1881.

VICTORIA.

CIVIL SERVICE ACT—APPOINTMENTS, ETC., UNDER.

PART RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. E. HEARN.—3RD NOVEMBER, 1880.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE DR. DOBSON, AND ORDERED BY THE COUNCIL TO BE PRINTED, 20TH SEPTEMBER, 1881.

PART RETURN showing, with their respective names and dates since the commencement of "*The Civil Service Act*":—

1. The appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each case was finally settled.
2. The appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.
3. The appointments, except to clerkships of courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.
4. The cases (if any) in which any officer obtained any increase of salary in any manner other than that provided by "*The Civil Service Act.*"
5. The cases (if any) in which any officer sustained, except by way of punishment, any reduction of salary in any manner other than that provided by the Act.
6. The increase (if any) in the total number of officers in the Civil Service, and the title of the Act under which every such increase was authorized.
7. The cases (if any) in which offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.
8. The cases (if any) in which officers have been promoted from a lower to a higher class, although no vacancy had occurred in such higher class.

AUDIT COMMISSIONERS.

1.

RETURN of the Appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each case was finally settled.

Preliminary remark.—As the Commissioners of Audit have no duties imposed upon them by "*The Civil Service Act*," No. 160, they have never considered it to be within their province to object to any appointments made under its provisions. In any instance in which the conditions imposed by the Civil Service Act seemed not to have been fulfilled the objections of the Audit Commissioners have been directed, not to the appointment, but to the charge upon the Revenue which resulted from it.

No. 1.

Appointment on the 15th April, 1864, of Mr. H. Brook to act for Mr. H. Colville (on leave at half salary), a fourth-class officer in the department of the Chief Secretary.

Objections, and the grounds of those objections.—The Commissioners of Audit raised the question whether the salary voted for a fourth-class officer and allotted to Mr. Colville should not

be reserved to pay Mr. Colville's half pay; or, on the other hand, whether Mr. Brook could draw pay from that vote, leaving Mr. Colville, in effect, nothing.

Answer.—The question, as above, was submitted to the Attorney-General on 17th December, 1864. A reply was given on 4th January, 1865, that "The salary paid to Mr. Colville was voted for a fourth-class officer in the Chief Secretary's office, and so long as it is paid to such an officer I think the law is complied with; and Mr. Brook came within this description. After the payment of Mr. Brook's salary, the difference, if any, between the rate of that salary and the rate voted must lapse. I do not think the published classification list or the Governor's authority affects the case."

Manner in which settled.—The Commissioners of Audit had some difficulty in dealing with the question, in consequence of the above quoted opinion being apparently in conflict with a previous opinion from the same Law Officer, dated 10th September, 1864, on the general question, upon which opinion the Commissioners had previously been acting. They, however, referred the papers to the Honorable the Treasurer on 9th January, 1865, with an intimation to the effect that, having formerly acted under an erroneous view of what the Law Officers' opinion was, they were inclined to abandon the position they had previously taken up, and to remove the surcharges raised upon the payments to Mr. Brook. Subsequently the surcharges were removed, and thus the question was considered to be settled.

No. 2.

Appointment on 1st January, 1866, of Mr. R. Church, messenger, Parliamentary Library, as a fourth-class officer.

Objections, and the grounds of those objections.—First: The Commissioners of Audit, presuming the appointment to have been made under the 23rd section of Act 160, pointed out on 5th March, 1868, that they had not received the Order in Council authorizing the appointment, and that the notice required by the 24th section of the Act had not been published in the *Government Gazette. Second:* On learning from the Librarian that the appointment was under section 25 and not under section 23, the Commissioners pointed out to him on 12th March that section 25 "applies only to persons who once belonged to the Civil Service, but have left it;" that "as chief messenger he (Church) did not belong to the Civil Service (sections 2, 3, and 4);" that "the Governor-in-Council had not signified approval of Mr. Church's appointment," and that so far as they were aware, Mr. Church had not undergone the probation and examination required by law. *Third:* On 16th March, 1868, the Commissioners submitted the correspondence to the Honorable the Treasurer in a letter No. 134 setting forth the above objections. The Treasurer submitted it to the Chief Secretary, and the reply of the latter was referred to the Commissioners from the Treasury on 4th May, 1868, viz.: "Church was in the Service before 1862, which meets the requirements of the Act, and the appointment was approved by Parliament." The Commissioners replied, reiterating their objections, and pointing out that messengers were not in the Civil Service; that persons of that grade could only be appointed under the 23rd section; that the requirements of section 24 had not been fulfilled, and that the voting of the salary did not give validity to an appointment not made in accordance with the Act.

Answer.—The above-mentioned letter (No. 134), with the correspondence, was submitted by the Treasurer to the Minister of Justice (the late Mr. Fellows), who, on 20th May, 1868, gave the following opinion, viz.:—"The appointment is illegal. It violates section 17, and is not in accordance with section 23. Assuming Church's 'known ability,' and the 'expediency' of securing his services, he has not been appointed to some of the higher classes."

Manner in which settled.—Mr. Church, notwithstanding the above opinion, and the Commissioners' suggestion of 27th July, 1868, that the classification should be cancelled and excess payments to him recovered, and also opinions from Messrs. G. P. Smith, Attorney-General, and J. J. Casey, Solicitor-General, continued to draw the increased salary and the increment for 1868. The Commissioners on 9th October, 1868, drew the Under Treasurer's attention to the fact, and were informed in reply on 31st October by the Under Secretary through the Treasury, that the salary which Mr. Church was drawing was one voted for an unclassified officer. At this point the question rested till 5th February, 1869, when the Commissioners drew the Under Secretary's attention to the fact, that Mr. Church's name appeared in the list, published in *Gazette*, 29th January, of classified officers in the Civil Service, and reminding him that, in consequence of an opinion given by the Honorable Mr. Fellows on 20th May, 1868, Mr. Church was provided for in "*The Appropriation Act* 1868" as an *unclassified* officer. Nothing further was done in the matter, so far as the Commissioners were aware, till January, 1870, when Mr. Church was gazetted (page 8, January, 1870) as an officer of the *third* class from 1st January, 1870; and as Messrs. G. P. Smith and J. J. Casey had, in the opinions above referred to, stated that Mr. Church could be legally appointed to that class under the 23rd section of the Act, the Commissioners considered that they could not pursue the question further, and consequently Mr. Church remained and was paid as an officer of the third class.

No. 3.

Appointment of J. C. Newberry to third class on 1st January, 1867, as analyst in the Geological Survey branch under the 23rd section of "*The Civil Service Act.*"

Objections (6th April, 1867), and the grounds of those objections.—The notification of the approval of the Governor-in-Council had not been received by the Commissioners of Audit, nor did they know under what section of the Act the appointment had been made.

Answer, 19/6/67. By the Director of Geological Survey.—"I had not been able to get this earlier. It [the Order-in-Council] is now forwarded for the information of the Commissioners of Audit."

Manner in which settled.—The Commissioners of Audit say (27/6/67) "We have noted and now return the Order-in-Council, which, together with the publication in the *Government Gazette*, substantially satisfies our query and the provisions of '*The Civil Service Act.*'"

No. 4.

Appointment on 5th August, 1867, of Mr. R. McColl, clerk at the Melbourne Gaol.

Objections, and the grounds of those objections.—It was objected on the part of the Commissioners of Audit (letter to Chief Secretary, No. 597 of 3/9/69, and of 3rd October, 1871, No. 686) that Mr. McColl, though not a classified officer, had drawn and was drawing pay (£350 per annum) out of a rate for a fourth-class officer. A copy of the last-mentioned letter is given in Appendix A.

Answer.—By Chief Secretary's letter of 28th October, 1871, No. 3658, the Commissioners of Audit were informed that instructions had been given to the Sheriff to give Mr. McColl one month's notice, that his service in connection with that Department (Gaol) would not be required, and that the vacancy would be filled up by the promotion of some officer who had passed the Civil Service examination.

Manner in which settled.—Mr. McColl was discontinued, and he ceased to draw pay on 31st January, 1872.

No. 5.

Appointment on 1st January, 1868, of J. W. H. Williams to the third class in the office of the Minister of Mines.

Objections, and the grounds of those objections.—Mr. Williams not having held an office in the Civil Service for which a salary vote was taken, and having never been paid except out of contingent votes, the Commissioners of Audit considered that, under section No. 1 of "*The Civil Service Act,*" he was ineligible for appointment otherwise than under the ordinary provision of sections 17 and 18 of the Act; and suggested that a statement of the facts should be submitted for the opinion of the Law Officers of the Crown.

