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1901-06-26

House of Representatives.

Mr. Speaker took the chair at 2.30 p.m., and read prayers.

DISTRIBUTION OF BILLS: ORDER OF BUSINESS

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Sir WILLIAM McMILLAN

- I wish to ask the Prime Minister a question, and, as I am representing honorable members on this side of the Chamber, in the absence of the leader of the Opposition, perhaps I shall be allowed a little more latitude than is usual in doing so. In the first place I wish to draw the right honorable gentleman's attention to the fact that, up to the present time, I and other honorable members on this side of the House have not received copies of the InterState Commission Bill, although I saw by the Argue on Monday last that copies of it were distributed on Saturday, and that its provisions are known to the press and in other quarters. I am aware that the Government are not absolutely to blame for this, but as a similar delay in the distribution of Bills has occurred before, I think they should see that steps are taken to prevent its recurrence. The other matter - to which I wish to draw the attention of the Prime Minister is this : I think that the time has come when it would be convenient if he would make some statement with regard to the order of public business.. Honorable members will . recognise that so far we on this side of the Chamber have' not adopted obstructive tactics. "We have recognised the great difficulties which have surrounded the Government during the last .few weeks by reason of the interruption of the work of Parliament by the festivities connected with the visit of the Duke of Cornwall and York to Melbourne and to Sydney, where two Ministers of State were compelled to attend; but I wish to point out to the right honorable gentleman that there is a very great deal of anxiety about the delivery of the Budget Speech, which will cover the Tariff.

Mr SPEAKER

- I am afraid that the honorable member is proceeding rather further than is permissible. In asking a question no discussion is allowed.

Sir WILLIAM McMILLAN

- I am only asking for information, and I shall open up no contentious matter which will lead to

Mr SPEAKER

- By leave of the House the honorable member may proceed.

Sir WILLIAM McMILLAN

- 'Without being connected with mercantile affairs, any person who moves in and out among the business men of the different States can see. that there is great commercial tension at the present time, caused by the anxiety in .regard to the Tariff, and I think that there should be some distinct utterance on the part of the Government as to the time when, or at any rate, as to the. latest date on which the Budget Speech will be delivered. There are periods of the year in which the imposition of duties or a change in the Tariff is less inconvenient than at other times, and I would point out to my right honorable friend that on or about the 1st August would be a suitable time, in the interests of commercial convenience for the delivery of the Budget Speech. There is now a very considerable paralysis in business circles because of the delay in adopting a Tariff. Of course this operates more in some of the States than in others, according to the view taken as to the probable reduction or increase of the duties now in force. I do not wish the Prime Minister to give me a definite reply to-day ; but I should like him to take into consideration whether a Ministerial statement of an authoritative and definite character should not be made, say to-morrow, fixing as nearly as possible a date for the delivery of the Budget Speech. To do that will ' not necessarily in any . way affect the future revenue, but it will give definite information to the commercial classes of Australia as to when a change in the Tariff is likely to be made, and will to some extent ease the tension which at present exists among them. I should like the right honorable gentleman to give me the assurance that the House will at the earliest moment possible be put into possession of some definite information on this subject.

Mr SPEAKER

- The distribution of Bills is, as was intimated the other day, a matter for the. officers of the House, and one for which they accept the full responsibility. If my attention had been called to the fact that some honorable members had not received copies- of the Inter-State Commission Bill I should have seen to the

matter before, but as, so far as I knew, copies of that measure had reached honorable members, I have done nothing in regard to it. I have, however, now taken steps which will insure the prompt' distribution of Bills from time to time.

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Minister for Ex.ternal Affairs

Mr BARTON

. - I am very glad that the honorable member for Wentworth has asked his question .in a way in which questions are not ordinarily put to the leader of the House, so that I may state freely what view I take in regard to the subject to which he has directed my attention. I can obviate the necessity of making a statement to-morrow . by saying at once that, as regards the order of business for the present, after the Public Service Bill and the Audit Bill have been dealt with,' the Inter-State Commission Bill and the Customs Bill will be dealt with ; and I think I can say that the second reading of the Defence Bill will be moved before the 10th July. The practice of the Government in connexion with all these measures will be to allow a fair interval for consideration between the moving of the second reading and the resumption of the debate, though of course any honorable member will be at liberty to follow the Minister who moves the second reading in addressing him self to the subject on the same evening. I cannot say yet whether I shall take the Inter-State Commission Bill before the Customs Bill, or viceversd; but. I wish to point out that both Bills have an intimate connexion with- the fiscal policy of the Government. We must pass a Bill regulating the Customs department before adopting a Tariff while, with regard to the* Inter-State Commission Bill, my honorable friend will recollect that it creates a body whose members will to a large. extent be the guardians of the provisions in the Constitution which secure intercolonial free-trade. They will have to see, under the authority of the law, that the intercolonial free-trade which has been ordained by the Constitution is not frustrated by any arrangement which may convert railway rates into a system of Inter-State protection. Of course that may not be necessary, but honorable members will see how very desirable it is that before Inter-State free-trade comes about there should be the necessary authorities, first to regulate the Customs, and next to see that the provisions of the Constitution in regard to freedom of commerce between the States are not defeated. So that those two Bills are of prime importance at the present stage. ' As to the delivery of the Budget Speech, I cannot promise it for the 1st August, or for any day before or after that date. My honorable friend will see that the Tariff which has to be framed is of very much greater importance than any Tariff that has yet been framed in Australia, because it will affect the six States which form the Commonwealth, and must necessarily diverge most materially from the existing Tariff in force in each of those States. Honorable members will see that the work of framing that Tariff exceeds in its difficulty and delicacy any similar work that has been entrusted to any State Ministry or Parliament in the past, and, therefore,- it is necessary to be very careful in dealing with the subject. The Cabinet, as well as the Minister in charge, will have to consider every line of the Customs Bill, and the honorable member for Wentworth. will see how important the work is, what continuous attention it will demand, and how difficult is the position of Minister's who have to meet the House at 2.30 every afternoon, and have matters of this kind to attend to in addition to their . ordinary administrative duties. I think I have explained enough to my honorable friend to let him see that we cannot make any actual promise on the subject of the delivery of the Budget Speech ; and I am sure that he would not be able to do so if he and his friends were in our place.. AVe have arranged, however, that there shall be no unnecessary delay. The Budget Speech will be delivered as soon as we can justly, and in consistency .with our duties, prepare for its delivery ; but I cannot name any date now, though I may be able to name one later on.

Sir William MCMILLAN

- Has the Cabinet considered the question of collecting customs duties concurrently with the delivery of the Budget Speech ? That is a very important matter.

Mr BARTON

- The question has been and is being considered, but it is a very difficult one. When the Customs Bill is circulated, my honorable friend will probably find some provisions in it which will satisfy him in regard to any doubts which may exercise his mind on the subject, and I hope that he will approve of them.

Mr Sawers

- Are the Government likely to take the Conciliation and Arbitration Bill at an early date 1

Mr BARTON

- I do not think that that Bill can be taken just yet. There are other matters which must be dealt with before the Tariff is dealt with. I propose to withdraw the Acquisition of Property Bill, because we think that it might well be introduced and dealt with in the Senate before it comes to this House, and we propose to ask the Vice-President of the Executive Council to take charge of it.

QUESTIONS

IMPERIAL COURT OF APPEAL

Mr CROUCH

asked the Prime Minister, upon notice -

Whether he will give honorable members an opportunity of considering and discussing the recommendations arrived at by the Imperial Court of Appeal Conference before accepting them on behalf of the Commonwealth.

Mr BARTON

- I hope to be able to do so, as it is expected that the proposals will be further discussed between the Imperial Government and the Governments represented after the conference.

POSTING OF ELECTION RETURNS

Mr CHAPMAN

- , for Mr. Cruickshank, asked the Minister representing the Honorable the Postmaster-General, upon notice -

Whether he will have immediate instructions sent to the post and telegraph masters throughout the States to have the returns as received during elections posted for the public information on a board outside each office ?

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Minister (without portfolio)

Sir PHILIP FYSH

- While the Postmaster-General cannot instruct post and telegraph masters to make public any information that is not of a departmental character that may be sent through their offices, he will consider to what extent he can comply with the honorable member's proposal.

PUBLIC SERVICE BILL

In Committee (consideration resumed from 25th June, vide page 1558).

Clause 21 -

If so recommended by the permanent head such annual salary may at the expiration of not less than six months be increased by the Governor-General to the rate of Fifty pounds per annum, and at the expiration of a further period of not less than six months to the rate of Sixty pounds per annum.

No officer shall be advanced within a class in the clerical division except by promotion from one subdivision to the next higher subdivision thereof.

No officer shall, until he has been at least twelve months in a subdivision of a class in the clerical division, be promoted to a higher subdivision thereof.

No officer shall be promoted from one class to another in the clerical division until he has served at least one year in each subdivision of the class from which he is promoted ; and he shall not be promoted in such division except to the class next higher than the class from which he is promoted.

An officer may be promoted within a class in the clerical division from one subdivision thereof to another whether there is or is not a vacancy in the subdivision to which the promotion is made.

No officer shall be promoted from one class in the clerical division to a higher class therein except to fill up a vacancy in such higher class or to fill a new office.

Notwithstanding anything contained in this section, on the recommendation of a permanent head, the approval of the Minister, and the nomination of the commissioner, an officer may be promoted from any class to the next higher class, although he has not served at least one year in each subdivision of the class from which he is promoted. A copy of every such recommendation approval and nomination shall as soon as practicable after the making of any such appointment be laid before Parliament. Upon which Mr. Poynton had moved, by way of amendment -

That the words " if so recommended by the," in sub-clause (2), be omitted. . Mr. DEAKIN (Ballarat-Attorney-General). - Although my honorable colleague, the Minister for Home Affairs, has, I am happy to

say, returned, and will be able to take charge of the measure, I, as responsible for its conduct last night, when several questions were under discussion, think it as well to intimate to the committee that, in accordance with promises then made, and with such leisure as I have been able to find this morning, I have reconsidered this clause as a whole in connexion with the two or three rather difficult problems suggested. I have now a set of amendments in print, which, however, I learn has been sent to the Attorney-General's office instead of to this House, but which will arrive in a few moments. These amendments will recast the clause so as, I hope, to bring it into accord with the wishes of honorable members. It is a long clause as it stands, and it will be still longer when the additional sub-clauses necessary to meet what I understand to be the wishes of the committee are added to it. The amendments will demand, for the purpose of simplification, that the clause shall be divided into three, and instead, therefore, of one clause, there will be three clauses dealing with three different branches of the subject opened up in the course - of the discussion. I propose, in the first place, to take sub-clauses (1) and (2), either as they stand or with scarcely any alteration, and add to them several sub-clauses of which I hold a rough draft. It is not quite fair to ask honorable members to deal with those amendments until they have the printed matter in their hands.

Mr Poynton

- Could we not postpone this clause and go on with another part of the Bill ?

Attorney-General

Mr DEAKIN

- We could.

Mr Conroy

- It would be better to put the Bill aside until we get the printed amendments.

Sir William McMillan

- The Attorney-General might be allowed to explain.

Mr CONROY

- There are six pages of the amendments ; they are longer than the Bill itself.

Mr DEAKIN

- I am sure the honorable member for Werriwa does not wish me to restrain the liberty of honorable members to move amendments.

Mr CONROY

- It is the Attorney-General's amendments to which I am referring.

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Mr DEAKIN

- My own amendments do not cover a page, and are only a recasting of the clause for the convenience of honorable members. What I propose to submit is as follows : -

During the month of March in each year the permanent head of each department shall furnish to the commissioner a report upon the conduct, diligence, and general efficiency of each officer in the fifth class of the clerical division.

Such report shall, in the first instance, be made by the immediate superior of the officer reported upon, and then forwarded by the permanent head, with such amendments as he may think fit.

Upon the receipt of such report, and upon obtaining any further information which may be necessary, the commissioner shall determine whether such officer is entitled to the full amount or any part of the prescribed increase as a reward for earnest application to duty and meritorious public service.

But no increase will be paid to any officer until the commissioner gives his certificate. The commissioner is to give his certificate in every case in which it is shown, putting it broadly, because I have not the exact words, that the officer has made an energetic effort to fulfil his duties, and has performed meritorious public service. That is to say, officers are not to be put into a competitive examination, with the result that so many of them are to get increases, but each officer is to be judged on his merits in his particular place. If he has done his best, and really devoted himself to work energetically during the year, though he may not have done so well as another, if he has really grappled with his work he will, on getting the commissioner's certificate, be entitled to increase up to the maximum of the fifth class. I hope honorable members who have been pressing for the consideration of automatic advances will be able to accept this proposal as meeting all, I think, they can reasonably ask, if we are to retain that stimulus and

encouragement which are especially necessary in this part of the public service, where individual responsibility is naturally less than it is in the higher divisions, and where these who perform duties are less individually brought under the public eye. In those cases where the mass of the public servants are where the mass of the public service work is done, although officers are not known by name to the public, or are not known very distinctly, even to their own distant permanent heads - in such cases we want to give them all the incitement and encouragement we can to undertake their duties with energy.

Consequently, it is provided that on the certificate that each officer has done his best according to his capacity, he will be entitled to receive his increment. I hope honorable members generally will receive this as a fair solution of the question. I think it meets exactly the point raised by the honorable member for South Australia, Sir Langdon Bonython, last night. It is a guarantee to every officer who really buckles down to his work and pulls at the collar as he should do that he will get his increment each year until he receives £160. Before I submit this proposal in precise words, perhaps those who have taken charge of amendments will intimate whether, taking this broad statement of the intentions of the Ministry, the proposal does not meet the necessities of the case, and yet provide that stimulus we desire to retain.

Mr HUME COOK

- How about the man who is not recommended, or cannot be recommended by the permanent head as fit for clerical duties, though he may be a first-class labourer if put into the general division ?

Mr. Deakin. - I propose to take advantage of that suggestion and to submit a sub-clause dealing with it, but I think that would come better in clause 28 than at the present time. That suggestion is associated with the question, and I propose to submit a provision to help an officer to be transferred to the general division when fitted for that and unsuited for clerical work.

Sir WILLIAM McMILLAN

- I must say I do not feel at all satisfied with this last move of the Attorney-General. The whole contention between us is that in every case where the permanent head was made to initiate outside the ordinary working of the department the commissioner must be substituted. The proposal by the Attorney-General is not a very ingenious way of dealing with the question. The whole question that we have to decide at this particular part of the Bill is whether the commissioner-

Mr Deakin

- Not at this particular time.

Sir William McMillan

- But I object to this part of the Bill because it strikes a blow at the very principle which we want to introduce.

Mr Deakin

- Not a bit.

Sir WILLIAM McMILLAN

- Then it is a matter of opinion.

Mr Deakin

- Yes.

Sir WILLIAM McMILLAN

- Here we have a proposal not with regard entirely to the question of automatic advances, but with regard to the question as to who shall recommend the salary.

Mr Deakin

- That is the commissioner.

Sir WILLIAM McMILLAN

- And who is to deal with the salary?

Mr Deakin

- The commissioner.

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Sir WILLIAM McMILLAN

- The Attorney-General proposes that there shall be a report from the permanent head of the department.

Mr Deakin

- Certainly. Sir WILLIAM McMILLAN. - Then there is another matter which I cannot quote exactly, but which practically puts the permanent head in the position of instructing the commissioner. The only way I

can suggest to prevent the commissioner being made an absolute autocrat is to give him full power in every matter connected with the public service, subject to the veto of the Governor-General. I can see clearly that if in any clause we allow the head of the department to interfere, we shall have two authorities clashing with each other. I do not for a moment mean, and no sensible man would mean, that the commissioner is not to consult with the head of each department, and form his opinion to some extent on the information he gets. But I want it to be clearly understood that the duties of permanent heads, qua permanent heads, shall be simply the running of their departments and securing discipline. In order to make myself thoroughly understood, I must say I do not believe in the commissioner interfering with detail, and nagging the permanent heads. But if we do not draw a distinct line between the discipline and administration of the departments, as a matter of business, and all other questions connected with the status of officers - their salaries, their grades, their transfers, and so on - we shall make a hotch-potch of this Bill. Therefore I absolutely object, simply under the guise of meeting the views of the Attorney-General, to continue to introduce the interference of the permanent heads. I certainly intend to test the feeling- of the committee on this question.

Mr Deakin

- Hear, hear !

Sir WILLIAM McMILLAN

- I - It seems to me that the sooner that is done the better, because we are getting no finality to the principle in this Bill. I am sure the Attorney-General will recognise my anxiety to be perfectly fair in this matter. I gave up the idea of challenging the principle on clause 5, and left it to clause 21. But whether I am right or whether I am wrong, I am not going to be diverted from my purpose at this stage. I intend to divide the committee at once, or as soon as the Attorney-General will give me an opportunity, on the question whether or not the commissioner is to have the whole initiation and the whole control of every matter connected with salaries, transfers, grades, and other things of that kind, leaving to the permanent head simply the administration of the department as it is handed over to him. This does not preclude the Minister or the commissioner consulting with the permanent head, but it creates in the matter of salaries, grades, transfers, &c, only two' authorities and not three. It makes the initiation come from the commissioner, and gives him real control not of one department, but of the civil service as a whole. The commissioner is beholden to nobody but the Governor-General, which means the Cabinet. I must insist at this stage in intervening, and if the proposal of the Attorney-General is introduced, I shall move that the words "permanent head" be struck out, and " commissioner " substituted, in order to test the question. I shall move that amendment on the clause as it stands, but I do not want to interfere with the proposal the Attorney-General has to make.

Mr POYNTON

- I do not wish in any way to prevent the honorable member for Wentworth from having a test vote on the question whether the initiation should be with the permanent head or the commissioner ; but, like the honorable member, I do not want to lose my opportunity of having a test vote whether we are to have automatic increases or the system laid down in the Bill. We are at a disadvantage, notwithstanding the explanations we have received, in not having the printed amendments before us. I suggested a little while ago that we might go on with the next portion of the Bill, which does not affect the principle in question here. I can foresee a considerable amount of difficulty in arriving at a satisfactory solution of this question. I understand that the Attorney-General has abandoned the proviso he had in his previous printed amendments. In the new clause he proposes there is no condition I presume - or, at any rate, no guarantee - that at the age of 21 the officer will receive a salary of £100.

Mr DEAKIN

- Yes ; we keep that in, but it is dealt with in a later clause.

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Mr POYNTON

- Will the Attorney-General offer any opposition to making the amount £120? Is the honorable and learned gentleman inclined to provide that no one of the age of 21 years in the fifth class of the clerical division of the service shall be paid less than £120 per annum? If I received an assurance to that effect I should feel disposed to accept the proposal of the Attorney-General in regard to the conditions applicable to the increments accruing from that stage up to £160. But I am anxious that we shall have something more

definite than the Bill provides. Under the present provisions of the measure it is quite possible that a number of employees in the fifth class of the clerical division will, after several years in the service, be receiving only £60 a year. Indeed, there is no guarantee that they will get more than £40. I do not wish my position to be misunderstood. I notice that in the Argus to-day it was stated that a number of honorable members were anxious that men in the service should advance up to £160 a year, irrespective of merit. That is not my desire. But I do want some assurance that where men in the lower grades of the service exhibit merit, they shall receive these automatic increases. It was stated last evening that it was quite possible for these officers to reach the salary of £160 per annum in six years. I admit that it is possible, but I am of opinion that it is very improbable indeed. We must be guided to a great extent by what is happening in other places. Take the railway service of South Australia as an example. The automatic increases of the clerical division there are given till the amount of £150 is reached. In the Civil Service Bill which was introduced into the South Australian Parliament last year, the Government proposal was that a minimum of £100 per annum should be paid. But, under the Bill which we are now discussing, the minimum is fixed at only £40. Everything is to be done on the recommendation of the heads of departments. I am in a dilemma as to what to do concerning the Amendment which the honorable member for Wentworth wishes to propose, owing to the want of an assurance from the Treasury benches.

Mr. DEAKIN. (Ballarat- Attorney-General). - I might say first of all that I do not expect that the plea of political innocence will be accepted in any other sense than the plea of not guilty is accepted in court - as a mere formality. I must, however, plead not guilty of an intention by any means to circumvent the honorable member for Wentworth by the form of amendment which I introduced. I confess that my mind was so occupied in meeting the difficulties raised by the honorable members for South Australia, Mr. Poynton and Mr. Batchelor, and other honorable members, as to settling the question of the payments to be made in the clerical division, that I put in the rest of my proposal as ordinary machinery, without in any way reflecting that it crossed the wishes of my honorable friend. I rose more particularly for the purpose of addressing the honorable member for South Australia Mr. Poynton, and not for the purpose of raising the issue referred to by the honorable member for Wentworth, but as he has raised it, and as I recognise that I am placing the honorable member for South Australia, Mr. Poynton, in a difficulty, I venture to suggest that we had better deal with the two questions one at a time. Since the honorable member for Wentworth feels so strongly about the question of the commissioner and the permanent head I make him a suggestion, by means of which we can dispose of his point one way or the other before we deal with the proposition of the honorable member for South Australia, Mr. Poynton. I suggest that the honorable member for Wentworth should move in the second line of sub-clause (1) of clause 21, the omission of the words " the rate of." These are words which we can well do without, if the amendment is carried. Whether these words are retained or not is immaterial. Their omission will indicate the wish of the committee in regard to this question of the absorption by the commissioner of the powers proposed to be given in this Bill to the permanent head. The stand-point of the honorable member for Wentworth is that, instead of the public service being divided into two parts, as we propose, the working part and the critical part, both subject to the Governor-General, it shall stand as a whole under the commissioner, who shall not only be the critical and advisory authority, but the actual authority; the person whose certificate practically makes or refuses appointments or promotions, and gives effect to every other necessary action connected with the service. The honorable member for Wentworth suggests that as between the Governor-General and the service there shall be only the commissioner ; that the permanent head, if he gives advice, shall do so only in the ordinary discharge of his duties if the commissioner or Minister shall desire his opinion. He proposes that the commissioner shall manage the service, subject to the negative veto of the Governor-General. If the honorable member for Wentworth carries his amendment, I shall take it as an instruction, and I think my colleague will take it as an instruction, that throughout the Bill the permanent head will practically disappear or take a very subordinate position indeed. The one person dealt with in all matters of business relating to the service will then be the commissioner, and never the permanent head.

