



S U P P L E M E N T  
TO THE  
NEW SOUTH WALES  
GOVERNMENT GAZETTE,

OF TUESDAY, NOVEMBER 14, 1848.

Published by Authority.

WEDNESDAY, NOVEMBER 15, 1848.

*Colonial Secretary's Office,  
Sydney, 15th November, 1848.*

**R**EFERRING to the *Supplementary Government Gazette* of the 24th December last, His Excellency the Governor directs the publication, for general information, of the following additional Despatch from the Right Honorable the Secretary of State, dated 31st July, 1848, respecting the erection of the Port Phillip District into a separate Colony, and certain contemplated changes in the Constitution of New South Wales, and of the other Australian Colonies.

*By His Excellency's Command,  
E. DEAS THOMSON.*

(No. 133.)

*Downing-street,  
31st July, 1848.*

SIR,

1. I have to acknowledge your Despatch, No. 3, of the 6th of January last, in which you report the steps which you had taken to collect the opinions of the community over which you preside, in relation to the measures proposed by me in my Despatch of 31st July, 1847, and also No. 31, of the 2nd February last, enclosing a Petition from a large number of the Householders and Inhabitants of Sydney and its vicinity, deprecating any change in the Constitution of the Colony which shall not have received the previous sanction of the Colonists at large.

2. I can only repeat my expressions of sorrow for the calamitous events which rendered you unable to give that personal attention, which you would otherwise have been anxious to devote, to the consideration of these important subjects, and,

at the same time, assure you, that I feel every reason to be satisfied with the proceedings which you found it in your power to adopt.

3. I have given my best consideration to the representations thus addressed to me, and have delayed answering you for some time in consequence of the expectation held out in your Despatches of further Petitions on the same subject, which have not yet arrived. My anxiety not to act without being fully in possession of the views of the Inhabitants of New South Wales on the question of their future Government, has thus caused a delay which, at the now advanced period of the Session, renders it impossible that any measure can be introduced into Parliament with a prospect of being carried through. It becomes, therefore, unavoidable to postpone Legislation on this subject until next Session, when Her Majesty's Government will be prepared to undertake the task in full possession of all the available materials. Enough, however, has transpired to give me an insight into the general state of opinion among the Colonists, and to enable me, in consequence, to state the outline of the measures which I am prepared to recommend.

4. I collect from the Documents now before me, that the objections most strongly felt throughout the Colony to the views propounded in my Despatch, relate to the project of making the District Councils serve as constituent bodies to the Legislative, and, though in a less degree, to the division of the Legislative into an Assembly and a Council, according to the ordinary pattern of the Governments of those Colonies which derive their free Institutions from Great Britain.

5. With regard to the first of these suggestions, I certainly continue to believe that in colonies possessing an extensive territory it is highly desirable that the purely local affairs of different

districts should be entrusted to the management of some local authority distinct from the general Legislature; and that the surest method of preventing a conflict between such authority and the Legislature is to make the latter emanate from the former. But I can have no wish to impose upon the Inhabitants of the Colony a form of Government not in their judgment suited to their wants, and to which they generally object, and shall, therefore not think it necessary to advise the carrying of this proposal into execution.

6. With regard to the division of the Legislature into Assembly and Council, your own opinion, founded, as you state, on long practical experience, that it would be a decided improvement upon the present form of the Legislature in New South Wales, is one to which I have already stated my own adherence. Had, therefore, the general feeling of the Colony responded, in any degree, to the views expressed by myself, I should have had no hesitation in advising Her Majesty's Government to lay before Parliament the measures necessary to accomplish the change. But it is not such a reform as I consider it to be at all incumbent on the Legislature at home to press on an unwilling, or even an indifferent, people. Their interests will, I think, be better served by leaving in their own hands the power of effecting it, whenever they shall see reason to do so. Nor am I insensible to the difficulty which might be found to exist, if not in the Northern Districts, at least in Port Phillip, in finding at first a sufficient number of persons, unconnected with Government, qualified and willing, to act as nominated Members of a separate Legislative Council.

7. Having premised thus much in answer to the observations contained in your Despatch and its enclosures, I will proceed to state the measure which Her Majesty's Government have it in contemplation to introduce into Parliament, in order to effect at once the separation of Port Phillip from New South Wales, and certain ulterior objects which will be explained in the course of this Despatch.

8. The Bill for this purpose, will, in the first place, effect no changes in the composition or authority of the Legislative Council of New South Wales, beyond such as are the necessary consequences of the separation.

9. It will also establish in Port Phillip a Legislature, similar in character to that which now exists in New South Wales.

10. It further appears to me advisable that the same Bill should contain provisions for the establishment of Representative Institutions in the Colonies of Van Diemen's Land and South Australia. In the former the numbers of the Convict population, and the strict discipline which it was necessary in consequence to maintain have hitherto been regarded as presenting obstacles to the adoption of any system of self-government, but it now appears to me that such a measure ought no longer on this account to be delayed. In South Australia no such obstacles have ever existed, and the rapid advance of its population in numbers and in wealth and intelligence appears to indicate that the time has fully arrived when that Province should take its place among the self governing Colonies of the British Empire. I propose therefore that in both these Colonies, the principle of popular representation should be introduced, and that this should be effected by adding into their existing Legislatures elective members bearing the same proportion to those nominated by the Crown, as in New South Wales. But as this form of Government, while upon the whole it may be the best adapted to

present circumstances, is one which may admit of much modification and improvement under the suggestions of experience, and as the Australian Communities are, in my opinion, fully competent to originate, and to discuss for themselves any changes in this portion of their Institutions, I have it further in contemplation to recommend that their respective Legislative Councils should have power to make such alterations in their own Institutions as they may think expedient; subject however to the condition that no Ordinance which any such Legislative Council may pass for this purpose shall come into force until it shall have been specially confirmed by the Queen in Council, after being laid for one month before both Houses of Parliament. By this arrangement, provision will I trust be made for accommodating the constitutions of these thriving Colonies to the wants and the wishes of their Inhabitants, while at the same time, the necessary security will be taken against the introduction of rash and ill-considered changes.

11. There is another subject to which in making the proposed arrangement, it will be necessary to advert. The communication by land between the Districts of New South Wales and Port Phillip is already completely established; that of the latter with South Australia is becoming not inconsiderable, and in the rapid progress of events in those advancing communities, the intercourse between them will yearly become more and more intimate and frequent. If therefore, these three portions of the mainland of Australia should be placed under distinct and altogether independent Legislatures, each exerting absolute authority as to the imposition of duties on goods imported, the almost inevitable result will be, that such differences will grow up between the Tariffs of the several Colonies as will render it necessary to establish lines of internal Custom Houses on the frontiers of each. The extreme inconvenience and loss which each community would sustain from such measures needs no explanation; it will therefore be absolutely necessary to adopt some means of providing for that uniformity in their Commercial policy which is necessary, in order to give free scope for the development of their great natural resources, and for the increase of their trade. In what manner this may best be accomplished, is a question of some difficulty, which I must reserve for more mature consideration.

12. I regret the delay which has occurred (although from causes independent of Her Majesty's Government) in carrying into effect this necessary and urgently required measure. But the time lost will not be regretted, if the consequence of that delay should be the framing of a measure more complete in all its parts, and more in accordance with the now ascertained views of the Australian Community, than could have been the case if legislation had been attempted during the present Session of Parliament.

I have the honor to be,

Sir,

Your most obedient,

Humble Servant,  
GREY.

GOVERNOR

SIR CHAS. A. FITZ ROY,  
&c., &c., &c.