have got. Then, in the distribution of our municipal subsidies, we have always gone upon the plan of taxing the whole people to procure revenue, out of which we have subsidised our municipalities, not in the proportion of size or numerical strength, but in proportion to their necessities.

Mr. DEAKIN: And poverty!

Mr. TRENWITH: If there were advantages, the less they have of combination to help themselves, the more we have given them as municipal subsidies out of the general revenue. In that we are not alone. I think it is characteristic of all our local affairs. In connection with our postal system we charge uniform rates of postage, but in the remote districts, some of our letters cost 3s. or 4s. or 5s. to deliver; but we never grumble. Wherever we can, and continually, we are extending the postal conveniences in the interests of these poor, numerically weak outlying districts. Now, have we any [start page 337] right to assume that, if we create a strong Central Government charged with the duty of legislating on Federal questions within the area prescribed for all the colonies, the people will be less generously treated than they have been in connection with local government within their own State. But if we do assume it, bad as it is that minorities should be subjugated by majorities for base or selfish ends, it is not so bad as that majorities should be subjugated by minorities for base or selfish ends. This possibility is involved in the proposal which has been submitted. I think at this hour, and in view of the fact I have previously urged that my views in the main on all questions perhaps but this question of State representation have been presented to-day twice at any rate in the most eloquent manner it is possible to conceive, I may be excused for bringing my remarks to a close. But I would say in conclusion: we do owe to each other the duty of earnestly determining to go as far as we possibly can in the direction of meeting the aspirations that we know to be in the minds of the people without regard so much to what our own opinions are, in order that this question of Federation may be consummated, trusting to the people of the future to deal as intelligently with their affairs as we in the past have dealt with ours. We have to remember that a great-an awful-trust has been reposed in us. We have in our bands the destinies of a nation, the possibilities of which no man can properly conceive-a young nation without a history, a nation without a flag that has braved a thousand years the battle and the breeze, but a nation that is making a history in a very extraordinary manner; and this baby nation has been placed in our arms. We are entrusted, if I may so express it, with the nursing and development of it, and if we do our duty we shall create here amid these southern seas a national man who shall stand amid the waves-a national giant so deporting himself as to give to the people comfort and happiness in excess of that possessed in any other part of the world-so deporting himself as to create the admiration and excite the envy of the civilised world

The PRESIDENT: The hon. member for South Australia, Dr. Cockburn.

Sir WILLIAM ZEAL: Before Dr. Cockburn speaks I would like to ask Mr. Trenwith a question with the leave of the House. He said just now that the Victorian Legislative Council had thrown out the Plural Voting Bill three times.

Mr. TRENWITH: I would like to answer that question. I have so recently concluded my speech that it is hardly a break. My impression is that Mr. Duncan Gillies-

Sir WILLIAM ZEAL: In 1891.

Mr. TRENWITH: Mr. Duncan Gillies introduced a Bill to abolish plural voting, and it was either rejected by the Upper House in Victoria or not dealt with.

Sir WILLIAM ZEAL: No. Certain amendments were made in it, and the Government allowed the Bill to lapse in the Legislative Council.

Mr. TRENWITH: I would respectfully submit that that is synonymous with not dealing with it. At any rate they twice rejected it.

Sir WILLIAM ZEAL: The hon. member is again wrong.

Dr. COCKBURN: I feel it to be an honor to which I shall look back with pleasure for the rest of my life to have had an opportunity of hearing the debates to which we have listened during the past week. I had the pleasure and honor of being a member of both of the Conferences that have been held

with regard to Federation, and I say without hesitation, bearing in mind the speeches that were then delivered, that neither of those Conventions witnessed the high-water mark reached by this Convention, whether as regards the eloquence, the practical nature of the speeches, or their grasp of the subject. I do not think that time has been wasted by the discussion which has [start page 338] taken place, for public opinion has been forming, condensing, and taking shape within this Chamber during the past week. The only astonishing part of the proceedings is that those who have been most luminous in debate were those who wished to hide their light under a bushel by remaining silent, and I am pleased to know that we did not go straight into Committee, as was at the first suggested.

Mr. REID: That was not my proposal.

