

IN THE COURT OF ARBITRATION
OF WESTERN AUSTRALIA)

NOS. 41/48,
12/49,
22/49.

B E T W E E N

AUSTRALIAN WORKERS UNION, WESTERN AUSTRALIAN
BRANCH, INDUSTRIAL UNION OF WORKERS
COASTAL DISTRICT COMMITTEE, AMALGAM-
ATED ENGINEERING UNION, ASSOCIATION
OF WORKERS, and others.

Applicants

- and -

AUSTRALIAN BLUE ASBESTOS LIMITED.

Respondents.

REFERENCE OF INDUSTRIAL DISPUTE

Produced in the matter of
Asbestos Personal Injury Cases;
Abrams Lead & copied to
Richard F. Scruggs.

THURSDAY, 9th JUNE, 1949.

ADJOURNED HEARING.

TONY MORGAN. Sworn.

EXAMINED MR. OLIVER

I want you to tell the Court what the margin is for the fitter and splicer? — 23/6 margin in the metropolitan area plus 3/- war loading.

What rate would the assistant be paid? — 14/6, the same as a fitter's assistant, and 3/- war loading.

That would apply to a fitter's assistant? — Yes.

And a blacksmith's striker? — 14/6 and 3/- war loading.

Have you any knowledge of what a brush hand gets in the way of payment? — 14/6 margin and 3/- war loading.

What if he is using a spray? — He gets 16/6 I think and 3/- war loading.

The application of the union, is, as you know, that the employer should pay some bonus.

THE PRESIDENT: The first question was did he know what the standard margin was. What do you call a standard?

THE WITNESS: That is generally accepted as the metropolitan award as far as I know.

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THE PRESIDENT: In the metropolitan area?—Yes.

What is the standard beyond the metropolitan area?—It varies in different districts, such as the South west and the Goldfields.

Do you know what the standards are there?—I really have no idea. I think the margin would be the same, but I have not had anything to do with the South west area.

What is the 3/- war loading?—It was brought out during the war I believe under certain circumstances to build up wages to cover some outside levy. I was not in the country at the time, but in the Midland Junction Workshops I was getting 6/- war loading to bring my wages up to the standard of the outside fitters.

MR. McKINNA: What were you employed as at Midland Junction? —Electrical fitter.

THE PRESIDENT: In what capacity are you employed here?—Electrical fitter.

MR. OLIVER: You are aware that all the unions are applying for a bonus to be paid on the production of asbestos?—Yes.

Do you think the claim is justified?—Well in view of the work and money the company are spending, and the large area that the company covers, as far as I know, they have got all the blue asbestos apart from the white asbestos which is at Nunyery, I do not know whether they are showing any profit at the moment, but in the future they will probably show a big turnover.

Do you think that the industry that will be built up will be very profitable in the future?—Yes, I think so.

THE PRESIDENT: I don't suppose this witness really knows that?—No, it is only supposition and the fact that they do not put money into a thing without expecting some return.

Whether they are making any profit or not you do not know?—It has been put in by various people for six or seven years and the new plant being installed is supposed to be worth £100,000 and though that is only hearsay. As far as I know at the moment the mill is experimental and would not be big enough to handle any great quantity of ore.

MR. OLIVER: Do you know of any other industries that pay a bonus in addition to the basic wage and margin?—The Lead and Zinc industry in Broken Hill and the Galena Lead Mines in Western Australia. There is also a gold bonus that is paid in the Goldfields.

It would not be unusual for an industry to pay a bonus in your opinion?—Not if their turnover is going to be as big as it is likely to be.

But it would not be setting up a precedent if this company paid a bonus?—No.

THE PRESIDENT: Do you know the history and circumstances under which the Lead bonus came to be paid?—As far as I know the health conditions originally caused it to be paid as well as the fact that a scarcity of lead created a rather large demand for it.

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Do you know when it was first introduced?—No, I am only aware of it being paid at the present moment.

