

Chapter 7.

Civil Service Reforms.

The gradual growth of influence of the New South Wales Institute of Architects and mounting pressure for the abolition of the Colonial Architect's Office were two of a number of external forces which, during the 1880's impinged upon Barnet's position and the manner in which his Office functioned. In terms of Barnet's career attempts made to reform the civil service were more important. In 1871 the Legislative Assembly had appointed a Select Committee to inquire into the organisation of the civil service. Michael Fitzpatrick, Secretary for Public Works and his Under-Secretary, John Rae gave evidence before the Committee; Barnet did not. Although the Inquiry revealed a great deal of information about the manner in which the service operated, it did not achieve reforms.¹ During the second part of the 1880's two pieces of legislation were enacted - the *Civil Service Act of 1884*² and the *Public Works Act of 1888*³ - which both directly and indirectly should have affected the work of the Colonial Architect's Office; their impact will be shown to have been negligible. More significantly, the findings of the prematurely terminated 1887 Inquiry into the Public Works Department were to set the scene for a re-organisation of the Colonial Architect's Office; the reports of that Inquiry could not be ignored by a Secretary for

1. Select Committee on the Civil Service, NSW LA V&P 1872 (1).

2. 48 Vic. No.24.

3. 51 Vic. No.37.

Public Works anxious to reform his department. They will be shown to have greatly influenced the decision that Barnet should be retired.

ii.

When Barnet joined the New South Wales civil service in 1860, it had scarcely settled down after the transfer of power from London to Sydney; power which was based on conventions and understanding rather than codified in legislation.⁴ McMartin has shown that responsible government resulted in few changes in the administrative arrangements except that 'the headships of six of the departments were converted into ministerial offices' forming the Cabinet; each of the remaining departments became the responsibility of one of those ministers.⁵ The Secretary for Lands and Public Works, for example, was responsible for such functions as the Surveyor-General, the Colonial Architect, crown lands, railways, roads and light houses.⁶ In 1859 that department lost a number of functions to the newly-established Department of Public Works including the Colonial Architect's Office, internal communications, fortifications, harbour and river navigation, defence works, steam dredges and the Cockatoo Island Dry Dock.⁷

4. The problems of the transfer are examined in A.W. McMartin, *Public Servants and Patronage - The Foundation and Rise of the New South Wales Public Service, 1786-1859*, Sydney, 1983, pp.251-92.

5. McMartin, *op. cit.*, p.263.

6. McMartin, *op. cit.*, p.271, Table 16.

7. *Statistical Register of New South Wales from 1850 to 1859 - Civil Establishment*, NSW LA V&P 1861/62 (1).

Ministerial heads were responsible for the efficient administration of their respective department: a burden which included not only policies and procedures relating to defined functions but also all aspects of personnel administration - recruitment, organisation and establishment, and conditions of employment including the level of salary paid to each officer. Departments existed as water-tight compartments with communications between each being formally conducted through the Secretary's Office or at permanent head level. Staff were appointed to specific positions within particular departments; transfer from one department to another was effected in the same manner.⁸ Between 1856 and 1871 entry to clerical offices was not subject to satisfactory performance at a prescribed educational examination so that Ministers were unfettered in their disposal of patronage.⁹ Entry to professional offices was contingent upon an applicant being suitably qualified; there was no clear definition of or a common standard applicable to entry to similar positions existing in a number of departments. Patronage, that is recruitment by private recommendation,¹⁰ was the normal method of entry to the civil service and was jealously guarded by persons having the power

8. See, for example, the manner in which William Coles was appointed to the Colonial Architect's Office - CAOR: W. Coles - Appointment 1857 (NSW AO 2/586).

9. P. Loveday, 'Patronage and Politics in New South Wales, 1856-1870', *Public Administration*, Vol.18, No.4, December 1959, p.342. From 1 November 1871 persons seeking clerical positions were required to produce evidence of having successfully completed certain subjects in the Public Examinations conducted by the University of Sydney - NSW GG, 6 October 1871, p.2241.

10. S. Finer, 'Patronage and the Public Service', *Public Administration* (Eng.), Vol.30, Winter 1952, p.329.

to exercise it.¹¹

There is no evidence that the civil service reforms introduced in Great Britain after 1853 influenced, to any marked degree until after 1884, the organisation of the New South Wales civil service. The Northcote-Trevelyan Report of 1853 had recommended entry to the British civil service through 'a proper system of examination' conducted by a central Board of Examiners, promotion by merit, and mobility between departments. Although it recognised the desirability of introducing a soundly-based superannuation scheme, this matter was not examined in depth.¹² The New South Wales *Superannuation Act of 1864*¹³ established a superannuation fund; it did not reflect any of the reforms recommended by Northcote and Trevelyan.

The decision taken in 1871 to require satisfactory performance in a prescribed test went part of the way towards determining educational standards for entry to clerical positions; it was not

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11. For example, see Parkes' comments during the debate on the Civil Service Bill (No.2), 1884 - NSW PD Session 1883/84, First Series, Vol.15, p.5353.
12. Report of the Committee of Inquiry into Public Offices - (reprinted), *Public Administration* (Eng.), Vol.32, Spring, 1954, pp.1-16. B. Dickey, 'Responsible Government in New South Wales: the Transfer of Power in a Colony of Settlement', *JRAHS*, Vol.60, 1974, p.238 incorrectly stated that 'not a breath of its views were [*sic*] heard in New South Wales'. An editorial published in *SMH*, 21 October 1854 discussed a review of the Report and suggested that similar reforms were necessary in NSW. This call for reform was followed up on 28 September and 9 October 1855 although the Report was not specifically mentioned. McMartin, *op. cit.*, p.274 argued that Deas Thomson, 'a beneficiary of the existing system' who was involved in the formation of the colonial civil service, ignored the recommendations of the Report. Deas Thomson's biographer, Stephen Foster is silent on the reaction of Thomson to it - see S.G. Foster, *Colonial Improver: Edward Deas Thomson 1800-1879*, Melbourne, 1978, p.142.
13. 27 Vic. No. 11.

'a proper system of examination'.¹⁴

After 1856 a number of inquiries into the organisation and functions of individual departments were held; for example, the Post Office (1862) or Customs Department (1866).¹⁵ A Select Committee appointed in November 1871 recommended the enactment of legislation which would control the civil service through a system of clearly-defined recruitment procedures, the classification of positions, conditions of service (leave, discipline) and superannuation;¹⁶ it would thus reduce the power of ministers. The report met with a lukewarm reception from the politicians;¹⁷ the evidence presented to the Committee suggests that it would have been generally accepted within the senior ranks of the civil service.

During the next thirteen years nothing was done to give effect to those recommendations. In 1884 civil service reform once again became an issue within Parliament. On 5 August Alexander Stuart sought leave in the Assembly to introduce a bill 'for the regulation of the civil service, for providing superannuation and retiring allowances to the members thereof, and for other purposes'; the lack of a quorum caused the bill to fail on the second reading. Later, on 3 September, in moving the second reading of the Civil

14. A.A. Onslow (Camden) understood that in the first examination conducted in accordance with that system, half the candidates were unsuccessful - see Proceedings of the Legislative Assembly, 21 November 1871 - *SMH*, 22 November 1871.

15. Report of the Board of Inquiry into the Management and Working of the Post Office Department - NSW LA *V&P* 1862 (2); and Report of the Commission Appointed to Inquire into the Conditions of the Custom Department - NSW LA *V&P* 1867/68 (5).

16. Report of the Select Committee on the Civil Service - NSW LA *V&P* 1872/73 (1).

17. The debate leading to the appointment of the Select Committee had been unenthusiastic - *SMH*, 22 November 1871.

Service Bill (No.2), Stuart explained that it sought to recognise the 'profession' of the service based on 'definite and equitable principles'.¹⁸ Under the legislation salary increments would follow clearly-defined principles based on the classification of all positions within the Service. A Civil Service Board would be established with limited powers to control recruitment and to classify the service. Provision was also made in the legislation for officers to retire after having reached sixty years of age, on account of ill-health or the abolition of an office. Discipline was to be exercised by the Minister or a duly-authorized officer with the Governor having the power to dismiss an officer or, depending upon the nature of the offence, reduce him in status.

By far the most onerous duty vested in the Board was that of classifying the Service. The *Act* became effective from 1 January 1885 and the Board, whose members were part-time office-holders, immediately faced the herculean task of classifying by 31 March each of the 11 371 persons employed in the Service. The classification was based on salaries fixed in the *Appropriation Act of 1884*. That legislation 'embodied and perpetuated' anomalies in the levels of salaries which had existed from 1856.¹⁹

With the publication of the list of classifications in the *Government Gazette* dated 1 April, both the Board and the system came under immediate attack; for example, 'a great injustice' was thought to have been suffered by architects, surveyors and civil engineers of whom many had been placed in the middle and lower levels of the

18. NSW *PD* Session 1883-84, First Series, Vol.14, pp.4656, 5075-5081.

19. Civil Service Board, *Report 1885*, p.2, NSW LA *V&P* 1885/86 (2).

'General' Division.²⁰

Barnet joined a small group of professional officers placed in the First Class of the Professional Division. William Coles was placed in the Second Class of that Division whereas the remaining professional officers were included in the General Division which also included the clerical staff of the Office.²¹

Appeals were lodged by thirteen members of Barnet's staff of which two only were successful; eleven were disallowed because they did not constitute appeals as defined in section 17 of the *Act*. In 1884 there were thirty-eight persons employed in the Office as temporary staff of whom nine unsuccessfully appealed against their classifications.²²

While the classification of officers may have caused some tension in the Office, the legislation gave rise to no significant problems so far as Barnet was concerned. Between 1885 and 1890 one permanent officer had been appointed on probation although four others, formerly employed elsewhere in the civil service, were appointed during that time.²³ A number of persons had been offered temporary employment under section 31; for example, between 1 January 1885 and 5 July 1886, fifteen temporary employees had been engaged.²⁴ As a means of controlling the employment of temporary staff section 31

20. "One of Them" to editor, *Daily Telegraph*, 3 April 1885.

21. Civil Service List, 1885 - NSW GG, 1 April 1885, pp.2195-2306.

22. Civil Service Board, *Report 1885*, p.25ff., *loc. cit.*

23. *Blue Book of NSW, 1890*, NSW LA V&P 1891/92 (7).

24. Temporary Employments to Civil Service (Return of), NSW LA V&P 1885/86 (2).

was ineffectual.²⁵ While Barnet was Colonial Architect no persons having 'professional or special attainments or experience', as required under section 28, were appointed to the Office. Nor had any action been taken to discipline or retire any member of the staff.

