

(15.) In all great public institutions there are from time to time occasions on which the staff have to perform in the ordinary course extra duties necessitated by the exigencies of their business, and such duties may necessitate additional time being worked to meet the requirements. Similarly, there are many occasions on which the fluctuations of the business result in the staff having considerably less work to undertake than could be carried out by them. The staff provided by the Department is sufficient to enable the whole of its operations to be carried out within reasonable time under ordinary circumstances, and except when very special conditions prevail there should be no necessity for overtime being worked, and it is expected that when normal conditions prevail the officer in charge for the time being will subsequently arrange to compensate his men for the additional service by giving them time off. Apart from this, however, the concessions that are granted to Railway men in respect to free passes and privilege tickets are given as a set-off against any additional services they may perform from time to time for the Department.

(16.) The provisions of the regulation regarding transfers are quite reasonable, and afford sufficient time to enable the member concerned to carry out all that is required of him. Every member is given timely notice of the intention of the Department to transfer him. This gives him an opportunity of making whatever arrangements are necessary to meet his personal requirements, and so far as the packing of his belongings is concerned there is no reason why this should not be done in two days. One week is allowed after arrival at destination within which to get settled, and where members of the service are transferred at their own request they invariably get settled under a week. In a considerable proportion of cases where men are transferred, the men affected obtain departmental houses at the place to which they are proceeding. The Department was forced into the position of having to make a regulation limiting the time for which expenses would be paid to members on transfer owing to the scandalous abuses that occurred under the previous regulation, when an unlimited time was allowed for transfer expenses. The Department under the circumstances then existing required members to deduct from their vouchers amounts to cover reasonable cost of living. The deductions made were farcical, but the members of the service never failed to claim at the maximum rate for all expenses for themselves, plus the maximum cost for their wives and the members of their families. Transfers, in fact, appeared to be looked upon as opportunities for making a profit out of the Department.

(17.) Regulation 48 provides that where members are transferred at their own request, or by way of punishment, they will be given free passes by rail for themselves, wives, families, and effects, but shall themselves pay all other contingent expenses. It also provides that the time lost in travelling shall not be paid for. Where a member commits such a serious dereliction of duty as to make it compulsory to suspend him and to subsequently reduce him in position, generally as an alternative to dismissal, it might reasonably be contended that the man is fortunate in being retained in the service. He cannot under such circumstances reasonably expect that the Department should reward him for his misconduct by paying him during the period of his suspension and bear the contingent expenses for the keep of himself and family during a transfer that has been brought about by his misconduct; nor can he expect to be paid for time during which he is performing no service for the Department. The reduction in the value of his superannuation retiring-allowance follows as a natural corollary to his misconduct, provided he does not, during the period of his subsequent service, perform his duties in such a way as to afterwards merit promotion. Where men are reduced and transferred as part of the punishment they are to all intents and purposes under suspension until the time they arrive at their new location. Generally speaking, request No. 17 amounts to asking the Department to reward the wrongdoer. This would be detrimental to the general interests of the Railway service. Every case of punishment is dealt with strictly on its merits, and all the circumstances are taken into the fullest consideration at the time the decision is arrived at.

(18.) The inconsistency of the petitioner is clearly shown by this clause. In clauses 8, 9, 10, 11, 13, and 15 he has in effect been urging that the Railway officers should be put on the same footing as Postal officers in respect to pay, leave of absence, and overtime, yet in clause 18 he controverts what he understands to be the intention of the Railway Department to include in the Government Railways Act a clause that has been in operation in the Postal Department for many years, and which would enable the Department to definitely attach to a position a maximum pay or to fix the maximum pay that should be granted to an inefficient man. It is very evident that the petitioner does not understand the Government Railways Act. The reason for inserting the clause, outlined in the petition, in the Government Railways Bill (No. 2) of 1910 is clearly shown in clause 7 of the petition under review. The insertion of the clause would not be a breach of faith, nor would it detrimentally affect the efficient men of the Railway service.

(19.) In this clause the petitioner, in effect, asks that the administration of the Department should be handed over to an irresponsible body, and that the Minister, who is responsible to Parliament, should have no power to override the decisions of that irresponsible body in respect to appeals of the staff. It has been definitely stated on numerous occasions and by successive Ministers that under no circumstances would they agree to any proposal that was going to have the effect of taking the control of the railways out of the hands of the Minister and place them, so far as the staff was concerned, in the hands of three irresponsible persons, two of whom would be subordinate officers of the Railway service.

With respect to the final prayer of the petitioner I desire to say:—

(a.) The suggestion that the Act should be amended in such a way as to provide that positions once created should never be altered is utterly impracticable, and would, if put into effect, simply force the Department into the position where it could never make promotions when the conditions varied, as it inevitably follows that if the Department is to maintain positions in certain localities when they are to the advantage of the staff it would, in its own interests, have to maintain the *status quo* in other localities when the positions were advantageous to the Department. The present practice, which has been followed since the inception of the railways, and which is, more-