Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 10 NOVEMBER 1896

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LEGISLATIVE ASSEMBLY.

TUESDAY, 10 NOVEMBER, 1896.

The SPEAKER took the chair at half-past 3 o'clock.

APPROPRIATION BILL No. 3.

ASSENT.

The SPEAKER: I have to announce that I have this day presented the Appropriation Bill No. 3 to the Governor, and that His Excellency, was pleased, in my presence, to subscribe his assent thereto in the name and on behalf of Her Majesty.

NEW BILLS.

On the motion of the SECRETARY FOR MINES, the House in committee affirmed the desirableness of introducing Bills to consolidate and amend the law relating to the pearl-shell and bêche-de-mer fisheries, and to consolidate and amend the law relating to fisheries.

RABBIT BILL.

FIRST READING.

On the motion of the SECRETARY FOR LANDS, this Bill, the desirability of introducing which had been affirmed in committee, was read a first time, and the second reading made an Order of the Day for to-morrow.

PUBLIC SERVICE BILL.

RESUMPTION OF COMMITTEE.

Mr. GLASSEY: Clause 34 was passed rather hurriedly on the previous Thursday evening, owing to the lateness of the hour, and the desire of hon. members to catch their trains and busses, otherwise he would have endeavoured to get it amended. At one time he had thought of adding a proviso to the clause, but not having had an opportunity of doing so, he now proposed to move a new clause. Clause 34 gave Ministers power to recommend transfers to the board, but that power should be given to the board and not to Ministers. If an amendment to that effect were made he would not press his new clause. He wished to prevent Ministers—it might be at the instance of members of Parliament or other persons—removing officers at will. He knew of three distinct cases—if not more—where Ministers had recommended the removal of officers at the instance of other parties.

One officer was in the Education Department, one in the Postal Department, and one in the Lands Department. If those transfers had been left to the board, and the officers in question had had the right of appeal to the board, he had no hesitation in saying that they would not have been removed. In two instances, if not in the three, they had been removed for political reasons and for no other. He thought it was the desire of the Committee to make the board an independent and non-political body, and in order to do that they should take transfers as far as possible out of the hands of Ministers and place them in the hands of the board. With that object in view, he proposed the following new clause to follow clause 34:—

> The Minister shall, before the confirmation of the transfer of any officer, notify such officer of his intention to transfer him from the office which he holds to some other office, and assign his reasons for such transfer. And such officer shall have the right of appeal to the board with respect to the transfer before such transfer takes place.

One of the officers he had referred to had been transferred twice in ten months, both transfers having been made entirely for political reasons. He wanted to disarm the Minister of any such power, and members of Parliament of the power to reach the Minister with a view of having objectionable persons removed from their districts that they might be out of the way during election times, or for any other reason. He submitted the amendment in good faith for the protection of the department, the country, and the officers of the service.

The HOME SECRETARY: Surely if such things as the hon. member referred to had taken place there would have been some complaints and some investigation during all the years this provision had been in operation. He had never heard of such a thing before. Did anybody think a responsible Minister was going to take charge of a department and be responsible for it and then let the board manage it?

Mr. GLASSEY: What is the board for?

The HOME SECRETARY: For the purpose of seeing that no political corruption was introduced into the public service, not for the purpose of telling Ministers how to manage their departments. In New South Wales they made the express provision in their legislation that "nothing in this Act contained shall be construed as restricting the ordinary and necessary departmental authority of such Minister or permanent head of any department with respect to the direction and control of the officers and work." They put that in last year, and how else was a Minister to manage his department? Within a week or ten days he had got notices respecting three officers. One was a police magistrate whose son was practising before him every day and living in his house. How was the board to ascertain that? He immediately decided that it was desirable to transfer that officer to some other place where the public would have more confidence in him, and he referred the matter to the board for their advice as to where he should go. Supposing the board said, "He shall stop there," did the hon. member think the Minister would stop? How could the Minister be responsible to Parliament if the board could turn round in such a case and say they were satisfied, and refuse to transfer? That officer had been transferred to Blackall. The same day a complaint came down about the officer at Blackall, and it was found that there were certain reasons for transferring him. Then he got a statement that a certain officer could not live in a certain climate, and in that case, in the interests of the officer and in the interests of the country—as it was desirable to retain his services—it was considered desirable to transfer him. How could the board know that?

Mr. GLASSEY: Why not?

The HOME SECRETARY: What functions have they got to ascertain it? The Minister was the responsible head of the department, and if the board were to be over him his officer would be in rebellion, and would say to him, "What do I care for you?" The Minister must decide whether it was desirable to transfer an officer, and he referred the matter to ascertain which office he should be transferred to. In doing so the Minister must necessarily give the reasons operating in his mind, and he was responsible to Parliament if he did wrong. What was the use of giving Ministers the responsibility of government if they did not give them the power to exercise it. The board was in a position like that of the Auditor-General, but the Auditor-General did not come into his office and tell him not to spend this or that sum of money. If the hon. member had the responsibility of working a department, he would find that he could not put a square peg into a round hole. Supposing an electoral registrar in the hon. member's district proved himself objectionable, and always worked against the hon. member, he would probably decide that he would be more useful in some other place, and transfer him. Then there were combinations and cliques, society questions, and religious convictions brought into play, and in such cases it might be desirable to transfer an officer from one place to another. The Minister, in such a case, would refer the matter to the board; they made their recommendation, and the Government had to act upon it, or by concerted minute send it back to the board for reconsideration. The hon. member knew that no such thing had happened. So far whatever recommendations had been made by the board had been accepted. He did not know the names of the officers the hon. member had referred to, but they could not be removed without the signature of the Civil Service Board. That being so, the board had taken the responsibility in every case, and in ninety-nine cases out of a hundred Ministers were very glad indeed to be relieved of the responsibility of both appointments and promotions. Sometimes the board had made a recommendation which the Minister found would create friction in the department; he simply pointed that out to the board in an informal way, and they made another recommendation. But the idea which had been taken up by the other side that political influence or patronage had been used so as to deter the board from fully performing their duty was as erroneous as it possibly could be. The board had the utmost freedom, and they had never yet reported to Parliament, as they should have done if what was stated were true, that in the exercise of their duties they had been in any way hindered by the advice or suggestions of Ministers. Certainly they had not been interfered with by pressure from any member of the present Government.

Mr. GLASSEY: They had the old story from the hon. gentleman that this provision had been in operation for seven years, and no objection had been raised against it. But objection was raised against it. The hon. gentleman said that he must have the working of his own department. Did he mean to say that he or any other Minister knew the detailed working of his department, and the amount of work performed by each officer? What really happened when a transfer took place was this: The Under Secretary, or some other responsible officer, informed the Minister that in consequence of something he was anxious that Tom Jones should

be removed to some other part of the colony. In ninety-nine cases out of a hundred the Minister merely minuted that statement and sent it along to the board. What he wanted was that the Under Secretary or some other official should notify the board, and not the Minister, that a transfer was necessary, and he made the proposal in consequence of political action having been taken in the case of some officers who had been removed.

The HOME SECRETARY: If you will give one case I will answer you.

Mr. GLASSEY: He would give the case of a young man named Samuel Glassey, in the Lands Department, who was removed because he was supposed to furnish information to his father in this House.

The SECRETARY FOR PUBLIC LANDS: Didn't the board recommend that?

Mr. GLASSEY: The board recommended it when they were pressed to do so by the Minister. The hon. gentleman knew that that was the reason for that removal.

The SECRETARY FOR PUBLIC LANDS: I do not, but I know that he got an increase of salary.

Mr. GLASSEY: The hon. gentleman was very simple and innocent if he did not know it. The statement that he privately furnished information about the office to his father was a deliberate, absolute, and wanton falsehood, and the poor puny creature who held the position of Minister at that time was utterly unfit to be a Minister. But he did not treat the matter as a personal one; he dealt with it on much broader grounds. Transfers for similar reasons had been made in the Postal Department and in the Education Department. And now when he was anxious to disarm the Minister, so that such things should not happen again, he was told that the Minister must have the detailed working of his department in his own hands. His proposal was a reasonable one. There was nothing wrong in the board notifying an officer of the intention to transfer him to another office, which might be in some other part of the colony. That officer might have many obligations, family ties, or sickness in his family. Would it be wrong under such circumstances for such an officer to be allowed to appeal to the board? What chance would he have in appealing to a wretched small-minded Minister. In the case he quoted the Minister had done his best in various ways to remove the officer, and when he had a chance he did so. If the board after due consideration thought it was wise in the interests of the service to remove an officer then there would be no complaint. He had cited a case personal to himself, and could give others, but he declined to do so lest the officers in question should incur the displeasure of certain persons.

The HOME SECRETARY: It was a pity that personal matters should be introduced into the debate. The hon. member was quite wrong with regard to his son. Did the hon. member wish the House to fix the positions of officers in the service for all time? Surely the head of the department was the person to know whom it was desirable to remove! The circumstances of the case mentioned were these: There was an office to be filled at Roma, and the permanent head had to look around for an officer to go there. He consulted the board, and a young man was selected and was given an increase of £25 a year. The hon. member complained that his son was transferred from the Brisbane office to Roma in a healthy district, and said the office was not required. He would not get the hon. member for Maranoa to agree with him in that. At that time there was a necessity for sending someone up to Roma, Mr. Jackson having intimated that he wanted assistance. The hon. member had not told the Committee what afterwards became of his son. After he had been in Roma for some time the Civil Service Board considered that it was advisable that he should have a change to Brisbane again, and he was transferred to the Savings Bank. He happened to be Minister in charge of the savings bank at the time, and the fact was that that officer got promotion over the heads of others, and there was considerable dissatisfaction. When he was in Brisbane before he had £135 a year, and he came back and was classified over the heads of other officers who were his seniors before he left the Lands Office in Brisbane. There was nothing political in the action taken; it came about this way—The climate of Roma was very salubrious, and there was an application from someone in the savings bank who was suffering from weak chest to be transferred to that district. One officer was prepared to go to Roma and the other was ready to come to Brisbane, so it was a mutual exchange. That was the solution of the whole thing. He did not think that the action taken in that case bore out the contention of the hon. member that it was advisable to take away power from the Minister and give it to the board. If there was anything in the hon. member's argument it should tend towards reducing the powers of the board.

Mr. GLASSEY: The facts were these: After the officer in question had been at Roma for twelve months he came to Brisbane on leave to visit his family. When here he learnt that there was an officer in the savings bank named Palmer who was suffering from chest complaint, and whose doctor recommended his transfer to a Western town; the two young men arranged mutually to exchange positions, and the board sanctioned the arrangement. It so happened that the board had framed regulations giving officers in the Roma district an allowance of £18 a year for extra cost of living, which had not been paid previously. That, combined with another increase, would have made his son better off by £26, but he had come to Brisbane, and had only received an increase of £5. He was now receiving £140 a year, after being twelve years in the service. He did not complain of the salary, but contended that he had been transferred for political reasons and petty spleen on the part of the Minister, in order to strike at his father, whom he was unable to strike in the House or elsewhere. He could give names and dates and particulars to show that the same thing had taken place in other departments, and it was with a desire to prevent it that he had introduced this amendment in perfect good faith. He did not feel at all hurt in consequence of the person he had referred to being a member of his own family, but merely cited it to show that the departments were not free from political influence.