Answer—3rd November, 1868, by Secretary for Mines, to the effect, that an opinion had been obtained on the case submitted to the Crown Law Officers, and that the Department (Mines) had been advised that it was not contrary to law to appoint Mr. Williams to an office under the provisions of "*The Civil Service Act.*" The opinion given (Mr. Higinbotham) was to the effect, that Mr. Williams, having been "employed in the public service prior to that time" could be legally appointed an officer of the third class under section 25. It stated also that the legal authority given by the 25th section was larger than was required to provide for the cases to which the section was intended to apply; and that the course adopted in Mr. Williams's case was not within the *intention* of that section, though it was *authorized* by it.

Manner in which settled.—Mr. Williams retained office as clerk of the third class under "*The Civil Service Act.*"

No. 6.

Appointment of H. B. Jones to the fifth class on 23rd March, 1868, under the 25th section of "*The Civil Service Act.*"

Objections, and the grounds of those objections.—Jones had previously held office as messenger in the Department of Roads and Bridges at 20s. per week, and the Commissioners of Audit considered that that office did not entitle him to appointment under the 25th section of the Act.

Answer.—21st October, 1868. The legality of the appointment was defended by the Acting Deputy Postmaster-General on the ground that it corresponded in every particular with another case (Fredk. Whitby), which latter case had been considered by the Chief Secretary to be sufficiently analogous to a case (Jacob Ferres) upon which an opinion had been given by Mr. Higinbotham, Attorney-General, in favor of its legality. Several cases were referred to by the Deputy Postmaster-General as precedents to be followed in respect of Jones's appointment, and a willingness was expressed to submit the case, together with the precedents, for the opinion of the then Attorney-General, Mr. G. P. Smith.

Manner in which settled.—The Attorney-General having given an opinion (on 19th November, 1868) that Jones could not be appointed without examination, the latter (as also the Mr. Whitby already alluded to) was informed on 12th December, 1868, by direction of the Postmaster-General, that the appointment was illegal and would not be provided for in the Estimates of 1869.

No. 7.

Appointment on 1st July, 1870, of W. W. Gaggin to the fifth class, Treasury Department.

Objections, and the grounds of those objections.—Mr. Gaggin held an appointment as messenger in the Treasury Department, and the office not being one which, since the passing of "*The Civil Service Act,*" is an office under that Act, the Commissioners of Audit considered that he was

not eligible for appointment under the 25th section of the Act, and quoted in support of that view an opinion given on a previous similar case (Mr. Jones's case, No. 6 herein) by Mr. G. P. Smith, then Attorney-General.

Answer (17th September, 1870) by the Under Treasurer.—"As other similar appointments have been previously made, the Treasurer does not feel bound by Mr. G. P. Smith's opinion, and proposes to maintain the appointment." * * *

Manner in which settled.—A case was submitted by the Commissioners of Audit on 13th October, 1870, for the opinion of the Law Officers of the Crown, and on 20th of same month the Solicitor-General gave it as his opinion "that any person who has filled an office that since the passing of '*The Civil Service Act*' is an office under that Act, can be dealt with under section 25 of that Act; but if he has not filled such an office, then not." This opinion was forwarded to the Treasury on 7th November, 1870, and returned to the Commissioners of Audit with the following Minute from the Under Treasurer :—"The above remarks have been submitted to the Honorable the Treasurer." The Commissioners pointed out that the opinion was adverse to Mr. Gaggin's appointment, seeing that, as messenger, he held an office which "*The Civil Service Act*" did not recognize as belonging to the Civil Service ; and they placed all payments to him under surcharge. On 2nd September, 1871, the Commissioners wrote an urgent letter upon the subject to the Under Treasurer, requesting him to bring it under the notice of the Honorable the Treasurer, and suggesting that probably a Bill of Indemnity would be necessary. When the correspondence was returned to the Commissioners, it contained a protest by Mr. Gaggin against being reduced from the permanent to the temporary staff, and quoted precedents in support of his position ; and the Commissioners traversed that protest in Minute No. 747, of 3rd November, 1871, copy of which is given in Appendix B. In November, 1871, Mr. Gaggin was transferred to the supernumerary staff, and the Commissioners thinking that arrangement would be permanent, then removed the surcharges that had been raised against his salary. In July, 1872, however, Mr. Gaggin was restored to his former position, and his salary was transferred from the vote for clerical assistance to the vote for a classified officer. In the meantime, viz., on 10th May, 1871, the Commissioners had reported the case to the Legislative Assembly. They again reported to the House on 10th October, 1872, as follows :—"From the 1st September, 1871, to 30th June, 1872, the salary ceased to be paid from a salary vote, and was made a charge under head Contingencies. The fact of the change and the reason for making it were not communicated to us formally ; but, on becoming aware of it, we concluded that Mr. Gaggin would in future, until duly classified, be paid as an unclassified officer ; and as such an arrangement would obviate all objection on our part, we removed the surcharges which we had previously placed upon the salary. Since then, however, Mr. Gaggin has been reinstated in his former position, and the salary which had been paid as a contingency has been transferred to the salary vote ; and the whole question is now in the same position as when mentioned in the report dated 10th May, 1871. We do not think we are entitled to do more in this matter than we have done ; and as it is not our duty to carry out '*The Civil Service Act*,' and having brought the question fully under the notice of the Legislative Assembly, we do not feel justified in further surcharging Mr. Gaggin's salary." And thus the case was settled, because the Governor-in-Council having twice ruled upon it, the Commissioners of Audit did not consider that, in view of the 10th section of Act 160, they could pursue it further.

No. 8.

Appointment on 11th August, 1875, of Mr. J. F. Stretch as an officer of the fifth class in the Department of the Registrar-General.

Objections, and grounds of those objections.—The objections raised by the Commissioners of Audit were, that Mr. Stretch had not passed the prescribed Civil Service examination.

Answer, on 27/1/76, by the Secretary to the Law Department.—The Governor-in-Council, at the time of the appointment, was satisfied that the condition precedent as required by law had been fulfilled.

Further Answer by Secretary, 4th February, 1876.—The certificates for the due compliance with the conditions of section 18 of the Act No. 160 were produced at the time of appointment as probationer. One was from the duly appointed examining body. * * * * There was evidence of Mr. Stretch being a graduate of the Melbourne University by examination.

Final Answer on 30th March, 1876, by the Attorney-General in reply to reiterated objections by the Commissioners of Audit.—"The Order-in-Council fixes the standard of education, and Mr. Stretch having complied with that order by passing in the prescribed subjects, it is immaterial whether he did so before or after the date of the order."

Manner in which settled.—On the strength of the Attorney-General's final answer as given above, the Commissioners of Audit passed the accounts, and removed all the surcharges.

No. 9.

Appointment on 20th May, 1878, of Mr. E. F. Owen as an officer of the fourth class in the Department of Government Statist.

Objections, and the grounds of those objections.—The notice (at page 2359 of the *Government Gazette*) of the appointment of Mr. Owen was not, in the Commissioners' opinion, that which the 24th section of the Act required, inasmuch as it did not give the reasons for appointing Mr. Owen without examination or probation.

Answer, on 10th October, 1878, from the Under Secretary.—"Mr. Owen passed the examination required by '*The Civil Service Act.*'"

Manner in which settled.—In view of the circumstances as explained by the Under Secretary, the *Gazette* notice above referred to was considered by the Commissioners sufficient to enable them to pass the accounts, and they were passed accordingly.

No. 10.

Appointment, on 1st July, 1878, of Mr. H. Sedgwick as an officer of the fourth class in the Department of Lands.

Objections, and the grounds of those objections.—The objections of the Commissioners of Audit were, that Mr. Sedgwick had not passed the necessary examination, and was not in the service before "*The Civil Service Act*" came into operation.

Answer, 6th January, 1879, by Secretary for Lands.—"As it now appears that this officer was not in the service prior to '*The Civil Service Act*' coming into force, a notice will be inserted in the next issue of the *Government Gazette*, in accordance with the 23rd clause of such Act."

Manner in which settled.—The Commissioners of Audit considered that, for the same reasons that governed Mr. Gaggin's case, the notice which was inserted in *Gazette* No. 5, of 17/1/79, was final.

No. 11.

Appointment, on 1st July, 1878, of Mr. J. Andrews as an officer of the second class in the Department of the Minister of Mines.

Objections, and the grounds of those objections.—The Commissioners of Audit considered that Mr. Andrews, not having passed the Civil Service examination, was not entitled to draw a second-class officer's pay.

Answer, on 5th July, 1879, from Secretary for Mines.—"Mr. Andrews's appointment as a second-class officer appears in the *Gazette* yesterday."

Manner in which settled.—The notification (at page 1696 of the *Gazette* for 1879) of the appointment of Mr. Andrews, under the 23rd section of "*The Civil Service Act*," was considered by the Commissioners to meet their objection.

No. 12.

