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1901-06-25

HOUSE of REPRESENTATIVES

Mr.

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

PERSONAL EXPLANATION

Mr McCOLL

- I desire to make a personal explanation. When speaking upon the Address in Reply X stated that I was opposed to increasing the salaries of Ministers, and that I had pledged myself to my constituents to vote against it. Having given that pledge, I naturally desired to fulfil it, but when a division was taken on the question last Thursday, I was 170 miles from Melbourne, at the bedside of a very dear friend who died that day, so that it was impossible for me to record my vote. I wish to give this explanation of my absence to my constituents

SUPPLY BILL (No. 2.)

Mr SPEAKER

- I have to inform the House that I have received the following message from the Senate : -

Mr. Speaker:

The Senate has agreed to the modifications made by the House of Representatives in suggestion No. 2 of the Senate in the Bill intituled "An Act to apply out of the Consolidated Revenue Fund the sum of £491,882 to the services of the period ending the 30th day of June, 1901." The Senate returns the Bill herewith, and requests the House of Representatives to make the amendments agreed upon.

Mr McCAY

- I desire to refer to a point of privilege in connexion with the message which Mr. Speaker has just read. The history of our dealings with the Bill referred to therein is familiar to us all. We sent it to the Senate in the first place with a request for their concurrence. They returned it with a message which, I think honorable members will agree, was, as it reached us, not in proper form, but which under all the circumstances we accepted. In that message the Senate requested us to make three amendments in the Bill. We then sent back to them a message stating that we had amended the Bill in accordance with the first and third of their requests, and with a modification of their second request. We have now received from the Senate a message by which the Senate in effect informs the House of Representatives that they have agreed to our modification of their second request, and ask us to send the Bill up again with the amendments made in it. We have no standing orders and no precedents to guide us in this matter.

Mr CONROY

- Standing Order 193 deals with the matter.

Mr McCAY

- The standing order to which the honorable and learned member refers deals with amendments ; but we are not concerned with amendments at all at the present time.

Mr CONROY

- I take it that suggestions come under the same rule.

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Mr McCAY

- The same procedure by no means applies to amendments and suggestions. If it did, my question of privilege would be gone. I desire to submit for the consideration of the House whether the Senate have not, by the message which they have sent to us, violated the Constitution, so far as it can be violated by either House, and whether they have not infringed the rights of this Chamber.' This is not a matter such as that with which we had to deal the other day - a matter upon which there can be a clear difference of opinion as to procedure - this is a matter of substance. In my opinion the Senate have not the right to make a second request, but for the purposes of my argument I will assume that they have that right. Making that assumption, let us see what the Constitution allows them to do; and we must recollect that there is no Court of Appeal if anything is done wrongly in this particular matter; the two Houses alone are competent to settle these questions of procedure. Section 53 of the Constitution Act deals solely with Bills, not with laws ; and it is only laws that come under the cognizance of the High Court. Consequently, what we settle as our practice in these matters will become the recognised constitutional procedure. It has

been said in previous discussions upon this subject that, whatever the forms which we permit to be used, they will not infringe our rights under the Constitution. With that position I have never agreed, because the two Houses of Parliament alone can determine -their constitutional rights, under the section which I am about to quote. By abandoning our lights, even in matters of form, we settle what the practice shall be, and practically act as a Court of Appeal against ourselves. This is what the Constitution says the Senate may do -

The Senate may, at any stage, return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein.

Mr SPEAKER

- I should like to know if the honorable and learned member proposes to conclude with a motion.

Mr McCAY

- Yes. I propose to move -

That the message be not received.

Mr Barton

- I shall ask my honorable and learned friend not to move that motion. This is a matter in which the leader of the House should proceed on behalf of the House. The business of the Chamber should not be taken out of my hands, although I am sure that my honorable and learned friend does not wish to do that.

Mr McCAY

- Certainly not.

Mr Barton

- The honorable and learned member will find that I intend to propose a course which, although not the same as that which he proposes to take, will, I think, sufficiently assert the privileges of the House.

Mr McCAY

- I had not the remotest intention of undertaking the duties of the leader of the House.

Mr Barton

- I am quite sure of that.

Mr McCAY

- I shall wait until I am the leader of the House before I do anything like that. I was unaware that it was the intention of the right honorable gentleman to deal with this matter, and I thought that the proper time to refer to it as a question of privilege was the moment the message was received- I shall resume my seat now in order that I may not interfere with what the leader of the House may propose to do ; but I understand that I shall be at liberty to speak upon any proposal that he may make.

Minister for External Affairs

Mr BARTON

. - My honorable and learned friend will, I am sure, understand that there is no desire to act discourteously towards him in the course which I have taken, but it is always the practice that, in a matter of this kind, the Minister in charge of the business before the House shall be enabled to make a proposal, and take the sense of the House upon it. I was about to speak when the honorable and learned member rose. I do not consider that any time has been lost by his remarks, because I am sure that what he has said indicates the temper and tone of the House. But there are sometimes two ways of doing the same thing. I shall presently move -

That the message of the Senate be taken into consideration forthwith.

Mr V L SOLOMON

- Let us have the message in print.

Mr BARTON

- It is not in print; it has come down to us in writing.

Mr V L SOLOMON

- It ought to be in print.

Mr CONROY

- There is some doubt in the minds of honorable members as to the message which was sent by this House to the Senate - whether the amendments were made in the Bill.

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Mr BARTON

- I shall explain all that. A practice has existed in the Parliament of Victoria, which I am rather inclined to think is in accordance with the House of Commons, but which does not agree with that which has existed in the Parliament of New South Wales, and in the Parliaments of some of the other States. That practice is this : That until the two Houses have come to an agreement about the 'text' of a Bill, and while they are in negotiation about amendments, those amendments shall not be inserted in the Bill, and may be inserted only when they have been finally agreed upon. It is that practice which dictated the standing order to which the honorable and learned member for Werriwa referred. Standing Order 195 says - When amendments made by the Senate, in Bills which shall have first passed the House, shall have been agreed to by the House without amendments, a message shall be sent informing the Senate thereof; and if they shall have, been agreed to with amendments, the Bill shall be returned with a schedule of such amendments, in a message desiring the concurrence of the Senate therein ; and if they shall have been disagreed to, the Bill may be laid aside or it may be again sent to the Senate with a message desiring its reconsideration.

If these had been amendments in the Bill that would have been the proper course to take, and I am not quite sure, seeing that the standing orders are silent upon the point before us, that the Clerk of the House did not act rightly in sending up a message with a memorandum of the amendments which this House had made, without putting the amendments into the Bill, because that is the practice which has been established with regard to amendments, no practice being established in regard to suggestions. But the difficulty that has occurred is this : The Senate are, I believe, acting under the standing orders of the Parliament of South Australia, which provide a procedure for dealing with suggestions, but with which we have nothing to do.

Mr V L SOLOMON

- Unfortunately we lack joint standing orders.

Mr BARTON

- Yes; at the present time we lack joint standing orders. I am sure that it is not the intention of the Senate to interfere with our internal regulations, just as it is not our desire to interfere with their internal regulations ; but, if any standing order provides a course which does not clearly recognise our constitutional rights, that becomes a matter, not for the President or Mr. Speaker, but for the House to deal with. This is a matter which is perhaps not so deep-seated as the honorable member who has just sat down considers. But there is a course for us to take which will perfectly conserve any rights and privileges we have. We ordered these amendments to be made last Friday, and, according to practice, we did what the standing orders in many places allow - I think in Victoria and in the House of Commons. That practice is not to put the amendments into the body of a Bill until there is final agreement between the two Houses about them. This point crops up, and a very strong point it is. Section 53, dealing with requests for amendments, says : -

And the House of Representatives may, if it think fit, make any of such omissions or amendments, with or without modifications.

That we did in committee on Friday. "We made these amendments - that is to say, in ordinary colloquial phraseology, we made the amendments by ordering them to be made. A resolution in committee was carried that the Bill be amended in such and such a way ; and we adopted the report of the committee, and, in so doing, made the amendments in a parliamentary sense. We carried the resolution in committee to make the amendments in the Bill, and to that extent satisfied the Constitution ; but unfortunately in pursuance of a practice which has hitherto grown up, the Clerk - and very properly perhaps - unless he got further instructions, did not put the amendments on to the face of the Bill.

An Honorable Member. - Why not ?

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Mr BARTON

- As I explained, because it has been a practice, until amendments are finally settled, not to alter the face of the Bill, but to conduct the process by a message containing a schedule of amendments. That was done in this case. It seems to me that, as the Senate requested that these amendments ought be put on the face of the Bill, there is strong reason why we should do so ; and I will tell honorable members the reason. It belongs to this House to make amendments and it is not for the Senate to concur or disagree.

The Senate has the optional outlet, under the Constitution, if it does not like the amendments, to reject the Bill, and, of course, in such case to take on itself the responsibility of rejecting the supply of a continent. What I propose to do is not to ask the House to go into committee for the purpose of making these amendments, because we have already made them; but I intend, if the House will follow me, to give technical instructions to the Clerk to put them on to the face of the Bill, so as to settle the practice and show that we are the makers of the amendments. I intend to move first that the message be taken into consideration forthwith, and without asking the House to trouble itself to go into committee, I shall move afterwards that the Clerk be instructed to make the amendments in the Bill ordered by the House last Friday ' and appearing in the message of that day returning the Bill to the Senate. . My reason for doing that is that there can be no better course for the House to pursue, especially when it is requested by the Senate, than to put on the face of the Bill the very thing this House wants to be done. The old practice was that amendments were not put on the face of the Bill until the two Houses concurred, and the new Constitution provides that we have the right to make amendments without regard to whether the Senate consents or not, the option of the Senate being to reject the Bill if it likes, and take the responsibility. Under the circumstances, I say that the rights and privileges of this House are best asserted by placing amendments on the face of the Bill as amendments of the House of Representatives, and of the House of Representatives alone. By doing that we establish a practice very much to the advantage of the rights of this House. Inasmuch as it is not for the Senate to agree to amendments, but to deal with the Bill as it pleases, after we have made the amendments it is our correlative privilege to place those amendments on the face of the Bill so that it may appear what the Senate does reject, if it should take that course.

Sir William McMillan

- Did we not place those amendments in the Bill in committee?

Mr BARTON

- No; we carried a resolution that the Bill be amended, and consequently ordered the amendments to be made. That goes by the name of making the amendments, but of course in a technical sense the amendments are not actually made until they are put on the face of the Bill. The Constitution gives us the right to make amendments, and therefore to put them on the face of the Bill, and I propose to ask the House to do this not the less because the other House asked us to do so, but with the greater willingness from the fact that it lays down a practice ill this House which is at the same time- a protection of our rights - I will not use the word "privileges" - under the Constitution. I, therefore, ask the House to instruct the Clerk not to make the amendments themselves, because we have already made them so far as ordering is concerned, but to instruct the Clerk to perform the clerical duties of putting them on the face of the Bill ; and that, I think, is all the Senate' can ask from us.

Mr. McCAY

(Corinella). - I need hardly say that what I was presumptuously about to do was to a large extent what the Prime Minister has done. My objection was not connected with the question of whether the amendments were or were not on the face of the Bill, but was connected with the fact that the Senate had sent a message to the effect that they concurred in our modification of our amendments. As to .that the Senate have no right either to concur or disagree. The Senate must take the Bill as a whole and concur with it or disagree with it. If we once allow them to concur with or differ from our modification of our own amendment - although made on their request - we shall be establishing a practice most injurious to the rights of this House, and shall give the Senate an opportunity of differing from us, not on a Bill, but on some item in a

Bill - which is a very different matter indeed.

Mr Barton

- I meant to say that we cannot stop the Senate from using any form

Of words they like, such for example as that " they concur," but on the other hand that concurrence so expressed is a mere nullity, and is immaterial. - Mr. McCAY. - It is. As I pointed out before, if we allowed such a thing it would be establishing and determining a practice in regard to which there could be no appeal . except to ourselves. If we once settle such a precedent we shall certainly be doing ourselves great injury in the future, because the precedent would be appealed to when matters of substance much more vital than the present matter are under consideration. still feel that it is not desirable to even accept a message from the Senate concurring in our modification: I say that, not from any obstructive intention

or' from any hostile intention, nor from any wish to drag, the tails of my coat, so to speak, for some one to tread on. I may say that in a place other than this House of Representatives, which I need not define anymore accurately, I have observed, if the reports printed under the various authorities are to be relied on, that there is the strictest attention paid to the absolute letter of the rights that are considered to prevail there - the strictest attention. Consequently we have had an example set us from which we might very well profit, and pay the strictest attention to the letter of our own rights. The second resolution indicated by the Prime Minister proposes that we should receive this message-

Mr BARTON

- It makes no reference to the message at all.

Mr McCAY

- The right honorable gentleman told us of the third resolution.

Mr Barton

- May I read the third resolution ?

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Mr McCAY

- I only desire to say I did not rise before with any idea of "jumping" any one's place. I had no indication of what the Government intended to do in the matter, and I drew attention at the earliest possible opportunity to what I conceived to be a question of privilege. The best justification for my action is afforded by the Prime Minister, who says he is prepared to move in practically the same direction.

Mr. V.

L. SOLOMON (South Australia). - I do not really think there is much necessity for any member to feel aggrieved at the action of the Senate, seeing that the wording of the message from that body is such as ought to satisfy the most critical member of this House. There is no question of infringing our rights or our privileges in the slightest degree. What is the message? The message is to the effect that the Senate has agreed to the modification made by the House of Representatives in suggestion No. 2. They do not even use the word " request," which is used in the Constitution Act itself, by which they are given the power of request and not of suggestion. They use the word "suggest," which, to my mind, is a much more courteous, and much more modified expression than, "request."

Mr HIGGINS

- The word " suggested " is used in section 57

Mr V L SOLOMON

- That is not the section alluded to.

Mr Higgins

- That is the only reference to it.

Mr Barton

- It should be " request."

Mr V L SOLOMON

- But they are alluding to their previous attitude of " requesting." Paragraph 4, of section 53, says - The Senate may, at any stage, return to the House of Representatives any proposed law which the Senate may not amend.

That is any proposed law in regard to appropriation. The paragraph goes on -

Requesting by message the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications

That is the clause alluded to, and the Senate's reply is most courteous. It does not refer to the modification made by the House of Representatives in their request No. 2, but it says the Senate has agreed to the modification made by the House of Representatives in suggestion No. 2 of the Senate.

Mr McCay

- That is exactly what the Senate has no power to do.

Mr V L SOLOMON

- I must confess, though I maybe extremely dense, that I cannot follow the honorable and learned member for Corinella in his arguments as to there being any intent to trench on the rights and privileges of this House in such a message. The Senate even discard the word " request " and use the word "

suggest," which is undoubtedly more courteous, and indeed is really what was originally intended when the arrangement was made as to agreement between two Houses in another State. The Senate returns the Bill, suggesting to this House certain amendments. What could be more courteous than that? If the Senate desired in any way to question our privileges what object could they have in sending such a message I think I may say without any desire to open up a debate, that the mistake in regard to this Bill is not due to any action on the part of the Senate, but is rather due to a little muddling on the part of the Government in bringing this Bill before the House in a form which was not properly considered.

Mr Barton

- This has nothing whatever to do with the original form of the Bill.

Mr V L SOLOMON

- But this case shows what a lot of difficulty may be caused at no distant date by a very little trouble, and the whole of the present trouble is due to the original mistake made.

Mr Barton

- I can assure the honorable member that the present trouble does not arise out of any original mistake.

Mr V L SOLOMON

- I do not want to irritate the Prime Minister by any such allusion, but it appears to me that the message from the Senate is absolutely in accord with our constitutional rights, and does not call for the trailing of any coat-tails. Their message appeals to me to be perfectly in order. We have not the text of the Prime Minister's proposal, but if the honorable gentleman is assured that we are quite within our rights in dealing with this message, and that our standing orders do not apply to it under the ordinary rules of the House of Commons, well and good. But I do trust that the Prime Minister is assured that in making these amendments and sending the Bill back to the Senate he is in the right. To my mind the Bill should not conclude in the Senate. It should, undoubtedly, come back to this House, and be presented by us to His Excellency the Governor-General.

Mr Barton

- By Mr. Speaker, -in the case of a Bill like this.

Mr V L SOLOMON

- I wish that we had these messages all in print. Whenever there is time - and there has been ample, time since Friday last--

Mr Barton

- The message only reached us at half-past two o'clock.

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Mr V L SOLOMON

- Undoubtedly, the message formally reached us then. But the substance of the message was arrived at on Friday afternoon, and it should have been ready to be circulated amongst honorable members.

Mr BARTON

- It would be a breach of privilege if we circulated a message before it arrived.

Mr V L SOLOMON

- I do not see that the other House could say that, if the subject matter of the message was prepared at the request of the President of the other House, in order that it might be in the hands of honorable members here the moment the question was brought forward for consideration.

Mr. H.IGGINS

(Northern Melbourne).I think the honorable member for South Australia,

Mr. Solomon,

has misunderstood what has been said this afternoon. No one suggests that the other place has been guilty of any want of courtesy, or that it has been trying to encroach upon our rights. The only thing is that we are adopting a new practice under a new Constitution - a practice which has been in vogue nowhere else in the world, and it is very natural that we should at first, in feeling our way, make some mistakes. The honorable member for South Australia says that he cannot understand what was put forward by the honorable and learned member for Corinella. As I understand the honorable and learned member, he simply says that we should not ask for the concurrence of the Senate in any particular amendment that we may make in this Bill, or in any modification that we may make in a suggested amendment. His idea is that after we have sent the Bill up to the other House, and after the Senate has made a request for an

amendment, we should either make the amendment, with or without modification, or we should refuse it. Then we send up the Bill to the Senate for its concurrence. We do not ask for the Senate's concurrence in the particular modification Or amendment, ' but we ask for its concurrence in the Bill. Then- the other House is face to face with the responsibility of refusing or accepting the Bill. ; or ,perhaps, under sub-section (4) of section 53 of the Constitution, it may still want some other modification. The sub-section says -

The Senate may at any stage return to the House of Representatives any. proposed law.

I think the honorable and learned member for Corinella is perfectly right in all he contends for, which is that we ought not to ask for the concurrence of the Senate in an amendment, which we,, and we alone, have power to make. I do not think that the Prime Minister, in the form of words which he has suggested, is absolutely right. May I be allowed to say, as a loyal supporter of the Government, that it is about time that we realized that the form of words is a very substantial matter. It is a pity that the Government did not sufficiently consider the form of words from the first, and that we were committed to a preamble, the words of which were hastily drafted at the table after a protest that there was no need for them-

Mr Barton

- They were not drafted at the table, nor by any member of the Government.

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Mr HIGGINS

- I am speaking of the form of the preamble -

For the purpose of appropriating the grant made by the House of Representatives.

I do think that it is a narrow, inadequate and superficial view of the matter to say that we have our rights guarded by the Constitution. It is quite true that we have a written Constitution, but within the ambit of the Constitution it is possible to have infinite flexibility as to our rights. We all know how questions of the forms of message between the two Houses react upon the substance, and how great inconvenience may occur if we do not adhere strictly to the correct words. As I. felt this was a very important matter, I took the precaution of reading the debates which have taken place upon it in the other House. In this connexion I must congratulate each Chamber on the tone which has characterized those debates. There is not the least intention evidenced on the part of ' any honorable member in either House to trench on the rights of the other branch of the Legislature. I feel that in this respect we have started well, and I hope we shall last well. The members of the other place are quite right in seeing that they do not let lapse any of the rights that they have acquired under the Constitution. For good or for ill, the Constitution has been adopted. We are right, therefore, in seeing that we carry out in good faith towards the people the terms of that Constitution. The only point upon which, as I understand this issue, there may be any danger is that I gather it to be the view of the President of the other Chamber, from his remarks, that the Senate ought to follow the practice in vogue in South Australia. That is to Say, that before we make amendments on the face of the Bill, we should ascertain whether we concur with the suggestions of the Senate, or whether they concur in any modification of those suggestions; and that, after having learned that the two Houses are in concurrence, we should amend the Bill. I agree with the Prime Minister that that would not be the correct course. Let us suppose that in one afternoon the other place was willing to accept our modification, and, accordingly, sent word to us that they were so willing, that would not bind the Senate the next afternoon, and we might thus have continual messages passing to and fro between the two Houses. For instance, one honorable member might be absent from another place upon the first afternoon ; and then, when he attended the next afternoon,- he might say, " I was not bound by that arrangement ; I object to it." I think the more workable and feasible system is that suggested by the Prime Minister, who has taken the exact words of the Constitution, and said, "I propose to send a message stating that we have made upon the face of the Bill these alterations, and the Senate will be now face to face with the responsibility "of accepting or rejecting them, or perhaps of making other suggestions."

Mr V L SOLOMON

- Is not that giving another opportunity for disagreement 1

Mr HIGGINS

- It maybe so. But my great difficulty lies in the words, "at any stage." That problem has not yet been solved. If the Senate may send this Bill back at any stage, it may hereafter become very embarrassing, and I feel sure that it would on this occasion. If they may at any stage make a suggestion, the thing may

be bandied about from House to House, and the Government, might not be able to get its Supply. What would be the result ? In order to get Supply, Ministers would probably be disposed to ravenously take anything which the other place suggested. I think there is very great danger in that. I always felt that, but at the same time I may say that each part of the discussion upon this matter is almost equally important, and one part cannot be regarded without the other I congratulate the House upon the Senate having adopted the liberal construction of the words "ordinary annual services." I think it is amazing - and I feel sure that Mr. Speaker will allow me, although it is not exactly within the matter put before us by the Prime Minister, to say it - that the [96] phrase "ordinary annual services" is a phrase which most certainly gave me a great deal of embarrassment and may still cause much embarrassment. In dealing with this particular message between the Houses, I understand that a majority of the other place have taken the view that the ordinary annual services do not mean that the services must recur from year to year, and must be ordinary in the sense that they are usual. They have taken the view that ordinary annual services mean those services which appear in the annual Estimates, and which originate in Committee of Supply in the House of Commons or the House of Assembly in the different States. Whether that is the legal construction or not I do not like to say ; but I will say that it has been a great advantage to have men who are used to parliamentary practice, like some of the gentlemen who are in the Senate, and who have been State Treasurers, to deal with such matters, and to have them adopt a construction of this clause, which, whether legal or not, is certainly a construction which will facilitate the dealings between the two Houses. I shall support the proposal of the Prime Minister, and I sincerely hope that we shall not be led up the hill this time in order to be led down again as we have been too often of late.

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Mr WINTER COOKE

- It seems to me that the course proposed by the Prime Minister is the proper course. The Senate could not do otherwise than it did. If it had attempted to amend the Bill it would have been acting contrary to the Constitution. Therefore, what the Senate did with regard to suggestions that we complied with was to say, " The Bill has not been amended, because we as a House cannot amend it." The duty belongs to the House of Representatives ; and, therefore, the Senate has been really safeguarding the rights of this House rather than its own. No doubt the Senate was put in somewhat of a difficulty in regard to the modification of the message. I do not see how, in regard to that modification, the Senate could have done anything else. I am inclined to think, possibly, that the honorable and learned member for Corinella was right, but at the same time that was a case where a message having gone up from us in the form that it did, the Senate could not but say in its message - agreeing, as it did, with the modification - "We agree. Therefore, with regard to the two suggestions that we have fallen in with, inasmuch as they were amendments, the Senate sent us a message down to amend. "With regard to the modification, they said " We agree with the modification." I think the Prime Minister is asking us to do the right thing. I think that in private life all of us should have sufficient self respect to think that nobody intends to insult us. I think we are a little bit too sensitive in our local legislative Houses, and now it seems that in the Commonwealth Parliament some honorable members think that any course of action that may be taken is meant to be an insult to this House. Just as we would act in private life, so should we deal with one another as corporate bodies.

Sir WILLIAM McMILLAN

- Although I allow that this is a very important matter, I am not fond of these refinements in word splitting. Our principal object should be to avoid a recurrence of the present unfortunate position, and to endeavour to establish a practice which may be followed in all further cases of a similar kind. We ought to have fixed arrangements for dealing with the Senate under similar circumstances, and it is for those who are versed in these matters to advise the House as to the proper constitutional procedure. I hope at any rate that what we are doing now will be sufficiently sound as a precedent for the future, and that we shall not have eternal wrangling about the question of procedure, and a consequent interference with the business of the House.

Mr. CONROY

(Werriwa).- Whilst this House is indebted to the Senate for the manner in which it has dealt with this Bill, and for the courtesy which it has displayed, I think we should be extremely careful in the course we take. The Prime Minister has stated that he proposes to make these amendments in the Bill by resolution of the

House, but I think that would be a great mistake. The proper course would be to recommit this Bill.

Mr Barton

- We cannot.

Mr CONROY

- Then the Prime Minister will have to ask that the third reading be withdrawn so as to permit of the Bill being altered in the way required. Otherwise we should introduce a very dangerous practice indeed. Of course, where there are only three or four short amendments it might be a very easy way out of the difficulty to move a resolution of the House declaring that the Clerk of Parliaments is entitled to make alterations in the Bill, but that might be a most dangerous course to adopt in other circumstances. Supposing that we had a dozen clauses, all of which had been subject of great discussion and considerable contention the House would never know where it was, if by resolution it empowered the Clerk to alter the wording of such a Bill. I very much doubt whether the House could do such a thing, and I would like to hear some precedents for such a course.

