

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 5 SEPTEMBER 1889

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CIVIL SERVICE BILL.

COMMITTEE.

On the motion of the MINISTER OF JUSTICE, the President left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill.

Preamble postponed.

Clause 1 passed as printed.

On clause 2—"Divisions of Civil Service, Professional Division, Ordinary Division, Unclassified Division"—

The HON. B. B. MORETON said when the Bill was being discussed in the other Chamber, certain papers were handed round to hon. members, relating to the superannuation clauses. He had a copy of them, but thought it possible other hon. members might not have them. One of the papers was a report from the Auditor-General, and he thought that those papers should be in the hands of hon. gentlemen when the discussion on the superannuation clauses began.

The MINISTER OF JUSTICE said the papers would be in the hands of hon. members before they reached that part of the Bill.

Clause put and passed.

Clause 3 passed as printed.

On clause 4—"Governor in Council may appoint Civil Service board; suspension and removal from office"—

The HON. B. B. MORETON asked if a member of the board was ill or incapacitated from work, how would his appointment be filled up?

The MINISTER OF JUSTICE said clause 8 provided that, in case of the illness, suspension, or absence of any member of the board, the Governor in Council might appoint a deputy to act temporarily.

Clause put and passed.

On clause 5—"Recompense to members of board"—

The HON. B. B. MORETON said he presumed there would be a secretary to the board, and clerks, and he wished to know how they were to be paid.

The MINISTER OF JUSTICE said they would be provided for in the ordinary Estimates.

Clause put and passed.

Clauses 6 to 15, inclusive, passed as printed.

On clause 16, as follows :—

"If at the commencement of this Act any officer is in receipt of a greater salary than the maximum of the class to which his work has been assigned by the board, he shall be transferred as soon as may be convenient to some other branch or department in which he can be employed upon duties commensurate with the amount of his salary; if the officer be found unfit for such transference, his salary shall be reduced to the maximum of the class to which his work has been assigned and he shall receive out of the consolidated revenue as compensation for the reduction in his salary a sum amounting to one-twelfth of such reduction for each year of service and a proportionate sum for any additional time less than a year."

The HON. B. B. MORETON asked if it was intended that the salary of an officer, who was transferred, should be reduced, or whether he should take his salary with him?

The MINISTER OF JUSTICE said the intention of the clause was, where an officer was employed in work which was of a lower class than that the officer belonged to, in the first place an effort was to be made to provide him with work suited to his class in some other department. If that could not be done, or

LEGISLATIVE COUNCIL.

Thursday, 5 September, 1889.

Brisbane Water Supply Bill—third reading.—Rabbit Act Amendment Bill—third reading.—Civil Service Bill—committee.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

BRISBANE WATER SUPPLY BILL.

THIRD READING.

On the motion of the MINISTER OF JUSTICE (Hon. A. J. Thynne), this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

RABBIT ACT AMENDMENT BILL.

THIRD READING.

On the motion of the MINISTER OF JUSTICE, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly, by message in the usual form.

if a man was unfit to undertake the duties of a class equal to his salary, his salary would be reduced and compensation made. He would be reduced to his proper level.

The HON. W. F. TAYLOR said it appeared that the clause would work unfairly in some cases. An officer might be well up in the work of his department, but he might be receiving a salary greater than that of the class to which he belonged. If that individual was transferred to another department it would take him some time to master the details of the work of that department. An officer in the Colonial Secretary's Office might be transferred to the Lands Office, and it appeared to him that the work was very different in those two branches of the service. It would be hardly fair to suppose that a man would show fitness for work in the Lands Office if he came direct from the Colonial Secretary's Office, and if the man was not fit for his office he would have to go back to his old office at a reduced salary.

The MINISTER OF JUSTICE said no doubt the clause would press severely upon men who were receiving salaries much in advance of the class of work they were doing—men who were greatly overpaid. But was the Government to pay men double the value of the services they were rendering? Besides, an effort was to be made to provide other employment suitable for the officers in the service. If a man was fit to do the work in another place, well and good; he would be transferred without any loss to himself; but if he was not fit the clause described the consequences. Was the Government of the country expected to pay men a great deal more than their services were worth? The salary in such cases would have to be reduced, and the board would consider what would be a fair equivalent for the work done. If there was a reduction the officer whose salary was reduced received a certain amount of compensation; and he thought the Civil servants were being more favourably treated than they would be by any private firm.

The HON. E. B. FORREST said clauses 13 and 14 enabled the board to remedy any irregularities existing in the service, and, unless clause 16 were passed, their power to do so would be taken away; because, their being in a position to regulate salaries was, after all, the most important part of the transaction. There were at present in the service many grave irregularities, and the board should have power to adjust such matters, and in order to do so it was necessary to allow them to put the salaries upon a proper footing.

The HON. F. T. BRETNALL said the clause might, no doubt, be a very useful one; but there was one thing struck him about it, and that was the quiet implied sarcasm concealed in it. It seemed to be taken for granted that there were some officers in the Public Service who were obtaining a great deal more money than they were worth, and the Ministers in charge of such departments dared not interfere. For some reason or other, Ministers were afraid to grapple with such cases. If the Ministers in charge of the respective departments were really afraid to tackle such abuses, the Committee ought to be congratulated that there was a prospect of a board being appointed that would not be afraid to take hold of them and adjust the inequalities of the service.

The MINISTER OF JUSTICE said he was afraid there might be found in the service some few irregularities. At the same time, it was very difficult to adjust every incongruity that existed. It was now proposed to give power

to the board to make inquiries, and if they were satisfied that such incongruities did exist, they could remedy them.

Clause put and passed.

Clauses 17, 18, and 19, passed as printed.