Appointment, on 1st July, 1879, of Mr. Benjamin Brook, as an officer of the third class in the Lands Department.

Objections, and the grounds of those objections.—In "*The Appropriation Act*" for 1878–9 the office held by Mr. Brook (Assistant Registrar of Occupation) was shown as *unclassified*, and the Commissioners of Audit, on finding it included as of the third-class in the Estimates for 1879–80, presumed that it had been so included in error, and queried accordingly.

Answer, on 24th October, 1879, by Secretary for Lands.—"This is not an error, inasmuch as it is the intention of the Honorable the Minister of Lands to appoint Mr. Brook a third-class officer." In reply to enquiries made by the Commissioners of Audit, 26th February, 1880, a further answer was given by the Secretary on 1st March, viz. :—"The appointment has been made, and will be gazetted in next *Gazette*."

Manner in which settled.—On the appearance of a notice in the *Gazette* (No. 23, page 526, of 5th March, 1880) showing that Mr. Brook had been appointed to the third class by the Governor-in-Council, the Commissioners of Audit considered the case to be settled by the 10th section of Act No. 160.

No. 13.

Appointment, on 1st July, 1879, of Mr. J. L. Thompson, Manager of the Experimental Farm, Dookie.

Objections, and the grounds of those objections.—Mr. Thompson, though an unclassified officer, was paid his salary, viz., £300 per annum, from a vote granted for a fourth-class officer of the Lands Department, and the Commissioners of Audit objected to pass the salary accounts.

Answer.—It was contended by the Secretary for Lands (reply dated 23rd October, 1879) that the salary of a temporary or unclassified officer could always be charged to that of a permanent or classified officer.

Manner in which settled.—After renewal of objections by the Commissioners of Audit, the salary intended for Mr. Thompson was placed upon the Estimates 1880–81 as a salary for an unclassified officer.

No. 14.

Appointment, on 1st September, 1879, of Mr. Benjamin Berry as an officer of the fourth class in the Department of the Treasury.

Objections, and the grounds of those objections.—The Commissioners of Audit, not finding the name on the list, queried on 10th October, 1879, asking under what section of the Act 160 the appointment had been made.

Answer, on the 8th March, 1880, by the Under Treasurer.—"See *Gazette* notice of 3rd March, page 526 of *Gazette* of 5th March, '80."

Manner in which settled.—The *Gazette* notice referred to in the above answer set forth that Mr. Benjamin Berry was an officer of five years' standing; was at the time discharging the duties of clerk in the Treasury office, and was a person of known ability; and the Commissioners of Audit, in view of that notice, and of the fact that the appointment had been made by the Governor-in-Council, considered the case to be settled, the 10th section of Act 160 making the decision of the Governor-in-Council final as regards the rights under that Act of any officer or class of officers. At a later date, without any further reference to or from the Audit Office, this case passed into a new phase, which is explained in the report of the Commissioners of Audit dated 7th December, 1880, and ordered on the 15th idem by the Legislative Assembly to be printed.

No. 15.

Appointment, on 1st September, 1879, of Mr. F. H. D. Cotter to be an officer of the fourth class in the Treasury Department.

Objections, and the grounds of those objections.—The same as in the case of Mr. Benjamin Berry.

Answer.—The same as in the case of Mr. Benjamin Berry.

Manner in which settled.—The same as in the case of Mr. Benjamin Berry.

No. 16.

Appointment, on 1st January, 1880, of John Forrester, to fourth class, Department of Mines; do. do. do., R. Bradford, do. do. do.; do. do. do., M. D. L. Peirse, do. do. do.; all under the 23rd section of Act No. 160.

Objections, and the grounds of those objections.—The Commissioners of Audit raised no objection to these appointments, but required to be informed why the gentlemen holding them did not commence to draw salary in accordance with their classification till July, 1880, if, as has, on 30th October, 1880, been alleged by the Secretary for Mines, that five vacancies existed in the third and six in the fourth class.

Answer, on 22nd November, 1880, by the Secretary for Mines, as follows:—"They were provided for on last year's Estimates as unclassified officers, and after they were classified it was impossible to alter the Estimates."

Manner in which settled.—The advice of the Treasury having been obtained by the Secretary for Mines in March, 1880, it was arranged, subject to the concurrence of the Commissioners of Audit, that the gentlemen concerned should continue to draw their salaries out of the votes from which they were paid prior to their classification. The Commissioners of Audit having no objection to the said arrangements, the cases were considered to be settled.

No. 17.

Appointment, on 1st October, 1880, of George Harvey Scott to fourth class, Department of Customs.

Objections, and the grounds of those objections.—The Commissioners of Audit pointed out, by query 66 of 10th November, 1880, that Mr. Scott's name did not appear in the list of those who had passed the Civil Service examination.

Answer.—The Commissioners were informed on 12th November, 1880, that query 66 had been laid before the Honorable the Commissioner of Trade and Customs, who had noted it. In reply to a further enquiry, asking under which section of the Act Mr. Scott was appointed, the Commissioners of Audit were referred to a reply given to another query, No. 1416, which reply, so far as it related to Mr. Scott, was to the effect, that Mr. Scott had been appointed under the Special Qualification clause.

Manner in which settled.—As the *Gazette* notice of Mr. Scott's appointment did not state that the appointment had been made without examination or probation, nor the reasons for which it was made, as required by the 24th section of the Act, the Commissioners of Audit consider the matter to be still unsettled.

C. H. SYMONDS.
ALFRED J. AGG.

No. 18.

Appointment of Messrs. Brooks, Scott, and Cerutty to the fourth class Customs Department.

Objections, and the grounds of those objections.—These appointments, except that of Scott, were not, strictly speaking, objected to; but queries of the 10th November, 1880, and 21st December, 1880, asking for further particulars respecting them, elicited the information that Messrs. Brooks and Scott and also a Mr. Cerutty had been appointed "under the Special Qualification clause" (section 17 of Act 160), and that in making the appointments a precedent had been followed, viz., "that of the appointment of Mr. Macdowell to the fourth class by the Honorable J. G. Francis." It was then pointed out by the Commissioners of Audit, in renewed query of 8th ultimo, that the precedent quoted was not applicable, as Mr. Macdowell was exempted from examination by Act 186, section 48; that as regards Mr. Cerutty no record could be found of his having been employed before January, 1864, and he could not, therefore, be brought under

section 25 of "*The Civil Service Act*;" and as regards Mr. Brooks, that his employment prior to 18th June, 1862, (the date of "*The Civil Service Act*") had been in a capacity since not classified, and that therefore he was not eligible for classification without examination.

Answer.—The Collector of Customs on 24th January ultimo, after mentioning the several reasons which, it was contended, justified the appointments queried, added "I am also desired to state that, with the view of meeting the objections raised by the Commissioners of Audit, and thoroughly complying with '*The Civil Service Act*,' it is the intention of the Honorable the Commissioner of Trade and Customs to have the appointments under notice re-made and re-gazetted under the Special Qualifications clause."

In what manner settled.—By the *Gazette* notice of 27th January at page 176 of the *Gazette* of 28th January, which disposed of the objections as regards all three appointments.

C. H. SYMONDS.
ALFRED J. AGG.

Audit Office, Melbourne,
4th February, 1881.

APPENDIX A.

No. 686.

SIR, Audit Office, Melbourne, 3rd October, 1871.

We have the honor to call your attention to the case of Mr. R. McColl, who, though not a classified officer, continues to be paid as a clerk in the Melbourne Gaol at the rate of £350 a year, out of a vote for a fourth-class officer.

Mr. McColl was temporarily appointed on the 22nd August, 1867, by an order of the Governor-in-Council, No. 12, in the place of Mr. Edwyn Jones, who afterwards died. The 36th section of "*The Civil Service Act*" gave full authority for this arrangement at the time it was made; but such arrangements can be only of a temporary nature; and it is clear that the vacancy ought, at some time or other, to be filled by an officer who has passed the examination required by "*The Civil Service Act.*"

We called the attention of your Department to this, among several irregular appointments, by our letter of the 3rd September, 1869, No. 597, and, so far as Mr. McColl's case is concerned, we have never been favored with a reply. There is no other similar instance of which we are aware throughout the Public Service.

When a discretion is given to Ministers, we are always unwilling to make adverse representations; but there must be some limit to a temporary appointment, and we begin to doubt whether the payments which continue to be made in this case (for which, as in all others, you will understand, that we have to give our acquittance) are not illegal.

We have the honor to be,
Sir,
Your most obedient servants,
(Signed) FRANCIS JONES.
(Signed) ALFRED J. AGG.

The Honorable the Chief Secretary.

APPENDIX B.