Mr Barton

- We can order the Clerk to perform any clerical act.

Mr CONROY

- This is more than a clerical act. If it were a matter of the omission or insertion of a word or letter I could understand the course now proposed. But I submit that we should not act as now suggested, while there is another and a proper way out of the difficulty. The Senate has foreseen the very difficulty which has now arisen, because it returned the Bill requesting the House of Representatives to make the amendments agreed upon. Can it be said that by a resolution of this House directing the Clerk to alter the wording of a Bill we are making the amendments agreed upon? I would ask the Prime Minister to again seriously consider the situation. My own view is that we must rescind the third reading and get back into committee and alter the Bill to the form in which we desire it to stand. By following that course we shall then make it our Bill, and show that it is our Bill. The Senate apparently recognises that it has no right to amend the Bill, but requests us to do it, and by following the course that I suggest and forwarding it back to the Senate we should be doing what the Senate requests. I should like the honorable member for Tasmania to give us his ideas on this question. I would again impress upon honorable members the importance of this matter, and the necessity of laying down a sound practice, in view of our possibly having Bills in which a dozen or more amendments really have been made, and which it would not be right to incorporate in the Bill by resolutions of the House giving directions to the Clerk.

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Mr PIESSE

- I am sorry that I cannot help the honorable and learned member for Werriwa, because he has adopted a view that is not supported by any previous practice. There is no doubt that the Bill should not be interfered with in regard to the stages it has already gone through, and therefore I do not think it is necessary to adopt the course suggested by the honorable and learned member. I would suggest that if the Standing Orders Committee still have the orders under consideration they might very well consider the procedure we are endeavouring to work out for ourselves, and include a standing order that will meet future cases of the kind.

Mr. BARTON

(Hunter- Minister for External Affairs). - I may say at once that X shall never consent to go into committee in order to repeat what we have already done.- We have ordered these amendments to be made, and the question whether it was an error when the Clerk did not insert the amendments in the Bill does not affect the matter. We do not complain of any discourtesy on the part of the Senate, but we are claiming that we should make our constitutional lights clear, and the best way of doing this is by following the course I have proposed. The matter is not one of courtesy or discourtesy between the two Houses, and there has not been any serious disagreement, or a disagreement of any kind, between this House and the Senate, in this matter, but I do not think that it would be right for us to leave our position in any doubt. As to what the honorable member for Wentworth, has said, I desire that he may not be under the misapprehension that there has been an3' lack of necessary precaution on the part of the Government. The honorable member knows that the Supply Bill came up on the first day fresh and wet from the hands of the printer, and that there was no time to consider it. I may say further, with perfect fairness and without any desire to

implicate any one, that although I took the whole responsibility for the form in which it came before the House, it was because I had to submit to a course being taken in the exigencies of the moment - because of the necessity for obtaining supplies. I observed the form of the preamble later on, and I have already explained that to the House. As to the present situation, I may explain that in what the clerk has done he has acted according to the Victorian precedents in such matter's, so that he is not to be blamed. We now have an opportunity of asserting our rights in a very distinct manner, and as the Senate has asked us to do what we are now proposing to do, so much the better. '

Mr. KNOX

(Kooyong). - As a layman I have listened with the greatest attention to the addresses of honorable and learned members, and if I might intrude upon such delicate ground, I would like to take a business view of the situation, because it seems to me that no matter what procedure we may now adopt there is no guarantee that that mode of procedure will be adhered to in the future. Is it not possible for us to arrange for a conference between the representatives of both Houses to discuss the matter ?

Mr Barton

- We intend to ask for joint standing orders if the Speaker and the President concur.

Mr KNOX

- My feeling is that we should endeavour to arrive at some practical and permanent solution of the difficulty, so as to obviate a repetition of misunderstandings as to the proper procedure to follow.

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Mr SPEAKER

- By permission of the House, before putting the motion, I would like to say a few words. As reference has been made to the possibility of a lack of care on the part of the officers of the House, I ought to say that the course followed by the officers could not very well have been controlled by any reference to the practice of the House of Commons, because there is none of the kind, and it could not very well have been controlled by any precedent of this Parliament, because there has been no previous case of a similar kind. It could be influenced only on adherence to the standing orders which have been adopted by this House, and the course followed has been the nearest possible approach to the form laid down in Standing Order No. 195.

Question resolved in the affirmative.

Motion (by Mr. Barton) proposed -

That the Clerk be instructed to write into the Bill the amendments to the Bill ordered by this House to be made last Friday as appearing in the message on that day returning the Bill to the Senate.

Mr.

CONROY(Werriwa). - I would again direct the attention of honorable members to this matter because it seems to me that a very serious departure is being made. . It may be all very well to adopt the course now suggested, with amendments covering only two or three words, but I should like to know what we are going to do in cases where there are dozens of alterations to be made. I would like honorable members of more experience than myself to enlighten me on this particular point.

Mr Higgins

- We need not jump before we come to the stile.

Mr. CONROY.- As far as I understand the matter, we are laying down a precedent to be followed in future cases, and that is the reason I am objecting. If the honorable and learned members for Northern Melbourne and Tasmania can assure me that this is the proper course to follow then some of my doubts may be removed, but I see that great difficulties may arise in the future, and I therefore make my protest at once, and would ask the House to seriously consider the matter.

Sir WILLIAM

McMILLAN (Wentworth). - I would like to say that I thoroughly understand the procedure proposed to be followed by the Prime Minister. At the same time, everything is new so far as those who come from some of the States are concerned. ' I understand the position taken by the Prime Minister to be this : After we have, read the Bill a third time, it goes to the other Chamber. . Then there may be suggestions sent here, and there may be approval of part of the suggestions, and again there may be suggestions or proposals of our own, and this may go on from House to House for a considerable period. It is

Ms proposal

now that we should deal with this matter after we have had the final adjustment, which means after this House has decided what it will do with the suggestions of the other Chamber. Then the honorable gentleman says that the proper course to pursue is not to go into committee again, but, according to the phraseology of the motion before the House, to write the final proposal in the body of the Bill. Of course that is an entirely new course of procedure to many of us who have not had to deal with these peculiar motions as between the two Houses.

Mr Barton

- This is the first time that the case has arisen, as Mr. Speaker says.

Sir WILLIAM McMILLAN

- I do not pretend to give any advice on this question, but I think we should clearly understand the course of procedure that is to be followed; and if it is likely to be altered again it will be better for some conference of the Standing Orders Committees of the two Houses because, after all, it is very easy to perceive from the attitude and tone of both Houses that there is an earnest desire to have no friction between the two Chambers. Therefore; whilst we are taking this friendly attitude towards each other from the beginning of the Constitution, surely we ought to be able to adopt some kind of phraseology under which the two Houses can come together in legislation, without an eternal wrangle over mere verbiage interfering seriously perhaps with the ordinary business of Parliament.

Mr BARTON

- Perhaps I may be allowed to state that it is the desire of the President, of Mr. Speaker, and of myself that 'the Standing Orders Committee now sitting shall prepare joint standing orders for the two Houses, and means will be taken to that end. The present situation has arisen out of the unprecedented set of circumstances flowing from the provisions of the Constitution, and when the honorable and learned member for Werriwa has been in Parliament for as many years as he now has been days, he will understand how difficult it is to provide for new contingencies of this sort, and that under the circumstances the best clerk in the world could do no better than get as close as possible to the practice of Assemblies elsewhere. It is not fair to blame either the officials of the House or the Ministry for what has occurred under a new set of circumstances such as have arisen here. The difficulty, however, cannot occur again, because, if Mr. Speaker concurs, I shall take care - unless the standing orders prohibit - that when we make an amendment in a Money Bill - and we alone are entitled to amend such a Bill - they shall be written in by the Clerk of the House.

Mr. W.

H. GROOM (Darling Downs). I admit that we have now a perfectly new set of circumstances to deal with, and are creating precedents for the guidance of those who will come after us; but from my parliamentary experience it seems to me a somewhat unusual procedure to ask the Clerk of the House to make these amendments. How can the Clerk know what has transpired in committee

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Mr Barton

- The resolutions arrived at in committee are reported to the House.

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Mr W H GROOM

- In my opinion, the proper officer to make the amendments is the Chairman of Committees, who knows what the committee has agreed to, and reports its resolutions to the House.'

Mr Barton

- The resolutions of the committee are reported to the House, but, the House having adopted them. they become, not the property of the committee, but the property of the House.

Mr W H GROOM

- I am aware of that, but the practice, in Queensland at all events, has been that the third reading of a Bill is not taken until the Chairman of Committees has certified that the measure is in all respects in accord with the Bill which passed through committee, and I think in this case the proper officer to make the amendments in a Bill to be sent to the Senate is the Chairman of Committees.

Question resolved in the affirmative.

Ordered

(on motion by

Mr. Barton)

-

That the Bill be returned to the Senate with the following message :-" Mr. President - The House of Representatives, having, made the amendments to the Bill ordered by it to be made last Friday, as indicated by message of that date, now return the Bill for the consideration of the Senate."

PUBLIC SERVICE BILL

In Committee

(consideration resumed from 20th June,
vide

page 1425) : Clause 5 -

For the purposes of this Act the Governor-General may from time to time appoint some fit and proper person to be Public Service Commissioner and not exceeding six fit and proper persons to be inspectors. Such commissioner shall submit for the consideration of the Governor-General reports as to any matters requiring to be dealt with by the Governor-General under this Act ; such commissioner shall have the powers, duties, and authorities in this 'Act vested in or imposed on the commissioner, or as may be prescribed, and shall, in addition, perform such other duties as may from time to time be imposed upon, him by the Governor-General; and each inspector shall exercise during the pleasure of the commissioner such powers, duties, and authorities under this Act of the commissioner or inspectors as the commissioner thinks fit to assign to such inspector.

The commissioner and inspectors shall each be appointed for a term of seven years, and shall be eligible for re-appointment.

If any officer of the Commonwealth is appointed commissioner or inspector his service as commissioner or inspector shall for the purpose of determining all his existing and accruing rights be counted as public service in the Commonwealth, and if any officer in the public service of a State is appointed a commissioner or inspector he 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.

In the case of the illness, absence, or suspension of the commissioner or any inspector the Governor-General may appoint some other person to act as the deputy of such commissioner. . . .

No action or suit shall be brought or maintained against any person who is or shall have been a commissioner or inspector for any nonfeasance or misfeasance in connexion with his duties, nor shall any action or suit lie nor any costs be payable in respect of any proceeding before the commissioner or inspector.

Out of the Consolidated Revenue Fund of the Commonwealth there shall be payable to the commissioner a salary at the rate of pounds per annum and to each inspector a salary at the rate of pounds per annum ; and the Consolidated Revenue Fund is to the necessary extent hereby appropriated accordingly.

The commissioner in addition to his duties as commissioner may also at any time exercise and perform all or any of the powers, duties, and authorities by this Act imposed on inspectors.

Upon which Mr. DEAKIN had moved by way of amendment -

That the word " such," line 5, be omitted with a view to insert the word " the. "

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Sir WILLIAM McMILLAN

- We paused in our proceedings in committee on this Bill last week, because we had come to a crucial provision - that dealing with the appointment of a commissioner. It seems to me that we must at this stage clearly and decisively determine what the position of the commissioner is to be. If we are of opinion that the view of his position which will be carried into effect by the provisions of the Bill is not the right one we should deal with the matter at once, because otherwise it will be almost impossible to make the necessary amendments. The time which has been spent on this controversy has not, I think, been lost. So far as I can follow the opinions of honorable members, the position is, that while on the one hand we do not want to have an irresponsible autocrat at the head of the public service, we do not want on the other hand to have a man who, because of the frame-work of this measure and the natural tendencies to which it will give rise, will be merely the creature of the Minister. There is only one way of obviating the difficulty in which we are placed, and the course to be taken must to some extent be merely tentative. If in years to come we find that in spite of our efforts political and corrupt influences have crept into the service,

destroying its efficiency, we shall probably have to resort to the drastic remedy of making the commissioner autocratic ; but I think that at the present time we should not go so far as that. Under the Bill the commissioner in some cases "proposes" to the Governor-General; in other cases he does not propose, but his opinion may be asked ; in other cases again he is supposed to nominate ; and lastly, provision is made for a sort of conference between the Governor-General, the permanent head, and the commissioner. After having given the matter most careful consideration, my view of the position is that the commissioner should have the initiative. He should be the person who will practically do everything connected with the public service, subject to the approval of the Governor-General. That idea may not be very different from the proposal of the Bill, but to my mind it assigns quite a different position to the commissioner from that given to him by the Bill. I know that in putting the commissioner in the position in which I suggest that he should be put, we may invite a dead-lock, because he may make certain appointments which the Governor-General will not allow, but if you practically give him the control of the service, subject only to the political check of the Governor-General in Council, he becomes at once the controlling influence. It is provided by the Bill that in some matters the permanent head will have something to do with changes in the staff, but I hold, that while the permanent head is not to be ignored, his specific business is to carry on the ordinary work and discipline of the department. Clause 8 says that -

After considering any such report the commissioner may propose to the Governor-General.
To some extent that provision has very much the effect of giving the commissioner the right to appoint.
Mr Deakin

- I have noticed that there is a difference in the expressions used throughout the Bill, which may lead to a difference of interpretation, and I propose, therefore, to harmonize the provisions of the various clauses, so that the same expression shall indicate the same power of the commissioner and the permanent head in every instance.

Sir WILLIAM McMILLAN

- I have not proposed any amendment in the Bill, because I hope that the Attorney-General, who is the author of the measure, would endeavour to bring its provisions more nearly in accordance with what I judge to be the views of a committee. I think that the commissioner should, subject to the political veto of the Governor-General in Council, make appointments, not propose them. Then sub-clause (5) of clause 8 provides that -

If, in the opinion of the commissioner, the services of any officers in excess in any department, are not likely to be required in any other department the Governor-General may call upon such officers to retire from the public service.

Further on, sub-clause (2) of clause 21 provides that -

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.

I do not think that the permanent head should be the active force in a matter of that kind. He should be consulted, and a commissioner who did not consult him would be a fool, because he must necessarily be consulted ; but I think he should be responsible only for the running of the department as it has been handed over to him. The permanent head should, of course, be in close touch with the commissioner to make any proposals, but he should not be the authorizing person for an increase of salary or anything of that kind. Sub-clause (5) of clause 21 provides that -

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.

That provision seems to me to water down the controlling authority pretty much. Then, with regard to appointments, sub-clause (2) of clause 22 provides that -

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.

Then again on page 11, clause 26, we see -

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. . . .

He shall be appointed by the permanent head.

Mr Barton

- On probation only.

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Sir WILLIAM McMILLAN

- On probation only ; but what I want to point out is that we create this machinery and we can easily differentiate between the two things. The permanent head is simply the man to run the properly constituted department placed in his hands ; but all matters connected with appointments - all matters connected with the different grades, and all matters connected with the . question of going outside the public service - everything connected with the real management of the public service as a whole must be absolutely intrusted in the first place to the commissioner.

Mr McColl

- Who is to be the judge of fitness 1

Sir WILLIAM McMILLAN

- I do not understand what the honorable member exactly means. Let us look at the principle of the Bill. The principle of the Bill is that a commissioner, or, a board, whatever it may be, is created, and that commissioner, or board, is responsible for the proper and effective working of the public service as a whole - not for the discipline of a department, which must be under the permanent head, but for dealing with the whole of this complicated piece of machinery in all departments in every State. The more I read this Bill the more clearly I see that, under certain circumstances - of course it will be understood I am not . talking of the present Ministry - we may sometimes And a Minister whose whole object in political life is to exercise patronage, and the commissioner could be so harassed and so set aside as to be rendered almost ineffective. No doubt the commissioner can go to Parliament, but we all know well enough that is a very extreme step for a commissioner to take.

Mr Deakin

- The commissioner has not to take the step - the Bill takes it for him.

Mr McColl

- The Bill does it automatically.

Mr Deakin

- Yes.

Sir WILLIAM McMILLAN

- But my point is that a question only goes before Parliament when the commissioner makes a recommendation which the Governor in Council will not carry out, and only by way of showing Parliament clearly that the commissioner has been overruled. I am as anxious as my honorable friend in charge of the Bill to prevent anything like a drastic arrangement by which the commissioner may be master of the situation, and not the Minister and Government of a country. But this Bill requires a certain amount of re-casting in order to put the commissioner, so far as the framework of the Bill is concerned, in a position of far greater power. In other words, the whole power of dealing with the public service, outside the ordinary working of the departments by the permanent heads, should be absolutely in the hands of the commissioner, with only a veto from the Government of the day or the Governor in Council.

Mr Deakin

- Hear, hear.

Sir WILLIAM McMILLAN

- I think that the Minister is very anxious to go a certain way, but I do not think he is anxious to go far enough. I notice a clause here which indicates to a large extent his views as meeting ours up to a certain point. One of his proposed amendments reads -

If the Governor-General does not approve of any proposal, it shall be the duty of the commissioner to reconsider such proposal, and within a time to be specified by the Governor-General to submit another proposal.

That is quite right. But this Bill does not give him the initiative right throughout. That is my point. The Bill allows the Governor-General to take the initiative, and in some cases allows the permanent head to take the initiative. No doubt, as an honorable member said, the commissioner is a watchdog here. But I want him to be more than a watchdog. I want the commissioner to be head of the establishment, subject to the veto entirely of the Government, so that he may not be in an absolutely autocratic, irresponsible position. I do not intend to say anything more at this stage. I do not wish to cavil at the Bill, but would like the

Attorney-General to say whether he cannot go further and carry out more clearly the view which I have tried to express, although I may have done so very imperfectly.

Mr DEAKIN

- Before honorable members, continue the discussion, I may be allowed to intervene. The acting leader of the Opposition has made a personal appeal, and I would like to reply to it, because the honorable member's criticism is perfectly impartial and fair. In two words, what the honorable member for Wentworth desires is to restore the system as we now have it in Victoria, and as I believe they have it in New South Wales

Sir William McMillan

- Not in New South Wales.

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Mr DEAKIN

- Well, then, the system as we have it in Victoria. The Victorian board is chiefly a critical, inspecting, advising board. It is the body which makes the appointments. In this Bill the idea is that the commissioner and his officers shall not be the persons charged with the direct responsibility for appointments, but that they shall criticise and advise in regard to appointments and promotions, and that the commissioner shall have the responsibility for that advice. The honorable member is willing that the Governor-General should have a veto on all that is done by authority, whether the authority be a commissioner or a board. As a matter of fact, to give effect to the honorable member's proposal would not involve any alteration worth speaking of in the relations proposed to be established in this Bill as between the Governor-General and the commissioner. The honorable member's proposal means an alteration in the relative authority of the commissioner and the permanent heads. In one part of his remarks he rightly puts his finger on this as the change which would be necessary to introduce into the Bill in order to give effect to his views. The alterations from the Victorian plan as made in this Bill, have so far as we are concerned, been made deliberately, and for a reason. If this outside authority, whether it be called a commissioner or a board, is made responsible for appointments in the service, there is only one authority outside the Government, because that authority of necessity consults the permanent head, and is very largely guided by the advice of the permanent head as to the relative fitness or unfitness and the qualifications of officers. True there is a recommendation from the board or authority, but in nine times out of ten, it is the recommendation, with very little alteration of the permanent head. Under that system, the permanent head does not assume his proper responsibility, and is not held to his proper responsibility, while there is a relation established between the commissioner and the permanent head which weakens the responsibility not only of the permanent head but of both - it binds them in one. The public service is one whole, the Minister, so to speak, standing outside it. Now the idea of the Bill is that the public service should be a whole, with the permanent heads taking up their proper responsibilities, and coming forward with official statements of what they propose. There is then another branch of the public service - an independent branch with a commissioner at the head, and inspectors under him, criticising the permanent head and his officers with absolute impartiality and independence while availing themselves of all the knowledge they can obtain.

Mr KNOX

- To whom will those proposals be made by the permanent head - to the commissioner or the Governor in Council ?

Mr DEAKIN

- The proposals will go before the commissioner, but before they can be given effect to, they have to go to the Governor-General in Council. ' Mr. EWING - To the commissioner for his approval or otherwise ?

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Mr DEAKIN

- For his approval or otherwise, and he might often disapprove. It seems to me we could manage the public service well enough without a board or a commissioner, if we merely wanted to turn it into a piece of mechanism, in which promotion would be made with automatic regularity, or, if it varied, varied only on the advice of the permanent head. If that were all we wanted - and it is as much as is usually got under the Victorian system - we might very well do without a board. It seems to me that a public service board or a commissioner, as a distinct branch of the public service, is only valuable when it is quite independent

and stands apart - when it is not confused with, and has no interest of its own in the departments, it is not bound up with the permanent heads, but criticises all their doings, listening to all they have to say, and advising the Governor-General independently. The Governor-General or the Minister is utterly helpless if he has nobody but the permanent head to whom to go for advice, and he is all but helpless if he has a board or a commissioner dependent on the permanent head, and working hand and glove with him. If the system proposed is to have the success which it ought to have, it can only be on condition of having a commissioner quite independent of the permanent heads. The permanent heads ought to be officially friendly with the commissioner, and continually meet him and discuss the departments, but the commissioner stands quite independent of them. The commissioner is valuable only when he is independent of the permanent heads, and when he criticises as bank inspectors criticise either the general manager or the managers of branch banks. That is what we want. What is the position of the Governor in the Bill 1 He has not the slightest piece of patronage in his power. He has only a negative veto.

An Honorable Member. - The Governor in Council is very powerful.

Mr DEAKIN

- The Governor is and ought to be very powerful, but he has only the power of a negative veto, and that in specific cases. "What is the object? When the Legislative Assembly of Victoria used to meet in this Chamber, we saw a Minister standing up and admitting mistakes which ought not to have been, made in his department, in the way of passing over men of ability who ought not to have been passed, and urging that, by the Act, he had been deprived of all power. Such a Minister has been heard to say that he had been set aside, and, that while he had a nominal responsibility, he had no real responsibility. We do not seek to make the Minister responsible by allowing him to do what he would do if he had absolute responsibility. The permanent head is the first person to be listened to; and, as a matter of fact, the existing system in Victoria - and, I believe, in New South Wales - broke down because although the advice of the permanent head was taken by the commissioner, it was taken under certain restrictions and conditions which defeated the proper working of the department. When a permanent head is spoken to now, he says - "I could manage my department very differently if I were not tied down by a board, but the board makes all appointments; how can I be responsible?" When an effort is made to fix the responsibility on the board, the board say that they consulted the permanent head, and that they could not give him all he wanted, or the particular men he wanted; that the permanent head overvalued his department, and that the board had done the best they could under the circumstances. Then, when the Minister is appealed to, he says he has no responsibility whatever - that the permanent head and the board, under the powers given by the Act, have settled the matter between them and that he must sit still and see that done. The only way to make the Minister responsible and yet to escape political patronage is to give him a power of veto, so that when a man is found in a particular office, though we cannot ask the Minister why he chose him, because he has not done so, we can ask the Minister why he permitted him to go into a particular office. If the Minister can show that the permanent head and the commissioner joined in recommending a man for appointment, or for dismissal, then to a large extent the Minister is clear of responsibility. The Minister would have to show a very strong case to justify his setting aside those authorities, when one is independent of and criticising the other.

Sir William McMillan

- Can the Bill be altered so as to give the commissioner the initiative?

Mr DEAKIN

- Under the circumstances, the whole responsibility proposed to be thrown on the Minister or the Governor-General, is that he should be held responsible for all the appointments of chief officers made by his consent. He may be able to show that what has been done has been done not only on the advice of the permanent head, but also on the advice of an independent commissioner, with an independent staff appointed for the purpose of preventing unfairness and influence.

Mr McCay

- The Minister is not there to do right, but to prevent the wrong.

Mr DEAKIN

- Exactly. We cannot enable the Minister to do right without giving him the power of that political patronage which we have learned to dread.

Mr Ewing

- Is the Minister's intention to make the Bill such that no man can enter the public service but with the approval of the commissioner?

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Mr DEAKIN

- As a matter of fact, it is not a question of the approval of the commissioner or of the permanent head, because the service is proposed to be entered by competitive examination. The persons who enter will be those who pass that examination, and they will enter in the order in which they pass, so that neither the commissioner, the permanent head, nor any one else will have anything to say in the matter. Persons will be appointed in the order in which they pass that competitive examination. The power of appointment possessed by the permanent head is simply that of taking the next man . upon the list of successful candidates. I propose to adopt the suggestion of the honorable member for Wentworth, and to call the special division the administrative division, because, as a matter of fact, there are special divisions in all the States, with which it is well to avoid confusion, and the name suggested is the better one. Officers of the administrative division, honorable members will see, will be taken in nearly every case - in nineteen cases out of twenty - out of the other divisions. The officers will be taken out of those divisions in the ordinary way, with the nomination of the permanent heads in every case, the recommendation, of the commissioner in every case, and the approval of Ministers in every case. The members for the administrative division will be chosen with great care.

Mr Higgins

- These words are not the words used in clause 26.