On clause 20, as follows:—

"No person shall, except as hereinafter provided, be admitted into the Civil Service unless he has successfully passed the examination prescribed, or has proved to the satisfaction of the board that he has already passed some other equivalent examination held by some duly constituted examining authority."

The HON. W. F. TAYLOR said he presumed that the clause did not imply that if a candidate failed to pass one examination, he should not have an opportunity to go up on some future date. A candidate would not be debarred from making another application?

The MINISTER OF JUSTICE said there was nothing in the Bill to prevent it. It was a matter which could be left to the regulations of the board to provide for; but it was usual, in many cases, that a candidate who failed should not be allowed to go up again until a certain period had elapsed.

The HON. B. B. MORETON asked if a candidate was supposed to pay an examination fee?

The MINISTER OF JUSTICE said he believed the regulations would deal with that. He was not aware of anything in the Bill that provided for fees being paid.

The HON. B. B. MORETON asked if the power to impose a fee could be included in the regulations. If that power was not specified in the Bill, could it be made a portion of the regulations that any candidate should have to pay a fee of a guinea, or whatever it might be?

The MINISTER OF JUSTICE: Yes.

Clause put and passed.

Clauses 21 to 31, inclusive, passed as printed.

On clause 32, as follows:—

"The provisions of the fourteen last preceding sections shall not apply to officers employed as teachers in State schools or provisional schools."

The HON. E. B. FORREST said he intended to oppose the passing of that clause. It excluded State school teachers from the provisions of the Bill as regarded examinations, appointments, and promotions. They came in under Part II. of the Bill under the head of classification, and again under Part IV. with respect to retirement, superannuation allowances, and gratuities. The object of the Bill was to place the Civil Service on a more satisfactory footing than it was at the present time, and he took it that no important departments should be left out of the Bill unless some special cause was shown for their exclusion, or that that their administration at the present time was sufficiently good to warrant their omission. Two important departments had been omitted from the Bill, the Police Department, and the Education Department so far as the teachers were concerned. As regarded the Police Department, he thought there were special reasons why they should be dealt with in a separate Bill, and as he understood the introduction of a special Bill dealing exclusively with the police was contemplated, he agreed that it was a proper thing that that department should be omitted from the Civil Service Bill. But with regard to the Education Department, he could see no reason to warrant teachers being excluded from the provisions of the Bill. They had to consider, in dealing with that matter, whether the department was working as satisfactorily at the present time as it ought to work, and in considering that, they were necessarily thrown upon the evidence recently given before the Civil Service

Commission, which investigated the condition of that department at the beginning of last year. He had got the evidence given before the commission, and their report upon it, and he intended to select a few witnesses and read their evidence, so that hon. gentlemen might judge whether the working of the department at the present time was as satisfactory as it ought to be. The first witness he would quote was Mr. J. S. Kerr, the head master of the Normal School in Brisbane, a gentleman who was well known in the city, and he might say that he did not know of any gentleman entitled to more respect either in or out of the department than Mr. Kerr. At question 5701 Mr. Kerr gave the following evidence:—

"Can you tell us what is the meaning of 'defined staff rank?' I will give you the same answer that I gave the Hon. Mr. Moreton—that staff rank was 'the pen of the Under Secretary.'

"How many teachers are there in your school who ought to receive capitation allowance, and how many do receive it? There are nine and myself; that makes ten. I have run the table of capitation fees out twice; the ninth teacher is not provided for; and previously the sixth was not provided for.

"You are speaking, I presume, of those who are receiving capitation fees at the present time? Yes.

"I have before me the annual return dated July, 1887, in which I find that only four out of the nine received capitation fees? There should be ten with myself."

Again, at question 5733—

"Will you turn to rule 24 [witness refers to regulations]. Will you define to us what is meant by 'efficient service' and 'favourable reports?' I will give you one instance that will perhaps illustrate the case. I had occasion to report an assistant for neglect of work—shameful neglect of work; that assistant was removed from me and made first assistant at a school in Rockhampton, where there were larger capitation fees than he had with me; I do not know whether he got increased staff rank. That was his reward for neglect of work."

And, then, at question 5735—

"Will you give us your definition now of 'efficient service' and of 'favourable reports'—if you can? My definition of 'efficient' is the man who does the work he is paid for.

"Can you tell us what definition is put upon these terms by the department? I may say the departmental mind is of such a nature that I cannot interpret it. I have given up trying to do so.

"Would you advocate such an alteration of the rules that the terms and conditions under which every teacher could claim either promotion or capitation fees should be clearly defined? I think the difficulty is with regard to the favourable reports of inspectors. They have no uniform basis to go on, and the result is that you may get a favourable report from one inspector but not from another, because he may judge of the work in a different spirit, and by a different mode to that which the teacher has been led to expect. That tends to destroy any good results. Should some inspectors come to examine my school I should wish to go out until they go away."

Further on Mr. Kerr was asked—

"Are you aware whether men are consulted at all with reference to these removals? No; they are not consulted. They may appeal against them. I will give you an instance. I lost one of the very best teachers we ever had in Queensland; he is now assistant training-master in Melbourne. He was appointed to a school from which the teacher had orders to remove; at the last moment, when he had his boxes packed and everything in readiness, he was told the teacher was not to be removed. Outside influence had been brought to bear. The result was, he said: 'Well, if they don't remove me I shall remove myself.' He went to Melbourne and is now one of the best educationists there.

"If a teacher refuses to go to a place when appointed, what is the result? Most of them have learnt the trick of getting outside influence to bear, in spite of the regulation which says no outside influence shall be employed. I think members of Parliament will back me up in that. No doubt they are often asked to do that kind of thing."

Again he went on—

"You have condemned in a very strong way, the present system, or want of system, in regard to promotions, removals, and otherwise. Are you acquainted with the Civil Service Act of Victoria? Yes; I have read it.