The 1894 Royal Commission into the Civil Service clearly established that the *Public Service Act of 1884* had not achieved its objectives.²⁶ That inquiry had been preceded by a Royal Commission which had been appointed in 1887 and was from time to time re-appointed without presenting a report surveying the service as a whole. A number of reports were prepared but only that relating to the Post Office was tabled and later published.²⁷ The Commission's Report on the Public Works Department was not settled until 21 January 1892 but it was not tabled in the House and a search in the NSW Archives Office has failed to locate it.²⁸

At its first meeting held on 9 January 1888, the Royal Commissioners decided that heads of departments should be required

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25. In evidence before the 1894 Royal Commission into the Civil Service, Edward G.W. Palmer, Secretary to the Board, stated that section 31 was 'a dead letter' - Report of the Royal Commission to Inquire into the Civil Service, Minutes of Evidence, p.38, q.1005 - NSW LA V&P 1894/95 (3).
 26. Royal Commission on the Civil Service, p.27, *loc. cit.* The Commissioners dismissed much of the evidence of senior civil servants and gave credence to that of persons such as E.W. Knox, Manager, Colonial Sugar Refining Co.
 27. The Royal Commission submitted its first report in May 1888 and the final one on 22 January 1892. Objection was taken to the publication of reports, without the supporting evidence, and they were not published.
 28. In the *Concise Guide to the State Archives of NSW*, Sydney, 1970, p.165, item 17.5 there is a reference to a report of the Commissioners on the Public Works Department; that reference was deleted from later supplements to the *Guide* - see, for example, Supplement No.5, p.78, item 17.

to supply detailed statements which set out the names of staff together with the duties, salary, age, length of service 'and efficiency or otherwise' of every person employed in the department.²⁹ Each departmental head was called before the Commission in a preliminary interview during which he was informed 'in a private and confidential conversation' of the Commission's powers and he was asked 'to give in the freest possible manner' his opinions regarding the future administration of his department.³⁰ On 27 February, Barnet, McLaurin, Medical Adviser to the Government, and T.A. Coghlan were examined; Barnet later appeared before the Commission on 31 August 1891 but nothing is known of the form of questions asked of him or his replies.³¹

An examination of the minute books of the Commission gives an impression that the Commission was concerned with minutiae rather than addressing itself to significant questions affecting the Service as a whole - for example, recruitment or conditions of service. That conclusion is reinforced through an examination of the Report on the Post Office which reveals that much of the Commission's efforts were concerned with a detailed examination of the work of each officer or group of officers and of the approved procedures.³²

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29. Public Service Enquiry Commission - Minutes Books, 1888-1890 (NSW AO 5/4766-67).
 30. Public Service Enquiry Commission - Minutes of meeting 13 February 1888. Minute Books, *loc. cit.*
 31. Public Service Enquiry Commission - Minutes of meetings, 27 February 1888, 31 August 1891 - Minute Books, *loc. cit.*
 32. Public Service Inquiry Commission (Report of, Upon General Post Office, Money Order Office, and the Electric Telegraph Department, with Appendix Thereto), NSW LA V&P 1890 (2).

Whatever might have been achieved by the 1887 Royal Commission, its findings were discredited when the Commissioners refused to publish the evidence on which the reports were based. That evidence was given in confidence and, as the Commission asserted, such an undertaking may have ensured that officers would be frank in giving their evidence; it resulted in much of the Commission's observations being disregarded.³³

iii.

Until the classification of the Office was finalised in 1885, many of Barnet's staff would have been apprehensive about their status; apprehension which was exacerbated when the appeals were rejected. This internal tension added to the pressure under which Barnet had worked for many years during which time he had taken no leave. The strain of those years was beginning to take its toll of his health and on 15 October 1884 he was granted twelve months leave on full pay during which he planned to travel abroad.³⁴

As the date of his departure drew near, staff of the Office entertained Barnet to a picnic at Correy's Gardens, Cabarita. He was also honoured by the presence of a number of senior civil servants with whom he had been associated for many years. In proposing the health of Barnet and 'his amiable [*sic*] lady', William Coles, now acting Colonial Architect, spoke of Barnet's achievements

33. See, for example, Report of Public Service Inquiry Commission on the Mines Department (Correspondence, &c., Respecting), NSW LA V&P 1891/92 (4).

34. Barnet to Manager, Australian Joint Stock Bank, 19 January 1885 - Barnet Correspondence 1875-1898 (ML MSS. 726, Item 1).

as evidenced by the large number of buildings which 'would form a lasting memorial to him and his ability when the present generation was dead and gone'. Coles also hinted at problems which had arisen in the Office where some of the staff were dissatisfied with their lot but he hastened to point out that 'the cause of their dissatisfaction was not Mr. Barnet's fault'.³⁵

Next day, Friday, 23 January 1885 Barnet and Mrs Barnet sailed from Sydney at 12 noon in the *Ballaarat* 'accompanied by Steam Launch with friends to the Head'. In an opening entry in the diary which he kept during his travels he recorded in his fine handwriting: 'Friday 23 ... I left the Colonial Architect's Office at 11 a.m. and walked to Circular Quay with Mr. James McShane, Chief Clerk'. That was the beginning of a journey which took the Barnets to the large cities of Europe where they examined numerous significant buildings. A visit was made to Arbroath where he again met his relatives and gazed once more upon familiar scenes. Barnet called upon and was entertained by Saul Samuel, Agent-General for New South Wales; he visited the studio of Signor Fontana where he inspected the statues of the Queen and Britannic Australia being executed for the Sydney General Post Office. He met the editor of *The Builder* on a number of occasions and attended several meetings of the Royal Institute of British Architects.

He was rarely out of the company of Mrs. Barnet, whom he noted now weighed fourteen stone, and with whom he visited art galleries, the British Museum and the Crystal Palace. On the occasion of his visit to the Chartham Lunatic Asylum he had left 'Mrs B. at the station'. In Turin, they went shopping when 'Mrs Barnet bought a

35. *SMH*, 22 January 1885.

bonnet'. They also visited the theatre and frequently attended Divine Service in the famous churches of London.

After completing a heavy programme of visits and sightseeing, the travellers finally joined a vessel for Sydney where they arrived on 24 December to be met by numerous relatives and friends. Later in the day they went home to Forest Lodge where they enjoyed Christmas in the company of their children.³⁶

v.

Upon his return to duty early in January 1886, Barnet found that little had changed. The furore about the Post Office carvings had not abated; charges of extravagance on the part of the Colonial Architect and complaints about lengthy delays in completing projects persisted. In the Office, some minor staff changes had been made and Jacob Garrard³⁷ had a few days previously been appointed Secretary for Public Works. On a closer examination, Barnet would have found that the Civil Service Board's classification of officers had been finalised; the art gallery had been opened, work was proceeding on the Bare Island fortifications, the Lands Department and Public Works offices. He would also have soon learned that there had been no lessening of the political instability which had marked the previous thirty years.

36. J. Barnet, Diary, 1885 - Barnet Correspondence, *loc. cit.*

37. An engineer by profession, Garrard was 'one of the best - equipped members to respond to colonial technological, industrial and administrative changes in the 1880's' - B. Nairn, 'Garrard, Jacob', *ADB* 4.

When preparing its Estimates of Expenditure for 1887, the Jennings Ministry decided that economies must be effected by all departments in a time of economic recession. Accordingly, Ministers were directed to identify functions performed by their departments which might be either eliminated or handed over to private enterprise. On 14 December 1886 Lyne, Secretary for Public Works appointed J.Y. Mills, J.E.F. Coyle and T.F. Waller to examine the work of his department so that staff numbers might be reduced. Lyne wrote: 'it has been asserted for years past that the Civil Service has been greatly overmanned, and through political appointments and otherwise, has grown to much greater proportions than is necessary'.³⁸

Before the Board had been able to make a thorough examination of the Department, the Jennings Ministry had fallen and Parkes was once again in office. His Secretary for Public Works was the very experienced John Sutherland who directed that the enquiry cease and the final report be submitted. He believed that any report based on unsworn evidence was of questionable value.³⁹

The Public Works Board of Inquiry, before being wound up, had first examined the Construction and Maintenance Branches of the Railway Department where divided control and antagonism between the branch heads had resulted in inefficiencies and a waste of public funds. Furthermore, in the Board's opinion, political interference had led to the construction of uneconomical lines; until rid of political control no worthwhile savings could be made.⁴⁰

38. Minute of Secretary for Public Works, 14 December 1886, PWD: Board of Inquiry, p.1, NSW LA V&P 1887 (2). Mills was a civil engineer; no information has been sighted regarding Coyle and Waller - *Sands' Sydney Directory, 1887*.

39. PWD: Inquiry, Minute by Secretary for Public Works, 28 January 1887, p.13, *loc. cit.*

40. PWD: Inquiry, Final Report, pp.28-35, *loc. cit.*

The Board's inspection of the Colonial Architect's Office was not free of tension. On 15 December 1886, Barnet received a copy of a minute from Lyne to heads of branches in which he outlined the purpose of the Inquiry. On 17 January 1887 the members of the Board arrived unannounced at Barnet's Office.⁴¹ Between that date and 24 January, when the inquiry ceased, it examined most members of the staff. In the course of their investigation the Board quickly formed the opinion that information was being withheld or delayed and this had meant that it had been unable to re-examine staff. In an interim report, dated 1 February it listed fifteen items about which information had been sought and to which Barnet had objected; he argued that, in providing that information, 'he would have to upset the whole department, and occupy the staff for some months, to the detriment of the public business'. This was interpreted as evidence of his incompetence; he should have been able to provide the information 'at once'.

The greater part of this report deals with the financial records of the Office and the manner of costing projects but the Board was also scathing in its criticism of 'the inadequate supervision of the erection of valuable buildings'. Particular reference was made to the Medical School at the University of Sydney, a building costing £18 000 which, while under construction, was said to have been visited by a clerk of works three times each week. According to the Inquiry, the work was 'under the immediate charge of a young gentleman of 19' who was also responsible for a project on Spectacle Island. It was also reported that much of his time was taken up in preparing

41. PWD: Inquiry - Memo. respecting report of Public Works Commissioners - Colonial Architect's Department, p.21, *loc. cit.*

detailed drawings and clerical work rather than in the supervision of the project. Furthermore, this officer was said to arrive at work two hours after the tradesmen had commenced.⁴² That 'young gentleman of 19' was no other than Thomas Barnet, the youngest son of the Colonial Architect.

An examination of the evidence, however, does not fully support these findings. In his evidence, Edwin Colley, clerk of works agreed that he was responsible for the Medical School project. Thomas Barnet, 'a young foreman of works ... aged 22/23' was stationed on the site although 'on occasion' he was absent for a day. Colley believed that Thomas had had a 'a good deal of experience' on the Callan Park Hospital for the Insane project and on the construction of magazine buildings on Spectacle Island. When pressed, Colley admitted that young Barnet was not in absolute charge but rather in 'immediate charge'; A.T. Telfer, a foreman of works 'of great experience' was 'really practically in charge' and Thomas reported faulty work to him. Colley also conceded that if Thomas had drawn attention to work which, through inexperience, he had incorrectly condemned as being faulty, he would be seen to be incompetent. Colley stressed that Thomas Barnet was involved in a great deal of clerical work.⁴³

Much of that evidence was corroborated by William H. Simpson, foreman of works although he was careful to avoid giving a direct answer to a question which required that he pass judgment on Thomas; he replied 'Well that is putting me in an awkward position. Mr. Telfer

42. PWD: Inquiry - Report, 1 February 1887, pp.16-17, *loc. cit.*

43. PWD: Inquiry, Minutes of Evidence, pp.227-28, qq.5401-5453, *passim.*, *loc. cit.*

may instruct an officer under him as to what he requires, and how the work should be done'. Later, when asked whether Barnet was competent to resolve technical problems, Simpson stated that Telfer 'would instruct the officer on the ground'. Finally, he admitted that, if much of Barnet's time were taken up in drawing plans, he would be able to do little else.⁴⁴

When James Barnet gave evidence on 21 January, the Board had already heard Colley's evidence but it did not seek Barnet's comments on the matters raised in respect of his son's experience or employment at the Medical School. Furthermore, the Board did not invite Thomas Barnet to present evidence. Having been denied an earlier opportunity to comment upon these matters, Barnet did so in his response to the Board's report. At the outset, he pointed out that Thomas had 'passed successfully an examination by the Technical College for masonry' and he had 'about five years practical experience'; in Barnet's opinion Thomas was 'quite competent for the performance of the duties entrusted to him'. Barnet denied that his son arrived late on the site but he admitted that he had spent a great deal of time in preparing detailed drawings. Barnet explained that, following the sudden death of the draftsman who had been engaged on the work and the refusal of Lyne to permit him to recruit another officer, it had been necessary for Thomas to do that work.⁴⁵ Clearly, the Board's conclusions had not been tested before its report was written.