71 R/8284.—No. 747.

As was previously pointed out, the precedent of Mr. Tucker does not apply. The date of publication of the first list of classified officers was the 10th September, 1862; and under the 9th section of "*The Civil Service Act*" one month was allowed for appeal. Mr. Tucker was appointed on the 1st October, 1862, before that month had expired, and the first examinations were not made public until the 4th December, 1862, *Gazette*, p. 2421. No question could therefore be raised as to the validity of Mr. Tucker's appointment, His Excellency in Council having had full authority to appoint without examination until "*The Civil Service Act*" came into force.

Mr. Gaggin, on the other hand, was not appointed until 1st July, 1870, nearly eight years after the time for appeal had gone by; and, as reported to us at the time, after he had failed to pass the Civil Service examination. This distinguishes his case from that of all others. We are not aware of any other instance where a gentleman had failed in the necessary examination and had afterwards been appointed, notwithstanding the express provisions of the Act.

The case of Mr. Williams is also, as previously stated, not in point. Mr. Williams never was a messenger, but he had been a supernumerary clerk from 1st August, 1861; and Mr. Higinbotham's opinion was conclusive as to his appointment being good. Mr. G. P. Smith's opinion and that of Mr. Wrixon show, we think, the true distinction. As we understand it, any one who was engaged in an office in the Civil Service before the Act can be appointed under the 25th section without examination; but messengers and persons generally under the 3rd Schedule are not in the Civil Service as defined by the 2nd section of the Act and again by the 51st section.

The cases of Messrs. Robertson and Wheatly are new to us; and if the statements are correct, their appointments may be bad; but that would not justify a further illegality in Mr. Gaggin's case. We have referred to the original appointments, and find that Mr. Robertson was appointed without remark, as if he had passed all examinations; while Mr. Wheatley is expressly said in the appointment to have been employed in the Civil Service prior to and at the time of the passing of "*The Civil Service Act.*" Both appointments were on the advice of Mr. Higinbotham, and we now learn for the first time that the appointees had been messengers and had not passed the Civil Service examination. The statement may or may not be correct; and the Law Department may or may not have had grounds in law for the appointments. We should conclude that they had, until the contrary were shown. We are, however, unacquainted with the cases; for, as pointed out in our 1870 report to the Legislative Assembly, p. 97, it is not our duty to carry out "*The Civil Service Act;*" and we accept the Orders-in-Council as conclusive in regard to all the facts stated in them.

But the Order-in-Council in Mr. Gaggin's case disclosed the fact that he had only been in the Service, not in the Civil Service; and he was known to us to have been a messenger, and was believed to have failed in passing the necessary examination. His case was consequently different from all others, and the appointment was shown to be bad by the opinions of various Law Officers, *e.g.*:—

Mr. Fellows	...	Church's case	...	20th May, 1868.
Mr. G. P. Smith	...	,,	...	5th August, 1868.
,,	...	Jones's case	...	19th November, 1868.
Mr. Casey	...	Church's case	...	22nd September, 1868.
Mr. Wrixon	...	Gaggin's case	...	20th October, 1870.

(Signed) FRANCIS JONES,
(Signed) ALFRED J. AGG,
Commissioners of Audit.

Audit Office, 3rd November, 1871.

CHIEF SECRETARY'S DIVISION.

Question No. 1.—The appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each case was finally settled.

Answer.—*Vide* Audit Commissioners' Return, attached.

Question No. 2.—The appointments made in pursuance of section 23 of "*The Civil Service Act,*" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette.*

Answer.—*Vide* Statement marked A, attached.

Question No. 3.—The appointments, except to clerkships of courts, made under section 17 of "*The Civil Service Act,*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.

Answer.—*Vide* Statement marked B, attached.

Question No. 4.—The cases (if any) in which any officer obtained any increase of salary in any manner other than that provided by "*The Civil Service Act.*"

Answer.—*Vide* Statement marked C, attached.

Question No. 5.—The cases (if any) in which any officer sustained, except by way of punishment, any reduction of salary in any manner other than that provided by the Act.

Answer.—Nil.

Question No. 6.—The increase (if any) in the total number of officers in the Civil Service, and the title of the Act under which every such increase was authorized.

Answer.—Nil; the number in 1881 being less than in 1862.

Question No. 7.—The cases (if any) in which offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.

Answer.—Nil.

Question No. 8.—The cases (if any) in which officers have been promoted from a lower to a higher class, although no vacancy had occurred in such higher class.

Answer.—*Vide* Statement marked D, attached.

A.

QUESTION No. 2.—ANSWER.

Name.	Office.	Class.	Date of Appointment.	Reasons assigned for each such Appointment.	When gazetted.	Length of time thereafter wherein they were respectively notified in the *Government Gazette.*
James Smith	Librarian, Parliament Library	1st	2nd Feb., 1863	Mr. Smith's known ability, extensive knowledge of books, experience as a literary man, and general acquaintance with literature	6th Feb., 1863	Four days.
Edward Paley, M.R.C.S.	Superintendent, Yarra Bend Lunatic Asylum	1st	16th Feb., 1863	None assigned	27th Feb., 1863	Eleven days.
A. Le Sueur ...	Assistant Astronomer	3rd	About 1st Aug., 1866. Observatory at this time was under the Commissioner of Crown Lands.	Ditto	Not gazetted ...	Nil.
S. Le Capelain, C.E.	Superintending Inspector of the Central Board of Health.	3rd	6th Sept., 1867	Special qualifications ...	13th Sept., 1867	Seven days.
James Farrell	Librarian, Parliament Library.	1st	17th Dec., 1878	Special fitness, and the possession of exceptional experience in Parliamentary literature gathered during the many years he was a Member of Parliament.	23rd Dec., 1878	Six days.

B.

Question No. 3.—Answer.

Name.	Office.	Class.	Date of Appointment.	Character of Duties.
W. Cleary ...	Clerk in the Public Library	4th	1st Dec., 1864	Clerical.
G. H. Jenkins ...	Clerk in the Legislative Assembly ...	4th	1st Dec, 1865	Ditto.
R. Church ...	Ditto, Library of Parliament	4th	1st Jan., 1866	Ditto.
C. Moerlin ...	Assistant Astronomer	4th	1st Jan., 1867	Astronomical.
E. F. Owen ...	Clerk in the Statist's Office	4th	1st June, 1878	Clerical.
J. H. Bowman ...	Reader in the Legislative Assembly ...	4th	1st July, 1879	Reading.
T. Woollard ...	Clerk in Office of Shorthand Writer ...	4th	1st July, 1879	Reading and writing shorthand.

C.

Question No. 4.—Answer.

Name.	Office.	Date.	Increased Salary.
F. Mueller	Government Botanist	1st Jan., 1863	From £600 to £610.
Ditto	Ditto	1st July, 1873	„ 610 to 800.
J. Barker	Clerk, Legislative Assembly	1st Jan., 1863	„ 900 to 1000.
A. G. Dumas	Clerk-Assistant	1st Jan., 1864	„ 700 to 800.
E. Paley	Superintendent, Yarra Bend Asylum	1st Jan., 1865	„ 800 to 900.
R. L. J. Ellery	Government Astronomer	1st July, 1877	„ 600 to 700.
H. H. Hayter	Government Statist	1st July, 1878	„ 610 to 675.

D.

Question No. 8.—Answers.

Department.	Name of Officer.	Class to which promoted.	Date.	Department.	Name of Officer.	Class to which promoted.	Date.
Legislative Assembly	G. H. Jenkins	3rd class	1st July, 1869	Penal—*continued.*	G. B. Wilson	4th class	1st July, 1878
	Ditto ...	2nd „	1st July, 1872		J. B. Castieau	2nd „	1st July, 1880
	T. G. Atkinson	3rd „	1st Jan., 1871				
	Ditto ...	2nd „	1st July, 1877	Medical ...	T. R. Wilson	3rd class	1st Jan., 1865
	S. M. Gill ...	3rd „	1st July, 1880		T.F.McGauran	3rd „	1st Jan., 1867
					T. R. Wilson	2nd „	1st July, 1872
Library	P. Sinclair ...	4th class	1st Jan., 1865				
	R. Church ...	3rd „	1st Jan., 1871	Asylum ...	C. Ryford ...	4th class	1st Jan., 1865
	W. Dopping	2nd „	1st Jan., 1871		D. C. O.Connor	4th „	1st April, 1867
					W. Davis ...	4th „	1st April, 1867
Chief Secretary's Office	T. W. Ware...	2nd class	1st Jan., 1865		W. McLean...	4th „	1st July, 1871
	H. Brook ...	3rd „	1st July, 1871		Ditto ...	3rd „	1st July, 1878
	J. Lascelles...	2nd „	1st July, 1872				
	J. J. Killen ...	4th „	1st July, 1874	Shorthand Writer	G. Bell ...	3rd class	1st Jan., 1864
	H. Brook ...	2nd „	1st Jan., 1879		F. B. Lincolne	4th „	1st July, 1872
	H. S. Martin	4th „	1st Jan., 1879		Ditto ...	3rd „	1st July, 1880
	T. R. Wilson	1st „	1st Jan., 1881				
				Observatory ...	C. Moerlin ...	3rd class	1st July, 1871
Government Statist	J. J. Fenton	4th class	1st July, 1878		J. E. Gilbert	4th „	1st July, 1875
	H. A. Hendren	2nd „	1st July, 1879		E. J. White ...	2nd „	1st July, 1877
Police	J. G. Pellet...	3rd class	1st Jan., 1866	Audit Office ...	G. Guillaume	3rd class	1st Jan., 1865
	A. Selleck ...	4th „	1st Jan., 1870		Walter Shaw	3rd „	1st Jan., 1865
	F. Hemmy ...	4th „	1st July, 1880		John Dunn	2nd „	1st Jan., 1866
					A. J. Carter	3rd „	1st Jan., 1866
Penal	J. Turnham	4th class	1st Jan., 1863		E. C. Symonds	3rd „	1st Jan., 1866
	G. O. Duncan	1st „	1st Jan., 1870		R. H. Carter	4th „	1st Jan., 1870
	W. Snelling	2nd „	1st July, 1872		L. Goldsmith	4th „	1st Jan., 1870
	F. Longland	4th „	1st July, 1873		A. Gates	4th „	1st July, 1872
	E. C. Clarke	4th „	1st July, 1878		W. J. Stoddart	4th „	1st Jan., 1879