"They have a board of classifiers who control all these matters? Yes.

"Would you recommend the adoption of a similar system in this colony? Yes, I would.

That was what Mr. Kerr had to say about the administration of the department. The next witness he would refer to was Mr. A. J. J. St. Ledger, who was an assistant teacher under Mr. Kerr. Mr. St. Ledger gave the following evidence:—

"From the tenor of your evidence we understand that the teachers are thoroughly dissatisfied with the want of system displayed in promotion, the allotment of capitation fees, removals, and so forth. Would you suggest any remedy for this defect? I have seen the New South Wales and the Victorian regulations. I have also had communications with Victorian teachers on the subject, and from these I have come to the conclusion that something like the Victorian system is really what the teachers of Queensland are aspiring to in the matter of promotion and the distribution of capitation allowance.

"That is, the appointment of a board of classifiers? Yes. Teachers would then have a feeling that things were looked at, not merely from a departmental point of view, but that their interests were considered also.

"If you have any other suggestions to make we shall be pleased to hear them—suggestions in the interests of the department or of the teachers—in the interests of the colony, in other words? I think the principal points of interests have all been touched upon. But there is one matter that just occurs to me in regard to the large number of teachers who leave the service. It is with reference to the untrained teachers who are called in our department 'temporary teachers;' they are probably the worst class of men we could have as teachers, yet it seems impossible in a scattered population like that of Queensland, to do without them. They are in many cases 'ne'er-do-weels,' who having failed at everything else fall back upon the position of schoolmaster as a last resource. There is an immense amount of shifting amongst these teachers; but with regard to the certificated teachers, I do not think that in any way accounts for the great number of resignations that occur. I think that the great number of resignations, as far as trained teachers are concerned, are to be attributed, to a great extent, to the uncertainty of promotions and capitation allowance."

The next witness he had selected was Mr. J. Mayfield, who was the head teacher of the Pine Mountain school. Mr. Mayfield gave this evidence:—

"What is the general opinion amongst teachers in reference to promotions? There is a feeling of intense dissatisfaction.

"Will you tell us what is the 'efficient service' which is spoken of in regulation 24? I should say efficient service was that where good results were produced.

"What are 'good results?' Results that will fit the children for their work in life and at the same time give the parents a sufficient amount of satisfaction.

"Is not the matter entirely one of opinion. You might consider an inspector's 60 per cent. a 'good result' and another teacher might consider 75 per cent. a 'good result.' Is it not simply a matter of opinion? Yes.

"Would you approve of the rule being so framed that beyond the shadow of a doubt a teacher could claim promotion upon obtaining certain results? The question is how would you judge of the results—by figures or the words of the reports?

"That is what we want to know. We want an opinion. We understand that there is intense dissatisfaction in respect to promotions—how can that be remedied? I think that the reports, including the figures, should be valued by some impartial person."

And further on he was asked—

"Capitation fee is allowed to teachers upon receiving defined staff rank. Upon what basis is 'defined staff rank' conferred? I cannot say.

"You have no knowledge upon what system it is conferred or withheld? Not the slightest. I do not know whether there is such a thing as a system in connection with it.

"Are there not many teachers in the service who perform the duties of first assistant, and only receive the emolument and capitation fee of second, third, or fourth assistants? I believe so.

"Does that meet with the approval of teachers? Decidedly not."

There was only one other witness that he had selected for quotation from—namely, Mr. J. Scott, who was an inspector. That gentleman stated:—

"You know something of the system of promotion? I do.

"As a body, are the teachers satisfied with the system? They decidedly are not.

"Can you give us any idea upon what system promotions are regulated? I do not know how they are regulated; I know teachers complain very much of not getting promotion, whilst others who have only been a short time in the service obtain it."

Again—

"As regards promotion, it is a matter of opinion as to what is considered efficient service, and what is considered a good report? Yes.

"Would you consider it to be beneficial to the service that these matters should be clearly defined in the rules so that a teacher should be able to claim his promotion on obtaining certain results? It would give more satisfaction to all parties."

Further on the witness gave this additional evidence:—

"By the Chairman: From the evidence you have given we understand you to express, on behalf of the teachers generally, dissatisfaction with the system of promotions, removals, capitation allowance, etc? Yes.

"Can you offer any suggestions for the correction of these abuses? I do not think I can offer any suggestions.

"Have you any knowledge of the Civil Service Act of Victoria? I have not seen it, but I have some knowledge of it. I think a great fault in our system is that the administration is confined to one man. From what I know of the Civil Service Act of Victoria, the matters you have spoken of are regulated by a board.

"There is a committee of classifiers, consisting of the general inspector, a head teacher elected by the certificated teachers, and a third person outside the service, appointed by the Executive, who regulate all these matters. Would you approve of such a system as that? Yes; I think that that would obviate these abuses.

"In other words, if these matters were referred to an impartial board the abuses would cease? Things would be altogether different.

"If that were done, do you think that the teachers as a whole would settle down—be more contented and render better service to the State? Undoubtedly."

He might say that everybody in the department who was examined was of that opinion; and if hon. gentlemen would read the evidence they would find that it fully confirmed what he had described. On the evidence they received the commissioners made a report. He was not going to read the whole of it, but he would quote two short paragraphs. In the body of their report they stated—

"On the whole, we consider the administration as at present conducted to be very detrimental to the best interests of the service and of the colony."

And in the latter part they recommended—

"That the general inspector be immediately relieved of the great power he at present exercises in regard to the position and emoluments of the teaching staff; and that a committee of classifiers, similar to that in Victoria, be appointed to regulate all appointments, transfers, dismissals, etc."