Mr SALMON

- - I have a prior amendment to propose. But the honorable member for South Australia Mr. Poynton must withdraw his amendment before it can be moved.

Amendment, by leave, withdrawn.

Mr SALMON

- The amendment which I desire to move will have the effect of allowing employees to go from the general division.

Mr DEAKIN

- I have that in a later proposal.

Mr SALMON

- I do not think so. If the clause is carried in its present form it will absolutely debar any member of the general division from going to the clerical division except at the lowest possible salary.

Mr Deakin

- I have recast the whole of that. I can assure the honorable member that there will be no doubt about that.

Sir WILLIAMMCMILLAN (Wentworth). - From an interjection made on the other side, I gather that there may be some question of absolute consistency in this debate. I think the Minister who has been in charge of this Bill will allow that there has been a very generous desire on the part of honorable members to find some way through the tangle of this wood and it is no matter of inconsistency if certain proposals are made, at one time which have to be dropped at another. In other words, if we feel that the commissioner must be placed in a very solid position, it is not a matter of inconsistency to shift our ground in any way to get at the real issue of the Bill. Therefore, I thank my honorable and learned friend for giving me an opportunity of dealing with the question at this stage. I think he has stated the question very clearly. I understand from him that if we carry an amendment that the words indicated by him should be struck out, he will see consequential amendments made in the Bill by which the basic authority will be the commissioner, subject only to the veto of the Governor-General. I do not propose this amendment in any spirit of antagonism to my honorable and learned friend the Attorney-General or the Minister in charge of the Bill. I have been as strong as., he has against putting any commissioner in an irresponsible position where he can dictate to Parliament and Ministers of the Crown and everybody else. But I feel that with the experience we have had of the past it is necessary that there should be a man - not merely a watchdog, as he has been called - but a man who has the necessary authority to be the guardian, the controller of the public service. His position must be so clearly, so well defined that the framework of this Bill will carry with it his proper authority. I do not think I need say anything more. If my proposal is carried and the Bill is reconstructed' to a large extent upon the principle that I have laid down, I feel perfectly sure that it ' will be much more in unison with the opinion of the people of this country than it is in its present form. I think that the Minister for Home Affairs., has been actuated by the very best intentions in dealing with this matter. He has seen the difficulties of the autocratic control of the commissioner. But we do not make this commissioner above Parliament or above the Ministry. He has to report everything to Parliament, and the Minister must pass everything before it is allowed.. At the same time we shall establish him as a live authority in this Bill, and make him an effective instrument for the good government of the public service. I move -

That the words " the rate of," in line 3 of sub-, clause (1), be omitted.

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Mr A McLEAN

- The honorable' member for Wentworth is generally very clear, but I must confess that at the present moment I am not quite sure how far he proposes to go. I am thoroughly in accord with his views to this extent, that the commissioner should have the sole responsibility of selecting officers for every position created by the Governor-General in Council,, and for promoting them in the service. But I do not know whether my honorable friend goes so far as to give the commissioner the right to create offices. We know very well that the bane of the public service in the past is that offices have frequently been created for individuals. If the individual who creates the office has the right to fill it, we shall not get rid of that abuse. There are many reasons for keeping; the creation of the office absolutely distinct from the power to select the officers, and I should like to be very clear on this point. I am thoroughly in favour of making the commissioner the supreme power for filling the different offices, subject to the veto of the Minister, and I think he should be able to satisfy the Minister on every occasion that what he does is the right thing, or, at any rate, that he has good grounds for proposing what he does.

Mr Deakin

- I would like to point out that the sub-clause («) of clause 35, in its amended form, will read as follows : -
The Governor-General may, on the recommendation of the commissioner, create a new office in any division in any department on the request of the permanent head thereof.

So that the creation of a new office will require the request of the permanent head, the recommendation of the commissioner, and the assent of the Governor-General. That is the position under the Bill, no matter what may be the fate of the amendment that is now being discussed.

Mr A McLEAN

- I would like the Governor-General to be even more powerful in that regard, because it seems to me that we have no guarantee against the evil I have indicated.

Sir WILLIAM McMILLAN (Wentworth). - I might point out that nothing that may be done under my proposal can weaken by one jot or tittle the Governor-General's power. It is an unimportant matter whether the initiative comes from the Governor-General or the commissioner. Nothing can be done without the commissioner, and the commissioner can do nothing final.

An Honorable Member. - In what direction 1

Sir WILLIAM McMILLAN

- In any direction. If I understand my honorable friend he thinks by this proposal of mine the Governor-General will be " snuffed " out in regard to all questions of new branches or offices, but as a matter of fact, he will not be affected' in any way. The Governor-General will have the right to make any proposals to the commissioner ; the commissioner would consider it, and the initial report would come from him to the Governor-General.

Mr HUME COOK

- How does the honorable member's proposal affect the inner working of the department by the permanent head ?

Sir WILLIAM McMILLAN

- Subclause (2) of clause 12 provides that the permanent head of the department shall be responsible for the general working of his department, and for all the business thereof, and shall advise the Minister in all matters relating thereto.

Mr HUME COOK

- But how does the honorable member's proposal affect it ?

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Sir WILLIAM McMILLAN

- McMILLAN. -It does not affect that clause at all. We will take a concrete case. Take for instance the Department for Home Affairs. Of course there will be appointments made before this Bill is passed, but supposing that under the operation of the Bill a certain department is handed over to the permanent head. He will have that department to administer, and certain machinery will be placed in his hands, and he will be required to do his best with it in all matters of discipline and all matters affecting public affairs arising out of it. When we get that far, however, we stop, and, just as we would in a business concern, we tell our manager that whilst he is placed in charge of, and is furnished with, a fully equipped department he cannot change the officers, he cannot affect their salaries, and he cannot transfer them from' that department to another. To my mind from a business point of view the distinction is perfectly clear, and what I am now describing is done every day in business firms. A branch is handed over to a man fully equipped for the purpose of doing certain work, but the employer does not allow the manager to dismiss the servants without his leave, to transfer them from . that part of the business to another, or to degrade them. I would be the last to allow the commissioner to interfere with the details of the working of the department as between the Minister and the permanent head, because I think that would destroy all discipline and all efficiency in carrying out the actual current work of the department. That is no part of the functions of a commissioner in a civil service. The idea is to have a commissioner who shall be placed in a position of control with regard to the grading of officers, the fixing of salaries, the arranging of the status of the individual officers, and the introduction of any new blood into the department ; but the permanent head has simply to work his department with the material that is given to him by the Governor-General and the commissioner. To me the distinction is perfectly clear, and if it should happen that I have not been able to make it as clear to others as it is to myself, I shall be glad to further explain it. In any case such as my honorable friend Mr. McLean, the member for Gippsland, has referred to, I shall not, by the

course I am now proposing, in any way weaken the position of the Governor-General, but I propose to create a system under which there will be no clashing elements in the work of directing the service as a whole, and keeping it in effective order as a piece of machinery. There will be only two authorities, the commissioner and the Governor-General, who is practically the Minister of the department. There is a clear line of demarcation between the ordinary working of the department, as it is defined in sub-clause (2) of clause 12, which I accept as an absolutely clear definition of the duties of the permanent head, and I would leave everything outside of that to the commissioner, subject to the veto of the Governor-General.

Mr. A. McLEAN (Gippsland). - I think I follow my honorable friend, the honorable member for Wentworth, and that his views are quite in accordance with those I have previously expressed, but I do not yet see the force of his objection to the proposal of the Attorney-General as I understood it. It appears to me that the permanent head is the only person who can furnish the information necessary for dealing with the various officers. Whether it be furnished to the Governor-General or to the commissioner is immaterial for the present, but we could not expect the commissioner to have such a close acquaintance with the officers of every department as to enable him, without a report from the permanent head, to say whether any man's increments should be stopped or not. The permanent head in supplying a report would not be making a promotion or raising a salary. The Bill provides that a certain salary shall be paid to any person entering the service, and it provides - or it is intended to provide, as I understand, with the amendments yet to be submitted - that every young man who does his duty in the service shall get certain increments.

Mr Deakin

- Yes, up to £160.

Mr A McLEAN

- Therefore that forms portion of the salary which Parliament itself fixes. It appears to me that the permanent head is the only man who can give the necessary information either to the commissioner or to the Minister - whichever the

House decides - and without the report of the permanent head I do not see how it is possible for the commissioner to judge of the manner in which every officer discharges his duties. That is the only point on which I do not follow my honorable friend, Sir William McMillan.

Sir William McMillan

- But he has the power to call on the permanent head to give a report if he desires it.

Mr A McLEAN

- Yes ; but it appears to me that it would be an improvement to make that a part of the permanent head's duties, because I think it would be a stimulus to the officer himself to discharge his duty faithfully, knowing, as he would, that the person above him in the office is bound by law to furnish a report at the end of the year as to the manner in which he discharges his duties.

Sir William McMillan

- Does not the honorable member see the difference between the commissioner calling on the head of the department to furnish a report and the head of the department furnishing a report which is practically an instruction to the commissioner?

Mr Deakin

- No, no.

Mr A McLEAN

- It appears to me that it is desirable that there should be a statutory obligation on the part of the permanent head to supply the commissioner with the information that is necessary for the proper discharge of his duties. I thoroughly agree with the Attorney-General, and I agree with the honorable member for Wentworth in the main in making the commissioner solely responsible for filling all appointments, and making all promotions in the service, subject to the veto of the Governor-General in Council.

Minister for Home Affairs

Sir WILLIAM LYNE

. - I have to thank my honorable and learned colleague, the Attorney-General, for having dealt with the Bill in my absence. This particular clause is no doubt one of the principal, and one of the most intricate, provisions in the Bill, but having listened to the statement made by the honorable member for Wentworth, it seems to me that he is trying to bring this Bill exactly into line with the law as it is in New South Wales.

Sir William McMillan

- No, no:

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Sir WILLIAM LYNE

- There is practically no difference. At the present time in New South Wales, and in the past, too, the commissioners have acted without reference to the permanent heads at all. They have absolutely acted in direct opposition to the permanent heads, and they have undermined the departments through ignoring the permanent heads to such a degree that the service is not what it was in a great many departments. The object of this Bill is not to give the permanent heads undue power. Far be it from me to attempt anything of the kind. It is intended to compel the commissioner to give due respect to the recommendations of the permanent head, who, of all others, is the proper person, and who should know his department and his officers. The honorable member for Wentworth has stated that under clause 12 the position of the permanent head is that, having been supplied with a department and with the officers necessary to work that department, it is his business to see that it is properly administered, but that he is not to have any power at all to make any recommendations or suggestions for improvements or alterations in his department after it is given to him.

Sir WILLIAM McMillan

- No ; I do not say that. 'Sir WILLIAM LYNE. - That is the effect of what the honorable member says.

Sir William McMillan

- No ; I said he should have no right to make any alterations.

Sir WILLIAM LYNE

- I do not wish that he should have any right to make them, and under the Bill he can only have the right to make recommendations. The honorable member has put the case of the position of the permanent head in the department over which he has presided, and I speak with authority when I say that I know of more than one department in the State of New South Wales that has been dealt with in that way. Because the recommendation of the permanent head was not taken by the commissioners, the department was unfitted to carry out the work intrusted to it. In the department over which I presided - that of the Treasury - the permanent head was rendered absolutely helpless, and that department and the Works department were undermined, by the action of the commissioners. I am not going to allow any Bill to pass which would permit of such a state of things in the Commonwealth public service. I do not care whether the recommendation of the permanent head be made to the Minister or to the commissioner. I think that, when the Bill was under discussion before, I expressed myself in favour of making the permanent head report to the commissioner, and allowing the commissioner to be the vehicle of communication between the department and the Minister.

Mr O'Malley

- S - Some one must be responsible.

Sir WILLIAM LYNE

- Yes. But I want to prevent what I have seen in New South Wales - the undermining of a department against the will of the man who is responsible for its working.

Mr A McLEAN

- That would not be the effect of the amendment. The honorable member for Wentworth desires that the Governor-General - which, of course, means the Ministry - shall have the power to veto everything that is proposed to be done.

Sir WILLIAM LYNE

- That is the law in New South Wales now. The Government can veto every recommendation.

Mr Thomson

- He can- refuse to appoint or dismiss, but he cannot veto everything. He has no power of veto in many of the matters in regard to which that power is given to the Governor-General under the Bill.

Sir WILLIAM LYNE

- I do not know whether the Bill goes a little further in regard to the power of veto than the New South Wales Act; but, so far as the exercise of that power in regard to appointments and dismissals is concerned, the two measures are practically the same.

Mr A McLEAN

- Is the Minister agreed that the commissioner should have the sole control of appointments, promotions, and dismissals, subject to the approval, of the Minister ?

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Sir WILLIAM LYNE

- Yes; but I want the permanent head to be consulted, and his recommendation obtained. I am willing that the commissioner shall be the pivot upon which everything turns, and that the Governor-General shall be the controlling power over him. But we must not destroy the service by ignoring the permanent head. If the commissioner does not accept the recommendation of the permanent head, he must give a reason for ignoring it; and the matter is then put before the Governor-General in Council, who will decide whether the commissioner's decision should be ratified. What I am chiefly fighting for in connexion with this Bill is that the service shall ' be" kept in a proper state of efficiency, and that the permanent head may be made responsible to the commissioner for the efficiency of his department. I do not want to see the service undermined by the commissioner as the public service of New South Wales has been undermined.

Mr HUGHES

- So far as I can understand the objection of the Minister to the amendment, it amounts to this : that in his experience in New South Wales - which, I admit, is borne out by what we all know - the commissioners have acted in a very arbitrary way, and have refused to indorse the appointments of the permanent heads. What the honorable member for Wentworth proposes is that the commissioner under this Bill shall be the responsible authority, and shall have the right to veto any appointment made by a permanent head. Now, if the commissioner has the right to veto any appointment, he has thereby the power to direct, control, and mould the appointments made in a department. For instance, if the UnderSecretary for Finance and Trade in New South Wales had recommended a certain person for promotion to an important position, and the commissioners had refused to accept his recommendation, he would have had to fall back upon another of, perhaps, half-a-dozen officials - because there are never in a department more than half a dozen who are competent to fill any fairly important position - or allow the commissioners to make the appointment. If the Minister agrees to give the commissioner under the Bill the right to veto, instead of making the direct recommendation of the permanent head that upon which the Executive is. to act, he does what the honorable member for Wentworth wants him to do.

Sir William Lyne

- No. The honorable member for Wentworth wants to strike out the permanent head altogether.

Mr HUGHES

- If .we give the commissioner the right to veto, we give him, just as we have given the Senate, the right to dictate, the right to say in the end who shall and who shall not be appointed, because the permanent head must make appointments which will be acceptable to the commissioner. The Minister stated that if the commissioner vetoed the recommendation of the permanent head, without giving a sufficient reason for it, the Executive - which means the Governor-General and the Ministry- should decide the matter; so that the ultimate tribunal to judge as to the reasonableness of the veto exercised by the commissioner is to be that political power which it is most eminently undesirable to bring in under the Bill. I admit that, on . the face of it, the permanent head is the proper person to make the recommendation, assuming that he knows the personnel of his staff and the work to be done by his department ; but the Minister will be the first to admit that what is true of New South Wales will not be wholly true of the Commonwealth public service. How will the Deputy Postmaster-General be in a better position than the commissioner to' say who should and who should not be promoted in the postal service of Australia, because every source of information open to the one will be open to the other t Under federation the permanent head will not be in a better position than the commissioner to make these recommendations. It seems to me that if the Minister wishes us to negative the amendment, some other argument must be adduced in defence of his position than that the permanent head will be the proper person to make appointments in his department. We all want appointments to be made on the merits of the case, so that there shall be no influence, political, bureaucratic, or social, and that the right man may be appointed to the right place ; but I am afraid that the method which the Minister suggests will be found in the last analysis to set up a political tribunal which it would be disastrous to the service to erect. Under that method political pressure could be exerted, and gentlemen who might be eminently qualified to shine, say, at times of election, but who were eminently unqualified to fill responsible positions in the public

service, might put pressure on a permanent head - who would in a very great degree be subject to his political head - to secure appointments. The commissioner might veto such appointments, but the Executive might regard the veto as unreasonable. I am not speaking now of promotions to small positions in the service ; I am speaking of promotions and .appointments to responsible and important positions.

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Mr Deakin

- The Governor-General in Council has no power to make any appointment until the commissioner and the permanent head have come into agreement about it.

Mr HUGHES

- I am replying to the argument of the Minister of Home Affairs, who is supposed to be in charge of the Bill. Of course, if he does not understand its provisions-

Mr Deakin

- He does understand them.

Mr HUGHES

- I ask honorable members if the Minister of Home Affairs did not support his objection to the amendment by stating that he would have no objection to a certain course being taken, so long as the Governor-General in Council had power, upon the exercise of an unreasonable veto by the commissioner, 'to set aside that veto, and act for himself. Unless I hear better arguments against it, I shall vote for the amendment.

Mr HUME COOK

- It seems to me that the amendment is perfectly in accord with the declared principles of the Bill as enunciated by the Attorney-General, and I am at a loss to know why it has not been accepted. We are bringing into existence a commissioner who will have the control of the public service of the Commonwealth, and we are giving him so many injectors to assist him to look into the work of the various departments, and find out what should and what should not be done. It is true that the Bill contains no very precise definition of the commissioner's powers and privileges, but it states in general terms that he is to control the whole service, and to give directions in regard to it to the Ministry of the day.

Mr Deakin

- Directions ?

Mr HUME COOK

- I should perhaps use the word "recommendations," but they will be to a large extent directions as to what changes should take place, what persons should be appointed, what promotions should be made, and what salaries should be given. That being so, it seems to me that all the recommendations should filter through the commissioner, and that the permanent head should not have the right to make a recommendation to the Minister without going through the commissioner. . If I understand the amendment, it is intended to carry out the spirit of the measure by providing that no person in the service shall make a recommendation of any kind to the Ministry of the day except through the commissioner, who, in making his report, will have the advantage of knowing the recommendation of the permanent head, and the advice of his six inspectors. The permanent head, it is true,- will have a very large amount of knowledge, but unless his recommendation has been canvassed and' criticised, -as it should be, by the inspector, who is the watchdog and the eyes and ears of the commissioner, it may be that the Minister, some time or other, would be led into making a wrong appointment or promotion. Whereas, if all be filtered through the commissioner, we have the guarantee that the permanent head is not interfered with, while he has the right to make a recommendation. I would deprive the permanent head of the right to make any recommendation whatever direct to the Minister, but would allow the commissioner to take the recommendation and decide whether it is right or wrong, he having had the inspector's advice on the matter. The amendment is in the right direction, and in accord with the principles of the Bill, and unless I hear some stronger reasons for its rejection than have already been given by the Minister for Home Affairs, I must support the amendment which appears right and just both to the Commonwealth and the public servants themselves.

Mr SYDNEY SMITH

- If ever there was anything showing the need of a provision similar to that proposed by the honorable member for Wentworth it is the list of appointments made by the Federal Government and published in

the newspapers of this morning. The time has arrived when this Parliament should put its foot down on political appointments. Already, exception has been taken to several of the appointments which -have just been proposed. Strange to say, the Ministry has fixed the salary of the under-secretary of one of the Federal departments at I believe £800 a year. The Minister in charge of that department is put in a higher position than that of a State Minister, .but the principal under-secretary of the Federal department is placed in a lower position than that occupied by the corresponding official in the State service. In view of the fact that we recognise that the position of a Minister under the Federal Parliament is higher than that of a State Minister, we should recognise that the position of the Federal Principal UnderSecretary, is at all events equal to that of an under-secretary in the States.

Mr Chapman

- Will the honorable member vote for raising the salary ?

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Mr SYDNEY SMITH

- I will vote for raising the salary, if a proper course is pursued, and the position thrown open to all who choose to apply for it. I have no hesitation in saying that the salary was placed at £500 in order to prevent the possibility-

Mr Chapman

- - -Is the honorable member in order in re-opening this discussion, seeing that the question has all been fought out before?

Mr SYDNEY SMITH

- I am endeavouring to show the necessity for some reform in the public service of the Commonwealth. I have no hesitation in saying that if the Ministry will do the correct thing, and invite applications for all these positions, I will willingly vote for proper salaries. A wrong policy has been adopted, and it seems to me a strange thing that £500 should have been fixed as the salary. In my opinion the salary was so fixed in order to prevent the possibility of the higher officials in the various States applying. I fully expected, when we started this Parliament, that the Ministry would have adopted a better principle.

Mr MAUGER

- -What has this to do with the question before the committee?

Mr SYDNEY SMITH

- It has a great deal to do with the question, because it shows the importance of putting the commissioner in as strong a position as possible. Under the clause it would be impossible for the commissioner to act in any way, in regard to promotion or appointments, unless he had the recommendation of the permanent head of the department. If the commissioner thought the recommendation of the permanent head was not a right one, I doubt whether the commissioner would have any power to make an appointment. It seems to me that full power is placed in the hands of the permanent head, and if so, what is the use of having a commissioner ? I fully agree with honorable members that it is only right that the commissioner should have the under-secretary or permanent head to make a recommendation - and any commissioner who knows his business would ask for it - in order that he may be put in the position of knowing exactly what is going on in the department. But have we not appointed six inspectors in order that the commissioner may be put in a position to obtain reliable information even-outside the permanent head, and in order that he may act in a way that will be fair and just to the service. Even in New South Wales during the past few months there have been appointments made from outside the public service, * and they have been condemned from one end of the State to the other. In the case brought under our notice the other day we had one of the late colleagues of the Minister for Home Affairs stating that the honorable gentleman had done a wrong act, which would prevent the possibility of his being returned again for any constituency in New South Wales.

The CHAIRMAN

- I would call the attention of the honorable member to the amendment. The question is the omission of certain words.