The Board also reported that money had been wasted in costly and useless decoration, alterations and additions to existing

44. PWD: Inquiry, Minutes of Evidence, p.248, qq.6265-68, *loc. cit.*

45. PWD - Colonial Architect's Department, p.23, *loc. cit.*

buildings and in the preparation of designs for new buildings. Staff were said to be employed on 'surplus and unnecessary work' - for example, in drawing plans 'on every conceivable subject, such as chairs, tables, wardrobes ... and of the most trivial repairs ... which have the doubtful advantage of occupying time and keeping staff engaged'. Barnet was criticised for his failure to provide proper supervision of expensive projects. Finally, the Board concluded that 'a proper and exhaustive examination' of Barnet's Office would show that either it could be closed down or its activities curtailed. If the Office were to be retained, the Board believed that it should become responsible for all public buildings including those required by the Department of Public Instruction and the Railways.⁴⁶

Barnet rejected those opinions which, he stated, did not take into account the work handled in the repair and maintenance of some 1 300 buildings 'ranging in value from a few pounds to say a quarter of a million and upwards, spread throughout the entire area of the Colony'. He rejected the Board's opinion that competitive designs could be obtained 'at a cost only for premiums'; as he understood it, that statement failed to include items such as the architect's commission, the salaries of the clerks of works and incidental expenses. He flatly denied the assertion that he had stated that requests made by the Board for information interfered with the work of his Office; 'the Colonial Architect made no such statement'.⁴⁷

The charges, although unsubstantiated, were serious. The editor of *The Echo* argued that there was a more urgent but, as yet

46. PWD: Inquiry, Report 1 February 1887, p.17, *loc. cit.*

47. PWD: Inquiry - Colonial Architect's Department, p.22, *loc. cit.*

unanswered, question; who was in charge - the Secretary for Public Works or the Colonial Architect? If the former, he must accept responsibility for the waste of public funds in the erection of very costly buildings. If such 'lapses' had 'become the rule', successive Ministers 'must have winked at the practice or encouraged its growth'. There was little likelihood of effecting savings through the abolition of the Colonial Architect's Office because 'Popularity-seeking members and Ministers could encourage or tolerate lavish outlay as well through the agency of private architects as through that of a public department'.⁴⁸

In its final report, the Board attempted to justify its earlier criticism of 'the want of proper supervision' and the unnecessarily large and expensive buildings. Barnet was now accused of failing to influence the Government in its decision to erect the North Shore Post Office on 'an unsuitable site, which from its shape must necessarily entail a wasteful expenditure of public money'; a 'want of professional foresight' had resulted in £10 000 being wasted on the Sydney Custom House; the Newtown Courthouse occupied a large block of land and featured 'an imposing flight of steps leading to a spacious vestibule ... paved with marble'. Gaols at Bathurst, Goulburn 'and other places' were condemned as being 'excessive in their cost' and the Rookwood Reformatories were 'exceedingly expensive'.⁴⁹ The report contained no new criticism of Barnet's administration and, in his opinion, it carried no weight being made up of so many contradictory recommendations which were based on misinterpreted evidence.⁵⁰

48. *The Echo*, 11 April 1887.

49. PWD: Inquiry, Final Report, pp.25-27, *loc. cit.*

50. PWD: Inquiry, Remarks by the Colonial Architect on Final Report, pp.45-47, *loc. cit.*

Sutherland attached very little significance to the reports and, except that he was forced to do so, he would not have tabled them.⁵¹ Some weeks later, John Burns, Colonial Treasurer revealed that the Board's recommendations would be adopted to the extent that they were 'practicable and useful'.⁵² In so far as Barnet was concerned that seemed to be the end of the matter. Nevertheless, the final report could not be dismissed so lightly. It had emphasised the need for a critical re-appraisal of the functions of the Colonial Architect's Office and it had suggested some ways in which the Office might be re-organised. It was a document which would appeal to a Secretary for Public Works who was anxious to reform his Department.

iv.

Although not yet prepared to accept the recommendation that Barnet's Office be re-organised, Parkes was anxious to introduce controls over public works. In November 1887 he sought leave in the Legislative Assembly to introduce a Bill to establish a Standing Committee of the Parliament which would 'investigate and report upon proposals for public works submitted to Parliament'. He

51. NSW *PD* Session 1887, First Series, Vol.25, pp.487,513. Lyne had stated that he held a copy of the report which he would release to the press unless Sutherland tabled it.

52. *Ibid.*, p.990. Burns had been Postmaster-General in the Robertson (1875-77) and the Farnell Ministry (1877-78). In 1885 he served as Treasurer in the Robertson Ministry (1885-1886) and from January 1887 until January 1889 in the Parkes' Ministry. He supported and opposed both Robertson and Parkes with whom he had an uneasy political alliance - Martha Ruthledge, 'Burns, John Fitzgerald', *ADB* 3.

expected that the Committee would 'prevent in any case of large public expenditure the public money being committed to the work without ... a strict parliamentary scrutiny'. It would examine all proposals costing in excess of £20 000 submitted to Parliament and it would report on those proposals.⁵³

The Parliamentary Standing Committee on Public Works, established under the *Public Works Act of 1888*, was hailed as providing 'a check upon the possible indiscretions of the Minister for Works' while, at the same time, relieving the Minister and Government of the continual pressure of 'the political wire pullers'. In its ability to exercise control over expenditure on public works, the Committee was seen as providing a check 'upon the extravagant looseness in various official estimates'.⁵⁴ In so far as Barnet was concerned, the Committee made no impact upon the work of his Office. By 1888 few public buildings were being planned and those already under construction were not subject to the provisions of the *Public Works Act*. Barnet's plans for the Central Police Courts

53. NSW PD Session 1887-88, First Series, Vol.28, p.907. For the debate on the bill see *Ibid.*, Vol.30, pp.2419-2479. Parkes later asserted that the idea was reached 'with [his] own mind' as a means of forcing the Secretary for Public Works to provide sound estimates of the cost of expenditure of proposed works - see H. Parkes, *Fifty Years in the Making of Australian History*, London, 1892, 2 vols., Vol.2, pp.191-200.

54. *Narrabri Herald*, 22 November 1887. T.A. Coghlan, *Labour and Industry in Australia*, Melbourne, facsimile edition, 1969, 4 volumes, Vol.3, p.1422 found that the Committee had curbed the power of "roads and bridges" members and the Secretary for Public Works had been able to 'satisfy the most clamorous without pledging [himself] to support the claims'. By the late 1880's the "roads and bridges members" had given way to the 'free traders' and 'protectionists' - see G.N. Hawker, *The Parliament of New South Wales 1856-1965*, Sydney, 1971, p.174.

was the only protect about which Barnet gave evidence to the Committee.

There was, however, another reason why the Committee would be unlikely to influence Barnet's work to any extent. He was now in his sixty-first year and, given the Government policy that, as a general rule, persons aged sixty should retire 'at once', there was the possibility that he would shortly be retired. His age was a factor which, in the context of a new scandal at the Bare Island defence works, was to lead to the end of Barnet's official career.

Chapter 8.

Colonial Defences - Final Assessment.

Barnet's direct involvement with colonial defence works dated from 1870 when he was appointed to the Defence Commission. From 1871 until 1890 he was responsible for the design and construction of those works. In that task he associated with military officers who usually spent only a short term in the colony so that they rarely saw a particular task completed. That relationship will be shown to have given rise to many problems and resulted, finally, in the setting up of the Military Works Branch of the Public Works Department. Barnet's intransigence in handing over work-in-progress and relevant files to that Branch provided further grounds for the proposed re-organisation of the Colonial Architect's Office and Barnet's retirement. His contribution to defence works is now examined and an assessment is made of his civil service career.

ii.

By way of introduction to Barnet's involvement in defence works, a brief examination must be made of the steps taken before 1870 to provide fortifications as a background to the problems which the Defence Commission inherited and which Barnet was expected to resolve.

The defence of the early settlement in New South Wales had troubled European settlers from 1788.¹ It continued to do so as rumours of wars reached the colony when a concerted effort was made to provide adequate defences for Sydney and, much later, the colony generally.² The decision in 1853 of the French Government to settle on New Caledonia was interpreted as a threat to the security of New South Wales and the colonists were warned that they should 'not remain complacent and defenceless, with such an active and excitable friend in close proximity'.³ The Legislative Council responded by appointing a Select Committee to report on the defences of the colony only to ignore its recommendations.⁴ Nevertheless, the development of defences in Port Jackson, based on plans approved by Sir William Denison, proceeded slowly. By 1863 batteries had been fixed on several headlands and approval had been given for Fort Denison to be completed.⁵

Henry Dangar believed that 'there was [no] foreign power in the world who would dare to invade these shores' and, if there were

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1. See, for example, D. Collins, *An Account of the English Colony in New South Wales* (ed. B.H. Fletcher), 2 volumes, Sydney, 1975, Vol.1, p.3.
 2. Collins, *op. cit.*, p.139; *Sydney Gazette*, 23 October 1803, 9 September 1804.
 3. *ISN*, 5 November 1853.
 4. Select Committee on Defences of Port Jackson, Report - NSW LC V&P 1853 (2). The Committee had recommended that the entrance to Port Jackson should be fortified 'with all convenient speed' with a series of fixed and floating batteries strategically placed within the harbour. In addition, a screw block ship would be commissioned which would 'take up such defensive or offensive positions as occasion might require'.
 5. Select Committee on Harbour Defences - Report, p.6 - NSW LA V&P 1863/64 (2).

a power so foolish, 'the citizens could defend themselves'.⁶ Dangar's opinions were not shared by an observant young Russian midshipman, Paul Mukhanov who visited Sydney in 1863. He believed that an enemy would experience little difficulty in invading Port Jackson because of its 'rather insignificant fortifications'. He thought that those works should be strengthened but he doubted that this would be done; the colonists had 'too much else to do and they cannot spend their money on such costly and non-productive building'.⁷

The indecision of the Legislative Assembly reflected Mukhanov's pessimism rather than Dangar's cheerful optimism. In 1863, for example, the report of yet another Select Committee condemned existing defence arrangements; its proposals to improve them were shelved.⁸ In spite of the Government's inactivity minor defence works went ahead in Sydney Harbour. During 1865-66 Barnett's Office had completed a magazine on Spectacle Island and additions to the Goat Island power magazine. Some other works having a tenuous connection with defence were next completed; in 1869 a signal station was erected on Fort Phillip, two years later a road to Long Bay was completed and in 1872 a cottage was erected at the Spectacle Island Powder Magazine.⁹

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6. Proceedings, Legislative Assembly, 1 July 1863, *SMH*, 2 July 1863.
 7. P. Mukhanov, 'Sydney' (trans. V. Fitzhardinge), *JRAHS*, Vol.51, 1965, p.308. Mukhanov's observations were probably not known in Sydney since they were not translated from the Russian and published in Australia until 1965.
 8. Select Committee on Harbour Defences, Report, *op. cit.* Another Select Committee was appointed in 1865; its recommendations were ignored - Select Committee on Harbour Defences, Report, NSW LA V&P 1865 (1).
 9. Col. Architect's Department (Cost of, and Public Works carried out and in progress to 1st January 1881), pp.5-7 - NSW LA V&P 1881 (5).

