

would result by the retention of a Board (or Court) of Appeal. After an experience of over six years, the Commissioners are convinced that the system of review by a Board of Appeal of the decision of the Commissioner is not in the best interests of the Service and renders difficult the proper carrying-out of the work of the Commissioners.

20. The recent New South Wales Royal Commission reported that—

An independent Court of Appeal would tend to weaken the discipline of the Service, and I have no doubt would operate to undermine the administration of the [Public Service] Board. An adverse decision by an outside Court, based upon evidence bearing upon the case of an individual officer, without consideration of the subsequent effect upon the Board's policy and administration, might have far-reaching consequences. No such outside Court of Appeal could possibly formulate a judgment upon the individual merit of officers, because the full factors and their true values could never be brought properly before it.

I am distinctly of opinion that, if proper discipline is to be maintained in the Public Service, the [Public Service] Board must have the final word in control. Where an officer's increment may have been withheld on the recommendation of the Departmental Committee or Inspectorial Committee on the ground of inefficiency, such officer should have the right to state his case before the Public Service Board. Similarly, where an officer is found guilty of breaches of the Public Service Act, and is faced with dismissal, reduction in status, or similar penalty, he should also have the right of final appeal.

But in all cases where an officer has been selected for promotion by the Inspectorial staff, endorsed by the Departmental Committee and approved by the Public Service Board, no appeal should lie on the grounds of seniority of any description: since the efficiency of the Service should be directly dependent upon promotion on merit. It would be unworkable to allow of an appeal and the taking of evidence in such matters.

21. While there is a tendency at the present time to give some consideration to the proposal that officers of the Public Service should have some share in the management, it has by no means been established what would be the best way for this to be carried into effect. The Committee reporting on the application of the Whitley Report to the Administrative Departments of the Civil Service in the United Kingdom remarked:—

We assume that the great majority of the Civil servants who desire to see Whitley principles applied to the Administrative Departments have these objects in view. It is, however, possible that the scheme may have received support under the impression that its adoption will give Civil servants a deciding voice in the settlement of their own remuneration and conditions of service. Any such proposal would, of course, mean the abandonment by the Government of an essential part of the functions which it exercises on behalf of the community as a whole, and its effect could not be confined to the Civil Service. In submitting, therefore, our recommendations for the formation of joint bodies and for a definition of their functions so far as possible pending further experience, we consider that a clear statement of these limitations should be made here, in order to remove any misleading impression which may otherwise be created in the minds of those interested.

*Differences between Public and Private Employment.*—It must be frankly recognized at the outset that there are important and vital differences between public and private employment which must necessarily modify the application to Government Departments of proposals intended and designed for private industry. Among the principal differences are—

- (1.) The fact that the State is the ultimate employer of Government servants through the Heads of Departments, who consequently have not the freedom of decision in regard to wages and conditions enjoyed by the private employer.
- (2.) The absence of the check imposed by considerations of profit and loss and its replacement by Treasury control, which, so far as questions of remuneration are concerned, is now subject to an appeal to the Conciliation and Arbitration Board for Government employees.
- (3.) The fact that an employee in a Government office is not merely a private individual in public employment, but is in a very real sense a servant of the public, and as such has assumed obligations which to some extent necessarily limit his ordinary rights as a private citizen.

A most important function of a Whitley Council of the ordinary industrial type is to overcome differences which arise between the conflicting interests of employers on the one hand and employees on the other in a particular trade. In the Civil Service there is in fact no employer apart from the State, and no particular trade. An Industrial Joint Council is composed of representatives of the various associations of employers and workpeople in a trade. Each side of the Council as a whole has a community of interest often different from that of the other side. In the Public Service there is no definite opposition of interest in this sense. Heads of Departments, whether Ministerial or Permanent, have no personal incentive to oppose the demands of the employees, while on the other hand the latter are split up into many grades with divergent and often opposing interests, the community between them being mainly the fact of common employment by the State.