Mr SYDNEY SMITH

- I think I can put myself in order, because I am endeavouring to show the importance of framing this clause in such away as to prevent the possibility of political influence, of which we have had far too much. What has taken place in the Federal Government in the last few weeks shows the importance of putting

this matter on some more satisfactory footing than is provided in the Bill, and I hope an amendment on the lines indicated by the honorable member for Wentworth will be adopted. If appointments are made in the way they have been made during the last few weeks, people will have very little confidence in the doings of the Federal Parliament. Honorable members have had an opportunity of witnessing what has taken place in New South Wales during the last few weeks, but I do not wish to go into those matters at the present time. Although I do not support the statement for a moment, one of the late colleagues of the Minister for Home Affairs admitted at a public meeting at Annandale the other day that the action of the honorable gentleman-

The CHAIRMAN

- The honorable member cannot discuss anything outside the question before the committee.

Mr SYDNEY SMITH

- I only wished to show that the honorable member for Wentworth was perfectly correct in endeavouring to place an amendment before the committee with a view to prevent the possibility of political influence being brought to bear on appointments by the commissioner:

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Mr EWING

- I think that if the Attorney-General will bear with me for a moment he will see that there need be no trouble at all in regard to this matter.

I believe we are going rather round the question, and I do not think there is any principle involved. The Attorney-General soon after he took charge of this measure pointed out that it was absolutely essential we should preserve the Executive veto in order to have Executive responsibility. Honorable members went with him in that matter, which cuts off one vital portion of the speech of the Minister for Home Affairs, because in New South Wales the Executive has no veto. Under section 10 of the Public Service Act the board determines salaries and all that sort of thing.

Sir William LYNE

- Unless the Executive minute is passed the determination of the board cannot be carried out.

Mr EWING

- The Executive of New South Wales have never exercised the power of veto.

Sir WILLIAM LYNE

- That may be.

Mr EWING

- The finding of the board is there regarded as being final. Under subclause (2) it is possible for the permanent head to deal directly with the Governor-General and bring about a certain result. The ordinary person asks if that be so why is it necessary to have a commissioner; why should the recommendation not go through the commissioner? On the other hand, it is said, with absolute truth, why ignore the permanent head? I think we can readily find a solution of the difficulty. Every communication should go through the commissioner, because if we are going to employ a competent man, at a large salary, he should be a party to everything that takes place. Surely that is one fundamental principle - as fundamental a principle as that the Executive should have the final power of veto. Why should the commissioner be excluded under the circumstances?

Mr Deakin

- No one disputes that. The commissioner is not excluded.

Mr EWING

- From the clause it appears that the commissioner would be excluded. Would it not be possible for the honorable member for Wentworth and the Attorney-General to accept an amendment such as I am about to suggest? We do not want a division on the point.

Mr Deakin

- No; but we want to settle the principle.

Mr EWING

- Could it not be done in this way. There is no desire under any circumstances to ignore the commissioner. . Mr. Deakin. - No.

Mr EWING

- Everything should pass through the commissioner.

Mr Deakin

- Yes ; that is to say, li& should see everything.

Mr EWING

- When the Attorney General says that the commissioner should see everything that is another matter. If the permanent head on the one side has the power of recommending, and the Executive on the other side has the power of veto; the commissioner is not much more than a funnel- if he has not the power of finally settling or of .originating he is not much more than a funnel. None of us desire that the permanent heads, with their great experience, large knowledge, and sense of fairness, should be ignored. Could, the clause not be made to read that there must be a recommendation by the commissioner, with a report from the permanent head?

Sir William McMillan

- - Might I point out that the commissioner has power to call for a report from the permanent head. That-is a mere matter of regulation. What we object to is the permanent head sending directions practically to the commissioner, .and being the initiator.

Mr EWING

- I agree with the honorable member absolutely in regard to that. The commissioner must be the only person who recommends to. the Executive. I am only trying to find a way out of the difficulty which the Minister for Home Affairs, with his considerable experience, has reason to fear, namely, that persons competent to express opinions will not be asked for their opinions on these matters. Could the clause not be made to provide that the commissioner shall make the recommendation, having with it a report from the permanent head? I can see that the commissioner can get a report without our putting a provision in the Bill, but if it were provided in the Bill, that would meet the objection of the Minister for Home Affairs.

Sir William McMillan

- It would be quite harmless to put a provision in the Bill at any place that the commissioner may call upon the permanent head to make a report.

Sir William Lyne

- That the commissioner " shall " call on the permanent head.

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Mr EWING

- When the Cabinet , had finally to decide they might find the commissioner on one side and the permanent head, on the other, and the Executive in that case must find some way out of the difficulty.

Sir William McMillan

- Does the honorable member not see that if the permanent head makes a recommendation, and the commissioner disapproves of it, then we have a triangular duel between the Minister, who must be referred to, the permanent head, and the commissioner. The whole object of my address was to prevent that, and have only two authorities - the commissioner and the Governor-General.

Mr EWING

- If the permanent head and the commissioner agree, you get rid of the objection that the permanent head has the right of making a recommendation and that the commissioner is ignored. Take the second case, which was in the mind of the honorable member for Wentworth a few moments ago, where the permanent head wants one thing and the commissioner wants another. I would allow the commissioner under the circumstances to make his recommendation to the Cabinet, but at the same time' he should furnish a report from the permanent head. The Executive would then accept their responsibility of deciding the matter, and finding a way out of the difficulty. If this clause were made to read that there must be a recommendation by the commissioner with a report from the permanent head showing, in case of disagreement, his objections - because these should be noticed - then the responsibility devolves on the Cabinet or the Executive of finding a way out of the difficulty.

Sir William McMillan

- The object of the amendment is to test the principle.

Mr Deakin

- That will not satisfy the honorable member.

Mr EWING

- I think it should satisfy the honorable member for Wentworth if he will only think for a moment. I am

prepared to vote for the principle that only the commissioner shall make recommendations.

Mr WILKS

- I think -that this matter has been put very clearly before the House, notably by the honorable member for Bourke. That honorable member said that his earnest desire was to carry out the intention of the measure by securing to the Commonwealth public service immunity from political influence. Of course I recognise that the permanent head of a department may be located in Sydney, or Melbourne, or anywhere else ; and that the officers under the control of the commissioner, or the great bulk of them, may be scattered over Australia. But the six inspectors who are provided for in this Bill will furnish the commissioner with an independent board of inquiry. There is nothing in the Bill to prevent the inspectors from asking the permanent heads of departments to supply them with information, which they, in their turn, will give to the commissioner, he, in his turn, supplying it to the Executive. I think the commissioner is less likely to be swayed by political influence than is the permanent head. A Minister of the Crown is brought into frequent contact with the permanent head of the department, and he does perhaps unconsciously wield a certain influence. The amendment proposed does not prevent the commissioner from obtaining the recommendation of the permanent head.

Sir William Lyne. It is not a question of his being able to do so. The amendment compels him to do so.

Mr WILKS

- A man who is competent to fill this position would get the best information that he could.

Mr Chapman

- Does the honorable member think he ought to have a report or not ?

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Mr WILKS

- I think that he ought to have it. But let us suppose that the permanent head recommends a certain course. The commissioner, on the advice of his inspectors, is perhaps prepared to advise something else. In that case we should bring the commissioner into conflict with the permanent head, and immediately we do that we destroy the efficacy of this measure. I think that the danger of political influence is stronger in the case of the permanent head than it is in the case of the commissioner, and for that reason I shall support the amendment. The honorable member for Richmond has said that there is no necessity for a division upon this matter. Obviously he is in favour of the amendment, and the honorable member for Bourke has also indicated that he will support it.

Mr. BATCHELOR (South Australia). I think that the Minister for Home Affairs has met the honorable member for Wentworth pretty fairly. He has stated that he is quite prepared to allow the recommendation of the commissioner to stand. I think that is a wise plan. We do not want to set aside the commissioner. We have set the commissioner up as the manager of all appointments and promotions of the staff, and it would be a mistake, I think, to leave him out and provide that communications with reference to appointments shall pass directly between the permanent heads of departments and the Governor-General, without reference to the commissioner at all. On the other hand, I am glad to see that the Minister is firm in his resolve that the permanent head shall not be ignored. It would be a great mistake to reduce the permanent heads of departments to mere automata in the matter of promotions, transfers, and appointments. It is all very well to say that the commissioner will, as a matter of course, have a recommendation from the permanent head. We want to provide in this Bill that the permanent head shall not be ignored, because he is brought much more closely into touch with the actual requirements of the service than is the commissioner.

Mr V L SOLOMON

- Not so much as the chief officer.

Mr BATCHELOR

- Quite so ; but still we cannot include the whole of the staff in the Bill. Clause 12 states -

The permanent head of a department shall be responsible for the general working of such department and for all the business thereof, and shall advise the Minister in all matters relating thereto.

We say that, and yet at the same time it is suggested that we are not prepared to give the permanent heads of departments any power at all. These officers can be set aside absolutely in the matter of promotions, appointments, transfers, &c., notwithstanding that they are responsible for the whole working of the departments. I am quite certain that honorable members desire these permanent heads to

have some backbone and some sort of authority. Unless they have some authority they will be of very little use at all. I should be very sorry to see the permanent heads reduced to being the mere channel of communication between the commissioner and the service. We want to give the permanent heads the power of directly recommending promotion.

Sir William Lyne

- It does not follow that the commissioner must absolutely accept such a recommendation, but he must give a good reason for not accepting it.

Mr BATCHELOR

- I do not say that the commissioner should necessarily follow the advice of the permanent head. If he did, so we should be setting aside the commissioner absolutely. But what I wish to see in the Bill is a provision that neither the commissioner nor the permanent heads shall be ignored. The honorable member for Wentworth might very well accept the intimation of the Minister that he is prepared to give way to some extent, and to allow the commissioner's recommendation to stand.

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Mr McCOLL

- It seems to me that if the committee adopt the proposal of the honorable member for Wentworth, they are going to take a step that will prevent the harmonious and proper working of the departments in the future. Formerly the great bugbear in the Bill was said to be political influence. The Governor-General was to be excised wherever possible, in order that political influence might not come in. Now a new point entirely has been raised. The proposal is that the permanent head shall be separated from all matters connected with appointments, promotions, and transfers in his department. We have four parties in charge of the departments, viz., the commissioner, his inspectors, the permanent head, and the chief officer. The honorable member for Wentworth desires that the commissioner and the inspectors shall work on one line, and that the permanent head and chief officer shall confine themselves entirely to the working of their department. If that is done it will be an evil, because there is no man who should know the calibre and character of the officers in the department, and who should know those who are most suited for certain positions so well as the permanent head. That is why the Bill provides that the permanent head shall recommend where changes are to be made, and where promotions are to be given. If we are going to weaken the influence of the permanent heads of departments they will lose their grip of the service, and we shall reduce them to mere non entities who will not have such control over the men as will enable them to get the work done in a proper manner. The honorable member for South Australia, Mr. Batchelor, has really got the grip of this question. If the proposal is carried, so that the recommendation of the permanent head shall be conveyed through the commissioner to the Governor-General, then all parties should be thoroughly satisfied. But I warn the committee against weakening the influence of the permanent heads or of the chief officers of departments, if we desire those officers to do good work.

Mr THOMSON

- From what the Minister in charge of the Bill stated, I thought that his views and those of the honorable member for Wentworth were so nearly alike that they would be capable of easy adjustment. But from the remarks of honorable members who succeeded the Minister, it is evident that their opinion is that the Minister wishes to maintain the initiative of the head of the department. What I understood when the honorable gentleman was speaking, was that he would be quite prepared to put the full responsibility on the commissioner so long as the latter was compelled to call for a report in certain matters from the head of the department,

Sir William Lyne

- A report may be sent in voluntarily by the head of a department, or the commissioner may get it in any other way.

Mr THOMSON

- But the difference is with regard to the initiative. The honorable member for South Australia, Mr. Batchelor, seems to be in favour of the head of the department taking the initiative, and of simply giving the light of veto to the commissioner. There is a considerable difference between the two things.

Sir William Lyne

- I said that I did not wish from my past experience to see the permanent head ignored. If the permanent

head who is responsible for the working of the department voluntarily makes a report to the commissioner well and good. If the commissioner by reason of any information which he has, makes a request to the permanent head upon any proposal, the report will come in in that way. The permanent head cannot be ignored, and before any action is taken, his report will have to be obtained.

Mr THOMSON

- I am glad that the Minister for Home Affairs does not desire to ignore the permanent heads. This is one of the defects in the New South Wales Act. It would be a very objectionable thing, however, to allow the permanent heads to take the initiative. Provision has been made in this Bill that officers shall be interchangeable, in other words that, an officer shall not remain in one department, if he is more fitted to go into another.

Sir William Lyne

- In certain cases.

Mr THOMSON

- Very well. If the permanent head is to know his own department he will have a very difficult task, because he has no inspectors as the commissioner has, and he can know of that only which comes under his own immediate observation. Consequently, he could not be in a position to readily carry out what is manifestly one of the intentions of this measure, namely, an effective interchange of officers from one department to another. . Further than that, the commissioner having inspectors - who are really sub commissioners in the different States - is in a better position to know the calibre and capacity of the officers than is the permanent head. If the Minister will put the matter in that way, I think the honorable member for Wentworth might accept the proposal that the initiative should rest with the commissioner.

Sir William Lyne

- It might not be always desirable that it should. The initiative might come from the permanent head to the commissioner.

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Mr THOMSON

- I did not mean the report, but the initial act. I mean that the initiation of the act shall be with the commissioner, but that there shall be the fullest opportunity for report by the permanent head.

Sir WILLIAM McMILLAN (Wentworth). - It was in deference to the Attorney-General that I altered the arrangement I originally proposed to make, and I will just point out to the committee what it was. I proposed in sub-clause (2) of clause 21 to alter the words "permanent head" into "commissioner" and I should have had no objection to follow the word "commissioner" with the words "on the report of the permanent head." As I stated on a former occasion, I object to the contumely with which the permanent heads of departments have been treated by the commissioners in Sydney ; and all I want to do . is to incorporate in this Bill the principle that the commissioner shall .be the first to take action. For instance, I have no objection to a provision being inserted in the Bill that the commissioner shall call for a report from the permanent head, but I do not want to place the permanent head in the position of being entitled, on his own initiative, to make recommendations to the commissioner, which the latter can take or leave as he likes, and regarding which there will be an appeal from the commissioner by the permanent head to the Executive. That is what I want to avoid. I am quite willing to take this vote now on the understanding that the commissioner must take the initiative.

Sir William Lyne

- Will the honorable member agree to take it in this way : That the commissioner is to be the sole means of communication to the Minister, but that he must obtain the report of the permanent head. I would not say that the commissioner must take the initiative, because something might come to the knowledge of the permanent head which would justify him in supposing that an alteration should be made in his department, and we could not very well say to him - " You must not report to the commissioner."

Mr A McLEAN

- Could he not do that privately to the commissioner ?

Sir WILLIAM McMILLAN

- Clause 9 says -

That the commissioner shall from time to time determine the division class, subdivision of class or grade of every officer, and shall keep a record, &c.

That clause gives no instruction to the commissioner to get any report at all, but it is not to be imagined for a moment that the commissioner would determine all these matters without first finding out all about the officers.

Sir William Lyne

- That is just what they do not do in New South Wales.

Sir WILLIAM McMILLAN

- The commissioner is not told he shall do it here, but we take it for granted that he will. The Attorney-General asked me to test this question on the first sub-clause, but if I had been proceeding in my own way on the second sub-clause I would have altered the words "permanent head" into "commissioner." At the same time, I would have had no objection to add to that "on the report of the permanent head." I am quite willing to put in any words which will be a direction to the commissioner to take counsel from the permanent head. There is no objection to that, but we are not contesting that question now. I do not want any misconception as to the course we are now adopting. We are now testing the question whether the commissioner shall be the controller of the service, and the initiator of everything connected with its management, and if I cannot proceed in my own way in this matter I shall have to fall back on the Bill and bring in my amendments clause by clause.

Mr HUME COOK

- It is almost too late, because we have adopted the provision for the control of the Governor-General in Council.

Sir WILLIAM McMILLAN

- I am not talking about that. The point is as to whether the permanent head is to be intrusted with practically co-ordinate powers with the commissioner.

Sir WILLIAM LYNE

- I understood the honorable member to say that he would be agreeable to put in words which will have the effect of providing that all communications shall pass between the Government and the commissioner ; but that the commissioner shall obtain a report from the permanent head on any matter that is to be made the subject of a recommendation?

Sir WILLIAM McMILLAN

- Exactly; but that is a very different matter from the provision that the commissioner shall act "if so recommended by the permanent head."

Mr Deakin

- That phrase is going out anyhow.

Sir William Lyne

- I am quite agreeable to allow the clause to be worded in that way.

Mr DEAKIN

- I have the new clauses ready for distribution, in which we propose to get over the difficulty by allowing the phrase referred to to be dropped altogether.

Sir WILLIAM McMILLAN

- If the permanent head is to be recognised, and is to report if it is required, and the commissioner is to be the medium through whom every communication has to go, I am quite willing to agree to that. According to one of the new clauses it is provided -

During the month of March in each year the permanent head of each department shall furnish to the commissioner a report upon the conduct, diligence, and general efficiency of each officer in the fifth class of the clerical division.

Such report shall, in the first instance, be made by the immediate superior of the officer reported upon, and then forwarded by the permanent head, with such amendments as he may think fit.

There is no objection to that. All I want to do is to prevent any intermediate person from coming between the Governor-General and the commissioner.

Mr Deakin

- That is not proposed.

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Sir WILLIAM McMILLAN

- I would ask the Attorney - General to give us an assurance that he will make the consequential

amendments from this out, which will give the initiative to the commissioner. Sub-clause (8) of clause 21 provides-

Notwithstanding anything contained in this section, on the recommendation of a permanent head, the approval of the Minister, and the nomination of the commissioner, an officer may be promoted, Sec.

Sir William Lyne

- That is a good mixture; that gives all of them power.'

Sir WILLIAM McMILLAN

- That is what I do not want. I should be very glad to put it in this way -

Notwithstanding anything contained in this section, on the recommendation of the commissioner, after report from the permanent head, &c.

That would carry out my views exactly.

Sir William Lyne

- I agree to that.

Sir WILLIAM McMILLAN

- If that is agreed to I shall be satisfied.; I do not want to juggle over terms. As there has been so much misunderstanding, I shall watch carefully each clause as we come to it.

Sir William Lyne

- Because the honorable member does not trust us.

Sir WILLIAM McMILLAN

- I trust the honorable Minister, but he might make a mistake inadvertently. I will withdraw my amendment for the present.

Mr. CONROY(Werriwa). - It seems there are two main lines on which any Public Service Bill ought to be introduced. One of these should recognise absolute parliamentary control, but our experience of the control of Parliament in the past has not been so satisfactory that we would wish to renew it. There is another line, according to which Parliament gives up control altogether, and hands it over to a commissioner or a commission, who would not be responsible to Parliament at all, but responsible entirely to the general public for the efficiency with which the departments are conducted. When I first saw this Bill I thought that it was an attempt to steer between the two lines.

The CHAIRMAN

- The honorable member for Wentworth asked permission to withdraw his amendment, and I will now submit the question to the House*

Mr CONROY

- I shall oppose the withdrawal until I have stated what I want to say. This Bill seems to me to be an attempt to steer half-way across, and whilst taking away from Parliament the direct control of the officers themselves and handing it over to a commissioner, we are going to take care to make that commissioner responsible for the efficiency and good management of the departments. For that reason, when I saw that one commissioner was to be appointed instead of three, and six inspectors also, I hailed the provision as an attempt, on the part of the Minister to carry out what I have indicated, but now I find that, in addition to having a commissioner and six inspectors, the Government are trying to adopt the principle of having, seven more men, who are permanent heads of departments, and who are to make recommendations to the Minister himself. We are granting power to the Ministry to appoint the commissioner and six inspectors, who are to go through all the departments and see how they are regulated. We are granting, with one hand a power that we are taking away with the other. The Minister is not to act upon the reports of the commissioner and six inspectors, but upon the advice of his permanent head. Surely, when the Government appointed young and inexperienced men to the heads of departments, as they did only the other day, they did not contemplate that? Would it not be better for Parliament to leave the control of the service to the commissioner and the six inspectors, so that in the event of mismanagement we can say - "You are the men who are responsible for this." What the Ministry are doing now is to introduce a divided control, and I entirely object to that. If the permanent heads are to rule subject to political influence, honorable members will find themselves compelled to try to influence appointments on behalf of their constituents, and it is in the interests of Parliament that we should do what we can to prevent that* so that when a man comes to us he may be told that the recommendation of a Member of Parliament is worth no more than that, of another man. This principle of political interference

has been condemned in every one of the States, and we should try to get as far away from it as possible. If we do not, it will not be long before Ministers themselves are sorry for it. What would be thought of appointing a manager and allowing four or five submanagers under him to send their reports to head-quarters without sending them through him ? I intend to divide the committee on this question.

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Sir William McMillan

- I think that, in view of the statement of the Government, the honorable member had better let it go.

Mr CONROY

- We are in this difficult position, that one member of the Government gets up and makes a statement, and shortly afterwards another Minister makes quite a contrary statement. I think it is time that we had some control - some responsibility on the part of Ministers. I should like to see them expressing fixed and definite ideas. If they do not possess such ideas, we cannot carry anything into effect. However, as the Ministry have given way, we do not want to trample on them any more.

Mr O'MALLEY

- I wish "to know from the Minister in charge of the Bill if there is to be any real responsible head to this show 1 There is to be the permanent head, the commissioner, and the Governor-General, and I should like to know who will boss these authorities ?

Mr Deakin

- The people, through the Parliament.

Mr O'MALLEY

- I - It seems to me that we have here a trinity of irresponsibility. The Minister has said that we do not want political influence ; but if we do not have political influence we shall have social influence. Did the honorable and learned gentleman ever know anyone to be appointed without the exercise of social or political influence ? I never did, though I have offered a reward for such a person. Are Members of Parliament reaching such a depth of irresponsibility that they are afraid to face this question, and must fall back upon society ? If Ministers are to have no power, so that we cannot come to them when our people want us to do so, the thing for us to do is to get some society friend whom we can appeal to, and who will boss the commissioner, or the permanent head, or the Governor-General. This country is no different from any other country in the world. Human beings are human beings everywhere. One man runs another, and the other man runs him. I hope that the Ministry will not take all responsibility from the Parliament of the Commonwealth.