Have you ever worked in the Lead industry?—No, this is the first time that I have worked in mines.

MR. OLIVER: Are you a married man?—Yes.

Have you got any family?—Yes, one child.

Are you aware of the union's claim in the way of district allowance?—Yes.

Do you think that claim is justified?—Yes.

Do you think that the present district allowance of 30/- per week is adequate to meet all of the necessities of life at Wittenoom Gorge?—No.

You do not think so?—No.

What would you say the disabilities are that are incurred by residents of Wittenoom Gorge?—The price of food in the store. Perishables can at the present moment be obtained from the market gardens to some extent, but that does not include tomatoes and cabbage, and it is necessary to bring them up here by air freight.

Do you think the cost of living at Wittenoom Gorge is excessive?—Yes it is.

What would you say your weekly grocery store account is?—Five pounds to five pounds ten per week.

Is that for food alone?—Yes, though there might be a few odds and ends such as a pair of working trousers but not often.

Would there be many pairs of working pants?—Two pairs.

Keep to the groceries?—It is all on the one bill.

On a question of groceries do you ever keep your dockets?—Yes.

Of what you spend from week to week?—Yes. Usually there are discrepancies in the bill and you have to keep them to verify them.

How long have you had your wife residing here?—Since the 15th of April.

That is about 3 months?—Seven weeks.

Were you living here before your wife came here?—Yes, about four and a half months.

So you had some experience of keeping your wife in Perth?—Yes.

Why did you bring your wife here?—I was promised a house.

Before leaving the question of groceries can you produce any of your dockets showing the cost of living at Wittenoom?—Yes.

EXHIBIT

EXHIBIT 12 Bundle of grocery dockets.

Explain to His Honour exactly what those dockets represent?—These dockets are store dockets for food but they add up to £34/6/- but there is also a bundle of dockets for perishables from Perth from the 15th April to the 4th June representing

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43/3/24d. There are a few items in the perishables that have not been included.

During the period in which your wife has been residing here it has cost you approximately £40 in seven weeks for food alone?—Yes.

That works out at roughly £6 per week?—Yes.

What do you pay for rent?—30/- per week.

Exactly what does that mean?—That is for the house only and no furniture.

You provide your own furniture?—Yes.

What about light and water; do you get that included?—At the present time we get light and water included, but I do not know for what period that is going on. Meter Boards are already in town for the electric light and the P.W.D. put in a 9,000 gallon tank and have laid a 4" main, and I do not think that they would do that for love so we will probably have to pay for it later on?

You say at the present time you are getting your light and water free?—Yes.

But the meters will be installed?—Yes, but whether we will have to pay for light I do not know.

And the P.W.D. is installing a water scheme?—Yes.

And you presume it will want paying for?—Yes.

Do you use firewood?—Yes.

How does that pan out; do you get it yourself?—You can get it through the company at a cost of £4/10/- per load.

What is a load?—A couple of tons, though probably it might be more but I would like to say but it does not pack well and is only bush firewood.

Kilga?—Yes. There is probably a bit of gum, but as that has to be chopped down there is not much.

AND IT Costs £4/10/- per load?—Yes.

That works out at about £2/5/- per ton?—The weight might not be exact but I imagine it would not be much more than 2 tons.

You do not know the weight?—No.

Is it sold on measurement?—A truckload.

That might be anything?—Yes.

Depending upon the bloke that puts it on?—Yes.

Do you know what the absolute minimum wage is at Wittenoom Gorge?—£5/15/1 basic wage plus 30/- district allowance.

A total of £5/5/1?—Yes.

What deductions would there be against that? You must have some deductions against your wages such as Mineworkers Relief

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hospital, taxations and so on?—Wineworker's relief is 1/-.

Per week?—Yes. Flying doctor service 9d per week, and rent is deducted out of your wages at the office and that is 30/-. I think that is about all.

