

that made it illegal to retain the employee, and one of neglect to take precautions to ensure the public safety. Well, sir, that is the position in regard to the Appeal Board. The question narrows itself right down to one of public policy. Minister after Minister has definitely stated that he is not prepared to hand over the administration of the Department to an irresponsible Board no matter how it is constituted. So far as the Railway Department is concerned, it is quite immaterial to the Department—it is a matter entirely in the hands of the Government for their consideration. I have given you now the reasons advanced by Sir Joseph Ward, and those reasons, I may say, were almost identical with the reasons advanced by Sir Alfred Cadman and also the successive Ministers of Railway up to the present time. I have also stated the position with regard to McKenzie's case and Harrington's case. In Harrington's case there was the legal bar, and McKenzie's case resolved itself into a question of equity and justice. McKenzie lost nothing, but he certainly, so far as the Department was concerned, was not entitled to supersede 406 men, and, as I have already said, a large number of those men were in the service and had actually assisted to train him. That is all I have to say on that question.

8. *Mr. Ramsay.*] You referred to the Board we propose, Mr. McVilly, as an irresponsible Board?—Yes, that is so.

9. We propose that this Board shall be composed on the same lines as the Arbitration Court?—Yes.

10. Do you consider that the Arbitration Court is an irresponsible Court?—I do not know anything about the Arbitration Court. I am not a solicitor and have not had an opportunity of going before the Arbitration Court, and therefore I am not going to discuss it; but I can say this: that in view of the fact that the Railway employees have now an Appeal Board and have got the Minister to whom they can go direct, if they are not satisfied with their opportunities now, I should say that no Board, no matter how constituted, would satisfy them.

11. But it does follow that if in your opinion the Board that we propose is an irresponsible Board, and if it is to be constituted on the same lines as the Arbitration Court, that therefore the necessary deduction is that the Arbitration Court is an irresponsible Court?—I am not going to discuss the Arbitration Court.

12. You are aware that under the Tramways Act a decision given by the Appeal Board constituted under that Act is final?—I understand there is some provision in the Tramways Act for an Appeal Board, and that in a general way the Minister does not interfere, but there is this difference between the two: the Government Railways Department is a Government Department for which the Minister is held responsible. The Minister is not held responsible for the administration of the Corporation tramways.

13. That is the only reason you can give why the decision in one case should be final and the decision in another case should not be final?—I think that is a good and sufficient reason. If the business was yours you would be the man who wanted to have the last say, and as the Minister is the man who represents the people who own the railways, the Minister, as the representative of the people, should have the last say.

14. Well, in comparing the reasons, could not the Corporation have the last say?—I do not know anything about Corporations.

15. In regard to McKenzie's case, you said he should have received £150 when promoted: how do you arrive at that?—That was as good as the rate of pay he was getting at the time.

16. How long had he been in the service when he qualified to be promoted from the Second Division to the First Division?—I cannot tell you just now from memory.

17. I believe in 1903 he was transferred?—I think he had been in the service for about nine or ten years, from memory. I remember the time he joined the service, but I cannot remember the year. I fancy it was 1894.

18. Before a man is promoted from the Second Division to the First Division he must pass a fairly stiff examination and possess abilities?—In those days they did not pass the examinations that they do now.

19. What was the difference then?—I do not think the Department went so closely into the question. I do not think they were required to make up station accounts, and they are now.

20. Are you certain about that?—No, I am not sure. I do not know whether McKenzie was or was not, but I know in some cases they were not, from some of the failures there were subsequently.

21. When he was promoted to the position where he is, did it not depend on his length of service in the Second Division?—No, it was governed by the pay he was getting.

22. And is that the position now?—Before McKenzie's appeal came on the position was as it is now. It was fixed by regulation that a man who was transferred from the Second Division had to be put below all the clerks. Supposing a cadet is getting £110 and he is entitled to £120, well, he becomes a clerk then, and if a member of the Second Division is transferred subsequent to the date that that man gets £120, then he goes below the man at £120, but if he is transferred before the man gets £120 then he goes above him.

23. That is irrespective of his age?—Yes; you cannot take into consideration the age. You take into consideration the date he is transferred to the First Division.

24. You say that if he had been promoted to the position he desired to be promoted to he would have superseded 406 members?—Yes, if the Appeal Board had upheld his contention then he would have superseded 406 members.

25. Where were those members?—All in the First Division.

26. But what grade were they in?—They were in the same grade that he was put in himself. I do not know what the grade was now.

27. You said that the finding in that case was against him?—It was, too. The finding was that in view of the fact that he would supersede a large number of men the Board would make no recommendation, but left the matter in the hands of the Minister of Railways.