

The ACTING ATTORNEY GENERAL  
(Hon. G. W. Leake) seconded the motion.

Question put and passed.

The Council adjourned at 3.25 p.m.

## LEGISLATIVE COUNCIL,

*Thursday, 2nd July, 1874.*

Privilege—Address in Reply to the Governor's Speech—First Readings—Harbor Improvements: select committee—Immigration: select committee—Postage on Newspapers: in committee.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

### PRIVILEGE.

Mr. STEERE, without notice, called attention to a question of privilege, and protested against the precedent of nominee members being appointed until the writs had been returned for the election of all the elected members.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that the question had not escaped the notice of the Government. His Excellency the Governor had submitted the question for the advice of the Hon. the Acting Attorney General, and the grounds on which that officer had advised His Excellency to make the appointment of a fourth unofficial nominee member were concurred in by His Excellency the Governor in Executive Council. The Attorney General (who was absent) would be prepared to state to the Council the grounds on which he had advised His Excellency to make the appointment.

### ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Address to His Excellency the Governor, in reply to his Speech, be presented by the Speaker and other members of the House.

Mr. STEERE seconded the motion.

Question put and passed.

The Council adjourned and reassembled at 1 p.m.

The SPEAKER announced that the Address to His Excellency the Governor had been presented in accordance with the resolution of the House.

### FIRST READINGS.

The following Bills were read a first time, in accordance with notice, on motions by the Colonial Secretary (Hon. F. P. Barlee): Confirmation of Expenditure Bill, Transfer of Land Bill, Land Transfer Duty Act Amendment Bill, Aboriginal Native Offenders Amendment Bill, Imported Labor Registry Bill, Telegraphic Messages Bill, Game Bill, Charitable Institutions Bill, Exportation of Horses Bill, Miners Water Supply Bill, Education Act Amendment Bill, and the Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill.

### HARBOR IMPROVEMENTS.

#### Select Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved for the appointment of a select committee to take into consideration the report of the engineers of the Government of Victoria on the several plans for harbor improvements submitted to them, to report on further proposals of a similar nature, and to recommend for the consideration of the Council what measures should be adopted to bring this question to a speedy and practical issue. The committee to consist of Mr. Birch, Mr. Burt, Mr. Crowther, Mr. Glyde, Mr. Marmion, Mr. Padbury, and Mr. Steere.

Mr. STEERE pointed out that there was no official member on the committee, a fact that appeared to him very strange. He did not think it right. It looked as if the Government sought to cast the whole responsibility of deciding the question of harbor improvements upon unofficial members. So far as he himself was personally concerned he would prefer his name being struck out and included in the committee on immigration with which subject he was more conversant.

Mr. CROWTHER said the question of harbor improvements and that of immigration were of such vast and vital importance that he would be glad to see them considered in a Committee of the whole House. At any rate he certainly thought, with the hon. member for Wellington, that some member of the Government ought to be on the committee, the appointment of which was then under the consideration of the House.

Mr. BIRCH had no wish to shirk any duties imposed upon him by the House, but he did think there were hon. members present more conversant than himself with the question of harbor improvements, and he would be glad to have his name transferred to the list of the

select committee proposed to be appointed to consider the subject of immigration. If not out of order, he would beg leave to move that the names of the Hon. the Surveyor General and Mr. Bickley be added to the committee, in lieu of the hon. member for Wellington and himself. The Surveyor General ought, certainly, to be one of the committee-men on harbor works.

Mr. PADBURY said that, as nearly every hon. member in the House knew his opinion on the subject, he did not see the utility of his being on the committee at all. Nothing could induce him to alter his opinion that the best plan of harbor improvements would be a breakwater from Rous' Head.

Mr. BIRCH demanded a ballot, which process resulted in the appointment of the following select committee:—Messrs. Marmion (15); Padbury (14); Crowther (14); Glyde (13); Burt (11); Birch (9); and the Surveyor General (Hon. M. Fraser) (9).

The numbers for Mr. Birch and Mr. Fraser being equal, the Speaker gave his casting-vote in favor of the Surveyor General (Hon. M. Fraser).

## IMMIGRATION.

### Select Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved for the appointment of a select committee to take into consideration the best course to be adopted to encourage immigration, and to provide for a periodical supply of labor; such committee to consist of Mr. Bickley, Sir Thomas Cockburn-Campbell, Mr. Carey, Mr. Dempster, Mr. Hamersley, Mr. Monger, and Mr. Pearse.

A ballot was again taken, the result being the nomination of the above members.