Note.—Mr. W. Cleary, who had once been a fourth-class clerk in the Public Service, and subsequently held an unclassified office at the Asylum, was restored to fourth-class rank 1st July, 1880.

Chief Secretary's Division.—Memo.

From the intricate character of this Return, and the extensive period covered by it (19 years), it is impossible to vouch for its perfect accuracy. Every care has, however, been taken to make the Return as complete as is possible under the circumstances.

T. R. WILSON,
Acting Under Secretary.

TREASURY DEPARTMENT.

3.

THE Appointments, except to clerkships of courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.

Name.	Office to which appointed.	Date of Appointment.	Special character of the Duties of the office to which appointed.	Remarks.
Coakley, William, sub-overseer of printers, 3rd Schedule	To be an officer of the fourth class, at £350 per annum	1st July, 1878, (Order in Council, 21st October, 1878)	Sub-overseer of Printers	Although the Order in Council making this appointment does not specify the section of the Act under which it was made, it is considered that the appointee possesses the special qualifications which entitle him to be appointed under clause 17 of Civil Service Act.
Stock, John William, sub-overseer in Government Printing Office, 3rd Schedule	To be overseer of bookbinders, and an officer of the fourth class, at £325 per annum	1st July, 1878, (Order in Council, 21st October, 1878)	Overseer of Binders	The same remark applies in this case.

4.

THE cases (if any) in which any Officer obtained any Increase of Salary in any other manner than that provided by the Act.

Name.	Office.	Class.	Date of Increase.	Increase—		Remarks.
				From	To	
Symonds, E. S.	Under Treasurer ...	1st	1st July, 1872	£900	£1000	
Gudemann, R.	Accountant to the Treasury	1st	1st July, 1872	£625	£700	
			1st July, 1874	£700	£800	Afterwards reduced to £700.
			1st July, 1879	£700	£750	Again reduced on 1st July, 1880, to £700.
Hull, W. H.	Receiver and Paymaster, Melbourne	1st	1st July, 1873	£625	£650	
			1st July, 1878	£650	£700	

5.

THE cases (if any) in which any Officer sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided by the Act.

Name.	Office.	Date of Reduction.	Reduction— From		Reduction— To		Remarks.
			Class.	Salary.	Class.	Salary.	
Hall, J. ...	From Inspecting Receiver and Paymaster	11thFeb., 1869	2nd	£600	3rd	£485	This reduction, however, was made at Mr. Hall's request; he himself applying for appointment to the lower class *in the Melbourne office.*
Megson, C. ...	Receiver and Paymaster	1st Mar., 1869	2nd	£566 13/4	3rd	£485	
Reynell, A. ...	Receiver and Paymaster	1st Mar., 1869	2nd	£600	3rd	£485	
Thomas, J. ...	Clerk ...	1st Jan., 1869	4th	£350	5th	£180	
Gudemann, R.	Accountant to the Treasury	1st June, 1878	1st	£800	1st	£700	Mr. Gudemann's services were dispensed with on 24th January, 1878. He was again appointed to his former office on 1st June, 1878, but at the reduced salary of £700 per annum. This, however, was increased on 1st July, 1879, to £750.
		1st July, 1880	1st	£750	1st	£700	A question as to the restoration of this amount to the former figure, viz., £750, now pending (see *Hansard*, p.).

6.

THE Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such increase was authorized.

TREASURER'S DIVISION.

I. Number of officers according to first statutory list of the Civil Service published under Order-in-Council of 8th September, 1862, in the *Government Gazette* of 1862, page 1671 ... ... 87 and one vacant.

II. Number according to latest statutory list, January, 1881, *Government Gazette*, page 289 75

Decrease 12

III. The title of the Act under which every such increase was authorized.—No increase; see above.

7.

THE cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which such revival was authorized.

Nil.

TREASURY DEPARTMENT.

8.

RETURN of the cases in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such class.

Date.	Name.	Office.	Promotion—	
			From Class	To Class

[See explanatory Memorandum herewith.]

TREASURY DIVISION.

MEMORANDUM of the cases in which Officers have been promoted from a Lower to a Higher Class.

1. *Joseph Pierce.*—Appointed to an office of the third class, as Assistant Inspector of Stores, this being the revival of an office which formerly existed, the duties of which were combined with the duties of Government Storekeeper. Held a fourth-class clerkship in the Department of Stores and Transport, abolished.

2. *H. F. Eaton.*—A new second-class office was created in the Treasury in the year 1865, and was provided for on the Estimates of that year; the office was not filled until 1866. Mr. Eaton was appointed to the office, promoted thereto from the third class, having been formerly a second-class officer as Accountant of the Department of Stores and Transport.

3. *John Hall.*—The office of Receiving Clerk, to which Mr. Hall was appointed in 1869, was originally classed as of the second class; but on the retirement of the officer (Mr. Thomson) who preceded him, Mr. Hall, who was at that time a second-class officer stationed in country districts, elected to take the office in Melbourne at the reduced classification. In 1874 the office was again restored to its original classification, viz., second class, and Mr. Hall, who continued in the performance of the duties, received the promotion.

4. *Messrs. Plaisted and Manton.*—Two new third-class offices, created in 1874–5, were provided for on the Estimates of that year. Messrs. Plaisted and Manton were on that occasion promoted from the fourth to the third class.

5. *Mr. Coakley.*—It was considered desirable in 1878–9 to class the Sub-Overseer of the Government Printing Office as a fourth-class officer, and provision was accordingly made on the Estimates for that year, and he was elevated to the post, the office having been previously classed as of the third schedule.

6. *Mr. Stephen.*—The duties performed by Mr. Stephen are considered of sufficient importance to be classed as of first class, and he has been so classed accordingly in the Estimates of the present year, 1880–81.

DEPARTMENT OF LANDS AND SURVEY.

No. 1.

THE Appointments in the classified Civil Service in respect of which the Audit Commisioners have made Objections; the Ground of those Objections; the Answers, if any, thereto; and the manner in which each case was finally settled.

Year.	Name.	Nature of Appointment.	Objections to Appointments.	Answers to such Objections.	How finally settled.

[The Audit Commissioners have already supplied the Honorable the Chief Secretary with this information.]

No. 2.

APPOINTMENTS made in pursuance of Section 23 of "*The Civil Service Act*" without Examination or Probation; the Reasons assigned for each such Appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.

Year.	Name.	Nature of Appointment.	Reason for Appointment.	Length of time thereafter when notified in *Government Gazette*.
1872	Wallis, A. R.	Secretary for Agriculture	Specially and professionally qualified for the position	Appointed on 15th November, 1872; gazetted on 29th.
1876	Guilfoyle, W. R.	Curator of Botanic & Domain Gardens	Ditto	Not gazetted.
1876	Ivey, W. E.	Chemist & Analyst	Ditto	Ditto.
1879	Brook, B.	Third-class clerk	Had been many years as a supernumerary, and specially qualified for the position.	Appointed on 23rd December, 1879; gazetted on 5th March, 1880.

No. 3.

THE Appointments, except to clerkships of Courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the Special Character of the Duties required for the office to which such appointments were respectively made.