Mr. MACDONALD-PATERSON sincerely hoped the proposed new clause would not pass. If it did, the position of a Minister would be intolerable, because it would be *infra dig.* for him to have to assign reasons for every transfer. It seemed to be generally accepted, possibly in consequence of such speeches as had fallen from hon. members, that the moment a man got into the Civil Service he had a right to a consideration, whenever there was a movement in the service, more keen and more profitable than any man employed in private firms. He had always held that they should receive no more consideration than was shown in respectable firms and public institutions, and he should not depart from that position, because the moment they swayed from the wholesome rule that merit should proceed step by step up the ladder of promotion, they put the white ant into the Civil Service of the colony. He regretted that the clause had been proposed, because if there were

many more of the same way of thinking as the hon. member for Bundaberg they would lower the tone of the service and proclaim that the present state of affairs was worse than before the board was appointed. He could not recall any political corruption in the Cabinet with which he was connected, and he might point out that the hon. member's son was appointed under that *régime* to the Lands Department. The hon. member's reference to his own son indicated a large amount of moral and political courage, because it must have been painful to him to cite this case; but if this sort of thing went on from year to year it meant the disintegration of the board, and reverting to the old system of what the hon. member called "political appointments." He denied that they were political appointments, and he contended that 90 per cent. of the appointments in the service were as clearly made upon merits as Ministers could possibly make them, with the advice of those at their elbow from time to time. There was no country more free from political corruption than Queensland, and not more than 10 per cent. of what they might call "nondescripts" ever got into the departments. He hoped the hon. member would not press the clause to a division, as it would be unwise, more particularly as it was founded upon a case so entirely personal to himself and his family.

Mr. CROSS contended that it was wise and just that if an officer felt aggrieved at being transferred he should know the reason why, and have an opportuntity of giving reasons to the board why he should not be transferred, which would also relieve the Minister from a great deal of responsibility. It was popularly believed that a great deal of political influence was exercised, and there were many ways of exercising it in spite of the board. He saw no objection to the Minister stating the reason for making a transfer, in justice to the officer concerned. The hon. member for Brisbane North had referred to the employees in private firms. Well, if the Civil Service were conducted on the lines followed in the case of respectable firms and institutions outside, it would be highly satisfactory.

Mr. MACDONALD-PATERSON: They do not give reasons for making transfers.

Mr. CROSS: He was coming to that. There were two parties to a contract. In the case of the great body of workers, who devoted the whole of their lives to gain little more than a mere pittance, they were not even treated with the courtesy of being told why they were dismissed; yet if an employee left without the consent of his employer he was summarily dealt with before a police magistrate. If they were going to have freedom of contract, it should be absolute freedom of contract, instead of having the contract on the one side and the freedom on the other. The clause proposed was entirely in accordance with the spirit of the Bill and of the whole tenor of their legislation, which placed employer and employee on exactly the same footing. The same principle should hold in regard to the Civil Service. He knew of a number of cases in which men had been transferred, and it was a curious coincidence that those men had been transferred just prior to an election, and had been sent to places where their names would not appear on the rolls, and where they could not use the influence they might have been able to use in districts where they had been long and favourably known. During the last four or five years, especially in the case of one department, men had been transferred, and so prevented from exercising the franchise in a certain direction. That was a notorious fact. The clause would enable justice to be done to officers. The board was there to manage the public service. In the Railway Department, in consequence of the discussions which had been inaugurated by members on that side, a regulation had been issued by which men could not be thrown out of employment in the department without being given an opportunity of showing cause. When an intimation was sent to an officer the reason was given.

The HOME SECRETARY: A man has an opportunity here of showing cause why he should not be dismissed.

Mr. CROSS: It was the same principle, but this was an extension.

The HOME SECRETARY: No, it is not.

Mr. CROSS: The hon. gentleman could easily imagine hundreds of cases in which transfer would be tantamount to dismissal.

The HOME SECRETARY: I do not know one.

Mr. CROSS: He would imagine the case of a man in the highest class, who had rendered good service, and was transferred from Brisbane to, say, Winton, Windorah, Hughenden, or to the Gulf country. The bare excuse was given that he was removed because it was wise to have a change. Of course the reason was a legal one, but surely the officer should be given an opportunity of knowing the real reason, if there was one, because it might be equivalent to dismissal. Every member of the Committee who represented large numbers of Civil servants was now called upon to decide very carefully before he gave his vote. He did not represent many Civil servants; he was animated by no personal motives, but, as one who took an interest in such things, he contended that no man should be transferred without receiving good reasons for the transfer.

The HOME SECRETARY: They were not dealing with the question of members representing a large number of Civil servants, but what was in the interests of the whole community. The Bill had not been brought in in the interests of the Civil servants, but for the purpose of regulating the public service, so as to make it meet the requirements of the colony. Civil servants had no more rights than anybody else. Of course they had their rights, but the highest right was that of the community, and the hon. member seemed to lose sight of that. The Bill endeavoured to do right to both the public and the Civil Service. There was a tendency to consider anyone outside the service who wanted to get in as an interloper, but those outside had just as much right as the man inside the service, so long as the community was not injured by letting him in. Now that the clause had had fair discussion, he hoped they would come to some decision upon it. As they were near the end of the session he hoped that, while amendments would be fairly discussed, the discussion upon them would not be prolonged, because they had been so long over the Bill that he was afraid it was stopping other more important business.

Mr. CROSS quite recognised that the interests of the community were paramount to everything else, but the amendment called for the mere exercise of common fair play in asking that an officer should be given some reason for his transfer. They should not deny that to any man, and in the case of a servant of the State it was important that there should be no taint or suspicion of political or other influence. The best way to make the Civil servants loyal to the colony and efficient was to remove any reason or suspicion leading them to believe that they might be unfairly dealt with. It would also remove any suspicion of influence from the Minister, and would throw the responsibility upon the responsible board. That was all that the amendment proposed, and it should appeal to the sense of justice of every hon. member.

Mr. HAMILTON: The hon. member had not been able to specify a single instance where,

under the *régime* of the board, a member of the Civil Service had been unfairly treated. He stated vaguely that during the last two elections a number of officers had been shifted, but that was simply a figure of speech, and the hon. member could not state a case. Civil servants who had voted for him (Mr. Hamilton) had been shifted, but there was nothing suspicious in it. It simply happened, and doubtless it was so in the cases of hon. members opposite—that was all. The hon. member said that in some cases transfers were equal to dismissals, but he had not quoted any. The only case the hon. member for Bundaberg had been able to state was that of his own son. When a man wanted to clinch an argument he quoted the best case he had, and the hon. member would not have quoted the case of his own son if he had another to quote; yet the Home Secretary showed the absurdity of that case in a few sentences. The hon. gentleman had shown that if there had been any unfair treatment in that case it was that that gentleman had been too well treated, to the detriment of other members of the service whose fathers were not members of Parliament. Would it not be an absurdity for a clerk in a bank or a merchant's establishment to come to his business employer and say, "I want to know your reasons for shifting me. Why should not somebody else go?" Such a thing would destroy all discipline. The Civil servants should, no doubt, be consulted, but the interests of their employers, the general public, must be first consulted.

Mr. FINNEY could not vote for the amendment, as it would do great injury to the Civil Service as a body. If a Civil servant was to ask for a reason and an inquiry concerning his removal it would do away with all discipline in the departments. No doubt if a Minister were asked why an officer was to be removed he would give some reason; but it was not a pleasant thing at all times to tell a man the reasons for his removal—it was better often that he should not be told. Removals were no doubt painful to the Ministers in charge of the departments; but what could they do? They must move officers about to suit the department in which they were employed. He would vote against the amendment.

Mr. GLASSEY wished it understood that he did not claim anything for the Civil servants which he would not claim for any person outside. But when a man was removed by any employer the least he had a right to expect was that he should be given some reason for his removal. If the hon. gentleman would agree to recommit the Bill and substitute the board for the Minister in clause 34, he would withdraw his amendment at once. He did not hold that the Civil servants had any right to be set up as a special class receiving special treatment, nor did he claim that anyone connected with him had any right to any privilege that was not enjoyed by every other member of the service.

Mr. JACKSON: The leader of the Labour party said he did not claim for anyone inside the Civil Service any greater privileges than he did for those outside the service. He (Mr. Jackson) thought that members of the Civil Service should be entitled to a little more consideration than persons employed by private firms. If they were not so entitled, then the hon. member had no case for his clause, because a bank, for instance, would not think of giving its reasons for the removal of an official from, say, Brisbane to Charters Towers. He was not particularly in favour of the clause. There were many officials in outside districts whom it would be better to have removed a little oftener than was the case at present. Police magistrates and gold wardens should not be allowed to remain in one district more than two or three years, and to adopt that clause would place obstacles in the way of the removal of such officers. He had had no experience of the abuses referred to by the hon. member for Bundaberg, and clause 34 seemed to pretty well safeguard the rights of Civil servants. If the Minister was called upon to give reasons for a transfer it might be very inconvenient. Police magistrates and gold wardens got mixed up with cliques very often, and it would be very inconvenient and practically impossible in many cases to formulate a charge in such instances, though there might be very good reasons for the removal of the officer to some other district. He was sorry that he could not vote for the clause as it stood.

The HON. J. R. DICKSON was at first rather in favour of the proposed restriction of the action of the Minister, but on reflection he felt that if the clause were adopted it would be attended with great disorganisation in the service. He was certain that very few officers would care to be removed from Brisbane to the country without making an appeal to the board. Hon. members knew how, when it was proposed to remove State school teachers, female teachers especially, from Brisbane to the country for certain considerations, they had to make representations to the department and endeavour to get matters arranged conveniently. He held that a man who devoted himself to the Civil Service as a profession occupied much the same position as the member of a military organisation, and that it was his duty to march where duty called him. The Minister was certainly more likely than the board to know whether an officer was doing good service in his present position, and therefore that it was necessary that he should have the power to refer the question of transfer to the board, and unless it could be clearly shown that a large amount of abuse existed under the present system he was disposed to vote against the clause.

Mr. CROSS: The hon. member who had just spoken had likened the Civil Service to an army, but he did not think any member would recognise any analogy between the two, even as far as organisation was concerned. Civil servants were engaged in peaceful occupations, in developing the progress of the people around them, while soldiers were always prepared for conflict. The hon. member presupposes——

The CHAIRMAN: I would draw the attention of the hon. member to the fact that he has already spoken three or four times on this amendment. Surely there must be some finality to discussion. According to the Standing Orders, the hon. member must confine his remarks to the amendment before the Committee.

Mr. CROSS did not see that there was any reason that the Chairman should talk like that. He was simply replying to the hon. member for Bulimba.

The CHAIRMAN: If I am stating what is not in accordance with the Standing Orders I trust the hon. member will pull me up under the Standing Orders, but he must not be impertinent.

Mr. CROSS: He had simply said that he did not think the Chairman was justified in pulling him up. He had a right to reply to the hon. member for Bulimba, who had introduced new matter into the discussion. The hon. member evidently assumed that if that clause came into operation all persons in the Civil Service who were transferred would exercise the powers given by the clause. He did not think so. The clause was framed for the purpose of meeting a grievance which had been pretty general during the last few years, but he did not think that in 95 per cent. or more of the transfers Civil servants would exercise the powers given by the clause. Therefore the disorganisation which had

been referred to by the hon. members for Toowong and Bulimba would be exceedingly slight. He hoped the Committee would place the power in the hands of the minority who might feel aggrieved of appealing against transfers, so that no injury might be done to them.

Mr. HAMILTON: The man who would be satisfied with that amendment would be satisfied with very little. The reasons given by the Minister would be just about as inscrutable as those answers which were given by Ministers to hon. members. Members were just as wise as they were before asking their questions, and the Minister would say that it was desirable in the interests of the service that certain transfers should be made.

Mr. GLASSEY: With the permission of the Committee, he would amend the proposed new clause by omitting the words "and assign his reason for such transfer."

Amendment agreed to.

Mr. KIDSTON entirely agreed with the leader of the Labour party in his desire to free the Civil Service from political influence, but the conditions imposed by the clause would not prevent members of the service from being unfairly used. There were other conditions which ought to weigh equally well with that of saving the service from undue influence; they were the efficiency of the service itself, and the position the Minister would occupy under the clause. It would make the Minister subject to the board, and it would be unfair if Parliament after passing such a clause held the Minister responsible for many things that happened in his department. For those reasons he should vote against the proposed new clause.