Mr DEAKIN

- I am proposing to alter them wherever they occur. Wherever the words " permanent head " occur it will read " with the nomination of the permanent head " ; wherever the word " commissioner " occurs it will read " the recommendation of the commissioner " ; and wherever the words " Governor-General " occur they will read " with the approval of the Governor-General . "

Sir William McMillan

- The right honorable and learned gentleman will see that -

Such commissioner shall submit for consideration of the Governor-General reports as to any matters requiring to be dealt with by the Governor-General under this Act.

Could not we strengthen that portion of the clause 1

Mr DEAKIN

- I will make it read " all matters " if the honorable member desires.

Sir William McMillan

- What I want the right honorable and learned gentleman to do is to make the commissioner the person to do the act.

Mr DEAKIN

- I do not want him to be the person to do the act. I want him to be responsible for the act, but the person who does the act must nominally be the Governor-General. That is the case under the Victorian Act. Under that measure, whatever its evils - and although it has many no one will say that political patronage is one of them, or that the Ministry interferes unduly with the Victorian service

Mr Higgins

- It has during the last three years. We have no board except a nominal board.

Mr DEAKIN

- That is because effect has not been given to the Act. From section 32 onwards if honorable members will look up the Victorian Act they will find the words " Governor in Council " in every section. Everything is .done, as every thing ought to be done, by the Governor in Council. It seems to me that the proper way for everything to be done is to provide for the Governor-General having sufficient authority by way of veto so that Ministers in this House shall accept a full measure of responsibility for what transpires in their departments with their consent.

Mr Ewing

- The trouble comes in in two ways- - appointment and unjust promotion. ' Does the honorable and learned gentleman intend to provide in this Bill that promotion and appointment cannot take place without

the commissioner's approval 1

Mr DEAKIN

- Promotion or appointment cannot take place without the commissioner's advice subject to this : That under the Bill it need not be the commissioner's first recommendation. ' The commissioner may recommend, and the Governor-General can reject. No person can be appointed, advanced, or promoted without a recommendation having been made by the commissioner, though it need not be his first recommendation. We give him a staff of inspectors covering the whole of Australia But the commissioner is intended to take his information from the permanent heads, and advice from his own inspectors, who belong to no department, and who are connected with no permanent head except in their official relations.

Mr Higgins

- Their powers are territorial.

Mr DEAKIN

- Their business is to go in and out of the departments, criticising their working, and criticising every proposed advancement made in them. It is on their reports that the commissioner will be able to assume an independent attitude, and to give the Minister advice worth having. At present, in the Victorian service, we get the advice of the permanent head plus something or plus nothing ; it is watered down. We want somebody who cares nothing for the permanent head: . who can gain nothing from him or lose nothing by his antagonism ; whose first and only business is to see that the officials are kept up to an efficient discharge of their duties. AH that is given in this measure is the negative power of veto without which Ministers cannot be held responsible in this House.

Mr Knox

- - I am very anxious to ascertain if the permanent head has the power of initiating and making recommendations.

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Mr DEAKIN

- He has to make his own nominations independently of any one else. He says - " If I am to work the , department in my way, this is the man who is to be promoted." Then in comes the commissioner independently and says - "I agree with this promotion," or " I do not agree with it. I think so and so, although he is a junior officer, is a better man, and ought to be preferred." Then the Governor-General in Council stands between the two and endeavours to bring them into harmony. He rejects every proposal until he receives a proposal nominated by the one, and recommended by the other, which he can approve.

Mr Higgins

- Is it well to leave the nomination to the permanent head?

Mr DEAKIN

- The permanent head is entitled first of all to be heard, and next to have the responsibility put upon him for the nomination he has made.

Mr Higgins

- But the Commissioner will fall into a routine way of accepting the permanent head's nominations.

Mr DEAKIN

- In that case, I hope the Governor-General will reject those nominations.

Mr Higgins

- The commissioner will lean upon the permanent head, and the Governor-General will lean upon the commissioner.

Mr DEAKIN

- The commissioner is intended to rest upon his own inspectors His duty is to trust his officers first and then the permanent head.

Mr Higgins

- "Will an officer have any opportunity of making representations before the commissioner ?

Mr DEAKIN

- Most certainly. The whole thing has to be laid before the commissioner. It will be within the right of every officer to place his case before him.

Mr Higgins

- That would be provided for in the regulations.

Mr DEAKIN

- I assume that that will be a matter of regulation.

Mr THOMSON

- I agree to some extent with the honorable member for Wentworth, that it would be better in most cases that the initiative should rest with the commissioner.

Mr Deakin

- Would the honorable member let the chief inspector of a bank nominate ?

Mr THOMSON

- The right honorable and learned gentleman may compare such institutions with the public service, but he forgets that they differ entirely in their fundamental principles. I should be very glad indeed if I could anticipate the glowing picture which the Attorney-General has painted of the results of this measure on the public service of the Commonwealth. I look upon it - as previous Public Service "Bills have proved to be - as a more or less abortive attempt to properly regulate the public service. More will depend on the gentleman who is appointed as commissioner than upon anything else. If an inferior or defective commissioner is appointed, then the results of the operation of this Bill cannot be anything like the Attorney-General properly hopes. There is this much to say in favour of the proposal of the honorable member for Wentworth, that a commissioner who did not fulfil the conditions of his appointment - a weak commissioner - would have less shelter for his weakness if the initiative depended upon him, and the responsibility were thrown upon him, than he would have with the permanent head on the one side, and the Minister on the other side to relieve him of a certain share of the responsibility.

Mr Deakin

- Each has to put his name to his own, and to stand by his own.

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Mr THOMSON

- But if a weak commissioner happened to be appointed, and he found that the upper millstone of the Minister and the nether millstone of the permanent head grinding him constantly he would say, " What is the use of my resisting, there are often conjoint representations ? " because the Minister and the permanent head are much more likely to go together than are the Minister and the commissioner. A weak commissioner would say, " What is the use of my resisting, my life is made a burden to me by doing so, and it is infinitely better that I should accept their recommendations, and let those who make them responsible for the result." There would not be the direct responsibility that the honorable member for Wentworth is trying to cast upon the commissioner.

An Honorable Member. - Everything that has to be done is done with his . approval.

Mr. THOMSON.- The commissioner is buried amongst three. If he gives his approval his responsibility is reduced, because it is divided, whereas, if he had the initiative, he would have to bear the full brunt of the responsibility. The Attorney-General must not think that I am criticising in this way with any desire to disturb his measure. Looking as I do on all these public service measures, largely from the results of their operation in other States, as likely to prove more or less abortive, I am perfectly willing to give the Attorney-General's system the fair trial which he desires. I admit at once that even if the system proposed by the honorable member for Wentworth were superior in fixing the responsibility on the commissioner that even that system would break down if we had an ineffective commissioner, while, if we get a real strong commissioner, the system provided in this Bill is likely to produce fairly satisfactory results. For these reasons, although of the two I think that the proposal of the honorable member for Wentworth is the better, as the Bill is based on the other system, and as both systems will depend largely on the commissioner, I would not press for alteration in that respect by the Attorney-General.

Mr HUME COOK

- When I interjected I was somewhat misled, because it seemed to me that the commissioner was to have some right in initiating appointments. After hearing the Attorney-General, however, I think the matter is really brought back to the position of the Cabinet veto. We have been told that this is to be an experiment ; and, as such, I suppose we shall have to accept it. Personally, I do not feel very bitterly opposed to the Bill, although it is largely on the lines of the Victorian Act, which in many respects has not been successful. There is, however, this difference, and it is here that I think the salvation of the measure is to

be found. Whereas the Victorian Board were themselves 'to be inspectors who would have to value the work and to appraise the services of the officers, they have never done that kind of thing, and it is now proposed that the appraisal should be performed by independent inspectors. That seems to me to be the saving provision so far as the public service is concerned.

Mr Deakin

- That, taken together with the abolition of seniority and a merely literary examination.

Mr HUME COOK

- As to the general service, the principle of inspection for the purposes of valuing the work, of seeing the man in his office and ascertaining what he is actually doing and whether he is worth the money he is getting is a splendid thing. The only fault I have to find with the proposed plan is that it is just possible the Minister may come down by process of negation to some favorite and may secure his appointment.

Mr Deakin

- They have to show Parliament the reason for every refusal.

Mr HUME COOK

- Yes; this is all very well, but we are cutting ourselves away from the principle of promotion by seniority, and the principle of merit is to operate absolutely, and under these circumstances there may be some tendency to assert the power of the Cabinet in order to secure the appointment of favorites. I do not say that that would obtain, because from our Victorian experience I do not know that we have much to fear in that regard. We have had one celebrated case, but that is the only one I have heard of that caused any real stir. I think we had better accept the suggestion of the Minister. I take this opportunity of stating that I shall have an amendment to propose in sub-clause (2), which provides that the Commissioner and inspectors shall be appointed for Seven years. When the Attorney-General was speaking the other night I interjected that the period was too long, and I intend to ask the Attorney-General to accept five years instead of seven. I would point out that seven years is an exceedingly long time, and that anything may happen within that period. In any case we have had experience in Victoria under which a commissioner was appointed for a term of five years, and it seemed to me from this that it would be unwise to make these long appointments. If we get a bad man we shall be very glad to save the two years, whereas if we get a good man we can easily extend the term of his engagement.

Mr Higgins

- The Savings Bank Commissioner in Victoria is appointed for life, and he has to advance money on mortgages.

Mr HUME COOK

- Yes, but he was a man well tried in the service and a man of large experience. We are now making an experiment and we do not know whom we may get. We may get a good man and a strong man who may do very good service, but on the other hand we may get a man who may give such umbrage as to render it desirable to shorten his term of office.

An Honorable Member. - We are more likely to get a good man under the longer term of engagement.

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Mr HUME COOK

- I do not know about that. If we find that we have a good man we can easily renew the appointment. In any case I feel very strongly against these long terms of engagement for highly paid officers of whom we know nothing, and in all these matters I think five years sufficient. I am now mentioning the arguments that I consider should be advanced in favour of the amendment I intend to bring forward, in the hope that the Attorney-General may accept it.

Sir WILLIAM.

McMILLAN (Wentworth). - I see the clause provides -

Such commissioner shall submit for the consideration of the Governor-General reports as to any matters requiring to be dealt with by the Governor-General under this Act.

I think it might be made clear that these reports should be received before any matter is dealt with. It might be that the report would come in after the matter was dealt with.

Mr Deakin

- The phrase "any matters requiring to be dealt with" shows that the report is to be furnished beforehand.

Sir WILLIAM McMILLAN

- I noticed that, but is it perfectly clear that the report must be received before anything is done?

Mr Deakin

- Yes, it must be.

Sir WILLIAM McMILLAN

- Then I am quite satisfied.

Mr MANIFOLD

- I understood the Attorney-General to say that the nominations must be made by permanent heads of the departments and the recommendations by the commissioner.

Mr Deakin

- Yes.

Mr MANIFOLD

- Well, I think with a permanent head making nominations, the chances are that the officers who are immediately under his attention, and practically his own officers, will receive his nominations.

Mr Deakin

- The commissioner has to check them.

Mr MANIFOLD

- The commissioner may practically drop down to indorsing what the head of the department recommends.

Mr Deakin

- Not if the inspectors do their duty.

Mr MANIFOLD

- I think the nomination should be made by the commissioner, because he would have the report of his inspectors, who would go over the State, not only into the head office, where the permanent head is situated, but into other branches, where there might be men, perhaps, better qualified than those immediately under the eye of the permanent head. These men might be overlooked by the permanent head, because they would be practically unknown to him, but, if the system were carried out of leaving the commissioner to make the nominations, he would have the reports of the various inspectors to guide him, and, I think, greater justice would be done to the service generally. .

Mr A McLEAN

- I agree largely with what the honorable member for Corangamite has said. I think that matters that come under the observation of the permanent head are necessarily of too limited a range to enable him to make the best selection possible, and I think it would, be very much better if there were a clearer definition of the duties of each party. In the first place, we have the Governor-General - with parliamentary concurrence, of course - creating the office itself, and prescribing the duties. Then, I agree with the honorable member that the commissioner should, subject to the veto of the Governor-General - he would, of course, have to satisfy the Minister that his action is right - have the whole responsibility of selecting the proper persons to fill the various offices. Then the permanent head should be responsible for the working of the department with the men who are selected by the commissioner. I admit that it is a very difficult matter, but in this connexion I should be very glad if some provision could be made by which the permanent head could have a personal interest in securing the best results from the material placed at his disposal. At the present time his personal interest, if he gives way to it, has-a tendency to run in the other direction.

An Honorable Member. - He is interested in increasing the importance of his department

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Mr A McLEAN

- Yes ; the importance of the head of a department and the salary attached to his position depend on the number of persons under him, and the number of branches and sub-branches he controls, but if we can give him some personal interest in obtaining the best results from the material placed at his disposal, it will be a great improvement. I think it would be well to separate the duties, so that Parliament may know where the recommendations come from. The commissioner should be responsible for making the appointments, after the Governor in Council has once created the positions, and he should in every case be able to satisfy the Minister that he has done the right thing. Then the Minister will accept the responsibility when he sanctions or fails to veto the recommendations of the commissioner. It] would be

much better not to have the responsibility too much divided up amongst the permanent heads the commissioner and the Minister, because we require to know where the recommendations come from in order to fix the responsibility.

Mr EWING

- I presume the House is justified in coming to the conclusion that in all circumstances under this Bill the head of the department must nominate, and I would like the honorable and learned member in charge of the Bill to look at this aspect of the case. The view of the head of any department is limited, speaking generally, to his own department, and he has no knowledge of any department except that which he himself controls. Take the department of Justice and the department of Lands. The head of the Lands department would have no knowledge of the competence of officers in the department of Justice, and an officer who might work unsatisfactorily in the Justice department might very easily work satisfactorily in the department of Lands. Therefore, whilst inside the department under the control of a particular officer we may get the best management limited to that department, we cannot make the view of the permanent heads sufficiently extended to take in the whole of the service and secure the most beneficial results for the Commonwealth.

Mr Deakin

- That is what the commissioner is for.

Mr EWING

- Looking at the matter from another aspect, human nature, 'excepting Members of Parliament, is pretty well the same all over the world, and heads of departments have a tendency to make their officers a sort of happy family. There is a disposition, when an officer enters a department, to look for his career in that department, and a man coming from another department is regarded to some extent as an interloper. It is usually found that the head of a department is willing to overlook comparative want of competence on the part of one of his own officers rather than bring in another man- of more competence from another department to take his place. I see great difficulties in this restricted vision, and the great interest which the head of the department feels in his own department, bred of personal sympathy with his own officers, operating against the selection of the best men for the various positions. The Attorney-General has stated that it is for the purpose of making the best selection that the commissioner 'is appointed, but I want to know what the commissioner and what the inspectors are to do until the initiative is taken by the head of the department. As the Bill stands the machinery cannot be started at all without the permanent head. The inspector may find an excellent man who may require to be placed in a different position. He may find any number of round pegs in square holes, but how is he going to move without the nomination of the permanent head? I grant at once the importance of recognising the prestige of the heads of departments, and, further, I quite recognise that unless the head of a department is a good man, he ought not to be in that position of control. The inspectors, and, through them, the commissioner, get a special knowledge of all the departments, and what I want to know is, how will the Commonwealth obtain the benefit of their special knowledge in regard to appointments and promotions if the head of the department alone has the power of initiation?

Mr DEAKIN

- I hesitate to speak again, lest it may seem that I am occupying time unduly; but I take it that in dealing with this clause we are considering the whole purport and character of the Bill, and I wish to show honorable members that I am paying them the courtesy of listening to and endeavouring to weigh their remarks. I admit the difficulties which are associated with the provisions regulating the position of the permanent head; but I would point out that the position of a permanent head under the Bill will differ very greatly from that of the present permanent head in the public service of the States. The permanent head in a State is the head of a department all of whose branches are situated in that State; but the permanent head provided for in the Bill will be an officer who will be placed over the permanent heads of his department in the various States.

Mr MAUGER

- Will not that make his position more difficult?

Mr Crouch

- It will make his knowledge of his officers still more circumscribed.

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Mr DEAKIN

- In a sense that will be so. The permanent head of a department which radiates all over Australia will have an almost insuperable task in making himself acquainted with the work and character of the men under him ; but it will be part of his duty to do so, and it is hoped that he will do so. By the help of his chief officers he will come to know his staff, and his recommendation will come to mean what the recommendation of a permanent head means now in many cases - the recommendations of all the chief officers brought together, and filtered through him. It will not be a recommendation which, as a rule, he can. make of his own personal knowledge apart from the reports of others. The commissioner is placed in the same position of difficulty, with this difference - that he is to be the permanent and all-potent critic of all the departments. His task is therefore even greater, and he must rely upon the criticisms of the departments given to him by his inspectors.

Mr Crouch

- Is not that his only task 1Mr. DEAKIN. - Yes. The permanent heads have in addition the task of managing their departments.

Mr A McLEAN

- That makes a great difference.

Mr DEAKIN

- I .am endeavouring to deal with the question asked by the honorable member for Richmond, as to the possibility of taking an officer from one department and placing him in another. That duty will fall upon the commissioner and his inspectors. They will be supposed to know all the departments ; to mark the promising and able officers in each, and to note whether men employed in one department are or are not fitted to work in other departments. In Victoria, the tide of public opinion is now going in a direction which is contrary to that in which it proceeded in 18S3, when the cry was, " Break down the barriers which make our public departments practically watertight compartments."

Mr A McLEAN

- But -in Victoria we went too far. It is only where there are duties of similar character to be performed that an officer can be transferred from one department to another; as, for instance, where there are bookkeeping duties, or purely clerical work. Where a knowledge of, say, the Land Acts, or of the routine of the post-office or the Customs, is required, there cannot be this interchange.

Mr DEAKIN

- The honorable member for Richmond repeated a cry which was .universal in Victoria in 18S3, when we swept away all barriers to promotion from one department to another. That arrangement has not been working well, however, and a reaction has set in, which, as reactions generally are, is probably extreme. The cry now is for the confinement of officers to the department, or even to the branch of the service in which they are placed. The Government consider that the middle course is the safest and best ; that, while opportunities for transfer should be provided where duties are of a like character, we should avoid the mistake made in Victoria in 1883. The reason of the existence of the inspectors and the commissioner is to provide for such transfers, and to provide against the comparative and innocent ignorance of any permanent head in regard to the personal qualities and qualifications of officers who are scattered throughout Australia. Clause 9 provides that the commissioner and his inspectors shall perform the most vital and important task - both in regard to the interests of the public servants themselves, and in regard to the public - -that can be undertaken in connexion with the service, the grading and the classifying of the men and their work. That great and all-important task falls absolutely to the commissioner and his inspectors. They are not to wait for the consent of the Governor-General in Council, for the approval of the permanent head, or for anything else. They will examine all the men, in the service and the work they are doing, and will' classify and grade them accordingly.

Mr McCay

- Does not the veto of the Governor-General come in there ?

Mr DEAKIN

- No ; because this is the work which the commissioner and inspectors are specially appointed to do. If they are not fit to do this work, they are lit to do nothing.

Mr McCay

- And if they are fit to do it they are fit to do more.

Mr Thomson

- Is there not a right of veto under clause 38 ?

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Mr DEAKIN

- No; the right of veto comes in later. The commissioner and his inspectors are, by the first work in which they will have to engage, brought into the closest and most intimate contact with the whole service throughout Australia - the classification and grading of the public servants; and it will be their business to keep up the knowledge which they thus gain of the abilities of the men in the various States. Of course their opinion of a man may change ; and the duties attached to some offices may grow while those attached to others may decline. It will be the business of the commissioner to watch these things ; to see if a man fulfils his early promise, and to note where men do greater things than they originally gave promise of doing.

Mr Higgins

- Will the commissioner grade the offices or will he grade the officers'?

Mr DEAKIN

- He will grade the officers, but he will have to grade the offices also. He must understand the work to be done and the abilities of the particular man who is doing it. The Commonwealth does not begin its career with a clean sheet. It takes over great departments which have been transferred to it by the States, and it finds men already in positions. The commissioner and the inspectors will have to classify the work which these men are doing, and to form an opinion of their abilities. They are appointed to supply the want to which the honorable member for Corangamite and the honorable member for Gippsland have alluded. They are supposed to be in the closest touch with the men in all the departments. When a permanent head, with his knowledge of the working of a department, and the advice of his chief officers, makes a certain nomination, the best safeguard against injustice which we have been able to suggest is that the opinion of the commissioner and his officers should also be sought. It is therefore provided that the commissioner must be satisfied that the man nominated to a post is justly entitled to it, and is the best man obtainable. If he or his inspectors know of another man in the department, or in another department, who possesses more special aptitude and higher qualifications, it will be his business to name him.

Mr A McLEAN

- But the permanent head may not nominate such a man. If the commissioner is not satisfied with the nomination of the permanent head, and knows a person who would fill the position better but who is unknown to the permanent head, how can the permanent head be induced to nominate him ?

Mr DEAKIN

- If the permanent head nominates one person, and the commissioner recommends' another, the matter comes before the Minister, who will require the permanent head to inquire into the claims of the man who has been recommended by the commissioner; and if there is a doubt that the commissioner has not fully weighed the value of the man nominated by the permanent head, "he will be asked to consider the case again.

Mr A McLEAN

- Then the commissioner may make a nomination to the Governor-General apart from the nomination of the permanent head ?

Mr DEAKIN

- The commissioner acts ' ' upon the nomination of the permanent head, who requires another officer, but independently of the permanent head. The Commissioner is not appointed to say "ditto " to the permanent head unless he is satisfied that the nomination is a proper one.

Mr Manifold

- Can the commissioner nominate ?

Mr DEAKIN

- The commissioner recommends. The permanent head and the commissioner are required to come into accord. The Governor-General in Council may require them to nominate and recommend until they are in accord.

Mr CROUCH

- The permanent head could always beat the commissioner by not coming into accord with him.

Mr DEAKIN

- I. should say that the Governor-General in Council would place more reliance upon the recommendation of the commissioner and his inspectors than upon the nomination of the permanent head, because the commissioner is removed from all suspicion of favoritism, and will have in some respects an even better acquaintance with the departments than their permanent heads. Suppose that an officer is required for a position in Queensland, the Governor-General may say to the permanent head- - "The man you nominate may be an excellent man from what you know of him; but the commissioner and his inspectors, whose particular task it is to make themselves acquainted with the whole of the members in the service, recommend the appointment of some one else."

Mr Piesse

- Can the commissioner recommend the appointment of some one else if that person is not nominated by the permanent head 1

Mr DEAKIN

- Certainly.

Mr Isaacs

- He can with regard to appointments in the professional and special ' divisions ; but in- what clause is that power given to him in regard to appointments to the clerical division 1

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Mr DEAKIN

- The permanent head nominates, and the commissioner recommends.

Mr McCay

- The Attorney-General is speaking about what the Bill ought to provide, not about what it does provide.

Mr A McLEAN

-I understand that the Attorney-General is willing to amend the Bill so that it shall contain this provision.

Mr DEAKIN

- Yes ;if there is any doubt about it.What we are likely to forget is that we are now dealing with the whole of Australia.We must guard against the possibility of a man at Port Darwin having his claims overlooked in favour of, say, a man at Hobart. That we have tried to avoid by creating inspectors,who, like a certain historical character, will go " to and fro in the earth " seeking what they may inquire into and report upon. They are to be the public critics of the departments, examining the work of the officers and of the men, and the commissioner will be entitled to place great reliance upon their reports. It will be their particular business to study the abilities of the officers, the work they do, whether they do it well or ill, and whether they do or do not deserve advancement. The feature of the Bill to which I attach great importance is the free play which is given to the inspectors and the commissioner to act as- the watchdogs of the public and of the Minister. They are to be the eyes and ears of the 'Minister all over Australia.

Mr Mauger

- And I suppose that they are to listen to any complaints which may be made ?

Mr DEAKIN

- Yes ; that will be their business too, and to mention those complaints in connexion with any promotion that is suggested. It will be their duty to see that justice is done and efficiency rewarded.

Sir WILLIAM

McMILLAN (Wentworth). - I think that it would be better for us to test this question. The Attorney-General has stated that he considers that the commissioner should be a watchdog ; I want him to be more than that. I want him to be the person who will initiate all matters connected with the working of the public service as a whole. The permanent head, even though he may be over the chief officers of a department in all the States, is only in control of part of the service ; and what we are doing in providing for a commissioner is to create an authority whose hand will be felt throughout the whole service, and who will take care that the greatest efficiency is obtained, by appointing only the right men to the right posts, here, there, and everywhere throughout Australia. His eyes survey the whole service ; the eyes of the permanent head -survey only part of the service. To test- the question, I propose to move that the word "submit," inline 6, be omitted,with the view to the insertion of the word " recommend."

Mr.Deakin. - Might I suggest the word " recommend," which would fit in with the rest of the Bill, and convey much the same idea.

Sir WILLIAM MCMILLAN

- Would that mean the initiative ?

Mr Deakin

- The honorable member can make it mean that if he wishes. The honorable member wants to cut off the permanent head from nominating.

Sir WILLIAM McMILLAN

- Yes. I want nobody to come between the commissioner initiating certain changes and the Governor-General. I take it the commissioner will take the advice of the permanent head or chief officer, according to circumstances, as any sensible man would do ; but I want the commissioner to be the controlling force of the service as a whole, and to report direct to the Governor-General and not through any intermediary.