Dr. COCKBURN: It was the proposal of some, and I am glad it was not acted upon, and that this preliminary debate has taken place. I think that when we go into Committee tomorrow we shall be in a position to get on with the work much more speedily than we could have anticipated a week ago. I will not occupy the time of the Convention any longer with preliminary remarks, but I will go at once into the heart of the subject where all the clash of swords has taken place. It affords me much surprise and some degree of pain to find that on the question of what powers should be ceded to the respective Houses in the Federal Parliament I find myself at variance with hon. members with whom on almost every other political opinion I am in accord. It seems to me that Governments, whether they be unified or federated, are nothing but utilitarian devices framed for the purpose of securing and maintaining the happiness and prosperity of the people. I think our prosperity in the past has been due to one striking feature of our modes of government. We have prospered so far as individual colonies, and the prosperity of the component parts of Australia has been hitherto so great because, up to the present, we have enjoyed the inestimable advantages of managing our own affairs; we have the blessings of autonomy, and I am glad to see that Mr. Barton, in his resolutions, has emphasised this matter, and that our Federal scheme is to enlarge the powers of self-government of the people of Australia, and that it is not to destroy but to preserve our autonomy and to secure the rights of self-government which we at present enjoy by safeguarding us against all possible aggression. The point is this: how are we best to secure the powers of self-government in a Federation. How are we to guard against these powers being unduly encroached upon by the federal or central authority. Because just in so far as we give up powers out of our own hands to a federal authority just so far we abandon our autonomy and our control over those powers. What we want to guard against is giving up more than is necessary in the first instance, and against any subsequent encroachment by the federal authority upon our State governments; and it is for this purpose only that I am among those who advocate that one House in the Federal Parliament should be specially charged with the duty of safeguarding State rights; which are simply the means to secure State interests, those State interests being nothing more than the rights of self government which we at present enjoy.

Mr. HIGGINS: Federate the law.

Dr. COCKBURN: There is administration as well as law. Above all there is a vortex that continually tends to draw everything to the centre, and to increase the centralizing powers; and what I wish to see is a buttress erected to prevent the drawing to the centre of more than we actually intend. We want to protect local government against centralisation. Here there is real danger. I do not care how carefully we limit the enumeration of the powers we give to the federal authority, in the exercise of those powers there is a danger of encroachment, unless we take care from the outset to guard against it. Mr. Reid has said it is impossible to foresee the State interests of the future. What, then, is the wisest thing we can do? As we cannot foresee the conditions of the future, the State interests of the future, the wisest thing [start page 339] we can do is to erect in the Constitution a sufficient guardian for those interests so as to protect them in the unforeseen conditions of the future. There is danger in Federation of encroachment upon State governments. In this matter we cannot be guided by our own experience, for the simple reason that we have had no experience whatever in the working of federal government; therefore we have to look abroad to see what has occurred in other places, and we must to a certain extent allow ourselves to be guided by authorities who have seen and closely watched the working of Federation in other parts of the world. May I be allowed therefore to quote a

few sentences from an authority on federal government, and the working of the powers under federal government, from a book written by Mr. Watson, of Canada, who at the time-I do not know whether he is now-was the librarian of the Ontario Parliament.

Mr. DEAKIN: A local Parliament.

Dr. COCKBURN: Yes, that is true; and therefore a man no doubt who understands the principles of local government. As we have no experience ourselves we must be guided by authorities in these matters. This writer says:

It is the solemn duty of each of the British North American provinces keenly to watch and promptly repel any attempt, faint or forcible, which the federal government or a federal court might be disposed to make on the rights and privileges of the members of the confederation. The history of the federal idea on this continent is fraught with important warnings. Its great aim in the United States has been since the infancy of the Constitution to become strong at the expense of the separate sovereignties which were the original sources of federal existence. The words federal authority and centralization have become on the southern side of the frontier almost equivalent expressions. But States rights and provincial rights are the strongest bulwarks against despotism. In a Federation diversity is freedom, uniformity is bondage

The fear consequently of possible federal encroachment is not a fanciful one; it is a real one.

Sir EDWARD BRADDON: Hear, hear.

Dr. COCKBURN: This author is a writer, not only of Canadian experience, but of the whole continent, as he is a neighbor of the great Federation of the United States.

Mr. HIGGINS: When was that written?

Dr. COCKBURN: I am not able to say.

Mr. HIGGINS: If it were shortly after the Canadian Act was passed it would not apply, as that Act was far too sweeping in giving federal powers.

Dr. COCKBURN: I cannot say when it was written.

Mr. BARTON: Do those words not express the fears of a man who lives under a system in which there is no substantial power in the Senate?

Dr. COCKBURN: He had the experience of the United States before him, which has two co-ordinate Houses.

Mr. BARTON: Singularly enough there is only one Parliament in Ontario.

Dr. COCKBURN: I do not see that that has anything to do with the question.

Mr. BARTON: It has a great deal.

Dr. COCKBURN: What he deals with is the possibility of the powers of the States being swallowed up in the powers of the central vortex. Power tends to beget power, and we have to be careful in giving power to know exactly what we are giving, and to see that those powers do not imply more than we mean. As we cannot foresee what the States interests are likely to be in the years to come, we want a permanent guardian of these States rights, in order that we may preserve the richest prize we have inherited from our forefathers-local self-government. We must have a strong House to

guard against any possible federal encroachment on the rights of the States, because local government, self-government, and government by the people are analogous terms.