Mr. STEWART thought the clause a very necessary one. There had been some talk about the rights of employees; and he thought an employee, whether employed by the State or a private firm, should be on an equality with his employer. He saw no difference between the two. All he desired to claim for the Civil Service was that there should be an equality of treatment. A transfer might be an advancement or a backward step. No Civil servant would object to the former, but if it meant a lowering of his status in the service he was entitled to be heard before being transferred. On those grounds he should support the new clause.

New clause put; and the Committee divided:—

AYES, 13.

Messrs. Glassey, Keogh, Cross, Hoolan, Kerr, Dawson, Fitzgerald, Hardacre, McDonald, Daniels, King, Stewart and Dunsford.

NOES, 41.

Sir H. M. Nelson, Messrs. Philp, Byrnes, Foxton, Tozer, Dalrymple, Armstrong, Macdonald-Paterson, Crombie, Hamilton, Finney, Stephenson, Fraser, Thomas, Drake, McGahan, McMaster, Turley, Lissner, Corfield, Newell, Cribb, Collins, Stumm, Grimes, Curtis, Fogarty, Bridges, Stodart, Castling, Jackson, Browne, Story, Dickson, Kidston, Callan, Lord, Groom, Leahy, Bell, and Smith.

Resolved in the negative.

On clause 35—"In special cases persons may be appointed without probation or examination"—

The HOME SECRETARY wished to make a slight amendment to this clause, which said that no appointment should be made without examination or probation, except to the office of police magistrate or clerk of petty sessions. He thought the words "warden or mining registrar" should be added, for these reasons: In all Public Service Acts exceptions were made in the cases of high judicial officers, and in New South Wales they had come to the conclusion that they could not get officers to perform these duties out of the clerical branches of the service. At present if it appeared to the Governor in Council to be in the interests of the colony that a person outside of the service should be appointed to any position he should be appointed without examination, but that had only been operated upon in such cases as that of the appointment of Mr. Hesketh, and it could not be done unless the board had previously certified that there was no competent person in the service. His object was to get the most qualified men, and he could refer to two instances that had occurred recently. Mr. Nixon died at Thargomindah on 16th January, 1896; he at once gave notice to the board, but he had to wait until 22nd July before he could get another officer. That was a great inconvenience to the public, and when he did get a successor it was an officer in a comparatively subordinate position in the Customs Department, who now had to adjudicate in important cases. He was warden, mining registrar, police magistrate, and held numerous other offices, and might decide disputes to an indefinite amount. In another case an officer died on 21st March last, and although he had been anxious to secure a successor, as the work was being neglected, he was unable to do so until 27th October. This officer was then receiving £200 a year, and he was now acting as magistrate at Nanango, although he had never before sat on a bench in his life. To give hon. members some idea of the work that had to be done by these officers he might inform them that during the year forty-eight cases were decided in the Supreme Court involving a total amount of £3,321. In the District Court there were 1,726 cases, involving £12,959; in the small debts court, 9,480 cases, involving £40,914; and besides that 19,000 persons were tried under the criminal jurisdiction. They would see that there was 190 times more business done in the small debts court than the Supreme Court, and yet to fill the positions of these magistrates they had only a small nursery of thirty-six persons, some of whom were probationers, and their work was entirely clerical. Why should they disqualify those who were competent?

Mr. TURLEY: How many clerks of petty sessions?

The HOME SECRETARY: Eighteen clerks of petty sessions and eighteen clerical assistants. Several of the clerks of petty sessions were far beyond the age when they could act on the bench. One or two of them, while they made excellent clerks of petty sessions, were most unsuitable for police magistrates. They must adopt some other means for getting a better class of men. In New South Wales they proposed a test examination, but he did not like that because that was only a question of memory. He had a proviso which he thought would suit even hon. members opposite. It was absolutely necessary to have qualified men for magistrates, who had power to commit men to prison for six months. Under the present Act the Government had power to go outside the service, but they had never exercised that power. They had power, under the Civil Service Act, to except police magistrates from the operations of the Act, but they wished to take the Committee entirely into their confidence. There might be some good men in the nursery he had spoken of, but he did not know them yet. The position of clerk of petty sessions at Charters Towers had become vacant on account of the last officer not having acted properly, and he really did not know whom to get for the place.

Mr. DAWSON: You have a man now.

The HOME SECRETARY: Yes, he had had to bring Mr. Archdall from Herberton, but he did not know where he was to get someone to replace him.

Mr. DAWSON: You have got Mr. Russell of Charters Towers there now.

The HOME SECRETARY: He was a capable man, but, unfortunately, he resigned some time ago.

Mr. DUNSFORD: He is doing the work now, and doing it splendidly. Why not appoint him?

The HOME SECRETARY: He was doing the work better than it had been done before, but owing to his resignation he was disqualified, otherwise he would have been brought back.

Mr. DAWSON: He wants to get back.

The HOME SECRETARY: Yes, he was doing the work temporarily. To show the necessity for the clause he would take his own case as an illustration. He had been in the colony since 1859, and had had a great deal of experience in administration, but as the law stood he was disqualified, and no member of his family was qualified. It had cost him about £4,000 to educate his family; but no one who had given his children a good education would be willing to allow them to accept £50 a year. In connection with ordinary clerical work the present system might be the best, but for such positions as police magistrates the best men were disqualified. He did not think that the examinations proposed in New South Wales should be the only test of fitness. The best class would be men who had for years sat on the bench as unpaid magistrates. There must be a sprinkling of men who had some knowledge of the law, because the jurisdiction of the courts of petty sessions had been increased to £50. His colleague wanted a warden for Eidsvold the other day, but not having an officer in his department capable of filling the post, he had applied to him (Mr. Tozer), and he had given him the clerk of petty sessions at Charters Towers, who was the best man he could get.

Mr. SIM: The warden at Normanton is one of the best wardens in Queensland; why not transfer him?

The HOME SECRETARY: He was wanted where he was. [To show the difficulty experienced in other colonies, the hon. gentleman read an extract from the report of the commission which had inquired into the public service in New South Wales. The report, after pointing out that the qualifications for the higher grades of the service were distinct from those required in other parts of the service, suggested that the only possible way out of the difficulty was to make a distinction between ordinary clerks and those positions which involved responsibility, and to form two separate and distinct classes, with different examinations for admission into each. The persons appointed to the ordinary division would have no claim to any promotion beyond the maximum salary in their class, and would not be promoted to the other division unless they displayed special aptitude.] He knew that directly the clause was passed every man would feel himself qualified to be a magistrate or a clerk of petty sessions, and the great majority of those who applied for such positions would be lame dogs who wanted to be helped over a stile. The Government did not want the best men to be disqualified, and would take care that the service was well and economically conducted. The unpaid magistrates were able to bring a lot of experience, and their places could not be as well filled by talented men who might pass any prescribed examination. There must be in the colony some 200 or 300 persons who had passed through a long training, and who he hoped had acquired a judicial mind, and become qualified to faithfully expound the law. He could assure hon. members that his office teemed with complaints from labouring men of the injustice put upon them through their having no right of appeal. He had in every instance to answer that as a judicial officer had settled the matter, he could not interfere whether it was right or wrong, unless they doubted his *bona fides*, and he could then interfere with a view to removal. In order to provide a remedy he came to Parliament and said they must not disqualify the most capable men. If the present Ministry had desired to appoint some broken down squatter to the magistracy, as had been suggested, it could have been done during the last seven years. There was nothing to stop it put public opinion. The judgment of the country would stop such a thing. He proposed now that they should not disqualify any man in the country from doing this high work, and he was prepared to add the following additional proviso to the clause:—

"Provided also that no appointment shall be made to the office of warden, police magistrate, mining registrar, or clerk of petty sessions until the board has been informed of the proposal to make such appointment, and has reported whether in its opinion there is any person in the service available and qualified to fill the position. All such reports shall be laid before Parliament."

By this Parliament and the country were protected in getting good men; no one was disqualified and no one in the service was injured. If the Ministry intended to put a man into the magistracy who was politically objectionable that power existed now, and that clause would be a corrective of that power. He believed the proviso would meet all objections. If the Labour party was in power and the police magistracy of Brisbane was vacant, they might have no political confidence in him but they might have some confidence in his experience and judgment, and he hoped in his ability, and he had never been able to learn why under such circumstances he should be disqualified for the position. The reason why he would be disqualified in the clerical branches was that there were many other men with a better right. His object was to try to get able men for those high judicial positions. They did not exclude them from the operation of the Act. He provided that they should get them from the service if they could, but if they could not the Government should look round and get the man most capable for the work, and if they did not act upon the report of the board under the proviso the responsibility would rest with the Government of the day. The difficulty was especially great with respect to wardens; if there were two or three vacancies amongst the wardens to-morrow he did not know where the Secretary for Mines would go to fill them.

Mr. DAWSON: You could easily fill them.

The HOME SECRETARY: If they could be filled from the service this clause would not affect them, and if they could not the clause would not compel them to appoint inferior men. When they had got to such a state of affairs that he had had to wait for six months and then appoint a man from the Registrar-General's Department and another from the Customs to the magistracy, it was surely time Parliament gave them a wider choice. He moved the insertion of the word "warden" before the words "police magistrate," in line 7.

The HON. J. R. DICKSON: The amendments to be proposed in the clause would improve it to a certain extent; but the hon. gentleman had not explained why he was not satisfied with the 29th section of the existing Act, which dealt with appointments to offices which there were no persons in the service qualified to fill, without specially introducing wardens, police magistrates, and clerks of petty sessions. The Government Electrician had been cited as an instance of a special case under that provision; but that office was in a different category from that of a clerk of petty sessions. The clause, even with the proposed amendments, would open the door to

do away with the promotion which ordinarily accrued to members of the service, through the introduction of men who were entirely outside the service. The position of clerk of petty sessions had hitherto been regarded by many in the service as a fairly attainable position, and he did not see any reason why that office should be included in the clause. Possibly, in view of the experience and legal training necessary for a police magistrate, the hon. gentleman might fairly consider that a special case in which an outsider might be appointed if there were any deficiency in the list of police magistrates available for country districts. But the remarks of the hon. gentleman seemed to prove that he desired to have that enlarged scope of selection so as to provide employment for a large number of young lawyers who, perhaps, did not find that amount of remuneration in the practice of their profession that they would obtain as police magistrates.

The HOME SECRETARY: This would not disqualify them; but I do not say that I would appoint them.

The HON. J. R. DICKSON: They ought, as far as possible, to confine promotions to men who were already in the service if they showed the necessary ability. With regard to clerks of petty sessions, he did not think they had had a great number of complaints as to want of ability in the performance of their duties, and therefore they should be eliminated from the clause. He would be disposed to restrict the clause to police magistrates, and even in that case the board should, before an outsider was appointed, certify to the Governor in Council that there were no persons in the service qualified for the office.

The HOME SECRETARY: Clerks of petty sessions were included, because mining registrars and clerks of petty sessions often went together; but he was not at all anxious to get in any innovation by which the responsibility of the Minister would be increased in regard to the selection of those officers. He hated the very idea of anything of that kind becoming necessary, and should therefore gladly hail any expression of opinion on the part of the Committee that clerks of petty sessions should be eliminated from the clause. It was proposed that police magistrates should come under the clause, because otherwise they would have to throw upon the Civil Service Board the responsibility of saying that the whole 6,000 or 7,000 persons in the service were not qualified for the positions to be filled. That was not what they wanted. What they wanted was to say that other men were better qualified, and in the interests of the public the very best men they could get should be got for those positions. The best way to do would be to say that before a Minister picked his officer he should inform the board of the proposal to make such an appointment, and ask them to report whether, in their opinion, there was any person in the service available for the appointment. That report should be laid before Parliament. With that report and the request of the Minister before Parliament, he did not think there would be much possibility of broken-down squatters or of incompetent boys being appointed. A police magistrate should possess integrity, education, and a certain amount of ability, and the desire was that the gentleman appointed should have those qualifications. If the Committee agreed to his suggestion on that point he would be prepared later on to move the omission of "clerks of petty sessions."