Mr DEAKIN

- That matter is not affected by the clause. May I read to the honorable member, for his mental satisfaction and spiritual peace, the words which we propose to adopt in clauses .27, 37, 3S, and in such other parts of the Bill as they may be necessary. They are these : -

Notwithstanding anything contained in this section on the nomination of a permanent head, the approval of a Minister, and the recommendation of the commissioner.

Sir William McMillan

- That is quite satisfactory.

Amendment, by leave, withdrawn.

Mr DEAKIN

- We have now to deal with the sub-clauses of clause 2,1, which will give the honorable member for South. Australia, Mr. Poynton, an opportunity to propose the amendment which he wishes to move. I have had prepared and circulated a new draft of clause 2:1. If honorable' members will compare it with the clause as it stands in. the Bill, they will find that the first sub-clause is unaltered, and that the second sub-clause contains merely a verbal alteration. Then comes sub-clause (3), which is a new provision to meet the wishes of honorable members who have called attention to the question of increases. It reads as follows : -

Every such officer shall thereafter be entitled, upon the certificate of the commissioner, to receive an increase of twenty pounds per annum at the end of every succeeding twelve months, until such salary has reached one hundred and sixty pounds per annum.

Sub-clause (4) makes provision for carrying that into effect: It reads -

During the month of March in each .year the permanent head of each department shall furnish to the

commissioner a report upon the conduct, diligence, and general efficiency of each officer in the fifth class of the clerical division.

Such, report shall, in the first instance, be made by the immediate superior of the officer reported upon, and then forwarded by the permanent head, with such amendments as he may think fit.

Mr McCay

- What is meant by the words " immediate superior."

Mr DEAKIN

- The permanent head of the department may be located in the capital, while the "immediate superior" would be at Perth or at Brisbane.

Mr McCay

- Would not "immediate superior " mean the officer in charge of the room 1 It seems to me that the immediate superior of an officer is the first officer above him whose orders he must obey.

Mr DEAKIN

- That is 'not what is intended.

Mr Salmon

-Why not say, " The local superior" ?

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Mr DEAKIN

- That seems to me a suitable phrase, but I will reconsider the matter. The honorable and learned member for Corinella must remember that the commissioner will have the report of an inspector as well ; he is not dependent upon the report of the immediate superior. The new sub-clause (5) provides that ; - Upon the receipt of such report, and upon obtaining any further information which may be necessary, the commissioner shall determine whether such officer is entitled to the full amount or any part of the prescribed increase as a reward for earnest application to duty and meritorious public service. <

Mr McCay

- Does not the Attorney-General think that an officer should be entitled to the full amount of the prescribed "increase in every case ? "Why should there be two bites at the cherry 1

Mr DEAKIN

- These increases are given to provide a stimulus to effort, and I think that where a man has not done all that might have been required of him during the twelve months, the commissioner should be empowered to determine whether he is entitled to the full amount or any part of the prescribed increase. I propose to omit sub-clause (6), because I do not think it is necessary, and some honorable members have taken exception to it. Sub-clause (7) provides :

Every such officer shall be entitled, upon reaching the age of twenty-one years, to a salary of One hundred pounds per annum, provided he has been employed for a period of not less than three years .in the public service, of which one year has been in such division, and shows by passing the prescribed examination that he is capable of doing the work of an office to which the salary of that amount is attached.

It is intended that the officers should not compete one against the other for these increases, but that only the industrious should get them. Where a man shows earnest application to duty and meritorious public service he will be entitled to receive -an increase. The double phrase has been used because a man may be able to show that he has during the twelve months rendered distinct service to the State, for which he should receive recognition, but which is something apart from earnest application to duty. 'The object of the sub-clause is, to use the colloquial expression which I adopted before, that every one who is putting his shoulder to the collar, and taking his fair share of the load, shall be entitled to an increase of £20 a year, until he reaches a salary of £160 per year. I think honorable members will admit that in these sub-clauses "we have made an honest and earnest attempt to collect the views of the committee, and to reduce them so far as we can to workable provisions.

Sir WILLIAM McMILLAN (Wentworth). - I think it is only right to say that in my opinion the Minister has thoroughly and honestly interpreted the feelings of the committee, and that when we have made the necessary consequential amendments we shall have a Bill which will probably be better than any Public Service Act now in force in Australia - a Bill which will, on the one hand, avoid the danger of having .an irresponsible autocrat, and of political patronage on the other.

Mr. POYNTON(South Australia).There are only two points to which I wish to refer in connexion with this clause, and one point is rather important. I have some difficulty in making up my mind to accept the proposed amendments in lieu of those I proposed last night. I want if possible to throw the responsibility on somebody when an officer does not advance.

Mr Deakin

- There has to be a report on each officer. The responsibility rests first on the reporting officer, then on the permanent head, then on the commissioner. No man can be passed over without his case being laid before the commissioner each year.

Mr POYNTON

- I have been wavering in my mind, but I think I have come to a determination now, that instead of sub-clause (3) reading as printed, it ought to read as follows : -

Every such officer shall thereafter be entitled, unless the commissioner otherwise decides-

That is striking out the words " upon the certificate of the commissioner." - unless the commissioner otherwise decides, to receive an increase- of £20. and so on to the end of the clause. I do . not know what objection there can be to this suggestion, but it certainly seems to fix definitely some responsibility where increases are not granted in cases of merit. That is my first and most serious objection to the amended clause, which, I admit, is an improvement on that originally in the Bill.

Mr CROUCH

- Do not ask for too much. We have a very good clause now.

Mr POYNTON

- Had I followed the advice of some people last night we should not have 'got as much as we have now. In discussing sub-clause (7) last night the Attorney-General did not seem to offer much objection to making the minimum £110, instead of £100, at the age of 21. That figure has been tacitly agreed on in connexion with the general division in the postponed clauses.

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Mr Deakin

- If it will make the honorable member happy, and he will say no more, I will agree.

Mr POYNTON

- Now, there is just another point.

Mr Deakin

- I have made a fair offer.

Mr POYNTON

- I am not going to ask for anything more which the Attorney-General will not agree to. On the condition that the minimum be made £110, I shall waive my objections to sub-clause (3), and will, at the proper time, move an amendment in sub-clause (6).

Mr McCAY

- Can that be done under the scheme of the £20 annual increment? This will be an additional increment to those provided in the Bill. Under the ordinary increments, at the end of the third year, an officer gets only £100, so that to make the minimum £110 there must be an additional increment.

Mr Poynton

- Get over the difficulty by making it £120.

Mr McCAY

- I am quite satisfied to have the additional increment.

Mr Deakin

- I have foreseen this difficulty. This is intended to be a special increment. It is out of the ordinary run of increments - a special sum passed under special condition.

Mr McCAY

- I do not want the increment blocked by a technicality later on. . ' Mr. DEAKIN.- In order to simplify matters, I move -

That the whole of sub-clause (2) be omitted, with a view to insert in lieu thereof the following new sub-clauses : -

' Subject to the provisions of this section, the salary of such officer shall, at the expiration of not less than six months, be increased to the rate of fifty pounds per annum, and at the expiration of a further period of

not less than six months to the rate of sixty pounds per annum.

Every such officer shall thereafter be entitled, upon the certificate of the commissioner, to receive an increase of twenty pounds per annum at the end of every succeeding twelve months, until such salary has reached one hundred and sixty pounds per annum.

During the month of March in each year the permanent head of each department shall furnish to the commissioner a report upon the conduct, diligence, and general efficiency of each officer in the fifth class of the clerical division.

Such report shall, in the first instance, be made by the immediate superior of the officer reported upon, and then forwarded by the permanent head with such amendments as he may think fit.

Upon the receipt of such report, and upon obtaining any further information which may be necessary, the commissioner shall determine whether such officer is entitled to the full amount or any part of the prescribed increase as a reward for earnest application to duty and meritorious public service.

Every such officer shall be entitled, upon reaching the age of twenty-one years, to a salary of one hundred pounds per annum, provided he has been employed for a period of not less than three years in the public service, of which one year has been in such division, and shows by passing the prescribed examination that he is capable of doing the work of an office to which the salary of that amount is attached.

Amendment agreed to.

Mr. POYNTON(South Australia)moved -

That in new sub-clause (6), line 3, the words "and ten" be inserted after the word "hundred."

Amendment agreed to -

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Mr DEAKIN

- I now move -

That the following additional sub-clauses- be . inserted : -

No officer shall be advanced within a class in the fourth and higher classes of the clerical division except by promotion from one subdivision to the next higher subdivision thereof.

No officer shall until he has been at least twelve months in a subdivision of a class in the clerical division be promoted to a higher subdivision thereof.

No officer shall be promoted from one class to another in the clerical division until he has served at least one year in each subdivision of the class from which he is promoted ; and he shall not be promoted in such division except to fill a vacancy in the class next higher than the class from which he is promoted or to fill a new office.

An officer may be promoted within a class in the clerical division from one subdivision thereof to another whether there is or is not a vacancy in the subdivision to which the promotion is made.

Notwithstanding anything contained in this section, on the recommendation of a permanent head, the approval of the Minister, and the nomination of the commissioner, an officer may be promoted from any class to the next higher class, although he has not served at least one year in each subdivision of the class from which he is promoted. A copy of every such recommendation, report, and approval, shall as soon as practicable after the making of any such appointment be laid before Parliament.

The proposed new sub-clause (7) does not differ from the present sub-clause (3), whilst sub-clause (8) differs only from sub-clause (4) by having the word "such" inserted between " no"and."officer." Promotion in the clerical division is dealt with under new sub-clause (9), and the only new matter is in the last few words, " or to fill a new office." If honorable members look at the old sub-clause (7) in the Bill, they will see that by the addition of these words we are able to dispense .altogether with that sub-clause, which' was introduced only for this contingency. The new sub-clause (10) is the old sub-clause (6) without any alteration. Then we come to the new sub-clause (11), by which the alteration is made to suit the wishes of the honorable member for Wentworth.

Amendment agreed to.

Mr DEAKIN

- I move -

That the following new sub-clause be inserted : -

The Governor-General may declare the number of vacancies in the fifth class of the clerical division which

may be filled by officers who have served for at least two years in the general division. Such vacancies shall be filled by the successful candidates at a competitive examination of the same standard as that for admission to the clerical division. Provided that no officer shall be eligible to compete at such examination unless he has been nominated for transfer to the clerical division by the permanent head or chief officer of his department.

This new sub-clause provides the means by which men who take pains to 'qualify themselves' may be admitted to the clerical division from the general division. The object of the sub-clause is that the Governor-General shall keep control of this concession in the way of examination, so that men who wish to enter the clerical division may not make a detour to the general division for the purpose of getting these special advantages. This clause is for men who have entered the general division with the bona fide intention of earning their living there, but who can qualify themselves for the clerical division. It is to be an examination amongst themselves. There are to be no boys fresh from school or others - of scholastic training competing in the examination.

Mr Mauger

- They will be examined, I suppose, in the kind of work they will have to do. We shall not have plumbers competing for clerical positions ?

Mr DEAKIN

- This is an examination to qualify for admission into the clerical division.

Mr HUME COOK

- Will they have priority over outsiders ?

Mr DEAKIN

- To some extent, because at each examination you set apart a certain number.

Mr. McCAY (Corinella). - There are a number of men who, prior to coming over to the Commonwealth, had passed examinations for admission to the clerical division, but who are still in the general division.

Mr. DEAKIN. - On a liberal construction I am inclined to say that these men have an existing and accruing right which ought to be recognised.

Mr Higgins

- Under the Constitution ?

Mr DEAKIN

- Yes.

Mr Higgins

- I think it is doubtful.

Mr DEAKIN

- While that would be my own construction, and while it is obviously the just way, I am prepared to insert words to make it perfectly plain.

Mr. Crouch. - Does the clause save the present salaries ?

Mr DEAKIN

- No.

Mr Crouch

- Should not that be done ?

Mr DEAKIN

- The proviso in the subclause forms a second safeguard against men simply making use of the division.

Mr McCay

- But suppose that man has made himself indispensable in his particular department ?

Mr HUME COOK

- I know of a case of that kind now.

Mr Mauger

- That repeatedly occurs.

Mr Crouch

- Why not take out the words "permanent head" from subclause (4) ?

Sir William McMillan

- I think it ought to read - "The Governor-General on the report of the commissioner," &c.

Mr DEAKIN

- I am quite prepared to take the simpler suggestion and to make the sub-clause read -
Unless he has been nominated for transfer to the- clerical division by the' Commissioner.
There is, only one thing I can see that we have not provided against, and that is the question of salary. I
had in my mind previously sub-clause (6), which we have already passed.

Mr McColl

- Are these subdivisions relating to transfer from the general division to the clerical division to apply to
Parliament House officers as well ?

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Mr DEAKIN

- Yes, certainly. In subclause (6) we have provided that after a man has spent a year in the clerical
division and has passed an examination he can get a salary of £110 a year. But we are still faced with the
question of what a man should be paid for the first year after he. passes from the general to the clerical
division. As he is being in a sense introduced to his work, he can scarcely ask to carry over his full salary
with him. I think that all we have to provide is the amount of salary allotted to him for the first twelve
months before he passed his examination. Up to the present I have not been able to make up my mind
upon this matter, but probably my colleague, the Minister for Home Affairs, will be able to make some
suggestion. With the exception of the item I have indicated, it seems to me that this sub-clause meets all
that is required in regard "to the general division.

Mr HUME COOK

- The honorable and learned gentleman will block some of the best men. Supposing that a man has a
wife and two children, how can he live on £40 a year ?

Mr DEAKIN

- It is not proposed that he shall live upon £40 a year. The question is what salary between £60 and £110
shall be allotted to him. He may be only a junior in the general division. He may be earning only £50 or
£60 there, and we do not want, simply because he is transferred, to increase his salary.

Mr McCay

- Can' we not arrange that his salary shall not be diminished ?

Mr Crouch

- Why should he not get his present salary 1

Mr DEAKIN

- Because he is entering upon a field where the prospects of advancement are much greater, and he is
being allowed to come in, and to an extent diminish the chances of advancement that are open to others.

Mr CROUCH

- He has the right to go over at his present salary under the Victorian Act. He is transferred at his then
existing salary.

Mr DEAKIN

- I may say that this fact had escaped my attention. If it is so, we need not trouble about the matter-

Mr Tudor

- There are other States though.

Mr DEAKIN

- Yes; and I think the. suggestion of the Minister for Home Affairs will be likely to meet them. I now submit
this last sub-clause as providing a fail" solution of the difficulty in regard to the general division. I move -
That the words " permanent head or chief officer of his department " in the last line of the subclause be
omitted, with a view to the insertion of the word "commissioner" in lieu thereof.

Mr TUDOR

- There are certain men in the Victorian public service who are doing clerical work. I refer to postal
assistants. These men are engaged in operating work. They have passed an examination in telegraphy,
but I am not sure that they have passed a clerical examination. As there have been no appointments
made to the clerical division of the Telegraph department during the last ten years, these officers were not
allowed to be transferred to the clerical department. What position will these men occupy under this Bill 1
Will .they be transferred to the clerical division, or will they still remain in the general division 1

Mr. HUMECOOK (Bourke). - I am not quite sure whether the Attorney-General proposes to submit
another amendment to cover the case of those who have passed the State clerical examination, and who

would have been eligible-^~

Mr Deakin

- I think it would be as well.

Mr HUME COOK

- Then as to the salary. If we knew what the proposal of the Minister for Home Affairs was it might assist us in saving time. I wish to know whether those who pass these clerical examinations get any priority over outsiders. Under the Victorian Act a certain number of vacancies are set aside for which the general division may compete. That in effect is giving them a priority. I do not see any provision in this Bill for a certain number of vacancies being set aside. I further desire to know whether a register will be kept of all those who pass this examination, so that as further vacancies occur they may be appointed.

Mr Deakin

- Yes; all who pass above a certain standard will have their names registered and they will be exhausted before fresh appointments are made.

Sir William Lyne

- It will be provided for by regulation.

Mr HUME COOK

- There is nothing in the clause to show that that will be done. We might as well make provision for these contingencies.

Mr Deakin

- Look at sub-clause (6) of clause 71. That provides for registering the order of merit in which the candidates pass.

Mr McCay

- I would like to put one point clearly to the Attorney-General. Let us suppose that there are 20 vacancies, and that 30 candidates are successful. Only 20 can be appointed, and the other 10 might as well not have gone up for examination.

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Mr HUME COOK

- It seems to me that the Attorney-General has made a very fair attempt to meet all the exigencies pointed out to him a night or two ago. If he will tell us what is proposed in regard to salaries, and also with regard to the question of keeping a register, I think we might get on very speedily.

Mr. McCAY(Corinella). - Notwithstanding the provision in clause 71, having reference to the power to make regulations, and of entering the names of the successful candidates on a register, that register will be of no use unless the Bill allows of people being appointed from it. This sub-clause provides that the Governor-General may declare a certain number of vacancies, and the clause states that these vacancies shall be filled by competitive examination amongst officers of the general division, and that the general public shall not be allowed to compete at all for those positions. Let us suppose that 20 vacancies are declared, and that 100 candidates present themselves for examination. Let us further assume that 50 of the applicants get above the recognised pass standard. The use of the words in this sub-clause prevents the 30 who are then unsuccessful from getting any subsequent advantage from the fact that they have got above the recognised pass standard. Only the 20 would get any rights under the clause as it is drawn. I think that this provision should be so altered that the next time further vacancies are declared by the Governor-General, those who have qualified on the first occasion should be entitled to enter the service without having to undergo a second competitive examination with fresh competitors. I think, too, that it would be wise to fix a reasonable period during which the register should be used. The register must not be allowed to get too stale, but while it is reasonably fresh it should be used.

Mr DEAKIN

- I think that I had better not attempt to amend this subclause so as to provide for the contingencies just suggested without consideration. In regard to the matter that we were previously discussing, I think that the insertion of certain words will meet the case. I therefore move -

That the following words be added to sub-clause (12): - " Such officers shall be paid the salaries they have been receiving up to but not exceeding £110 per annum."

Amendments agreed to.

Sub-clause, as amended, agreed to.

Clause, as amended, agreed to.

Clause 22-

Appointments.

Except as hereinafter provided, no person shall be admitted to the public service unless he is a natural-born or naturalized subject of His Majesty, and unless he has successfully passed the examination prescribed.

With the permission of the Governor-General a person not a natural-born or naturalized subject of His Majesty may, subject to the provisions of this Act, be admitted to the public service.

Mr McCOLL

- I would suggest that some provision should be inserted to insure that persons who are naturalized subjects should have resided in the State for a specified term, say three years, before they will be eligible as candidates for admission to the public service. I move -

That in line 3, after the word " or," the words " has been for three years a " be inserted.

Sir WILLIAM McMILLAN

- I do not think that would be fair, because there is a law in every country that a certain period of residence must elapse before naturalization, and I do not think there should be any further bar.

Mr BATCHELOR

- If we wish to set up any barriers in the case of aliens we should do it before they become naturalized, because when a man is once naturalized he should have the full privileges of citizenship.

Mr McColl

- That all depends upon whether the law provides for a term of residence before naturalization.

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Mr McCay

- Every naturalization law does that.

Mr. FISHER (Wide Bay). - I quite agree with the honorable member for South Australia, Mr. Batchelor. The law in Queensland provides that a person landing there from Europe can be naturalized immediately after his arrival, but even allowing for that I should not object to an alien competition in the examinations, because in every case a naturalized subject should have all the rights and privileges of a British-born subject. I would not therefore be a party to place any disabilities on naturalized subjects in this measure. If the matter is dealt with at all, it should be in a separate Act.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 23 -

Regulations shall be made for the examination from time to time of persons desirous of admission into the public service.

Such regulations shall prescribe -

a preliminary medical examination or test as to the health of candidates ;

the character and standard of the educational examinations to which candidates are required to submit themselves, and such examinations shall be competitive ; and

the manner of holding such examinations.

The Governor-General may from time to time appoint such examiners nominated by the commissioner as may be necessary for the conduct of the prescribed examinations, and may at any time remove any examiners so appointed.

Mr. BIGGINS(Northern Melbourne).I see that this clause which deals with examinations for the civil service prescribes that the examinations shall be competitive, and applies to the general and clerical divisions. Further, I see that it says that examinations are to be prescribed by regulation. I understood the Attorney-General to say that he did not propose that these examinations should be literary.

Mr Deakin

- The character of the examinations is provided for in clause 24, sub-clause (1).

Mr HIGGINS

- At the same time, when we are dealing with the clerical division, we must have some literary element in the examination.

Mr Deakin

- Yes, the three R's.

Mr A McLEAN

- The examination is to be in keeping with the duties that have to be performed.

Mr HIGGINS

- It will be necessary, perhaps, to have separate examinations for different departments, because the duties to be performed in the Customs, for instance, will be very different from those attaching to the Defence department. Then again, in the post-office, a man in the clerical branch would require to have special skill in deciphering handwriting. Moreover, I presume that there will be different standards for the different departments. All the examinations are to be competitive, and the clause as now worded, makes that compulsory.

Mr Deakin

- This is with a view to determining the order of appointment.

Mr HIGGINS

- I can hardly see how we can have competitive examinations for some branches of the general division, and although clause 23 provides that regulations shall be made, there is no restriction. Although the principle of competition is very good as applied to literary examinations, or even to some examinations which bear upon the degree of skill to be required, it will be impracticable to have competitive examinations for some kinds of employment.

Sir William Lyne

- Is not that met by clause 24 1

Mr HIGGINS

- I do not think so, because that provision seems to be general. I think a good deal of expense would be saved to the Government if they were empowered under the regulations to adopt the examinations at the Universities, or to prescribe what examinations at the University would suffice. Something will have to be done in the way of literary work at these service examinations, and I think we should make use as far as possible of the three or four Universities within, the Federation for the purposes of this literary work. I do not say we should take away from the Government the power of appointing examiners, but the Government should have the discretion of working in with the Universities as far as possible and of declaring that certain University examinations should be equivalent to their own. The clause says - The Governor-General may from time to time appoint such examiners nominated by the commissioner. I think that the University authorities ought to be allowed to do that. I do not propose to ask the Minister to alter the clause at this stage, but I think that it should be amended in the three directions which I have indicated, and that it would be wise to give the regulations a wider operation in this matter than they are allowed to have at present. It is provided that the Governor-General may appoint examiners. But I think that that "provision is too limited. The Governor-General should be able either to appoint examiners or to adopt or prescribe examinations. The examinations for entrance to the general division need not be competitive unless the regulations so require, and I should like to have it prescribed that the Governor-General need not appoint examiners if examiners can be found who will do the work without appointment. In the different States we have found that the Universities will do this work without much expense to the authorities.