Mr. ISAACS: You cannot have local government where the powers are confided to the Federal Government.

[start page 340]

Dr. COCKBURN: States rights, home rule, and government by the people I look upon as synonymous. Centralisation is opposed to all three, and there can be no government by the people if the Government is far distant from the people.

Sir GRAHAM BERRY: You are against Federation altogether.

Dr. COCKBURN: This preservation of local government is the very spirit of Federation as against unification-

Mr. FRASER: You are against unification.

Dr. COCKBURN: Yes; and what surprises me is this: that in so many speeches we have heard hon. members who hold similar views to those I hold in general politics, speak in favor of unification and not Federation. I do not think we were ever sent here to consider unification; we were sent here to frame a Federation, and we want a Federation that will preserve the rights of our local governments from start to finish. I learned with a great degree of surprise and no small degree of pain that I am at variance with others with whom I would like to be fighting shoulder to shoulder on the question of government by the people. The question of which are small States and which are large States should not be considered; small and large, rich and poor, in reference to the present condition of these States, are adjectives which should not be used. Our finances are those of the nursery compared with what the future will be, and our largest populations are only, as it were, a handful of people settled on our littoral. I say this question of State rights is a great principle, and I cannot think we are driven apart only by any pettifogging differences in regard to our local politics; but it is only in the nature of things that the representatives of the large colonies should not share the fear of the smaller colonies, because they are to have an overwhelming preponderance of representation in the House of Representatives. We must dispose of the terms "large" and "small," and think of the great principle which is an essential, I think, to Federation-that the two Houses should represent the people truly, and should have co-ordinate powers. They should represent the people in two groups. One should represent the people grouped as a whole, and the other should represent them as grouped in the States. Of course majorities must rule, for there would be no possible good government without majorities ruling, but I do not think the majority in South Australia should be governed by the majority in Victoria, or in New South Wales. In every case the majority should rule, but that does not mean that the majority of one colony is to coerce the majority of another. If we wish to defend and perpetuate the doctrine of the rule of majorities, we must guard against the possibility of this occurring.

Mr. ISAACS: By your own view three colonies could coerce two.

Dr. COCKBURN: Now, sir, we find that even in America, where there is a powerful Senate, the States may be gradually encroached upon and be reduced to comparative insignificance. The local Parliaments have been so reduced in importance that the majority of them do not meet more frequently than once in two years.

Mr. DEAKIN: Their constituents would not allow them. They put it in their Constitution.

Dr. COCKBURN: It means that they have been degraded. They are now looked down upon as shorn of their prestige.

Mr. HIGGINS: Owing to federal politics being brought into State politics.

Dr. COCKBURN: I admit there is something in that. American politics have been generally debased because local Parliaments have been mixed up with federal elections. I must thank the honorable member for reminding me of that. But that is not the [start page 341] whole question. There have been encroachments from time to time by federal authority on local Parliaments. The fact that these encroachments may occur even in America, where the Senate, guarding the State rights, is created with such powers, should be a warning to us to avoid any such possibility, because if anything occurred to sap the prestige and unduly diminish the importance of our local Parliaments we should be irretrievable losers in the future; for I take it that it is to our local Parliaments that we must look if we wish to perpetuate the rule by the majority and by the people. We want to provide against anything threatening the existence of the local Parliaments. Some of the speeches delivered by hon. gentlemen from the other colonies have struck me as being much more towards unification, and towards the abolition of local Parliaments than I cared to have heard. A good many have spoken as though they looked for a United Australia to be consummated by the destruction of the local Parliaments, or at any rate by reducing them so as to be of very little significance. Some of the arguments which were urged against State rights, against co-ordinate Houses, against the power of the Senate being co-equal to that of the House of Representatives, struck me very forcibly as being arguments based altogether on a false principle. The Hon. Mr. Reid made use of a sentence to this effect:

Those from whom the taxation was raised should govern the expenditure.

And the Hon. Mr. Carruthers said:

The proposal seems to me to be indisputable that those who pay the taxes and find the money should have the right to mould the finances of the country.

It seems to me that these two statements are founded upon a fallacy, and amount to nothing less than a heresy in regard to the rights of the people to take part in the government of the country. If you are going to lay down as a general proposition that those who pay taxation should have the right to dictate the expenditure, you are practically abolishing the principle of one man one vote, and you are substituting for it the general proposition that there shall be plurality of votes in proportion to the taxation paid by the individual.

Mr. HIGGINS: With one vote one man it would be more men more votes.