Year.	Name.	Nature of Appointment.	Special character of Duties required.
1862	McLachlan, H.	Fourth-class clerk	Special duty in connection with the bringing into operation the 47th section "*The Land Act* 1862."
1871	Madden, W.	Fourth-class assistant surveyor	Having passed necessary examination; specially qualified.
1878	Sedgwick, H.	Fourth-class clerk	Had been many years as a supernumerary, and specially qualified for the position.

No. 4.

THE cases (if any) in which any Officer obtained any Increase of Salary in any manner other than that provided by "*The Civil Service Act.*"

Year.	Name.	Position.	Nature of Increase to Salary.
1870	Morrah, A.*	Chief clerk	Received an allowance of £50 for acting as Secretary to the Pental Island Commission.
1873	Hodgkinson, C.	Assistant Commissioner of Lands and Survey	Received an allowance of £150 per annum for superintending Metropolitan Parks from 1st July.
1874	Ditto ...	Ditto	Ditto ditto from 1/1/74 to 11/5/74.
„	Meakin, H. W.	Fourth-class draftsman ...	Allowance of £100 per annum for onerous duties from 1st July, 1874.
„	Black, Alex.	District surveyor	Allowance of £73 6s. 8d. from 1st July, 1874.
„	Madden, W.	Assistant surveyor	„ £125 „
1875	Meakin, H. W.	Fourth-class draftsman ...	„ 75 from 1st January, 1875.
„	Black, Alex.	District surveyor	„ 55 „
„	Madden, W.	Assistant surveyor	„ 100 „
„	Levey, J. A.	Fourth-class clerk	„ 75 „
„	Cook, W. M.	Fourth-class draftsman ...	„ 25 „
„	McLachlan, A.	Ditto	„ 135
1876	Black, Alex.	Third-class district surveyor ...	„ 36 13s. 4d. from 1st January, 1876.
„	Madden, W.	Fourth-class assistant surveyor	„ 75 „
„	Levey, J. A.	Third-class clerk	„ 25 „
„	Meakin, H. W.	Fourth-class draftsman ...	„ 50 „
„	Cook, W. M.	Ditto	„ 25 „
„	McLachlan, A.	Third-class draftsman ...	„ 110 „
„	Martin, D.	Third-class clerk	Bonus of £25.
„	Finlay, W.	Fourth-class clerk	„ 25.
„	Skene, J. W.	Ditto	„ 25.
„	Evershed, W.	Ditto	„ 25.
„	Wimble, N.	Third-class clerk	„ 50.
„	Biers, Henry	Third-class draftsman ...	„ 60.
1877	Black, Alex.	Third-class district surveyor ...	Allowance of £18 6s. 8d. from 1/1/77 to 30/9/77.
„	McLachlan, A.	Third-class draftsman ...	„ 73 6s. 8d. „ „
„	Meakin, H. W.	Fourth-class draftsman ...	„ 25 „ „
„	Madden, W.	Assistant surveyor	„ 50 from 1/1/77 to 31/4/77, and £75 from 1/5/77 to 30/9/77.
„	Levey, J. A.	Third-class clerk	„ 6 13s. 4d. from 1/1/77 to 30/9/77.
„	Wimble, N.	Ditto	„ 40 „ „
„	Biers, H.	Third-class draftsman ...	„ 50 „ „
„	McGauran, T. F.	Fourth-class photographer ...	„ 50 „ „
„	Hayes, Jos.	Fourth-class draftsman ...	„ 50 „ „
„	Skene, J. W.	Fourth-class clerk	Bonus of £20.
„	Dennehy, R.	Fifth-class draftsman ...	„ 10.
1879	Levey, J. A.	Third-class clerk	Allowance of £10 per annum as Secretary to the Board of Examiners for Contract Surveyors.
„	Skene, A. J.	Surveyor-General	Received £7 7s. for attending as member of Board.
„	Black, Alex.	Assistant Surveyor-General ...	„ 7 7s. „ „
„	Biers, Henry	Chief draftsman	„ 9 9s. „ „
„	Vickery, S. K.	Third-class district surveyor ...	„ 2 2s. „ „
1880	Levey, J. A.	Third-class clerk	Allowance of £50 as Private Secretary to the Minister from 6/3/80 to 31/7/80.
„	Ditto	Ditto	Received £5 as secretary to the Board of Examiners for Contract Surveyors.
„	Vickery, S. K.	Third-class district surveyor ...	Rececived £1 1s. for attending as member of above Board.
„	Biers, H.	Chief draftsman	„ 4 4s. „ „
„	Skene, A. J.	Surveyor-General	„ 3 3s. „ „
„	Black, Alex.	Assistant Surveyor-General ...	„ 4 4s. „ „
„	Skene, A. J.	Surveyor-General	Received salary at rate or £500 per annum as Land Tax Commissioner from 1st July, 1878, to 30th April, 1880.

* Paid by Chief Secretary's Department.

No. 5.

THE cases (if any) in which any Officer sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided by the Act.

Year.	Name.	Position.	Reduction in Salary.
		Nil.	

No. 6.

THE Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such Increase was authorized.

Year.	Increase in number of Officers.	Title of the Act under which such Increase was authorized.
1863	5	The Constitution Act, authorizing the Governor-in-Council to make appointments.
1866	5	Ditto ditto ditto.
1868	2	Ditto ditto ditto.

No. 7.

THE cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which such revival was authorized.

Year.	Name of Officer whose Office was abolished.	Nature of Office abolished.	Title of the Act under which the Office abolished was revived.
1878	Archer, W. H.	Secretary for Lands	The Appropriation Act.
1878	Moore, H. B.	Assistant Surveyor-General ...	Ditto.

No. 8.

THE cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such Higher Class.

Year.	Name.	Position.	Nature of Promotion.
1866	Moore, H. B.	Clerk and draftsman	From fourth to third class.
1869	Ditto	District surveyor	„ third to second class.
1867	Agg, E. J.	Accountant	„ third to second class.
1870	Colville, J. W.	Clerk	„ fifth to fourth class.
1872	Finlay, W.	Clerk	„ fifth to fourth class.
1872	Skene, J. W.	Clerk	„ fifth to fourth class.
1873	Meakin, H. W.	Draftsman	„ fifth to fourth class.
1873	Hodgkinson, H. A.	Draftsman	„ fifth to fourth class.
1874	Moore, H. B.	Assistant Surveyor-General ...	„ second to first class.
1874	Allan, A. C.	District Surveyor	From third to second class, as Inspector-General of Surveys and Plans.
1875	Morrah, A.	Chief clerk	From second to first class, as Inspector of the Department.
1876	Allan, A. C.	Inspector-General of Surveys, &c.	From second to first class.
1876	McLachlan, A.	Draftsman	„ fourth to third class.
1877	Bedford, John	Draftsman	„ fourth to third class.
1878	McGauran, T. F.	Photolithographer	„ fifth to fourth class.
1879	Finlay, W.	Clerk	„ fourth to third class.
1879	Skene, J. W.	Clerk	„ fourth to third class.
1879	Crook, A. W.	Draftsman	„ fifth to fourth class.

R. RICHARDSON,
Commissioner of Crown Lands and Survey.

Department of Lands and Suryey,
Melbourne, 19th February, 1881.

PUBLIC WORKS DEPARTMENT.

Question No. 1.—The Appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections ; the grounds of those objections ; the answers, if any, thereto ; and the manner in which each case was finally settled.

Answer.—This information will be supplied by the Commissioners of Audit.

Question No. 2.—The Appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation ; the reasons assigned for each such appointment ; and the length of time thereafter wherein they were respectively notified in the *Government Gazette.*

Answer.—The statement is attached on a separate sheet.

Question No. 3.—The Appointments, except to clerkships of Courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.

Answer.—No Appointments under section 17 have been made in the Public Works Department.

Question No. 4.—The cases (if any) in which any officer obtained any Increase of Salary in any manner other than that provided by "*The Civil Service Act.*"

Answer.—No cases in the Public Works Department.

Question No. 5.—The cases (if any) in which any officer sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided for by the Act.

Answer.—No cases in the Public Works Department.

Question No. 6.—The Increase (if any) in the total number of officers in the Civil Service, and the title of the Act under which every such Increase was authorized.

Answer.—The statement is attached on a separate sheet.

Question No. 7.—The cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.

Answer.—No cases in the Public Works Department.

Question No. 8.—The cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such higher class.

Answer.—The statement, on a separate sheet, is attached.

No. 2.

THE Appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette.*

Name.	Office.	Class.	Date of Appointment.	Reasons assigned for each such Appointment.	When gazetted.	Length of time thereafter wherein they were respectively notified in the *Government Gazette.*
Wm. Finlay ...	Travelling Superintending Inspector of Works	3	14/11/65	Special fitness to perform the duties of a newly established office	31/7/66	8½ months.
A. C. Todd ...	Ditto	3	14/11/65	Ditto	31/7/66	Ditto.
Jas. Hy. Fox...	Measuring and Quantity Surveyor	2	18/8/73	Ditto	1/12/73	3½ months.
Peter Finlay...	Travelling Superintending Inspector of Works	3	14/5/75	*Vice* T. A. Eaton, removed ...	31/5/75	17 days.