If hon. gentlemen believed the evidence given by the witnesses, and if they gave the commissioners credit for anything like ordinary common sense, they must believe that the state of the Education Department at the present time was particularly unsatisfactory. All the witnesses complained of

the want of system in the administration of the department, and if hon. gentlemen read Mr. Anderson's evidence they would find that he did not assist them very much. Mr. Anderson showed, not what the system was, but what it was not. In the latter part of his report he stated that the administration of the department was not an affair of percentages, invoices, and double entry, and he (Hon. Mr. Forrest) believed him. It was not; and he ventured to say that if Mr. Anderson had received a commercial training, he would not have committed himself to the statements made in the concluding portion of his letter—which he would read, because they showed what, in the opinion of Mr. Anderson, the head of the department should be:—

"The administration of a Department of Public Instruction is an exceedingly delicate task, requiring in a high degree knowledge of men, discernment of character, professional skill, tact, integrity, firmness, and courage; it is not an affair of percentages, invoices, and double entry. . . . It has been my good fortune always to have, as professional assistants, loyal and able colleagues, and as Ministers men of noble disposition to control my operations and to sympathise with my efforts. I regard the schoolmaster's office as the highest in the world, and will yield to none in esteem for his work."

That was Mr. Anderson's idea of what a man at the head of the Education Department should be. It was a very good idea, and, as a matter of course, he took it that Mr. Anderson believed that he possessed all the virtues set forth in that paragraph. Whether Mr. Anderson did or did not possess them, he (Hon. E. B. Forrest) did not intend to say, but, he was afraid that if they had to wait until a man of that sort was appointed to the office, they would have to wait some time; they would have to get one made on purpose, before they could get a man to answer such a description. What was wanted in the Education Department, and in other departments as well, was a little common sense, or rather, a good deal of it. Whether they had got that now might be a question. He did not think they had. In his opinion the administration of the Education Department was not as satisfactory as it ought to be, and it was certainly so unsatisfactory as to warrant them in including that department in the provisions of the Bill now before the Committee. He would vote against the 32nd clause.

The MINISTER OF JUSTICE said the hon. gentleman who had just spoken had quoted some of the evidence which had been taken before the Civil Service Commission. He (the Minister of Justice) would not follow his example and quote any more of it. But he thought that all hon. gentlemen who had taken the pains to go through even a considerable portion of the evidence were not prepared to adopt the view that the Education Department was in the lamentable condition which the hon. gentleman seemed to think it was. Throughout the whole of the investigation made by the commission, it appeared as though many of the employés were under the impression that the Minister at the head of the department was a mere figure-head, and that the strings were pulled by the Under Secretary or the General Inspector. He could not say what might have been in the past; but he could claim that, at the present time, there was no such feeling in existence among those in the service of the Education Department. There had been at the head of the department many Ministers who had devoted a great deal of time and attention to the work of the department; but, unfortunately, it had been a department thrown in as a kind of adjunct—a department secondary to some other department under the control of the same Minister. The Education

Department was one which was really worthy of having the entire attention of one Minister devoted to it. At the same time, the position of the department was very materially changed now from what it had been in the past, and the idea of an autocratic control by any one of the officers in the department had, he believed, practically disappeared.

The HON. E. B. FORREST: Since when?

The MINISTER OF JUSTICE said it had disappeared within the last twelve months. The members of the commission, who had taken very much pains in investigating that subject, had, of course, to deal with the administration of the department, as it was at the beginning of last year, and they had to receive the evidence of a number of teachers who had probably not yet discovered that there was a reason for a change in the views that they held with regard to the administration of the department. As he had said before, he would not refer to any particular portion of the evidence taken by the commission; he would content himself with the general statement that it appeared to him that the members of the commission had allowed themselves to enter upon the investigation, after receiving what were called "a series of confidential communications" from all those who were prepared to make complaints against the administration of the department. It required a very peculiar and very rare class of mind to receive a series of such confidential communications upon any subject that had to be investigated, and afterwards to enter upon that investigation free from the prejudices which those communications produced. The Hon. E. B. Forrest was well known amongst hon. gentlemen as a gentleman of sound common sense, upon whose opinion as much reliance would be placed as upon that of any member of the commission, but the hon. gentleman did not attend all the sittings of the commission. In looking over the report he (the Minister of Justice) found that there were sixteen sittings, and, exclusive of the chairman, who was present at everyone of them, the members, on an average, attended only about one-half the sittings. He thought the Hon. E. B. Forrest attended eight or nine. Portions of the evidence were received in the absence of the hon. gentleman, and other portions in the absence of other members of the commission. The one controlling mind in the conduct of the commission was that of the chairman, who usually, and necessarily, conducted and directed such investigations.

The HON. E. B. FORREST: So he ought.

The MINISTER OF JUSTICE said he did not find any particular fault with that, but the tone in which many of the questions had been put in the investigations showed pretty plainly that the members of the commission, who held the views of the chairman, were strongly imbued with the prejudices produced by the perusal of those private and confidential communications. It was an extraordinary circumstance, and one which he thought spoke volumes in regard to the administration of the Educational Department, that, out of two hundred complaints which had been received, there were only fourteen to the effect that promotion in the department was the result of political influence. Looking through the synopsis, or condensed summary, of the confidential communications, he saw that "fourteen say promotion is obtained by partiality, by political influence, by personal influence, through favouritism of head teachers, by caprice of the Minister or of superiors, by the pleasure of the Minister, by outside influence;" so that, if those various complaints were distributed