Mr Deakin

-Under the Bill the commissioner reports direct.

Sir WILLIAM McMILLAN.- I do not know whether I am in order now, but I would like to give the Attorney-General notice that I shall propose an amendment to the effect that the commissioner shall nominate all appointments for consideration by the Governor-General. I will be prepared to put the amendment in proper words, the idea being that the commissioner shall nominate all appointments and shall report to the Governor-General.

Mr McCay

- The honorable member is dealing with the alternative of commissioner or permanent head.

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Sir WILLIAM McMILLAN

- I am dealing with the one. point that, whether or not the commissioner consults the permanent head or any body else in the service, all changes and everything connected with the general control of the service, outside the disciplinary work of the permanent head in the department given to him, shall as a whole be under the commissioner, subject, of course, to the veto of the Governor-General.

Mr McCay

- And not the permanent head t

Sir WILLIAM McMILLAN

- And not the permanent head.

Mr. CROUCH

(Corio).- I agree with the idea contained in the amendment proposed by the honorable member for Wentworth, but I hardly think this is a proper place in which to insert it. I can see that when we come to the question of appointments and promotions such an amendment might well be made.

Sir William McMillan

- Where does the honorable member propose the amend- ' ment should be made ?

Mr CROUCH

- Clause 21, sub-clause(8), is the first provision in the Bill in which any real act of operative work is provided for. Clause 5 only says that there is to be a commissioner, and what the commissioner shall do, and then other clauses go on to say that there is to be a permanent head, chief officer, and so on. These clauses all deal with the creation of persons as distinct authorities under the Act ; but it is only in clause 21, sub-clause (8), that we come to any active work.

Sir William McMillan

- The clause under consideration says that the commissioner shall report to the Governor-General.

Mr Harper

- That has nothing to do with the permanent head.

Mr CROUCH

- This clause does not affect the powers of the commissioner in the slightest degree.

Sir William MCMILLAN

-I am referring to all appointments in the public service.

Mr CROUCH

- The honorable member will not say that the commissioner has any authority or power to reduce the power of the permanent head, and that consequently the commissioner is not to have power to report.

Clause 21 is the proper place for the amendment proposed by the honorable member for Wentworth, seeing that is the clause in which there is first shown the possibility of the three rival powers coming into contact. In clause 21, sub-clause (S), we read -

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.

I would ask the honorable member to move that after the word " section " the words " on the recommendation of a permanent head " be struck out, and the words " the Minister on the recommendation of the commissioner who shall also present a report from the permanent head " be inserted in lieu thereof.

Mr Deakin

- That will give effect to what the honorable member for Wentworth requires.

Sir William McMillan

- Yes, I think the honorable member is right. I want to put myself in a line with those who agree with me.

Mr. CROUCH.- That would mean that the Minister makes the nomination, but it must be on the recommendation of the commissioner, who, when he asks the Minister to make the nomination, has to present the report from the permanent head.

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Mr HIGGINS

- I concur with the last speaker in the opinion that it would be better if the amendment proposed by the honorable member for Wentworth were not introduced at the present stage. I understand that clause 5 is really a covering clause, giving a general idea of the commissioner's relations with the Governor in Council, and we shall have an opportunity of specially dealing with three or four distinct matters afterwards. One of these matters is that of appointments, while another deals with promotions, and another with transfers and with the specially difficult question of introducing, for special reasons, outsiders into high positions. It would be a mistake in this general covering clause, to have general statements which do not apply to all these three or four different steps which have to be taken. From my point of view I largely agree with the view expressed by the honorable member for Wentworth that it would be a mistake for Ministers to depart from the notion of leaving with the commissioner the nomination of the officer. There are two distinct things to be considered in regard to the permanent head question - one is the office and the other is the officer. The initiative with regard to new offices - the number of men wanted in an office - should come from the permanent head, who has a more detailed knowledge of his office and the different divisions than the commissioner or the Governor-General can have. The commissioner ought not to have the initiative as to what offices are created, but when it comes to a question of what officers should be promoted or transferred, then arises the danger of favoritism and influence. It is here we want the buffer of the commissioner.

In regard to appointments, I do not think there is much danger, and we may make our minds easier about them, because they must be by competition, and in the clerical division there will, in the ordinary course of things, be a gradual setting upwards. But there are most delicate operations when it comes to the question of promotion, and when we create the special power of enabling a man in the clerical division to skip a class. It is here we must make our special arrangements and take our precautions ; and in this connexion I should certainly leave as little to the permanent head as possible. In these matters we have a permanent head for all Australia. The commissioner may be living in Melbourne, or the federal capital, wherever that may be, and how is he to know anything about men in Coolgardie, Port Darwin, Brisbane, or Hobart ? But the commissioner has inspectors, and they are all supposed to be familiar with the service in the States, and it is to them in the first instance that the selection of the officer - the person - ought to be entrusted. It is to the commissioner and his inspectors we should look for the protection of Ministers from political influence. I use these words advisedly, because a Minister, though, of course, he may exercise a little influence, is at the same time very often driven to that course. What I want is that a Minister shall be able to say if a man is pressing him for the appointment or promotion of a particular person, " I can take no step in initiation - this man has to commend himself to the commissioner, who is familiar with all the circumstances." On this very difficult subject, the Ministers ought not to alter clause 26, and the other clauses, which are the framework of the Act. With regard to officers, if there is anything special to be done, apart from the usual examination, it ought to be entrusted to the commissioner, who

should be allowed to name the men, and then, if honorable members like, there may be the report of the permanent head.

Mr A McLEAN

- That report is always given in important cases.

Mr HIGGINS

- Quite so. I recognise the difficulty of the Minister, who says that the permanent head has to work the department, and ought to be left with that responsibility, and who does not want the permanent head to turn round and say that the Minister does not supply the proper men.

Mr Deakin

- Permanent heads say that already.

Mr.HIGGINS. - There is not any danger in the clerical staff, where one man is not very different from another. What the permanent head may reasonably complain of is that he is not provided with sufficient men ; and if he is told he will have plenty of men to carry out the work, he must also be told he must accept the initiation of the commissioner and those who know the service best as to who should be appointed. It is only in the higher grades that the individuality of the men becomes of importance, and, therefore, we might for the present pass these general clauses with such verbal alterations as have been suggested. When we come to the clauses dealing with promotions and transfers, and allowing the skipping of grades, we may deal specially with them.

Mr. EWING

(Richmond).- I understand from the temper of the committee that it is not probable we shall come to a division on this amendment, which might, perhaps, be dealt with later on. But I would like the Attorney-General, before we come to the clauses where this amendment would be best fitted, to consider what I and a number of honorable members see a difficulty in, namely, the power of appointment by the commissioner. The initiative is at present with the permanent head. We understand, of course, the importance of making what use we can of the permanent head, but we still desire to use fully the services of a highly paid and very intelligent official such as the commissioner will be. Would it not be possible to work with a joint recommendation? Is the Bill so framed that it is impossible to accept a suggestion of this kind ?

Mr Deakin

- It is intended to have a joint nomination and recommendation.

Mr EWING

- Quite so. The honorable gentleman is right in stating that eventually it must be a joint recommendation to be operative.

Mr Deakin

- Yes.

Mr EWING

- But in this case there is no power of origination - no power of what might be called suggestion - with one of the parties, that party being the commissioner.

Mr Deakin

- I think there is.

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Mr EWING

- The Attorney-General has stated frequently that the power of suggestion - the power of nomination - lies with the head of the department.

Mr.Deakin. - -Yes ; but as soon as the permanent head nominates for a particular office, the commissioner recommends. -One may nominate Jones and 'the other may recommend Brown.

Mr EWING

- Of course the nomination to be operative under this Bill must become a joint nomination. But there is a material difference between a nomination that eventually becomes a joint nomination and a nomination in which each one has an initiative. I hope the honorable and learned gentleman will see if it is not possible to get over the difficulty. We want to use both authorities. Instead of one making a recommendation and the other being able to do nothing, they should be 'able "to make a joint recommendation to the Government.

Mr Crouch

- There is too much recommendation.

Mr EWING

- That cannot be helped. If the commissioner and "the head of the department were brought together and made a joint representation it might get over the difficulty. I should like' the honorable and learned gentleman to consider that point.

Progress reported.

SUPPLY BILL (No. 2)

Mr SPEAKER

- I have to inform the House that I have received the following message from the Senate -

Mr Speaker

-The Senate returns to the House of Representatives the Bill intituled "an Act to apply out of the Consolidated Revenue Fund the sum of £491, 822 to the service of a period ending the 31st day of June, 1901," and informs that House that the Senate has agreed to the Bill as amended by the House of Representatives, in accordance with the suggestions of the Senates modified by the House of Representatives.

C. BAKER, President.

PUBLIC SERVICE BILL

In Committee.

Amendment agreed to.

Mr DEAKIN

- I move-

That the words "such commissioner," line 9, be omitted, and the word "and " substituted.

This is simply a verbal amendment, and I am indebted to the honorable member for Tasmania, Mr.

Piesse, for its suggestion.

Amendment agreed to.

Amendment (by Mr. Deakin) agreed to-

That the word "and," after the words " Governor-General," line14, be omitted.

Amendment (by Mr. Deakin) proposed - "That the words "under this Act" after the word " authorities," line 17, be omitted.

Mr KNOX

-I have previously expressed the hope that the term, inspector will not be adopted throughout the Bill. I think the term sub-commissioner should be used. This view is held by several honorable members, "who think that it will give stronger authority to the officers in question to call them sub-commissioners. They will certainly be doing the work of inspectors, but the name sub-commissioners would be a better one. I suggest the amendment to the Attorney-General.

Sir WILLIAM McMILLAN

-I am inclined to think that unless we give the officers in question some status as part of the board it is better that they should be called inspectors. The commissioner is intended to be a full board in himself, and the insertion of the term sub commissioners would mislead. It would convey the impression that these officers had some kind of joint control with the commissioner.

Mr.Knox. -i have only given expression to the view which I know is held by a large portion of the service, but I do not intend to press an amendment.

Amendment agreed to.

Amendment (by Mr. Deakin) agreed to -

That the words "such inspector," line18, be omitted, with a view to insert in lieu thereof the word "him."

Mr.DEAKIN. - With regard to the amendment suggested by the honorable member for Bourke, I have intimated that it is "very difficult to discriminate between five years and seven years as the term for which the commissioner and inspectors should be appointed can offer no strong argument why one term should be preferred to the other, but personally prefer the longer term.

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Mr HUME COOK

- I do not consider the point important enough to divide the committee upon it, though personally I think

five years would be the better term.

Mr. McCAY (Corinella).- As we like uniformity in the wording of measures, I would call attention to the fact that in some cases this Bill speaks of "a commissioner," and that sometimes that officer is spoken of as simply "commissioner." The point is, a trivial one, but it may as well be attended to.

Mr. DEAKIN

- The article "a" should be omitted. Coming now to sub-clause (3), I move :-

That, the word "and," line 28; be omitted:

Amendment agreed to..

Amendment (by Mr. Deakin) agreed to -

That the letter "a," line 29, be omitted.

Amendment (by Mr. McCay) agreed to -

That the words "in addition to his duties as commissioner" be omitted in lines 58-59, and that the word "also" in line 59 be omitted..

Mr. CONROY

- I

would ask the Attorney-General whether the word "malfeasance" has been intentionally omitted?

Mr. Deakin

- Yes.

Amendment (by Mr. Isaacs) agreed to -

That the words "by this Act imposed on" be omitted with a view to insert in lieu thereof the word "of. 1-1" Clause, as amended, agreed to. Clause 6 -

A commissioner or inspector may be suspended from his office by the Governor-General for inability, incapacity, misbehaviour, or incompetence, but shall not be removed from office except as hereinafter provided.

The Minister shall cause to be laid before both Houses of Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament is in session and actually sitting, or if Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting.

A commissioner or inspector so suspended shall be restored to office by the Governor-General unless each House of Parliament within forty-two days after the day when such statement is laid before it severally declares by resolution that the said commissioner or inspector, ought to be removed from office; and if each House within the said time so declares the said commissioner or inspector shall be removed by the Governor-General accordingly.

On the recommendation of the commissioner the Governor-General may transfer any inspector without diminution in salary to any office in the public service until the expiration of the period for which he was appointed an inspector, and upon such transfer he shall no longer be an inspector but an officer subject to the provisions of this Act relating to officers generally, except as to his tenure of office and rate of salary.

The commissioner may at any time suspend any inspector for any of the causes for which an officer of the special division is liable to be suspended under this Act, and thereupon the like action shall be taken and the like consequences (except with regard to dismissal from office) shall ensue with regard to such inspector as in the case of an officer of the special division who is suspended by the Minister as hereinafter provided.

Mr. McCAY

- I would ask the Attorney-General whether there might not be a difficulty arising, from the use in sub-clause (1) of the words, "for inability, incapacity, misbehaviour, or incompetence"? I have a vivid recollection, of the Marshall-Hall case. It is somewhat difficult to know whether these words mean misbehaviour, in or out of office.. I suggest for the consideration of the Attorney-General whether it is necessary to put in the words, of suspension seeing that, the suspension, must be removed, unless both Houses of Parliament determine on the removal of the commissioner or inspector, from his office. Might we not raise legal questions of considerable difficulty, and involving the Commonwealth in long litigation, by reason of a commissioner or inspector who ought to be removed from his office saying, that his conduct did not come within these particular words? Of course we must give these officer a secure

tenure of office, but surely that security is- conferred if, first of all, they have to be suspended by the Governor-General and then removed by both Houses of Parliament. I have heard it said that one House may be swayed by passion, but I have never heard of two Houses being swayed in that way at the same time. My recollection of the debate I referred to, leads me to the conclusion that words- such, as these give rise to endless discussion as to what they mean. Certainly, they may, give, rise to endless discussion in the law courts.

Mr DEAKIN

- I am not quite clear that the clause as worded, does not, carry out the honorable member's idea; The clause, says -

A commissioner or inspector may be suspended from- his office by the Governor - General for inability, incapacity, misbehaviour, or incompetence, but shall not be removed except as hereinafter provided. The clause does not provide that he shall be removed only on the grounds named. The honorable and learned member's difficulty did not occur to me before, simply because it was thought, desirable to hedge round, this office with every kind of reasonable protection that is possible. "While I cannot imagine both Houses perpetrating, a gross injustice, yet- I do not know that it would be wise to remove these words.

Mr McCay

- Do the words mean in or out of office?

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Mr DEAKIN

- They ought to mean either in or out of office.

Mr. KNOX

(Kooyong).- Has the Attorney-General ' considered the difficulty which surrounds the removal of an inspector ? The office of the commissioner I can understand, ought to be hedged round very carefully, but there are six inspectors, and it might be necessary to remove one of them. I only wish to suggest to the Attorney-General whether the inspectors are really in the same position as the commissioner.?

Mr DEAKIN

- Precisely, I think.

Sir William McMillan

- It does not take the two Houses to remove an inspector.

Mr DEAKIN

- Yes it does.

Mr Knox

- Before an inspector can be removed must that course of action be decided upon by both Houses ?

Mr DEAKIN

- Yes. If the commissioner lives at the capital of Australia he will be absolutely dependent upon his officers in the several States for recommendations, and unless those officers are protected against political influence - unless they can be brought to see that they cannot be made to suffer because of their particular opinions or the effect of their action on the politics of the day - we will not get from them the service we require, which is absolutely impartial and fearless advice in regard to everything connected with the public service. If we are to get that from the commissioner we must get it from the inspectors in the different States. Whilst the position of an inspector lacks the dignity of that of the commissioner, it appears to me that in character the offices are exactly the same.

Mrs. McCAY. - The Attorney-General suggests that the words " inability, incapacity, misbehaviour, Or misconduct" do not govern removal by both Houses of Parliament. I think they do. First the Governor-General suspends an officer on certain grounds, and then the Minister lays before honorable members a statement of those grounds. The commissioner then, is restored, unless each House of Parliament, within 42 days after the day when such statement was laid before it, declares by resolution that the commissioner ought to be removed from office. I do not think that on any reasonable construction of the clause, reading it as a whole, one could gather any other conclusion than that the Houses of Parliament, whether they specifically say so in their resolution or not, are practically bound by the grounds of inability and incapacity. I think it should be made clear, if there is any doubt about it. The commissioner may be suspended on one ground and removed on another. I would suggest to the Attorney-General that it would be wise to leave out these words.

Mr Deakin

- I will consider it.

Mr MAUGER

- I think it should be made clear that this clause embraces misbehaviour in office and out of office. A man who misbehaves out of office is not able to carry out his duty while in office.

Mr DEAKIN

- I will consider that matter. I move -

That the word "A," line 1, be omitted, with a view to insert in lieu thereof, the word "the."

Amendment agreed to.

Amendment (by Mr. Deakin) agreed to -

That the word "any" be inserted after the word "or," line 1.

Mr. McCAY

(Corinella). - I wish to point out to the Attorney-General that under the Constitution Act this Parliament is always called "the Parliament" : and I would ask the honorable and learned gentleman whether as a matter of dignified English we might not well follow out that practice in all our Acts.

Mr Deakin

- Yes it is a good one.

Mr McCAY

- The clause refers to "both Houses of Parliament." It is "the Parliament" under the Constitution Act, and I would suggest that the use of the words "the Parliament" in all our Acts would be better.

Sir William McMillan

- The phraseology generally used in a matter of this particular kind is adopted here.

Mr McCAY

- In the Acts Interpretation Act "the Parliament" is defined, but "Parliament" is not.

Mr DEAKIN

- Under the Acts Interpretation Act "the Parliament" means "the Parliament of the Commonwealth." In these circumstances I am obliged to my honorable and learned friend for the suggestion. I move -

That wherever the word "Parliament" occurs in this Bill, the word "the" shall be introduced before it.

Amendment agreed to.

Sub-clause (3) verbally amended.

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Mr DEAKIN

- In line 34, the words "special division" are used, and that term occurs throughout the measure. I will ask permission to substitute the word "administrative" wherever the word "special" occurs in the Bill. We propose to adopt the words "administrative division" as being a much more expressive and distinctive term. I move -

That the word "special," line 34, be omitted, with a view to insert in lieu thereof, the word "administrative," and that the word "administrative," be substituted for "special" throughout the Bill.

Amendment agreed to.

Mr DEAKIN

- Then there is another amendment. I move-

That the words "and the like consequences (except with regard to dismissal from office) shall ensue," lines 36, 37, 38, be omitted.

That is necessary, because as a matter of fact it will be difficult to apply the provision to the special circumstances of an officer of this division. I shall have to propose a new sub-clause to remove that difficulty.

Amendment agreed to.

Mr DEAKIN

- I move-

That the following new sub-clause be added : - " (6) Upon receiving the recommendation of the Commissioner thereon, the Governor-General may fine such inspector, or may deal with him in accordance with the provisions of sub-section (.1) hereof."

Mr Isaacs

- Is there to be no limitation?

Mr DEAKIN

- No. This is the way that we deal with officers of the highest division There is precisely the same provision for all the highest officers. In my own experience, and as honorable members also know, the fine is never inflicted, although the power is there. We want some form of punishment which will be short of suspension, if punishment at all is called for. It may seem hard to suspend or dismiss a man for an offence which yet would be worthy of some punishment.

Mr Isaacs

- Why not reprimand in such a case ?

Mr DEAKIN

- We should not require statutory authority for that. It is not necessary to insert power to reprimand, but power to fine must be provided in the Bill. The highest officer, except the commissioner, must be liable to be dealt with as are any other officers.

Mr Crouch

- But not a Judge.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 7. - (Offices how vacated) -

Mr. HUME

COOK (Bourke).- I wish to ask the Attorney-General whether the words in sub-clause

(a), "

any paid employment outside the duties of his office" will cover the receipt of fees as a director or an auditor ?

Mr Deakin

- I think so ; it is a paid employment if he audits for fees.

Mr HUME COOK

- I think it is desirable that the commissioner and inspectors should be entirely free from any directorates. I want to know if the sub-clause would secure that ?

Mr Deakin

- The words " any paid employment," I think, are as wide as we can get.

Mr. McCAY

(Corinella). - I wish to draw the attention of the Attorney-General to sub-clause (c). It says -

If except on leave granted by the Governor-General he absents himself from duty for 14 days-

That is a fact determined by the ordinary, office record -

Or for 28 days in any 12 months -

That is a fact determined by the ordinary office record -

Or becomes incapable of performing his duties. That is one of the very things which are left to suspension under clause 6, and subsequent removal by Parliament.

Mr Deakin

- That is intended for absolute incapacity, which is also a question of fact - for instance, mental aberration or physical prostration.

Mr McCAY

- Is the Governor-General to wait until the commissioner or inspector is found to be a lunatic by inquisition ? Incapacity is a matter of opinion. It should be intended only for certain cases. Under that wording the Governor-General may say, if he does not want to face Parliament, " Commissioner Brown "or "Commissioner Jones has become incapable and has vacated office," and so take away the whole safeguard which the commissioner and inspector have received under clause 6.

Mr Deakin

- It is a wide phrase.

Mr McCAY

- I think it ought to come out.

Mr Deakin

- I shall reconsider that. There is a phrase which does not occur to me at the moment to indicate absolute

mental or physical incapacity. I shall find the customary phrase subsequently.

Mr ISAACS

- There is a little difficulty about the expression because it does not say permanently incapable.

Mr Deakin

- I shall alter the phrase.

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Mr ISAACS

- There is another difficulty. The commissioner or inspector is deemed to have vacated his office if he is incapable. Will all his acts after that be null and void ?

Mr Deakin

- The idea- of- mental aberration is that he is not able to resign- his' office. He has ceased to have - capacity to resign.

Mr ISAACS

- He is- deemed - to have vacated his office, if any person can prove that he has become incapable-; if he- has- in law- vacated his office, all his acts afterwards are null and void.

Mr Deakin

- I shall look into that, too.

Mr PIESSE

- Will, the Attorney-General consider whether it may riot be made certain by- publication in the Gazette that the commissioner or inspector has vacated his office, because otherwise there will be 'great difficulty in proving the fact?

Mr Deakin

- Yes:

Clause agreed to.

Clause S - (.1) It shall- be the' duty pf- each of the inspectors from time to time as- generally -or particularly, directed by the commissioner to personally -

Inspect each or every department ;

Examine so far as - is" practicable- the officers - thereof and- ascertain their duties and'- the value- of. their services ;

Hear and inquire into' all matters and things affecting or relating to the working of the departments- ; and

Furnish in writing to the- commissioner a- full- report as; to every- such inspection, examination, or inquiry, including therein recommendations for the consideration- and determination of the commissioner:

After considering any such report' the Commissioner may propose to" the- Governor-general any particular disposition of officers and rearrangement or improved method" of carrying out any work' which appears- to the Commissioner necessary or expedient for the more economic, efficient, or. convenient-working, of. any department, and such proposal- shall be considered and dealt with by the Governor-General.

If 'tho-commissioner finds that more officers are employed 'in any class or grade in a department than he may from time to time determine to be. necessary for. the- efficient working, of such department, such officers as in the opinion of the Commissioner are in excess shall be from time to time transferred by the Governor-General to some other- department as -required ; and'.no appointment or promotion -of an officer shall be made, to such- class or grade in such first-mentioned department until by transfer retirement dismissal or death the number of officers in the' same class or grade is- reduced below the number in such class or grade so determined to be necessary, for the efficient working of such department.

If in the opinion of the commissioner the services of any officers in excess in any department are not likely to be required in any other department, the Governor-General may call upon such officers to retire from the public service ; and every such officer so called upon to retire shall retire accordingly.

Mr DEAKIN

- During the second reading.debate,, my attention was- called to the wording of sub-clause (3) by, I think, the honorable and learned member for. Corinella. I propose that it should be altered.-

Mr. HUME

COOK. (Bourke).- Before the honorable and learned gentleman reads the clause as redrafted I- wish to

ask a question on sub-clause (1), relating to the duties of the inspectors. - It says that from time to time as directed by the commissioner a person shall inspect the departments. Does he not think it wise to say that the inspectors shall inspect the departments at least so many times in the year ? I look on this clause as the safety of the whole Bill, and upon the inspection of the departments and of the officers in them as the whole business of "the Bill. I would like to suggest - I do not know whether it is advisable - that after the word* " Commissioner." in the third line the* words- "not" less than four times each year" be inserted.

Mr Deakin

- It depends on the State. In Western Australia, for instance, we have a single officer in a distant place, and we do not want to go to him four times a year. We have to provide for so many different States? In the case of Tasmania it is easy for an inspector to inspect four times a year, but it is not so easy in the case of Western Australia.

Mr HUME COOK

- What I wish to insure is that as far as possible there shall be a continuous inspection:-

Mr DEAKIN

-k-in-. - That is the intention.

Mr HUME COOK

- Is it not advisable to say "that the inspector, should also certify as to the over-manning or under manning; of the offices ?

Mr Deakin

- That is dealt within subclause (3) The commissioner does it on the report from the inspectors.

Mr HUME COOK

-- It does not appear, from sub-clause (a) that they are to report to him.

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Mr Deakin

- Yes, on all matters.

Mr DEAKIN. - I propose to ask the committee to alter the first part of subclause (3) so as to read - If the commissioner finds that more officers are employed in any class or grade in a department than may be determined to be necessary for the efficient working of such department, such officers in excess may be transferred by the Governor-General to some other department.

