

11. Well, you talk about this £100 fine, but is it not a fact that in very many cases these punishments you refer to, or the matters you regard as punishments, are the alternative to dismissal?—Perhaps in a few cases it may be so, but in a number of cases it is not.

12. Well, in the number of cases where punishment is necessary and dismissal is not, we will say, the only alternative, is there any particular reason why the men who are doing the wrong thing should be treated the same as the men who are doing the right?—I do not understand you.

13. Your contention is that the man is losing his pay during suspension, and the suspension is brought about by his own misconduct?—That is where the difference comes in: it is not misconduct. It may be a technical fault or an omission, but not misconduct. Misconduct is too wide a word to be used altogether, because it would lead the Committee to believe that the man was almost guilty of a criminal offence.

14. No, I am not suggesting that, and I would be very sorry to think that is the position. The Committee are men of experience and know that the word "misconduct" is used generally by me. It is taken to cover breaches of the Railway Rules and Regulations, the results of omission or commission, or anything else you like, but from the Railway point of view they are called "misconduct." Is there any particular reason why a man who misconducts himself in that way should be treated exactly the same as a man who does not?—I think he should be treated a little more leniently.

15. Well, where would you draw the line?—Well, I am not going to draw the line at any particular instance, but I put it on certain broad principles, that cases have come under the institute's notice of many men who have served long years in the service and who have reached a fairly lucrative position in the service, and through one little technical error have to come down. They suffer quite enough when they lose their pay without being mulcted in all the other charges.

16. At the present moment I cannot recall a case of that kind. I can recall a case in which a man was reduced because he had failed to take advantage of repeated warnings that had been given him. That man was reduced to a £300 position and had to put up with a reduction of £55, but there is no reason why that particular man cannot rehabilitate himself, is there?—No.

17. You know of cases in your experience where men have been reduced and have subsequently been reinstated when they satisfied the Department of the sincerity of their repentance and the Department thought they had practically wiped out the offence?—Yes, that is so—I have known cases of that kind.

18. Well, take this particular case I have in my mind which was dealt with the other day in the correspondence, when the man is taken out of, say, the £355 grade and put into the £300 grade, where is he put?—He is usually put at the top.

19. Then, as he is put at the top of the grade, when promotion is being made subsequently, that man in the ordinary course would be the first one to be considered?—He should be.

20. Then, when the Department is satisfied as to his subsequent good conduct and satisfied that he has expiated his offence, then you know of cases in which the Department has reinstated the man, promoted him again and given him another chance?—Yes.

21. That is the only case I can recall, but are you suggesting that for a more technical error in connection with the regulations an officer would be reduced £55 a year where there were no serious consequences involved?—Well, as far as I can make out the opinion of the institute is that the enormity of the offence is calculated by the Department itself, and in some instances they have placed undue punishment on the man, while all outsiders think that the offence did not warrant such extreme punishment.

22. Supposing we take that view of it: is the decision in regard to the offence to rest with the man himself, with the outside public who do not know anything about Railway matters—although many of them think they do—or with the management, who are responsible for the administration of the Department and the safety of the public? Who is to be the judge, the man, the public, or the management?—We know very well that the Department is the judge, but we simply wish to draw the attention of the management to what we consider abnormal punishment.

23. Well, in this particular case did the officer appeal?—Yes, in one case he did.

24. Did he go to the Appeal Board?—Yes.

25. What was the result?—The Department was the final arbitrator, as it is in every case—I mean the Minister of Railways.

26. In the particular case I refer to the officer did not appeal, and I want to ask you whether you consider in a case such as this the Department would be justified in ignoring it. There was a case in which a man has an instruction in regard to train-running, to do a certain thing; the train comes into his station and he omits to comply with the instruction which has been issued for his guidance respecting the safety of that train. Now, that man was punished, and are you suggesting that in a case of that sort the punishment of reduction or even to the extent of dismissal would be excessive having regard to the seriousness of the consequences that might follow?—No, not if there was any likelihood of that man sacrificing life, certainly not.

27. Then you admit where this technical breach involves the safety of the travelling public, then even dismissal would be justified?—Yes, if it involves the safety of the public.

28. Then, if that is so, reduction in such a case would be fully justified also?—Yes, in that case.

29. In cases such as that, what particular reason is there why the Department should saddle itself with the expenses of the men that have to be transferred as a result of neglect?—In the first place, we do not suggest that a man under suspension should not lose his salary—you will understand that distinctly. That is part of the punishment.

30. I understood you were suggesting that?—We are simply submitting that the total aggregate disabilities under which a man is placed seem to be so serious that I wish to show the Committee and yourself that if you were to take some of the offences we have spoken of and transferred a man