amongst the fourteen complainants, that would be about two teachers who made charges against the administration of the department. There were 500 or 600 classified teachers in the department, and out of that number only fourteen made the charge that personal, or political, or outside influence entered into the question of promotions, and that, he thought, was one of the strongest arguments that could be advanced to show that the administration of the department was not unsatisfactory—in one direction at any rate. He did not believe that there was any department in the Public Service that could be so free from the abuse of political patronage as the Education Department must be when that was the result. The hon. gentleman attempted to show that the administration of the department with respect to promotions and classification was not sound, and he adopted the recommendation of the commission, that a board should be appointed for the purpose of regulating those matters. He (the Minister of Justice) was not sufficiently well acquainted with the details of the working of the Education Department to say whether that would be a wise thing to do or not. It might be wise to make such an important change, or it might not. But assuming that it was, would the omission of the 32nd clause in that Bill assist in attaining what the commissioners recommended? A board such as they had in Victoria would consist of two professional men and one non-professional man. Did the hon. gentleman wish that the Civil Service Board should be a board constituted of men possessing all the qualifications necessary to deal with the affairs of the Education Department without reference to the other departments of the service? Did he wish that board to be composed of two professional schoolmasters and one other person?

The HON. E. B. FORREST: I wish nothing of the sort.

The MINISTER OF JUSTICE said he was endeavouring to ascertain what the hon. gentleman wanted.

The HON. E. B. FORREST: I want the teachers placed under the Civil Service Board; I want no classifiers or anything of that sort.

The MINISTER OF JUSTICE said the hon. gentleman stated that he wanted them placed under the Civil Service Board, but he had not shown in what way the Education Department would be benefited by having the teachers placed under the Civil Service Board. The hon. gentleman did not quite look at the subject from the same level that he was discussing it. He had endeavoured to make his meaning clear to the Committee, and it was this: That whether they had a board or whether they had a Minister in charge of the Education Department, technical professional knowledge was required in either case to regulate the system of promotion, examination, and classification of teachers. It was a professional occupation, which could only be regulated with the assistance of professional men. The Civil Service Board would be just as much, if not more, at the mercy of the head officers of the department, in regard to promotions, etc., as the Minister would be, and the position of the department would not be one bit improved by the adoption of the amendment of the hon. gentleman. The Education Department had been excluded from the Bill, because teaching was a special occupation. They had excluded the police, which had a special Act also; and both were occupations that required special professional skill, as it were, in their administration. Any Civil Service Board that could be appointed must, by the nature of things, be dependent, not upon their own judgment entirely, but upon the professional advice they received as to the manner

in which they were to treat their subordinates. If the hon. gentleman had shown in any way how the administration of the Education Department was to be improved, as regarded those questions of promotion, classification, and kindred subjects, there might have been something to have been said; but he had not shown that. He had attempted to show it, and, in doing so, he had failed entirely to establish what he ought to have established before he asked the Committee to consent to the omission of the clause. Before the hon. gentleman could establish a claim to have the clause struck out, it was not sufficient for him to say that a reason should be shown for retaining the clause. He thought he had a right to claim that the hon. gentleman should show a reason satisfactory to the Committee why school teachers should be included in the Bill—why a professional department, the administration of which would depend upon professional knowledge, should be cast upon the Civil Service Board. Now, there was another difficulty. Duties were imposed upon the Civil Service Board, irrespective of the Education Department, which were of a very varied and very extensive character, and he felt certain that any hon. member who had any knowledge of the work that was dealt with in the Education Department, would admit at once that it would be practically impossible for the Civil Service Board to take upon itself the responsibility of discharging every little piece of business that occurred.

The HON. P. MACPHERSON said when the Bill was at its second reading he understood, from observations made by his hon. friend, Mr. Forrest, that the conduct of Mr. Anderson, the Under Secretary for Education, was to be brought before the Committee, but he found that such had not been the case. He, as a friend of Mr. Anderson, had come fully prepared to defend him from any attacks that might be made; but all that had been said of him was of a very mild character, and had been called forth by the allusion to the commercial interests represented by his hon. friend and some other members of the commission. At the same time, he had had the curiosity to glance through the evidence and the report to some extent, and he must say that the latter was largely an exaggeration of trivialities. He could see nothing else except in one or two respects, and even there there was no direct allusion to more serious charges. If they looked at paragraph 32 of the report they would read:—

“On the other hand, there is abundant testimony that the administration is conducted in an arbitrary and capricious and often unfeeling manner, and all in the name of the Minister who seems to be a convenient medium for the exercise of most autocratic management.”

That was a very grave charge indeed, and it was an insult to every Minister who had ever held the office of Minister for Education to say that he had been a mere tool in the hands of either the general inspector or the Under Secretary. He could not read it in any other way. The Hon. Mr. Moreton, who had held the office of Minister for Education, had stated that he had dealt with almost every paper that went into the office whilst he was there; and he would like to know who would dare to make their President a stalking-horse for his own ends:—

“In one instance at least it has been clearly proved that the Under Secretary deliberately and persistently acted in direct opposition to a minute of the Executive Council, by refusing to gazette the appointment of a clerk in accordance with instructions.”

He did not follow out the exact letter of the minute, but he followed out what he knew to be the intention of the minute,

The HON. E. B. FORREST: That was a direct violation of the minute.

The HON. P. MACPHERSON said the minute was merely a mere formal one, increasing the clerk's salary to £140 per annum. The minute, as it went before the Executive, was not wanted by the Minister's memorandum, which did not deal with the pay clerk; but he was gazetted at £140 per annum, with the acquiescence of the Minister. Anyone who read the report at the first flush would fancy that was a most serious charge; but the next was the most amusing one:—

“Another charge against the Under Secretary of destroying an official document relating to leave of absence applied for by an officer, has also been proved.”

That document was an application sent in by a clerk named Voller for five hours' leave, which was refused by the Under Secretary, because Voller declined to state what his business was, in applying for the leave. He would read the evidence.

The HON. E. B. FORREST said that was no reason for tearing up an official document. What business had he to tear it up?