But before proposing any alteration there

want to introduce a new sub-clause, to follow sub-clause (2), in these words:-

If the Governor-General does not approve of any proposal, it shall be the duty of the commissioner to reconsider such proposal, and within a time to be specified by the Governor-General to submit another proposal. Such fresh proposal shall be considered and dealt with by the Governor-General. Where the Governor-General does not approve of any proposal, a statement of the reasons for not approving and for requiring a fresh proposal shall be laid before Parliament.

It provides for the Governor-General, if he does not like the scheme, presented, calling for another, and laying the whole matter before Parliament, to show why he called for another scheme than that suggested.

Mr. ISAACS

(Indi).- Under the new wording of sub-clause. (3), how is the determination of the number of officers to be made ?

Mr Deakin

- It is the number determined to be necessary by the Governor-General.

Mr ISAACS

-Where does that appear?

Mr Deakin

- Only that the general power of determination as to officers is with the Governor-General.

Mr ISAACS

- The honorable and learned gentleman is taking that out of the hand of the commissioner and giving it to the Governor-general.

Mr Deakin

- It was pointed out that the commissioner was advising the Governor-General, and that His Excellency

was acting in a subordinate capacity.

Mr ISAACS

- The commissioner has nothing to do with the number of officers in a department.

Mr Deakin

- Yes ; if the commissioner finds that there are more officers than are necessary he reports to the Governor-General what ought to be the number.

Mr ISAACS

- That is a mere automatic provision; he has no discretion.

Mr DEAKIN

- If the commissioner finds that more officers are employed than are necessary for the efficient working of the department, that is stated in his report: First of all, he reports that there are too many officers in a department, and then the Governor-General considers that report. If it is agreed that there are too many, then that is determined; but if it is not agreed, then the matter is laid before Parliament.

Mr Isaacs

- It is not quite clear.

Mr V L SOLOMON

- Determined by whom.?

Mr DEAKIN

- Determined on the report of the commissioner by the Governor-General.

Mr. Piesse. - Had we not better say that 1

Mi:

Isaacs: - Will the Attorney-General consider the point ?

Mr DEAKIN

- I shall consider the point.

Amendment (by Mr. Deakin) agreed to-

That the following be inserted as a new sub-clause to follow sub-clause (2.) : - " If the Governor - General does not approve of any proposal, it shall be the duty of the commissioner to reconsider such proposal, and within a time to be specified by the Governor-General to submit another proposal. Such fresh proposal shall be considered and dealt with by the Governor-General. Where the Governor-General does not approve of any proposal, a statement of the reasons for not approving and for requiring a fresh proposal shall be laid before Parliament."

Mr McCAY

- I would like to ask the Honorable the Attorney-General whether, under sub-clause (3), in its amended form, we may not find ourselves in a cul de sac - whether, once the Governor-General has determined that there is a reduction required, and has fixed a smaller number of officers for any given department, he may not be prevented from making fresh appointments to the department, even though the work may subsequently increase and an additional number of officers may be required. ?

Mr DEAKIN

- I will consider the point, but the honorable and learned member will notice that the word " until by transfer, &c.," limit the application of the prohibition against appointments being made.

Mr McCAY

- I would like the Attorney-General to look at the whole sub-clause in its amended form. Of course, any court would strive against any such interpretation, but we may be driven into the position I have indicated.

Mr Isaacs

- I would direct attention to the word " so," in line 39:

Mr McCAY

- I think the omission of the word would meet the case.

Mr DEAKIN

- The word "so" is worth nothing, so we will take it out.

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Mr Piesse

- The word "so" may be of use in relation to the words in the former part of the clause, if the words " he may from time to time determine" are altered to " may be determined."

Mr. DEAKIN. - I do not think the word " so" is required.

Amendments (by Mr. Deakin) agreed to-

That the words " he" and "from time to time," in line 28, be omitted.

That the word " be" be inserted in line 28, and that the word "determine;" in the same line, be omitted, with a view to insert in lieu thereof the word "determined."

That the words " in the opinion of the commissioner" be omitted from lines 30 and 31.

Amendment (by Mr. Deakin) proposed -

That the word " shall," at the end of line 31, be omitted, with the view to insert in lieu thereof the word "may."

Mr V L SOLOMON

- That seems rather an important amendment, and I am doubtful whether it may not interfere with the rights of the officers.

Mr DEAKIN

- If they are not transferred, they will get the same salary somewhere else.

Mr Piesse

- They are not to be dismissed.

Mr V L SOLOMON

- That is the only point, as to whether the alteration might have the effect of giving the option of dismissal.

Mr DEAKIN

- No ; it simply relates to transfers.

Amendment agreed to.

Amendments (by Mr. Deakin) proposed -

That the words "from time to time" be omitted from lines 3.1 and 32 ; that the words "as required" be omitted from line 33 ; and that the word "so" be omitted from line 39.

Mr ISAACS

- I 'would like to know whether the omission of those words "as required " would not give the Governor in Council liberty to send officers from an overcrowded department into another department where they might already have the maximum number of officers ?

Mr DEAKIN

- I take it that the term "as required" does not mean "required in the department to which they are sent," but the term refers back to the transfer that is made, and means that they shall be transferred as they are required to be transferred. However it might mean both, and I will consider the suggestion.

Amendments agreed to.

Amendment (by Mr. Deakin) proposed -

That the words "In the opinion of the commissioner," in line 41, be omitted.

Mr HUME COOK

- I wish to know whether the provision in this sub-clause may not come into conflict with the constitutional rights of servants transferred from the State public services to that of the Commonwealth?

Mr Deakin

- No; that is all provided for in the Constitution.

Mr. HIGGINS

(Northern Melbourne). Subclause (5) contains a provision for the retirement of officers. . A man may be 50 or 60 years of age and be called upon to retire without a penny of compensation. Is that intended ? It is quite true that clause S4 protects the rights of transferred officers.

Mr Deakin

- All other officers will be insured.

Mr HIGGINS

- Is it clear that the provisions relating to insurance cover the event of retirement?

Mr Deakin

- Yes, they do; but, to be candid, I must admit that I am doubtful whether we shall be able to provide for the return of premiums in all cases. I have only partial information at the present time, but shall have complete information before we finally deal with the matter. I am doubtful whether we can provide for the return of premiums to men who are retired, without unduly loading the premiums of other officers.

Mr HIGGINS

- If we do not provide for these men by insurance, will the honorable and learned member be willing to allow of provision for compensation being made ?

Mr Deakin

- We do not provide for compensation in the Bill.

Mr HIGGINS

- There is no compensation clause 1

Mr Deakin

- No.

Mr HIGGINS

- There is such a provision in the Victorian Act. In most cases where people have been called upon to retire, compensation has been given under the Act, but in some very hard cases, no compensation at all was given. I would suggest that, although it is not desirable that the public servants should have a freehold tenure of office, it would be well, if no pension or insurance is provided, that there should be compensation for compulsory retirement which is not due to a man's own fault.

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Mr Deakin

- If we find that sub-clause (c) of clause 44, which relates to the return of premiums, has to be amended or modified, we shall have to consider the question of compensation ; but I have no complete information on the subject before me at the present time.

Mr HIGGINS

- Could we not have a prorata insurance ?

Mr Deakin

- If it were possible to know what men were likely to be dispensed with, they could be charged an exceptional premium for the exceptional risk ; but I am afraid that if we try to cover the risk of retirement for all by insurance we shall increase the premium paid by every member of the public service to provide for a contingency which is very remote. If sub-clause (c) is omitted we shall have to take into consideration the point raised by the honorable and learned member.

Mr HIGGINS. - There may be retirement on the ground of ill-health.

Mr Deakin

- This clause deals only with retirements caused by excess of officers. Retirements on the score of ill health are dealt with later.

Mr HIGGINS

- I am strongly in favour of some compensation being paid to officers who are retired, and I do not think that the risk of retirement can possibly be covered by an insurance policy.

Mr Deakin

- I am inclined to agree with the honorable and learned member, 'and shall note the point.

Amendment agreed to.

Mr Isaacs

- It seems to me that the words of sub-clause (4) apply to every officer.

Mr DEAKIN

- They are intended to do so. The commissioner cannot alter the salary. It is a question of having so many men in a particular class or division ; and for the purposes of the Commonwealth service the transferred officer is to go into the class or division in which his work places him, even if it should happen to differ from the class in which his work in the State service placed him.

Mr V L SOLOMON

- I should like to know how the clause affects transferred officers. Of course' some of these are entitled under the laws of the States from which they come to receive compensation on retirement, and their rights are protected by the Constitution Act ; but there are others who are not so protected, and who may have a claim to consideration. There may be men taken over who may have been in the service of Victoria, or of some other State, for fifteen or twenty years as temporary employees, and to dispense with the services of such men at a moment's notice, without paying them any compensation, seems to me extremely unfair. While some of the States have placed the public servants in a proper position, other

States have not. In South Australia a Public Service Bill has been dangled before Parliament for four or five years, but nothing has been done to place the officers in a proper position, and although some of them may have been in the service of the State for fifteen or twenty years, they may when taken over by this Commonwealth be liable to dismissal without compensation. I would like the Attorney-General to consider whether such officers could not be safeguarded under the clause.

Mr DEAKIN

- The clause provides for retrenchment where there are officers in excess of the requirements of the department, but its provisions are not likely to have any application during the first years of the Commonwealth, because the duties and business of the Commonwealth public service will expand, and we are not likely to have excess officers for a considerable time to come. I think that the honorable member may rest assured that those on whose behalf he is speaking are not likely to be affected by the clause.

Sir William McMillan

- Of course the Government must have the power to retire from the public service any persons whose services are not required; but where an officer is retired through no fault of his own, provision should be made to give him some compensation.

Mr Deakin

- I have promised the honorable and learned member for Northern Melbourne that I will consider the matter.

Mr Poynton

- I would like to point out that the fact that some officers in a department are entitled to compensation upon retirement while other officers are not might determine who should go out, which I think would be a very unfortunate state of things.

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Mr Deakin

- Quite so. I shall reconsider the compensation question when we come to deal with the sub-clause to which I have referred.

Clause, as amended, agreed to.

Clause 9 -

The commissioner shall from time to time determine the division class subdivision of class or grade of every officer, and shall keep a record of all officers showing with regard to each officer his age and length of service the office he holds and his division class subdivision of class or grade and salary under this Act. Where an officer has been transferred from the public service of a State, such record shall also show the position of such officer in such State at the time of such transfer.

-The commissioner shall, in the month of-

February in each year, publish in the Gazette a list of all officers on the first day of January in such year together with the particulars so recorded in respect to them. Such list shall, be prima facie evidence of the information contained

Mr POYNTON

- (South Australia). - I think that sub-clause (2.) is the place in which I should move the amendment to which I referred the other night.

Mr Deakin

-; - Not in regard to providing automatic increments?

Mr POYNTON

- No. ' .

Mr DEAKIN

-- This is: only incidental as to what has been done where an officer has been transferred. When we come to later clauses, the honorable member may want to make "public service" include railway service.

Mr McCAY

- In lines 1. and 2. it is provided "The commissioner, shall, from time to time, determine." Would, this not open to the commissioner: an indirect method of promoting and determining, the position of men? In this clause the commissioner is an executive officer, and no longer an advisory officer. Personally, I prefer that he should be an executive officer; but if we have a scheme I like to see that scheme carried

out completely. .

Sir William McMillan

- . - This- is. a special. part of the Bill.

Mr McCAY

- But this- clause conflicts with the advisory position, of the commissioner; If the Governor-general in. Council did. not take the commissioner's- advice, the commissioner under this clause might come to a determination against, the Governor? General's approval..

Sir William McMillan

- We do not want to weaken the position of the commissioner.

Mr McCAY

- Of course, we have to assume that to a certain extent a strong man would have, his own way. . I do not submit, any amendment, but. I suggest for serious consideration the question, whether this clause could ' not be used by the commissioner to act in many ways in respect: to salaries and promotions of which th Governor-general did not approve.

Mr. Isaacs. - The clause says- the. commissioner shall determine.

Mr McCAY

- Suppose the commissioner recommended John Jones to be promoted, and the Governor-General did not approve of the promotion, what is to prevent- the commissioner, under this clause; from determining that John Jones' position . was in a higher, class ?

Mr DEAKIN

- The intention is that at the outset the commissioner, having, a number of services brought together must grade them on. an even. plan... That would not affect the. salaries of transferred Government servants.

An. Honorable Member. - What about those transfers- already made ?

Mr DEAKIN

- He would grade those, too, with due respect to what had already been done, but they would be subject to the inquiry of' whether, they were -paid' too much or too little. As time went, on we might insist on regrading, the-, idea being that it shall take place when the offices, changes his duties. . The commissioner- grades the officer, and has to take into consideration the office, also. The intention-- is. that unless there is- an . alteration . in. the original grade, the determination previously made shall not be altered. The honorable member has called attention.to the. fact that the words are a little wide, and perhaps it would be better, if. there, was- more particu-]arity. .

Mr ISAACS

- Does- "determine" mean more than that the. commissioner: has to declare what, the division-or -subdivision may be? I do not. know if- the.- intention of' the clause, is that the. grading., is? to be altered.

Mr DEAKIN

- It will alter the grading to some extent. Supposing . there be a man in. the fourth class, and. the commissioner were to say he is only doing fifth class work, that officer is entitled to his- salary, increment, and. accruing rights, though the come missioner may say that his office is.-fifth class*

Mr Isaacs

- I. do not' think that that comes- under this clause at. all.

Mr DEAKIN

- I take it this . clause is to enable the service. to be brought together and regraded on a uniform. plan. I move -

That the: words "from time to time line 1, be omitted.

Amendment, agreed., to. .

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Mr PIESSE

- Has the Attorney-General considered the- position, we may in the future, find ourselves in. if the commissioner should decide, to. regrade. officers, and thereby increase their emoluments- in any particular year when there is a. determination on the part of the Executive to have economy ? Will the officers be entitled to those higher salaries?

Mr Deakin

- If Parliament votes them - yes.

Mr. PIESSE.- Ought there not -to be something to prevent officers having claims to compensation? Such provision has been found necessary in other Acts.

Mr CROUCH

- In lines 6 and 7 of sub-clause (3) it is provided that the production of " such list shall be prima-facie evidence of the information contained." Should it not be " the production of such Gazette," &c, with "therein "added?

Mr Deakin

-i think that whenever we see " evidence " it means "prama facie evidence."

Mr HIGGINS

- In this connexion the Attorney-General will no doubt bear in mind the point to which the honorable and learned member for Indi referred on the second reading. Clause 67 is in conflict with the clause under consideration.

Mr Deakin

- I have a note of that.

Mr HIGGINS

-Clause 67 makes the Gazette conclusive evidence, while this clause makes the Gazette prima facie evidence.

Mr. DEAKIN

moved

That after the word " contained" in the last line the word " therein " be inserted.

Amendment agreed to ; clause as amended agreed to.

Clause 10 -

The commissioner or any inspector may at any time summon any person whose evidence appears to be material to the determining of any subject of inspection inquiry or investigation under this Act ; and any person so summoned shall attend at such place and time as is specified in such summons and produce any official or public books documents or writings in . his custody or. control material to the inquiry, and the commissioner or inspector may examine such person upon oath or solemn affirmation or declaration touching any matter to be inquired into.

The Chairman of any Board of Inquiry under Part III. of this Act shall unless otherwise prescribed have all the powers by this section conferred on the commissioner or any inspector.

If any person summoned pursuant to this section neglects or fails to appear or refuses to be sworn or to answer any question put to him by the commissioner or an inspector or a member of a Board of Inquiry or to produce all books documents or writings pursuant to such summons he shall be liable to pay a penalty not exceeding Twenty pounds to be recovered by any officer in any court of competent jurisdiction in the State in which such inspection inquiry or investigation is or was conducted.

Mr McCAY

- Would it not be as well in line 2 to insert the words "to him " after the word " appears"?

Mr Deakin

- Is it not clear enough?

Mr CROUCH

- I would move-

That in sub-clause (3), line 18, after the word "section" the words "after being tendered or paid his" reasonable/expenses " be inserted.

We -are giving the commissioner a very large power to inflict penalties up to £20, which penalties carry certain rights of distress, and expenses ought to be allowed.

Mr ISAACS

-Before we come to that, I would suggest to the Attorney-General the advisability of striking out in line 13 the words " or solemn affirmation or declaration."

Mr Deakin

- They are unnecessary.

Mr CONROY

-Sub-clause (1) contains a very dangerous power.

Mr. Deakin. - It is customary with us in Victoria.

Mr CONROY

- We have found that a similar provision in our Insolvency Act in New South Wales has been the means of harassing a great many people.

Mr Deakin

- Under this clause it is usually when business is done with the public that an outside person whose evidence is wanted' is summoned. The officer may have been intoxicated, or something of that sort, during the performance of his duty. The witnesses are bound to come in the public interest. We have had a similar provision in 'Victoria for many years, and in Queensland it has been in operation since 1896.

Mr CONROY

- It does not seem to have done very great injury, but powers of this kind should be looked upon with great suspicion. "Mr. Deakin.- We have had the Bill looked through by an officer who has had a great deal to do with the New South Wales public service, and he passed this particular clause. "Mr.

'CONROY.- I never saw -a public servant who did not recognise that there should be some such power, but this is too much altogether. There -should be some safeguard. -Mr. -Deakin.- The honorable member for Corio intends to move that the witnesses have their expenses tendered to them.

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Mr CONROY

- Why bring them at all ?

Mr. Deakin.- How are you to prove that a public servant was intoxicated, when he refused to issue a man's land grant or something of that sort? The selector may have been brought to Melbourne, and may have had to go back into the country many miles, his errand having been fruitless, through the negligence of a public servant.

Mr CONROY

- If there -was anything wrong the witnesses should be brought to a proper court. Such a power as this should not be given to any body of men. We ought not to constitute a new court. If we give this power to the commissioner we should certainly very seriously consider it.

Mr Deakin

- We have done it continuously for many years in Victoria, and no one has objected.

Mr CONROY

- If I understand the clause aright it enables certain people to be summoned to give evidence, say, to the effect that a civil servant was intoxicated on a certain occasion. Have we any right to give power to the commissioner or any inspector to summon any citizen of the State for the purpose of giving evidence?

Mr DEAKIN

- I do not think there is any doubt of that.

Mr CONROY

- What I object to is that we are constituting a new court altogether.

Mr Deakin

- Our professional men in Victoria have had power to appear before the board under a similar clause to this just as they appear before any other court. If that is so you must have witnesses summoned, and there must be power to summon them.

Mr CONROY

- I am against the clause altogether. It has been done without in New South Wales. I do not see what qualifications the commissioner can have for hearing and determining evidence. Trouble has arisen in New South Wales through the chairmen of lands boards - who, in one instance, was a man without any knowledge of law whatever - taking hearsay evidence. We had a trial which was protracted over 45 days to satisfy the curiosity of one or two gentlemen who were interested, and not less than five-sixths of the evidence taken was absolutely irrelevant. It would have been decided to be so by the courts.

Unsupported statements were freely made. Monstrous injustices could be done under such a provision. If you give the commissioner this power you are appointing another court that is absolutely unknown to us.

Mr Deakin

- It is well known to us in Victoria.

Mr CONROY

- It is not known in New South Wales.

Mr McCay

- There are a great many things you do not know in New South Wales. "

Mr Deakin

- I assure the honorable and learned member for Werriwa that this provision has been in operation for the last fifteen or sixteen years in Victoria, and I have never known a single complaint under it.

Sir William McMillan

- The question is whether you can go into another State and execute a clause of this character.

Mr Deakin

- There is no other State here : all the States belong to the Commonwealth.

Mr CONROY

- Under this clause you could bring a man from Western Australia to Melbourne. The power conferred is one which should not be conceded.

Mr Mauger

- What would the honorable and learned member substitute?

Mr CONROY

- I would strike out the provision, altogether. "Why should the commissioner have power to summon witnesses from outside the service ? In connexion with our ordinary courts circuits are arranged for the convenience of the people living at distances from the capital cities. But under this clause there are to be no circuits. A man may be brought from the interior of Australia to Melbourne.

Mr Deakin. - I do not intend to oppose the amendment of the honorable member for Corio.

Mr ISAACS

(Indi).- The honorable member for Corio could carry his point and secure a little more by inserting the words "without reasonable cause." That would cover not only reasonable expenses but anything else. A thousand and one circumstances might prevent a person from attending. If the words " without reasonable cause " were inserted, they would meet the case.

Mr Deakin

- I have no objection to the amendment, which would also meet the objection of the honorable member for Werriwa.

Mr ISAACS

- I move that after the word "if," line .17, the words " without reasonable cause," be inserted.

Mr. McCAY

(Corinella).- Would that amendment cover the case of a man who could not afford to attend ?

Mr Deakin

- Even then he is a witness, and his expenses should be paid.

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Mr McCAY

- A man might say simply - "I do not want to come," and might urge that there was a reasonable cause.

Mr McCOLL

- I suppose that this provision applies only to persons outside the service. It should not be permitted that a man within the service should be allowed to refuse to attend and produce his books, which are the property of the State, unless he were tendered a certain amount, it ought to be done more by regulation.

Mr Deakin

- We deal with officers by regulation.

Mr McCOLL

- The clause does not say so.

Amendment agreed to.

Amendment (by Mr. CROUCH) agreed to. -

That the words "after being paid or tendered his reasonable expenses " be inserted after the word "section," line .18.

Mr. CROUCH (Corio).- I would suggest to the Attorney-General that an addition is necessary to this clause. The honorable and learned gentleman is aware that boards have no power to enforce the attendance of any person. I think that to provide a penalty for non-appearance is not sufficient. I have had personal experience before the Public Service Board of Victoria, and I know that it has been impossible to

bring a man before the board simply because he refused to attend. I suggest that at the end of the clause it would be well to insert the words- " and such summons may be enforced by warrant."

Mr Conroy

- The honorable and learned member cannot make a man a witness, even when he brings him before the board.

Mr CROUCH

- It is very well for the honorable and learned member to make that statement. I think that the chairman of a board and this commissioner should have the right to enforce the attendance of any person by warrant. We give the same power to justices of the peace, and if witnesses will not attend they can be fined. If they refuse to pay the fine they can be imprisoned. I think that in this case there are far more important things at issue than are dealt with by mere £50 courts.

Mr Deakin

- I will consider that point.

Mr. McCOLL

(Echuca). - If this clause is not intended to apply to officers of the service it will be just as well to make that clear.

Mr Deakin

- It applies to any one so far as witnesses are concerned.

Mr Isaacs

- Is it not intended to give power to summon persons who are outside the service 1

Mr Deakin

- This includes both.

Mr McCOLL

- I think it should apply to only those who are outside the service. Officers should be dealt with by regulation. I move -

That after the word "expenses" the words "such person not being an officer of the service" be inserted.

Mr Deakin

- We would pay officers' expenses if we merely brought "them as witnesses.

Mr McCOLL

- That is a matter for regulation.

Mr Deakin

- It is a matter for regulation. I ask the honorable member for Echuca not to press the amendment. I will consider the effect of it, but it might go a good deal further than the honorable member imagines.

Amendment, by leave, withdrawn.

Mr. ISAACS

(Indi).- There is just one matter to which I would like to call attention. Under this clause any person may be sworn to answer any question, irrespective of whether such answer would incriminate him or not. In most cases it is usual to provide that a witness is not bound to incriminate himself ; or else it is provided, as in the case of the Insolvency Act., that any answer which he gives shall not be used against him. I think this clause is too wide and drastic as it stands, in the absence of such a generally protective system, as is found in most questions of law.

Mr THOMSON

- I wish to ask the Attorney-General whether it would not be well to recommit this clause 1 So many points have been raised in reference to it, that I think it is desirable to adopt the course which I have suggested.

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Mr Deakin

- I see that I shall have to reconsider this clause. I have three points upon which I have made a note already.

Mr. CONROY

(Werriwa). - I would point out that in regard to the penalty prescribed, sub-clause (3) says - He shall be liable to pay a penalty not exceeding .-£20, to be recovered by any officer in any court of competent jurisdiction in the State in which such inspection, inquiry, or investigation is or was conducted. It may occur that a man may be summoned from Kalgoorlie, and that he could show " reasonable cause "

there very well, but if the penalty is to be recovered by an officer here assuming that the inquiry is conducted in Melbourne, he would have to bring all his witnesses here to show that "reasonable cause" existed. How would it be to make the penalty recoverable in - the particular district in which the man resides?

Mr Deakin

- I will consider that question.

Mr. ISAACS

(Indi). - I suppose -the honorable and : learned .gentleman .observes that it is only official . or .public documents or writings that a witness is required to produce. If- any private person is compelled to attend to answer any question, is it advisable to restrict - the production of books . merely to official books? With reference to the penalty of :£20 which is to be recovered by any officer, I do not- think- that the term "officer "is denned.

Mr Deakin

- Yes.

Mr ISAACS

- .Any officer may recover the amount. It is not defined what particular officer shall sue. There is nothing to prevent any officer from suing of his own volition and putting the fine in his pocket.

Clause,.. as. amended,, agreed to.

Clause 1 agreed to.

Clause 12 -

The persons for the time being holding the several offices specified in the second schedule to this Act or any office which may be prescribed either in addition to or in place of any of such offices shall be permanent 'heads of departments.