Mr. CROMBIE asked how many broken-down squatters were police magistrates?

Mr. GLASSEY: It is only a figurative expression.

Mr. FITZGERALD hoped the Home Secretary would not forget the mining commissioner. He noticed in one case he was called gold warden, while he was really mining commissioner. He quite agreed with the hon. gentleman in reference to the proposed alteration, and would go further. He had had experience of places which could not get a fair expenditure of money in the way of establishing courts, and the result had been increased cost in places like Longreach. Cases of the utmost importance came before the police magistrate, because people would not go to the expense of taking their cases to Rockhampton. Those who did had to pay dearly for it. The cost was so great that no solicitor would advise a man to go there. Only the other day a case between two graziers, involving very serious questions, was referred at Longreach to Mr. Grant and arbitrators, and it was settled at a cost of about £10. When the increased powers of police magistrates were considered it was important that they should have the very best men. He would make the police magistrates independent of the Civil Service altogether, and put them under the Supreme Court judges. Some cases which involved perhaps only £20 might be just as important to litigants who were poor as cases involving £200 or £300 to other men who could afford the money, and it therefore was important that there should be the widest selection of officers to preside over the police courts. When once appointed it would be well worth considering whether they should remove the power of dismissal from the Minister and board altogether, so that all bias or pressure might be done away with. From his experience he always liked to see on the bench with the police magistrate a couple of experienced unpaid magistrates, but he contended that as a rule the Home Secretary would not be able to choose police magistrates from that class. They were chiefly appointed when they were well advanced in years, when it was too late to start learning law. The hon. gentleman had quoted figures to show the amount of work done in the police courts in Brisbane, but he contended that in places like Longreach and in the West the work was of greater importance than that in Brisbane because of the want of facilities for going to the Supreme and District Courts, and it was therefore most important that the best men should be sent to such places instead of being kept in Brisbane. He must say that the police magistrates he had come in contact with were most able men.

Mr. GLASSEY: The remarks of the hon. member for Mitchell were well worthy of consideration. None but the most capable men should be appointed to those outside offices. In the position of clerks of petty sessions the circumstances were not quite the same. There were many men in the service who were quite able to perform the duties of clerks of petty sessions, even though they might at times have to take the place of the police magistrate on the bench, and perform his duties. So far as police magistrates, gold wardens, and mining registrars were concerned, it was most important that they should be men of the highest qualifications.

At three minutes past 7 o'clock,

Mr. GLASSEY called attention to the state of the Committee.

Quorum formed.

Mr. GLASSEY: At the first blush it might seem hard that clerks of petty sessions should not rise the same as members of other branches of the service, but there was a great deal to be urged in favour of the contention of the Home Secretary.

Mr. KIDSTON: The argument of the Home Secretary seemed to be a justification for altering the present mode of appointment of police magistrates. It was desirable that the most capable men should be appointed to those

positions, because they were really the men who administered the law so far as the greater proportion of the public were concerned. The Home Secretary seemed to recognise the difficulty that these officers were liable to be appointed for political and personal reasons, but to prevent that it might be stipulated that police magistrates should be subject to the approval of Parliament before the appointments took effect. The salaries paid to many police magistrates were also altogether inadequate. The hon. gentleman ought to consider whether it was not desirable that police magistrates should be outside the Civil Service regulations altogether, and hold office under some peculiar tenure, so that they might be free from any suspicion of political patronage.

Mr. TURLEY: The Home Secretary had stated that the object in view was to give the Government a free choice to appoint these officers from outside when there was no one in the service qualified or available, and he also pointed out that the board, when they were appealed to to send a man to fill one of these positions, were not at all likely to agree that there were no men in the service qualified to fill the positions. He thought the practice adopted in New South Wales might very well be adopted here. It would relieve to some extent the anxiety that might attach to members of the Ministry and the board in making those appointments. The hon. gentleman recognised that there were considerable numbers of clerks of petty sessions in training in the centres of population who had considerable experience, and those men were often appointed to act as police magistrates. If there was an examination to be passed, which was open to both members of the service and men outside, men could qualify themselves for the positions. The examination should not be strictly a legal one, because a great deal of law was only administered in the higher courts. A great consideration in the examination should be a knowledge of the practice of the lower courts, as the business of those courts was generally carried on on a certain system. If an examination was prescribed, the Government could not be blamed if they appointed men outside the service. At the same time it would relieve the board who, when an application was made now, might have to go right down the list before they came to an officer whom they considered capable. If there was such a system of examination, the gentleman who was now acting as clerk of petty sessions at Charters Towers, who the hon. gentleman said was disqualified, could go up for examination. He would have the necessary knowledge of the practice of the courts, and he would also have sufficient knowledge of the law to enable him to pass the examination. Of course a judicial turn of mind and aptitude for the position of police magistrate would have to be taken into consideration, but that could be ascertained by a series of questions. A system of examination would give more satisfaction than leaving the whole thing open. He did not say that Ministers would try and put in certain people, because he believed the aim of the Home Secretary would be to appoint efficient officers; but there was a temptation to appoint certain persons who required such offices, and, though the hon. gentleman might not give way to that temptation, others who came after him might do so. It was better to prevent the temptation being placed in the way of Ministers.

The HOME SECRETARY: The objection to an examination was that it was not a sufficient test of the fitness of applicants for the office of police magistrate. He had tried examinations in connection with stock inspectors, but the result was that he had not got the men he wanted. Evidently the best men would not go in for the examination, and he had got a lot of needy men—in some instances of very questionable character. He had got some educated, experienced incapables. Like himself, the hon. member wanted to get the best men, but by examinations he would not get the best class of men. He would probably get men who had been crammed for the examination. The examination would be a test of memory, but it would be no test whatever of a man's efficiency. They might have a little knowledge of the law, but a little knowledge of the law was a dangerous thing. They might lack experience and they might lack integrity. So far as he was concerned, he would stick to the old practice of appointing men within the service. He would ask the board to make regulations fixing the qualifications required of members of the service for the position of police magistrate; but if there was none in the service capable, the Governor in Council should not be debarred from selecting a qualified man. Better results would follow from the system provided for in the Bill. In New South Wales they would find, as he had found, that by examination they would have men qualifying by examination who would not be suitable men to take up the work. The board would provide an examination in the service for men they thought qualified to fill those positions.

Mr. TURLEY: Will all persons inside have the right to submit themselves for examination?

The HOME SECRETARY: Certainly. He had a clause drawn out now to divide the service into two groups—the clerical division up to £300, and after that a special division; and any man below £300 could qualify himself by examination for the higher division, and in doing that he would qualify himself for the office of police magistrate. If they had to go outside, it would be to intelligent persons who had for years acted as magistrates, or highly skilled barristers such as they appointed District Court judges. For illustration, take the case of Mr. Mansfield, who had acted as a District Court judge. He might be assumed to possess the experience and judicial knowledge to fit him to take the position of police magistrate at Brisbane at once should the office become vacant.

Mr. KEOGH: Supposing the office of a police magistrate was vacant, would the person proposed to fill it be submitted to the Minister and to the board? Would the Minister and the board require to approve of the proposed appointment?

The HOME SECRETARY: That would be met under the proviso he intended to propose. If the board took the proper course under that proviso they would make persons in the service available by examination. If the Minister found by their report that they had a capable person on their list, well and good; if not, then there would be no disqualification of outside persons. The hon. member for Mitchell suggested that the proviso was not valuable, but it would put a police magistrate, to a certain extent, in his appointment under the supervision of the board, and that was calculated to prevent the appointment, through political influence, of incapable persons. If the Committee passed the clause with the proviso they would have the best security. They would have publicity of the acts of the Executive, and they could not do better than that.

Mr. JACKSON believed the proviso to be a good one, but he did not agree with all the hon. gentleman had said as to examinations. The argument that it was only a test of memory would apply to all examinations. The difficulty of young men cramming to pass the examination could be met by fixing a minimum age. He wished to know if the examination within the

service to which the hon. gentleman now referred was the examination to which the board referred in their report, or whether that examination had reference to some other scheme which the board proposed? He remembered seeing a cartoon in London *Punch*, in which two clergymen were represented enjoying a cup of tea and a gossip. One said to the other, "What a shocking bad appointment, that to the deanery of Barchester?" The other said, "Oh, no; the usual qualifications—own brother to a peer, and a failure wherever he has been before." There was a feeling abroad in Queensland that men were appointed police magistrates and clerks of petty sessions through political influence who had been failures in the positions they occupied before. If they had some system of examination it would tend to remove complaints of that kind.

Amendment agreed to.

On the motion of the HOME SECRETARY, the clause was further amended by the substitution of "mineral lands commissioner" for "clerk of petty sessions," the insertion of "available and" after "service" on the last line of the clause, and the addition of the following proviso:—

Provided also that no appointment shall be made to the office of warden, police magistrate, or mineral lands commissioner until the board has been informed of the proposal to make such appointment, and has reported whether in its opinion there is any person in the service available and qualified to fill the position. All such reports shall be laid before Parliament.

Clause, as further amended, put and passed.

On clause 36—"Salaries in case of promotion from class to class"—

The HOME SECRETARY moved that after "shall," in the 3rd line, there be inserted "except in the case of promotion from one office to another." As the clause stood, a man who was getting £290 a year, if promoted to the next class, could not get more than £300, the minimum salary of that class, though the work might be worth £350. The amendment would allow him to receive £350, and he intended afterwards to propose that the increase should be subject to the necessary provision having been made by Parliament. In the next clause he would make provision that in promotion from one class to another an officer should not jump over two classes. As an illustration of the effect of the amendment he might mention that there was a young officer doing the duty of the late Mr. Horrocks at £190 a year. If he was only allowed to be promoted to the next class at the minimum salary of that class, he could not get more than £200, which would be only £10 more, but under the amendment he might be paid £250.

Mr. TURLEY: Were they to understand that if a man getting £200 a year was promoted from that position to another he could go up to the top of the next class—that was up to £390?

The HOME SECRETARY: He could go into the next class, but need not necessarily commence at the very bottom; that was all it meant. Probably the word "situation" would suit better than "office"; he would therefore alter the amendment so as to read "except in the case of promotion from one situation to another."

Amendment agreed to; and clause, as amended, put and passed.

On clause 37—"Increases of salary"—

After verbal amendments,

The HOME SECRETARY moved the addition of the two following subsections:—

(4.) It must be subject to the necessary provision having been previously made by Parliament.

(5.) It must not in the case of promotion from one situation to another be of such a nature as to promote the officer beyond the immediately higher class.

Mr. GLASSEY took exception to the limitation of the increase to £20 in the case of officers of the fourth, fifth, and sixth classes. Supposing a man receiving £120 a year was removed to another situation where the previous officer received £160, why should he remain for twelve months before getting an increase? If he performed the duties why should he not get the salary of his predecessor?

The HOME SECRETARY: That is provided for in the previous clause.

Mr. GLASSEY: Hardships such as that had been strongly urged by the Home Secretary when the original Bill was going through, and he was glad to notice that he was now removing the limitation.

Mr. BATTERSBY: The late member for Toowong, Mr. Unmack, when Postmaster-General made certain recommendations in reference to officers in his department, and they were backed up by the Civil Service Board, and yet Sir Thomas McIlwraith and Mr. C. H. Buzacott tried to upset those recommendations. He would be perfectly plain. There was a gentleman named Mr. Scott in charge of the mail branch of the Post Office——

The CHAIRMAN: There is an amendment before the Committee, and I trust the hon. member will confine his remarks strictly to it.

Mr. BATTERSBY: He had asked the Home Secretary a question in reference to that matter a few nights ago. He was then told that the proper time to speak on the subject was on the Post Office Estimates, but he thought it should be mentioned upon this Bill. No chief clerk had been appointed in the Post Office to the present day, although there had been a recommendation for the appointment of Mr. Scott. He was perfectly satisfied that the recommendation of Mr. Unmack and the Civil Service Board was a correct one, but in spite of that Mr. Charles Hardie Buzacott was allowed to override the claims of Mr. Scott in favour of his brother.