Mr PIESSE

- I thought that the Bill allowed the Governor in Council to accept certain examinations in place of those prescribed under the regulations, but that does not appear to be so. In my opinion such a provision should be inserted in the Bill. . Apart from that matter, I wish to draw the attention of the Attorney-General to the wording of this clause. It says that - " Regulations shall be made." Made by whom t

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Mr Deakin

- Always by the Governor-General.

Mr PIESSE

- The clause does not say so, and I do not know that it follows as a matter of course. It seems to me that the clause should read -

Regulations shall be made by the Governor-General. . . . and such regulations which shall be subject to section 71 of this Act shall prescribe -

Mr CROUCH

- I should like to support the contention of the honorable and learned member for Northern Melbourne that University examinations should be accepted for the ordinary public service examination. But, dealing with another matter, I should like to strike out the word " educational " in paragraph (6) to meet the case of applicants, such as boatmen in the port of Victoria, who might desire to enter the general division of the service but who would be unable to pass an educational examination, although qualified to perform the duties of the position to which they aspired.

Sir William Lyne

- I think that the suggestion is a very good one.

Mr DEAKIN

- Referring to the point raised by the honorable member for Tasmania, Mr. Piesse, I think that it would be well to insert the words " by the Governor-General"; and, to bring, the clause more in accord with other provisions in the Bill, the word "may," in line 1, should be substituted for the word "shall." I shall be glad if the honorable member will move to amend the clause in that way. I think that the other amendment which the honorable member suggested is not necessary.

Amendment (by Mr. Piesse) agreed to.

That the word "may," in line 1, be substituted for the word " shall," and that after the word "made" the words " by the Governor-General" be inserted.

Mr. BATCHELOR(South Australia.).I quite agree with the amendment suggested by the honorable and learned member for Corio, because I think we all desire that the examinations should be a test of a man's qualifications, and should therefore bear some relation to the work which he will be called upon to do.

Mr Deakin

- That is provided for in clause 24.

Mr BATCHELOR

- Yes. I rose to support the suggestion of the honorable and learned member, for Northern Melbourne, who asks that the passing of any approved examination - say, for example, the Public Senior University examination - should be sufficient to qualify a man for entrance to the clerical branch. This practice is adopted in connexion with many of the State services. For instance, entrance to the Education Department in South Australia is by competitive examination, but the person who passes the Senior Public University examination is not required to pass the pupil teacher's examination also. If an examination is of as high a standard as that prescribed by the regulations, I can see no reason why a person who has passed it should be called upon to pass the prescribed examination.

Mr McCay

- But suppose there are 500 boys who have passed such an examination, in what order are they to be appointed ?

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Mr BATCHELOR

- That raises a difficulty which I had not regarded. Probably we shall be forced, so that the order of priority maybe determined, to require every candidate to pass the examination prescribed under the regulations.

Mr. HIGGINS(Northern Melbourne).There is no difficulty if the matter is looked at closely. It is time that the examination is to be a competitive one, but the University authorities - I speak with some knowledge of the subject - would be very glad to help the Government in facilitating the examination of candidates.

They are at the head of the educational system in the States, and have always helped the State Governments, and I am sure that they would be willing to help the Commonwealth Government in this respect. I wish to have clause 23 so modified that the Minister's hands will be left open, so that if he finds that he can work in with the University authorities he may be able to do so. I suggest that this matter might be dealt with under clause 71, which says that -

The Governor-General may from time to time make, alter, or repeal regulations for all or any of the following purposes : -

I do not see why examinations for entrance to the public service should not be included among those purposes. I should like the Governor-General to have power in the widest terms to prescribe such examinations, and the mode of such examinations, and to appoint such examiners as he may think fit. I would keep in clause 23 the provision for a preliminary medical examination to test the health of

candidates, because I regard that as essential, and we should also enact in this clause that the examination shall be competitive ; but I would ' leave all other matters connected with the examinations to regulations made under the provisions of clause 71.

Mr Deakin

- We might make the clause read -

The Governor-General may from time to time accept such examinations or appoint such examiners.

Mr HIGGINS

- That would give a basis upon, which we might hereafter frame a better clause.

Mr HUGHES

- In New South Wales the examination of candidates includes a test of their knowledge of Latin and of mathematics as high as quadratic equations, but I am inclined to move as a proviso that there shall be no test of a candidate's knowledge of Latin; though I would not object to an examination in French or German.

Mr Deakin

- I do not think that a candidate could be examined in Latin, because clause 24, sub-clause (1), says that the examination -

Shall be designed to test the efficiency and aptitude of candidates for employment.

The construing of Latin cannot be the duty of a person employed in the clerical division, and therefore an examination in Latin would not be a test of his efficiency or aptitude for his work.

Mr McCAY

- I hope that the Government will not make the amendment which has been suggested by the Attorney-General to allow the passing of other examinations than those prescribed under the regulations to qualify the candidate for admission. In Victoria we have deliberately abandoned the system of recognising any but the examinations under the Public Service Act; and no complaint has been heard against that practice. I cannot conceive of circumstances under which the suggestion of the honorable and learned member for Northern Melbourne would be workable. The object of the examination is to create a list of persons who are probably able to learn the duties of the public service and perform them properly. Excepting for the creation of the list, there could be no use for the examination ; and this list, when created, must create a certain priority on the list. If we are to have an examination by the University of Melbourne, and other examinations by the Universities of Sydney and Adelaide, and also a public service examination by another examiner somewhere else, how can we have a list in any order of merit or otherwise ? When we create a list of persons qualified to enter the public service, it must begin with the number 1, and end with the last man. The only practical and possible scheme is to submit all to the same test ; otherwise the injustice is so obvious that the matter is not worthy of consideration. If the relative positions be not determined by some such test, how are they to be determined ? Is it to be on the commissioner's nomination, by the recommendation of the permanent head, ratified by the Governor-General % If so, what a time everybody will have in determining the priority of people who have passed examinations in half-a-dozen different places. I assume it is to be a competitive examination, and the only reasonable way is to submit all candidates to the one test.

Mr Harper

- The test is as to the standard of knowledge.

Mr McCAY

- It is as to the standard of knowledge, for the purpose of creating a list containing people who have reached that, standard of knowledge ; and those who best satisfy the standard, that is, do the best in the application of the test, are those who will be first appointed.

Mr HUME COOK

- What is the object of omitting the word "educational"?

Mr. CROUCH(Corio).- That was explained previously, and the Government accepted the amendment: I take it that occasionally it is not necessary to have an educational test for certain positions. Take, for example, the position of boatmen to the Defence department or the Customs department.

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Mr Piesse

- There ought also to be a medical examination or some physical test.

Amendment (by Mr Crouch) agreed to -

That the word " educational," paragraph (6), be omitted.

Amendment (by Sir William LYNE) proposed -

That in line 15 the word "nominated" be omitted, with a view to insert the word "recommended."

Mr. HIGGINS(Northern Melbourne).Before the proposed amendment is dealt with, I should like the Minister to decide whether he will restrict all appointing to the Governor-General. If we have the word " appoint" it will mean that we can have no examination by anybody unless he is appointed examiner, and he will then be be a civil servant under the Act. It would be advisable to leave the hands of the Governor-General in Council free as to how the examinations are to be conducted. The only matter in the mind of the honorable and learned member for Corinella is that* at present most of the University examinations are pass examinations, and he wants those examinations so modified as to give the number of marks obtained by each candidate. My object is only to leave the hands of the Minister free, and it would perhaps be better to have at the end of the clause the words "or may make such arrangements by regulation as may seem fit for the holding of such examination by qualified persons." It will answer my purpose if the Minister, either in this clause or in clause 71, which prescribes regulations, leaves his hands free to make such arrangements as he may think fit for the examinations without appointing examiners. Those examiners are always appointed by the University, and there are Universities in Sydney, Adelaide, Melbourne, and Tasmania, but none at present in Queensland or Western Australia. It is only adding to the great expense we are incurring' if we make it essential that there shall be a special body of examiners appointed by the Governor-General in Council, when there are men in the Universities who are doing this sort of work every day. I do not want men appointed by the Governor-General in Council to conduct examinations which will occur once, or, at the most, twice a year, while there are in the Universities men who regularly do the work and understand examinations, and who would be the best qualified for the positions.

Mr. McCAY(Corinella). - I would point out that the examiners are not officers under the Act. The definition in clause 3 expressly provides that the examiners appointed by the Governor-General shall not be officers under the Act, so that the Governor-General can appoint all the University officers he chooses.

Sir WILLIAM LYNE

- I was just about to say that there is nothing in the Bill to prevent the Governor-General appointing as examiners any persons in the Universities. If it be deemed advisable to take that step, it can be taken without adding any words to the clause j but I am rather opposed to University examination. There should be one general examination. The examiners in the general examination will have the candidates before them, and can give their report on the marks. All this will come from the one source, and the examiners will understand the rotation in which candidates stand better than will examiners who send recommendations from the Universities and other various sources. There is nothing in the clause to prevent the Governor-General in Council appointing University examiners, but I prefer the clause as drawn.

Mr. PIESSE(Tasmania).- I hope the Minister will not dismiss the suggestion. It is desirable that the Commonwealth should encourage the educational establishments of the States, and .there is a slight measure of encouragement in recognising the results of their examinations. It is possible to do that and retain the civil service examination. There are Universities - and amongst them I believe that of Victoria - which hold examinations in junior subjects much the same as that which candidates for the public service will be asked to pass, and it is quite possible to make arrangements by which the University examination might be accepted in lieu of. the other.

Sir William Lyne

- That could be done now under the Bill.

Mr PIESSE

- I think there is something else that is not quite provided for. I would point out to the honorable and learned member for Corinella that clause 3 merely says that the Act shall not apply to "any examiner under this Act who is not an officer " - it does not say that the examiners may not be officers, as they very likely would be. It was quite in contemplation to appoint officers to be examiners.

Mr TUDOR

- I believe the examination should be a general examination, and that a University examination should not

confer any privilege not enjoyed by an outside examination.

Mr Higgins

- That is not the point.

Mr TUDOR

- I understand that if 100 public 'servants happen to be wanted, University certificates will have a chance over and above those given for the general examination.

Mr Higgins

- That is not the idea at all.

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Mr TUDOR

- Every one should be on the same footing, and no special privilege should be given to University students, above others who may be only "common or garden " State school children.

Mr. PIESSE(Tasmania).- There is no desire to confer any privilege. The idea is to have the examination conducted by Universities to which any child- attending a State school can go. It is very desirable that the examination should be encouraged and recognised, so that children may have an incentive and know that the examination is a stepping stone to a place in the public service of the country.

Mr. HIGGINS(Northern Melbourne).The Minister for Home Affairs has been led off the track as to the suggestion I made. It never was the idea there should be one examination in the University, and another examination outside.

Sir William Lyne

- I did not say that was the idea.

Mr HIGGINS

- The idea was to have one examination, and one only, which all could pass for the time being - to have no special privileges for any one class of people.

Sir William Lyne

- Does the honorable member propose to put all candidates through the University. .

Mr HIGGINS

- Not at all.

Sir William Lyne

- Then there must be two examinations.

Mr HIGGINS

- University examinations are very much higher than those required for the public service. It will be found that the Universities will co-operate with the Minister in the different centres, and consent to hold examinations of a certain character and give marks, letting the Minister know which candidates are first, second, third, and so forth. But the University will appoint the examiners, whereas under the Bill it is the Governor-General in Council who appoints.

Sir William Lyne

- Why not appoint members of the University as examiners 1

Mr HIGGINS

- Exactly, but this clause does not give that power. The clause gives power to the Governor-General to appoint, and the Governor-General will be face to face with the position that the examiners in the Universities will be appointed by the Universities, and the Universities alone.

Sir William Lyne

- They could be indorsed by the Governor-General in Council.

Mr HIGGINS

- That is not shown in the clause, which is so worded that the examiners will have to be named by the Governor-General .

Sir William Lyne

- Why cannot- the Governor-General name the same persons as are nominated by the Universities ?

Mr HIGGINS

- Simply because there is not the opportunity. Often in Universities the examiners are appointed only a few days before the examination, and if any one of them were to be taken ill, some one must be appointed in his place. By the regulations under this Bill, the examiners would have to be named perhaps

months beforehand. The intention of the Minister will not be carried out by the clause.

Sir William Lyne

- My intention is to have only the one system of examination.

Mr HIGGINS

- That is my intention, too. I should be very sorry if the Minister for Home Affairs had the impression that I had in my mind anything but the one system for all concerned. All concerned in the same year should go through the very same test.

Mr MAUGER

- Irrespective altogether of University qualifications.

Mr HIGGINS

- Exactly. But if the Minister for Home Affairs is content with the wording of the clause, I can only assure him that he is mistaken in thinking that he will be able to work in with the Universities.

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Mr E SOLOMON

- I perfectly agree with what the Minister for Home Affairs has said in regard to this matter. Take the case of Western Australia where there is no University, although there are high-class schools. The University examiners might possibly adopt one line of examination, in which case although the lads from the Western State might be very intelligent, they would be at a disadvantage, lacking as they do the benefits of a University education. Therefore, I hope that the Minister will allow the clause to remain as it is. It would be fair all round to allow the Governor-General to appoint his own examiners.

Mr. BATCHELOR(South Australia).I think that in most cases the examinations will require to have some special bearing on the particular work which the public servant has afterwards to perform. Having listened very carefully to the honorable and learned member for Northern Met bourne, I cannot agree that there is need to alter the clause in order to bring about what he wants. I am not at all certain that it is advisable that these examinations should be conducted by the University authorities. I am not at all sure that it would not be preferable to appoint as examiners some of the officials in the State Education departments.

Mr Higgins

- I only want to leave the hands of the Minister untied.

Mr BATCHELOR

- I think that the clause leaves the matter quite open, but of course the honorable and learned member is a better judge of whether that is so than I am.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 24 agreed to.

Clause 25 -

It shall be the duty of the commissioner from time to time as additions to the public service may be required, to give public notice thereof three times in such manner as may be prescribed, stating -
the number of new appointments which it is estimated may have to be made ;

the division and class or grade thereof ;

the times and places of examinations ;

the number of competitors to be admitted to any such examinations ; and

the mode of limiting by lot the number of competitors to be examined.

Mr BATCHELOR

- I ask the committee to strike out sub-clauses (d) and (e) of this clause. The first named limits the number of competitors to be admitted to the competitive examinations, whilst subclause (e) provides that the method of limiting the number of candidates shall be by lot. I am pretty confident that the committee will agree that we cannot have a more ridiculous method of selecting our civil servants than by lot. If I could think of another method by which the number of candidates to be examined could be limited I should put it forward.

Sir William Lyne

- Would not the honorable member be satisfied to strike out the words "by lot"?

Mr BATCHELOR

- I think that before we pass this Bill we ought to have some indication of the method by which the number

of competitors is to be limited.

Mr DEAKIN

- The course which, upon inquiry, I personally favour in regard to the general division, and indeed for the other divisions if necessary, is a course analogous to that adopted by the Police department in a number of the States. In Victoria when fresh police are required an independent board is appointed and the applicants are compelled to pass before these experts. The health and physique of the applicants are great factors to be taken into account. As a means for reducing the number of candidates for examination, I think that no better scheme can be found. For the general division it seems to be the best method with which we have any acquaintance, and even for the other divisions it appears to be a good plan to adopt. An impartial board might very well be appointed to see the candidates and select those who appear best fitted for the work to be undertaken. As far as the police force and the permanent military force are concerned, the system has worked admirably, and has resulted in giving us two of the finest bodies of men to be seen anywhere in the world.

Mr. BATCHELOR(South Australia).I am afraid that all sorts of patronage would come in under a system of that kind.

Mr Deakin

- The members of the board do not know the men.

Mr BATCHELOR

- We are assuming a great deal too much.

Mr Deakin

- Can the honorable member find a better plan?

Mr BATCHELOR

- I think it would be a great deal better to examine all the candidates who present themselves, rather than risk the question of influence coming in. The whole object of the Bill is to do away with influence of any sort.

Mr Deakin

- We can easily do that. Let New South Wales men constitute the board in Victoria and Victorian men constitute the board in New South Wales. After passing the medical test, the candidates could be submitted to the test which I have indicated, and which, in the case of practical men, would be an admirable test, especially for the general division.

Mr BATCHELOR

- I would point out that in 99 cases out of 100 where political influence is used the politician does not know the man on whose behalf he is acting.

Mr Deakin

- But he knows the name of the man.

Mr BATCHELOR

- These examiners could be very easily approached through the Postal department. Any method of limiting the competitors is, I think, wrong. What does it matter whether we examine 50 lads or 500.

Sir William Lyne

- We might very easily have 5,000.

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Mr BATCHELOR

-I do not think there would be any difficulty. I decidedly protest against either the limitation of the number of candidates by lot, or the appointment of any board under which the possibility of private influence can creep in.

Mr McCay

- The examiner, according to the standard he adopts, can bring out totally different results.

Mr BATCHELOR

- Quite so; but so far as the creation of a board, such as the Attorney-General suggests, is concerned-

Mr Deakin

-No one will know who is going to be put upon the board. We can get three capable but disinterested persons from anywhere we like.

Mr BATCHELOR

- That is not in the Bill. We provide in this clause that the commissioner shall have the power of determining the mode of limiting the candidates. He may adopt the proposal of the Attorney-General, or he may adopt a different proposal. I object to any of these methods.

Mr Deakin

- The honorable member is a universal negative at present.

Mr BATCHELOR

- Upon this question I am. I think that both of these subclauses should be struck out. I therefore move - That sub-clauses(d) and (e) be omitted.

Mr CROUCH

- I approve of the position taken up by the honorable member for South Australia, Mr. Batchelor. I have had some experience of the way in which the board appointed to select men for the police force in Victoria works. There is a general feeling that if a man goes before that board in a certain uniform he is bound to be accepted. Such a board does not give satisfaction. For the clerical and general divisions of the public service of the Commonwealth, although physique is a recommendation, I hardly think that a man should be excluded simply because, say, he is not of a certain height. If we have boards to select applicants they will have to lay down certain rules as to physique and appearance. It is very well for the Attorney-General to argue that appearance should be a factor in selection, but I think that fair and equal opportunity should be given to every man. The only way in which that can be accomplished is by competitive examination. It has been objected that six times the necessary number of applicants might attend; but I think it is better to examine the whole of them rather than let some person who knows nothing about their qualifications exclude from the service a man who is thoroughly well fitted for it. In order to limit the number of applicants it might be well to charge a fee of from 5s. to 10s. for the examination.

I hope the honorable member for South Australia., Mr. Batchelor, will press this matter to a division, as I would like to assert the rights of the common man in connexion with this subject.

Mr. HIGGINS(Northern Melbourne).I agree with the proposal of the honorable member for South Australia, Mr. Batchelor. We have had some experience here in regard to the system of lottery.

Sir William Lyne

-We propose to strike that out.

Mr HIGGINS

- Does the Minister propose to strike out sub-clauses (e) and (d) ?

Sir William Lyne

- No; but we propose to provide that the mode of limiting the competitive examination shall not be by lot.

Mr HIGGINS

- That will get over the difficulty to some extent ; but will you leave in sub-clause (e).

Sir William Lyne

- Yes ; I know there has been a great difficulty in New South Wales, and that they have had shoals of applicants for public positions.

Mr HIGGINS

- It will involve Ministers in still more difficulty if the number of competitors is to be limited by them. There must be some means provided in the Bill for doing this. In connexion with some of the contingents for South Africa, when there was a tremendous demand for positions in the various drafts, Ministers thought they would limit the number of competitors by lot. I know, from personal knowledge, that some of the best horsemen were put out without being examined, because there were too many competitors, and they were rejected by lot. Then came the competition among those who were left, and one of the results was that a bank clerk who was never astride a horse was sent to South Africa, whilst his brother, who was a good horseman, was never even allowed to come to the test. If we introduce the principle of lot, it should be after competition, and not before. I would suggest that there should be no restriction as to the number of candidates, except the provision that has to be made for some payment to the Government as compensation for the trouble that they have to take in the matter. I hope the Minister in charge of the Bill will see his way to leave out sub-clauses (d) and (e).

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Mr FOWLER

- I totally disapprove of the principle of dealing with this matter by lot, and I am very glad that the Minister has decided to put that aside.

At the same time it seems to me that his present suggestion is just about as haphazard as the original proposal. From personal experience I can supply an indication of the mode of procedure in the old country. In the case of the lower division of the civil service of Great Britain, which is, speaking generally, the division which performs the general clerical work of the country, there is a preliminary examination which provides a means of thinning out a very large number of candidates. I think if some such course were adopted in regard to our own clerical division it would be followed with very good results. The very large number of competitors which the Government anticipate will come forward will be chiefly in connexion with the clerical branch of the service, and if preliminary competitive examinations were carried out in the various centres throughout the Commonwealth, a means would be provided for bringing the true competition down to something like reasonable limits.

Mr TUDOR

- I hope that subclauses (d) and (e) will be eliminated from the Bill. In Victoria recently there were about 350 places to be filled in the railway service, and about 15,000 applicants came forward. The Government, when they were providing for the examinations, were afraid that some of the applicants might get to know who the examiners were, and took good care to keep their names quiet. I was told, however, that the best thing to do was to get hold of some one in a good position in the Railway department and secure his influence in favour of applicants.

An Honorable Member, - I think the names of the examiners were published.

Mr TUDOR

- I do not think so ; they might have been. I think it is best to leave it open to any one who wishes to enter the public service to come forward as a candidate, and that a small entrance fee will be quite sufficient as a check. I think that if we strike out sub-clauses (d) and (e) it will get rid of the difficulty.

Mr A McLEAN

- I think that my honorable friend Mr. Tudor is under a misapprehension about the danger of political or any other influence in connexion with the examinations. As matters stand now with regard to the police examinations, no one can get to know who the preliminary examiners are, as they are only selected at the last moment.

