

EVIDENCE.

From information that we had received from members of the Service at and prior to the commencement of our inquiry, it became evident that the only way to obtain a great deal of valuable information was to treat the evidence as confidential. If we did not do this we found that we would only get such evidence as those giving it deemed expedient, whereas if we decided that the evidence would be treated as confidential we stood a much better chance of getting at the true position of matters. It was clearly absolutely necessary that we should get at the true state of affairs, and be able to draw fully on the minds and opinions of the officers of the Service, if our report was to be of any value. We therefore sent out to all the officers of the Service the following circular letter, to which we have already referred, and it was in response to this letter that, as we have previously indicated, a large amount of the evidence was tendered :—

Public Service Commission, Wellington, 31st May, 1912.

Circular Letter to Under-Secretaries, Heads of Departments, and Officers and Members of the Unclassified Departments of the Public Service.

GENTLEMEN,—

I have the honour to inform you that the Public Service Commission, consisting of Messrs. James Macintosh, Peter Barr, Thomas Finlayson, and myself, appointed by His Excellency the Governor to inquire into the Public Service as per order of reference attached, has commenced its sittings in Old Parliament Buildings, Wellington, and if there is any matter you desire brought under notice, either personally or by letter, the Commission will be glad to hear from you.

For your information, the Commission has decided to, and wishes all officers and members of the Service to clearly understand that it will, deal with all evidence as strictly confidential, and all those officers who are engaged on the work of the Commission will be sworn to secrecy. Officers and members of the Public Service may, under these circumstances, rest assured that any evidence given by them to the Commission will not in any way act prejudicially to their interests.

It will be readily understood that it may be quite impossible to summon every officer or member of the different Departments who may wish to give evidence, but cases will be dealt with on their merits; and in the event of several applications being received from the officers and members of any one Department, the Commission could then select a representative case or cases on which to have evidence taken. It is the desire of the Commission to afford every class or grade of the Public Service the opportunity of volunteering evidence.

The Commission will also be prepared to take evidence at sittings to be held in Auckland, Christchurch, and Dunedin, the dates of which will be made public in due course.

I desire to further point out that any request from officers or members in the Service outside the four centres will be duly considered, and the Commission may summon such officers or members to give evidence at the nearest centre.

All communications to be addressed to the Chairman, Public Service Commission, Old Parliament Buildings, Wellington.

I have, &c.,

WILLIAM DUFFUS HUNT,
Chairman of Commission

We also obtained from each officer engaged on the work of the Commission a declaration of secrecy. Some days after it was intimated to us that in deciding not to make the evidence public we were going beyond our powers, and that if we published the report without the evidence we could be called upon to produce it, and would have to do so. We felt that if this was the case we had no longer any right to continue to take evidence under a pledge of secrecy, and therefore decided to obtain a legal opinion upon our position. We consulted Mr. C. P. Skerrett, K.C., of Wellington, and obtained from him the following opinion :—

Re Public Service Commission: I am asked to advise whether the Commissioners acting under His Excellency the Governor's Commission of the 23rd May, 1912, known as the Public Service Commission, are justified in taking evidence from officers in the Public Service under a pledge of secrecy, and in giving effect to such pledge.

The question arises under the following circumstances: The Commissioners have come to the conclusion that it will be practically impossible to induce any officers in the Public Service to give evidence relating to the matters within the scope of the inquiry unless such officers can be assured that their evidence and opinions will not be published, but will be treated as confidential. The Commissioners are satisfied that, unless they are able to treat the evidence or portions of the evidence of public officers as confidential, a great deal of evidence and information of considerable value in enabling them to report upon the questions submitted to them will be excluded.