A decision by the Imperial Government to withdraw its colonial defences in 1870 placed the responsibility upon the colony for the provision and maintenance of defence forces and military fortifications. The Cowper Ministry immediately appointed the Defence Commission to inquire into and report upon all matters relating to the defences of New South Wales. The members of the Commission included Lieutenant-Colonel John Richardson, Inspecting Field Officer of the Volunteer Forces; Major Patrick Shepherd, Commanding Artillery Brigade; James Wilson, Lieutenant, No.1 Company, Duke of Edinburgh's Highlanders; Captain Francis Hixson, R.N., Superintendent of pilots, lighthouses and harbours in New South Wales; Edward C. Cracknell, superintendent of telegraphs, electrical engineer and torpedo expert and James Barnet. In such company Barnet seemed to be the uninformed amateur. No assessment can be made of his contribution to the proceedings of the Commission because of the manner in which it operated and the nature of its reports. Nevertheless, his role could not be ignored since it was he who was responsible for implementing approved plans for fortifications and other buildings.

In a progress report dated 11 November 1870, the Commission made an assessment of earlier defence proposals, now obsolete because of advances in defence technology, and then set down proposals to improve the defences of Port Jackson.¹⁰ Its recommendations were approved in part.

A second report dated February 1871 discussed defences at Newcastle and Botany Bay. In the Commission's opinion, Newcastle was strategically important and should be securely defended. Doubts

10. Defences of the Colony (Progress Report of the Defence Commission), NSW LA V&P 1876/77 (3).

were expressed that an enemy would attack Sydney from Botany Bay because of the rough terrain which must be traversed in a march on the city. The waterworks, however, were a likely target for attack and arrangements should be made for their defence.¹¹ That report was not accepted.

On 23 December 1870 several members of the Ministry accompanied the Defence Commissioners to Middle, George's and South Heads when sites for a number of guns were marked out.¹² In the following year Anthony Trollope¹³ inspected those works. He later reported that he believed they were evidence of the anxiety of Sydney residents to secure first-rate defences for which they were prepared to provide funds.¹⁴ His statement did not, in general, reflect public opinion; some critics argued that the overall estimated cost of the work was excessive. They contended that, before committing the country to defence expenditure estimated to cost £200 000, two questions should have been answered; was there 'any reasonable apprehension of attack' and, if so, would the proposed fortifications be effective. There was a belief in some quarters that an emergency had not arisen such as warranted the adoption of plans 'not thoroughly examined by persons competent to provide a sound opinion'. Secondly, the defence works were condemned as being unsuitable because they would not

11. Defences of the Colony (Second Progress Report of the Defence Commission), NSW LA V&P 1876/77 (3).

12. *SMH*, 6 January 1871.

13. Trollope had been commissioned by his publishers to produce a study of the Australian colonies while visiting a son in NSW - R.B. Joyce, 'Trollope, Anthony', *ADB* 6.

14. A. Trollope, *Australia* (ed. P.D. Edwards and R.B. Joyce), St. Lucia, 1967, pp.232-33.

protect the city. No attempt was being made to provide fortifications at other large coastal centres and there was nothing to prevent an enemy from landing at any one of a number of coastal sites. Finally, what was to be gained if the adjoining colonies neglected their defences?¹⁵

This question was raised formally in December 1876 when John Robertson, Colonial Secretary persuaded the Governments of the neighbouring colonies to invite Sir William Jervois to advise them on defence matters.¹⁶ Jervois, accompanied by Colonel Peter Scratchley arrived in Sydney in May 1877.

No time was lost in inspecting existing military works and in making an examination of the terrain lying between the Hawkesbury River and Wollongong. In that task the military advisers were assisted by 'gentlemen well acquainted with the country especially from the officers of the several departments of Government concerned with the object of [the] inquiry'. Although he believed that there seemed to be 'no possibility of an expeditionary force of any extensive scale being despatched against Australia', Jervois agreed that, should Britain lose command of the seas, such an attack could not be discounted.

There were very few large settlements along the coast of New South Wales and, in Jervois' opinion, of these only Newcastle and

15. *T&CJ*, 17 August 1872.

16. Col. Sec., NSW to Chief Secretary, Victoria, 1 December 1876. *Defences of Australian Colonies (Obtaining Assistance of Military Engineers to Report On)*, item 1, NSW LA *V&P* 1876/77 (3). Robertson was now in his sixty-first year and leading his Third Ministry (1875-77). In 1875 he had urged the British Government to occupy New Guinea and the adjoining islands. He always claimed to be 'an Australian', the original New South Wales being 'Australia' - Bede Nairn, 'Robertson, Sir John', *ADB* 6.

Sydney were likely targets for attack and therefore they should be fortified. Jervois was not critical of earlier defence works; he praised 'the ingenuity ... displayed in the design and the good work which has been performed in the construction of the several works'. Nevertheless, he believed that 'considerable modifications and some additions must - be introduced to render the work thoroughly effective'.

There was no doubt in Jervois' mind that Botany Bay was vulnerable. He thought that a small battery placed on Bare Island would protect the mouth of the bay. That battery should be supplemented with a strategically-placed line of electro-contact torpedoes. Jervois argued that a fort should be built at Newcastle, to protect the harbour entrance supported by torpedoes placed across the channel.¹⁷ Those recommendations were not immediately adopted.

Jervois' report was seen as having vindicated earlier decisions taken regarding defence works; defects identified were thought to have resulted from 'the progress of military inventions' rather than 'defects in the fortifications on which we have hitherto relied'. The report was readily and uncritically accepted as being 'an authoritative judgment on the most important question of the moment'; it had shown that the colonial defences had been executed 'thoroughly and honestly'.¹⁸ For his part, Barnet interpreted Jervois' comments about earlier defence works as approval of them.¹⁹

17. Defences - Preliminary Report by His Excellency Sir W. Jervois NSW LA V&P 1876/77 (3). For an outline of the careers of Jervois and Scratchley see Robin M. Winks, 'Jervois, Sir William Francis Drummond', *ADB* 4 and R.B. Joyce, 'Scratchley, Sir Peter Henry', *ADB* 6.

18. *SMH*, 8 June 1877.

19. Memorandum of Barnet, 6 July 1892 - BFP.

The colony's defences received passing attention in 1881. In that year a Royal Commission with James Martin, Chief Justice as chairman, and Scratchley, Richardson and Barnet among its members was appointed to examine the laws and regulations and arrangements made for establishing and maintaining military forces in New South Wales and 'generally to report upon the whole subject of the military defences of the colony'. In its Report the matter of defence works was dismissed in a few short sentences; the Commission saw no need to 'interfere' with Jervois' recommendations²⁰ although steps were being taken to adopt them in part only.

Shortly before leaving the colony in 1885, Scratchley reported to Parkes upon defence works. In general, he was satisfied with the arrangements already completed but he believed that minor changes should be made in the armaments of certain forts and batteries. More importantly, he was concerned about the administration of defence expenditure; he believed that it should be placed in the hands of a committee consisting of the Officer Commanding, Artillery Forces; the Commanding Engineer and the Colonial Architect. Scratchley defined the duties of the position of Commanding Engineer who should 'take charge of all Defence Works'; that is, he would act as Consulting Military Engineer to the Colonial Architect assisting in the preparation of plans and in the supervision of the construction of defence works. Scratchley emphasised that

20. NSW *GG*, 18 February 1881, p.975. The other commissioners were W.A. Anderson, Commandant of Local Forces of Victoria; F. Downes, Commander of Local Forces of S.A.; Edward Knox, sugar refiner and banker; John B. Watt, M.L.C., merchant; and F.M. Darley, M.L.C., barrister. C.F. Roberts, Commander, Artillery Forces was appointed later - *Ibid.*, 25 February 1881, p.1091. See also, Military Defences Inquiry Commission: Report, NSW LA *V&P* 1881 (4).

close co-operation was essential 'in setting the designs and details, as well as the selection of sites for the works'. Furthermore, under no circumstances should any work be commenced unless the Officer Commanding, Artillery Forces had approved the plans, 'in accordance with the principles in force, whilst Sir Peter Scratchley had charge'.²¹

The arrangements followed while Scratchley was Defence Commissioner seem to have operated effectively. Nevertheless, shortly after taking up duty in 1885 as Scratchley's successor, Major Cooper Penrose²² complained that much of the defence work remained unfinished with no attempt being made to camouflage battery posts. He also asserted that his attempts to have these matters corrected had been ignored.²³

Major-General Schaw²⁴ was next invited to make yet another survey of the colony's defences. His heavily-censored report revealed weaknesses in the existing defence works.²⁵ In the meantime, the 1887 Colonial Conference recommended that a suitably-qualified officer should inspect the military defences of the Australian colonies to advise on possible improvements. Major-General James Bevan Edwards was selected for that task. He had enjoyed a

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21. Report of Major-General Sir Peter Scratchley, 17 August 1885, Parkes Correspondence, Vol.37, pp.74-84 (ML MSS CY A907).
 22. Military Instructor, Royal Engineers, appointed 8 September 1885, *Blue Book for New South Wales, 1885*, p.41, NSW LA V&P 1885/86 (8).
 23. NSW PD Session 1889, First Series, Vol.38, p.1727.
 24. Royal Engineers, Deputy-Director of Works for Fortifications, Great Britain, Army List 1885.
 25. Defences of the Colony (Report of Major-General Schaw), NSW LA V&P 1887/88 (2).

distinguished career in the Royal Engineers and, like Jervois, he was well qualified for the assignment.²⁶

In his examination of the defences of New South Wales, Edwards found that their administration was inefficient; works were not completed and could not be improved 'without great delay'. He believed, however, that when '*completed and thoroughly organised*' they would be 'more than sufficient to ward off the attack of a powerful squadron upon Sydney'. He warned that Newcastle defences must be immediately upgraded.²⁷

None of these reports was directly critical of Barnet's handling of defence works although their authors remained unconvinced that the existing arrangements were satisfactory; they doubted that Barnet was able to give the work the priority which they believed it warranted. The delays which had occurred in providing and completing particular tasks could not be attributed solely to Barnet. The reports of the Defence Commission had identified matters requiring attention if adequate defence works were to be provided in Sydney and Newcastle. In 1887 Jervois had been critical of the inadequate fortifications; large sums of public funds had been spent yet, for all that, experienced army engineers were unable to agree that those funds had been put to the best possible use. For his part, Barnet

26. A.J. Hill, 'Edwards, Sir James Bevan', *ADB* 4.

27. Military Defences of the Colony (Report of Major-General Edwards, C.B.), pp.1,4, NSW LA *V&P* 1889, 2nd Session (1). Edwards' report was more significant than this brief reference would seem to imply. He examined the arrangements for the defence of all the Australian colonies and pointed out imperfections in the existing systems of defence which were based on purely local administrative arrangements rather than having regard to united action in time of war - J.J. Quick and R.R. Garran, *The Annotated Constitution of the Australian Commonwealth*, Sydney, 1901, p.562.

worked in close conjunction with the military authorities but without precise instructions he was not able to achieve a great deal.

iii.

In Barnet's Office, Edwin Colley, fourth clerk of works was directly responsible for the supervision of defence works.²⁸ He was aware, in 1887, that alterations should be made to existing works at South Head to improve the protection for the gun crews, to connect the gun pits with the magazine and to strengthen the walls and ditches. That work had been delayed for some time while at Bare Island the installation of a big gun had not been completed because its platform would not fit into the space provided in the plans. Colley also knew that drawings of proposed alterations in plans were not insisted upon; the alterations were merely 'pointed out to an officer on the ground'.²⁹ That was a practice which, had he been aware of it, Barnet should have stopped; it was a practice which was to bring him into odium within a short period.