How do you travel from the town to work?—The company runs a bus and that costs 6/- for a weekly ticket. That entitles you to journeys to and from work but I believe if you go to the store or the pictures at all on Saturday night it is an extra 1/6 return.

What does it cost you to go to the pictures?—3/- entrance fee, that is 6/- for myself and wife and 3/- fares, a total of 9/- and you take your own chairs.

You have about 37/9d deducted every week out of your pay?—Yes. The bus tickets are not deducted as you buy those from the bus driver.

Have you any idea what it cost to get your wife to Wittenoom Gorge?—£14/10/- plane fare and about £3 for excess luggage.

Was there any charge on the kiddie?—No, the kiddie is only 18 months old.

THE PRESIDENT: Do you know at what age children are charged for on the plane?—I believe it is over 3 though I do not know whether they charge them full fare. I believe it is half fare.

MR. OLIVER: Have you any idea what it would cost you to send your wife on a holiday?—It would cost me £29 for her plane fare.

In other words if you want to send your wife to Perth and bring her back it would cost £29?—Yes.

Before leaving the question of district allowances what other concessions or amenities are made to you at Wittenoom Gorge other than those already dealt with?—I do not think there are any at all. I was told when I came up that they hoped to have ice in four or five weeks but it has not arrived yet. The plant is here but it has not been installed and I do not know how long it will be before it is installed. I found it necessary to buy a refrigerator from the company.

Did you buy that yourself?—Yes. I did not pay cash, I gave a deposit.

I suppose you got that at actual cost price?—I do not think so.

What did you pay for it?—The price would actually be £120.

Could you buy that from the trader in Rosbourn for the same price?—Retail or wholesale?

What price would you pay in Rosbourn?—£117 or £120.

So you got no concession by purchasing it from the employer?—No.

You are aware of the union's claim in the matter of a travelling allowance?—Yes.

Do you think the claim is justified?—Yes.

What is the present position?—You are engaged in Perth through

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this office up here and they supply you with a plane ticket. You pay that back at the rate of £1 per week from your pay and at the end of 6 months you receive that plane fare back. You also get paid a day's travelling time at the end of six months.

What happens to you at the end of 6 months if you want to return to Perth?—You have one end a half week's paid holiday, and all being well, and everyone being satisfied, you are probably re-engaged and get your fare paid back to Wittenoom under the same circumstances — that is they pay your fare again and collect it, and at the end of 6 months it is paid back.

You have to terminate your employment to do that?—As far as I know you would actually terminate your employment.

Supposing you did not use the subterfuge of terminating your employment what would be the position if you went on annual leave?—I do not know. I imagine if you had been here a year ~~xxxxxxx~~ you would be entitled to have your fare paid both ways. If you are here for 6 months and are re-engaged for another six months the company is prepared to pay 2 plane trips, so if you stay for 12 months without any break it should work the other way round.

I do not think you clearly understand the question. You say that when you came here your fare is paid and you repay it over a period of 6 months, at which stage you get it refunded. If at the end of 6 months you leave you pay your own fare back to Perth?—Yes.

Now you have to be re-engaged in Perth to have your fare paid up here again and you start refunding it?—Yes.

That I want you to answer is this: What would happen if you did not terminate your employment here but went genuinely to Perth on annual leave? Who pays your fare in that case?—I, for as I know I pay my fare myself, and I would have to pay my wife's fare as well and come back again also.

You would take the family down at your own expense and bring them back at your own expense?—Yes. I might get my fare up from Perth again from the company but I do not know.

You have no assurance of that?—No.

Have you ever given any thought of what it would cost you for a trip like that?—Yes.

What is it going to cost you?—£29 for my wife and approximately £29 for myself, that is £58 for the return trip.

You say that the fare is deducted at the rate of £1 per week which means that for a period of the first six months of employment £1 is deducted each of the first 14 weeks, or the first seven and a half pays at the rate of £2 per pay?—Yes. You have your store bills to pay as well on top of the amount that is taken off for plane fares. I had to pay £3 for a mattress and also buy a blanket and pillow and a knife fork and spoon. They cost me £5/8/- so I actually landed with a debt of £20.