Mr. GLASSEY failed to see how the amendment would meet the case he had mentioned. A man might be getting £120 or £140 in a certain office, and just after Parliament had made the necessary provision for supplying the department with funds, he might be removed to another position worth £50 or £100 a year more. He did not see how, under the amendment, the officer would be able to get any increase commensurate with the work he was called upon to perform; and next year he could only receive a limited amount of increase.

The HOME SECRETARY was afraid the hon. member misunderstood the amendment. An officer while he remained at the same work in the same office and of the same class could not receive an increase within the year more than the amounts mentioned. That was the automatic increase, which was given if funds permitted. But there were cases in which an officer might be promoted from one situation to another, and the pay would be within the vote provided by Parliament for the situation he went to. Supposing £240 was the amount voted for the situation the officer went to, and he had been previously getting £190; he would get the £240 which had been provided by Parliament. The Act provided that the increase should not be limited to the £30 or £20 in the case of promotions. Everything the hon. member wanted was given by the amendment, which was one the Committee asked for the other day. There must be no supplementary vote to make the promotion.

Mr. BATTERSBY wanted the Home Secretary to answer the question he had asked about the chief clerk in the Post Office.

The CHAIRMAN: I would remind the hon. member that his question has nothing to do with the amendment now before the Committee, and is entirely out of order.

Amendment agreed to; and clause, as amended, put and passed.

On clause 38—"Sections not to apply to State school teachers"—

Mr. GLASSEY had all along contended that every protection and privilege accorded to all other branches of the Civil Service should be granted to State school teachers, and he had not yet heard any sound reason why that should not be done. He was very much opposed to the clause, and believed there were many other hon. members who shared his opinion. No branch of the service was of more importance, and no class of Civil servants performed more important and useful work in the interests of the State than those engaged in teaching. Yet they were to be denied the rights, privileges, and protection granted to other Civil servants. That was manifestly unfair, and he should be very reluctant to agree to the clause unless he heard very much sounder reasons in favour of it than had yet been given.

The HOME SECRETARY: They had already discussed the question as to whether those thirteen sections should apply to the Education Department. In that department there were qualified examiners, and provision was made for the promotion of the teachers step by step. Provision had been made in the Bill for the investigation of complaints against teachers by the board, and also for the classification of teachers in the public service; but such matters as examinations, promotions, and transfers in connection with the Education Department must of necessity be left to that department. He was pleased to say that though there were more officers in the Education Department than in the Civil Service the promotions and transfers in that department had caused fewer disputes and given more satisfaction than the whole of the promotions and transfers under the Civil Service Board. To do as the hon. gentleman suggested would turn the Education Department upside down, because those thirteen clauses were in their nature inapplicable to that department.

Mr. GLASSEY believed there would be no difficulty in putting all the departments, with the exception of the Railway Department, under the board. If three members were not sufficient to do the work, by all means have four, and let them see to the examination, classification, and promotion of all officers. The Civil Service Board framed regulations granting and making certain grants to persons in the Civil Service located in outlying districts. Roma, 318 miles from Brisbane, was included in the outlying districts, and an allowance of £18 a year was made for extra cost of living under those regulations; but the school teachers there—four or five in number—did not get a farthing under that rule. He thought the same rule should apply to teachers as to officers of other departments in that respect; and if they were under the Civil Service Board justice would be meted out to them.

The HOME SECRETARY: It must be settled under their own rules.

Mr. CROSS understood that no provision was made by the Education Department for allowances to teachers who went to distant parts of the colony.

The HOME SECRETARY: There is power to make regulations which provide for all these things.

Mr. CROSS: If the hon. gentleman would state that there were regulations under the Education Act providing for allowances on account of extra cost of living, like the regulations of the Civil Service Board, there would be an end of the matter; but the hon. member for Bundaberg had mentioned a case where the allowance was not made to teachers in an outlying district.

The HOME SECRETARY: If the hon. member would look at the Estimates of the Education Department, on page 74, he would see £3,000 was asked for extra cost of living, and for allowances in lieu of quarters £1,300. The Education Department had quite as much power to make these regulations as the Civil Service Board, and how they dealt with the matter could be seen from the regulations themselves.

Mr. GLASSEY: Whatever powers they might have, he had not the slightest doubt that at present those allowances were not made to State school teachers the same as to other Civil servants.

The HOME SECRETARY: They may be incorporated in their salaries.

Mr. DUNSFORD asked what standing teachers would have in regard to transfers from one branch of the service to another? There were quite sufficient school teachers, and, if necessary, they could fill vacancies elsewhere.

The HOME SECRETARY: Teachers had an advantage over nearly all the rest of the Civil servants, because under this Bill, and also under the old Act, they were eligible for any other branch of the public service, the regulations in the Education Department only referring to promotion *inter se*. A teacher could be transferred to any position for which he might be competent, and the complaint was that while teachers could be shifted from one branch of the service to another, those in the ordinary service could not be transferred to the Education Department, because they could not be qualified, but had to proceed step by step by examination.

Mr. FITZGERALD wished to know if teachers were transferred from one place to another at the sweet will of the Minister without consulting the board? According to a clause they had passed, the Minister had power to transfer ordinary officers, but he had to consult the board as to a successor. Was it intended that teachers should be shifted about without consulting the board? If so, it was very unfair that there should be no appeal to the board, and he had heard several complaints about it.

The HOME SECRETARY: For the past seven years teachers had been transferred and promoted by a committee of classification in the department. The Minister was responsible, but, as he could not regulate the matter himself, he left it to a body of experts by whom any complaints would be investigated, and the system had been found to work well. This Bill would not make any alteration at all; it left that department as at present.

Clause put and passed.

The HON. J. R. DICKSON: When the Bill was last before them he proposed a new clause which he withdrew, and which he now desired to propose. He had paid attention to the criticisms of the Home Secretary, and would move the clause in an amended form, as follows:—

> All persons who have been employed in the public service for a period of five years before and up to the passing of the Civil Service Act of 1889, and have since been continuously so employed without classification, shall be admitted into the classified division of the public service, according to their present salaries, without examination.

This embodied the principle that men employed in the public service for a period of twelve years, and who were still under a weekly engagement at the outside, and liable to be dismissed peremptorily by the head of the department, should have opportunities of promotion. He believed there was some difficulty in dealing with the matter, inasmuch as it might be inconvenient to classify those engaged in mechanical pursuits,

unless they established a mechanical class. He regretted that that had not been done in the early clauses of the Bill. There were a large number of persons, such as messengers and men in the Government Printing Office—many of the latter having been eighteen and twenty years in the service—who should be afforded an opportunity of being classified. It was on their behalf he was speaking. Men of intelligence in the printing office were liable to dismissal at a week's notice by the head of the department, and if they were absent a day or half a day through illness their pay was stopped for that time. The hon. member for Bundaberg had succeeded in passing a clause dealing with certain classes of officers in the Postal Department, and the amendment he was now proposing would confer similar advantages upon men employed in other departments. Since they had last discussed the matter he had been accosted by one or two men occupying the position of messengers. They were very intelligent men who had been a long time in the service, and they were quite prepared to undergo a fair examination, but they were debarred because they had passed the age of twenty-five years. One of them had said to him: "A messenger I am, and a messenger I must remain as long as I remain in the Government service, although I do as much clerical work as any gazetted officer in the department." He would like the Home Secretary to reply very fully, so that they might consider what could be done. He invited the hon. gentleman's kind co-operation in modifying the amendment, if necessary, so as to make it effect the object he had in view. He believed that had the amendment been pressed to a division on Thursday last it would have been carried by a large majority. He begged to move the new clause.

The HOME SECRETARY: The amendment would curtail the rights of any such men. They had a clause already in the Civil Service Act providing that persons employed in the public service prior to 6th December, 1889, should be eligible in the manner indicated without undergoing any examination; under that clause in every department messengers had been promoted, and were now holding higher positions than many classified officers.

Mr. DRAKE: Why had letter-carriers to pass an examination?

The HOME SECRETARY: Because the Post and Telegraphs Act of 1891 required them to pass an examination. A messenger in the Department of Justice had been appointed to a very responsible position, the board having recognised his merit. The board asked the Under Secretary as to the fitness of such an officer, as had been done in the case of a messenger in his own department. He had been doing clerical work of the very highest character for the last four years, and he was now in receipt of £200 per year. He was doing the work which Mr. Dutton had formerly done, and he was quite capable of doing it. He wished to remove the idea from the minds of hon. members that the unclassified division was outside the classified division. The term "unclassified" was a misnomer. In New South Wales it was called the "miscellaneous" division. What the hon. member complained of was that certain persons employed in the printing office and other departments at permanent work had not got into the miscellaneous branch of the classified division; but the reason for their not being included was that those men had kept dark until after the repeal of the superannuation clauses, as they did not want to have to contribute 4 per cent. of their salaries to the fund. Every officer in the public service who was not engaged in temporary work would be put into the miscellaneous division, unless those specially excepted from the operations of the Act. He might say that there would be a terrific row next year when he brought forward a measure by which Civil servants would have to make some provision for themselves whether by insurance or otherwise. They must remember that.

An HONOURABLE MEMBER: Why not do it now?

The HOME SECRETARY: There would be a fearful outcry now, but if it were brought forward next year those men would all be locked in then. He had before him the classified list, and in it appeared everyone in the service who was in it on the 1st of January last and who was not excepted by the Act or in temporary employment. The term "temporary employment" had been construed more widely than it would be construed now. In the Postal Department there were 147 men who were not in the miscellaneous list, and only ten outside that department and in departments under the Home Secretary. All those would now be included, so that the hon. gentleman's amendment, if passed, would reach nobody now.

Mr. GLASSEY: Why not include warders?

The HOME SECRETARY: Those under the Prisons Act were under a different system, but warders in other institutions might be included.

The HON. J. R. DICKSON was very glad to get the information the hon. gentleman had given, because he wanted it clearly established that the persons to whom he had referred should no longer be debarred from passing to the higher grades of the service though they might have passed the age for examination. He had referred to the case of a messenger who had applied to pass the examination but who was over the age. Would that bar be removed in that case?

The HOME SECRETARY: Yes; he does not need an examination now.

The HON. J. R. DICKSON: With regard to the Government Printing Office employees, he understood from the hon. gentleman that those men who had been engaged in that department for years would in January next appear as gazetted in the miscellaneous classification of the service.

The HOME SECRETARY: Whether they have been there for years or not so long as they are permanently employed.

The HON. J. R. DICKSON: After the hon. gentleman's explanation he was not inclined to press his amendment, though he should like to have seen it carried if it could have been administered without much difficulty. With the consent of the Committee he would withdraw the amendment.

Mr. GLASSEY: The statement made by the Home Secretary was very satisfactory, and covered the whole ground mentioned by the hon. member for Bulimba. He was very glad those men were to be included in the miscellaneous division, and given an opportunity of advancing under the supervision of the board without having to go through the rigid examination to which he had referred. He supposed the Home Secretary had received a letter which he had himself received, showing how the officers of the Government Printing Office in New South Wales were controlled by the Civil Service Board of that colony.

Amendment, by leave, withdrawn.

Clauses 39 and 40 put and passed.

Mr. HOOLAN moved the insertion of the following new clause, to follow clause 40:—

Any officer who shall be reported to the board as having been intoxicated in a public place shall thereupon be suspended by the board. The board shall make immediate inquiries into the report, and upon

the substantiation of such report shall inflict a fine against the offender of 5s. for the first offence, £5 for the second offence, and £10 for the third offence. A continuation of the offence being proved to the satisfaction of the board, the offending officer shall forthwith be dismissed the service.

