

*Mr. McVilly:* In dealing with this matter the other day, Mr. Chairman, I did not touch on the position at the present time, and I can just say, for the information of the Committee, that since this matter was brought under the notice of the Head Office instructions were given that the man was to be relieved, and at the present time the arrangements are that he is to be relieved from Timaru on, I think, two days a week. At any rate, he is to be relieved. The Department does not want that sort of thing. We recognize in this case that the facts stated show that the hours are unreasonable, and we have made the necessary arrangements.

2. *Mr. Ramsay.*] Do you know if he has been actually relieved?—I could not say. All I can tell you is that about three weeks ago we gave instructions that arrangements were to be made to obviate this kind of thing being done. He was to get relief from Timaru.

3. You did not reply to that letter of the institute's?—I could not say now. I believe we have told the institute, but it is probably since you have been up here.

DOUGLAS RAMSAY further examined. (No. 37.)

1. *The Chairman.*] The Committee will now hear your statement on behalf of the institute in support of clause 19 of the petition?—The clause reads as follows: "19. That under section 57 of the Act an Appeal Board is thereby constituted for the North Island and South Island respectively, consisting of the persons therein mentioned, and it is further provided by clause (a) of section 64 of the Act that every decision of the Appeal Board shall be submitted to the Minister, and that no such decision shall take effect unless and until he signifies his approval thereof. Your petitioner submits that if the Appeal Board were properly constituted, there should be no reason why its decisions should not be final and conclusive, as in the case of a decision given by the Appeal Board constituted under the Tramways Amendment Act, 1910, on appeals by tramway employees." The petitioner asks under this clause that the Government Railways Act shall be amended so as to provide that the Department and the officers shall be equally represented on the Appeal Board, that the Board shall be presided over by a Judge of the Supreme Court, and that the decisions of the Board shall be final. There is at present an Appeal Board which consists of a Magistrate, who is Chairman, a member of the First Division, and a member of the Second Division, but the Department is not represented on the Board. The Board hears the cases in the usual way and gives its decision. The decision is submitted to the Minister, but it does not take effect unless and until he signifies his approval. This is what is commonly referred to as the Minister's power of veto, and it is to this power that the officers object. There have been several appeals by railway employees, but where the decision has been given in favour of the men it frequently happens that the Minister vetoes the decision. The result so far as the members of the First Division are concerned is that they have come to the conclusion that it is useless to appeal, so that the Appeal Board has practically become a dead-letter. There are two cases to which I should like to refer, one being the case of McKenzie's appeal which was lodged in 1904, and Harrington's appeal during the current year. I have no personal knowledge of either case, but I should like if you, sir, would ask Mr. McVilly to produce the files in these cases.

2. Are they both First Division men?—Yes, and perhaps it would be convenient if Mr. McVilly would send for these files now.

*Mr. McVilly:* I have not got them here, but I have no doubt they could be got from the office.

*Witness:* McKenzie was originally a member of the Second Division, but qualified for transfer to the First Division, to which he was promoted some time prior to the D.-3 list, 1904. When this list was published McKenzie found he was placed a good deal lower down the list than he considered he should be, and he therefore lodged an appeal. It was, I am informed, some considerable time before the appeal was heard, and, so far as McKenzie was concerned, it might as well never have been heard, because the finding was not carried out. The other case to which I wish to direct attention is of a different nature. Harrington was suspended and ultimately dismissed for being under the influence of liquor while on duty. He appealed, and if the Department had given effect to the finding of the Board it would have greatly mitigated his punishment. Further, if he had remained in the service a few months longer he would have been able to retire on superannuation. The officers ask that the decision of the Board should be final, but at the same time they recognize that as the Department is not represented on the Board it would be unfair to ask this without the Department having an equal say with the men in the decision given. To get over the difficulty they therefore ask that each side should be represented on the Board, that the Chairman of the Board should be a Judge of the Supreme Court, and that the decision should be final. It has been suggested by the Department in its report that the establishment of a Board such as we propose would have the effect of taking the control of the railways out of the hands of the Minister and placing them so far as the staff was concerned in the hands of three irresponsible persons, two of them would be subordinate officers of the Railway service. There is, however, we submit, no reason whatever why the Department should appoint a subordinate officer, as it would be open to them to appoint a responsible officer. Moreover, the Chairman of the Board would be a Judge of the Supreme Court, so at least two members could hardly be termed irresponsible persons. Under the Tramways Amendment Act, 1910, employees of tram-proprietors have the right of appeal under certain circumstances, and the decision of the Appeal Board is final. Section 6 of that Act provides: "6. (1.) An Appeal Board consisting of three persons shall be set up in each tramway district, and shall consist of one representative to be appointed by the employers, and one representative to be appointed by the employees of the tramways within the tramway district, and the senior Magistrate exercising jurisdiction in the district, who shall be Chairman of the Board. (2.) The Board shall hear and determine all appeals by tramway employees against dismissals, disratings, fines, or other punishments, or reductions in pay or other emoluments, inflicted by their employers, and also appeals on the ground of promotion being unreasonably withheld. (3.) The determination of the Board shall in the case of every appeal be reported to the Minister, and shall be binding