## POSTAGE ON NEWSPAPERS.

### In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) brought under the notice of the Council, in a Committee of the whole, the question of postage upon newspapers, with the view of taking the opinion of the House whether the same be continued. He was induced to bring the matter under the consideration of the House at as early a period of the session as possible, because the subject had occupied a great deal of attention in the public prints. It was natural enough that the editors of newspapers should put before their readers that side of the question which affected them (newspaper proprietors) personally, and he did not blame them for doing so. At the same

time he thought that, in fairness, they might also have pointed out the other side of the question, for the question of a postage upon newspapers, like all other questions, had two sides—one affecting the pockets of the proprietors of newspapers, and the other touching the pockets of the whole body of taxpayers throughout the colony. Before he resumed his seat he would show, he hoped, very clearly the reasons which had induced the Government to reimpose the tax, and he believed he should be able to show that in doing so the Government had no object in view other than the general good. It had been suggested—suggested was hardly a term strong enough—it had been thrown in their teeth that the postage fee had been reimposed almost immediately after a session of the Legislative Council had been held, and without consulting the wishes of hon. members in respect thereof. It was maintained that the subject ought to have been brought under the notice of the House before the impost was adopted. Now, he thought that had the Government, at the session alluded to, brought the matter under consideration they might justly be charged with grave impropriety, and he would in such case have had some difficulty in defending the conduct of the Government, inasmuch as it was distinctly and clearly understood—circulars to that effect having been forwarded to every member of the House—that only certain business would be brought forward at the session in question, and, for that reason, he had felt it his incumbent duty to oppose and discourage any deviation from the programme laid down. Hon. members had remained absent from the session on the understanding that no other business than that specially referred to would be brought forward. This was the reason why the Government did not deem it proper to bring the subject under the consideration of a House summoned for a particular purpose only. Had they done so they would, in his opinion, have been very much to blame. As to the conduct of His Excellency in the matter, he might state that one of the very first actions taken by the Governor on assuming the administration of affairs, and before the adoption of the existing representative form of Government, was to abolish the postage upon newspapers, and since that time every facility had been afforded the proprietors of public journals. On the establishment of telegraphic communication very liberal terms in respect of press messages had been conceded, so as to enable newspaper proprietors to avail themselves of that means of obtaining intelligence. These facilities and concessions had been granted with the view of encouraging the dis-

semination of information conceived to be of advantage to the colony. He was not then going to argue whether such information had been circulated by the local press or not—though at a future period the question might come before the House. Did he attempt to go into that subject he would be in a position to prove that so far from the information disseminated by some of the newspapers of the colony being advantageous to its interests and calculated to promote its welfare, the statements promulgated were, on the contrary, calculated to do it a great deal of harm, and, possibly, had retarded its progress. He did not mean to say that all the newspapers had adopted this damaging course—he did not want to make a general charge against all the local journals—but some of them had pursued a policy calculated to do the colony a great deal of injury. When the newspaper postage was abolished we were then financially in a condition that justified the adoption of that course; the Postal Department returned a very considerable revenue, and the colony was not burdened with any actual cost in connection with the transmission of newspapers, inasmuch as with a view to save a multiplicity of accounts, the arrangement then, was, that each colony should retain the postage collected in it, and this also applied to England. There the postage collected was also retained; thus there was nothing to pay except the exact quota to the P.&O. mail subsidy calculated on the number of letters to and from each place. When the contract ended this arrangement also ended, and under the new arrangement with the P.&O. contract entered into by the colony of Victoria, to which we are parties, we had to pay 1d. for each newspaper conveyed to and from Galle and King George's Sound. This made a great difference, as we have to pay the money actually out of pocket. Lately the trouble of counting newspapers had proved so heavy that they are charged by the pound, and it has been found that six newspapers (taking the average weights) will weigh one pound, so the difference as to cost was immaterial. Now the number of newspapers that passed through the post in this colony during the year ended the 30th June last (only two days ago), was 165,409; and taking these at a penny each represented a question of £689 4s. 1d. The difference between the penny for each paper and the weight per pound during the past six months was this:—Under the rate at 6d. per pound the colony has netted the sum of £38; under the payment at 1d. each, there would have been a deficiency of £54. Now, when the question arose, the first idea was that persons who monthly received large