The HOME SECRETARY: The wording of the clause would prevent it being passed, because it gave the board executive power. Still, the hon. member had his warmest sympathy in the proposition. When he was on the opposite side of the House he moved a similar proposition, providing that intemperate habits and intoxication in public on the part of a Civil servant should be considered as one of the offences and visited with severe punishment, and it was only carried against him by the casting vote of the Chairman. He was still of that opinion, but the clause would not accomplish what the hon. member desired. There were some instances in which a fine would not be sufficient. The other day he understood that a Civil servant at Charters Towers rode through the town with a woman's bonnet on his head, making a perfect show of the department and the office which he held. Possibly that might have been associated with some previous offence, but certainly a fine of 5s. would be ridiculous in a case like that. Such a man was not fit to sit and deal with drunk and disorderly cases. Then to-day he had a report that a police magistrate in the colony was guilty of intemperate habits, the last evidence of which was that he took a pistol and fired at his own son. Civil servants knew that, as far as his department was concerned, his feeling was that if a man could not control himself during the hours he was doing public work, but appeared in public in such a manner as to bring discredit upon the department by intemperate habits, he was unfit to remain in the service. Whenever such a thing had occurred he had always sent the matter to the board to consider whether the facts were proved, and if proved whether the conduct of the officer was such as to unfit him to remain in the service. The board were appointed to see that justice was done between the Civil Service and the Government, but administration and punishment were in the hands of the executive officers of Parliament. Permanent heads of departments were given the power to inflict a fine of £5 in certain cases of misconduct, the officer concerned having the right of appeal to the board, and that ought to be sufficient for dealing with a first offender. He knew that in New South Wales they had a clause providing that, "if after the passing of this Act any person employed in the public service be guilty of habitually using intoxicating beverages to excess, such officer shall be liable to dismissal or such other punishment as may be determined under the provisions of this section." But the wording of the clause now proposed prevented it being put in this Bill, because it gave the board executive power, and he hoped the hon. member would not press it.

Mr. HOOLAN: As the matter stood now, there were no suspensions. An officer was allowed to continue nipping, from which he went to what was termed in polite society "indulging," then to "liquoring-up," and finally to getting drunk. Then he got drunk quite a number of times, until some person in the community had the hardihood and effrontery to report him. That report went to his superior officer, if he did not happen to be a superior officer himself, and then it went to the board, who asked him to make an explanation. There were none of them so lost to Christian charity that they would not help a poor devil in a corner to explain, and consequently the explanation was forthcoming, unless the officer happened to be like the clerk of petty sessions at Charters Towers, who probably after two or three years' indulgence in spirits, midnight carousals, and sundry diversions in Chinese fantan shops went riding through the streets with a lady's bonnet on his head. Then it was too late to make an explanation. But under his clause the Civil Service Board would be compelled to suspend, and that was where there was an innovation of a new doctrine among old worn-out dogmas. Any person then could report an officer, and the person reporting took the whole onus of his work. The hon. gentleman would tell him that it would cast a stigma on the Civil Service. Of course it might, but the public would be very careful about casting stigmas unless they were justified. Under the clause the board would be compelled to suspend, and two or three suspensions might have the effect of putting a stop in some measure to the excessive use of intoxicants, which was rampant in the Civil Service, and which was so strongly encouraged by the present Government. And it had been encouraged by all Governments. It was no use ignoring the fact that the Government were responsible for the wrongful use of intoxicants that prevailed throughout the country. He hoped to be a member of a Government some day, and in no way wanted to share that responsibility. He preferred, before he took office, to get rid of some of the tremendous responsibilities which would devolve upon him. Hon. members got up one after another and said they had a Civil Service which was a credit to the country. No doubt it was, but everything that went wrong in that service could be directly traced to drink and the effect of convivial companions. Therefore the Bill would fail unless it took the strongest steps to remedy that hideous evil. Search the history of every Civil servant who had been suspended or dismissed and got into gaol, and it could be all traced to drink—to whisky and back parlours, and "send-offs," and smoke concerts. Was it not going on now? Did any Civil servant ever leave a town without a smoke concert or a big booze? Civil servants squandered the greater part of their valuable and excessive salaries in drink. The most highly paid officials in the civilised world were the Civil servants of Queensland, and in nine cases out of ten when they were removed from one town to another there was a purse of sovereigns made up, otherwise they could not leave the town. There must be something wrong. The next thing they heard was that a smoke concert was got up, and unless the purse and testimonial were carefully guarded by someone not in the service who would make it his business to pay the butcher and baker of the departing Civil servant the whole proceeds were swamped in a smoke concert, or a carousal alongside of Cobb and Co.'s coach at 3 or 4 in the morning. Prevention was better than cure, and it was better to stop the disease in its incipient stage than let it develop. If he had his way he would pass a law that no person should be admitted into the Civil Service who had any taste for intoxicating drink, and that the board should be strictly temperate men. There was everything in the force of example. He had not expected the hon. gentleman to propose such a clause for him, but that, with his cuteness and legal acumen, he would have passed the job on to the hon. member for Fortitude Valley, and then that with a mild remonstrance he would have accepted it. Finding, however, that no one was willing to undertake the job he had proposed the clause himself, and he intended to go to a division upon it, if he stood alone.

Mr. GLASSEY: The reasons advanced by the Home Secretary for not accepting the clause were not satisfactory. He said its wording was

defective, but why should that militate against its acceptance? The substance of the clause was what they had to deal with, and whether the complaint of the hon. member for Burke was well founded. The Home Secretary had given some notable examples of evil arising from drink, and it was to prevent a recurrence of those evils that the clause was brought in. He remembered the hon. gentleman moving the clause to which he alluded in the 1889 Bill, and this clause was exactly the same in substance and intended to cure the same evil. There were undoubtedly many persons in the service who were in the habit of taking intoxicating liquor to excess and who went on and on until they could not stop. The result was that they lost their appointments and incomes, and brought misery and ruin to their families; and then great efforts had to be made for them afterwards to get them a subordinate place, in order that they might earn something to keep their families from starvation. If the clause was improperly worded, it would be an easy matter for the Home Secretary to put it right.

The HOME SECRETARY: It is already covered by clause 40.

Mr. HOOLAN: It was not covered by clause 40, because that clause did not give the public an opportunity to become respectable informers. If it did they would be able to take a proper stand in the matter, knowing that any action they took with regard to an intoxicated Civil servant would be met with a ready response. As it was there was a whole lot of surroundings to go through, and the result would be that persons would continually escape, like the late clerk of petty sessions at Cloncurry and the present clerk of petty sessions at Charters Towers. If there was a better chance given to the public, there would be less chance of having intoxicated Civil servants. At present nothing could be done to an officer until he had drunk himself into such a state that he was a fit inmate for Woogaroo. Unless a man came up to the standard of the clerk of petty sessions at Cloncurry, who embezzled the public moneys, or the clerk of petty sessions at Charters Towers, who had been seen racing through the streets in women's toggery, no notice was taken.

The HOME SECRETARY: Under clause 40 they had already made provision for dealing with that by including it generally under offences which would be punished. If an officer was charged with conduct showing his unfitness to continue in the service, or with incompetence, or neglect of duty, punishment followed; and it had always been considered by the Government that a Civil servant appearing intoxicated when on duty was evidence of his unfitness, and, upon being reported, would lead to his suspension.

Mr. BATTERSBY: It was unfair on the part of the hon. member for Burke to make assertions about officers which he could not prove. If the hon. member had any fault to find with the clerk of petty sessions at Charters Towers, why did he not make the charge in writing so that it might be inquired into?

The CHAIRMAN: I trust the hon. member will confine his remarks to the question before the Committee, which is that the clause, as moved by the hon. member for Burke, stand part of the Bill.

Mr. BATTERSBY: If the hon. member made such assertions he ought to be allowed to reply to them.

The CHAIRMAN: I would again appeal to the hon. member's good sense, and ask him not to waste the time of the Committee.

Mr. BATTERSBY knew nothing about the clerk of petty sessions at Charters Towers. All he wanted was that when the hon. member made such a charge against a Civil servant he should be man enough to bring it before the board and prove it.

The CHAIRMAN: The hon. member's remarks are not relevant to the question, and I must ask him—and I do it for the last time—to discontinue his conduct, or under Rule 34 I shall be obliged to draw the attention of the Committee to the hon. member's tedious repetition.

Mr. BATTERSBY: It was the duty of someone on that side to reply to the hon. member for Burke, and he would only ask him to prove the charge he had made.

Mr. DANIELS intended to support the amendment, because he was going to do all in his power to help the Government save money, and this would make the working of the Inebriates Bill less expensive. It was the duty of the Government to keep their servants as sober as possible, and this would very likely enable them to do so.

Mr. TURLEY did not see how he could support the clause as it stood, though he believed in Civil servants being temperate men. In the event of a Civil servant at the other end of the colony being reported to the Civil Service Board as having been seen drunk during office hours, the board would have to institute an inquiry, and could deal with him in no other way than to fine him 5s. It seemed to him that more discretion should be put into the hands of the board. A clause like that read by the Home Secretary from the New South Wales Bill dealing with the question of intoxication would probably meet with the approval of most hon. members.

Mr. HOOLAN: The amendment would give everybody a close interest in public officials, and when a Civil servant was reported for drunkenness an inquiry would be held. At present Civil servants enjoyed an immunity from charges of this kind, because hitherto the interference of the police had been followed by the sack or by removal to Timbuctoo or some other out-of-the-way place. The amendment would alter the method of giving information, and would deal in as gentle a way as possible with Civil servants charged with being intoxicated when on duty.

At eighteen minutes past 9 o'clock the CHAIRMAN called upon Mr. Stephens, member for South Brisbane, to relieve him in the chair.

Mr. KEOGH was not going to give a silent vote, because on many occasions he had seen men drink at night until they were pretty well fu', and next morning go on the bench and fine the unfortunate fellows with whom they had been drinking.

Mr. BATTERSBY: Name, name!

Mr. KEOGH would not give names. It was not necessary to do so, because the thing was pretty well known. He thought it would be a good thing if the Home Secretary would accept the amendment. The hon. member for Moreton had insinuated that a statement with regard to the clerk of petty sessions at Charters Towers had been made by the Opposition side, but it did not emanate from that side; it was stated by the Minister himself to show that such things did take place. Under the circumstances, therefore, the new clause was a very good one, and he hoped it would be accepted. If the Minister required the name of the party he had referred to, he would tell him.

Mr. BATTERSBY: It was amusing to hear the hon. member for Rosewood make such assertions, but when he did make such charges he ought to give the names so that those against whom they were made might have a chance of clearing themselves if they were not to blame. He was quite certain that any Government that might be in power would do what was right under the circumstances. The hon. member for Rosewood, and the hon. member for Burke, and

the hon. member for Bundaberg were always ready to make bald assertions, and he hoped they would not hold their present positions merely to show their party feelings.

Mr. KEOGH: He was willing to give the name to the Minister if he desired it. He would never make any assertions that he was not prepared to prove.

Mr. BATTERSBY contended that the hon. member should give the names of parties to whom he referred.

Mr. SIM: He quite agreed with the hon. member for South Brisbane that the clause was unnecessary. Clause 40 provided penalties for misconduct or breach of the regulations; but what he wished to point out was that persons had been charged with misconduct by anonymous letters to the department, and investigations had been held on receipt of such letters. He wished to know if that was to be a custom in the department?

The ACTING CHAIRMAN: Clause 40 has been passed.

Mr. SIM: The question arose upon the new clause proposed by the hon. member for Burke, and he wished to know if it was to be the practice of the department to institute inquiries upon the receipt of anonymous letters. Some time ago a charge was preferred in this manner in his electorate against one of the best public servants in the North.

Mr. BATTERSBY: That is a matter of opinion.

Mr. SIM: That was his opinion. Upon an anonymous letter containing charges against one of the oldest, most capable, and most respected public servants in the colony, the Home Secretary had directed an inquiry to be held.

Mr. BATTERSBY: What is his name?

The ACTING CHAIRMAN: Order!

The HOME SECRETARY: Save me from my friends.