What hours are you working at the present time?—Seven and a quarter hours per day with three quarters for lunch and three and three quarter hours on Saturday.

Are you satisfied with the hours you are working?—No.

What do you consider should be your hours of work?—A 40 hour week in 5 days.

What do you mean when you say 40 hours in 5 days?—2 Free days. The idea of the 40 hour week was to have a free weekend of 2 days and there is no reason we should not have it here. I believe they get it in the goldfields where they are working continuous process, and sisters as well get it there.

Where were you employed before you came to Wittenoom?—Midland Junction Workshops.

What was your working week in Midland Junction?—A five day week 8 hours per day.

What days used you to work?—Monday to Friday.

Do you know the employers' claim in this case?—Yes.

Do you think there is any real need for that sort of thing?—No.

Can you see any reason why you should have to work on Saturday morning at ordinary rates of pay?—No. If it is necessary for us to work on Saturday we should be paid a penalty rate for it.

You think you should get overtime?—Yes.

Does it make the work any more attractive to be going to work six days per week in order to do your week's work?—No, not unless it is paid enough to make you feel that you are not doing it for nothing.

Do you think the job can be worked in a 5 day week Monday to Friday?—Yes.

You really think it could be worked? — Yes.

And in fact you say that if you have to work on Saturday you should be paid overtime rates?—Yes.

Before leaving that question of hours when you go to work on Saturday it of course means an extra trip to the mine. Who pays your bus fare?—That comes out of the weekly ticket. I imagine it is a weekly ticket on 6 days a week.

And the men working 5 days a week pays the same amount?—He loses 1/-.

CROSBY-EXAMINED MR. CROSBY:

You do not believe in the 40 hour week apparently?—I do believe in it.

You will agree that maintenance work is necessary on Saturdays. In the mill for instance?—It depends upon the need for maintenance.

It is obvious that any work that has to be done where it necessitates the mill being stopped would be done on Saturday morning?—Yes, but it depends upon whether that work is due to an actual breakdown or just wearing out of the machinery.

But it does mean that you are going to be required to work on Saturday morning in any case?—Not necessarily. There might be a time when they will work the mill 5 days a week successfully.

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There is a lot of maintenance?—Yes.

And therefore you are required to work on Saturday morning?—Yes, but there is a certain amount of experimenting going on at the present time. I think the engineer will admit that they are only trying to find out the most successful method of working and it is not the mill.

But in a mill like that there will always be maintenance?—Yes, of some kind.

That means you will be required to work on Saturdays in any case?—Not necessarily myself but other filters might be.

That means you are going to increase your weekly hours if you work 40 hours Monday to Friday?—Yes.

Therefore I say you do not believe in the 40 hour week?—I do.

Is it not better if the company gives you a 40 hour week Monday to Saturday to limit the working hours?—By doing that it breaks up Saturday for me. I have already had the right to have Saturday and Sunday to myself and it is to my disadvantage to go in on Saturday morning and it should be paid at penalty rates.

That would you want to do on Saturday morning?—If it is necessary to go to work it should be at penalty rates.

But if you do not work on Saturday morning what would you do?—I would probably find plenty of work to do at home.

Could not that be done after work on Monday to Friday?—Quite possibly, but I could possibly do more on Saturday.

The Midland Junction workshops were not running a mine?—No, but the gold mines in Kalgourlie run a five day week.

Not strictly?—The continuous process is worked five days in six days and they have one day off.

They still work on Saturdays?—And are paid overtime rates.

No. The men work five shifts Monday to Saturday inclusive and are not paid overtime?—No.

They may have Tuesday off. If one man has Tuesday off and he works the 40 hour week he would do 8 hours on Saturday, but that is not possible here because they have not got the staff to do it?—No.