If 40 policemen are wanted, and there are 1,400 or 1,500 applicants, the examiners see the men, whose names even they do not know, and they select a certain number who appear to them to be most suitable. When they reduce the applicants to a reasonable number the 'men are' sent on for proper examination, and are subjected to the medical test, and so on.

An Honorable Member. - That is more sensible than the lot system.

Mr A McLEAN

- Very much more so. In the first place, we get the men who appear to be most likely to prove suitable, and then we proceed with the examinations. With regard to the method of selecting the contingents, I believe that in the first place, when the first contingent was being sent away, the number of people who applied from distant parts of the country was very considerable, and on the recommendation of the military authorities it was decided to reduce by lot the number of those who were to be brought to town.

An Honorable Member. - It was not the first contingent.

Mr A McLEAN

- Then it was the second contingent. I know we stopped that, and adopted the plan of appointing a board to hold local examinations in various parts of the country, and judge the men very largely by appearance. Then the men selected were sent down to town. So far as the police examinations are concerned, I think that looking at the results it would be difficult to devise a better scheme. Of course fault could be found with any method that could be devised, but the results of the police method of examination are more satisfactory than any I have seen.

Mr. BATCHELOR(South Australia).The honorable member for Gippsland says that the method that has been suggested by the Attorney-General is the least objectionable of any that could be devised, and this is probably so. It certainly seems to be open to less objection than is the lot system, but why should there be any limitation at all?

An Honorable Member. - Because otherwise the whole system would break down.

Sir William Lyne

- We should have 100,000 applicants.

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Mr BATCHELOR

- I do not think we shall have any such number coming forward with the entrance fees in their pockets on the off-chance of getting into the service. Supposing there are a dozen men wanted, we should naturally take the dozen men who showed they had the best qualities in the order in which they qualified, and there would be no more difficulty in examining 50 than a dozen.

Mr Thomson

- Supposing the 50 are equally qualified, what is to be done 1

Mr BATCHELOR

- There is always that trouble in competitive examinations, but the marks as arranged by the examiners would decide who should be selected. I would sooner see a double examination- a preliminary examination and a final - rather than the adoption of any imperfect system of selection.

Sir William Lyne

- - We are providing for what is practically a preliminary examination.

Mr BATCHELOR

- Yes, but it is of a different character from what I mean if we are to have examiners to select men on their appearance, and not according to their scholastic attainments. I do not like this judging by appearances, as the best of men make mistakes, and I am quite sure that the police system has resulted in a lot of good men being thrown out.

Mr Mauger

- It has also resulted in giving us a splendid police force.

Mr BATCHELOR

- Then the circumstances are different. In the police force we want men of splendid physique, who can be better judged by their appearance than men who are 'required to have clerical qualifications. I feel very strongly that it is not necessary to limit the number of competitors, and that any plan which we might adopt to do so would probably have much worse results than can come from leaving the examinations open to all. In the public service examinations conducted by the State of South Australia, it has not been found that an extraordinary number of competitors present themselves, though -of course more candidates pass than there are places for them to fill.

An Honorable Member. - Is any charge made to candidates there ?

Mr BATCHELOR

- No. The number of positions vacant in the Commonwealth service will probably be sufficient to absorb a reasonable number of those who present themselves! The only difficulty that can arise from placing no limit on the number of candidates is that there will be a few more to examine than there would otherwise be ; but that is not of much importance. I recognise that the Government have done well in consenting to do away with the choosing by lot, and they will do still better if they provide that there shall be no limitation to the number of candidates who may present themselves.

Mr MAUGER

- I agree with the honorable member for South Australia in what he said about the lot system. It has been our experience in Victoria that it is unsatisfactory to candidates, and has not worked well. But I do not agree with the honorable member that it is advisable to throw open the various Commonwealth posts which may be vacant to an unlimited number of applicants. For all such positions there are always a great many applicants who are obviously unsuitable, and it is cruel to allow them to waste their time and money by presenting themselves for examination.

Mr Batchelor

- But there is a preliminary medical examination.

Mr MAUGER

- I am aware of that ; but if it is such as some that I have had brought under my notice recently, it will, not be of much value. I think that the system which has been applied in regard to the police force of Victoria is one which the Government might well adopt, and an expert committee might be appointed to reduce the number of applicants to what might be considered reasonable. My honorable friend seems to think that

the number of applicants would not be unduly large ; but my experience has been that when positions of this kind are vacant, an unduly large number of applicants always present themselves, and a great proportion of them are altogether unfit for the positions to which they aspire.

Mr EWING

- I hope that sub-clauses (d) and (e) will be struck out. There is a similar provision in the New South Wales Act, but it is never used.

Mr Deakin

- The provision in the Victorian Act is continually used.

Sir William Lyne

- So is the provision in the New South Wales Act.

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Mr EWING

- I know for a fact that it is not. Every person in the State is entitled to apply to be allowed to enter its public service if he thinks that he is fitted to do so, and the only persons who should be allowed to decide upon his fitness are the doctors and the duly appointed examiners. If a man has so poor a knowledge of his qualifications and so confounds his ability with his ambition as to offer himself for examination for a position for which he is quite unsuited. that is not our fault. What harm could it do to let as many as present themselves be examined ? It would only mean that a few more papers would have to be looked through, and a competent examiner could see in a moment or two if a candidate was obviously unsuitable. But if 100 applicants present themselves, and you arbitrarily determine that only 50 shall be allowed to sit for examination, the chances are even that you turn away the best men.

Mr A McLEAN

- If only three or four times as many candidates offered themselves as* were required there would be no trouble : but I have known 1,500 applicants for 40 positions. The time and expense incurred in examining so many would be a very serious matter.

Mr EWING

- Our experience in New South Wales is that now none but intelligent boys, who are likely to succeed, present themselves for examination, because the papers which are set each year are known to those who are connected with educational establishments in the various towns, and they are able to tell whether a boy is or is not likely to succeed.

Mr BATCHELOR

- N - Nearly all the applicants are specially coached.

Mr EWING

- Yes. We do not live amongst a nation of fools ; we live amongst intelligent, people ; and it is very soon known what boys are likely to succeed at these examinations. There should be no limitation by rule of thumb. Personally, I would just as soon see the final determination come to by lot, as decide by lot who shall be permitted to present themselves. If in Sydney 5,000 men presented themselves for appointment to the police force, the Inspector-General would be able to pick out the obviously unsuitable men in a few seconds ; and in the same way competent examiners would detect obviously unsuitable candidates for admission to the Commonwealth public service.

Mr Hughes

- I should like to know what the Government intend to do with regard to this matter ?

Sir WILLIAM LYNE

- I think . that we had better strike out that part of the clause which provides for the choosing by lot.

Mr A McLEAN

- Would it not be better to strike out the provision first? If the committee decide that the sub-clauses shall stand, we shall be .unable to amend them. |

Sir WILLIAM LYNE

- I agree with the honorable member. It has already been pointed out that candidates who pass the examination, but who are not chosen to fill the vacancies which exist are to have their names placed upon a register, and are to be drawn upon to fill any vacancies that may occur in the future, before any one else can be brought into the service. But, supposing 5,000 persons presented themselves for examination, and there were only 50 positions to fill?

Mr CROUCH

- The 50 positions would go to those who came out on top.

Sir WILLIAM LYNE

- Yes; but all the others who passed the examination would be entitled to come into the service in turn, as vacancies fell due. If the number of those who passed the examination was very large, their names would overload the register, and there would be no opportunity for others to present themselves for examinations for many years to come. We must give some discretionary power to the commissioner. If we appoint 50 of the successful applicants, do honorable members think that all the other applicants who pass the examination should be compelled to present themselves again in the event of more positions becoming vacant ?

Mr Ewing

- Yes ; until they win a position.

Sir WILLIAM LYNE

- I do not think that that is reasonable. I admit that there is a good deal in the suggestion that there should be something in the nature of a preliminary examination, like that adopted in regard to the police force in New South Wales and in Victoria. It should not be set down in so many words what the examination is to be, but I would agree to the appointment of a board, whose duty it would be to cull out those whom they thought the best men. They would, perhaps, put a few questions to the candidates, and would, of course, take into consideration their physical strength. The honorable member for Perth said that in the old country there were preliminary examinations before the real examinations.

Mr BATCHELOR

- The honorable gentleman can provide for that.

Sir WILLIAM LYNE

- That is practically what I intend to propose to do.

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Mr BATCHELOR

- It can be done under sub-clause (c) of clause 23.

Sir WILLIAM LYNE

- I have not looked at the clause, but that is what I propose should be done.

Mr BATCHELOR

- Regulations can be made, and under these there may be provision made for a preliminary examination.

Sir WILLIAM LYNE

- But the number going up for the final examination cannot be limited.

Mr ISAACS

- Yes, it can. I am not sure whether we properly apprehend the meaning of clause 25. It is quite true that the clause states that it shall be the duty of the commissioner to give public notice of several things, including the mode of limiting the number of competitors to be examined ; but the clause does not say that the commissioner has the right to prescribe the mode. If we turn to clause 71, we find that it is the Governor-General who has the right to make regulations for limiting the number. Therefore, I think we have been a little in the dark in debating the clause, having assumed all along that it is the commissioner who has the discretion.

Mr Crouch

- W - We have not assumed that, but we think that is necessary.

Mr ISAACS

- The Minister seems to have assumed that.

Sir William Lyne

- It must be done on the commissioner's recommendation.

Mr ISAACS

- The clause does not say that. It must be borne in mind that when the commissioner gives notice of the mode of limiting the number, it is not provided that the commissioner is to regulate that number.

Mr HUGHES

- It is undeniable that a great deal is to be said for the view taken by the Minister for Home Affairs, that some sort of preliminary limitation is desirable, the only matter in dispute being what character this

preliminary limitation is to take. I understand that in the British civil service there is no preliminary limitation other than that the Candidate shall be medically sound and shall present a personal character of fitness, respectability, and so on. In England, supposing there are fifteen vacancies in the Customs department, and 1,000 applicants, the whole number of suitable men will go up, and the highest fifteen in the examination are put into the vacancies. That is the method pursued in the English civil service, at any rate so far as the lower grades are concerned.

Mr Ewing

- There is no limitation at all.

Mr HUGHES

- I did not say there was, beyond passing the medical test.

Mr Ewing

- That is not a limitation.

Mr HUGHES

- I know of- my own personal knowledge that in England the only limitation is that candidates must pass a medical test and present an ordinary personal character and testimony of respectability, signed by a clergyman - or something of the kind. In England the highest fifteen in the examination are put on first. The sixteenth and the twentieth, and so on, do not get subsequent vacancies, but a fresh examination is held, and the first fifteen in that examination get appointed. I quite understand the difficulty that presents itself to the Minister's mind, and to the mind of every man, that we do not want a whole heap of people who are quite unsuitable presenting themselves, but if these people like to pay the fee of 5s. or 10s. it is their look out, and if they do not pass, they must go down. The Government seems particularly enamoured of selection by lot.

Sir William Lyne

- No ; I propose to strike that provision out.

Mr HUGHES

- I know that. But the very fact of the provision being in the Bill shows that the Government seem in some mysterious way to have an affection for the principle. I would suggest as the best way that a clause be inserted in place of subclauses (d) and (e), specifying that only candidates who stand highest in the list shall be appointed. That is the only fair method if the examination is to be competitive.

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Sir WILLIAM LYNE

- There is a suggestion that I would like to carry out if the honorable member for South Australia, Mr. Batchelor, will withdraw his amendment for the present. I desire to strike out the words " by lot " in sub-clause (e).

Mr. BATCHELOR(South Australia).By leave, I will amend my amendment, and substitute therefor - That sub-clause (rf) be omitted.

Mr. HIGGINS(Northern Melbourne).The honorable and learned member for Indi called attention to a matter which ought to influence the committee in their vote. This clause places it as an absolute duty on the commissioner to state in the advertisement the number of competitors to be admitted. That is to say, that the clause decides that there must in every notice of examination be stated that a definite number of competitors will be admitted.

Mr HIGGINS

- I have seen sub-clause («). Some honorable members think the number of competitors ought to be limited, and other honorable members think the number ought to be unlimited, while others think there should be a preliminary examination and a final examination. I think the committee might leave out sub-clause (d), and when we come to clause 71, which gives the Governor in Council power to make regulations, we can have the question tested as to whether there is to be power to limit, and in what way. Amendment agreed to.

Amendment (by Sir "William Lyne) agreed to -

That in sub-clause (e) the words " not being by lot" be inserted after the word "mode," and further that the words " by lot " after the word " limiting " be omitted.

Mr McCAY

- If the commissioner has no mode of limiting the number it will have to be solemnly advertised that there

is no mode. The less the commissioners have to advertise unnecessary matter the better.

Mr. BATCHELOR(South Australia).I .move -

That sub-clause (e) be omitted.

The CHAIRMAN

- The honorable member cannot do that, the committee having already decided that the words "by lot" be omitted. The honorable member can only amend something subsequent to those words. He can gain his end by moving the omission of the subsequent words as an instruction.

Minister for Home Affairs

Sir WILLAM LYNE

- If the honorable member moves that the subsequent words be omitted, and the amendment be carried, I will take that as an instruction to omit the whole sub-clause.

Amendment (by Mr. Batchelor) proposed -

That the words " the number of competitors to be examined " be omitted.

Mr HUME COOK

- Do we understand the Minister is going to accept that amendment ?

Sir William Lyne

- No.

Mr HUME COOK

- The Minister might just as well accept the amendment, because, after all, this is only a matter of advertisement, clause 71 being the proper place to determine whether or not there should be some limitation. Personally, I should vote with the Minister on this particular issue, because there ought to be some limitation.

Sir WILLIAM LYNE

- I understand that the committee wish to decide whether there shall be any limitation.

Honorable Members. - No, no.

Sir WILLIAM LYNE

- Would it not be just as well to decide the question now ? I do not care whether it is decided on this clause or on clause 71, but if the committee wish to decide the question on the latter clause, it is not desirable that we should have the discussion continuing on the question now. Even if the sub-clause be knocked out ; it is not a vital principle of the Bill.

Honorable Members. - Decide it now.

Mr CONROY

- The previous words of clause 25 provide that it shall be the duty of the commissioner, "as additions to the public service may be required, to give notice thereof three times, in such manner as may be prescribed," stating the number of new appointments, the division and class or grade, and the times and places of examination. With regard to the other sub-clauses, is it necessary that they should be inserted in the Bill at all?

Amendment agreed to.

Clause, as amended, agreed to.

Clause 26 -

Except as hereinafter provided, every person admitted to the public service shall in the first instance be appointed by the permanent head on probation only, and may be continued in such probationary position for a period of six months, but may be dispensed with by the permanent head at any time during such period.

After the period of six months on probation has expired, the Governor-General may, on the report of the permanent head and nomination of the commissioner, confirm or annul such appointment.

Amendment (by Mr. Crouch) proposed -

That the words "by the permanent head," in line 3, be omitted with a view to insert in lieu thereof the words " in the order of merit in passing such examination."

Sir WILLIAM McMILLAN

- If I understand my honorable friend opposite there is no necessity to put in either the word " commissioner " or the words " permanent head."

Mr Deakin

- Somebody must appoint.

Sir WILLIAM McMILLAN

- Then I must insist from my point of view that the commissioner shall appoint.

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Mr HUME COOK

- I see no objection to the permanent head making the appointment provided that he takes persons in their order of merit on the register for positions for which they are qualified.

Sir WILLIAM McMILLAN

- I think that is really begging the whole question. The list is arranged by the commissioner and he would give his instructions. It is far better in every part of this Bill to keep the commissioner as the appointing person so to prevent any possible mistakes.

Mr THOMSON

- I think that the Minister in charge of the Bill really needs to consider where we are drifting to. The proposal which is now made does not apparently take into account that these appointments may be for different States. The examinations might take place simultaneously in the different States for appointments in each State. Then if the allotment of marks is made upon the same basis in each State, as I have no doubt it will be, it may happen that the next in order of merit for an appointment in Queensland may be some person in Western Australia. If this provision is inserted, I do not see how the commissioner can get away from the instruction contained in this clause. Again, let us suppose that two or three probationers are wanted for appointment. As the clause is drawn the permanent head of the department has the light to estimate their worth and to continue them in their positions or discharge them. Thus it happens, that a probationer may be only six months in the public service. Again, perhaps two or three probationers who have attained the highest number of marks at the examinations have been chosen for certain positions, and one or two of them have been found unsuitable for their appointment. In such a case is there to be a reference back to the examination of six months before to discover the next best qualified person at that examination so that he may be appointed to the vacant position, -or is a fresh examination to be held ? There is also this fact to be considered, that if only one or two probationers are to be appointed and we have to call an examination for that purpose throughout the States, or a State, we shall have an- enormous amount of trouble for a very small and unimportant appointment. I think that the whole matter requires consideration. I would suggest to the Minister in charge of the Bill that he should reserve these clauses for the fuller consideration they require. Such an amendment as the honorable member for Corio has moved, would still further complicate the already complicated clauses in the Bill. Unless this matter is reserved for fuller consideration, we shall get into the position that this part of the regulations will be found unworkable.

Mr CROUCH

- The last speaker has said that if in the filling of any appointment the names of successful candidates have to be taken in their order of merit from the register, a man in Queensland who has passed higher than a candidate in Western Australia might be wanted for a position in Western Australia. But I would point out that the same objection constantly arises even under those services which have registers. A man might want to go into the Law department, and perhaps there is a vacancy in the post-office. In such a case it becomes the right of the man who has passed with the highest number of marks to say, " I will not take the post-office appointment, but I will reserve myself for the Law department." I submit, that the first in the order of merit should have the right to say whether or not he will accept the vacant position. If the Queensland man does not choose to go to Western Australia upon receiving an intimation that he can have the vacant appointment if he so desires, he need not accept, but can wait till a more convenient appointment is open. This method strikes me as being the fairest one to adopt.

Mr McCay

- What if the Queensland man says " no " ?

Mr CROUCH

- In that case he waits until an appointment that is more convenient to him in Queensland happens to be open.

Mr Thomson

- There is no provision that these examinations stand for future appointments.

Mr CROUCH

- The honorable member will find that matter provided for in subclause (b) of clause 71. That sub-clause really assumes that the system which I am advocating is to be adopted.

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Sir WILLIAM McMILLAN

- (Wentworth). - It seems to me that what the honorable member desires, to have introduced into this Bill is a very drastic regulation. We have to deal with the whole continent, not merely with one department of State but with several departments of State, and are we not going to give the commissioner the opportunity of selecting from the probationers the men who are most suitable for different parts of the service, or for different work? According to the contention of the honorable and learned member for Corio, if there is a vacancy in any department the next man upon the list must be given the opportunity of filling that vacancy.

Mr Crouch

- In a particular division.

Sir WILLIAM McMILLAN

- I think this is one of the things that we must leave to the fair play and sense of justice of the commissioner. We cannot carry on a great service like this except to a large extent upon sound business principles. It is not desirable that we should agree to a hard and fast hide-bound regulation which may operate very harshly to individuals and entirely against the interests of the general public. I would urge the honorable member to withdraw his amendment, and for the present, at any rate, let us have elasticity in the service.

Mr FOWLER

- I would second the remarks of the honorable member for Wentworth in asking the honorable and learned member for Corio to withdraw his amendment.

Amendment, by leave, withdrawn.

The CHAIRMAN

- I would like to take the instruction of the committee with reference to clause 25. There are some words left at the beginning of sub-clause (e), which, standing by themselves, are absurd, and if the committee so desire I will strike out those words.

Amendments (by Sir William McMillan) proposed -

That the words " permanent head," in line 3, be struck out with a view to insert in lieu thereof the word "commissioner," and that the words "permanent head," in line 6, be struck out, with a view to insert the word "commissioner."

Mr HUME COOK

- I would like to explain that the reason I supported the previous suggestion was that I desired to take out of the hands of the permanent head any possible chance of favoritism. It seemed to me that if he were allowed to deal with his own men it might be possible that he would pass over some of the seniors on the list and promote juniors over their heads. That being my view, I see all the more reason for accepting the amendment moved by the honorable member for Wentworth, and allowing the whole matter to remain in the hands of the commissioner.

Mr A McLEAN

- I think it has already been decided that the commissioner shall make all appointments, and we have been proceeding on that basis, so that there is no necessity to have any division on these amendments, which are only consequential.

Amendments agreed to.

Sir WILLIAM LYNE

- The proposal I now have to make will have the effect of carrying out what has already been agreed upon. The other amendment was not quite the same, because it related to the making of only temporary appointments, whereas this deals with permanent appointments. In order to bring this clause into line with the other clause, I move -

That the words " report of," in line 10, be omitted with a view to insert in lieu thereof the words "recommendation of the commissioner upon report from," also that the words "and nomination of the commissioner," in lines 10 and 11, be omitted.

Amendments agreed to.

Sir EDWARD BRADDON

- I would like to call attention to the manner in which the words inadvertently left in clause 25 were just now omitted by you, Mr. Chairman. I submit that the proper course would have been to recommit clause 25 before it was further amended or altered.

The CHAIRMAN

- I took the instruction of the committee in the matter, and as it was their clear desire that the words should be omitted I acted accordingly.

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Sir EDWARD BRADDON

- I submit, Mr. Chairman, that you are not permitted to do that without the recommitment of the clause.

Clause, as amended, agreed to. Clause 27 -

If at any time in any special case it appear expedient or desirable in the interests of the public service to appoint to the special division or professional division some person who is not in the public service the Governor-General may, on the report of the permanent head and nomination of the commissioner, appoint such person accordingly, without either examination or probation, and also, if he think fit, without requiring compliance with the provisions of Part IV. of this Act.

No such appointment shall be made until the commissioner has certified that in his opinion there is no person available in the public service who is capable of filling the position to which it is proposed that the appointment shall be made. A copy of every report, nomination, and certificate under this section shall as soon as practicable after the making of any such appointment be laid before Parliament.

If any person nominated by the commissioner is not approved by the Governor-General it shall be the duty of the permanent head to report and the commissioner to nominate within a time specified by the Minister some other officer for the office and such person if approved of by the Governor-General may be appointed accordingly to such office.

Where the Governor-General does not approve of any person nominated a statement of the reasons for not approving any such nomination and for requiring a further nomination shall as soon as practicable be laid before Parliament.