Mr. SIM: The hon. gentleman said, "Save me from my friends," but he had not risen in the interests of any man, but in the interest of his constituency, and of the colony, to point out that on an anonymous letter the hon. gentleman had caused an inquiry to be held. The hon. gentleman said last year that there were in Queensland certain magistrates—justices—who were not fit for their positions.

The HOME SECRETARY: I did not say so.

Mr. SIM: He had read the statement in *Hansard*.

The ACTING CHAIRMAN: This Bill refers to Civil servants, and, as a rule, ordinary magistrates are not Civil servants. I would therefore be glad if the hon. member would limit his arguments to the Civil Service.

Mr. SIM: He bowed to the Acting Chairman's ruling, but he desired with all due respect to point out to the Acting Chairman that clause 35 deals with wardens, police magistrates, and clerks of petty sessions. Was it the ruling of the Chair that police magistrates were not Civil servants?

The ACTING CHAIRMAN: The hon. member seemed to talk about magistrates generally. If the hon. member will talk about Civil servants, including police magistrates, he will be strictly in order.

Mr. SIM: I am talking about police magistrates. A police magistrate——

Mr. BATTERSBY: I rise to a point of order.

The ACTING CHAIRMAN: Order! If the hon. member will not cease to interrupt I shall have to take steps to make him.

Mr. BATTERSBY: I rise to a point of order.

The ACTING CHAIRMAN: There is no point of order. If the hon. member does not resume his seat and keep order I shall have to take some decided action.

Mr. SIM: He challenged the Home Secretary, in reply to his interjection, "Save me from my friends," to say whether there was any reason in connection with the case he alluded to why he should be silent. An inquiry had been held by Mr. Sellheim, and it had resulted in the complete acquittal of the gentleman against whom the charge had been made. It did not matter one straw whether the charges were right or wrong; the principle was that no inquiry should be held in consequence of anonymous letters. If they wished to get officers worth their salt, and men in whom they could repose confidence, they must treat them generously; but if that mode of procedure was to be adopted generally throughout the colony they would not get men who called themselve men to act as police magistrates. Such an inquiry was an injustice to the officers concerned and a slander on the name of justice. The Home Secretary had stated on an earlier clause that though he was specially qualified to be appointed a police magistrate or a warden he could not be appointed under the present law; but if he were appointed to such a position he must have confidence that he was supported by Parliament and by the Government, and that his position was not assailable by slanders contained in anonymous letters addressed to the department. Any four or five malicions persons could combine and write an anonymous letter to the Home Secretary for the time being and destroy the reputation of any public servant in the colony, especially if it was followed by an inquiry. The very fact of holding an inquiry meant the acceptance of the anonymous evidence up to that point. The Home Secretary, in the case to which he referred, did an injustice to an efficient public servant by authorising an inquiry to be held, and he established a precedent which would be most dangerous in its probable results. He wanted an understanding that such a gross scandal as the institution of an inquiry upon an anonymous letter would not be repeated, and he challenged the Home Secretary to justify his action in the case to which he had referred.

Mr. BATTERSBY: It was amusing to hear such charges made from the other side. He was sure no member of the Government would write anonymous letters. It was members opposite and their crowd who worked in the dark. The *Worker* and its crowd could not work in daylight. They worked in the dark and they stabbed in the dark.

The ACTING CHAIRMAN: Order! It is not a question of parties at all; but that the new clause stand part of the Bill.

Mr. BATTERSBY: The hon. member for Carpentaria had been allowed to refer to anonymous letters for half an hour, and surely he should be allowed three minutes to reply to him. The sooner members making charges gave names the sooner any Government would be able to follow up the charges whether it was the present Government or Glassey, Hoolan, and Co.

Mr. SIM rose to order. Was that a respectful manner in which to refer to members?

The ACTING CHAIRMAN: Strictly speaking it is not parliamentary.

Mr. DUNSFORD: The Chairman and hon. members must by that time have come to the conclusion that it was a farce for the Committee to consider such a clause as had been proposed. Its consideration should be postponed. Directly the hon. member for Burke moved his new clause members of the Committee went out to have a drink. It was time the attention of the public was drawn to the fact that some members of the Committee were not in a fit condition to discuss a question of that sort. Who were they that they should dare to criticise the conduct of Civil servants when they did not know

how to conduct themselves? They should take the beam out of their own eyes before they criticised the conduct of others. The finger of scorn had been pointed at Charters Towers. Strange to say, whenever anything considered wicked was before the Committee they were told to look at Charters Towers. That was the case when the Gambling Bill was before the House, and now they were told that the clerk of petty sessions of Charters Towers had been seen drunk in the street with a bonnet on. If a man was to be dismissed why should they kick him when he was down? Were they fit subjects to kick anybody?

The HOME SECRETARY: He is not dismissed.

Mr. DUNSFORD: Well, if his conduct was under consideration, why should they point the finger of scorn at the man? There were worse crimes than that of drinking. Gambling and other crimes led to more evil results to individuals and the service than drinking, and yet if a poor devil away back at Thargomindah, where he could only get muddy water or adulterated tea or rank poison, should take one drink of that poison and get drunk, he was to be dismissed. It was just as well to give a word of warning to some persons in the Civil Service, and if there was ample provision in the existing Act to deal with such offences, the matter was only one of administration, and the voice of the Committee as expressed during that discussion ought to be a sufficient warning. However, if the hon. member pressed his amendment to a division he should vote for it, as they certainly ought to have sobriety in the public service.

Mr. SIM: No power should be given to a Minister or the Civil Service Board to hold an inquiry, as had been done, into the conduct of an officer of the status of a police magistrate, who had to dispense justice, on the mere evidence of an anonymous letter. The moment such an inquiry was held the matter became one of public notoriety, and it cast a slur on the officer. In any case where a charge of misconduct, such as that referred to in the amendment, or any other charge, was brought against a police magistrate it should be brought in a proper manner and signed by the person who brought it, and he hoped that in the administration of the Bill such an injustice as he had mentioned would be rendered impossible in future.

Mr. BATTERSBY thought it would be only fair after the hon. member had referred to anonymous letters that he should be allowed——

The ACTING CHAIRMAN: Order! I must order the hon. member to cease talking on this amendment for continuous and tedious repetitions. I have heard him use those words at least half-a-dozen times.

Mr. BATTERSBY: I move that you do now leave the chair.

The ACTING CHAIRMAN: Order! The hon. member is ordered to cease talking on this question. The only motion he can move is that he be further heard.

Mr. BATTERSBY: I move that you leave the chair and report progress.

The ACTING CHAIRMAN: Does the hon. member move that he be further heard?

Mr. BATTERSBY: No, I wish——

The ACTING CHAIRMAN: Mr. Battersby, if you do not cease your disorder I will report the matter to the House at once.

Mr. BATTERSBY: Do it.

The ACTING CHAIRMAN: I will do it. Bring in Mr. Speaker, please.

HONOURABLE MEMBERS: No, no!

SUSPENSION OF MEMBER.

The SPEAKER having resumed the chair,

The ACTING CHAIRMAN: Mr. Speaker,—I regret that I have to report the hon. member for Moreton, Mr. Battersby, for disorderly conduct.

The SPEAKER: Do I understand the hon. member to report that he has named the hon. member for Moreton?

The ACTING CHAIRMAN: I do.

The SPEAKER: For disorderly conduct?

The ACTING CHAIRMAN: Yes; for continuous disorderly conduct.

The SPEAKER: The Acting Chairman reports that he has named the hon. member for Moreton, Mr. Battersby, for disorderly conduct.

Mr. BATTERSBY: Mr. Speaker——

The SPEAKER: Order, order!

Mr. BATTERSBY: I only just come into the House——

The SPEAKER: Order!

Mr. BATTERSBY: I got up to speak and had not an opportunity of saying one word——

The SPEAKER: Order, order! It is now for the leader of the House to move a motion.

The PREMIER: I hear with great regret that the Acting Chairman, in the exercise of his duty, has been compelled to name Mr. Battersby, the hon. member for Moreton. I move, therefore, that the hon. member, having been named, be suspended from the service of this House for one week.

Mr. BATTERSBY: Mr. Speaker——

The SPEAKER: Order! This is a motion that must be put without debate. The question is that the hon. member for Moreton be suspended from the service of this House for one week.

Mr. McDONALD: I ask your ruling whether this question must be put without debate?

The SPEAKER: Yes. No discussion can take place.

Mr. BATTERSBY: Let it go. You can vote against it.

Question put; and the House divided:—

AYES, 28.

Sir H. M. Nelson and Messrs. Tozer, Philp, Dalrymple, Hamilton, Stewart, Fraser, Chataway, Foxton, Callan, Finney, Bell, Story, Stumm, Bridges, Cribb, McGahan, Bartholomew, Stephenson, Corfield, O'Connell, Annear, McMaster, Crombie, Armstrong, Macdonald-Paterson, Lord, and Castling.

NOES, 21.

Messrs. Fitzgerald, Jackson, Cross, McDonnell, King, Dunsford, Hardacre, Battersby, Sim, Dawson, Turley, Dickson, Collins, Kerr, Browne, Drake, W. Thorn, Fogarty, McDonald, Hoolan, and Keogh.

Resolved in the affirmative.

The SPEAKER: I now have to ask the hon member for Moreton to leave the House.

The hon. member thereupon left the House.

PUBLIC SERVICE BILL.

RESUMPTION OF COMMITTEE.

Question—That the proposed new clause stand part of the Bill—put; and the Committee divided:—

AYES, 14.

Messrs. Glassey, McDonnell, Keogh, Kerr, Hoolan, Cross, McDonald, Hardacre, Daniels, King, Dunsford, Sim, Fitzgerald, and Stewart.

NOES, 39.

Sir H. M. Nelson, Messrs. Macdonald-Paterson, Philp, Foxton, Tozer, Dalrymple, Fraser, Finney, Hamilton, Dickson, Stumm, Stephenson, Newell, Cribb, Turley, Dawson, Bell, McMaster, McGahan, Corfield, Chataway, O'Connell, Fogarty, Bridges, W. Thorn, Bartholomew, Curtis, Dibley, Jackson, Armstrong, Grimes, Lord, Story, Collins, Castling, Crombie, Annear, Callan, and Lissner.

Resolved in the negative.

On clause 41—"Inquiry by board"—

Mr. SIM moved that after the word "charge," in the 1st line, the words "in definite terms and by an accuser who signs his name" be inserted.

The HOME SECRETARY hoped the hon. gentleman was not going to burlesque the clause. Power to suspend an officer pending an inquiry had already been given; and this clause contained the machinery for holding the inquiry.

Mr. SIM: He intended to persist in his amendment, because great injustice might be done to Civil servants by writers of anonymous letters unless some such amendment were made. This was a question as to how far the Minister was going to put it into the hands of unscrupulous men to destroy the usefulness of magistrates. What was easier than for him to conspire with two or three of his friends and write anonymous letters to the Government upon the conduct of a magistrate known to be a supporter of the Ministry? An inquiry based on those anonymous letters would be a slur on the character of the magistrate, and would destroy his usefulness to a certain extent; and before any inquiry was ordered the Minister should be satisfied that the charge was signed by the person making it, and that the statements made were worthy of consideration. Apart from the instance in his mind, the question was of sufficient gravity to demand the consideration of the Committee and to justify the amendment. The hon. member said "Save me from my friends,' and he would like to know if it were possible that he was injuring some individual in the service by raising this question of broad justice? He would be very sorry to injure anyone by injudicious advocacy, and hoped the hon. gentleman would not deal with any officer in regard to how his cause was advocated by hon. members on his side, but in regard to the utility of his services. The Government should be ashamed to penalise a man, because in advocating his cause a member of Parliament exposed a state of things that was intolerable and a scandal. The hon. member had said there was a difficulty in getting capable men to fill those positions, but if they wished the fountain of justice to be pure they must take care that the men dispensing justice were protected, and he should protect them as far as he could. He challenged the Home Secretary to say that an inquiry was not held on the authority of an anonymous letter, and that the officer concerned was not denied that justice which was granted to the humblest criminal who stood in the dock at the police court—the right to have his accuser brought face to face with him.