If they required you to work 40 hours Monday to Saturday is not that better than working 44 hours Monday to Saturday?—I do not say it is necessary. If it is necessary to work 44 hours and they want the work done they will work the extra time during the week.

The Company is prepared to work you a 40 hour week Monday to Saturday?—Where does the extra 4 hours come in?

What you want is a 5 day week Monday to Friday and another 4 hours on Saturday?—No.

Maintenance work is necessary on Saturday?—Not always.

Every Saturday. It is part of the normal running of the show?—At the present time.

This mattress you paid £3 for that was rather cheap?—No. They did have some for 30/- but they were all gone.

£3 is still cheap for a mattress these days?—I do not think so.

You have not tried to buy one in Perth lately?—No, not for the last three or four years.

THE PRESIDENT: What kind of mattress was it?—An ordinary kapok mattress to fit a single cyclone stretcher.

MR. CROSS: That mattress actually costs £4 in Perth at the moment?—I was informed in the Perth office that bedding was provided and I would not have to pay for it.

The margins you quoted and which you called standard margins are standard only in the metropolitan area?—I believe so.

The margins in the goldmining industry are the margins paid under the new award?—I think so.

Why do you think they should follow the metropolitan area instead of awards that cover this area?

THE PRESIDENT: That question is a little bit confusing.

MR. CROSS: I want go on with it as it seems rather obvious.

THE PRESIDENT: No, it is not obvious but I think the form of the question is rather confusing - why metropolitan rates than this area? This area is the subject of the present arbitration.

MR. CROSS: Perhaps I should have said the area outside the metropolitan area.

THE WITNESS: I believe the rates mentioned in the dispute at the present time are not being paid by the company.

MR. CROSS: Your award is based on the goldmining award?—It is supposed to be.

And the margins?—They have a five day week.

Do they have not. They have 5 days in 6?—Does that include fitters?

When you start a continuous process here probably they will do the same, but they are not running a continuous process. As to margins, the margins in the new award are the same as in the goldmining award. Did you know that?—No.

Would that alter your attitude to the margins now you know that?—If they are the same as the goldmining award they should be getting them here.

Yes. When you mentioned the rigger and splicer in Perth you quote only the rigger on buildings?—Yes.

£2 2/6, but riggers other than those on buildings are 17/6. It is a different classification.

Do you know that the rigger's labourer is on the basic wage in Perth?—As far as I know the rigger's assistant or labourer is getting 14/6.

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No, that's not so. He gets the basic wage in Perth. Do you want the Perth margins altogether or do you want to pick the eyes out?—I want to pick the eyes out.

Do you know anything about brush hands and their work?—No, for as I know brush hands only do rough painting work.

You do not know the reason for the different rates?—Apart from straight painting where I know there are quite a lot of fumes and vapour in the air and that is the reason for the extra margin.

It just depends on where the spraying is being done?—It probably would do, if it was in a closed space it would be dangerous.

Do you know the reason for the warloadings?—No.

Would you try to hazard a guess?—I have not been in the country long enough to really find out.

Taking your claim for an asbestos bonus do you think the company should be asked to pay a bonus when it is not making any profit?—No, but in view of the profit they may make I think it is just as well to establish a claim now.

In other words you are prepared to wait and see them make a profit and then raise your claim?—Yes.

Did you say that £5 to £5/10/- covers food only, or does it include other items?—It might cover a few stray items such as three or four torch batteries.

These are all your dockets?—Yes.

THE PRESIDENT: Did you take out a separate list from these dockets of the extra items involved or did you just total them?—I just totalled them.

MR. CROSS: Do you know anything about Kelgoorlie prices?—Nothing at all.

Do you know that your basic wage is fixed on Kelgoorlie prices?—I do not know that either.

These dockets show an average of about £5/10/- per week. When your wife came here was there anything in stock?—I had a certain amount of stuff sent up from Perth, and furniture and stuff had to be sent up.

