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PUBLIC SERVICE RECLASSIFICATION ACT 1897, No. 1542.

IN accordance with the provisions of the *Public Service Reclassification Act 1897*, the Reclassification Board makes and publishes the following further determinations with reference to matters on which it has been directed to report by the Governor in Council under section 8 of that Act :—

“As to the claim of Capt. Harding, exempt officer in the Defence Department, to be classified.”

In 1885 Mr. Richard Harding was an employé of the Railways Commissioners. In February of that year he was “lent” to the Defence Department to perform the duties of Ordnance Fitter. At that time he was, by virtue of section 72 of the Act No. 767, entitled to compensation or retiring allowance to be computed under the provisions of Act No. 160, upon retirement.

Subsequently Mr. Harding became an applicant for the permanent appointment of Ordnance Fitter.

A difficulty existed in appointing him, as he was over the age (26) for appointment, while he was not (under the provisions of the Act No. 773) eligible for transfer from the Railway Department to the Public Service. This difficulty was got over by an Order in Council exempting Mr. Harding from the provisions of the Public Service Act. (See *Government Gazette*, 21st August, 1885, page 2336.)

The effect of this form of appointment appears to be to deprive Mr. Harding of his right to compensation or retiring allowance in respect of his service in the Defence Department. The Board is, however, informed by the Honorable Sir F. T. Sargood, who was Minister of Defence at the time, that the clear intention of the Government was that Mr. Harding should not suffer any loss by transfer to the Defence Department, and that, if any legal difficulty arose under the Public Service Acts, special legislation should be brought in to remove such difficulty.

In July, 1894, a return was prepared in the Defence Department "showing the amount of pensions or compensation the officers who are vested with pension rights would be entitled to on 1st July, 1894." In this return was included the name of Mr. Harding, and in the statement of his "service," the period of his employment in the Railway Department was included. It is, therefore, plain that the Department regarded his pension rights as still subsisting. This appears also to have been Mr. Harding's understanding of the matter.

Captain Harding is now styled Inspector of Ordnance Machinery, and his duties have greatly increased in importance.

The Reclassification Board determines that Captain Harding should now be classified as in the Professional Division, Class C (minimum salary, £450, maximum, £504), and that he should have his pension rights secured to him on the basis fixed by the Act No. 160 in respect of his periods of service in the Railway Department and in the Defence Department.

"As to what, if any, concessions, as to position in any class, subdivision or otherwise, should be made to officers on promotion, who have for a considerable period been performing duties determined by the Reclassification Board to be of a higher class."

The Reclassification Board is unable to devise any scheme on this basis which would be just in its application. In the Professional and General Divisions there are classes and grades in which the salaries are fixed, and there could be no concession as to position in the class or grade to which an officer is promoted. In the other classes and grades in these divisions the difference between the minimum and maximum salary is very small as compared with that in the classes of the Clerical Division, and the possible range of concession as to position in the class or grade would be proportionately limited. Even in the Clerical Division the circumstances greatly vary. In some cases the officer who has for a considerable period been performing duties of a higher class than that in which he is classed may not be the officer selected for promotion. In that case the proposed concession would afford no redress for his past unrequited work. In other cases the officer who has been doing the higher class work may from that fact be considered the most fit for the more highly classified position, although had the promotion been made some years ago there might have been many officers with prior claims. In such a case the officer's promotion is itself sufficient reward without further concession. The only recommendation on this subject which the Reclassification Board can make is that in future selections of officers for promotion, where "fitness" is equal and "general merit as a public officer" comes to be considered, the fact that an officer has for a considerable time been performing work of a higher kind than is represented by his classification should be reckoned in estimating his "merit."

A. W. CHOMLEY, Chairman.

J. H. TAYLOR,
WM. DAVIDSON, } Members.

C. J. CERUTTY, Secretary.

Office of Reclassification Board, 20th July, 1900.