Amendment put and negatived.

Clause put and passed.

Clause 42 put and passed.

On clause 43—"Forfeiture of office in certain cases"—

The HOME SECRETARY: The clause contained two principles which ought to be severed; he therefore moved the omission of all the words after "dismissed" in line 28 with a view of inserting a new clause, of which he had given notice, to deal with the subsequent part.

Amendment agreed to; and clause, as amended, put and passed.

The HOME SECRETARY moved the insertion of the following new clause:—

> If any officer becomes insolvent, or applies to take the benefit of any Act now or hereafter in force for the relief of insolvent debtors, he shall vacate his office. Should any such officer prove to the satisfaction of the board that his pecuniary embarrassment was not caused or attended by fraud, extravagant or dishonourable conduct, and that he has since obtained a certificate of discharge, or should any competent person who has voluntarily retired from the service apply to be readmitted, the Governor in Council may, on the recommendation of the board, readmit him into the service, and may appoint him to some position in a lower class than that in which he was placed at the time he vacated his office.

There were two points of difference from the original provision contained in the Bill. In one or two instances men had been readmitted after they had made arrangements with their creditors, but they had been so worried by their creditors that their usefulness was impaired, and it was thought advisable that they should not be allowed to enter the service unless they had obtained their certificates. The second point of difference was that it was considered fair to officers who had remained in the service that in cases where men had left the service to benefit themselves they should not be placed in their former positions. He would take the case of Mr. Russell as an illustration. He had retired from the service, but this clause would allow him to be reappointed, but in a lower class. It was practically not a punishment, but a penalty in the case of an insolvent who had been several months out of the service. The board thought that in the case of a man who had left the service to benefit himself, and not having succeeded, wished to re-enter it, it was a sufficient concession to allow him to get back without any examination. If the Committee were of opinion that he ought to be placed in exactly the same position as he had been in before it was easy to alter the clause.

Mr. DUNSFORD: The hon. gentleman had told them that it was extremely difficult in some branches of the service to get capable men to fill vacancies at once. Mr. Russell had been mentioned, and the hon. gentleman admitted that he was a capable man. He was filling the position he had lately filled; but if this were passed he would not be able to perform the duties he had previously performed. He had committed no sin, and his services were required, yet if he was readmitted at all it could only be to a lower grade. Why should any man be penalised in such a case, merely because he had left the service of his own accord? He should go back to his old position, or even to a higher position if he was capable of filling it without further examination.

Mr. DANIELS failed to see why Civil servants should be treated differently to the labouring class. It was too easy to go through the insolvent court, and yet when Civil servants had gone through the court they were to be allowed to get back to there old positions. If a labourer in the Railway Department owed a storekeeper a few pounds, and the latter wrote to the department, the man received a notice telling him that if he did not pay his debt he would be dismissed. There was no chance of getting back again. He knew of a case in which a publican wrote to the department stating that a lengthsman—a man with a large family—owed him some £2. Although the man said that he did not owe the money, he received a notice from the department ordering him to pay the money or leave the service. Why should men with small wages be penalised whilst Civil servants with big salaries could go through the insolvent court, and then get back into the service?

Mr. KIDSTON suggested that the wording of the clause should be altered from "some position in a lower class" to "some position provided it is not in a higher class."

The HOME SECRETARY: He had an amendment to propose which would meet the views of the hon. member. With the consent of the Committee he would amend the clause so that it would read "appointed to some position in the same or in a lower class." Leaving it to the discretion of the board to restore a man to the same class, or, if they thought fit in special circumstances, to admit him into a lower class.

Amendment agreed to.

Mr. DANIELS did not see why a storekeeper should not be required to prove a debt in court instead of allowing the Railway Department to issue instructions that the debtor would have to pay or leave the service.

The HOME SECRETARY: The question was not whether the arrangements made by the Railway Department were right or wrong. Suppose the hon. member was a Civil servant, and through some accident had to send for a doctor, and in consequence was declared insolvent, would he like to lose his billet on that account?

Mr. DANIELS: No, but I want you to apply the same rule to other men.

The HOME SECRETARY: No Railway Commissioner and no Minister ever acted as a debt collector. What was done was this: Sometimes a man left a judgment against him unsatisfied for two months; it was assumed that that was some evidence of his unfitness for his position, and he was called upon to make some arrangement within a month with his creditor, so that his work as a Civil servant might no longer be interfered with by his being harassed by his creditor. In the Act just passed in New South Wales they treated the matter in a similar way. The hon. member complained that a labourer against whom a judgment was recorded——

Mr. DANIELS: No, there was no judgment at all.

The HOME SECRETARY: Then the department should not have interfered, because no officer could say in such a case whether the debt was owing or not. No Minister would sanction the interference of the head of a department on an *ex parte* statement.

Mr. TURLEY: Is that system carried out in all the departments?

The HOME SECRETARY: It was in the departments he administered, and he thought it was the rule throughout the service. The question now was whether the clause was a good one or not. It provided for cases of misfortune, and there might be many in a speculative country like Queensland. For instance, it was thought some time ago to be the essence of prudence to invest money in bank shares, and yet that very act might have been the ruin of a man.

Mr. DUNSFORD: Or to invest in mining shares.

The HOME SECRETARY: It was wise in such cases to give a man an opportunity to go back to the service to the same or a lower class.

Mr. STEWART did not consider the clause a good one. Officers high in the service, such as police magistrates, wardens, and clerks of petty sessions, should be above suspicion as regarded pecuniary affairs. The hon. member for Charters Towers referred to speculation in mines. Imagine the case of a warden interested in certain mines——

Mr. DUNSFORD: He is not allowed to have an interest in mines.

Mr. STEWART was glad to hear that. Take the case of a land agent, and they all knew how land agents were said to be worked. Anyone in the service receiving a respectable salary, and going insolvent, should leave the service. Civil servants should leave speculation to persons outside the service. He could bear out the hon. member for Cambooya that when a labourer got into difficulties he was dismissed, while a high official was given leave of absence to file his schedule, and was then reinstated. Men getting good salaries should make provision for their old age by putting by a portion of their salary every year for that purpose. If they did not do so it was their own lookout. If they kept out of outside business and speculation the service would be the purer for it.

Mr. DUNSFORD pointed out that the clause did not apply to police magistrates only, but also to men in receipt of small salaries. His experience was that the greater number of insolvencies in North Queensland had been those of small men, and he thought it would be cruel if a man receiving a small salary was compelled, by sickness in his family or other misfortune over which he had no control, to go insolvent, that he should be further penalised by dismissal from the service.

New clause put and passed.

The HOME SECRETARY proposed a new clause to follow clause 44, which it had been pointed out was necessary in the case of minor offences where they did not want to suspend. The new clause provided that if an officer was negligent or careless in the discharge of his duties the permanent head of the department might order a sum not exceeding £5 to be deducted from his salary by way of penalty, and that the board might, on the appeal of the officer so punished, confirm, reduce, or disallow the penalty, their decision being final.

New clause put and passed.

On clause 45—"Holidays"—

Mr. GLASSEY, with a view to prevent friction between officers and the heads of their departments, moved that the words "be entitled to" be omitted, and the word "receive" inserted in lieu thereof.

The HOME SECRETARY: I do not object.

Amendment agreed to; and clause, as amended, put and passed.

Clause 46 put and passed.

On clause 47—"Retirement on account of age"—

The HOME SECRETARY moved the insertion of the words "on the recommendation of the board" after "request."

Mr. GLASSEY: There were some persons who believed that an officer should retire at sixty or sixty-five, but he thought the matter should be left in the hands of the board, and that even if a man was seventy he should be retained, provided he was capable of doing his work efficiently. There were some men who were very capable although they were old, and if they were compelled to retire from the service to-morrow they would be simply driven to Dunwich, as they had no means in consequence of the small salaries they had been receiving.

Amendment agreed to; and clause, as amended, put and passed.

Clause 48 put and negatived; clause 49 put and passed; clause 50 passed with a verbal amendment; clause 51 put and passed.

On clause 52—"List of officers to be published annually"—

Mr. GLASSEY believed he was correct in saying that the names and ages of the officers of class 1 were not published in the list. He desired to see those names published, and he proposed to move the insertion of the words "including class 1" after "officers" on line 2.

The HOME SECRETARY: There were only eight or nine officers of that class. What did it matter what their ages were? He supposed they were not in the list because they were a special class. There could be no promotion in that class except by Parliament. He would communicate a request to the board that the ages be published, but it was not of sufficient importance to include in an amendment.

Mr. GLASSEY: That House should have no persons in the service. No doubt those persons were beyond the age limit, and for that reason their ages were omitted so as to preclude criticism. He did not think there should be any special privileged class. However, with the promise of the Home Secretary, he would withdraw the amendment.

Clause put and passed.

Clauses 53 to 55 put and passed.

On clause 56—"Powers conferred upon board in conducting investigations"—

Mr. GLASSEY: They had now arrived at a convenient stage at which to insert the amendments of which he had given notice, but he wanted them thoroughly considered. That, of course, could not be done at such a late hour in such a thin House.

The HOME SECRETARY: If the hon. member succeeded in passing the clauses of which he had given notice, he would recommit the Bill to insert them wherever he wished.

Mr. GLASSEY was anxious to have the clauses put in their proper place; and he did not wish it to be said when they came to the schedule that the clauses should have been proposed at an earlier stage.

The HOME SECRETARY: I shall not go past clause 62.

Mr. GLASSEY: It struck him that this was the proper place, but if it was an understanding that the clauses would receive proper consideration he would not press them at this stage.

The HOME SECRETARY: It did not matter to the hon. member where they were put so long as they were in the Bill.

Clause put and passed.

Clauses 57 and 58 put and passed.

On clause 59—"Money voted for one class may, if unexpended, be applied to a lower class"—

Mr. BROWNE did not understand the clause. Had the board power to increase salaries without the authority of Parliament?

The HOME SECRETARY: If one officer dropped out the clause meant that the salaries of the juniors could be increased by means of that officer's salary, with the approval of the Governor n Council.

Clause put and passed.

Clauses 60 and 61 put and passed.

On clause 62—"Existing claims not prejudiced"—

The HOME SECRETARY: There was an important proviso to be added to the clause, which read as follows:—

> Provided that no such officer shall receive or be entitled to any superannuation allowance or gratuity in respect of any salary received by him in excess of £1.000 per annum, or be liable to deduction in respect of any salary received in excess of that amount.

The amendment only applied to one officer, Mr. Gray, the Railway Commissioner, who had been paying on £1,000 a year under the 1863 Act since 1889.

Mr. GLASSEY did not think Mr. Gray should draw a pension higher than he was entitled to before he was appointed Railway Commissioner in 1889.

The HOME SECRETARY: That was already provided for in the Railway Act of 1889, and the proviso, if adopted, would place him in neither a better nor a worse position.

Mr. GLASSEY: How much would Mr. Gray have been entitled to if he had not been appointed Railway Commissioner in 1889?

The HOME SECRETARY: He would probably have been getting £1,000 a year as Principal Under Secretary.

Mr. GLASSEY: That was a very far-fetched idea on the part of the Home Secretary, seeing that none of the heads of departments were paid more than £800 a year. What would Mr. Gray have been entitled to under his old salary?

The HOME SECRETARY: Two-thirds of £800.

Mr. GLASSEY: And now he would be entitled to two-thirds of £1,000. He was glad the question had been raised, because it might once more direct the attention of the public to those extravagant pensions.

Amendment agreed to; and clause, as amended, put and passed.

Clause 63 put and negatived.

The House resumed; the ACTING CHAIRMAN reported progress; and leave was given to sit again to-morrow.

The House adjourned at twenty-eight minutes past 11 o'clock.