Had Scratchley's recommendations regarding the duties of the Commanding Engineer been approved, the occupant of that position would have had clearly-defined responsibilities and would have

28. Colley had joined the civil service in 1867 and had been appointed foreman of works in the Colonial Architect's Office on 1 May 1872 - *Blue Book for New South Wales, 1872*, p.82, NSW LA V&P 1872/73 (3). On 1 January 1874 he was appointed clerk of works - *Blue Book for New South Wales, 1874*, p.89, NSW LA V&P 1875 (2).

29. PWD: Board of Inquiry, Minutes of Evidence, p.226, q.5356; p.227, qq.5364-68, 5374, 5381, 5390 - NSW LA V&P 1887 (2).

provided a point of contact and advice for Barnet while ensuring that decisions were the result of sound professional advice. Instead of adopting Scratchley's recommendation, the Government in March 1887 appointed a local Defence Committee which was required to 'draw up a general project of defence' for the Colony; Barnet was not a member of that Committee although he was expected to give effect to its decisions.³⁰ An organisational weakness was that the Committee reported to the Colonial Secretary; it soon found that neither Parkes nor the Principal Under Secretary accorded its proceedings a high priority. Major-General Richardson insisted that unless 'a special under-secretary and department charged with these important duties' was established, he would be unable to achieve a great deal.³¹

A proposal that a Military Works Branch, responsible for the construction and maintenance of defence works, be established within the Public Works Department was then adopted. An invitation was extended to Lieutenant Colonel F.R. de Wolski, R.E. to take charge. Upon his arrival in Sydney, de Wolski learned that he had been appointed Commander of the Submarine Mining Forces; no reference was made in his title to his responsibility for defence works and he feared, as a result, that he enjoyed 'no status' with the Colonial Architect.

De Wolski quickly concluded that the procedures relating to defence matters were 'radically wrong in principle'; he believed that they should be amended immediately. Under those procedures,

30. NSW *GG*, 22 March 1887, p.2027. The members of the Committee were Major-General Richardson and Major Penrose, General Staff; Colonel Roberts, commanding Artillery Forces; Captain Hixson, Naval Brigade and Lieutenant-Colonel Cracknell, Commanding Torpedo Corps.

31. NSW *PD* Session 1889, First Series, Vol.38, p.1725.

proposals for new works or additions to existing works were considered, in the first place, by a committee of officers responsible to the General Officer Commanding. Plans were prepared in the Military Engineer's Office and submitted to the Colonial Secretary for approval. Barnet then arranged for copies of the plans and specifications to be made and estimates of cost prepared. Tenders were also invited by Barnet's Office. De Wolski complained that many months later he would learn 'incidentally from one of the Colonial Architect's officers that the contract had been let, and that the work ha[d] been started'. Although responsible to the General Officer Commanding for the inspection of works in progress, de Wolski complained that he was given no information about the specifications or the contracts. He made the point that the contractor took his instructions from a clerk of works who reported to Barnet. De Wolski condemned this 'dual system of responsibility' as being 'eminently unsatisfactory from a military point of view'. In the first place, although directly in control of the building operations, Barnet was not responsible for the design nor did he have access to information which would have enabled him to appreciate the need for special features in a particular building. Secondly, the Military Engineer was unable to make a thorough inspection of the work and, because the work passed through so many hands, increased costs resulted. Finally, 'serious delays' occurred in the completion of work and, in time of war, the system must 'inevitably fail'.

Arising out of his study, de Wolski recommended that the Commanding Engineer be placed in charge of the Military Works Branch which would be directly responsible to the Secretary for Public Works on matters of defence works; the Colonial Architect was not

'the proper official to whom the direct control of the military works should be entrusted'. In this manner, defects in the provision of military works such as deviations from the original plans, the use of unsuitable materials or loosely-drafted specifications would be avoided and the work completed more quickly for a lower cost.³²

In his reply, Barnet outlined the Colonial Architect's association since 1860 with defence works. He also made the point that since 1870 he, personally, had been involved in all matters relating to those tasks; large-scale projects had been executed by him in conjunction with and, he believed, to the satisfaction of the military authorities. He denied that the system had failed; on the contrary, difficulties had not arisen in the past between him and the Royal Engineers who, for their part, had never expressed dissatisfaction with the arrangements. Barnet argued that whatever delays had occurred had been the result of 'one military officer of the Royal Engineers condemning what his predecessor had carried out or advocated;' for example, alterations in plans approved by Penrose had been condemned by de Wolski. Barnet criticised the proposed Military Works Branch as being neither 'conducive to economy nor [likely to] improve the method of carrying out works'. He thought that there was every possibility that the branch head would 'remain but a comparatively short space of time in the colony' and, as a result, opportunities would exist for one officer to change work

32. De Wolski to Under Secretary for Public Works, 18 June 1889 - Encl. Memorandum on a proposed "Military Works Branch" of the Public Works Department of New South Wales - Royal Commission on Defence Works, Minutes of Evidence; Appendix A - Transfer of Military Works from the Colonial Architect's Department to the Military Works Branch, p.5, item 1 - NSW LA V&P 1891/92 (7).

in progress which had already been approved by his predecessor.³³
 Barnet's opinion carried no weight; on 9 July 1889 the Executive Council approved the creation of the Military Works Branch.³⁴

The correspondence just summarised was the beginning of a protracted and unseemly quarrel, intransigence on Barnet's part and arrogance on that of de Wolski who was determined that he would neither work with nor tolerate interference from the Colonial Architect. Barnet could not ignore Cabinet's decision although he was quite capable of, and did indulge in, delaying tactics. He was unwilling to assist de Wolski in making a smooth transfer of functions; on 6 August, for example, de Wolski informed the Under Secretary for Public Works that Barnet's staff had been withdrawn without notice from defence works; requests to hand over tracings were ignored, contract documents withheld and furniture removed from the South Head office. When asked by Bruce Smith, Secretary for Public Works to meet with himself and de Wolski on the evening of 13 August, Barnet declined giving as his reason his inability 'to leave home after dark'; nor was he prepared to meet de Wolski until he received an apology for baseless charges made by that officer.³⁵

On the face of it, Barnet's attitude was petty. What was probably not generally known, although Bruce Smith may have been aware of it since he did not insist that the meeting be held, was that Mrs Barnet was seriously ill suffering from a disease of the liver and lungs

33. Report of Colonial Architect on Memorandum of Lieut-Col. de Wolski - Royal Commission on Defence Works - Appendix A, pp.7-8, Item 2, *loc. cit.*

34. NSW GG, 16 July 1889, p.4854.

35. Royal Commission on Defence Works, Report: Appendix A, pp.11-13, Items, 12, 15, 17, *loc. cit.*

which resulted in her death on 30 November, 1889.³⁶ Personal worry and strain would have exacerbated any sense of frustration and feeling of being under attack which was evident in Barnet's correspondence and behaviour. For his part, anxious to enjoy the trappings of office and intolerant of the feelings of the older man, de Wolski made no attempt to settle matters amicably. He was both arrogant and overbearing.³⁷

The correspondence dragged on. As late as 1 July 1890 de Wolski was demanding papers which were finally handed over towards the end of that month.³⁸ The scope and nature of those papers is not clear nor, for that matter, can it be said that all relevant papers were transferred.³⁹

De Wolski's assessment of Barnet's inability to design and supervise the construction of defence works was based largely upon his examination of work performed at Bare Island, 'a formidable little fortification' said to have been constructed according to

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36. Death certificate dated 2 December 1889. There is a family tradition that during her last illness, Barnet had gone home each day to spend his lunch hour with Mrs Barnet knowing that her death was imminent.
 37. Before being appointed to the Colonial Forces, de Wolski was asked whether he had constructed or supervised the construction of fortifications or batteries; he declined 'to be catechised as to his experience as an officer of the Royal Engineers' - NSW PD Session 1891/92, First Series, Vol.53, pp.1400-01.
 38. Royal Commission on Defence Works, Report: Appendix A, p.29, Item 58, *loc. cit.*
 39. There is in the NSW State Archives a number of files which relate to defence works; of those files, that bearing the title, 'Military and Defence Works 1877-90' (AO 2/609) was not relevant to the matters about which de Wolski sought information. These files are listed in State Archives of New South Wales - Guide No.19: *Government (Colonial) Architect 1837 - c.1970*, Sydney, 1979.

plans approved by Scratchley.⁴⁰ In a report to Richardson, de Wolski criticised those plans which he alleged had been designed in Barnet's Office 'without reference to military authority' and, accordingly, responsibility for the work rested with that official.⁴¹ In reply, Barnet insisted that he had consulted the military authorities and he was emphatic that Scratchley had approved the plans; a site for the officers' quarters had been identified on Scratchley's 'original drawings' and there had been no previous adverse criticism of it. In the circumstances, to have referred the plans back to the military authorities as de Wolski had demanded 'would have been an unusual course to adopt'.⁴²

That exchange of correspondence needs to be placed in its proper context. De Wolski had arrived in the colony earlier in the year only to find that his appointment gave him 'no status with the Colonial Architect' and he was assiduously preparing a case for a Military Works Branch which he would control, to be established. In his opinion, work at Bare Island was an example of the problems inherent in the existing arrangements. At the same time, Barnet knew that the 1887 Public Works Board of Enquiry had recommended that defence works should not continue to be handled by the Colonial Architect's Office but that recommendation had not, as yet, been adopted. He was also aware that the Institute of Architects was

40. *ISN*, 11 April 1885.

41. Minute of de Wolski to General Officer Commanding, 30 May 1889, Royal Commission on Defence Works, Minutes of Evidence, Appendix B - Crown Solicitor's Appendix, p.35, Item 4, *loc. cit.*

42. Barnet to Under Secretary for Public Works, 17 June 1889, Royal Commission on Defence Works, Minutes of Evidence, Appendix B, p.35, Item 5, *loc. cit.*

pressing the Government to hand over public works to the private profession. In the circumstances, he might reasonably have believed that the future of his Office was in jeopardy.

Relations between the two men deteriorated as Barnet stalled for time and de Wolski insisted that all the relevant papers be handed over to him. While that exercise in 'extraction by degree' persisted, a second problem arose which involved contracts let for the construction of the Bare Island Barracks. In July 1887, responding to pressure from the military authorities, Barnet had sought approval for John McLeod to erect the barracks under the contract schedule of prices; an arrangement which had been approved by John Sutherland, Secretary for Public Works and later confirmed by Bruce Smith. In May 1889, on the advice of de Wolski, an order was given for the work to cease.⁴³ De Wolski did not tell McLeod that his contract had been terminated. As a result McLeod continued to incur heavy expenses in maintaining plant and safeguarding materials stored on the site. This unsatisfactory state of affairs dragged on until W.H. Quodling, Chief Accountant of the Public Works Department,⁴⁴ at Smith's request visited Bare Island 'for the purpose of endeavouring to arrive at a settlement with Mr McLeod for work performed and materials delivered'. Quodling found that he was unable to finalise the matter because Barnet failed to provide

43. Minute of de Wolski to General Officer Commanding, 30 May 1889, *op. cit.*

44. Quodling had been directed on 10 December 1889 to finalise financial matters relating to the transfer of functions - Minute of B. Smith, 10 December 1889, Royal Commission on Defence Works, Minutes of Evidence, Appendix A, p.21, Item 40, *loc. cit.* Quodling had been appointed to the civil service in 1857 and was appointed Chief Accountant, Public Works Department in January 1890 - *Blue Book for New South Wales, 1890*, p.121, NSW LA V&P 1891/92 (7).

details of the agreed arrangements; in October 1889 he had produced 'a bond, specification, and schedule of prices, dated 14th May, 1881 for the construction of the fortifications only'. Quodling also learned that McLeod had been told by Barnet that he could perform work under a previous contract awarded for alterations; doubting the existence of such a contract, Quodling recommended that the Crown Solicitor's opinion be sought.⁴⁵