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.

Mr. CROUCH

(Corio).- It is in view of the subsequent amendment which. I am going to propose, so .as to meet the desire of the honorable member for Wentworth, that I propose to make a suggestion here. An amendment will be proposed on clause. 21. The form- which. I suggested it should take was that, upon the recommendation of the commissioner, the. permanent. head, shall. also report.

Mr Deakin

-I have an amendment to come in before that.

Sub-clause (2) verbally amended.

Mr. CROUCH

(Corio).- -Before "the new sub-clause comes on," I desire to ask ..the Attorney-General if he has considered the question of the Defence department in its relation to ' the. permanent head as .provided by sub-clause (2). .The honorable and learned gentleman will notice that . it comes in on the schedule, and that -is --.where! I propose subsequently to make a possible amendment. . I can see that if the Attorney-General has . decided to keep the Secretary of the Defence department in the second schedule, it will 'certainly be necessary if the -secretary of that department is to be a permanent head, that the . permanent head shall not be responsible for its general working.

Mr DEAKIN

- It is quite true that the general .working of i the department over which* the Minister for "Defence will be responsible will differ from the general working of any other department. It is the Commandant who must necessarily have supreme control of the forces as such. All that is 'intended here, however, is' that) there shall -be .a person who shall be called the secretary of' the department, and<-shall have control of its civil business. That need not be a civil officer -so -far as the Bill is concerned. Owing to an unfortunate event, I have not had & n opportunity of fully discussing 'this. matter with my honorable colleague, .the Minister 'for Defence; but \L put it - to - the honorable ;and learned member ;that. in any case 'this clause -might -stand as- it does, because there is nothing to dictate as to who- shall be the head of this branch, and it need not imply .what he thinks it is intended to imply. .All that the sub-clause means is that the person, whoever it may be, shall be the person who shall be made responsible for the efficient state of the department. The .important question, that the suggestion should be discussed -would be better

dealt with in connexion .with 'another measure which -will- follow shortly. -

Mr. CROUCH

, (Corio).-4I move- ' That the following new sub-clause be added - "(3) He shall at the -request -of the commissioner report to Mm on any officer in his department."

would submit- this altogether apart from the -possible amendment which may be made subsequently to clause 21. It will give power -to the. commissioner to demand a report from the permanent head. It is a power which I -think he ought to have, although.! it may not be 'necessary to .use it. i In ordinary circumstances,' and with . things - working .properly, there is no necessity for the commissioner: to demand it ; but it is a power that he should have in his hands. If he desired to exercise it this subclause would enable him to do so.

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Mr DEAKIN

- I doubt whether this would be a proper sub-clause to introduce. The person who is entitled to require from 1 the permanent head a report as to any officer, or upon any other matter that he chooses, is the Minister, or, speaking of Ministers in their corporate capacity, the Governor-General in Council. It is part of the duty of the permanent head to report to his Minister upon any or every inquiry, in regard to the qualification of any officer, and if the commissioner desired such a report, no doubt it would be supplied by the permanent head at the mere request. In the special or extraordinary contingency of the permanent head refusing such a report, then all that the commissioner -would have to do would be to address himself to the Minister, who would order it to be given, and the permanent head would find it part of his duty to obey. I appreciate the object the honorable and learned member has in view, but I fancy on consideration he will see that it does not fit in with the scheme of management of departments to which we are committed, and it implies a relation between the commissioner and the permanent head which is not necessary

Mr CROUCH

- As the Attorney-General does not see his way to adopt the amendment, and as, if clause 21 is amended afterwards as I suggest, it will be quite possible upon some other occasion to insert this proposal, I would ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause, as amended, agreed to.

Clause 13 (Chief officers of departments in States).

The persons for the time being holding in any States such offices as may be prescribed shall be chief officers of departments.

The chief officer of a department shall have and may exercise and perform within the State for which he holds his office such powers, authorities, and duties as are prescribed or are assigned to him by the Minister of such department.

In the absence of a chief officer a chief clerk appointed for the purpose by the Minister shall perform the duties of such chief officer, unless it is otherwise directed by the Governor-General as hereinafter provided, and everything done by such chief clerk shall be its good and effective for all purposes and against all persons whatsoever as if done by such chief officer.

The permanent head of a department may in any case in which he thinks fit so to do exercise any or all of the powers conferred by this Act on a chief . officer, and in such event any reference in this Act to a chief officer shall unless inconsistent with the context be taken to refer to such permanent head.

Mr PIESSE

more exactly what I understand is the intention of the Bill.

Mr Deakin

- I propose, as an alternative method of reading -

The persons for the time being holding in any State such offices as may be prescribed shall.in such State be chief officers of the departments.

Mr PIESSE

- On that point as to limiting; these officers to a State, I am not quite certain whether that will not hamper the administration of the Act. In the future it may be . necessary, in the larger States at any rate, to have th: services divided into more than six departments for administrative purposes. The present proposal, I

understand, is to make six departments for administrative purposes, and to have a chief officer in each department, which will be in each case a State. But it may be that the larger States, at any rate, will require to be subdivided, and if the clause is passed without making these officers especially referable to States, it will then meet the contingency. The Attorney - General will see that it is a matter of convenience. The clause should be amended, and I move -

That all the words after the word "the," in sub-clause (1), be omitted, with a view to insert in lieu thereof the following words : - " chief officers of departments shall be those persons who for the time being hold the offices which may be prescribed as constituting the holders thereof ex officio chief officers of departments."

Mr DEAKIN

- I think, on the whole,, that the argument of the honorable member is a sound one, and that we may as well take the liberty which his f him of words will allow. That contingency had not presented itself to my mind as one likely to be effective immediately. At the same time I cannot say but that the contingency may arise in Queensland or Western Australia.

Mr Piesse

- And in the case of the Northern Territory.

Mr DEAKIN

- We may as well provide for it.

Amendment agreed to.

Mr Piesse

- It will be necessary for an alteration in the heading to be made.

Mr DEAKIN

- That will be done.

Amendment (by Mr. Piesse) agreed to -

That the words " within the State for which he holds his office " in sub-clause (2), be omitted.

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Mr McCAY

- I do not quite understand in what part of the Attorney-General's scheme the assignment of duties by the Minister is to come in.

Mr Deakin

- I shall take the permanent head if the honorable and learned member likes.

Mr McCAY

- I think it ought to be the permanent head.

Mr Deakin

- I have a note of it here.

Mr McCAY

- I move-

That the word " Minister," in sub-clause (2) be omitted, with a view to insert in lieu thereof the words "permanent head."

Sir JOHN QUICK

- I propose to invite the attention of the committee to this sub-clause in order to elicit an expression of opinion as to what are the proposed powers, authorities, and duties which may be prescribed to the chief officer of a department in a State, and to suggest a word . of caution against investing chief officers or any of them in distant and remote parts of the continent with too great powers, duties, and authorities. A very conspicuous illustration occurred only a few days ago of the manner in which chief officers are disposed to exercise their powers in the absence of the controlling influence of the Minister. From a report in the Melbourne newspapers of the 14th June, I noticed that a deputation from Western Australia, composed of members of this Parliament, waited upon the Postmaster-General and brought under his attention what appeared to be certain tyrannical conduct on the part of the Deputy Postmaster-General in Western Australia. Availing himself of the absence of a controlling Minister, that officer seemed to have busied himself in a very remarkable manner in order to dispose of certain telegraph operators who belonged to an association in that State for the mutual benefit of telegraph operators.

Mr Mauger

- The man is 100 years behind his time.

Sir JOHN QUICK

- Regarding these gentlemen as somewhat obnoxious to his rule, the Deputy Postmaster-General seemed to have devised a scheme for separating what, I suppose, he considered a gang, by sending them to different and somewhat remote parts of that State, and thus breaking up the association. Fortunately, it seems to have been brought under the notice of the representatives of Western Australia, and they waited on the Deputy Postmaster-General, and drew his attention to the fact that these men were being penalized by the head of the department, who is to be a chief officer under this Bill. I want to know whether under the Bill the chief officer in Western Australia, or, it may be, in some other remote part of the Commonwealth, is to be invested with such autocratic powers as will enable him to tyrannize over officers in that way. I think it will be as well to put some limit on the powers and authorities which may be conferred on chief officers either by this Bill or by the permanent head. I am sorry to notice that the honorable and learned member for Corinella proposes to enable the permanent head to vest powers and authorities in the chief officer, and I would suggest to him the propriety of reconsidering that proposal in view of the possibility of the delegation of powers of an undesirable character to such an officer. If there is to be any delegation of powers and authorities, apart from the limitations of powers and authorities as given by the Bill, it ought to be done by a responsible Minister. I certainly think? - and I suggest for the consideration of the committee - whether we ought not to limit the powers of the chief clerk and not allow him either to suspend an officer or to remove him from his appointment.

Sir William McMillan

- He cannot remove him.

Sir JOHN QUICK

- We want something more than mere responsibility. We want to prevent a scandal such as this. It is an illustration of what may be done under bureaucratic or departmental government; and I hope that the committee will not allow a wholesale delegation of authority to the chief officers, but will put in a specific limitation.

Mr.. McCAY

(Corinella). - I think there is a good deal in what the honorable member says, and perhaps the case would be met by striking out the words "or as are assigned to him," I think it is very desirable that the Government should prescribe by regulation what are the duties of the chief officers, but that will be sufficient without the other and wider provision now in the clause. I hope the honorable the Attorney-General will see his way to agree to the alteration.

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Mr DEAKIN

- I am sorry to say that I cannot. If the duties of the chief officer are to be prescribed, it will probably be assumed that they are to be prescribed by regulations which will apply to all chief officers, and that may prevent the very discrimination which it may be desirable to exercise with regard to some of the chief officers. For instance, we may have a chief officer who* is either a very old or a very trusted servant whom it may not be desirable or necessary to keep in check in the same way as a young and impetuous officer. Then, again, it might be desirable to allow a chief officer immediately under your own eye a wider responsibility than one more remote, or under a special combination of circumstances, the positions might be reversed, and the officer close at hand might require to be specially controlled, whilst the one in a remote locality might be allowed a free hand. The words "or as are assigned " are intended to allow the exercise of this discretion. It is quite right that we should prescribe the main duties of the principal officers by regulation, but it is necessary that we should have the power to assign to them other duties as occasion may require. If it should happen, for instance, that the Commonwealth took over the control of any island in the neighbourhood of the continent, it might be that the chief officer would require to be clothed with very special authority. What we wish everywhere throughout this measure, if it can be reasonably done, is to allow of elasticity in connexion with the endowment of officers with power. It is necessary to know the men to be able to discriminate between one and the other, and I would ask the honorable member to abandon the idea of striking out the words which it is suggested should be omitted. Referring to the remarks of the honorable member for Bendigo, I would point out that just as the officer referred to by him has been dealt with, so would any officer who overstepped his duty be called to

account.

Sir John Quick

- If an officer is not to be allowed to come to a Member of Parliament and state his grievance how is the matter to be rectified 1

Mr DEAKIN

- Under the Bill he can appeal to the head of the department and then to the inspector, who is charged with the special oversight of all such questions, and the inspector, who will be within the limits of the State, will have an opportunity of investigating the cases as they occur. Consequently the officer will have open to him two channels by which he can reach the Minister, and beyond this there is the channel of the public press by which he can reach even Parliament itself. Whilst honorable members have 'called attention to the extent to which powers may be abused, I would point out that abuses are possible everywhere, no matter how the area of authority may be restricted. The commissioner will be able to deal with such cases as that which has been referred to. To attempt to deal with or prevent such abuses of authority by statute would be a mistake.

Mr ISAACS

- I think there is a great deal of force in the point which has been put forward, and I would ask the Attorney-General to consider whether the words " as are assigned" do not give almost carte blanche. It may be that it would be only necessary to merely assign certain powers in order, to legally clothe the officers with such powers, and I do not think that can be intended.

Mr Deakin

- Yes.

Mr ISAACS

- But there is no sort of limitation here. ' Surely what is meant is that only administrative powers should be conferred upon these officers.

Mr Deakin

- The permanent head cannot, of course, assign to the chief officers duties which do not belong to himself or to the officers-

Mr ISAACS

- 1 1 seems to me that some qualification ought to be inserted with reference to the powers and duties and authorities with which these officials are to be endowed, otherwise it will only be necessary to prescribe any authority, duty, or power, in order to make it legal. The honorable the Attorney-General might, I think, insert the word " administrative," * or a word of similar import.

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Sir WILLIAM McMILLAN

- 'We must be very careful in dealing with this measure in order to avoid paralyzing the administration so necessary in a large continent like this. Some reference was made by the honorable and learned member for Bendigo to a case where injustice had been done to certain officers. Under this Bill the officers will be bound by the rules of the department, and we shall have a system of inspection under which all grievances on the part of subordinates may be made known, but any one who has had .wide experience of administration must know that the work cannot be limited in every detail. We must to some extent trust to the Ministers and to the effect of the powers of the commissioner under this Act to guard against anything outrageous occurring in the way of abuse of the powers

I conferred. If we hamper the Government at the outset it may lead to great trouble in the future.

Mr HARPER

- The case mentioned by the honorable and learned member for Bendigo really shows the necessity for passing this measure. Abuses may take place in any department of the service and by any officer; but we are now passing a Bill which will bring the officers in every grade under authority, which will ultimately carry them to the commissioner, and if necessary to the responsible Minister. I know nothing of the case which has been mentioned, but it seems to have been one in which there was an unreasonable abuse of power and no doubt the officer will be called to account for it. How much more, however, would he have been called to account if under this measure the aggrieved parties had had an opportunity of appealing to the inspectors and bringing their case right before the commissioner. It seems that the instance quoted by the honorable and learned member for Bendigo has no relevancy, and I quite agree with the honorable

member for Wentworth, Sir William McMillan, that we should make the provisions of the Bill as elastic as possible, whilst providing machinery by which any abuse can be dealt with by the commissioner free from political influence, and can where necessary be brought before' the responsible Minister.

Mr McCOLL

- I am not familiar with the circumstances of the case mentioned by the honorable and learned member for Bendigo, but probably it occurred during the time that the department was in the stage of transition between the State and the Commonwealth and there was no Minister in control of the department.

Sir John Quick

- No; it was on the 11th of June.

Mr McCOLL

- However, we must be very careful how we weaken the grip of the various officers upon their departments. As one who has been a Minister of a department, I know how important it is to maintain the fullest authority, and so far as the post-office is concerned, it is a very peculiar department to work. It has an enormous number of hands and very strict and rigorous discipline must be maintained. The chief officer under this Bill will, no doubt, correspond with what we call the chief clerk under our departments, and there are a number of small matters in connexion with the control of officers that must be left to these chief officers.

We do not want to permit of tyranny, but we must not weaken the control of the more responsible officers over the affairs of their respective departments.

Mr E SOLOMON

- I agree with what has been said in regard to the Postmaster-General at Perth. That gentleman has had autocratic power in the past, and he has used it to the fullest extent ; but I take it that now that the control of the post-office has been transferred to the Commonwealth he will cease to be autocratic. I think that there should be a commissioner in each of the States.

Mr Deakin

- The officials who act for the commissioner in the States are termed inspectors in the Bill.

Mr. BATCHELOR

(South Australia).I am not quite satisfied with the clause as it stands. It seems to me that the provision which we have made for the control of appointments and transfers by the commissioner and his inspectors may, under this clause, be set aside in favour of the chief officers of the departments.

Mr Deakin

-No; it is only the commissioner who may do anything of importance.

Sir William McMillan

- The clause deals with the ordinary administration of the departments.

Mr Deakin

- Yes, that is so.

Mr BATCHELOR

- Then why does the Attorney-General object to the insertion of the word "administrative"?

Mr Deakin

- I am considering whether that or some similar word should not be inserted. The power given to the permanent head under the clause is the power to assign certain duties to a particular officer. The permanent head of the department ought to be in a better position to do that than any one else would be in, and if he errs the Minister can call him to account. He will trust one of his chief officers to a certain extent, and another to a certain extent.

Sir William McMillan

- It is only a matter of distributing duties.

Amendment agreed to.

Clause similarly amended in line 1.0.

Mr McCay

- The words " as hereinafter provided " occur in line 1 3. To what subsequent clause do they refer?

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Mr Deakin

- I think to the regulation clause.

Mr. ISAACS

(Indi).- I should like the Attorney-General to give his attention to

the words " conferred by this Act." which occur in sub-clause (4). A chief officer may have powers which are not conferred by the Act, but are given to him by regulation.

Mr.Deakin. - Powers given to him by regulation will be powers conferred by this Act.

Mr ISAACS

- The words "conferred by this Act " have been used in a different sense. I think it would be better to strike out the words "conferredby this Act on" and to substitute the word " of."

Mr Deakin

- I think that would be a better expression, and will consider the matter.

Clause, as amended, agreed to.

Clause 14 (Officers of Parliament).

Sub-clause (3), amended to read as follows : -

The officers of the Senate, the officers of the House of Representatives, the officers of the Parliamentary Library, and. the officers of the Parliamentary Reporting Staff shall be deemed to constitute separate departments under this Act.

Clause, as amended, agreed to.

Clause 15 agreed to.

Clause 16 - (!) The special division shall include all permanent heads of departments and all chief officers of departments, and also all persons whose offices the Governor-General directs to be included in such division.'

The professional division shall include all officers whose duties require in the person holding or performing them some special skill or technical knowledge usually acquired only in some profession or occupation different from the ordinary routine of the public service, and whose offices the Governor-General directs to be included in such division.

The clerical division shall include all officers whose offices the Governor-General directs to be included in such division.

The general division shall include all persons in the public service not included in the special, or professional, or clerical division.

Sir WILLIAM McMILLAN

- Why has the Attorney-General put in lines 3 and 4, the words "and also all persons whose offices the Governor-General directs to be included in such division V Why is that latitude given ?

Mr Deakin

- Certain of the departments, for instance the department of the Home Secretary, will combine a great many other departments which will be called subdepartments, the heads of which it may be desired to include in the list.

Sir WILLIAM McMILLAN

- Would it not be well to have the recommendation of the commissioner? This clause seems to give a power of doing something outside the commissioner.

Mr DEAKIN

- The Governor-General does nothing without the report of the commissioner, and will only do this on a report from the commissioner.

Sir William McMillan

- The commissioner may report;

Mr DEAKIN

- The Governor-General does nothing without the report of the commissioner.

Mr Thomson

- Not necessarily.

Sir WILLIAM McMILLAN

- The commissioner has power to report.

Mr Deakin

- I do not regard this as a question of importance.

Sir WILLIAM McMILLAN

- I think the Attorney-General might insert the words " subject to the recommendation of the commissioner."

Mr. HIGGINS

(Northern Melbourne).I have marked this as a clause which may introduce political influence in a manner the House does not want. There are special powers in regard to special divisions. Clause 27 provides that in dealing with the special division there is power, with certain safeguards, to appoint people from outside the service. Supposing pressure were brought to bear on a Minister to appoint a man, all the Minister would have to do would be, without consulting the House, to declare that a certain office is hereafter to be deemed held by special officer ; and then he might appoint, or he might use the powers contained in clause 27. If the Governor-General, which means the Ministry, intend to declare any office or any person as within the special division, it ought to be by resolution of this House, or the other House, or both Houses. We ought not to have to interfere after the act has taken place, but before the act has taken place, and it would be a very strong case before there could be any including of an existing officer in a special division.

Mr Deakin

- The honorable member wants more than the recommendation of the commissioner.

Mr HIGGINS

- Yes.

Mr Deakin

- The recommendation of the commissioner is the present proposal.

Mr HIGGINS

- I agree with the honorable member for Wentworth that it is' not a condition precedent to appointment that the commissioner should report.

Mr Deakin

- It is his duty to report.

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Mr HIGGINS

- It is quite competent for the Governor-General, who is the Minister, to act in spite of the report.

Mr Deakin

- Yes.

Sir William McMillan

- Or before the commissioner has time to report.

Mr HIGGINS

- Yes ; there is no provision that the Minister shall not act without the recommendation of the commissioner. I agree that if the words "which officers the Governor-General on the recommendation of the commissioner" were inserted, that would be a certain safeguard.

Mr DEAKIN

- I am willing that those words should be inserted. I move -

That after the word "Governor-General," in line 3, the words "on the recommendation of the commissioner" be inserted.

Amendment agreed to.

Sub-clause (2) verbally amended.

Sir WILLIAM McMILLAN

- Would it not be well to insert the words " on the recommendation of the commissioner " in each of these sub-clauses ? This, of course, brings out very fully the main defect of the Bill. We ought to have in some place or other a very complete recapitulation of the powers of the commissioner.

Mr Deakin

- The whole Bill is full of the commissioner.

Sir WILLIAM McMILLAN

- I shall have to refer to this again when we attempt to exclude the permanent head from a great deal of the work he is supposed to do. There is an enormous amount of repetition which might have been avoided by properly indicating the powers all round of the commissioner. If the Attorney-General has no

objection, the words I have suggested might be inserted in the sub-clauses.

Mr DEAKIN

- The words suggested can go in sub-clauses (2) and (3), but in sub-clause (4) they are not necessary. I move - ' That in lines 12 and 15 the words "on the recommendation of the commissioner " be inserted after the word " Governor-General."

Amendment agreed to ; clause as amended agreed to.

Clause 17 -

The officers in the special division (except in the case of officers paid at a specified rate by virtue of any Act) shall be paid such salaries as may be provided in the Annual Appropriation Act.

Mr Isaacs

- In view of what has happened in the last few days is it wise to say that salaries or "such salaries as may be provided in the annual Appropriation Act " ? We may have other Appropriation Acts.

Mr Higgins

- We shall have several.

Mr DEAKIN

- I do not know that we provide salaries in them.

Mr Isaacs

- We have had one already.

Mr DEAKIN

- That was a special Appropriation Act for a half-year. I am not concerned about the word "annual." I move -

That in line 4 the word " annual " be omitted.

Mr HUME COOK

- Does the wording of this clause deal with salaries in such a way that Parliament cannot review salaries of the special division?

Mr DEAKIN

- This clause is intended to put the salaries in a certain sense outside the schedule given at the end. These are the highest officers, paid the highest salaries, and are absolutely under the control of Parliament.

Mr HUME COOK

- But has Parliament the right to review the salaries paid those men, if such review be thought necessary?

Mr DEAKIN

- Like all the higher salaries; yes.

Amendment agreed to; clause as amended agreed to.

Clause 18 -

In the professional division and general division (except in the case of officers paid at a specified rate by virtue of any Act) the officers shall be paid such salaries and wages in accordance with such fixed amounts or scales as may be prescribed.

Mr CLARKE

- I notice that in the clerical division the classification has been taken from the report of the Royal commission on this subject in Victoria.

Mr Deakin

- It is the Victorian standard in the Victorian Act.

Mr CLARKE

- I do not think it is an Act, but a report brought in by the Classification Board on the Public Service. I notice that the classification laid down in that document is adopted here without any alteration whatever. I should like to ask the Attorney-General whether it is not possible to adopt a similar classification to that which has been adopted here for the professional division? It seems to me rather objectionable to leave the grading and salaries of professional officers subject to regulations. What is the reason? There may be some cause for it.

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Mr DEAKIN

- One of the reasons is that it has always been the custom to leave the professional officers to be dealt

with in' a different manner. There is a great difference between State Governments and the Federal Government in regard to the amount of professional employment they. respectively require. So far as we can judge the Commonwealth will need very few professional officers. Therefore no elaborate classification is required. There may be a few professional officers in connexion with the Public Works department and the Attorney-General's department, but beyond this I do not know that they will be required, and it is not necessary to set out a schedule for them. Besides that, there is the difficulty of setting forth the salaries of professional officers. They are not in a grade like clerical men. If you dealt with them as a whole, you would have to provide for such varying cases as a chemist, a land surveyor, a barrister, a civil engineer, and so on. There is no common classification.

Mr CONROY

- I think advantage might be taken here to furnish a schedule which would provide-1 -

Mr Deakin

- For all professions'?

Mr CONROY

- No, but for an annual increment.

Mr Deakin

- - That comes later on. The honorable member for South Australia, Mr. Poynton, has an amendment for that purpose.

Mr CONROY

- It will be difficult to deal with the matter, I know. I was unaware that an' amendment had been framed. The amendments upon the Bill are larger in bulk than the Bill itself, and it is difficult to refer to them.

Mr. BATCHELOR

(South Australia).I am not so much concerned about the professional division. There is no doubt that whether we fix a classification in the Bill or whether the subject is left to regulation, the salaries of the professional officers will be adequate. It is the general division that requires to be provided for. There is no getting away from the fact that we are fixing up the classification of the clerical division by Act of Parliament, whilst the general division is to be subject to the special needs of the Treasury from year to year. The wages are to be fixed as may be prescribed by regulation and the regulations can be altered by the Government.

Mr Deakin

- The regulations are not likely to be altered by any Government.

Mr BATCHELOR

- They have been altered in the States, and it is quite as likely that they will be altered under the Commonwealth. One matter I should like to see provided for in the Bill is that at least the amounts fixed by the wages boards for like employments ought to be paid by the Commonwealth Government. The Government of the Commonwealth ought, at least, to pay as much as is determined by the- wages boards of trades to be paid for similar work in private employment.