Amendments (by Sir William Lyne) agreed to -

That the words " report of," in line 0, be omitted, with a view to insert in lieu thereof the words ' ' recommendation of the commissioner upon report from"; also that the words "and nomination of the commissioner," in line 7, be omitted.

Mr EWING

- Would the Minister kindly inform the committee why the* clerical division is not mentioned in this clause as well as the special and professional divisions?

Sir WILLIAM LYNE

- Sub-clause (2) is similar to the provision in the Public Service Acts in the various States, which provide that no appointments shall be made from outside the service until the commissioner has certified that there is no person available in the public service.

Mr HUME COOK

- But the operation of the clause is restricted to the special and professional divisions, and we want to know why the clerical division should be omitted.

Sir WILLIAM LYNE

- Because we can always get some one in the clerical division ; it does not present the same difficulties as do the other divisions.

Mr HUGHES

- This clause makes provision for special cases, and I notice that the Government may on the report of the commissioner nominate certain persons without examination or probation for appointment to the service ; but that no such appointments shall be made unless there is no person available in the service who is capable of filling the position. It is further provided that a copy of every report shall be laid on the table of the House as soon as practicable after the meeting of Parliament. It appears to me that that clause can deal with only certain very extraordinary cases, and according to sub-clause (3) power is given to the Governor-General to veto any appointment made under the authority of the clause. I propose to

move the addition of the words " and such appointment shall be subject to its approval " at the end of subclause (2). The latter part of the sub-clause will then read -

A copy of every report nomination and certificate under this section shall as soon as practicable after the making of any such appointment be laid before Parliament, and such appointment shall be subject to its approval.

It appears to me that these clauses con template making extraordinary appointments which are going to be widely at variance with the spirit of this measure. While I do not wish in any sense of the word to restrict the power of selection to this country or to civil servants already in the employment of the States, still, when a departure is made, surely such a departure should commend itself to the approval of Parliament. Under the clause such a departure has to commend itself to the approval of the Ministry, and there seems no earthly reason why it should not commend itself to the approval of Parliament.

Mr Deakin

- There is sub-clause (4).

Mr HUGHES

- That sub-clause deals with a case where the Governor-General does not approve, but I want a provision to apply to a case in which the Governor-General does approve. I desire that when the Governor-General approves, Parliament should approve, and that no appointment be vested in any man until Parliament has approved. This will be an entire departure from ordinary principle. I am at one with, the Minister in saying there should be no political patronage, but in this particular case it is proposed to import; it may be, somebody from abroad to take an extraordinary appointment. Some extraordinary appointments have been made recently, and a great deal of criticism has been excited by them ; and surely we are not going to take away from Parliament the right of approving or disapproving of such extraordinary appointments, when the Bill makes ample provision for any ordinary appointment, whereby an ordinary position, however responsible or high, can be readily filled.

Mr Higgins

- Does the honorable member mean that both Houses must express approval ?

Mr HUGHES

- I presume so. I simply give the opportunity of consulting the high dignity of the Senate, and if the honorable and learned member for Northern Melbourne will take on himself the responsibility of naming the Senate, I shall not be offended.

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Sir WILLIAM LYNE

- I have a verbal amendment which should come before that, suggested by the honorable member for West Sydney. I desire to amend the clause by striking out the word " nomination " after the word "report," in line 27, and insert after the word " every," in the same line, the word " recommendation."

Mr. EWING(Richmond).- In line 26 I think the word "as " is required, so as to make the clause read "no such appointment shall be made until the commissioner has certified that, in his opinion, there is no person available in the public service who is as capable of filling the position," &c. This may appear to be a small matter, but it is of importance. Before a man can enter the service in a special way the commissioner has to say he has no man in the service capable of filling the position. A man may be able to do the required work passably well - well enough to prevent the commissioner saying the man is not capable, and still there may be a tip- top man outside available. One horse can pull a cart fifteen miles an hour, and another can pull a cart one mile an. hour, yet the latter can claim with the former to be able to pull a cart.

Sir WILLIAM LYNE

- I will adopt the honorable member's suggestion, and I move -

That in line 15 the word "as" be inserted after the word " is."

Amendment agreed to.

Sir WILLIAM LYNE

- I move-

That in line 17 the word " recommendation " be inserted after the word "every."

Amendment agreed to. Sir WILLIAM LYNE. - I move-

That in line 17 the word "nomination" be omitted.

Amendment agreed to.

Mr. HUGHES(West Sydney). - I move -

That in line 33, sifter the word " Parliament,"¹ the following words be inserted : - " And such appointment shall be subject to its approval."

Mr. HIGGINS(Northern Melbourne).I sincerely hope the amendment will not be accepted, because I believe it would be unworkable. The honorable member for West Sydney has an admirable object in view. He desires that Parliament before it is too late may stop a wrong appointment. It is very little use if an appointment has been made for Parliament to begin grumbling, because the incident is very soon forgotten, and a Ministry is scarcely ever put out for one bad appointment. All a Minister has to look forward to is a big grumble in the House if he makes a wrong- appointment. It becomes all the more important on account of the insertion of the word . " as " just decided on by the committee. Under the two first sub-clauses the Minister has great power on the recommendation of the commissioner. He has great power to go outside the ordinary civil service and introduce a skilled man into the professional division, saying - "There is no one as capable in the service to fill the position." There is tremendous power given to the Minister, and I sympathize heartily with the object of the honorable member who submits the amendment. But the honorable member should consider what the amendment means. He desires that there should be no appointment from outside the civil service unless both Houses of Parliament approve, which means practically that there must be an Act of Parliament in order to get a single man into the civil service from outside.

Mr Hughes

- The appointment could stand, if it were not disapproved.

Mr HIGGINS

- There is a good deal in that. The honorable member might have moved that the appointment should lie on the table of the House, and should take effect in a certain time unless a resolution were carried against it in either House.

Mr A McLEAN

- The appointment might be made in recess.

Mr HIGGINS

- Supposing Parliament did not meet from December until June, and there was a very highly skilled man on a visit to Australia, whom it was desired should begin work on the 1st January, that man would not wait until his appointment had been approved by Parliament. The amendment would be a serious interference with the practical work of government. We must in all these tilings trust the Executive. The Minister cannot act until the commissioner recommends, and the commissioner is absolutely independent of the Minister.

Mr Crouch

- Why should an appointment be laid before Parliament at all?

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Mr HIGGINS

- The only object the honorable member for West Sydney has is that Parliament shall be able to put a "spoke" into an improper appointment before it is too late. But I see no practicable way of doing that and it would be far better for us to leave such appointments with the report of the permanent head, the recommendation of the commissioner, and the responsibility of the Minister. The responsibility of the Minister is, after all, the principal thing, and it would be going too far and interfering with the practical working of the departments to say that there should be no appointment unless Parliament approves.

Sir EDWARDBRADDON (Tasmania). - However wise may be the idea on which this amendment is based, the practice that would be created by carrying it would be very disastrous for the government of the Commonwealth. The Executive of the day should clearly be the persons responsible for every appointment made. They are ultimately responsible, and there are sufficient checks on them in the Bill to enable this House to bring them to account whenever they make a bad appointment.

Sir William Lyne

- The very fact of laying the appointment on the table of the House gives an opportunity to Parliament.

Sir EDWARD BRADDON

- The idea that Parliament should share the powers of the Executive and be called on to practically make appointments, gives Parliament a power which would have a mischievous effect. It would deprive

Parliament largely of its power to criticise the Executive, and make it a co-sharer with the Executive in those appointments for which it should be responsible only in the second degree. Parliament should be responsible only as a body to criticise the action of the Ministry, and bring them to book whenever they make an appointment which meets with their disapproval and that of the country. If the Ministry make an appointment which does not meet with the approval of Parliament and the country, there is a means lying very properly in the hands of Parliament for dealing with Ministers, and dealing with them summarily.

Mr ISAACS

- I quite agree with what the honorable gentleman has just said. It is impossible to get Parliament to work the departments. But I think that the wording of the clause is a little vague, and I ask the Minister for Home Affairs to alter the last paragraph of sub-clause (2). It is very vague to say -

A copy of every report, nomination, and certificate under this section shall, as soon as practicable after the making of any such appointment, be laid before Parliament.

I think that Parliament has a right to require that a copy of every such report, nomination and certificate shall be laid before it within a certain time after it has met.

Sir William Lyne

- Within seven days after its meeting, or within seven days after the next sitting of Parliament 1

Mr ISAACS

- Yes ; I think that would be reasonable. Certainly some definite time should be stated.

Mr. HUGHES(West Sydney).- The honorable member for Northern Melbourne has urged against my amendment that it would be exceedingly cumbrous, and would involve practically the passing of an Act of Parliament. Of course, my intention was very different. What I intended was that the approval of Parliament should be necessary before any extraordinary appointment could be completed. I do not at all agree that the clause as it stands does that. What it practically does is this - after an appointment has been made Parliament is given an opportunity of discussing it. But Parliament has always the right to discuss any appointment. All that the clause accomplishes is to obviate the necessity of an honorable member getting up and moving a motion for the production of a report.

Mr Higgins

- It is very hard to get such a motion brought on at times.

Mr HUGHES

- Surely the honorable member for Northern Melbourne does not mean to tell me that unless he were in the minority he would have any difficulty at all in persuading the Government to lay a copy of the report upon which any appointment was made on the table of the House. It is because he may be in the minority sometimes that I want to see it laid down that every appointment shall be subject to the approval of Parliament. It would be competent now for any honorable member to move to express disapproval of any appointment already made.

Mr SAWERS

- Would the honorable member delay an appointment for three months 1

Mr HUGHES

- All I say is that an appointment should not be considered a permanent one until Parliament has expressed approval of it.

Mr Isaacs

- We should need an Act of Parliament for that. .Mr- HUGHES. - I am quite willing to put the matter in another way, and say that any appointment shall hold good unless Parliament disapproves of it.

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Mr Higgins

- Suppose there was a good man available for a permanent appointment who would not wait till Parliament met 1

Mr HUGHES

- I only ask that Parliament shall have the power of veto. My proposed amendment would not affect the appointment of any competent man, and as for the necessity of passing an Act of Parliament, I do not think that that is involved under the alteration which I am prepared to accept.

Sir WILLIAMLYNE (Hume- Minister for Home Affairs). - I would like the honorable member for West Sydney to withdraw his amendment in order that the clause may be amended to deal with the objection

raised by the honorable and learned member for Indi.

Amendment, by leave, withdrawn.

Mr. HIGGINS(Northern Melbourne).- I would suggest to the Minister that sub-clause (4) should state the reasons why the Governor-General does approve of any person recommended, as well as his reasons why he does not approve of any person so recommended. I regard this clause as one of the most important in the Bill. It gives a certain elasticity to the public service, and enables new blood to be brought into the service. But, at the same time, this very elasticity is a danger. It leads to the dangers of favoritism and nepotism. We cannot be too careful, while giving ample power to the Ministers and imposing responsibilities upon them, to provide that Parliament shall be fully seized of all the reasons for an appointment, as well as of all the reasons for refusing an appointment. I suggest to the Minister for Home Affairs that it might answer the purpose if the first line were left out and the sub-clause began as follows :

-

Astatement of the reasons for not approving any such recommendation, &c.

Sir WILLIAM LYNE

- The object of this provision is to meet any case where there might be a conflict between the commissioner and the Governor-General ; it is not meant to deal with cases of agreement between those two authorities. Where the Governor-General accepts the nomination of the commissioner, it is not thought desirable to la)' an)' statement before Parliament; but where the Governor-General exercises his veto regarding the appointment of a man recommended by the commissioner, his reasons should be laid before Parliament in order to show why the recommendation was not agreed to.

Mr Higgins

- Should there not be a reason given for appointing a man from outside 1

Sir WILLIAM LYNE

- Yes, but if the permanent head and the commissioner recommend such a course, and the Governor in Council agrees to it, it is not a serious matter so far as the Government is concerned.

Mr Higgins

- But ought not Parliament to be given the reasons for special appointments ?

Sir WILLIAM LYNE

- I do not think so, because any Member of Parliament would hear what had been done and could bring the matter before Parliament if he chose. But there would be no such reason for bringing the matter before Parliament unless there was a conflict between the commissioner and the Governor-General. I would ask the honorable and learned member not to press an amendment.

Mr Higgins

- I have not moved an amendment.

Sir William McMillan

- Would not the matter be mentioned in the annual report of the commissioner ?

Sir WILLIAM LYNE

- Certainly ; but not in the special way in which it would come before Parliament in case of a disagreement.

Mr Isaacs

- Is there any objection to laying before Parliament a copy of the report and the certificates 1

Sir WILLIAM LYNE

- The report is to come before Parliament. I move -

That sub-clauses (2), (3), and (4) be amended to read as follows -

No such appointment shall be made until the commissioner has certified that in his opinion there is no person available in the public service who is as capable of filling the position to which it is proposed the appointment shall be made. A copy of every recommendation, report, and certificate under this section shall, within seven days after the making of any such appointment, be laid before Parliament, or if Parliament is not sitting, then within seven days of the next sitting thereof.

If any person recommended by the commissioner is not approved by the Governor-General it shall be the duty 'of the commissioner, after obtaining a report from the permanent head, to recommend, within a time specified by the Governor-General, some other officer for the office, and such person if approved of by the Governor-General may be appointed accordingly to such office.

Where the Governor-General does not approve of any person recommended, a statement of the reasons for not approving of any such recommendation and for requiring a further recommendation shall within seven days be laid before Parliament, or if Parliament is not sitting, then within seven days of the next sitting thereof.

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Mr WINTER COOKE

- The result of the clause now is, apparently, that the Governor in Council has a veto twice over. An appointment cannot be made if the Governor in Council twice refuses the recommendation of the commissioner. That is to say, if the commissioner's first recommendation is refused, and he then makes another, and that is refused, no appointment can be made. Is that the meaning ? There is nothing in the clause to show that the commissioner is to go on recommending, after the second veto of the Governor-General.

Sir WILLIAM LYNE

- I do not think the Governor-General would be likely to take any action after the second nomination. I have not looked at the question very carefully, but my impression is that the commissioner would recommend, and the Governor-general would not make the appointment without his recommendation.

Mr Winter Cooke

- Of course, the Governor-General would have no power to act at all unless moved by the commissioner.

Sir WILLIAM LYNE

- Yes.

Mr Winter Cooke

- The commissioner recommends an appointment. That appointment is refused. Then the commissioner recommends another. That appointment is refused. Then, apparently, no further action can be taken, and no appointment can be made.

Mr Deakin

- I think action could be taken again. I do not think there is a limitation to two nominations.

Sir WILLIAM LYNE

- It seems to me that if a conflict like that arises the Governor-General would have to exercise his power and take the responsibility.

Sir Edward Braddon

- Make the appointment without any recommendation ?

Sir WILLIAM LYNE

- That is what I take it to mean.

Clause, as amended, agreed to.

Clause 2S-

No person shall be appointed to the clerical division whose age at his last birthday previous to appointment was less than sixteen years or more than twenty-one years unless such person is at the time of appointment already in the public service.

No person shall be appointed to the general division whose age at his last birthday previous to appointment was less than sixteen years or (except as hereinafter provided) more than forty years unless such person is at the time of his appointment already in the public service. But nothing in this sub-section shall be taken to prevent the appointment of boys of any age to be message boys or junior messengers.

In cases of special duties the Governor-General may however on the recommendation of the commissioner extend the age from forty to forty-five years.

Mr. THOMSON(North Sydney).- It seems to me that clause 28 is in direct contradiction of clause 29.

There is no proviso in the clause, so far as I can see. In one case it is provided that no person shall be appointed to the general division whose age at his last birthday was less than sixteen years or more than 40 years, " unless such person is at the time of his appointment already in the public service." Then clause 29 says that any person may be admitted from the public service of any State without restriction as to age.

Sir William McMillan

- That is in the case of a transfer.

Mr THOMSON

- The clause does not refer to the transfer of an officer taken over with a department, but to the transfer of a person taken from the service of a State.

Mr. HIGGINS(Northern Melbourne).I think the difficulty suggested by the honorable member for North Sydney, can be easily provided against by an amendment. But there is a substantial matter in the first sub-clause of clause 28. It is a point with which perhaps the Minister in charge of the Bill may not be familiar, it being a purely Victorian difficulty. I am quite sure, however, that the honorable gentleman will recognise that there is justice in the demand I am about to mention. The clause says that no person shall be appointed to the clerical division unless he is between the ages of sixteen and 21 years, " unless such person is at the time of appointment already in the public service." Of course that means the public service of the Commonwealth. It so happens that under the Victorian Act, a number of men in the general division had passed the examination for the clerical division before last December. Are they to be allowed to count 1

Mr Deakin

- Yes.

Mr HIGGINS

- If the Attorney-General has taken the matter in hand it is all right.

Mr Deakin

- I propose to provide for it when we recommit the Bill.

Mr HIGGINS

.- Unless they are at the time of the passing of this measure entitled by the law of any State to be appointed to the clerical .division of its public service, they cannot receive these appointments.

Mr Crouch

- No one is " entitled."

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Mr Deakin

- The honorable and learned member means "qualified."

Mr HIGGINS

- Yes. As the Attorney-General has proposed to deal with the subject,! shall now confine myself to making the suggestion.

Mr PIESSE

- Should there not be a restriction as to the ages of the boys mentioned in sub-clause (2) 1 The subclause refers to " the appointment of boys of any age." I intend to move that the words " above the age of thirteen " be inserted.

Mr TUDOR

- Before that amendment is moved, I desire to move an amendment in sub-clause (2), which specifies that no person shall be appointed who is above the age of '10 years. I want to know why there should be a restriction as to the age ? We do not pension or retire civil servants in Victoria until they reach the age of 65. There are men doing temporary work to-day who are over the age of 40, and who would be prevented by this clause from applying for permanent appointments.

Sir William Lyne

- What age does the honorable member propose ?

Mr TUDOR

- I do not know that there is any necessity for a limitation.

Sir William Lyne

- I will agree to make the limit 50 years. .

Mr TUDOR

- I accept that. I move That the word "forty," line 10, be omitted, and the word "fifty" substituted.

Amendment agreed to.

Mr. CROUCH(Corio). - I desire to direct attention to a class of employes who have certain statutory' rights, which I think should be taken into consideration. I intend to propose later a clause under which members of the naval and military forces, who have served five years and have passed the necessary examination, shall be placed in a similar position to those who wish to enter the clerical and non-clerical divisions under this Bill. If it is right for one class it must be right for the other, and I hope the

Attorney-General will be able to accept my proposal when he is dealing with the proposal of the honorable member for North Melbourne, in connexion with those who desire to be transferred from the nonclerical to the clerical division. Perhaps honorable members' do not know that in Victoria, in order to get the nonclerical division of our service filled with men, who in time of emergency would be able to serve in defending the State against foreign invasion, we have made provision by which men who have served for five years in the naval or military forces have the right to submit themselves for examination, and on passing such examination, and complying with certain conditions' as to insurance, they are qualified for appointment to the non-clerical division of the service. A large number of men have gone through the naval or military forces purely with -a view to take advantage of this provision, and the benefits offered by it have been put forward in the last proclamations inviting recruits, as an inducement to men to join the defence forces. There are a large number of men who are now only waiting for vacancies to occur in order to enable them- to enter the non-clerical division, and they have rights which have been well recognised, and which are equally as much entitled to consideration as those of non-clerical employees who desire to be transferred to the clerical division. There is no doubt that a distinct promise has been given to these men, and I hope that when the House has passed my proposed clause, the Minister in charge of the Bill will consent to a recommitment of this clause.

Sir William Lyne

- I do not see why we should interfere with the defence forces at all.

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Mr CROUCH

- I trust I shall be able to convert the Minister from that opinion. I am only looking at the existing rights of the men, many of whom have given up other occupations in order to acquire these rights. A distinct contract has been made with them, and -it should not be repudiated.

Mr. THOMSON(North Sydney).- In case the Attorney-General may consider the desirability of agreeing to the honorable member's suggestion, I would like to point Out the wide range over which his view will have to extend when dealing with the question. Because there has been an undertaking given by a State Government, which still has its non-clerical division available for the purpose of carrying out its promise, it does not follow that any obligation in regard to that promise should be taken over by the Federal Government. If anything is to be done in that direction it must be done on the same conditions and terms with regard to the defence forces of all the States The promise of the Victorian Government cannot be taken to bind the Federal Government.

Mr. HUMECOOK (Bourke).- Subclause (2) which deals with the age of appointees, provides that nothing in the. sub-clause shall be taken to prevent the appointment of boys of any age to be message boys or junior messengers. It has been suggested to me that there should be added to that the words " telegraph messengers or ' postal assistants." If, however, the words as they now stand in the clause may be taken to cover telegraph messengers and postal assistants I shall be quite satisfied ; but, if not, I should like to know what objection there could be to the addition of the words suggested.

Amendment (by Mr Piesse) proposed -

That in line 14, after the word "age," the words " above the age of fourteen " be inserted.

Sir William Lyne

- That will shutout the telegraph boys.

Mr SALMON

- I quite agree that there should be a limit as to the age. But I am not in favour of the amendment which has been suggested by the honorable member for Bourke. Our experience in Victoria has been that too many boys, of tender years have been brought into the public service to do work which should be done by men at men's wages, and I am totally opposed to the introduction of boy labour. I prefer that the lads should be at school, in order that they may be better fitted to carry out the duties of life properly rather than that they should be put, into the public service at too early an age. Furthermore, it would not be well for the Commonwealth to cram the public service with a number of inefficient infants to the exclusion of men who are probably requiring employment. I think fourteen years is quite young enough . It is intended, . apparently, that these boys should be employed almost exclusively in the post-offices, and as there are important duties connected with every department of work in the post-office, and as the lads would have opportunities of acquiring information which it is not desirable that they should have, and opportunities for

committing serious irregularities which should not be put in their way, no children of tender years should be employed there. '

Mr McCOLL

- As thirteen years is the statutory age at which boys leave school, I don't see why we should adopt the age of fourteen. I therefore move -

That the word " fourteen " in the amendment be omitted with a view to insert in lieu thereof the word " thirteen."