The HON. P. MACPHERSON said he denied that it was an official document. It was a mere memorandum received by the Under Secretary, who should surely be allowed some discretion as to what documents he considered official, and which ought to be preserved in the archives of the office. The applicant not only volunteered his evidence, but he volunteered many charges against Mr. Anderson, all of which were of the most frivolous character, and all of which evidently had arisen from that application. Question 6199—

“Many years ago I applied for leave of absence for Friday afternoon and Saturday morning. I submitted my application through the accountant to the Under Secretary. The accountant approved and recommended to the Under Secretary that the leave be granted. The Under Secretary wrote across the letter, ‘What is he going to do?’ I wrote underneath, ‘private business.’ The Under Secretary wrote, ‘What is the nature of the business?’ I came up to the Under Secretary and told him with all respectfulness that it was a question I thought he had no right to ask. He said, ‘very well,’ and I walked out of the office. The next thing that transpired was that the Under Secretary wrote across the letter a minute to this effect:—‘I have asked Mr. Voller what the nature of his business is. He refuses to tell me, on the ground that he considers I have no right to ask the question. I think that I have a right, and therefore refuse to grant the leave.’ I wrote underneath that it was not to the Under Secretary's knowledge of what I was going to do that I objected, but to his asking the question and the principle involved, and requesting that the Minister's ruling be obtained on the subject. In the presence of the chief clerk the Under Secretary destroyed that paper.”

He failed to see where the importance of that document came in, and it must be apparent to every hon. member that the Under Secretary should be allowed some discretion in cases of that sort as to the papers which he deemed official. That document came from no one outside the office. It was simply an application made by a clerk in the office, who might have made it verbally. It was a most ridiculous charge to make. Allusions were made in the report, particularly in paragraph 56, to the personal demeanour of the head officers of the department, notably of the general inspector and the Under Secretary; but there were only two allusions in the evidence to corroborate that portion of the report, so far as his memory served him. Mr. J. G. Stewart, who might have only met Mr. Anderson once in his life, was asked—

“Do the teachers frequently come to the office to consult on professional matters? To make applications, but not to consult on professional matters.”

“Are they received with civility and courtesy? No.”

He objected to questions of that sort, which were calculated to lead the witness. It looked as if the witness and the person who had asked the question had had a conversation beforehand.

"What is the usual outcome of their visits? May I mention names?"

"If you wish? Mr. Anderson, the Under Secretary, is not uniformly courteous. He is a man of gentlemanly habits and high culture, so that his occasional discourtesy may be accounted for by press of business or illness; but the General Inspector, Mr. Ewart, is notoriously discourteous in his treatment of teachers. I can give many instances, but it is not necessary."

The only other reference was in question 5367:—

"Is there general courtesy extended to teachers by the officers of the department? Speaking for myself, I say, No, most decidedly not.

"Who is the officer you have as a rule to see when you go to the office? The General Inspector.

"His general manner is not satisfactory? Far from it."

The words were put into the witness's mouth.

"Is the Under Secretary more courteous? He is better.

"Is he perfect? He is far more courteous than the General Inspector."

What unmitigated twaddle.

The HON. E. B. FORREST: Are those the only two references?

The HON. P. MACPHERSON said he should like to know whether the chairman of that commission was perfect, or whether the Emperor of Germany, or Bismarck or the Consul of the Germanic Empire in Brisbane, was perfect either? As he had stated at the outset he had come prepared to defend the Under Secretary, thinking that he might be severely hauled over the coals. He thought he had stated quite enough to show what was the character of the evidence taken by the Commission. Reference had also been made to the circular which the chairman of the Commission had thought fit to issue at the outset of the inquiry. A more insulting circular to men of education and right thinking could not possibly be imagined. The terms of the circular were to this effect:—

"The commissioners are fully alive to the difficulties many public servants might feel themselves placed in, through departmental discipline, self-interest, or official etiquette, which would prevent plain, outspoken testimony being obtained, and with that conviction they have, at the outset of their proceedings, passed the following—

Resolutions.

1. That a circular be issued inviting from each officer in the service to whom it is addressed a statement, in writing, of existing abuses (if any) arising from improper or incompetent appointments or promotions, mismanagement, waste of labour, or any other cause; also any other suggestions calculated to promote the more efficient working of the service.
2. That the commissioners pledge themselves to consider and treat all information so obtained as strictly private and confidential, and in no case will such communications form any portion of the proceedings to be published by the commission or be allowed to pass out of their hands."

But had the commissioners themselves even carried out the effect of that circular? Had they withheld those communications from the public proceedings of the commission?

The HON. E. B. FORREST: Certainly.

The HON. P. MACPHERSON said he would not detain the Committee any further on the subject, but there might be something he should feel called upon to say presently.

The HON. E. B. FORREST said he should like to say one or two words in reference to what the Minister of Justice had said. That hon. gentleman maintained that professional know-