While these difficulties were being sorted out, de Wolski submitted another report on the Bare Island project; he condemned faulty work, the use of sub-standard materials, discrepancies between plans and specifications and work passed.⁴⁶ These were serious charges and Bruce Smith immediately sought independent advice. On 14 May 1890 he asked Cecil W. Darley, Engineer-in-Chief, Department of Public Works and William Wardell, architect and engineer to 'examine the condition of certain works in connection with the Fortifications of Sydney and Botany'. On 29 May they visited Bare Island where they made an inspection of the concrete, a portion of the asphaltting, tar paving and the doors to the magazines, shell rooms etc. Their findings supported de Wolski's allegations.⁴⁷

That report was quickly followed up with another in which Darley and Wardell stated that they had been unable to obtain

45. Quodling to Under Secretary for Public Works, 22 April 1890, Royal Commission on Defence Works, Minutes of Evidence, Appendix A, p.28, Item 53, *loc. cit.*

46. Memorandum of de Wolski, 2 September 1890, Royal Commission on Defence Works, Appendices attached to the Report - Appendix C, pp.49-51, *loc. cit.*

47. Report of C.W. Darley and W.W. Wardell, 2 June 1890, Royal Commission on Defence Works - Appendix F1, pp.56-57, *loc. cit.*

satisfactory explanations from Barnet, Colley and Purkis, clerks of works for changes made in the design, works completed or discrepancies which had occurred between the quantities set out in the specifications and those actually supplied. Darley and Wardell found that a large part (11%) of the contract had been carried out by day labour for which no records were kept on behalf of the Colonial Architect's Office. They believed that the supervision of the work by that Office was 'absolutely inadequate'; measurement of the work had been left to the contractor and his clerk of works 'without any check or query whatever'. Both Colley and Purkis were thought to have performed their duties 'in a most perfunctory manner'; as a result 'much palpably bad and dishonest work' had been passed which could only be possible if there had been 'almost wilful neglect of duty'.

On receiving that report, Smith suspended Colley and Purkis in accordance with the provisions of section 32 of the *Civil Service Act 1884*. Barnet was directed to 'put all other public matters aside, and enter at once upon the preparation of an answer to the very serious reflections upon the administration of his branch'.⁴⁸

In his reply, Barnet expressed 'regret that there should be any grounds for the serious charges made'. He explained that the fort had been designed by Scratchley, a contract had been awarded to John McLeod, 'well known as a reliable contractor'; supervision had been entrusted to Colley and Purkis, who were men experienced in the handling of defence contracts and in whom both Barnet and Scratchley had the 'greatest confidence'. Barnet insisted that, during visits to Bare Island, Scratchley 'frequently, for his own

48. Report of C.W. Darley and W.W. Wardell, 10 June 1890, Royal Commission on Defence Works, Appendix F2, pp.57-58, *loc. cit.*

reasons, ordered alterations and additions, which were made by his verbal or written requests'. Barnet admitted that Purkis 'occasionally had to leave these for other works at Port Jackson' and that there had been an 'apparent want of vigilance on his part'. Nevertheless, it seemed to Barnet that a number of the contractor's men were dishonest, 'always watching their opportunity, when the attention of the officer was taken in some other direction, to put in the bad work referred to'. In Barnet's opinion, McLeod should be directed 'to remedy defects at his own cost'.⁴⁹

Shortly after Bruce Smith received Barnet's reply, Cabinet appointed Darley, Wardell and G. Allen Mansfield as Royal Commissioners 'to make a diligent and thorough examination and inquiry into the manner in which certain of the Defence Works of the Colony, executed under the superintendence of the late Colonial Architect, James Barnet, Esquire [had] been carried out'. Although similar in substance to the directions previously given to Darley and Wardell, the terms of the Royal Commission had been extended to include a number of other matters - the nature and method of awarding contracts, the manner in which those contracts were executed, the conduct of Colley and Purkis, and the transfer of functions to the Military Works Branch.⁵⁰ Barnet initially welcomed the appointment of the Royal Commission; within a few days of its commencing its inquiry,

49. Barnet to Under Secretary for Public Works, 1 July 1890, Royal Commission on Defence Works, Report - Appendix F6, pp.66-67, *loc. cit.* Barnet later wrote that the contract had been awarded to McLeod on the direction of Sutherland to carry out works of 'a secret and confidential nature' because of his 'integrity and honesty' - Memorandum of Barnet, 9 June 1891, BFP.

50. Royal Commission on Defence Works, Commission dated 14 July 1890, *loc. cit.*

he was left in no doubt that he, as well as McLeod or Purkis and Colley, was on trial.

The Commissioners first met on 16 July and during the next eight months some thirty-four meetings were held when witnesses were cross-examined; on-site inspections were made and draft reports discussed. De Wolski enjoyed a special status before the Commission; not only did he present evidence but he also attended many of its hearings when he cross-examined witnesses. Barnet was the first witness called; he appeared before the Commission on 28 July and was re-examined in December 1890. Colley, Purkis and McLeod made several appearances.

In a progress report dated 27 August which dealt with the Bare Island Barracks, the Commissioners found that no proper contract had been executed although an informal arrangement had been approved by both Parkes and Bruce Smith. Materials had been purchased and work completed under those arrangements for which the contractor was entitled to payment. The Commissioners believed the money should be paid and this 'very loose and unsatisfactory arrangement' cancelled.⁵¹

In their final report, the Commissioners emphasised a number of matters which reflected adversely upon the contractor, Barnet, Purkis and Colley - the contracts for defence works had been executed in 'a most disgraceful way', the cost of the work far exceeded the original tender and the ministerial authority given for it, Barnet's supervision was inadequate, oral instructions had been substituted for written directions. The Commissioners believed that both Purkis

51. Royal Commission on Defence Works - The Bare Island Barracks: First Progress Report, pp.19-20, *loc.cit.*

and Colley had performed their duties in 'a very perfunctory manner'. But it was Barnet for whom the most trenchant criticism was reserved. They reported that 'the true blame for the bad character of the work, induced by the utter lack of supervision, rest[ed] with the late Colonial Architect' who had failed to provide sufficient supervision and who had made two officers 'responsible for duties which he must have known they could not possibly perform'. While acknowledging that Barnet could not personally exert that supervision, 'it was his duty to see that ample supervision was provided, and that it was efficient and constant'. He was criticised for his 'systematic indifference and neglect' as well as for his 'grave insubordination in resisting, or at least obstructing, the orders of the Minister as to the transfer of the works'.

Having reached its conclusions, the Commissioners framed their recommendations. While acknowledging that Barnet and his officers were 'primarily to blame for neglecting to supervise the works', they believed that the contractor, in taking advantage of that neglect, had 'grossly and systematically violated the obligations in [the] contracts'. Accordingly, he should be required to refund money paid for work which was supposed to have been done but was not completed and he should be barred from future government contracts.

A recommendation was made that Purkis, having betrayed the trust placed in him, should be dismissed from the civil service. Although Colley was thought to be equally culpable, the Commissioners conceded that he was 'the victim of a vicious system' being required to supervise a number of projects and perform numerous duties 'of which it [was] obvious he could give but the most superficial attention'. Given those circumstances, they believed that he should be 'somewhat

more leniently dealt with'. While acknowledging Barnet's long and meritorious career as Colonial Architect, the Commissioners were in no doubt that he should receive an appropriate punishment both as an example to others and as a reminder that no public officer, regardless of rank, could expect to escape punishment for his misdeeds. Accordingly, they recommended that 'a commensurate censure [should] be recorded on the late Colonial Architect for his gross neglect of duty in connection with the works'; furthermore, the Government should take 'such further steps ... as may mark the gravity of the case which ... is fully established against him'.⁵²

In submitting the report to Cabinet, Bruce Smith supported the recommendations and he indicated follow-up action. He agreed that Purkis should be asked to show cause why he should not be dismissed whereas, in keeping with the Commissioners' recommendation, Colley should be retired under the provisions of the *Civil Service Act*. Cabinet was informed that legal advice was being sought on appropriate action which might be brought against McLeod; in Bruce Smith's opinion, charges of criminal negligence should be laid.⁵³ These were decisions which were easily made and, in the circumstances they were appropriate.

The real problem was to decide what constituted a 'commensurate censure' of Barnet who had been retired as from 1 July 1890 and who had been given an assurance that his pension rights would be preserved. He had continued to receive his salary while the Royal Commission was taking evidence and preparing its report and he had been treated

52. Royal Commission on Defence Works, Report, pp.42/43, *loc. cit.*

53. *Daily Telegraph*, 30 May 1891.

in a more lenient manner than either Purkis or Colley who had been suspended.⁵⁴ The only redress available to Cabinet was to charge Barnet with criminal negligence; a step which Bruce Smith was evidently not prepared to recommend or Cabinet to adopt. In his Cabinet Minute, Smith had acknowledged Barnet's long and loyal service to successive Governments while agreeing with the Commission's recommendation; how was a 'commensurate censure' to be made? Recognising that the Executive had given Barnet an assurance about his pension rights, Bruce Smith doubted that any action should be taken to deny him the pension 'which had been secured to him by the regular operation of the law'.

Bruce Smith believed that publication of the report of the Royal Commission was probably of itself 'sufficient punishment' of an officer who had held 'such a distinguished position' and whose career should be 'clouded with such severe condemnation'.⁵⁵ This was generous treatment of a former civil servant whose professional integrity, which he had so jealously guarded, had been destroyed. In drafting its recommendation, the Commissioners also felt a measure of compassion for Barnet whom they had known for many years - Wardell, for example, had first met Barnet in 1864 and had been professionally associated with him. Furthermore, whatever their personal relations might have been, they recognised that he had made a significant contribution to the development of the colony.

What was Barnet's attitude towards the many matters examined by the Commission? Why did he resist and ignore ministerial directions and obstruct de Wolski in establishing the Military Works

54. *Daily Telegraph*, 30 May 1891.

55. Minute of Secretary for Public Works, *Ibid.*

Branch; did he believe that the defence works at Bare Island had been executed in accordance with the plans and specifications; why did he allow Colley and Purkis almost complete freedom in their supervision of the work; and, finally, regardless of the Commission's findings, to what extent could he be personally held responsible for the large number of projects being handled in his Office without the establishment necessary to control them?

In considering the delay in transferring defence works to the Military Works Branch, the conflict of personality which existed between Barnet and de Wolski cannot be ignored. Much of the blame lay with de Wolski who, almost from the moment of his arrival in the colony, had been outspoken in his trenchant criticism of colonial defence works with which Barnet had been associated since 1870. One might have thought that Barnet would have welcomed an opportunity to be rid of work which made many demands upon his time and which was the subject of frequent critical examination by military officers who were not responsible for its execution. Nevertheless, there was the matter of wounded pride; de Wolski had publicly criticised him and left nobody in doubt that he thought Barnet to be incompetent. Barnet did not readily accept criticism of his professional ability and he reacted in a predictable manner. He was scarcely able to disguise his dislike of de Wolski and he seems to have set out to annoy and frustrate him. Nevertheless, Barnet was quite wrong in his treatment of de Wolski; having expressed his objections to the decision to establish the Military Works Branch he was not free to ignore Bruce Smith's instructions. That was a lesson which he should have learned early in his civil service career.

