

you have to deal with the offence from the Railway point of view. If you want to discuss that aspect you might just as well say that a single man who is getting £220 as compared with a married man at £200 is better off than a married man. It does not always follow.

7. But it does follow that he receives more punishment than a single man?—I do not know that it necessarily follows. In an ordinary way you would say, Yes, it does; but the position is dealt with from the Railway standpoint, not the standpoint of the man. You cannot expect the Railway Department to carry the domestic responsibilities of all the members of its service. We have to carry a good many of them, but we cannot be expected to carry them all.

8. It would follow that if a man with a family and furniture and effects was transferred from one part of the country to another it would cost him more than it would a single man?—That is his business, and if he has those responsibilities it is his duty to exercise proper care and vigilance in order that he may not put on to his family the consequences of his misconducting himself.

9. Does the Act provide for additional punishment by compelling a man to pay transfer expenses?—The Act provides for the Department making regulations to give effect to the Act, and that regulation was made to give effect to the working of the Department.

10. Is it not possible, then, that the alternative to dismissal may be made so expensive that it would not be worth a married man's while to accept unless he was out of a billet?—I can tell you this: that the Railway Department's experience is that when it wants to get rid of a man who has perhaps committed a most serious breach of the Railway Regulations, that man moves heaven and earth to retain his position, and would take anything instead of going out.

11. Simply because he cannot get another billet?—No, because he recognizes when too late what a good thing he had got on.

12. The position, then, is simply this: that you have the whip-hand and can inflict any penalty you please on an unfortunate officer who has perhaps made a mistake through the undue strain which has been cast upon him by the extraordinary long hours he is compelled to work?—Well, if you are going to talk about whips, Mr. Ramsay, you and I will fall out.

13. I will risk that: you decline to answer that question?—I am contending that the Department does not inflict punishments that are out of reason, if that is what you are trying to get at. My contention is that every punishment inflicted by the Department is merited by the offence of the man.

14. Can you point to any regulation under this Act which gives you power to inflict this full penalty of compelling a man to pay his transfer expenses when transferred for punishment?—I can tell you this: that the regulations as existing at the present time are sufficiently good to satisfy the Crown Law Officers, and that is good enough for me.

15. *Mr. Brown.*] Have you any idea of the proportion of married men and single men who make serious mistakes where they are penalized to the extent of loss of salary?—No, I cannot say straight off. The last two cases I have mentioned were both married men. Then, I know of cases in which single men are concerned, but, generally speaking, the married men are more careful.

16. *The Chairman.*] I should like to know for the information of the Committee, Mr. McVilly, if the total weight or amount of punishment is taken into consideration when punishment is being inflicted, or is the punishment inflicted on a man for an offence of some kind regardless of the additional punishment that follows as a result of his transfer?—No, the whole question is taken into consideration at the time.

17. For instance, if it were a case of reduction in status in the Railway service you would not then simply consider reducing the man as punishment, but you would also take into consideration the fact that in addition to reduction in salary or in status there would be loss of pay during transfer, loss of expenses, reduction in retiring and superannuation allowance, &c.?—The whole effect of the punishment to be inflicted is taken into consideration, and, generally speaking, so far as the Department is concerned, it endeavours to transfer the man to some place close to where he has been located in order to keep down his expenses. In one of those cases I spoke of just now the man was only involved in a shift of ten or fifteen miles. We did not want an officer of that grade at that particular place, but we went to particular trouble to fit him in, and thus reduce his expenditure and minimize the punishment as far as practicable.

DOUGLAS RAMSAY examined. (No. 32.)

1. *The Chairman.*] Do you propose to deal with clause 18 of the petition on behalf of the institute?—Yes. The clause reads, "18. That it is understood that a Bill amending the Act is to be brought down this session containing the following clause—namely,—‘The Governor in Council may from time to time, on the recommendation of the Minister, fix the amount of salary to be paid to an officer at any sum within the maximum and minimum limits of the class or grade in which such officer is placed, and such amount shall be the salary payable to that officer, or in respect of the office which he holds, without annual increment.’ That a similar clause was inserted in the Government Railways Amendment Bill No. 2, 1910, as originally introduced, and was objected to by the members of the institute on the grounds that it gave the management power by Order in Council to fix the salaries payable to officers at any rate between the maximum and minimum of any grade without such officers obtaining the usual annual increment provided for by the Act, and without their having the right to appeal under section 60 of the Act. That subclause (b) of clause 3 of section 49 of the Act provides that with respect to every member the right to receive any increase of pay in any year shall in each case depend upon the efficiency and good conduct of the member to whose pay such increase is attached in the Third Schedule thereto, and no such increase shall be payable unless the permanent head of the Department certifies in writing that such member is entitled thereto. Your petitioner submits that the Department has under this provision ample power to withhold increments from those officers whose work or conduct is unsatisfactory, and that if such a clause as was included in the amending Act of last session were to become law