No. 6.

THE Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such Increase was authorized.

Increases.

In 1866,	1 Second-class office	Authorized by the Appropriation Act for that year.
„	3 Third-class office	Ditto.
1871,	10 Temporary Inspectors of Works placed under the 3rd Schedule	Ditto.
1873–4,	1 Second-class office	Ditto.

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The increases made in the above years have been affected by reductions made in other years.

Reductions.

In 1868,	2 offices reduced, 1 second and 1 third class.
1869,	1 office reduced, second class.
1874–5,	1 ditto, ditto.
1876–7,	1 ditto, ditto.
1877–8,	7 offices reduced, ditto.
„	1 office reduced, third class.
„	6 offices reduced, third schedule.

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No. 8.

THE cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such higher class.

Name.	Office.	Class.	Date of Promotion.
H. Brotherton ...	Clerk	From fourth to third class ...	1st January, 1864.
John B. Callan ...	Clerk	„ fifth to fourth class ...	1st January, 1868.
Wm. Finlay ...	Superintending Inspector of Works ...	„ third to second class ...	Ditto.
A. C. Todd ...	Ditto	Ditto ...	Ditto.
J. T. Kelleher ...	Draftsman	From fifth to fourth class ...	1st July, 1873.
A. Galt	Secretary for Public Works	„ second to first class ...	11th November, 1874.
F. Scurry	Clerk	„ fourth to third class ...	1st July, 1874.
Alfred T. Snow ...	Assistant architect	„ third to second class ...	Ditto.
Wm. H. Steel ...	Assistant engineer	Ditto ...	Ditto.
H. A. Williams ...	Assistant architect	Ditto ...	Ditto.
Chas. Barrett ...	Ditto	Ditto ...	Ditto.
J. J. Clark ...	Ditto	Ditto ...	Ditto.
H. Moseley ...	Measuring and quantity surveyor ...	Ditto ...	Ditto.
Arthur Graham ...	Clerk	From fourth to third class ...	1st July, 1877.

CHARLES LE CREN,
Secretary Public Works.
4/12/80.

TRADE AND CUSTOMS DEPARTMENT.

RETURN showing the following information respecting all Appointments, &c., under "*The Civil Service Act.*"

No. 1.—The Appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each ease was finally settled.

This will be replied to by the Audit Commissioners.

No. 2.—The Appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette.*

Name.	Office and Year of Appointment.	Reasons for Appointment.	How long gazetted after Appointment.
Brooks, Y. ...	Fourth class; 1880; clerk ...	Known ability; been in the Department since 1858	Appointed from 1st October, 1880; gazetted 28th January 1881.
Burnett, T. M.*	Fifth class; clerk; 1863 ...	Formerly extra clerk ...	Not gazetted.
Cerutty, R. W.	Fourth class; tide surveyor; 1880	Known ability; been in the Department since 1864	Appointed 1st October, 1880; gazetted 28th January, 1881.
Campbell, Thos.*†	Fourth class; 1866; harbour master	Specially qualified	Not gazetted.
Doran, George †	Fifth class; 1863; berthing officer	Special qualifications ...	Ditto.
Godkin, J. J.* ...	Fifth class; clerk; 1863 ...	Previously extra clerk ...	Ditto.
O'Connor, T.* ...	Ditto; 1863	Ditto	Ditto.
Scott, G. H. ...	Fourth class; 1880; tide surveyor	Known ability; been in Department since 1865	Appointed 1st October, 1880; gazetted 28th January, 1881.

* It is presumed that these appointments were made under clause 23, but it is not so stated in the schedules of appointment.
† These persons were appointed to positions requiring nautical knowledge and experience, which they possessed. Mr. Campbell had been many years in the Department.

No. 3.—The Appointments, except to clerkships of Courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.

Name.	Office to which appointed, and Date.	Nature of Duties.
McDowell, S. M.*	Fourth class; landing waiter; 1864 ...	General, in connection with duty chargeable on goods.
Hart, John ‖ ...	Fourth class; sub-inspector of distilleries; 1863	Supervision of distilleries.
Webben, B. L. ‖		
Virtue, D. W. ‡		
Falconbridge, J.†‖		
Watson, James ‖		
Hurley, J. ‡ § ...		
Knevitt, M. T. †‡‖	Ditto; 1st January, 1863	Ditto.
Saddler, J. ‖ ...	Fourth class; landing waiter; 1st March, 1864	General, in connection with duty chargeable on goods.

* Formerly station master, Victorian Railways. † These were appointments made on the establishment of the Distilleries Department, all on probation. ‡ Also subject to passing the Civil Service examination. § Formerly police constable. ‖ All these persons had previously filled various positions in the Customs Department for lengthened periods.

No. 4.—The cases (if any) in which any Officer obtained any Increase of Salary in any manner other than that provided by "*The Civil Service Act.*"

There have been no such cases in this Department.

No. 5.—The cases (if any) in which any Officers sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided by the Act.

Name.	Office, and Date of Reduction.	Nature of Reduction.
Musgrove, A. W.	Collector, Warrnambool; 31st December, 1868	Second class to third class.
Elder, D.	Foreman, Marine Yard, Williamstown; 31st December, 1868	Fourth class to third schedule.
Moore, W. A. ...	Collector Customs, Portland; 31st December, 1868 ...	Second class to third class.
Fermaner, D. ...	Harbour Master, Port Albert; 31st December, 1868 ...	Fourth class to third schedule.
Hart, J. Falconbridge, J. Hurley, J. Watson, J. *	Inspector of Distilleries; 1877 (1st July)	Ditto.

NOTE.—All these persons received compensation for reduction of salary in accordance with the provisions of the Act.
* These reductions were subsequently cancelled, and the officers' back pay has been placed on Estimates 1880–81. Reduction made in 1877; re-appointment in 1880.

No. 6.—The Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such Increase was authorized.

The number of classified officers in this Department on 1st January, 1863, was 98; on the 1st January, 1881, 64; thus showing a *decrease* of 34 classified officers since the original classification under "*The Civil Service Act.*"

No. 7.—The cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.

Nil.

No. 8.—The cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such higher class.

Name.	Date of Promotion.	Office.	Nature of Promotion.
Greville, C. ...	1st Jan., 1864 ...	Chief clerk, Department Trade and Customs...	Third to second class.
Saddler, J. ...	1st March, 1864 ...	Landing waiter	Third schedule to fourth class.
Harvey, James...	1st March, 1864 ...	Landing waiter	Fifth to fourth class.
Dawson, R. H....	1st March, 1864 ...	Landing waiter	Fifth to fourth class.
Doran, George...	1st Jan., 1866 ...	Harbour master	Fifth to fourth class.
Down, R. ...	1st July, 1873 ...	Inspector of Customs	Second to first class.
Wright, W. ...	1st July, 1873 ...	Landing waiter	Fourth to third class.
Rowe, S. H. ...	1st July, 1879 ...	Clerk	Fifth to fourth class.
Bale, W. M. ...	1st July, 1879 ...	Clerk	Fifth to fourth class.
McKie, J. G. ...	1st July, 1880 ...	Clerk	Fifth to fourth class.
Musgrove, A. M.	27th Sept., 1880 ...	Chief clerk, Customs	Second to first class.
Fullerton, R. ...	1st Jan., 1867 ...	Master of "*Pharos*"	Fourth to third class.
Wilson, A. ...	1st Jan., 1868 ...	Engineer surveyor	Third to second class.
Heath, George...	1st Jan., 1871 ...	Inspector of distilleries	Fourth to third class.

HENRY J. LEPLASTRIER,
Acct. & Insp.

F. W. HOWDEN,
Collector of Customs.
28th February, 1881.

POST AND TELEGRAPH DEPARTMENT.

1. The Appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each case was finally settled.

This Department is not in a position to answer these questions satisfactorily, there being no records of the Audit Office queries, and the replies thereto.

The information required will, it is understood, be furnished by the Audit Office.

The appointments of the following officers were objected to on the ground, that they had not passed the Civil Service examination:—W. H. Hollick, J. H. Kibble, H. J. T. Tymms, B. C. Jones, H. B. Jones, F. Whitty, W. Barton.

The appointments of these officers as classified officers were *cancelled*, and they were subsequently re-appointed as assistant operators under the Third Schedule.

