

74. It would be final then without an additional clause in the Act?—Yes.

75. What I wanted to get at was, should we employ such a high and responsible officer of the Crown as a Judge of the Supreme Court?—I understood that.

76. And give a Magistrate the same powers as a Judge on this particular Board?—I should like to say this: that, except in cases where the public safety is involved, like that position at Marton, the Department and the Minister have never interfered. If it comes to a question of law, there is the law, and the veto has to be exercised, but you can see from the number of cases that the Department has accepted the decision generally.

77. You said there had been 199 appeals?—Yes.

78. Can you tell us how many were upheld or how many granted?—There were only eighteen decisions vetoed.

79. But how many of the whole 199 cases were not granted: surely the Board decided in some cases against the appellants?—Oh, yes. I cannot tell you straight away. I will be glad to get that information.

80. The important point to the Committee is what relation the number of cases vetoed bear to the total number of decisions upheld by the Board?—Yes.

81. Now, in Harrington's case, did the Department give him any casual work?—I think not. I do not think he has ever applied; at all events, if he did apply to the Stationmaster at Lyttelton he would get it.

82. That clause in the Act does not prevent the Department giving a man similarly situated casual work?—As a matter of fact, we do it after a lapse of time. We cannot do it straight away. It has been done in a number of cases.

83. *Mr. Ross.*] So that you override the Act?—No, we do not; it is casual work. The Act says "permanent staff."

84. *The Chairman.*] Do you think there would be any objection to the reinstatement of a man such as Harrington in the service as a casual, and allowing his superannuation to count?—Well, sir, when a man goes out, as the law now stands, he must stop out, and as soon as he is out his superannuation payments cease, and he has got to withdraw his contributions under the Act. Only a member can receive superannuation under the Act, and a casual is not a member.

85. Yes, that is so. How long was Harrington in the service?—A great many years—I think probably thirty-four or thirty-six years. He was one of the old-timers.

86. He had only six years to go, even providing he did not reach the age-limit, and he could have gone out on superannuation?—He could have gone out on age-limit in nine months, I think.

87. Well, that being so, I want to get at your opinion regarding an alteration of the law to provide for a man with, say, thirty years' service, and meeting with hard luck like Harrington met with, continuing his payments as a casual and then going out on superannuation?—The difficulty I see, sir, is this: the number of cases you have such as Harrington's are very few, but you have a considerable number of cases in which young men go out—men, say, with ten or fifteen years' service—and if you are going to put those men in the position where they can continue their payments into the Superannuation Fund, while you have no control over them as to their subsequent misconduct outside, then I am afraid the fund is going to suffer very materially.

88. I do not suggest that: I said men with, say, thirty years' service. If a man had thirty years' service in, and his punishment for some irregularity should be dismissal, do you think, in your opinion, it would be advisable to allow that man to re-enter the service as a casual, and complete his time as a casual and draw superannuation?—No, I do not, for this reason: that if a man is getting, say, 9s. a day, and you take him on as a casual, you practically pay him the same amount, and you are giving him the benefits that would accrue to the other men—that is, in regard to superannuation. I take it he would pay his superannuation up to the time he retires from the permanent staff; then he pays no superannuation contributions subsequently, and he is better off to that extent than the men who have been in the service and conducted themselves properly, because he could not contribute as a casual. You would simply preserve his right.

89. Assuming that the power was given in this particular case to contribute as a casual?—Then, I am afraid you would find it would be detrimental to discipline. That is my opinion, based on the result of personal observation.

90. Two cases have been quoted by the Officers' Institute—McKenzie's and Harrington's. Do I understand from you that the Minister has not vetoed in both those cases, but in one only?—The Minister declined to make any alteration in either case. He vetoed Harrington's, and told McKenzie that the position would remain as it was.

91. Then, do you contend that was not a veto in McKenzie's case because the Board had not made a recommendation?—No, I am not contending that at all. As a matter of fact, it is included here in one of the vetoes.

92. Regarding the question raised by Mr. Ross about the Department preventing a man from appealing, can the Department prevent a man from appealing?—No, and, as I say, we do not do it.

93. *Mr. Ross.*] What about Robinson's case?—I do not remember Robinson's case; I will look into it.

94. *The Chairman.*] I was under the impression that every permanent man in the service had the right of appeal. Can the Department under any regulation or any other clause or rule prevent a man appealing?—No, sir, I cannot find any such provision in the Act.

95. *Mr. Witty.*] Every one has the right?—Yes.

96. *The Chairman.*] But you write to a man and say the appeal is of a trivial nature?—We simply state the facts, and if he says he wants to go on he can do so, provided he makes up his mind and tells us so in time.

97. He can still go on with it although you suggest the position is trivial?—Yes. Where correspondence takes place we explain the position to the man, and if he is not satisfied we take his appeal. He has only to say he is dissatisfied, and I do not know of any case in which the