ledge was necessary, but for what? For examination only. The great complaint was as regarded appointments and promotions, and he did not know that technical professional knowledge would be required in regard to that matter, any more than it was required in the Treasury. It was simply a question of judging the character of the men, and the same remarks applied to the Colonial Secretary's office, or the Treasury, or to the Department of the Minister of Justice, or to any other department. There was no technical professional knowledge required for any part of the Education Department, except in regard to examinations, and that, he would admit, was a matter which it required technical knowledge and professional men to conduct. The classification which the Minister of Justice objected to being dealt with by the board, as a matter of fact, was dealt with by the board in the Bill. That was all he should have to say in reply, except this: On page 236 of the report, the Minister of Justice said that there were only seventeen complaints in one direction, and fourteen complaints in another direction, which referred to political patronage. That might be true; but there were a number of other complaints mentioned. The page was full of them. Fifty complaints were made on one thing, twenty-one on another, fourteen on something else, and so on. They were all complaints more or less—he did not refer particularly to complaints about political patronage. The contents of that page justified his remarks in saying that altogether the number of 291 complaints on different subjects was an amount worth talking about. His friend, the Hon. Mr. Macpherson, who had seemed to sail all round the subject in support of Mr. Anderson, was good enough to tell them that the only evidence in support of the charge of want of courtesy was given by the two witnesses that he quoted; but he was sure the hon. gentleman could never have carefully read the report, or he would have found that nearly every witness who spoke had a complaint to make. They might take the evidence of Mr. Kerr for instance—but he did not think it was worth while to read any more of his evidence. Then, as regarded a certain circular which had been issued to Civil servants, his friend, the Hon. Mr. Macpherson, had never attempted to show where there was any insult conveyed. He was sure no man living could find an insult in that circular. He was not there to defend the Civil Service report, but he would be prepared to defend it if it became necessary to do so. It could be defended, and he said that the report was justified by the evidence given.

The HON. P. MACPHERSON said he wished to correct the statement made by the hon. member who had just sat down in reference to his (Mr. Macpherson's) not having perused the report or the evidence. He had taken the references which he had quoted from the report, and he took it that, when the commission deemed a statement made by a witness to be of sufficient importance to insert it in the report, he had a right to quote it.

The MINISTER OF JUSTICE said there was one remark he would like to make. The Hon. Mr. Forrest, in speaking, said he considered the only occasion on which professional assistance would be required would be in regard to examinations; but it only required a moment's consideration to show that that could not be the case. What would it lead the Education Department into? In what way was the work of the teachers, after they had passed their examinations, to be supervised? It was not as if they were clerks in a department or office, whose work was seen from day to day. The

teachers were scattered throughout the colony, and there was no immediate supervision over them, so that it was indispensable that their work should be judged to some extent by the results which they obtained in the education of the children committed to their charge. That was work of which neither the Civil Service Board, nor even such a board as that which had been established in Victoria, could possibly be judges of. It was necessary that the department should be guided by the reports of inspectors having the confidence of the department, who had to inspect those schools, and that was the only test that could be devised as to the results of the work. The teacher whose school showed good results was entitled to the benefits accruing from his industry. He thought all that showed that the idea which appeared to be dominant in the mind of the hon. gentleman who wished to have the clause struck out was one that would lead to a greater amount of evil than he would like to see initiated.

The HON. B. B. MORETON said he would not like the debate to pass without saying a few words. The Hon. E. B. Forrest, who had proposed that they should negative clause 32, had done so for certain reasons; and the reasons the hon. gentleman gave were that, in his opinion, it was advisable that transfers and promotions of teachers should be made by the board, and not as now by the heads of the Education Department. If the hon. gentleman had ever been Minister for Education, he would have seen that there was great difficulty in deciding upon the removal of teachers from one place to another, even though he might have the whole of the papers before him. No doubt the Minister for Education would be very much obliged if that work could be done by a board outside the office; at the same time, as the Minister of Justice had pointed out, it did require some technical knowledge, even to deal with the transfer and promotions of teachers. Of course it might be said that the Minister himself, when he went into the office, would be without any technical knowledge, but he took that technical knowledge from those already in the department, such as the chief inspector, and the Under-Secretary, who had themselves risen from the ranks of teachers, and knew well what were the requirements of the different portions of the service. It was very easy to say that a teacher could be transferred by the board, but the board would not know the duties that appertained to teachers. There were many things surrounding the work of teachers which required something more than a mere ability to teach lessons and write well. There were many things surrounding the life of a teacher in a country district, which were known only to the department, and could only be known to the department by the inspections which took place once or twice a year. Sometimes those inspections only took place once in about two years, but there had latterly been an increase in the number of inspectors, and probably in future they would be able to inspect the schools twice a year. It all depended upon the reports that came in from the inspectors whether a teacher was promoted or transferred. Of course it might be said that there was no system by which the reports could be based upon the same lines. That was done as far as possible, but they were all human, and one examiner might give a greater number of points for one set of subjects than another would give. If two examiners inspected a school on the same day, one might allow sixty marks when the other would allow only fifty. It all depended upon the working of their minds, and one man's ideas might lead him in one direction and the other's in another. One might say, "This

school only deserves 40 or 50 per cent.," while in the mind of the other the state of the school might be better than he expected, and he would give a greater number of marks. Where everything was depending upon the human being, there must be some failings. He was not going to say anything about the working of the department, except to refer to one point on behalf of Mr. Anderson. As a Minister who had been with Mr. Anderson for very nearly three years, he must say he had been disappointed with the remarks made by the commission in regard to that gentleman. He had always found Mr. Anderson everything he could wish, a cultured gentleman, and one who took the greatest pains possible to see that the teachers received their deserts. He must admit that when Mr. Anderson thought a man was not doing his duty he had no scruple in saying so. He had no doubt that even the hon. gentleman who had made the charges against Mr. Anderson might be a little short in his temper when he was not in the best of health. Probably that sort of thing might have occurred now and then; but to say that it was a perpetual habit of Mr. Anderson's was, as far as his (the Hon. B. B. Moreton's) knowledge and experience went, about as untrue as anything could be.

The HON. E. B. FORREST: I said nothing about Mr. Anderson's want of courtesy.

The HON. B. B. MORETON said he must have misunderstood the hon. gentleman. With regard to the 32nd clause, he did not think its omission would either benefit the teachers or improve the administration of the department, and he should certainly not support the hon. gentleman in voting against the clause.

