

South Australia, dated 17th April, expressing approval, on behalf of the Government of that colony, of "the amendments agreed upon at the recent interview between the Agents-General and your Lordship."

As this message appears to be at variance with the statement which I made to your Lordship in my despatch of the 16th March, I have the honour to enclose herewith a literal copy of the message I received from my Government, dated the 14th March, the substance of which I have already communicated to your Lordship.

I have, &c.,

The Right Hon. the Earl of Derby, K.G., &c.

ROBERT MURRAY SMITH.

Enclosure in No. 1.

The GOVERNMENT of VICTORIA to the AGENT-GENERAL for VICTORIA.

(Telegraphic despatch.)

14th March, 1885.

JOINT telegram *re* proposed Amendment Federal Bill sent Adelaide some days since, delayed Colton's absence Zealand, as follows: Queensland, South Australia, Tasmania, and Victoria all agree as follows: Clause one, amendment agreed with. Clause three should not be struck out, but proviso should be added as follows: "Subject to provisions herein contained in respect to the operation of this Act." Clause five, amendment disagreed with. Clause fifteen, agree to omit line three; disagree with new subsection after G; agree to new subsection after H. Clause twenty, agree amendments. Clause twenty-six, agree amendment first line, disagree the other. Clause thirty-one, new clause disagree.

No. 2.

Governor Sir A. MUSGRAVE, K.C.M.G., Queensland, to the Right Hon. the Earl of DERBY, K.G.  
(Received 6th May, 1885.)

MY LORD,—

Queensland Government House, Brisbane, 18th March, 1885.

Referring to my despatch of 12th instant, confirming my telegram of the same date on the subject of the amendments proposed by your Lordship in the draft Bill for the constitution of a Federal Council, transmitted to me in your Lordship's despatch of 11th December last, I now have the honour to forward to your Lordship a copy of a letter addressed to me by the Colonial Secretary and leader of the Government, Mr. Griffith, which fully explains the views of my advisers upon the points involved in the suggested amendments.

I have, &c.,

The Right Hon. the Earl of Derby, K.G., &c.

A. MUSGRAVE.

Enclosure in No. 2.

SIR,—

Colonial Secretary's Office, Brisbane, 16th March, 1885.

I regret the delay which has occurred in furnishing your Excellency with the observations of this Government upon the amendments suggested by Lord Derby in the draft Bill for the constitution of a Federal Council as proposed by the Convention held at Sydney at the end of 1883, a delay which has arisen from a desire that unanimity of opinion on the part of the several Australasian Governments might be secured before making a formal report to your Excellency.

1. I have lately had the opportunity of conferring at length with Mr. Service in Melbourne, Mr. Dalley in Sydney, and Mr. Douglas in Hobart, on the subject of Lord Derby's despatch of 11th December; but, although I have been for some time in possession of the views of all the Governments except that of New South Wales, until yesterday no formal reply was received from Mr. Dalley.

2. I yesterday had the honour to forward to your Excellency at Southport a telegram shortly stating the opinion of this Government as to the several suggested amendments, and I now propose to state more fully the reasons which have led it to these conclusions.

3. The 3rd clause of the draft Bill, which it is now suggested should be omitted, was inserted as the cardinal provision of the Bill, empowering Her Majesty to make laws with the consent of the Council to be constituted under it. In the Constitutions of the Colonies of New South Wales, Victoria, and Queensland a similar clause is found, and it appears to us that in its absence legislative authority would be formally conferred (if at all) upon the Council, with the consent of Her Majesty, instead of being conferred upon Her Majesty with the advice and consent of the Council. It is hardly necessary to point out that the latter form of enactment is in accordance with the accepted view of the constitution of Legislatures in the British dominions.

4. The suggested amendment in the 5th clause, empowering Her Majesty to increase the number of representatives for each colony, raises a question which was very fully and anxiously debated in the Convention. The arguments in favour of representation in proportion to population, as opposed to a uniform delegation of two members from each self-governing colony, were carefully weighed, and it was finally resolved that, as it was intended that the Council should not have any power to authorize the expenditure of money except for purposes connected with its own business, but should rather be of the nature of a conference whose agreements or treaties should have binding authority, it would better that each constituent colony of the same class should have equal representation. In the event, however, of a change being found desirable in this respect, we think it should be made by the Imperial Parliament, after addresses to Her Majesty from the Federal Council and the Legislatures of the several colonies. I do not quite understand whether by the suggested amendment it is intended that Her Majesty should have power to increase the number of representatives of some colonies to the exclusion of others, or that the representatives of each colony of the same class should always be equal in number. If the amendment were retained this should be made clear. I hope, however, that so important a departure will not be made from the scheme adopted by the Convention, for it will be very important that when the Legislature of any