Dr. COCKBURN: There are two elements in a Federation - the federal authority and that of the States-and the interests of both must be considered.

Mr. REID: Supposing the State does not contribute a single sixpence.

Dr. COCKBURN: The people in the States contribute their taxation.

Mr. REID: Their powers are recognised.

Dr. COCKBURN: And their local Government should be recognised also. To say that the people who contribute taxation should be those who have the chief voice in the expenditure of money strikes at the very root of that for which we have been contending for many years, and practically amounts to this, that we should abolish the citizens' roll altogether, and substitute for it the ratepayers' roll.

Mr. HIGGINS: The State has no right apart from the people, but they have rights apart from the State.

Dr. COCKBURN: I quite agree with that. The State is still the people grouped definitely in that State, although also grouped in the whole of Australia. In the one case the people are grouped as the people of the State; in the other case the people are grouped as the people of the whole of Australia; in

each case their privileges are to be respected, seeing that Federation is nothing more nor less than an ingenious device to maintain in equilibrium these two units—the unit of the people of the State and the unit of the whole people. It seems to me that arguments which strike at the very root of our ideas of representation cannot carry much weight.

Mr. BARTON: Mr. Reid's objection is that the States House had no right to [start page 342] interfere with matters of taxation, for this reason, that as the revenue of the Federation was found by the taxpayer, who pay the federal taxes, they do not pay them over again for special purposes in such a way that the Senate can represent that taxation in the Federal Parliament.

Dr. COCKBURN: It seems to me that once we consider the question of the origin whence the Government derives the revenue as determining its expenditure we enter on an argument which will land us in a very different position to that we anticipated. In advocating States rights, which are nothing more nor less than a means of safeguarding State interests, we are simply advocating what those who believe in the rule of the people have at all times advocated and stood for. In the whole history of the Continent of America State rights have been associated with democracy, and the opponents of State rights were usually monarchists in disguise.

Mr. DEAKIN: The States right people wanted slavery in disguise.

Dr. COCKBURN: Of course they made a fatal mistake in that. It was unfortunate that the advocates of the liberty of the State should claim as a consequence of that liberty the right to enslave their fellow - creatures. Still after a century of national life, and in spite of that error, the States rights party is the predominant party in America; and so I think it should always be in Federation, seeing that federation is not a unification, but simply a provision to ensure local government and to protect autonomy. I would like to say that my reading of Federation is that in those patterns, which are most worthy of imitation, this principle has been recognised to the full, and although it is quite true, as the hon. member Mr. Trenwith says, that in Switzerland, there is a slight exception with regard to the representation of the States in the Senate; still only three of the cantons are divided into half-cantons, with one representative, as opposed to twenty-two, which have equal representation, and it is no more the exception there than in America, where, in addition to the various States, there are territories which have not the same amount of representation. I say that in looking to models for guidance—and this is a matter in which we must look to others for guidance, seeing that nowhere in our experience, and nowhere under the British Crown, has the principle of Federation been established - we ought to take the best patterns for imitation, and I take it that the best patterns are the United States and Switzerland. In these co-ordinate Houses and equal representation have been established from the first.

Mr. HIGGINS: How about Canada and Germany? They have not equal representation.

Dr. COCKBURN: The hon. member knows Canada is not a true Federation, neither is Germany.

Mr. HIGGINS: I dispute that.

Mr. WALKER: Where is there true Federation? The United States approached most nearly.

Mr. HIGGINS: That is because they have equal representation.

Dr. COCKBURN: Because the very element of Federation is recognised there, because the bulwark is recognised to be the protection by the Senate of State rights and State interests; and if you do not protect these State rights and State interests you interfere with the spirit and genius of Federation.

Mr. HIGGINS: Why is Canada not a Federation? Is it because it has not equal representation?

Dr. COCKBURN: Yes; equal representation is the essence of Federation,

Mr. HIGGINS: Then you are arguing in a circle. You say no Federation is without equal representation in the Senate; and when I mention Canada, you say [start page 343] Canada is not a Federation because it has not equal representation.

Dr. COCKBURN: I say that the very resolutions we are considering are framed to enlarge the powers of self-government, but centralisation is opposed to the idea of self-government. A centralised, a distant Government sooner or later is bound to degenerate into a tyranny. It is out of reach of the people; it is out of their sight, out of their hearing, and, consequently, becomes blind and deaf to their requirements.

Mr. ISAACS: You give the Federal Government power, but you will not let them exercise it.