The other questions relate to Barnet's responsibility to ensure that defence, or, for that matter, any other public works were completed according to plans and specifications. This was a role which he readily and quite properly accepted and he made no attempt to shift that responsibility to others.⁵⁶

Given the size of the staff and the heavy workload, Barnet was unable to exercise a close personal control over all the work and he relied upon senior staff to maintain the standards which he had established and which he demanded of them. He was entitled and needed to place trust in subordinate staff if the Office were to operate effectively in meeting the works programme. He had trusted Colley and Purkis but, for one reason or another, his trust was betrayed; nevertheless, Barnet was culpable. His position was no different from that of any other senior civil servant. John Rae, for example, while Under Secretary for Public Works and Commissioner for Railways had been found guilty of 'negligence and want of reasonable energy and vigilance' when frauds committed by subordinate staff of the Railways Branch were proved.⁵⁷

Barnet's confidence in the ability of Colley and Purkis had grown over the years. He had been able to observe Colley's work at first hand since 1867 when that officer was employed in the supervision of the building of the Redfern and Haslem's Creek Mortuary Stations which were said to have 'owed very much of their excellence

56. See for example, Royal Commission on Defence Works, Minutes of Evidence, p.5, q.153, *loc. cit.*

57. Defalcations in the Railways Department: Correspondence etc., p.12, Item 11: Minute of Cabinet, 24 April 1867, NSW LA V&P 1867/68 (3). This matter was not mentioned in Nan Phillips, 'Rae, John', *ADB* 6.

to his devotion, tact, and discrimination'.⁵⁸ Purkis was a relative newcomer to the Office having been appointed to a position of clerk of works on 1 January 1880 although he had joined the civil service in 1870.⁵⁹ McLeod was a long-established building contractor who enjoyed the patronage of architects such as Wardell and was recognised as being a first-class tradesman.⁶⁰ There was no reason why Barnet should not trust him.

His attitude towards the Royal Commission did little to help Barnet's cause. His replies to questions were often evasive and never supported by documentary or other evidence. His antagonism towards de Wolski soon became patently obvious; a tactical error on Barnet's part given the role of that officer during the inquiry. Throughout his career Barnet had always spoken or written fearlessly with confidence in his judgment; during the Commission he appeared to lack faith in the substance of his evidence. He had found himself in a difficult position; his support of Colley and Purkis had been shattered yet he remained loyal to them and accepted responsibility for their failings.⁶¹

Scarcely had the Commission's final report been published before legal action was taken against McLeod. In his opening address on 6 June 1892 in the Supreme Court, (Mr. Justice Darley, Chief

58. *SMH*, 9 April 1868. Colley had been employed by Wardell being clerk of works on the St. John's College project - Colley to Col. Arch., 4 April 1863 - CAOR: Applications for Appointment 1856-1866 (NSW AO 2/586).

59. *Blue Book for New South Wales, 1880*, p.105, NSW LA V&P 1881 (5).

60. *SMH*, 5 March 1887.

61. Royal Commission on Defence Works, Minutes of Evidence, pp.1-5, 43-47, *loc. cit.*

Justice presiding), Sir Julian Salomons⁶² senior counsel for the Crown argued that the contractor had obtained, 'by tricks and devices', certificates of work completed and he believed that Barnett had been guilty of 'very gross negligence'. Salomons conceded that Barnett could not reasonably be expected to supervise personally every project handled in his Office and that he might be forgiven for believing that a contractor would not permit shoddy work which might endanger the lives of members of the defence forces. Nevertheless it was true, Salomons argued, that Barnett had signed certificates without satisfying himself that the measurements 'were actually made before the work was done'. Salomons conceded that Barnett, having assumed that Purkis was competent to supervise the work, 'may have reasonably come to the conclusion that ... Purkis would have given the whole of the work his undivided attention'.⁶³

Barnet was called on 17 June but was stood down after objections had been raised by the Crown. Five days later he was sworn and he was asked to describe Scratchley's role in relation to the Bare Island Fortifications. Objections were raised by counsel for the defence. Salomons next embarked upon a cross-examination during which the circumstances under which certificates had been given were traversed and Barnett re-affirmed his confidence in his staff. He was then asked whether he had been directed to inspect the work but, without allowing him time to reply, Salomons asked, 'Is it not a fact that you were severely censured by the Government?' Barnett's

62. Salomons was at the time Vice-President of the Executive Council and the representative of the Government in the Upper House - Suzanne Edgar and Bede Nairn, 'Salomons, Sir Julian Emanuel', *ADB* 6.

63. *SMH*, 7 June 1892.

reply was to the point, 'I do not know it'. With feigned surprise, Salomons then asked whether he had read the Royal Commission's reports and the relevant Cabinet Minute. In replying, 'No', Barnet admitted that he had read a press report but he denied that he had first-hand knowledge of the documents. After protests from defence counsel and an observation from the Presiding Judge that the matter had 'been carried far enough', Salomons asked whether Barnet had been retired on a full pension 'before the work was opened out'. There was no answer; Mr Justice Darley intervened and stood down the witness.⁶⁴

In this encounter little had been achieved by the Crown. Although Barnet had been prevented from being as useful a witness as the defence counsel might have wished, Salomons had been unable to unnerve him nor had he been able to force an admission from Barnet that he might have borne a grudge towards the Crown after having been 'severely censured'. Later, Mr Justice Darley did not bother to disguise his hostility towards Barnet. In summing up for the jury he spoke of 'the utter carelessness, and apparently the utter want of interest, taken in the interests of the public which at that time seems to have prevailed in the Colonial Architect's Office'. At the same time, he insisted that public interest would not be guarded while Barnet remained in charge of that Office.⁶⁵ Darley had been a key figure in the outcry against the Sydney General Post Office carvings and, as has been shown, was trenchant in his criticism of Barnet's work on that project. On that occasion, it was Barnet who was finally vindicated by the decision of the

64. *Ibid.*, 22 June 1892.

65. *Ibid.*, 7 July 1892.

Legislative Assembly. Now, not being on trial, he had no redress against the biased summing up of the Chief Justice.

Although no punitive action was taken against Barnet, nobody defended him. For that reason he recorded his understanding of the events in the hope that the editor of the *Sydney Morning Herald* might publish it. After outlining the arrangements under which defence works had been planned and executed, he referred to the manner in which the Bare Island contracts had been supervised, as he thought, by two competent officers. Reference was made to his relations with de Wolski whom he condemned as being arrogant and over-bearing. He had welcomed the appointment of a royal commission but he was extremely disappointed in the choice of commissioners; Darley, he asserted, was the head of a department in which shoddy work had been passed at Garden Island and he doubted that Wardell and Mansfield were experienced in the construction of defence works. Barnet would have preferred the Commission to have been headed by a barrister, assisted by an engineer and contractor 'both having experience in such work' and who would have 'acted independently and beyond influence'. Only in this way, he believed, could a just decision be reached; costly court proceedings would have been avoided and 'all this unseemly, cruel and spiteful exhibition of silly persecution and injustice would have been prevented'. Once again he recorded confidence in his officers and the contractor whose characters were such that he would have been prepared to trust his life in their hands. Barnet wrote that he was 'confounded and astonished and crushed to despair' by the events of the past two years.⁶⁶

66. Memorandum of Barnet, 6 July 1892, BFP.

Regardless of his protests, there could be no denying that as Colonial Architect, Barnet was ultimately responsible for work carried out by or under the supervision of the staff of his Office. His inability to exercise that responsibility arose from the heavy workload which his Office carried and over which he was no longer able to exercise close personal supervision. Furthermore, much of the work at Bare Island had been undertaken at a time when he was under considerable personal strain because of the serious illness and death of Mrs. Barnet. Nevertheless, his assertion that the trial of McLeod was an 'inseemly, cruel and spiteful exhibition of silly persecution and injustice' was a cry from the heart; it could not be sustained.

iii.

The manner in which Barnet had obstructed moves to establish the Military Works Branch could not be ignored by Bruce Smith who, by 1890, was anxious to re-arrange the functions of the Colonial Architect's Office and to introduce new policies for the design, construction and maintenance of public buildings. In June 1915, Bruce Smith revealed that in 1889 when appointed Secretary for Public Works, he had found that Barnet 'had grown old and obsolete in his ideas', and that every public building was being put up according to his design.⁶⁷ Having regard to his negative attitude towards the formation of the Military Works Branch, there was only the remotest possibility that Barnet would have accepted a radical

67. Commonwealth of Australia, *PD* Vol.77, p.3993.

re-arrangement of the functions of his Office; to introduce changes while he remained in charge would have been to invite further obstructions which would serve no good purpose. No evidence has been sighted to suggest that, in such circumstances, Barnet would have retired voluntarily.

Freeland's assertion that Barnet was 'clawed down in jealousy and vindictiveness'⁶⁸ is a too simplistic explanation of the events leading to his being retired from the civil service. The quarrel between Barnet and de Wolski, coupled with Barnet's opposition to the transfer of functions to the Military Works Branch, were matters which could not be ignored by Bruce Smith in reaching his decision that Barnet should be retired. Nor could the reports of Darley and Wardell on the Bare Island fortifications be put aside even though the first report was not overly critical of Barnet. There were a number of other matters of which Bruce Smith would have been aware - for example, Barnet's spirited and persistent defence of the Post Office carvings or the report and recommendation of the 1887 Board of Inquiry that the Colonial Architect's Office be closed.

Over and above these matters was that of the growing influence of the Institute of Architects which, with a tightening of the economy, was anxious to protect the interests of its members; interests which would be well served if Barnet's monopoly of public works were broken. The stand adopted by the Institute was supported by the 1887 Board of Inquiry.⁶⁹ Furthermore, the NSW Engineering Association had taken a clear stand on the same matter.⁷⁰ There

68. J.M. Freeland, *The Making of a Profession*, Sydney, 1971, p.14.

69. PWD: Board of Inquiry, Final Report, p.27, NSW LA V&P 1887 (2).

70. Engineering Association of New South Wales, *Proceedings*, Vol.4, 1888-89, pp.10/11.

was also a great deal of support in the metropolitan press for the notion of holding competitions for public buildings. It was one which would have appealed to those politicians who believed that private practitioners were more competent than civil servants in handling such projects. The time had come when change was thought to be not only necessary but also overdue.

Having decided to re-organise the Colonial Architect's Office, Bruce Smith did not seek Barnet's views on how this might be achieved but preferred to consult Mansfield, Horbury Hunt and William Wardell who had often publicly criticised the existing arrangements. As it happened, they were not to disappoint Bruce Smith. Before he had the benefit of their advice, however, or before he had settled the details of that re-organisation, rumours were rife in Sydney that Barnet was to be retired and that his Office was to be abolished. It was said that he would retire 'with great honour to himself and much profit to the people he has served so long and so faithfully',⁷¹ leaving behind him 'many monuments of his great ability'.⁷² Nevertheless, his pending retirement was seen as an opportunity for 'much-needed reform ... the Office of the Colonial Architect had become an anachronism and unsuited to the requirements of the time'.⁷³

A report which appeared in the *Daily Telegraph* on 2 April 1890 revealed that Cabinet had approved Bruce Smith's recommendations for the re-organisation of the Colonial Architect's Office; competitions would be held for all buildings having an estimated cost in excess of £5 000; the successful architect would supervise

71. *ABCN*, 5 April 1890.

72. *B&EJ*, 2 April 1890.

73. *Australian Star*, 2 April 1890.

construction, the position of Colonial Architect would be abolished and one of Supervising Architect created. Hopes were expressed that staff could be reduced; eligible persons would probably be retired under the provisions of the *Civil Service Act*.⁷⁴

As yet no official announcement was made that Barnet had retired. When that question was raised in the Legislative Assembly on 14 May, Bruce Smith stated that he thought that Barnet's services would be terminated 'in about two months from now'.⁷⁵ When later asked to clarify that statement, Bruce Smith stated that he had 'not resigned in the ordinary way' as he might have done under either section 43 or 46 of the *Civil Service Act* but, rather, that his services had been terminated. Nevertheless, he was prepared to regard Barnet as having voluntarily retired so that he might retain his pension.⁷⁶

In spite of this publicity, no decision had been taken at the end of May about the actual date on which Barnet would formally cease duty. During the first week of June, Bruce Smith received Darley and Wardell's preliminary report on the Bare Island fortifications; this was followed on 16 June by the second report in which serious charges were made against Barnet and his officers. Shortly after receiving that report, Bruce Smith informed Barnet that he would be retired as from 30 June 1890. He was shocked by that decision; he had hoped that he might have been treated with greater consideration in view of his long and devoted service.⁷⁷

74. *B&EJ*, 5 April 1890.