numbers of newspapers should pay the postage for the same on delivery, but so many difficulties presented themselves as to the collection of this postage, that the idea was given up. Then came the important question whether the Government was justified, without the expressed wish of the Legislature, in throwing upon the general tax-taxpayer, upon those who do not as a rule read many, if any, newspapers, the payment of the postage for the few who do read newspapers, and who each mail received large numbers of them. This was thought to be unfair, and the Government, therefore, determined to reimpose the postage of 1d. on each newspaper. From what he had said it would be seen that in reimposing the postage upon newspapers the Government had acted in perfect good faith, and had been actuated by no other motive than the general good of the colony. He thought it right that hon. members should know the system adopted elsewhere. The rule obtaining in the colony of Victoria with respect to newspapers was that every paper posted for delivery within the colony was charged a postage fee of  $\frac{1}{2}$ d.; if sent beyond the boundaries of the colony a postage of 1d. on each newspaper was charged. Newspapers received into the colony from abroad are, as in the case here, delivered free, for the very same reason as the same arrangement had been adopted here, namely, the difficulties attendant upon the collection of a fee upon newspapers received into the colony from abroad. In New South Wales, since about three months ago, newspapers posted within the colony are delivered free of charge, except within the boundary of the capital—Sydney,—and after the expiration of seven days of the publication of a newspaper, when a postage fee of 1d. is demanded; newspapers posted to places outside the colony were charged 1d. each, and newspapers received from outside the colony and re-posted are also charged 1d. each. South Australia was the most generous of all the colonies of the group in regard of postage; there was no fee charged there for newspapers received or issued. New Zealand went hand in hand with Victoria in this matter of postage, and Tasmania followed the example of South Australia. In Queensland newspapers were delivered free within the colony, and were also forwarded to the neighbouring colonies free of charge, if posted within seven days of the date of publication. After that period a fee of 1d. was imposed. Newspapers received for delivery from beyond the limits of the colony were delivered free of charge in Queensland, as in all the other colonies. The hon. gentleman concluded by stating that the Government

would offer no objection to any course which the Council might recommend in regard to the question before the House. The Government would cheerfully acquiesce in any arrangement that the House thought fit to recommend. He thought he had said enough to show that there had been no desire on their part, as had been alleged, to make a raid against newspaper proprietors, but that, on the contrary, the Government had been actuated solely by a desire to do the best they could in the interest of the public. Moreover, it would be borne in mind, that the proprietors of newspapers had no just cause to complain about the postage fee, inasmuch as the moment the tax was reimposed they increased the price of their journals, and it appeared to him, that they got very good interest indeed on the money they expended in postage stamps.

Mr. STEERE moved the adjournment of the debate, and expressed a belief that it would be better to appoint a select committee to consider and report upon the question before the House.

Mr. MARMION seconded the motion for an adjournment.

Progress reported, and leave obtained to sit again.

The Council adjourned at 3.20 p.m.

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## LEGISLATIVE COUNCIL,

*Monday, 6th July, 1874.*

Refreshment Committee: appointment—Privilege—Ill-treatment of Wives—Confirmation of Expenditure Bill: second reading: select committee.

The SPEAKER took the Chair at 6 p.m.  
PRAYERS.

## REFRESHMENT COMMITTEE.

### Appointment.

Mr. STEERE, with leave, without notice, moved that a committee be appointed to superintend the providing of refreshment for the use of members, such committee to consist of the Surveyor General (Hon. M. Fraser), Mr. Birch, and the Mover.

Question put and passed.

## PRIVILEGE.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake): I am of opinion that the appointment of Messrs. Burt and Glyde, as non-elected members of the Legislative Council, is valid. My reasons are as follows:—

The provisions of the Act of Parliament 5 and 6 Victoria, c. 76, s. 12, seem to contemplate the return of Writs at the commencement of a Council, and not to provide for the case of the increase of the number of members during a term; and I think it well to state the facts and give my reasons at length.

At the commencement of the present Council the whole number of the Council was 18: the elective members being 12, and the non-elective members 6. But in the course of its term a non-elective member, Mr. Bussell, resigned his seat, and the number of the members of the Council was by the Act 37 Victoria, No. 22, raised, by the addition of 3 members, to 21.

The Governor had therefore two members to nominate: one in the room of Mr. Bussell, the other as one of the additional members; and Mr. S. R. Hamersley having been elected for the newly-created district of the Murray and Williams, the Writ was duly returned.

The Writ for the district of the North has not yet been returned; but there is every reason to believe that it is in course of transmission from Port Walcott, and that an election has been had under that Writ.

After the return of the Writ for the election of the member for the new electoral district of the Murray and Williams, Messrs. Burt and Glyde were nominated by the Governor as non-elective members. I, too, took the oaths and my seat as an official non-elective member, as Acting Attorney General in the room of Mr. Hocking, now Acting Chief Justice of the Colony.

The Acts of Parliament 5 and 6 Victoria, c. 76, and 13 and 14 Victoria, c. 59, are eminently beneficial and remedial statutes; and therefore full effect must be given to their objects and provisions.

Directly the number of the Council was increased from 18 to 21, the Governor had, under the 13 and 14 Victoria, c. 59, s. 11, the power (even supposing the election of only one additional elective member had been provided by the