Dr. COCKBURN: We should see that the powers we give them in the first instance are exercised in such a manner as we intended; and for that purpose I say we require to erect a barrier against that centralisation, which is the inevitable tendency on the part of large powers. As I have already said, power begets power, and the tendency always is for powers to become greater. Another hon. member, Mr. Deakin, said he did not see how, touching the question of States rights, the question of the Appropriation Bill could affect States rights; now, it seems to me, it is very easy to get an instance of such a case. In the draft Bill of 1891 it is proposed to hand over ocean beacons and buoys and ocean lighthouses and lightships to the federal authority. It is quite easy to imagine that there might be an Appropriation Bill which would give undue advantage to one port at the expense of another in the way of lighting. Another power proposed to be given over is river navigation for the common purposes of two or more States, and under that power you might have an Appropriation Bill in which the interests and rights of a State might be most seriously infringed by an expenditure of money on some rival port, or on some rival mode of communication.

Sir WILLIAM ZEAL: That might tell either for or against your argument.

Dr. COCKBURN: It might be the case. The interests of the States might be jeopardised, if not adequately represented. I am taking a case that might occur, and I see there is danger in the appropriation of money that State rights and interests might be infringed. Even in regard to taxation Mr. Deakin said he did not see how taxation could threaten State rights. I simply mention the question of excise as one which might have a most disastrous effect upon the industry of any one colony; or again a protective tariff might be so framed as to infringe the interests of some particular State.

Mr. ISAACS: How can you prevent it, by your system?

Dr. COCKBURN: I only say I would do my utmost to prevent it. I do not say it would be prevented. I would do my utmost to prevent it by placing the guardianship of State interests in a body which would be able to protect them, and not in a body merely established for the sake of appearances; because we want a real not a sham States Council. We do not want a House that has the appearance of having equal representation, but we do want a House that will not suffer in comparison with the House of Representatives.

Mr. REID: Upon the financial basis South Australia seems to lay down do we want the Federation at all?

Mr. GLYNN: Not South Australia.

Mr. HOWE: Hear, hear.

Dr. COCKBURN: Yes, we want a Federation; but not a Federation to absorb our local powers of self-government and our local Parliament.

Mr. HIGGINS: No one wants it.

Dr. COCKBURN: No; but I am afraid that our wishes may not be carried out. Our rights are in danger if we do not safeguard them for the future [start page 344] -and there is no doubt that we are not so likely to have the privileges we most highly prize taken away from us if we have a guardian of those privileges especially erected to protect them. Of course, we should be careful not to concede to the central authority any powers which we can efficiently exercise upon our own account. The major premise, the very essence of Federation as opposed to unification, is the protection and the maintenance of local Government. It seems to me that the argument that the machinery should be framed first, and then powers given so as to find the machinery something to do, is bad. I have heard it said by some if we do not give over such and such powers the machinery of the Federal Government will not be fully employed. That seems to be the wrong way of going to work. We should first draw up a Est of our requirements, and then frame the machinery to carry out our intentions. But we seem chiefly to have been considering the machinery, and then trying to find something for the machinery to do; and I must say, upon this point, that I was one of those who were not in favour of taking the Commonwealth Bill altogether as a base of operations. If we are going to successfully build for all time we must go to work from a business point of view, and decide first what we want, and then the way to give effect to our wishes. I will not occupy the time of the Convention any longer with this very much vexed question of State rights. I can only say that I hope now, and at any future time, in considering this question we shall divest ourselves of selfish interests and consider it on a broad principle-a principle in which large and small States are equally interested, if we want to construct a real Federation. To show how temporary and evanescent may be the relative positions of States, one has only to call to mind that when the Constitution of America was being framed New York was one of the small States. Let us remember that just in so far as we are animated by a principle, we are entitled to fight for it, but in so far as we are only trying to make better terms for our own particular colony we are mere pettifoggers. The views I have expressed are from an honest conviction, that the best interests of all lie in guarding the sovereignty of the States which are a party to the Federation; and that it is to preserve, not to destroy, them that the Federation should come into existence. I take it that Australian prosperity is going to be the sum of the welfare of the component parts of Australia. I can not help feeling that Australian patriotism should be founded on the patriotism we we at present feel towards the States which we serve. I have no sympathy with those who ask us to come here prepared to forget our allegiance to, and in fact the very existence of, the States to whose service we are in honor bound.

An HON. MEMBER: Who has asked it?

Dr. COCKBURN: It has been asked over and over again.

Mr. GLYNN: You might kill yourself with over caution.

Dr. COCKBURN: When going into unknown territory it is well to be extra cautious.

Mr. HOWE: What about Switzerland? You are always quoting it.

Dr. COCKBURN: I am willing to take a lesson from any part of the world, wherever it comes from; and even supposing we got one of those glaciers from the mountains of Switzerland, which were mentioned by Mr. Deakin, and transported it to our arid plains, we would hail it with delight.

Mr. REID: Hear, hear.

Mr. DEAKIN: It would help to fill that reservoir of yours.