75. NSW *PD* Session 1890, First Series, Vol.44, p.387.

76. *Ibid.*, p.576.

77. Abolition of the Office of Colonial Architect (Letter from Mr. James Barnet, late Colonial Architect, Respecting), NSW LA *V&P* 1891/92 (2).

iv.

On his retirement from the civil service on 30 June 1890, Barnet had completed thirty years service with the Colonial Architect's Office and he had occupied the position of Colonial Architect for almost twenty-eight years; he was the longest serving occupant of the position. Those years were the most productive era of colonial public works and he had successfully responded to the challenge of that busy period. An assessment is now made of his career.

Barnet, in his civil service career, was both an architect and an administrator; it was essential that he be competent in both areas although his position was one which placed far heavier demands on the administrator than on the architect. Nevertheless, there were times when it seemed that his ambitions as an architect overrode his caution as a civil servant.

In looking at Barnet's architectural achievements, difficulty is experienced in identifying those buildings for which he was personally responsible. That difficulty does not arise when one is examining his work as a private practitioner.⁷⁸ The question which arises in respect of his civil service career is that of determining the extent to which he should be credited with the design of every public building for which the Office, under his direction, was responsible.

There is extant evidence which establishes that, after he joined the Office, Barnet was responsible for the design of the Sydney General Post Office, the College Street section of the Australian Museum, the Garden Palace and mortuary stations at

78. *ABCN*, 12 April 1890.

Redfern and Haslam's Creek. He cannot be seen as being the architect nor should he be attributed with having designed the very many public buildings which were constructed while he was Colonial Architect. In a recent study of Barnet's work, Peter Bridges referred to a number of such buildings as being 'Barnet's' design⁷⁹ - that description is no more than a convenient means of identifying buildings erected while he was Colonial Architect. At no time did Barnet claim to have prepared the designs of the many buildings now attributed to him; evidence presented before the 1887 Board of Inquiry into the Public Works Department showed that those buildings were the work of subordinate staff acting under his general direction. That is not to imply that those officers did not respond to his suggestions or that buildings of the period did not include common features which identify them as being 'Barnet buildings'.

Barnet's most significant contribution to nineteenth century New South Wales was not in the practice of his profession as architect but, rather, that of the professional civil servant. The years during which he was Colonial Architect were a period of political change and rapid economic growth, which had its beginnings in the gold rush days, and during which, even allowing for minor recessions, there seemed to be no limit to colonial development. Throughout that period it was the civil servants who provided a steady and continuing influence through their very considerable experience and skill as administrators. In a recent paper, Robert Parker noted that civil servants of the late twentieth century enjoyed

79. P. Bridges, 'James Barnet 1827-1904' in H. Tanner (ed.), *Architects of Australia*, Melbourne, 1981, pp.66-77, *passim*.

almost every power advantage over ministers except the ultimate authority of supreme constitutional status. They almost invariably [had] superior technical expertise, and [had] control (largely monopoly control) of relevant information, present and past in the department's field of work.⁸⁰

If such an observation could be made in 1981 when there had been almost three decades of the greater parliamentary stability that came from party politics and the dominance of the two-party coalition in Canberra, how much more was it likely to apply in nineteenth century New South Wales where, between 1856 and 1889 there had been twenty-six ministeries with seventeen different persons occupying the portfolio of Secretary for Public Works.⁸¹

This frequent upheaval within the ranks of Cabinet was in sharp contrast with the stable careers of civil servants. In 1890, when Barnett was retired, there were a number of senior civil servants whose appointments to those positions had been made some years earlier and often after a long career within the various levels of the service; for example, Critchett Walker, Principal Under Secretary had joined the service in 1856 while A.C. Fraser, Under Secretary for Justice had been appointed in 1854; both had served in senior positions for a number of years.⁸² Those officials might well have claimed to have been privy to the great body of knowledge built up by tradition, practice and precedent which enabled the service to function during and in spite of periods of political

80. R.S. Parker, 'Statesmen in Disguise', *Australian Journal of Public Administration*, Vol.XL, No.1, March 1981, p.3.

81. For a list of the Ministeries see A.W. Martin and P. Wardle, *Members of the Legislative Assembly of New South Wales 1856-1901* Canberra, 1959, pp.237-46.

82. Bruce Mitchell, 'Fraser, Archibald Colquhoun', *ADB* 4, and A.G. Kingsmill, 'Walker, Richard Cornelius Critchett', *ADB* 6.

unrest. Barnet was one such officer whose career has been shown in this study to have been a continuing battle because of political changes.

Kitson Clark believed that civil servants were expected to give their counsel 'freely' and their criticism 'boldly' bringing 'order and practicability to the programme to which ministers [were] pledged if ... at all possible' while avoiding public controversy and party politics.⁸³ This study has shown that Barnet fitted into that role. Nevertheless, there were occasions when he did not seem to have been as frank as his ministerial head might have expected of him; for example, did he withhold information from Parkes about the competition for the State House or was it that Parkes simply refused to consider his advice? There is no evidence which shows that Barnet deliberately misinformed his superiors; there were occasions when he may have provided less information than was available to him. Barnet did not always put into effect those decisions of the Government of which he did not approve; no better example is to be found than his reaction to a decision that the Post Office carvings must be removed.

As an administrator, Barnet was responsible for the efficient and effective operation of his Office. In order to meet that responsibility, he might reasonably have expected that he would have been provided with the staff necessary to perform its functions; more often than not, the Office was under-staffed. There is some evidence that the Office did not always operate efficiently; for example, the numerous complaints made over many years about delays

83. G. Kitson Clark, '"Statesmen in Disguise": Reflexions on the History of the Neutrality of the Civil Service', *The Historical Journal*, Vol.2, No.1, 1959, p.19.

in settling accounts or handling correspondence were symptomatic of laxity in the Clerical Branch but it was often the result of employing insufficient and inexperienced staff. Complaints were made from time to time about the poor designs of buildings but in this matter Barnet was not always his own master; for example, he must satisfy the ill-defined demands of ambitious politicians or client departments which failed to clarify their requirements. Nor could he be expected to recognise problems peculiar to a site or town with which he was not familiar. He could not be held responsible for unsuitable defence works which were often the subject of disagreement among the military leaders. At the same time, efficiency in administration suffered because of government instability, frequent ministerial changes, delays and uncertainties.

Barnet could rightly claim to have exercised restraint in the administrative costs of his Office;⁸⁴ he did not seek additional funds for administrative purposes in the annual Revised Estimates of Expenditure. Although not an absolute efficiency indicator, this was one way of assessing a senior civil servant's performance as an administrator.

In his dealings with staff, Barnet seemed to enjoy a satisfactory, although formal, relationship. He was intensely loyal to his staff; for example, no comment was recorded in official correspondence or on files which suggests that he blamed others for criticism levelled against his Office. In his evidence before the 1887 Board of Inquiry, he spoke objectively and without animus of even those members of the staff whose loyalty was suspect. In presenting evidence before the

84. Abolition of the Office of Colonial Architect (Letter from Mr. James Barnet, late Colonial Architect, Respecting), *loc. cit.*

Royal Commission on Defence Works, he stated the facts as he knew them rather than engage in recriminations against his staff whose evidence sometimes contradicted that presented by him. When required to comment on the manner in which Colley and Purkis had performed their duties, Barnet insisted that he had 'the greatest confidence in them'.⁸⁵ His loyalty extended to other men with whom he had worked, for example, Sani or McLeod and it was in marked contrast to his attitude towards de Wolski to whom he owed and gave no loyalty.

The measure of Barnet's success as an administrator was not to rest solely upon such matters as his control of the resources at his command, the care with which he interpreted the wishes of his patrons and clients, or the loyalty which he gave to and demanded of subordinate staff. The ultimate measure of his success would be found in the manner in which he was able to give 'order and practicability to the programmes to which ministers [were] pledged'.⁸⁶ Those programmes might take the form of a grand State House or the provision of first-rate hospitals for the insane. Evidence of his ability to convert abstract ideas into visible form was to be seen in the many fine buildings designed and erected under his supervision; less tangible was his success in providing staff with opportunities to develop and apply their own talents. All the evidence given by his staff before the 1887 Board of Inquiry showed that Barnet was prepared to and did delegate tasks to those of his subordinate staff as he believed were competent to handle them; that was his strength as an administrator but, as the Royal Commission on Defence showed,

85. Royal Commission on Defence Works, Report, Appendix F6, p.66, *loc. cit.*

86. Kitson Clark, *op. cit.*, p.19.

it was also the ultimate cause of his downfall.

There are in existence few personal papers written by Barnet so that any assessment of his character must depend upon official correspondence. Minutes which can be positively identified as having been drafted by him and which reflected his opinions on a range of matters were generally succinct but carefully argued. Much of the official correspondence recorded his surprise, disappointment, approval or annoyance and showed that he did not suffer fools. He fearlessly attacked opinions and conclusions which he believed to be either inaccurate or illogical; at the same time he quickly dismissed any suggestion that he was professionally incompetent. Although sometimes censorious of his superiors, he did not publicly criticise them even when he was under attack in Parliament or through the columns of the metropolitan press and deserted by his political masters. For example, throughout much of his official career he had been associated with Henry Parkes who rarely supported him publicly or expressed appreciation of his loyal and faithful service; whatever Barnet's opinion of Parkes, it was one which he did not place on record.

Little evidence has been found which shows that he enjoyed a warm personal relationship with other men but there were exceptions; for example, he seems to have held Blacket in high regard and his friendship with Horbury Hunt was one which endured in spite of numerous attacks by Hunt, as President of the Institute of Architects against Barnet, the Colonial Architect. Sir John Robertson was probably another old friend since Barnet was one of those who had worked to commemorate his achievements.

While Colonial Architect Barnet seems to have taken very little interest in the community in which he lived. Although a director of the Civil Service Building Society and a member of the Civil Service Club he did not play a prominent role in their affairs. As Colonial Architect he had remained aloof from the proceedings of the Institute of Architects although he was respected by senior members with whom he had formed many professional contacts. After he retired the Institute offered and he accepted honorary membership of that organisation which he esteemed as an honour bestowed upon him.⁸⁷

From 1890 Barnet took an active interest in the affairs of the Royal Society of New South Wales as well as the Highland and Zoological Societies. He was also a member of the Engineering Association of New South Wales in which he was said to have 'manifested a great deal of interest'.⁸⁸

After he retired, Barnet continued to live at Forest Lodge where on 16 December 1904 he died, aged seventy-eight. Obituary notices referred to his long and distinguished career, his achievements and his devotion to duty. The proceedings of the Royal Commission on Defence Works and the criticism levelled against him during the Supreme Court action, *R v McLeod*, were forgotten. Of him it might have been written that he was a civil servant of very great experience serving with confidence the role of public administrator; he was 'a most meritorious Public Officer' who made a significant contribution towards the growth and development of colonial New

87. Barnet to J.B. Barlow, 12 January 1891, *B&EJ*, 24 January 1891.

88. Engineering Association of New South Wales, *Proceedings*, Vol.20, 1905, p.1.

South Wales at a time when the politicians' contributions were often less helpful or enduring.