Mr Deakin

- -The honorable member for Melbourne Ports has a motion on the paper for the purpose of giving an instruction to the Government to that effect.

Mr Higgins

- Will the Government accept the suggestion?

Mr Deakin

- I hope so.

Mr BATCHELOR

- We may never reach that motion.

Mr Deakin

- I think we shall.

Mr BATCHELOR

- If we want to discuss this subject, now is the time, when we are dealing with the public service in regard to the general division. There are tradesmen in the post-office, concerning whose trades the wages boards have fixed minimum rates. We have no guarantee that the Government will not undermine those rates of wages.

Mr Deakin

- I think the honorable member may be perfectly satisfied on that point.

Sir William McMillan

- The honorable member can safely trust this democratic Government.

Mr BATCHELOR

- Then we might as well trust the Government with regard to the clerical division. The . general division have no safeguard at all. The only reason that prevents my moving an amendment upon the subject is that the rates of wages may differ in the various States.

Mr Deakin

- There are no wages boards in New South Wales and Queensland.

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Mr BATCHELOR

- There will be soon...

Mr. MAUGER

(Melbourne Ports). There is a great deal in the contention of the honorable member for South Australia. In the State of Victoria we have, in connexion with the Railway department, ship carpenters who are engaged in making telegraph poles. They are paid nine shillings a day. Men in the Post and Telegraph department doing similar work for the Commonwealth, are only paid eight shillings a day - and that notwithstanding the fact that the State" Parliament decided that they should be paid at the same rate in that department as in the Railway department. Perhaps the Attorney-General will make a note of that point, and see that these men are paid the extra shilling a day. I am strongly of opinion that something ought to be done in the direction suggested by the honorable member for South Australia,

Mr. Batchelor.

Mr Conroy

- What is the name of the honorable member's constituency ?

Mr MAUGER

- My -constituency is - . wherever there is a man who needs help.

Mr Deakin

- A very wide one !

Mr Isaacs

- "The whole world is my parish."

Mr MAUGER

- I hope the Attorney- General will make a note of the point, and see that the men in this division are paid at any rate the minimum wage arranged for by the wages boards.

Mr Deakin

- I will see if it is one of the " existing accruing rights."

Mr TUDOR

- This is one of the clauses to which I referred on the motion for the second reading. I believe that the men in the general division need to be looked after more than those in the clerical division. The men who receive the highest salaries are generally in a position to look after themselves. There are men employed as temporary porters in the post-office who .are getting 1s. a day less than the minimum for permanent porters, although they are doing the same work.

Mr Deakin

- This is not the temporary employment clause.

Mr TUDOR

- I am pointing out that in the general division it should be fixed that the officers employed should be paid a fair minimum wage. I had an amendment to move similar to that of which the honorable member for Corio has given notice, but I am quite willing that we should take the vote on clause 20. I know there are men who are doing temporary work and who are not being treated as they would be if they were permanent hands. I think those men should have the same measure of justice meted out to them that they would receive if they were in the permanent employ of the department. I know that some men who have returned from South Africa have not received a half holiday since' they were temporarily employed; they have not even received any of the gazetted holidays. I think that this matter should be looked into

when we come to that part of the Bill. I just raise the point, here as it relates to the wage to be paid to officers in the general division.

Clause agreed to.

Clause 19 -

The clerical division shall be divided into five classes. Each of such classes shall be subdivided as set forth in the third schedule to this Act, and the rate of salary of an officer, whether male or female, in a subdivision of any such class shall be that assigned to each subdivision in such schedule for males or females, as the case may be.

Mr CONROY

- On the second reading of the Bill I pointed out that if women were doing the work of men they ought to receive the same rate of pay. I -think that the schedule ought to be amended in that respect. Of course, if women cannot do the work of men they should- not receive the same rate of - pay, but otherwise I do' not think that they should be subject to" any special disability. I think this is the proper place to mention the matter. If women perform equal duties with men, go through the same examination, are governed by similar regulations, they ought to receive the same remuneration. If they are. not able to understand the duties and to discharge them satisfactorily, they should not be employed at all. Where they are employed and can do the work equally . well with men I think that no disability should be placed upon them. I ask whether the Attorney-General proposes to retain the schedule exactly as it stands 1 Honorable members will see that no woman can reach a salary higher than- £110 per annum without going through a further examination- whilst the men can run up to £160.

Mr CROUCH

- I would point out to the Attorney-General that there is no provision in this Bill that women who marry shall not continue to be employed. It seems to be a principle adopted in a good many of the State services that as soon as a woman is married she shall give up her position. I agree with the arguments presented to the committee by the honorable member for Werriwa, but if he wishes to attain his object I would suggest that he can do so by striking, out all the words after " males " in line 7.

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Mr DEAKIN

- I have made some inquiry in regard to the only department of the Commonwealth which, as far as I know, contains female employes, namely, the post-office. There, I am assured by the officers in charge that the salaries as graded when compared with the salaries of men represent the proportion of work done. I observe by the reports in the public press that at a meeting of the executive heads of the post-office the other day it was discussed, if not decided, that in future no employment should be given to telephone operators or other female employes, because it was found that on the whole male labour was more . effective and cheaper even at the higher rate. That being the experience, and seeing that the female employes are paid in proportion on the same scale as the men and that if anything they have the advantage, it does not appear desirable to alter the rates. If the- executive officers of that department carry out their intention, there will be no need for this third schedule nt all.

Mr CONROY

- Would not this be the 25roper place to provide for a system of annual increments ?

Mr DEAKIN

- No. That will come later on. I will show the honorable member where.

Mr McCAY

- I wish to draw the Attorney-General's- attention to the question of the employment- of female labour. I understand that certain telephone operators who were not good enough for their work have been- allowed to enter the clerical division. Consequently they are eligible to reach a salary of £110, whilst those who were good enough to be retained in the telephone department can only reach a salary of £84. It is a remarkable result that persons who fail to do certain work efficiently are eligible to attain to a higher salary than those officers who are efficient.

Mr FULLER

- It is not clear under this clause -whether officers coming in and receiving salaries other than those specified in the schedule are to have their salaries increased or reduced.

Mr Deakin

- The honorable member refers to transferred officers ?

Mr FULLER

- Yes.

Mr. Deakin. - They bring their salaries with them. Their salaries cannot be reduced, but they may be increased - a very fortunate position for them. If their duties are graded higher they will be paid better ; if graded lower they will not be reduced.

Mr EWING

- I wish to ask if the words "whether male or female" after the word "officer" are absolutely necessary? If they pass now, it seems to me that we close the question with regard to the payment of women at the same rate as is paid to men.

Mr Deakin

- Unless we alter the schedule when we come to it.

Mr EWING

- Does the Attorney-General mean that by altering one of the . schedules we can bring about uniformity ?

Mr Deakin

- Yes ; but I hope the committee will not do it.

Mr. CONROY

(Werriwa). - I beg to move -

That the words " whether male or female " in lines 4 and 5, and the words "for males or females as the case may be," in lines 7 and 8, be omitted.

Mr EWING

- Let us have the discussion upon it later on ! We have not made up our minds about it yet.

Mr CONROY

- If the Attorney-General assures me that it can be dealt with as thoroughly later on I shall be content to withdraw the amendment.

Mr Deakin

- Yes it can.

Mr CONROY

- Under the circumstances I will withdraw the amendment.

Amendment withdrawn.

Clause agreed to.

Clause 20 -

Notwithstanding anything contained in this Act the Governor-General may from time to time fix the rate of salary to be paid to an officer at any sum within the limits of the class or grade of his office, and such sum shall be the salary attached to such office, and such officer shall not be promoted to a higher salary within such class or grade whilst he holds such office.

No order shall be made so as to diminish the rate of salary received by the occupant of any office at the time of making such order.

Amendment (by -Sir William McMillan) proposed -

That after the- word "may," line 2, the following words be inserted, "on the recommendation of the commissioner."

Mr DEAKIN

- Does the honorable member see that we are here proposing to fix the salary definitely ? It is not a case of political favoritism, because it means stopping a man from getting the increase he might otherwise receive.

Mr. HIGGINS

(Northern Melbourne).The purpose of this clause- is to enable the Governor-General to fix the rate of salary to be paid to an officer within the maximum and minimum of his class.

Mr Deakin

- He is not to get a higher salary while he. holds such office.

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Mr HIGGINS

- This is a device which has been used in one State to reduce the maximum. There is a carefully prepared

schedule which sets out the maximum, and then, when the Government want to retrench they suddenly come upon a man and say - "Look here, we will not allow you to go to the maximum j we will stop you at the salary you are getting." I have never known this power to be exercised for any reason other than retrenchment, and it seems to be a device which enables a Ministry to reduce a maximum which has been fixed by Parliament or by the authority of Parliament. I desire to ask the Minister" in charge of the Bill whether, after his eighteen years' experience of the Victorian Act, he has found this power to be necessary or useful. I have known it to be exercised frequently, but never justly. Either the scale is wrong, in which case the whole scale should be revised ; or else the scale is right, in which case the man ought to have his salary fixed.

Sir William McMillan

- What is the case in which it would occur 1

Mr HIGGINS

- I do not know. The only case in which I have known the power to be used was a case where a Ministry wanted to retrench.

Mr Thomson

- To stop an automatic advance.

Mr HIGGINS

- Yes. If it is to be done the office should be reclassified or readjusted to meet the circumstances.

Sir William McMillan

- It ought to be done on a plan.

Mr HIGGINS

- Yes. Honorable members will observe that it is not the fixing of an office, but an officer at a certain scale, and it comes as an injustice to an officer to be told - " You personally are to have your increments stopped." I feel that although it is extremely important to try and get the best men we can, and to give them the best salaries, with the great body of the service there is nothing breeds so much contentment as to be able to look forward to steady increments.

Mr Deakin

- That is the case either in or out of the service.

Mr HIGGINS

- Yes, we all like increments.

Mr Thomson

- This Bill does not provide for .automatic increments.

Mr HIGGINS

- It provides for grades. Clause 20 refers to the general as well as the clerical division, and the general division may be paid salaries and wages on such scales as may be prescribed. I apprehend that these scales will be with increments.

Mr Deakin

- Does the honorable and learned member refer to the scale at the end of the Bill 1

Mr HIGGINS

- Yes.

Mr Deakin

- There are increments, but not increments to be payable by mere lapse of time. They are to be payable on recommendation.

Mr HIGGINS

- Is that meant to apply mainly to the clerical division ?

Mr Deakin

- Mainly.

Mr HIGGINS

- I do not know why there should not be steady increments from time to time.

Mr Fuller

- If the person deserves them.

Mr HIGGINS

- Yes ; as a man gets up in j 'ears he ought to be able, by his care and attention to duty, to look forward to

an increase of salary, and I would ask the Minister whether he feels this clause to be essential at all.

Mr DEAKIN

- I promise the honorable and learned member that I will make more inquiry into this matter than I have hitherto done. We find the clause in the Victorian statute, and, I think, in another statute. The necessity of the clause is that there are positions in the clerical and other divisions the duties of which are worth no more than a certain remuneration, no matter who holds them.

Mr A McLEAN

- In Victoria the provision is often exercised in regard to country post-offices.

Mr DEAKIN

- It is thought that whoever holds such a position, the duties attaching will never be worth more than a certain amount, and consequently for all time the salary is fixed at that amount.

Mr Higgins

- The salary for the officer, that is, for the person, is fixed. There might be some force in it if it applied to the office.

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Mr DEAKIN

- There are in Victoria, for instance - and there may yet be cases under this Bill - increments which become due to officers, even if you fix them in a certain office. There are the long-service increments, for example, which fall in to them by mere lapse of time. It occurs, I believe, in the post-office, as the honorable member for Gippsland, who has considerable knowledge of that department, has said. This provision is frequently in use there. It was commended to me by the draftsman of this Bill, who has had great experience

I in the public service, as being desirable.

But points have been raised which require more knowledge, and I will inquire whether it is desirable to retain the clause in its present form. I would ask the honorable member for Wentworth whether, having noted that this clause is intended to stop all advances, he thinks it is necessary to press his amendment "

Sir William McMillan

- I do not see how that can affect the question at all, if we take up the general principle that everything should be done on the recommendation of the commissioner.

Mr Isaacs

- I would point out to the Attorney-General that in the Bill power to fix the rate of salary is given to the Governor-General. In the Victorian Act it is done on the recommendation of the Public Service Board.

Mr DEAKIN

- Yes, I see that is so, and it supports the view of the honorable member for Wentworth.

Mr THOMSON

- As I understand this clause, it is intended to stop automatic increases.

Mr Deakin

- Any increase.

Mr THOMSON

- Where is the necessity for the clause if the grading is to be done yearly by the commissioner without giving increases unless the commissioner sees fit. I could quite understand the adoption of the power in the Victorian Act, because at one time there was a provision in the Victorian Act for annual automatic increases, no matter whether the office was changed or not. There was in the Victorian service an annual increase when a man got into a class, and therefore a provision of that sort was necessary to stop undue inflation of salaries throughout the service. There is no such provision in this Bill.

Mr Deakin

- Not so far as the clerical division is concerned. It may be in the general division, but that is not very probable.

Mr THOMSON

- It has not been provided so far.

Mr Deakin

- No.

Mr THOMSON

- Then I do not see the necessity for the clause, which simply enables the commissioner and the Governor-general to do what the other provisions of the Bill enable them to do.

Mr Deakin

- I will look into that point, too.

Mr CLARKE

- This clause may be used in a manner which would fall very unjustly upon postal officials in remote parts of the Commonwealth. It often happens by a mere accident, and by the turn of the tide in the public service, that a very efficient officer is sent to an out of the way office where the revenue derived is low. The practice has been in the public service of New South Wales to grade the salary of that particular officer according to the revenue derived from the office, and I have known officers, who have been 20 and 25 years in the service, to receive the munificent salary of £90 a year.

Mr Deakin

- In what department?

Mr CLARKE

- In the Postal department. All the representations which have been made have been ineffectual in getting justice for these officers. I think, without actually condemning this clause, it might possibly be turned in the direction of doing a very serious injustice to a large number of very deserving public servants.

Mr Deakin

- But if the duties of the office are only worth that amount 1

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Mr CLARKE

- I know it is hard to frame a clause which will meet every case ; but what . I want to impress on the honorable and learned gentleman is that the policy of the administration should be to give those who are efficient, and -who have been a certain time in the service offices which will be commensurate with the salaries they are capable of earning. That is the policy which I would like to see adopted throughout the Commonwealth in its postal service. It has not been adopted, I am sorry to say, in New South Wales, and officers of particular merit and efficiency have been allowed to vegetate, as it were, in out-of-the-way offices. That, I hope, will not be continued under the Commonwealth.

Mr. BATCHELOR

(South Australia).With regard to the remarks made by the honorable and learned member for Northern Melbourne, I think, on the whole, it will be more in the interests of the service if we leave the clause as it is. The object, of course, is to prevent in some cases automatic increases, as fixed by the schedule to the Bill, or as fixed by regulation. It would apply to either case. Very frequently, while it is a very good thing to give a man an increase on entering another class, of say £10 or £20, it is not good enough to give him an annual increase of £10 for five years. If we were to take this power from the Governor-General it would tell very often against an officer who, otherwise, would be considered entitled to an increase, but to whom we were not prepared to give a number of increases. I know that there are in connexion with the post-office some positions which, apart from the salaries drawn, are more desirable than others ; and, in some cases, officers are removed to particular offices without annual increase. That is somewhat frequent at any rate in South Australia and, unless the Governor-General had the power to do that, the officer certainly would not be appointed.

Mr Deakin

- I am going to consider that,

Amendment agreed to.

Amendment (by Mr. Deakin) agreed to -

That the words, "time to time," be omitted.

Mr CROUCH

- I move

That sub-clause (1) be amended by the addition of the following words : - " Provided always that no person who has served for seven years in any division of the public service, and who has attained the age of twenty-one years, shall be paid a lower salary than one hundred and four pounds per annum." The reason why I move this amendment in clause 20 instead of clause 18 or 19 where some discussion took place as to the wages of the men in the general division, is that I want it to apply, not only to the

general division but also to the clerical division. I therefore adopt any arguments which have been used on clause 18 in favour of my amendment. I think the argument which has been used by the honorable member for South Australia, Mr. Batchelor, that the general division needs special protection, applies very pertinently here, because there is no doubt that it will only be the general division which will need this protection. That is why I want to go further than the new clause which is proposed by the Attorney General, and in which he applies his proposition, that a salary of £100 is to be paid to any man over 21, to the fifth class in the clerical division too. As we have been voting very generous salaries lately, and as I supported the Government in their action, now that we have come to a proposal which will apply to the more poorly-paid class in the public service, I think it is about time that we applied to them the minimum wage which has become so common throughout Australia, and which I think we ought to welcome. The Government which insists on outside employers paying a minimum wage, should also pay a minimum wage. I do not think it is an unreasonable provision that when a man has served for seven years, and has attained the age of 21, when it is about time he was setting up in life, he should not be paid less than £2 per week. That is the lowest wage that is paid under a good many of the wages boards - £2 2s., £2 10s., and £2 18s. is a common wage. I think the honorable member for Yarra is really surprised at my moderation.. I hope that my amendment will be accepted. I would prefer it to the proposal of the Attorney-General, who only offers to give £100 per annum.

Mr Deakin

- That is the amount fixed in the schedule.

Mr CROUCH

- But the honorable and learned gentleman makes it a condition that a person, in order to get a salary of £100 in addition to being 21 years of age, must pass the prescribed examination and show that he is capable of doing the work of the office to which he is attached. That, I think, is an unnecessary condition to impose. Every man who is 21 years of age ought to be worth £2 a week after he has served the State for seven years.

Mr POYNTON

- I rise to ask the honorable and learned member for Corio to apply his amendment only to the general division by substituting the word " general " for the word " any," and also to consider whether it is necessary to have a term of seven years' service in addition to attaining the age of 21 years. I can imagine a number of cases in the general division where a man may be 40 years of age when he is taken on, and yet he will have to work seven years before he is entitled to get this concession.

Mr Deakin

- This gives it to him if he does not get it otherwise, but if he gets it in the ordinary class or division it does not apply. This applies only to cases of men who do not get it in the natural course of events.

Mr POYNTON

- My opinion is that the condition that a man shall be 21 years of age is sufficient protection, and, if the honorable and learned member for Corio will agree to apply his amendment to the general division only, I shall be very pleased to support him. I am not prepared to accept this as the maximum wage at that age.

Mr Crouch

- This is not a maximum, but a minimum.

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Mr POYNTON

- I want the automatic increases to go up to something more than £104 per annum, in the clerical division at all events, and, as honorable members will see, notice is given of an amendment in the next clause, which will have the effect of increasing the rate of pay for the clerical division.

Mr CROUCH

- The two amendments are not at all inconsistent.

Mr POYNTON

- I cannot conceive of £104. being a sufficient recompense for the duties discharged in the clerical division after seven years of service, and I would ask the honorable member to alter this amendment to make it apply to the general division only.

Mr. CROUCH

(Corio).- There is nothing inconsistent between this amendment and the one proposed by the honorable

member for South Australia,

Mr. Poynton,

because, if the honorable member secures the passing of his amendment, the officers in the clerical division will have what he provides for in addition to what is now contemplated.

Mr Isaacs

- "Will the provision now being discussed not be confined to cases where salaries are fixed ?

Mr Ewing

- What is the necessity of the words " For seven years in any division of the public service, and who has attained the age of 21- years"?

Mr CROUCH

- There are employes on the Lady Loch who have been in the service for seven years, and have not attained the age of 21 years.

Mr TUDOR

- I think seven years is too long, and that five years would be ample. Furthermore, I think the amount of £104 should be increased to £110 per year, as the latter amount provides 7s. per day, which is the general wage for labourers outside the -Government service. I believe that will be little enough to pay to the Commonwealth labourers. I hope the amendment will be carried, but I 'would prefer to see it applied to the general division only.

Mr KIRWAN

- I think the object of the honorable mover of the amendment would be better met by the insertion of the word "or" in place of the word "and" in the third line. I would . also suggest that whilst £2 per week would perhaps be a reasonable rate of wages in Melbourne or some other parts of the Commonwealth, there are places where it would be a starvation rate.

Mr.- TUDOR:

- That is provided for in clause 71.

Mr KIRWAN

-I think there should be added the words "exclusive of any allowance that may be paid under subclause (/) of clause 71." That sub-clause provides for the payment of special allowances to those who are living in the tropical districts or in out-of-the-way localities, and it might be well to make it clear that the £2 does not include any allowances.

Mr BATCHELOR

- I think it would have been better if the honorable member had moved the amendment as an addition to clause IS, or had proposed it as a new clause altogether, because clause 20 deals with officers whose salaries are fixed, and the addition now proposed will be construed to apply only to those officers. I will, however, support the honorable member on the distinct understanding that the amount be increased to £110, and that the term of service be decreased to five years. I think that for a grown man the minimum wage of 7s. per day as fixed in New South Wales is certainly not too much for the Commonwealth to pay. If a full grown man is not worth that pay he ought not to be in the Commonwealth service. As far as the clerical division is concerned, we are going to fix the salaries in the schedule, and this new provision should be restricted to the general division only.

Mr Crouch

- I will ask the committee to consent to an amendment making the provision apply to the general division only.

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Mr DEAKIN

- I had anticipated that my honorable colleague, the Minister for Home Affairs, would have been here to take charge of this Bill to-night, .and presumed that he would have been able to furnish the committee with particulars as to the probable effect of accepting an amendment of this kind. Looking at the matter in the light of the general statements that have been made, it appears to be a fair and reasonable proposal, and one which I hope the Government will be able to accept when the . honorable and learned member has altered its expression. But whilst we may be prepared to adopt this proposal as a statement of the obligation that the Commonwealth should incur with regard to its servants in all divisions, we would not like to do that until we have ascertained what it will mean in pounds shillings and pence. It will be

necessary to ask the Customs and the Post-office, which are the two employing departments at present, to make statements as to the effects of this new provision. I dare say honorable members will urge that, irrespective of the amount involved, the proposal is of a nature that ought to commend itself, and I am not prepared to dispute that. But before the Government takes this step they ought to know what effect it will have upon the existing departments. In addition to that, the honorable member will notice that the provision as drawn embraces both sexes, and that it would have an unintended operation in regard to one of the departments. If it is intended, to embrace both sexes the matter will need special consideration and inquiry as to the cost that would be involved, because it would certainly necessitate an alteration of some of the rates of pay now ruling for those who are serving in the Post-office. The feeling of the committee appears to be that it may be well to separate the provisions with regard to the general and clerical divisions by making provision for a minimum wage in the general division and for a minimum salary in the clerical division, and no doubt that course has its advantages. What I propose, therefore, is that the honorable and learned member should reconsider his proposal and bring it forward later on as a new clause. By that time I shall be prepared to lay upon the table full information as to the probable effect of including women, of stopping at a five years', at a seven years', and at a ten years' period, and of making the minimum wage £104 or £110 ; so that the committee will know to what extent any determination that they may come to will cause us to draw upon the public purse. The question to which the honorable and learned member for Corio has referred is of great importance, and must be settled before the Bill leaves this Chamber; but I suggest to him that its consideration had better be postponed until we can obtain more precise information. I think, too, that the matter would be dealt with better in a separate clause, which clearly and expressly provided for each of the divisions which it is intended to except. We must also decide whether females should or should not be included.

Mr. CROUCH

(Corio). - I am glad that the Government are so sympathetic in regard to my proposal, and that being so, I shall ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. PIESSE

- I think we are all agreed that where an officer is employed full time the salary provided is a proper one ; but there are officers in the public service, especially those connected with small country post-offices, who are not so employed. That is a matter which will need consideration.

Mr. Deakin

- Yes ; but I wish to obtain more information on the subject before dealing with it.

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Mr. MAUGER

- The Commonwealth should not commence its national existence by cutting down salaries and sweating its employes ; and I trust that the Government will note the feeling of the committee on this subject, and help us all they can.

Mr. HIGGINS

(Northern Melbourne). As the Attorney-General has kindly promised to look into this question of fixing a minimum wage, I think he should take into consideration the extreme anomalies which exist, at all events in Victoria, with regard to boy labour. I know a lusty young man, with his face well bearded, and 25 years of age, who has been eleven years in the Customs department, and is only getting £5 a month for doing work for which others are getting £12 a month. He was told that when federation came about everything would be set right, but he is still receiving only £5 a month.

Clause, as amended, agreed to.

Clause 21-

All new appointments to the clerical division shall be made to the first subdivision of the fifth class ; and the rate of the salary at which a person is first appointed to such subdivision shall be forty pounds per annum.

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 lip 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.

Mr THOMSON

- The first sub-clause of this clause provides that appointments to the clerical division are to be made to the lowest grade. That would be all right if all the departments with which we have to deal were fully established departments, with as large a staff as they are likely to require for some time to come ; but some of these departments are hardly yet in existence, and, as the Attorney-General has suggested, will in a short time be considerably larger than they are now. The department of External Affairs may require an increase in clerical assistance ; the Attorney-General's department, when the High Court is established, may have to be increased ; and so too may the departments of the Treasurer and the Minister for Home Affairs. It may be necessary to appoint clerks of some experience to those departments, which are not transferred departments, and I wish. to know if any provision is made for that.