Dr. COCKBURN: It is a pity we have to go outside our own experience in this matter. We cannot take a model either from the mother-country or from any of the communities under the British Crown

in this respect, for the simple reason that [start page 345] none of them are Federations. Much as we desire to take our model from the Government of Great Britain we cannot do it.

Mr. HOWE: Take it from Switzerland.

Dr. COCKBURN: Much as I desire to follow Mr. Reid in his desire to make a model Parliament after the pattern of England, I do not think it can be done, for you cannot make a Federation out of a unification. However much we may admire the Government of England as a pattern, it is altogether foreign to the genius of Federation. It is carried on under a Parliamentary sovereignty, which is absolutely opposed to the whole spirit of Federation. In the very essence of the compact it is impossible.

Mr. REID: I cannot understand why you were so anxious to get us over here then. We did not come for a picnic, but to do something.

Dr. COCKBURN: Some are trying to get a Constitution which is in no sense a Federation.

Mr. REID: The temperature has gone down a good deal, surely.

Mr. BARTON: You want to make a mill and give us nothing to grind in it.

Dr. COCKBURN: Mr. Reid is here to frame a Constitution Bill, and he wants to do it after the model of England. You might as well try to make a pear after the model of a peach.

Mr. DEAKIN: You would make a fine pear.

Dr. COCKBURN: We should depart no more than is absolutely necessary from our old traditions, though the departure must in many respects be a radical one. I think there has been a good deal of confusion with regard to responsible government under Federation. Now, I think we should draw a distinction between party government and responsible government. The hon. member, Mr. Dobson, declaimed against the evils of party government as inseparably connected with responsible government; but I would ask hon. members to turn to America, where there is no responsible government, and yet party government has there developed in greater evils than are known in England, where responsible government exists. We should not have party government, but at the same time we ought not to do away with responsible government; although, on the other hand, we should have to do away with the Cabinet system, which makes Ministers responsible to the Cabinet instead of to their real masters-Parliament. I do not think it is necessary to abolish responsible government under Federation, but I do not think that the Cabinet system is possible. There is no difficulty whatever with Houses of co-ordinate powers in having Ministers responsible to both Houses. I suggest that we should take a leaf out of the book of Switzerland in this respect.

Mr. GLYNN: Supposing the Houses differed, would not the Ministry be supreme.

Dr. COCKBURN: I do not think that follows. I think there is no difficulty in framing an Executive responsible to both Houses. The scheme I advocate is that the two Houses elect an Executive from their members, one from each State, so as to have each State fully represented in the Executive Council.

Mr. HIGGINS: Would you have a joint sitting?

Dr. COCKBURN: I would not object to a joint sitting for that purpose. I would not give these Ministers any permanent tenure. I would not, as in Switzerland, have them elected for three years, so that they could hold office subject to no control. I would make it possible for one or more of the Ministers to be removed at any time by an adverse vote. The Ministers, as a rule, would be elected every session, but any of them would be liable to removal in order to keep the Ministry in touch with

the Parliament, and to increase their responsibility to the Parliament [start page 346] and the people. This will not in any way abolish responsible government It will make Ministers more responsible than ever.

Mr. GLYNN: There would be a State row when a Minister was removed.

Dr. COCKBURN: It would not be a party row. I would just like to say one word in reference to the remarks of Mr. Dobson-and I think he was posing as a humorist in much of what he said.

Mr. DEAKIN: He has been one of your staunchest supporters.

Dr. COCKBURN: I regret that Mr. Deakin has not seen aright on this subject of State rights, although he has been searching for the truth for six years, since last we met in Convention. When Mr. Dobson was making his charge of extravagance against democracy he cited as an example this chamber in which we are meeting. This chamber was not erected by a democracy. It was erected when South Australia was practically under an oligarchic rule. A democracy would not have built it. A democracy, instead of being extravagant, scans very closely every item of expenditure, and is far less likely to incur debts than any other form of government I am aware of. I am surprised that such views with regard to a democracy should obtain. I believe it to be the best form of government possible, and not only the best because it is the safest, but the best because it is the highest and purest. I should like to read on this subject three or four lines from an authority who is recognised as an expert in the matter of Federation which we are considering; they are from a lecture by Professor Freeman before no less an august assemblage than the University of Cambridge. After describing a democracy he says:

Such is pure democracy, the government of the whole people, and not of a part of it only, as carried out in its full perfection in a single city. It is a form of government which works up the faculties of man to a higher pitch than any other; it is the form of government which gives the freest scope to the inborn genius of the whole community, and of every member of it.