Mr. MAUGER(Melbourne Ports).There is a great deal to be said on both sides of this question. A large number of boys are to be found" idling their time away on the street corners because they have no means of finding employment after having left school. If we employ boys of thirteen we shall not be displacing men in the slightest degree, nor shall we be doing any good to the boys by excluding them from employment until they are fourteen. I think it is ' better that they should be employed than that they should be loafing about street corners.

Mr Mahon

- Very few boys leave school at thirteen.

Mr MAUGER

- I think you will find that a great number do.

Mr Mahon

- Well, they ought not to.

Amendment of the amendment agreed to.

Amendment, as amended, agreed to.

Mr. CROUCH(Corio).- I would like to know how we can make provision for boys such as those on the steamer Lady Loch and in the Customs department, and other boys in the service, who cannot be regarded either as message boys or junior messengers. With a view to bringing them within the operation of the clause, I move -

That the words "to be message boys or junior messengers " in line 15 be omitted.

Mr. SALMON(Laanecoorie). - I hope the honorable member will not persist in this amendment, because otherwise we might fill the whole service with boys. I think that even junior messengers might be struck out, and the clause limited to message boys, because a " junior messenger" is 1 ery often a man doing a man's work. The amendment would do away with a]', the good we have already gained.

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Mr HARPER

- I think the committee are trying to legislate too much altogether, and I do not know where ministerial responsibility is to come in. We have a huge service and shall require boys and men for all sorts of purposes, and surely we can trust the Executive Government with the clause as it stands to select for the particular purpose the necessary lads or youths. If Parliament find that the Government of the day are employing unduly young persons, it is for us to instruct the Government not to do so any longer. To combine in this clause a great number of regulations which should be left to the Executive Government will be simply to create difficulties which will cause great embarrassment in the future administration of the service. Personally;

I would leave the clause as it stands in the Bill, giving the Government liberty, subject to the direction of Parliament, to employ youths where they are required. We must suppose that the Executive will act reasonably. The honorable member for Corio has alluded to a few boys on the Cerberus or the Lady Loch with whom he is acquainted.

Mr Crouch

- I am not acquainted with them.

Mr HARPER

- And we are on that account asked to alter a clause which has been made to suit the messengers at the telegraph office and other offices. To legislate in this way is ridiculous, and the Government ought to be left to administer the departments in a reasonable way.

Mr. CROUCH(Corio).- The honorable member for Mernda has characterized my suggestion as ridiculous.

Mr Harper

- I did not say that the honorable member's suggestion' is ridiculous. I said that to legislate in this way is

ridiculous.

Mr CROUCH

- The honorable member has evidently altogether misunderstood the purport of the amendment. If he will read carefully what has been suggested, he will see that he has argued entirely in favour of the amendment. I mentioned the Cerberus boys, but only because I happened to know them.

Mr Harper

- It is the Lady Loch I believe.

Mr CROUCH

- I mentioned those boys because I happen to know that class, and to point out that the Ministry has not provided for every class.

Mr Harper

- Give the Ministry a free hand to deal with every class.

Mr CROUCH

- That is just what I say the Ministry should have. If the honorable member for Mernda will look at the clause more carefully he will see that the Government propose to limit themselves to using only message boys and junior messengers. I propose to strikeout these words altogether, and to leave it to the discretion of honorable men administering the departments under the control of the House not to use boys unnecessarily.

Mr Isaacs

- The amendment is inconsistent with the clause.

Mr McCay

- The amendment repeals the first part of the sub-clause. Mr. CROUCH- If I had known that the provision as to thirteen years was going to be inserted I should have asked that the word "sixteen," in line 3, should be struck out with a view to inserting "thirteen." I know sufficient of the public service to realize that if the Government is restricted in their action, as they will be unless the amendment is carried, to employing only boys between the ages of fourteen and sixteen as message boys and junior messengers, their hands will be tied. It would be far better to give the Government discretion, if they find it necessary, to employ boys over fourteen years.

Mr. MAUGER(Melbourne Ports).That is just what the honorable member appears not to want. I have complaints from the same quarter, and I have a letter in my pocket now from a boy who has been on the ships for a considerable time, and though he has grown to be a man, still receives boy's wages. We want to prevent the employment of boys except for boys' work. I hope the honorable member will withdraw his amendment, and allow the employment of boys to be as limited as possible.

Mr. HIGGINS(Northern Melbourne).I wish to point out that the word is "appointment," not "employment." I think the honorable member for Corio has been misunderstood. The cases he had in his mind were those of boys appointed years ago, but who have been kept at boys' wages.

Mr Crouch

- Quite so.

Mr HIGGINS

- The words of the subclause are -

But nothing in this sub-section shall be taken to prevent the appointment of boys of any age to be message boys or junior messengers.

The honorable member's question is, ought the Government to have power to appoint boys between thirteen years and sixteen years otherwise than as messenger boys?

Mr Piesse

- The amendment cannot be carried now.

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Mr HIGGINS

- That may be, but the question ought to be fairly faced. I think there is too much boy labour employed. I shall not support the amendment, but I think there has been a misunderstanding.

Mr. POYNTON(South Australia).When is a boy not a boy under this particular clause? As I read the clause, he is a boy from thirteen years to 50 years of age.

Amendment negatived.

Amendment, by Sir William Lyne, proposed -

That in line 8 the word " forty " be omitted with a view to insert the word "fifty" put.

Sir WILLIAMMcMILLAN (Wentworth). - Does the last sentence of the clause refer to the boys, or to the other part of the sub-clause?

Sir WILLIAM LYNE

- The draftsman has, I think, transposed two sentences. I propose to place the words -

But nothing in this sub-section shall be taken to prevent the appointment of boys of any age to be message boys or junior messengers at the end of the clause. I understand that that can be done by the Chairman.

Mr. ISAACS(Indi).- While the Minister is looking at the re-arrangement of the clause I would like him to notice the two first lines of sub-clause (2). These words prohibit the appointment of any person to the general division whose age at his last birthday previous to the appointment was less than sixteen years. The sub-clause contemplates his not being appointed, and then fixes his age previous to appointment.

Mr McCAY

- I would like to call attention to the word "appointment" in that portion of the sub-clause which the Minister has just announced his intention of transposing. If boys over thirteen years are appointed, I take it that the sub-clause means they are appointed under the Act, and will be entitled to stay in the service in the same way as any other civil servant. I do not know whether it is intended to adopt the "Victorian Post-office Act, which allows boys to be employed between the ages of thirteen and seventeen years ; but under that Act boys have to leave at seventeen years of age if there is no man's appointment to which they can be properly promoted.

Mr Harper

- That is provided in the Post-office Bill.

Mr McCAY

- If so, its provisions will conflict with this Bill ; but I think the Post-office Bill is likely to pass before the Public Service Bill.

Sir William Lyne

-From all appearances this Bill will take a session to pass.

Mr McCAY

- I am inclined to think "employment," or some other similar word, should be substituted for "appointment" if it is intended that the boys should leave the service in the event of no other appointment being open when they are nearing years of manhood.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 29-

Any person not more than 60 years of age, who, at the establishment of the Commonwealth was the holder of a salaried office, not being of a temporary or casual character in the public ' service of any State, shall be eligible for appointment to the public service of the Commonwealth, and the provisions of this Act as to the examination of candidates for admission to the public service, and as to appointments on probation, and as to the division or class or subdivision of class to which a person may be appointed, and as to the age of persons who may be appointed, shall not apply to any such person.

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Mr POYNTON

- I move -

That after the word "public" in line 4 the words " or railway " be inserted.

I wish to point out to the committee that any person in the service of a State, up to the age of 60 years, is eligible for appointment under the Bill. But the public services of the States do not include those who are employed in the railway service. In clause 27 it is provided that where there are no persons within the public service who are capable of filling some particular position, the commissioner shall have the right to go outside the State services. It has been clearly understood right through this debate, however, that the public service must be exhausted before any person outside the State services can be selected. I think that we should put the employees in the railway services in the same position, in this respect, as that occupied by officers in the Crown Lands department. In the State which I represent, the officers in the

Crown Lands department are included in the public service of that State, and any officer from that department may be transferred to the Commonwealth, and all his existing and accruing rights will be preserved to him under the operation of this Bill. The same condition applies to employes of the Water Conservation department, and a number of other departments which are included in the public services of the States. But under this Bill any person in the railway service would not be eligible for appointment to the public service of the Commonwealth. I can quite imagine that if we require a staff for the Inter-State Commission, we may find in the railway service men whose training would make them eminently suitable to fill such appointments. But under the Bill they would not be eligible if they were over 21 years of age, and under clause 27 they would have to sacrifice all their present and accruing rights in the State service. I wish this question to be thoroughly thrashed out. I want to know what are the reasons for including other services of the States and excluding the railway service ?

Sir William Lyne

- Has the railway servant the right to enter any of the public services of the different States 1 The honorable member is proposing to give to railway servants something which they have not had before.

Mr POYNTON

- We are providing that, in certain contingencies, we may go outside the public service altogether.

Sir William Lyne

- So they do in the State Acts.

Mr POYNTON

- An officer in the Crown Lands office of a State may be selected for the Commonwealth service under this Bill, and if he is transferred to the service of the Commonwealth, all his existing and accruing rights are protected. Why is he eligible for transfer, whilst another man, who is in the railway service, is not so eligible? I intend to have a test question made of this matter, and if necessary, I shall press it to a division.

Mr THOMSON

- I think this is an important matter, and the honorable member for South Australia, Mr. Poynton, has brought forward good reasons for his proposal. If we accept officers who happen to be under the Public Service Acts of the various States at the present time, we should in fairness accept other officers who do not happen to be under those Acts but who are still in the public service. The proposal of the honorable member does not embrace all those officers. The railways are not under the Public Service Acts of some of the States ; but there are other departments which occupy a similar position. In New South Wales the Parliamentary Staff, the Harbor Trust, the Water and Sewerage Board and other big Government departments are in that position.

Mr Mahon

- Two wrongs do not make a right.

Mr THOMSON

- I agree with the fairness of the honorable member's proposal, but his amendment will not remove the whole of the injustice.

Sir William Lyne

- We shall not want that part of the Bill which provides for the holding of examinations, if we do what the honorable member proposes.

Mr THOMSON

- If we are going to provide that some officers in the employ of the States - apart from the transferred services - may be admitted to the service of the Commonwealth under certain conditions, why should we not apply those conditions to all the officers of the State "Governments ? I would suggest that after the word "office," in line 3, the words "in the States " should be inserted.

Sir WILLIAM LYNE

- The honorable member for South Australia is proposing something which is not done in any State, so far as I know. The railway servants have no right whatever to enter the public service, so far as I know, in any State; and the Commonwealth has. nothing whatever to do with the railway service. I could understand the proposal if the railways were under the Commonwealth ; but this is a proposal to go beyond anything that has been done in any of the States.

Mr Thomson

- But we include in this provision officers who do not belong to departments transferred from the different

States.

Sir WILLIAM LYNE

- The only departments that we have taken over are departments altogether outside the railways. We have taken over the Post-office, the Customs, and the Defence departments. These are part and parcel of the public service of each of the States. We have not touched the railways in any of the States, and no railway servants participate in the privileges attached to the public service in any State. If the amendment of the honorable member for South Australia is carried, we shall be adopting a new system altogether, and one which will complicate matters very much. We propose to take outside persons after they have passed a certain examination ; but if this amendment is carried, I do not think that we shall want any outsiders, because we shall have sufficient men in the railway service to fill up any gaps that may arise.. It is an extreme case to allow all the railway servants to participate in the Commonwealth service, when the States will not allow them to enter in the State services.

Mr Thomson

- They will not enter unless they are appointed.

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Sir WILLIAM LYNE

- I am aware of that ; but I say that the proposed amendment would give them a right over those who would otherwise come in.

Mr CONROY

- Surely the railways are a part of the public service ?

Sir WILLIAM LYNE

- They are not, and they do not come under the Public Service Acts. There are special Acts dealing with the railways. They form a separate department, and the rail way servants have rights to promotion, and other rights which the public servants have not.

Mr ISAACS

- I would point out that in this clause the Minister is creating rights for departments not yet appertaining to the Commonwealth at all. There are the Education department, the Mines department, the Law department, and so on. The officers of these departments have no rights under the Commonwealth. The Minister proposes to give rights to them, and I agree with him. I think that since the States have to bear the expense of federation, some facilities should be given for transferring employees of the States ' to the Commonwealth where it is desirable that they should be transferred. But as we are creating rights in favour of departments that have not those rights at present, I do not see the logic of including those departments, and at the same time refusing the same rights to employees of the Railway department. Therefore I urge the reconsideration of the matter.

Mr McCall

- The States do not do it.

Mr ISAACS

- That is no reason why we should not do it. We are providing that any public servant of a State is to be eligible for appointment to the Commonwealth service.

Sir William Lyne

- Eligible for transfer ; the word " appoint " is wrong.

Mr ISAACS

- " Transfer " is not quite an appropriate expression. This Bill provides for the introduction of State servants into a totally new sphere, and gentlemen now engaged in the service of the States, who are transferred, should have these rights conferred on them.

Mr HUME COOK

- Only some of them are to be transferred ; it is very exclusive.

Mr ISAACS

- The honorable member is quite right.

Mr HUME COOK

- A privileged class only.

Mr ISAACS

- I am not addressing myself to the wording of the clause, but to the principle of it. If the clause is to be

adopted at all, I cannot see why the railway servants should be excluded.

Sir WILLIAM LYNE

- I desire to read the clause as I propose to amend it. It will read as follows : -

Any person not more than sixty years of age who at the establishment of the Commonwealth was the holder of a salaried office, not being of a temporary or casual character, in the public service of any State, shall be eligible for transfer to a position in the corresponding division of the Commonwealth on the recommendation of the commissioner ; and the provisions of this Act as to the examination of candidates and as to appointments on probation, and as to the division or class or subdivision of class to which a person may be appointed, and as to the age of persons who may be appointed, shall not apply to any such person : Provided that any such person in the professional or clerical division of the public service of a State may be appointed to an administrative office.

The question that is now raised is a very important one. I cannot see my way at present to accept the proposal that is made, but I shall ask that the clause be postponed, for I should not like to decide the matter off hand.

Mr McCAY

- The reason why the clause is limited to the public service of a State is, I think, because in the Constitution itself a similar provision is made for the benefit of State public servants, but not for the benefit of State railway servants. Section 84 of the Constitution Act says -

Any officer who is at the establishment of the Commonwealth in the public service of a State, and who is by consent of the Government of the State with the advice of the Executive Council thereof transferred to the public service of the Commonwealth shall have the same rights as if he had been an officer of a department transferred to the Commonwealth, and were retained in the service of the Commonwealth.

That seems to be the reason why this clause refers only to public servants, and does not include railway servants. If the term "public service" under the Constitution means "public service" in the narrower sense in which we usually understand it, and does not include railway servants, we are largely beating the air ; because railway servants would not be anxious to be transferred if they lost their rights by being transferred. Unless the term " public servants" includes all servants of the State under the Constitution, which possibly is the correct interpretation-

Sir Edward BRADDON

- That is what the Convention meant.

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Mr McCAY

- What the Convention meant, and what the Convention said, may be found to be two different matters when we get to the High Court. I draw attention to this point because it seems to be the reason why the railway servants were not included when this clause was drafted.

Sir EDWARD BRADDON

- If we are to understand by the term "public service" the public servants who are engaged under the Public Service Act of any State, then manifestly serious injustices will be done to the civil servants of those States which have no Public Service Acts. Injustice would also be done to public servants in other States by reason of the different ways in which their Public Service Acts have been framed. Having that in view, we ought to regard the term "public service" as referring to all who are in the service of the State in any Capacity whatever, whether under a Public Service Act or not.

Mr Isaacs

- All those who are public servants.

Sir EDWARD BRADDON

- I suppose this clause, with its narrow interpretation, will give opportunities to public servants who are outside the transferred services to enter the Commonwealth service, but if railway servants are to be disqualified, an injustice will be done to them.

Mr HARPER

- The honorable and learned member for Indi says that this clause confers privileges. I have been reading the clause, with the desire, if possible, of understanding why it was inserted in the Bill, and I should say the object was not to confer privileges upon the public servants of the State, but in order that the Commonwealth Parliament, if trained men were required in addition to those in the departments taken

over under the Constitution Act, might obtain the services of civil servants from the various States. Consequently in taking them over it is desirable to provide that those men shall not lose their privileges which they possess in the States. The clause is inserted, it appears to me, for the purpose of conferring privileges on those members of the public service who are limited to the strict public service. The inclusion of railway men is not the intention of the clause. The object is to enable the Federal Government to take over the services of such officers as are required, and in so doing to make them subject to the provisions of this general measure.

Clause postponed.

Clause 30 -

) Any person having at any time either before or after the commencement of this Act retired from any salaried office not being of a temporary or casual character in the public service of the Commonwealth or of any State shall if not more than 60 years of age be eligible for appointment to the public service of the Commonwealth without examination or probation, and if the Governor-General thinks fit without compliance with the provisions of Part IV. of this Act ; and such appointment shall be made at a rate of salary not exceeding that received by such person at the time of his retirement and shall not be made to a position superior in division or class or grade to that in which he was an officer at such time.

In the case of a person who on such retirement received any compensation or gratuity for loss of office or any pension or superannuation or retiring allowance no appointment shall unless otherwise prescribed be made under this section until after such person has produced to the commissioner from the authority who paid the same satisfactory evidence that he has refunded the amount so received by him as compensation, gratuity, pension, or superannuation, or retiring allowance (as the case may be).

Sir WILLIAM LYNE

- I move That sub-clause (2) be omitted.

Mr WILKS

- Is it the idea to introduce the New South Wales system of payment by instalments?

Sir William Lyne

- I should not object to that. It is not proposed in this clause, but I should not object.

Mr WILKS

- The clause states that an officer, before entering the service, must pay the amount of compensation, or gratuity, he received before retiring from the State service. The New South Wales Act provides that he can, after the appointment, repay any compensation he receives by instalments. Do I understand that the Minister proposes to omit sub-clause (2) with a view to proposing another sub-clause to meet these cases ?

Sir William Lyne

- Yes.

Sir EDWARD BRADDON

- I wish to ask whether the clause as it stands does not" create some danger of the younger men in the service having their positions prejudiced by the re-appointment of men who have retired for good and sufficient reasons. We should not, in the interest of the service as a whole, allow these re-appointments to be made easily.

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Mr ISAACS

- I should like the Minister to explain what the position would be in the event of a person receiving his retiring allowance or compensation from the State Government and afterwards joining the Commonwealth service. Would he be required to pay the money received from the State into the Commonwealth Treasury ?

Amendment agreed to.

Sir WILLIAM LYNE

- I move that the following sub-clause be inserted: -

In the case of any person who shall have received a sum of money as compensation or gratuity on such retirement, no appointment shall be made until he has, if so required by the commissioner, paid into the Treasury an amount equal to such compensation or gratuity in one sum, or arrange to pay by instalments. Such sum shall be refunded upon the person so appointed retiring from the service of the

Commonwealth.

I admit that I had not thought of the point which has been raised by the honorable member for Indi. On the face of it, I do not see why the Commonwealth should receive money which it has not paid to the officer. The proper course would be to make the payment back to the State.

Mr PIESSE

- I would point out that this money would be held in trust for the officer, as a provision for his old age whenever he requires it. The officer is required to refund the money merely so that he may be placed in the same position on his second retirement as on the first occasion.

Mr SALMON

- I would like to know what would be the position of an officer who had retired from the service and taken his pension, if, upon its being found desirable that he should enter the service, he could not repay back the money he had received.

Sir WILLIAM LYNE

- The clause provides that it is only necessary for him to make the payment, "if so required by the commissioner," and an arrangement can be made by which the money can be paid by instalments. An arrangement of that sort is very often made in New South Wales, under which deductions are made from the yearly salary until the whole amount has been repaid.

Mr Isaacs

- Is the amount again returned to the officer on his retirement?

Sir WILLIAM LYNE

- Yes. He does not lose his right to the money, and if he retires the second time he does so with his claim to the money intact.

Mr Conroy

- Are these the exact words of the section of the New South Wales Act?

Sir WILLIAM LYNE

- I do not know that they are the exact words, but they are to the same effect.

Amendment agreed to.

Sir WILLIAM McMILLAN

- I hope that the Minister will admit that we on this side have not obstructed the measure this evening, and will now agree to on adjournment.

Clause, as amended, agreed to.

Mr CONROY

- I desire to speak on clause 30, and I understand the clause has not yet been agreed to.

The CHAIRMAN

- Yes, the clause has been agreed to on the voices.

Mr CONROY

- I certainly addressed the Chairman before the question was put to the House.

The CHAIRMAN

- I did not notice the honorable member, but during the time the honorable member for Wentworth was speaking, I drew attention to the fact that I had not then stated the question - "that the clause as amended be agreed to." The honorable member for Wentworth then resumed his seat, and I put the question - "that the clause as amended be agreed to," and declared it carried on the voices.

Mr CONROY

- I called on you before that, Mr. Chairman, and if you say you did not hear me I shall be compelled to call you in a sufficiently loud tone of voice, even if it be necessary to call so loudly as to be heard at Spencer-street.

Mr Barton

- That is a threat. I do not think there should be any threats.

Progress reported.

PROPERTY FOR PUBLIC PURPOSES ACQUISITION BILL

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Mr BARTON

- I move-

That the order of the day be discharged and the Bill withdrawn.

I do not do this because the Bill is being abandoned by the Government, but because I wish it to be transferred to the Senate to be dealt with in order that there may be an equalization of the business between this House and the Senate. We have a very large press of business coming on in this House, which it is desirable to relieve, and as far as the Senate is concerned, I am sure that the members of the Ministry there will be very glad to receive and deal with this Bill. It is a very good thing to recognise that in the two Houses as they are now constituted, there are fewer difficulties in connexion with the introduction of Bills in the second Chamber than there are in the Legislative Councils of the various States, and this is an instance in which we may well exercise that power of transference so that business that is more pressing and very important in this House may be the sooner reached.

Question resolved in the affirmative.

STATE LAWS AND RECORDS RECOGNITION BILL

Bill received from the Senate, and read a first time.

SUPPLY BILL (No. 2)

Royal assent to this Bill reported.

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22:30:00

House adjourned at 10.30 p.m.