The HON. SIR A. H. PALMER said he had not intended to speak on the question. He had been a long time engaged in politics in the colony, and had seen the reports of a good many royal commissions, and noticed the way in which they went to work; but he had never seen a commission adopt the course that was adopted by the Civil Service Commission. From the very first moment he saw that confidential circular, inviting everyone who had a complaint to make to come forward and make it under a pledge of secrecy, he would not give the smallest part of a split farthing for the report of the commission. Supposing it was possible that any Government could appoint a commission to inquire into the working of any mercantile establishment in the city, and authorise them to issue such a circular as that issued by the Civil Service Commission, asking for private information and saying that it would not be revealed, and that the persons who gave it would not be held responsible, what would be the value of the evidence obtained in that way? In any establishment under the sun there would be found some grumblers. What would the evidence of such men be worth when there was no chance of cross-examination, when they gave no *vivâ voce* evidence, and there was no opportunity of seeing how they conducted themselves under examination or of asking them whether they had a private grudge against the persons concerning whom they had made complaints? He looked upon the whole thing as a complete farce from beginning to end. He did not rise to defend Mr. Anderson; but he could endorse all that had been said by the late Minister for Public Instruction. He (Hon. Sir A. H. Palmer) had occupied that position for several years; and never in his experience had he met an officer in the public service or out of it who more thoroughly went into the business and judged every matter on its merits. He had every opportunity of seeing the manner in which Mr. Anderson conducted his business; and he could say that

so far from the Minister being a convenient medium, every Minister who had preceded him, as well as himself—he could not speak for the Ministers since—had initialled every paper of importance dealt with in the office; and those papers could be found there now. Where, then, did the convenient medium come in? He looked upon it as a gross piece of impudence on the part of the commissioners to put such a paragraph in their report. The Commission were not called upon to report on what Ministers had done; and he challenged them now to search the records of the office and see whether any document of importance had not been initialled by himself and the Ministers who had preceded him. The Under Secretary did not have everything his own way. As he stated before, he was not going to enter into the report; but he said the evidence obtained by the Commission in that underhand way damned their report.

Clause put and passed.

Clauses 33 to 42 inclusive, passed as printed.

On clause 43, as follows:—

“Every officer who has attained the age of sixty years may retire from the service.”

The HON. F. T. BRENTNALL said they had now come to a very important part of the Bill, a part which, in the opinion of some hon. gentlemen, was perhaps the most debatable portion of the Bill, and he thought it would be a pity to attempt to discuss such a large question as that of superannuation allowances and gratuities with such a small attendance. He would therefore suggest to the Minister of Justice that he should postpone the consideration of that part of the Bill—from clause 43 to clause 69 inclusive—until Tuesday next, when it might be hoped they would have a larger number of members present, and there would be a possibility of a better discussion than they would have that afternoon. He believed that such a concession would be well received by some hon. members who were not able to be present that afternoon.

The MINISTER OF JUSTICE said he understood that there were some hon. gentlemen not present that afternoon who wished to say something on that part of the Bill, and he therefore had no objection to postponing the clauses mentioned. He moved that clauses 43 to 69, inclusive, be postponed.

Question put and passed.

On clause 70, as follows:—

“Every officer shall be bound to devote his whole time to the performance of his official duties, and no officer shall, without the sanction of the Governor in Council, be allowed to do paid work of any kind for persons outside the service, or in any manner enter into any competition with persons not in the service who are engaged in professional or other employment.”

The HON. B. B. MORETON said he would like to know whether that clause prohibited officers in the Public Service from doing any work during their own time after they left the office.

The MINISTER OF JUSTICE said a public officer was not to be allowed to do paid work of any kind for persons outside the service, unless special permission was given him to do so.

The HON. F. T. BRENTNALL said the clause was a very important and useful one. He had no doubt that some hon. gentleman had become aware, as he himself had, by very strong evidence, that there was a very considerable amount of warm feeling existing in the community with respect to what was regarded as the unfair competition of professional talent in the Public Service with private talent outside—the competition of men in the service of the State with men who had to live by their own ability in

their various professions—and he was quite certain that the insertion of such a prohibition as was contained in that clause would meet with very cordial and extensive approval among the general public.

Clause put and passed.

Clauses 71 to 77, inclusive, passed as printed.

On clause 78—“Power to make regulations with respect to inspection of stores, etc.”—

The HON. E. B. FORREST said he would like some explanation of that clause. He thought there was a necessity for the introduction of some system in the mode of procuring stores for the Government service. He was referring particularly to stores procured by tender, and he would like to know whether that clause extended to them.

The MINISTER OF JUSTICE said the clause was intended to give power to the board to make regulations with regard to all matters relating to the supply of stores to the Public Service.

The HON. E. B. FORREST: Whether by contract or otherwise?

The MINISTER OF JUSTICE said the clause included stores supplied by contract, and in other ways, as well as stores supplied under contracts now existing. The language of the clause was wide enough to cover every mode of obtaining stores for the Public Service.

Clause put and passed.

Clauses 79 to 86, inclusive, and the schedule, passed as printed.

On the motion of the MINISTER OF JUSTICE, the CHAIRMAN left the chair, reported progress, and the Committee obtained leave to sit again on Tuesday next.

ADJOURNMENT.

The MINISTER OF JUSTICE said: Hon. gentlemen.—The next matter on the paper is the consideration of the amendments made by the Legislative Assembly in the Companies Act Amendment Bill. This is a subject of considerable importance, and it is better, I think, that it should stand over until Tuesday, so that we may have ample time to discuss it. Instead, therefore, of continuing our sitting to a later hour, as I yesterday anticipated we should have to do, I beg to move that the House do now adjourn.

The HON. B. B. MORETON: What business will be taken first on Tuesday?

The MINISTER OF JUSTICE: The Civil Service Bill.

Question put and passed.

The House adjourned at eight minutes to 6 o'clock.