That is an ideal form of government, not a form lightly to be spoken of or easily to be destroyed. It is the highest form of Government of which human nature is capable. Now, with regard to one or two matters in the resolutions, I understand you, Mr. President, to rule that these resolutions when carried will not be binding upon the Committee in regard their strict letter. If it were not so, I would feel it incumbent to move some amendment, but under these circumstances, we can be content, if we are not to be bound by the letter, to allow them to go without amendment. I would mention one matter which has not received attention, and it is with regard to the sole power to give bounties being vested in the Federal Parliament. I look at the adjoining colony of Victoria, and I ask what is the industry from which that colony at the present moment derives the most advantage, and which, during the last decade, has developed more than any other? There is no doubt that it is the dairy industry, and its development is solely due to the wisdom of the Victorian legislature in giving a bonus on butter sent out to the markets of the world.

Mr. WISE: We started the export dairy industry long before Victoria.

Dr. COCKBURN: Then I am sorry that New South Wales has not been able to make better speed in their good work. The dominating position of Victoria in this connection is solely due to the wisdom of granting that bounty. I do not think it would be wise for the federal compact to prevent the possibility of any of the States adopting a measure of this sort for the development of its resources. We shall have to consider the question when we come into Committee, and see whether some power to do this cannot be left in the hands of the States. If we confine the power to give such bounties to the Federal Parliament, [start page 347] we shall find that it will not be exercised. These measures are all more or less experimental, and it is only the individual States that will undertake them. If you wait for public opinion of the whole of Australia to be educated up to the initiative on such questions you will

wait for ever. The Federal Parliament will be exceedingly cautious, and will require before embarking on any course, to be shown that it has been successfully pursued elsewhere.

Mr. GLYNN: How can you prevent a non-bounty State taking advantage of a bounty State?

Dr. COCKBURN: That is a matter which can be dealt with in Committee.

Mr. GLYNN: It is an important objection.

Mr. HOWE: There can be no intercolonial freetrade if you have anything like that.

Dr. COCKBURN: It would not apply to Australasia, but to the markets beyond our shores. The question of the railways has been so ably dealt with that I shall say nothing more than that I do not see how they can possibly be handed over to the Federal Parliament. I would deprecate the railways being run on a strictly commercial basis, because it is necessary to develop the country, even if there is a small loss to the railways. And then with regard to finance, the question of the federal contribution, which has been so ably argued by some of my colleagues, I will not say more than that I agree with them. I think a levy affords the only firm footing for the federal revenue; and those who are lost in the weary waste of waters will sooner or later come to dry land and find a firm footing in that mode of meeting the difficulty which, although not free from objections, offers the least. Now, sir, several names have been mentioned with regret as having been present at the 1891 Convention and absent from these deliberations. One name has not yet been mentioned, and it belongs to one of the greatest sons of Greater Britain—that of Sir George Grey—who, when the history of all comes to be written, will stand as one of the greatest men of Australasia; and sir, although his name has not been mentioned, still allusions have been made to an amendment that he moved in the Convention of 1891, with a view that the Governor-General—

Mr. HOWE: Should be elected.

Dr. COCKBURN: No. Sir George Grey held that view, but the amendment he moved was that the mode of the appointment should be left to the future. He proposed that the words "appointed by the Queen" be struck out, and the words "There shall be" a Governor-General inserted. I had the honor to vote with him, and I did so, not with the view that the Governor-General should necessarily be elected by the people, but that the question should be left over to the development of the future. I think the machinery of electing the Governor-General direct by the people would be too huge when brought into comparison with the work to be done by the occupant of the office; but I think some means should be contrived of taking Australasian opinion on the question as to who is to occupy this important position. Important it is, although not so important as anyone occupying a presidential position in a Federation, and I think steps should be taken to leave the mode of appointment open. I am sorry Sir George Grey is not here to argue this point with the eloquence with which he used so intently to interest and convince us.

Mr. HOWE (quoting from "Hansard"): He said in moving the amendment that the Governor-General should be elected.

Dr. COCKBURN: He did not intend that to be in the Constitution. His words did not indicate any such desire. He wished to strike out the words

Appointed by the Queen.

Mr. TRENWITH: And leave it open.

Dr. COCKBURN: Why should it not be left open? Much has been said about [\[start page 348\]](#) severing the connection with the mother-country.

Mr. BARTON: If you leave out these words

Appointed by the Queen

who is to appoint him?