2. The Appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.

John Duigan, telegraph manager, Sandridge, 1st April, 1863.
Mr. Duigan had been previously engaged in the telegraph service of Tasmania, and it was considered that his qualifications were such as to justify his appointment without examination or probation.
The appointment was gazetted on the 16th April, 1863.

3. The Appointments, except to clerkships of Courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance; and the special character of the duties required for the office to which such appointments were respectively made.

John Duigan, telegraph manager, Sandridge, 1st April, 1863.
The special character of the duties required were those of a telegraph operator.

4. The cases (if any) in which any Officer obtained any Increase of Salary in any manner other than that provided by "*The Civil Service Act.*"

W. Galbraith, £106 13s. 4d. per annum, as Acting Controller, Money Order and Savings Banks, in addition to salary as a third-class officer.
E. R. Elliott, £25 per annum, as Acting Examiner, Money Order and Savings Banks, in addition to salary as a fourth-class officer.
Approved by the Governor-in-Council 4th September, 1865.

5. The cases (if any) in which any Officer sustained, except by way of punishment, any Reduction of Salary in any manner other than that provided by the Act.

The cases in this Department in which officers sustained, except by way of punishment, reductions in salaries are the following:—S. W. McGowan, General Superintendent of Electric Telegraphs at £850 per annum to Inspector of Postal and Telegraph Service at £700 per annum, upon amalgamation of the Post Office and Electric Telegraph Departments; E. Banks, J. Nicol, A. C. Croft, H. F. O'Connell, W. Shields, H. Salkeld, T. Reed, P. K. Tucker, K. L. Murray, G. E. Groves, P. R. Arkins, J. Duigan, F. Dore, A. L. Krone, fourth-class officers at £350 per annum, reduced to the maximum of the fifth class. These reductions were made 1st April, 1869, in consequence of the general scheme of retrenchment determined upon at the close of the year 1868.

6. The Increase (if any) in the total number of Officers in the Civil Service, and the title of the Act under which every such increase was authorized.

No increase in Post and Telegraph Department, there being thirty-six classified officers less provided for in the Estimates 1880–81 compared with the number provided for in the Appropriation Act 1862 for the Post Office and Electric Telegraph Departments.

7. The cases (if any) in which Offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.

The undermentioned fourth-class offices were abolished in 1869:—

Postmaster, Dunolly,	Postmaster, Benalla,
„ Wangaratta,	„ Ararat,
„ Maldon,	„ Camperdown.
„ Daylesford,	

The office of postmaster at these stations was again made that of the fourth class under section 20 of 37 Vict. No. 455, Post Office Amendment Act 1873, and provided for in the Appropriation Act 1873–4.

8. The cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such higher class.

C. H. Lay ...	... Fourth class.	H. Palmer ...	... Fourth class.
W. Croft ...	... „	W. Galbraith	... Second class.
J. Duigan ...	... „	E. R. Elliott ...	... Third class.
E. Smith ...	... „	T. E. Slack ...	... „
W. R. Buchanan	... Third class.	T. Fagan ...	... „
T. W. Jackson	... Second class.	A. Britter ...	... Fourth class.
J. H. Gibbs ...	... Third class.	G. Smibert ...	... „
W. Galbraith...	... „	J. P. Atkinson	... Third class.
T. R. James ...	... Second class.	T. Yates ...	... „
G. S. Caldwell	... Fourth class.	J. W. Payter	... „
E. D. Pitman	... Third class.	T. Gay ...	... Fourth class.
J. Watt ...	... Fourth class.	K. L. Murray	... „
F. G. Lawrence	... „	J. Nicol ...	... „
C. Baker ...	... „	W. Shields ...	... „

E. Mackenzie	... Fourth class.	E. Scully ...	... Fourth class.
H. F. O'Connell	... ,,	J. L. Kelling...	... ,,
G. Collett ...	... Third class.	J. H. Quin ...	... ,,
W. Alexander	... ,,	A. L. Nott ...	... ,,
W. F. Crofts ...	... ,,	W. H. Sinnott	... ,,
W. P. Bechervaise	... ,,	V. E. Henderson	... ,,
J. Longcroft ...	... ,,	G. W. Fyfe ...	... ,,
H. Palmer ...	... ,,	R. W. Haines	... ,,
P. Cunningham	... Fourth class.	W. Morkham	... ,,
E. Miller ...	... ,,	J. C. Stamp ...	... ,,
W. H. Saxe ...	... ,,	J. A. Springhall	... ,,
J. Duigan ...	... ,,	E. D. Pitman	... Second class.
J. A. B. Smith	... ,,	E. R. Elliott ...	... ,,
F. L. Outtrim	... ,,	J. S. Middlecoat	... Fourth class.
W. Galbraith	... First class.	J. R. Hall ...	... ,,
W. P. Hamilton	... Fourth class.	J. Ryan ...	... ,,
W. W. Williams	... ,,	F. L. Merchant	... ,,
T. Harte ...	... ,,	J. B. Matthews	... ,,
L. S. Daniel ...	... ,,	J. Whitehead ..	... ,,
D. Mickle ...	... ,,	W. Fraser ...	... ,,
C. Miller ...	... ,,	S. Armstrong	... ,,
J. W. Wallace	... ,,	E. Tuite ...	... ,,
A. Cumming	... ,,	S. B. Byrchall	... Third class.
H. W. Jenvey	... ,,	M. Bourke ...	... Fourth class.
W. Blandford	... ,,	G. S. Caldwell	... Third class.
J. Fraser ...	... ,,	J. P. Atkinson	... Second class.
J. H. Fielden	... ,,	W. P. Bechervaise	... ,,

T. W. JACKSON,
Deputy Postmaster-General.

General Post Office,
29th December, 1880.

MINING DEPARTMENT.

Question 1.

(1) The Appointments in the classified Civil Service in respect of which the Audit Commissioners have made Objections.	(2) The Ground of those Objections.	(3) The Answers (if any) thereto.	(4) The manner in which each case was finally settled.
J. W. H. Williams, appointed under the 25th section as a third-class officer from 1st January, 1868.	The Audit Commissioners considered Mr. Williams ineligible for appointment otherwise than under the 17th and 18th sections.	That the Honorable the Attorney-General had been consulted, and that he considered the appointment could be made under the 25th section of the Act.	Appointment allowed to stand.

Question 2.

(1) The Appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation.	(2) The Reasons assigned for each such Appointment.	(3) The length of time thereafter wherein they were respectively notified in the *Government Gazette*.
John Andrews ... Second class	Known ability	Appointment made 30th June, 1879; gazetted 4th July, 1879.
John Forrester ... Fourth class	,, ...	,, 9th Feb., 1880; gazetted 13th Feb., 1880.
M. De L. Pierse ... Fourth class	,, ...	,, ,, ,, ,,
Richd. Bradford ... Fourth class	,, ...	,, ,, ,, ,,
Joseph Rowan ... Fourth class	,, ...	,, ,, ,, ,,
C. W. Langtree ... Third class	,, ...	,, ,, ,, ,,

Note.—These officers had been in the Government service for periods varying from 8 years to 17½ years prior to their classification.

Questions 3, 4, 5, 6, and 7.—Nil.

Question 8. The cases (if any) in which Officers have been promoted from a Lower to a Higher Class, although no vacancy had occurred in such Higher Class.

Richd. Francis, chief clerk, from the third to the second class in February, 1864, (since deceased).

SECRETARY TO THE EDUCATION DEPARTMENT TO THE UNDER SECRETARY.

Education Department,
Melbourne, 16th November, 1880.

SIR,

Referring to your letter of the 13th instant calling for a Return, in compliance with an order of the Legislative Council on the motion of the Honorable Dr. Hearn, relative to appointments, &c., made under "*The Civil Service Act*," I have the honor to inform you that, as none of the appointments in connection with this Department are made under "*The Civil Service Act*," it is apprehended that the information asked for has no reference to this Department, and it is therefore not proposed to furnish any Return to the order.

I have, &c.,
(Signed) G. WILSON BROWN,
Secretary.

W. H. Odgers, Esq.,
Under Secretary.

SECRETARY TO THE RAILWAY DEPARTMENT TO THE UNDER SECRETARY.

Railway Department, Secretary's Office,
Melbourne, 19th November, 1880.

SIR,

With reference to your letter No. 7108, of the 13th instant, asking that you may be furnished with certain information for a Return required by the Honorable Dr. Hearn, M.L.C., in relation to "*The Civil Service Act*," I have the honor to inform you that I submitted to the Minister of this Department my opinion that, from the terms of the order, it does not apply to the Railway Department, which is not under the provisions of "*The Civil Service Act.*" Mr. Patterson concurs in that view.

I have, &c.,
(Signed) P. P. LABERTOUCHE,
Secretary.

The Under Secretary,
&c., &c., &c.

By Authority : JOHN FERRES, Government Printer, Melbourne.