Mr Deakin

- Clause 27 deals with the appointment of officers to the special and professional divisions, and clause 29 provides for the transfer of officers from the State departments to the clerical division of the Commonwealth department. Under this clause, officers of any age under 60 years may be transferred to the Commonwealth departments.

Mr THOMSON

- But does the Attorney-General intend that the Government shall be compelled to appoint its clerical officers from among the officers of the State departments ?

Mr Deakin

- I should prefer not to have to do so, but that is what the Bill provides.

Sir WILLIAM McMILLAN

- Sub-clause (2) of clause 12 provides that-

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 nil matters relating thereto .

I thoroughly agree with the provision. The absolute working and general administration of a department should be in the hands of its permanent head, but I intend to ask the committee to cut out from the remainder of the Bill the interference of the permanent head as an active force. It will still be necessary that he shall be consulted by the commissioner, and by the Minister ; but I want the commissioner to be the one ruling power under the Bill for the general control of .the departments. I shall, therefore, move - That in sub-clause (2), line 6, the words "permanent head " be struck out with a view to insert in lieu thereof the word "commissioner."

Practically if this amendment be carried it will mean that in all subsequent clauses where the commissioner is left out, or where the permanent head and the commissioner are put together, it shall be the commissioner only. For instance, in clause 21, subclause (8) we read -

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. . I propose to strike out everything except " on the nomination of the commissioner." In other words, outside the working of the departments, every matter connected with the control of the public service shall be done

on the responsibility of the recommendation of the Minister to the Governor-General, which practically means the Minister himself. I think the honorable member for South Australia, Mr. Poynton, has some amendment to propose, but perhaps that which I have just indicated will satisfy him.

Mr Poynton

- I want the words " if so recommended by the permanent head " in sub-clause (2) struck out altogether.

Sir WILLIAM McMILLAN

- My amendment is to strike out " permanent head " and substitute " commissioner." Is that what the honorable member objects to ?

Mr Deakin

- The honorable member for South Australia wants to discuss the amount of the salary, whereas the honorable member for Wentworth wishes to deal with the machinery of the Bill.

Sir WILLIAM McMILLAN

- Perhaps the Attorney-General will advise which amendment will come first ?

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Mr Deakin

- I think the honorable member for Wentworth had better introduce his amendment on clause 26. , Sir

WILLIAM McMILLAN. - No. What I propose is, throughout the remainder of the Bill, to strike out " permanent head " and substitute " commissioner."

Mr DEAKIN

- I think the matter could be arranged in this way. The honorable member for South Australia wants automatic increments to go on, without the recommendation of either the permanent head or the commissioner. The honorable member for Wentworth might let the honorable member for South Australia submit his amendment first, and, if it be carried, then' the honorable member for Wentworth can move that " commissioner " be substituted for "permanent head."

Mr POYNTON

-- I have several amendments which have been printed, and the object of which honorable members can see. I want, as I mentioned on the debate on the Address in Reply, and also in the debate on the second reading of the Bill, to' see automatic increases go on in the fifth class of the clerical division up to £160.

Mr Deakin

- Does the honorable member wish those increases to go on without any qualification whatever ?

Mr POYNTON

- There is a qualification in one of my amendments which I shall propose, namely : -

The provisions of sub-section (2) or (4) may, on the recommendation of the permanent head, be suspended in the case of any officer.

If the amendment of the honorable member for Wentworth be carried, the commissioner will be substituted for the permanent head. I have prepared this proviso to meet the case of an officer who does anything rendering him undeserving of the automatic increase. What I really want to provide is that in the lower grades of the service the annual increments shall go on irrespective of the officers having to look to or ask- any particular head of a branch. I am prepared to admit that in the higher grades, where the brain begins to tell, and where there be necessity to go outside and pick men, the increments may be regulated as circumstances demand. But it is to the interests of the service, and of those in the service that increments up to a living wage should be secured, and such a provision would give a great deal more confidence to those entering the service. I, therefore, move -

That, in sub-clause (2), line 6', the words "if so recommended by the permanent head " be struck out.

The effect of this amendment will be that instead of its being problematical whether an officer will get . an increase from £40 to £60, he will be sure of £45 the first year and £60 the second year. The other amendments deal with the advancement of officers from division to division.

The CHAIRMAN

- I would suggest to the honorable member for South Australia, Mr. Poynton, that in order not to block the honorable member for Wentworth, he might alter his amendment to the effect that the words "if so recommended by the" be omitted. The question which the honorable member for Wentworth desires to deal with could then be afterwards determined.'

Mr POYNTON

- That would not meet my case. I would be just in the same difficulty.

Sir William McMillan

- The honorable member for South Australia, Mr. Poynton, desires to test the question, and he can do that- by altering his amendment in the manner suggested by the Chairman. If the amendment be carried then the other words would go out afterwards.

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Mr POYNTON

- I -will accept the suggestion made, and by leave amend my amendment.

Amendment amended accordingly.

Mr. -DEAKIN.

- This amendment brings us face to face with the question whether the stimulus of increments to be won only by good conduct and to be given on the recommendation of the superior officer, is to be displaced by automatic increases unless the conduct of the officer has been of such a serious . character as to lead to his superior to take the responsibility of deliberately recommending that he shall not be so advanced. The difference is not great, perhaps, in its final effect on the Treasury in regard to the payments made. The increment does not come out of the pockets of the head of the department or the chief 'officer of the branch, who makes the recommendation; and the general tendency of all those officers is to deal in such matters most liberally with subordinates. I do not think we . need apprehend any undue severity of treatment on their part to those placed under them. On the other hand, if we put" them in the position that every man is legally entitled to receive certain . annual increments, except for the interference of his superior officer, we cast on that officer the responsibility of apparently inflicting a direct and severe penalty on a man whom he may not wish to punish. Misbehaviour is rare, I believe, in all branches of the public service, and not less rare among the poorly paid than amongst the highly paid officers. What we have to contend against is not absolute misbehaviour. It is inertness, stolidity, indifference ; it is the mechanical discharge of duties. Many of us must have had the opportunity of seeing men of' evidently full average ability perfectly content in a public office to discharge the simple docketing of documents and duties of that sort; and so mechanical do some become that if the least change be made, and a document comes before them in an unaccustomed shape, they appear to be utterly at a loss what to do. They seem incapable of adapting themselves to the smallest changes in their environment. It is because that is the besetting sin, so to speak, of all branches of the public service, that this Bill has been shaped throughout on the principle of recognising good work, by leaving it to the man himself - by application to duty, and by his energy - to merit all the advances he gains. The difference between the honorable member and ourselves is not great in point of the total payments which have to be made, but it may be considerable in regard to its effect upon the

morale

of the service. It would be desirable, instead of putting the burden of responsibility on the officer of forcing him to take an action which appears to penalize a well-meaning man, that all the servants of the Commonwealth should realize that increments and advancement are to be obtained by good conduct and devotion to duty. I recognise, of course, that there is one difficulty which the honorable member, if he has not directly called attention to it, has in mind, and this is that under the circumstances of the public service a congestion may take place which prevents promotion. A man is perhaps fit for promotion and has been long enough in the service to have obtained it in the ordinary course. He has the capacity to attain it, but the opportunity has not come to him. For those men it seems to me to be reasonable to ask that they should have an opportunity of proving their fitness to earn a living wage, -or that, at all events, there should be some recognition of their merit, in spite of the fact that the chance of

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attaining promotion has not come to them.

Mr HUME COOK

- Even if they do prove their fitness, they are still at the mercy of the permanent head.

Mr DEAKIN

- The permanent head would only interfere in exceptional cases. There would have to be more than failure. There would have to be some positive shortcoming on the part of the officer.

Mr HUME COOK

- It may be a matter of favoritism.

Mr DEAKIN

- That would not stop the promotion to which I am referring. What I am speaking of is the amendment which honorable members will see in print before them, and which provides that -

Any officer in the fifth class of the clerical division shall be entitled, upon reaching the age of 21 years, to a salary of £100 per annum, provided he has served for a period of one year 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.

Mr Mauger

- Make it £104.

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Mr DEAKIN

- I take the amount of £100 because that is the amount for the fifth class of the third division. Every civil servant reaching the age of 21 years is entitled to earn £100 a year, provided he has served for one year in such division and shows his fitness to discharge the work of an office to which that salary is attached. I shall move that amendment as a new sub-clause to clause 21. By this means we shall meet many of the cases which the honorable member for South Australia, Mr. Poynton, had in mind when he moved his set of amendments. It enables us to give all the men who show that they are worth £100 a year, that salary, even though we are not able to allot to them duties up to that value. All that we require is that they shall show that they are capable of doing the duties of a man earning £100 a year, and then they may draw that salary whether they occupy the office or not. This really means that every man of any ability and energy may earn £100 a year, because the examination is not hard, and is not of a scholastic character, but concerns only a knowledge of the actual duties required; and very little is required from a man in the civil service who receives £100 a year.' Provided they show their fitness in that, respect, they are to be removed to the third subdivision, whether they discharge the duties of an office in that subdivision or not. I put it that this is a recognition of the cases the honorable member for South Australia, Mr. Poynton, has in his mind. It is better to compel men to show their fitness than simply to say that directly they enter the magic door of the public service, without any merit on their part, and without giving evidence of any special fitness, they are to be forced up automatically to the salary of £160.

Mr Poynton

- It is only up to a living wage.

Mr DEAKIN

- A man can get a living wage if he will only apply himself to his duties.

Mr Kirwan

- But should there be any man in the service who is not fit to earn a living wage ?

Mr DEAKIN

- How can we turn such a man out of the service? We cannot do it under this Bill. Every man, without regard to his individual ability, so long as he displays the average energy and push that are required in the performance of duties, can go up to £160 as a matter of course.

Mr Poynton

- In how many years ?

Mr DEAKIN

- In five years I think it is.

Mr Poynton

- The Bill does not guarantee that.

Mr DEAKIN

- In the sixth year he reaches £160.

Mr Poynton

- That is assuming he is shifted from division to division. But that is not imperative.

Mr DEAKIN

- It is not imperative. We cannot make it imperative without favouring the very sluggards of whom I am speaking, and giving them an advantage without their taking the trouble to deserve it. They can easily attain to the higher salary, and they ought to. I want to see them get it. The difference in money is not

great ; but the proposal of the honorable member deprives the active man of every stimulus and depresses the man of personal ambition. I desire to see no man in the public service earning less than £100 a year, but I do not want the increases up to that amount to come absolutely automatically and to be attained without any effort. The next amendment hangs upon this, and shows why I have made the term so comparatively short, a single year's service, before a person can earn £100 a year. That does not necessarily apply to lads who enter the service early at £40 or £50 a year, although it may even apply to them. If honorable members will read the next sub-clause they will see the provision we make, which we got from New South Wales, for encouraging the members of the general division, to study and qualify themselves for the clerical divisions - the tests for which are little enough indeed. We provide that the Governor-General in Council may declare the number of vacancies in the 5th class of the clerical division each year, and these vacancies are to be filled by the successful candidates at a competitive examination. The men of that division will compete among themselves to win these vacancies in the clerical division, in which after a single year they may obtain £100 per annum. We encourage them to study and qualify themselves for the clerical division, and they may attain to the salary of £160 a year as fast as they deserve it. Therefore, I think the honorable member for South Australia, Mr. Poynton, must recognise that we have endeavoured to meet him in this matter as far as possible without impairing discipline, and . without further increasing the deadening influences which surround the public service. We have made a substantial advance to meet the honorable member, and I hope he will see his way to accept the proposition, or to accept it with some addition which would enable the public servant to earn his increments for himself, and not to have them put upon him by the mere operation of a schedule. I take it that this is injurious to the future of the public servant himself, and also to the State which he serves. It leads to the common reproach against public servants, that they are men who in the absence of all stimulus to exertion drop into the jog-trot pace with which we are all familiar, and that they are worth very little more than the lowest amount paid to men who will not exert themselves. If they will exert themselves we want them to go on until they reach . £160 a year.

Sir Langdon Bonython

- How long would it take them to reach that amount if they did exert themselves ?

Mr DEAKIN

- Six years.

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Mr EWING

- The honorable member for South Australia, Mr. Poynton, I take it, wishes to make perfectly clear that the intention of Parliament . is that ,if men entering the service prove themselves fit for promotion, that promotion will follow as a matter of course. That is to say, the needs of the State or the parsimony which a Treasurer desires to exercise, shall not be permitted to prevent them from obtaining that reasonable increase of salary which the honorable member believes it to be the intention of Parliament that they shall get. I would like to ask the Attorney-General whether he is not willing to concede that these automatic increases shall be given unless they are vetoed by the permanent head ? That would make the intention of Parliament quite clear.

Mr Deakin

- That is coming very close to the proposal of the honorable member for South Australia, Mr. Poynton. He proposes that sub-clauses (2) and (4) maybe suspended upon the recommendation of the permanent head.

Mr EWING

- I think the Attorney-General will see that what I have suggested will meet the case. It makes the intention of Parliament quite clear, and I think we are quite justified in saying that it will" not alter the spirit of the Bill. "Will the honorable member for South Australia, Mr. Poynton, agree to that course? Is he willing that officers in the lower grades shall get automatic increases unless they are vetoed by the permanent head ?

Mr Poynton

- Yes.

Sir "WILLIAM

McMILLAN ("Wentworth). - It seems to me that we must be very careful in dealing with this matter. We

want to make the public service as efficient as any other service in the country. The proposals in this Bill are quite as generous as the proposals that are made in any business house in the world. If 'these men are efficient, the rise in six years, as provided for under this Bill, is certainly a fair one.

Mr Poynton

- It is not a question of efficiency ; it is a question of the instructions of the Treasurer very often.

Sir WILLIAM McMILLAN

- I do not know that that is so. We appoint this commissioner for the whole of the ser-service, and I think we shall always find that those who are in positions of authority are only too glad to add £10, £20, and £30 a year to the salaries of lads in the lower grades of the service. I do not think there is the slightest chance of any injustice being done. At the same time I think, there is a good deal in the principle that efficiency should regulate promotion. There is a good deal in making it felt that promotion depends upon merit, and not merely upon a certain period of service. I have had much to do as an employer with men, and I know the principle involved. Therefore, whilst I sympathize with the aims of the honorable member for South Australia, Mr. Poynton, still I am perfectly certain that in view of the fossilizing influence of the civil service, we shall be striking a blow at these youngsters themselves by taking away this incentive and stimulus to exertion. I must, as a matter of principle, agree with the Attorney-General.

Mr WILKS

- The arguments used by the Attorney-General, in my opinion, simply support the action of the honorable member for South Australia, Mr. Poynton. The Attorney-General first of all argued that it was necessary to provide a stimulus to exertion, and immediately afterwards stated that the work for which these officers are engaged is merely mechanical.

Mr Deakin

- No, I said it may be done mechanically.

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Mr WILKS

- The remarks made by the honorable member for Wentworth may possibly apply to the higher grades of the service, but I do not think they can apply to the lower. The Attorney-General said that these officers could not receive an increase unless they deserved it; but he could not guarantee that if they did deserve it, they would get it. The Attorney-General said that no scholastic examination was required. The grade itself, it seems to me, specifies the class of officer that is required. In answer to the honorable member for Wentworth; the Attorney -General said that no commissioner or head of a department would allow the lower portions of the service to be neglected. But I would point out that in the grading of the New South Wales public service it has been found that the highest officials have received great increments,, whilst the lower grades have been studiously neglected. At the present moment there is a great outcry in that State because the general division of the service has been neglected. I thoroughly agree with the honorable member for South Australia, Mr. Poynton, when he says that if , we allow the commissioner to recommend, seeing that no examination can be applied to this class according to the admission of the Attorney-General, it will be tantamount to the recommendation of some interested party. That to my mind will open the door to the Sycophants in the general division being recommended by the various heads of departments. The great argument of the honorable member for South Australia was that even the maximum salary was so small that after six years- of service without a break a man ought to be able to command that salary. The inertiest can be discharged.

Mr Deakin

- We cannot discharge him. We have taken him for better or worse.

Mr WILKS

- This clause imposes work on the commissioner and inspectors of Such a character that most of their time will be occupied in examining officers and bestowing close attention upon the various qualities exhibited by those officers. Thus we shall find that the highly paid commissioner and inspectors will have most of their time absorbed in inquiring into the merits of the officers of the general division, when as a matter of economy they would be better employed in looking after the higher grades of the service which carry the higher salaries. The evils presented by automatic increases are not nearly so great as would otherwise occur.

Mr HUME COOK

- It seems to me that the Attorney-General is aiming at one thing and that the honorable member for South Australia, Mr. Poynton, is aiming at another. I quite agree with the Attorney-General that there should be some incentive for meritorious conduct ; that men in the service should endeavour by the exercise of their abilities to get into positions which carry with them sometimes a higher rate of pay than that previously received by them. On the other hand, I also agree with the honorable member for South Australia that there ought to be a provision whereby those who reach a certain age in the service would be able to receive something like the minimum rate of wage. I do not see any provision in this Bill whereby a person coming into the clerical division, on arriving at manhood's years, and being found incapable of carrying out the duties which properly belong to that division, might be transferred to the general division, so that he would receive a wage commensurate with his years. The proposal made by the honorable member for South Australia, Mr. Poynton, appears to give such a man, even although he goes into the general division, sufficient to live on. What is required is that there should be power of transfer from the clerical to the general division so that a man might get a wage according to the work he is fit to discharge. The fault of the Attorney-General's proposal is that whilst it provides for a salary of £100 per annum after a man has reached the age of 21, there are two provisos attached to it. The first is that the man has to serve a certain time in the division, which is very proper, and the second is that he must show by examination that he is capable of doing the work to which the salary of £100 per annum is attached. He may never be able to show that he is capable of doing that work. It may be that the man is only a labourer. In such a case there should be a provision whereby a labourer might be transferred to the labourers' department and get the wages attaching to that particular department. It therefore appears to me that there is a conflict of aim between the Attorney-General and the honorable member for South Australia, Mr. Poynton. I sympathize with both of them, and I should like some suggestion to be made by the Attorney-General so as to overcome the difficulty. In the event of no such suggestion being brought forward, I shall feel myself bound to support the honorable member for South Australia, because I do not think we are entitled to ask a man to remain for years in the service at £60 or £70 per annum. Something like reasonable remuneration should be given. Perhaps the Attorney-General may be able to suggest a way out, either by making provision for a transfer to the general division in such a case or by some other arrangement by which men may get the minimum wage, and not be kept at £60 or £80 per annum. In regard to the third point, as to whether the permanent head should recommend or have the right of veto, I think the suggestion made by the honorable member for Richmond is the correct one. I therefore put forward the suggestion that there should be some right of transfer providing for payment of a minimum rate of wage.

Mr SALMON

- I do not, desire to discuss sub-clause (2), but I should like to see an amendment in sub-clause (1). After the words " clerical division," lines 1 and 2, I think we should insert the words ".except those-

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Mr Thomson

- I rise to a point of order. I understand, Mr. Chairman, -a subsequent Amendment has been moved. If so we cannot go back.

Mr SALMON

- I am not .moving an amendment ; I am simply making & suggestion. However, I will not press the matter.

Mr TUDOR

- I sympathize with the proposal made by the honorable member for South Australia, Mr. Poynton, and I believe, with the honorable member for Richmond, that we should provide for veto rather than for recommendation. It has been said that it is just as well that merit should be taken into consideration in granting increases. We know that in Victoria men receiving £60 per annum are often called upon to relieve officers who are . in receipt of a salary of £200 per annum. If the lower paid man has the ability to do the some work as that for which the person relieved receives £200 per annum, he should at any rate be granted an increase. The honorable member for Dalley has stated that the Public Service .Board of New South Wales have brought in recommendations in regard to the higher paid officers of the department, but have left the lower paid branches severely alone. That is the case in Victoria. Under the Public Service Be-, classification Act,. which was to provide for the transferred services, .the poorly paid

officials have been entirely neglected. We are told that the Public Service Board are "inquiring into it." . On the other hand, the higher paid officers have received their increases months ago. No doubt the Public Service Board will keep on inquiring, unless they receive some reminder from this House. I desire to see an amendment provided that a liberal wage shall be paid to any man 21 years of age- and upwards, and I agree that provision should be made for a man who is not fit to do certain work to be transferred to another department.

Sir LANGDON BONYTHON

- My disposition is to support the honorable member for South Australia, Mr. Poynton, but I shall be prepared to support the Attorney-General if he can give me an assurance that a meritorious member of the service will have his salary increased from the time that he enters the service until he has reached £160 per annum. I suppose the Attorney-General cannot give me that assurance. If it is impossible to do so, then it seems to me that the only course open to one is to support the proposition of the honorable member for South Australia. It is all very well to say that civil servants of merit will always receive justice.

Mr Deakin

- I did not say that.

Sir LANGDON BONYTHON

-No, but it is hardly fair to assume that that will be the case.' Possibly I ought not to indicate the State in which it has occurred, but I remember distinctly an instance where two men, one getting 30s. per week and the other £350 per annum, were actually doing the' same work side by side.

Mr Deakin

- That has happened elsewhere.

Sir LANGDON BONYTHON

- In this Bill we should do all in our power to prevent anything of that sort occurring in the Commonwealth service.

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Mr KIRWAN

- I desire to support the amendment moved by the honor- - able member for South Australia. It seems, to me that if a man is not. fit to receive advancement, he is not fit to be in the public service, and that . advancement should be - given to members of the service until they have reached a living wage. The Attorney-General has spoken about men becoming inefficient through inertness and apathy as the outcome of - automatic increases. If members of the service become either indifferent or inert, they can be dealt with under clause '40 of this Bill. That clause provides that if any officer is found guilty of a breach of the provisions of the Act, or any regulations thereunder, or ' is guilty of being, inefficient or incompetent, and such inefficiency or incompetency appears to arise from causes within, his own control, then far any of these offences he may be punished by fine, temporarily suspended, or altogether removed from office.. In my opinion that is a sufficient safeguard . against members of the public service falling into the condition to which the Attorney-General has referred. I trust that this amendment by the honorable member for South Australia- will be carried, because although some of the work to be- done by officers in the lower grade of the service may be of a mechanical nature, it is nevertheless very useful, and these officers should receive a living wage.

Sir WILLIAM

McMILLAN (Wentworth). - If the Attorney-General intends to . go on with this clause I think he should take the suggestion of the member for Richmond. It might be put in this way-r-

Unless otherwise recommended by the commissioner, putting ill the commissioner instead of the permanent head.

Mr DEAKIN

- I am afraid that even that is a departure from the maxim which I hope the committee will yet see its way to indorse-

Sir William McMillan

- I am not committing myself.

Mr DEAKIN

- That all these increments, even in the fifth class, shall be the reward of . good work done, and shall be held out as a recognition of that good work. What I feel, however, is of course that a new light has been

thrown on this question by the acquiescence of both sides - in which I understand the honorable member for South Australia, Mr. Poynton, who moved the amendment, concurs - that it will be a just thing to provide that those members of the clerical division who are absolutely of the immovable character - the utterly unprogressive - who will not use their abilities to justify their advancement, may be re-transferred to the general division, in which more work will be found for their muscles and less for their minds. With the possibility in view of weeding out the absolutely unprogressive, we might be able to do something more than is here proposed for those who remain, and - who are progressive, ' if the chances of promotion do not come directly in their way. At the present moment I do not quite ' see my way to give the undertaking which Sir Langdon Bonython desires. But I agree with him that he laid his finger on the direction in which a solution of this difficulty may be discovered, acceptable to all of us. What he asked for was a guarantee that the meritorious and deserving public servant should get his increment, that he should not be dependent on the circumstances of the Treasurer of the day, but "that whether promotion came in his way or not, until he reached the top of the fifth class, he should be able to advance by steady ' stages so long as he was worthy of those ' advances. While I was not able to give that direct assurance, because, as I need scarcely tell him, an assurance of mine would not be binding unless it were embodied in the Act, I have been endeavouring to think out at the table a means by which expression might be given to that idea in some practical form. Under the circumstances, and in view of what is evidently the general feeling of the committee, I shall endeavour to thrash that out. I do not say that I shall be able to do it by tomorrow evening necessarily, but if possible

I shall do it by to-morrow evening, and submit a further proposal. It is not a simple thing to do, and it may be necessary for me to ask the honorable member for South Australia, Mr. Poynton, to withdraw his amendment for the present, and to permit me to recommit the clause. He can move it at a future stage when I shall have elaborated what I hope may be a solution of this difficulty. But I can assure honorable members that I am quite in touch with them in their desire, both for the establishment of a living wage in the general division by itself, and for the establishment of what will be a living wage in this division also. All I wish is that whatever remuneration the State gives to its servants it shall give to them as and when they deserve and merit it, and that those who do not deserve and merit it, who are guilty of no offence but simply sluggishness, idleness, and inertia - if not punished for that, and it would be hard to punish them - shall not be rewarded for it ; that the reward shall go to those who earn it. That is the great principle I hope to see embodied, particularly in this part of the Bill, and if I can embody it, and at the same time meet honorable members by such a provision as will secure what one might term a living wage in each of the divisions, I shall be very happy, and I think they will be content. . It has been represented to me that many members are tired after their lengthy railway journeys, and with the view of reconsidering this clause, unless any honorable member desires to make any further comment, I shall now ask the Chairman to report progress.

Progress reported.

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22:40:00

House adjourned at 10.6 p.m.