Dr. COCKBURN: He might, I admit, be appointed by the Crown in the same sense as Ministries are appointed by the Governor, It would be well that the appointment should not take place till after the wishes of Australasia had been consulted. Far from this severing the tie with England, it seems to me that the only possibility of friction lies in this question of the appointment of a Governor-General. The appointment of an unsuitable Governor-General without consultation with the Federal Parliament, would be just the very thing to cause ill-feeling where no ill-feeling should be engendered. To talk of this being the only tie binding us to the mother-country when we are bound by a legislative union, and when the Imperial Parliament has the power to pass any Act it chooses which will be binding upon Australia, is to use words without meaning. If we turn to America again we find that while the American colonies were an integral part of the British Empire two at least of those States elected their own Governors, and there were others, where, if they did not practically elect their own Governors, the Governors were not appointed by the Crown. I see no chance whatever of any such amendment being carried, and therefore it would be idle to bring it forward. I only mention it as due to the memory of one who is not here to defend himself, for there is no more loyal son of Great Britain than Sir George Grey, and he certainly would have been the last to make any proposal which would have the effect of severing the tie binding us to the mother-country, to that country which he loves so well and for which he fought so long, and it is a mistake to think that the proposal he made would have the effect which it is stated it would have.

Sir WILLIAM ZEAL: Did anyone attack him?

Dr. COCKBURN: No; but the matter was referred to in such a way that had he been present he would have risen to his feet and defended himself. I regret the absence of Sir George Grey from this Convention. I feel that government by the people has lost, through his absence, one of its ablest advocates, for eloquent as are the addresses to which we have listened in this Convention, I must say I have never heard anything more magnificent than the eloquence of that Grand Old Man in the 1891 Convention. With regard the federal franchise I take it that we are practically bound by the conditions of our meeting to accept the principle of at least one man one vote, and one adult one vote for South Australia or any of the other colonies which may may choose to extend the franchise. It is of supreme importance that the first election of the Federal Parliament should take place on the basis of a liberal franchise, and South Australia has the right to look for help from the neighboring colonies which have been striving so hard in the direction of woman's franchise. Mr. Trenwith alluded to the matter, saying that endeavors had been made in the neighboring colony for giving a vote to women. A Bill empowering that principle was I believe actually passed through the Legislative Assembly in Victoria. Was that not so?

Mr. HIGGINS: Yes.

Dr. COCKBURN: And, therefore, I look to those in the neighboring colony whose sympathies are in this direction to assist us in extending the franchise to the women of federated Australia. In New South Wales also a resolution was carried embodying the principle, and to that colony also I think we have a right to look for assistance. With regard to the referendum that again is embodied in the very conditions under which we meet. Some hon. members of this Convention have said [start page 349] that the referendum is too intricate a machine for the people to understand. But I would point out that we are met under the condition that our work of framing this Constitution-this most intricate Bill-will be referred to the referendum of the people of Australia, for their confirmation. Therefore, I think, that the question of the widest possible franchise and the question of the referendum are questions which are really admitted by our being assembled in conclave under the respective Acts which called us together. I will not detain the Convention longer. No time has been

lost in the debate which has taken place. We are about to erect an edifice which is to endure for all time. We must avoid undue haste. We must give the building time to settle. Each course must be laid duly and in order, and time must be given for the consolidation of the edifice as it is erected. Above all this we must avoid anything of the lath and plaster order of constitution, and we must not allow any considerations with regard to personal convenience to interfere with our devotion to this, the greatest work on which any people could be engaged. In America the Convention sat five months with closed doors framing their Constitution, and if we succeed in our work in three or four weeks we ought to think that we have accomplished a wonder. We are performing a work which only once falls to the lot of a people to accomplish. We are framing a Constitution which will encompass, pervade, and influence every community, every Government, every institution, and every family in this our homeland of Australia, and it behoves us not only on account of the magnitude of the work in which we are engaged, but also because we wish our memories to be held in esteem by those who will come after us, to bend ourselves with all devotion to our task. We shall not escape censure if we do not lay down the foundations broad and strong, and rear the edifice in such a manner that it will protect not only the national life as a whole, but also all its component elements. If we unduly sacrifice any of those powers and privileges we at present enjoy, without getting adequate recompense in return, then posterity will not hold us blameless. But I have no fear whatever of the result of this Convention. We are met here together in the best possible spirit, every speech has been framed in the most conciliatory spirit possible, but at the same time, while we conciliate in matters of detail, we must also stand fast to our principles, and we must remember that the object of federation is twofold. It is to develop a nation and to maintain its component parts, and it is a nice compromise and balance between these two, neither to overlook the rights of the States nor the claims of this nation. A mistake on either hand will result in the defeat of the object we have in view. If, bearing in mind these objects, we patiently address ourselves to our task, then I think not only will our work endure, and our names be handed down with respect to the third and the fourth generations, but millions yet unborn will be taught to revere for all time the names of those who, in this year 1897, were assembled in this National Convention.

Mr. HOWE: I move:

That the debate be now adjourned.

Question resolved in the affirmative.

ADJOURNMENT.

The Convention adjourned at 10.31 p.m.