By air freight?—No, by boat.

I suppose you cannot give any idea of what you had in stock then and now?—No, only pepper and a few odds and ends like that.

You have a good bit in stock now?—Not a great deal. I bought a large order from Bairds a month ago, and I have that in stock, but that is in addition again to those bills.

You see the actual total purchases are not going to be of very much use unless we know what the opening and closing stocks were?—The opening stock was practically nil, just pepper, salt and other small items like a packet of cocoa.

You do not know the value of the stock you have now?—No.

Would it be fairly substantial?—It might be £6, but is including the large order from Bairds a few weeks ago, and in addition to that I bought £3 worth of groceries off a couple who left here about

Six weeks ago.

What was the order from Bairds?—Tinned milk and fruit.

All groceries?—Yes. It is not included in the price, it is in addition to that, but the docket is there.

Unless you can give an estimate of the present stock it is not going to help a lot?—Present stock including additions?

Yes. What you have got left of what you bought here?—Not more than £2 or £3.

Is that a guess or have you checked it?—It is a guess but it could be checked.

The value of the light and water is fairly substantial. Could you say that it would be about 5/- a week?—In view of the rent I pay and the size of the house I would not like to say.

5/- less the amount included in that for light and water would be fairly light?—On the figure you mentioned of 5/- per week, yes.

Do you know what you get in the basic wage for rent?—No.

This wood you mentioned is 2 cords?—I think so.

And a cord is about 2 to 2½ tons?—I would not like to say.

THE PRESIDENT: The witness did not commit himself to that. He said that he had only made a guess at that. On this question of light and water you are putting it to the witness that 30/- per week which covers rent, light and water is relatively cheap.

MR. CROSS: Yes.

THE PRESIDENT: What we all want to know is what is the position going to be in the next 12 months in regard to light and water.

MR. CROSS: And also in regard to rents.

MR. CROSS: The store will include meat and bread as well?—Yes.

THE PRESIDENT: There is only the one store and everything you buy would be from there?—Yes. I bought nearly all my clothing from Perth. The only clothing I have bought from the store here has been 2 pairs of working trousers.

Have you bought anything for your wife and child?—Not so far.

MR. McKINNA: You said that you had bought a grocery order from Bairds for £6?—No, £1/10/-. I also paid £3 for some groceries from a couple who left here a few weeks ago.

The stuff you bought at Bairds would be stuff you could not get in the store?—No, I bought it to see if I could get it any cheaper.

Did you?—I think so. It would be a substantial figure but on a £15 to £20 order you might save £1 to £3/-.

MR. CROSS: Including freight?—Yes.

And losses occurring in transit?—I have not lost anything yet, but some people have lost cases of oranges here.

The company must allow for that?—Yes, and I will be asking allowances the first time I lose something.

The present location of the store is purely a temporary one?—It depends on what you call temporary.

It is intended to move it here but the store has not come here yet?—No, and I do not know when it will come here.

You can see that it is being built?—Yes.

And as soon as the store can be built you will have a store on the spot?—It might be six months or a year.

The same position with the pictures?—The picture position depends entirely upon getting power from the mine.

Would you prefer to have a picture show out there or none at all?—At the present time yes.

And as soon as the company can get the picture show here it will be brought here?—I believe it will be brought down as soon as possible but I do not know whether we will still have to take our own chairs or not.

Would you agree to a general statement that the company is pressing ahead with amenities as fast as it possibly can?—That do you call amenities.

The picture show being brought here, the store, ice and everything else?—There is the question of a recreation room that was supposed to be built according to the last award, but it has not been built yet.

They have had some difficulties in getting supplies of materials here?—Yes.

But you know that the company is pressing ahead as fast as it can with all those things?—I do not know about that.

THE PRESIDENT: Have you any reason to think that the company are not pressing ahead?—I am not aware of what they are trying to do build first, or why, it is just a matter of sequence and it rests with them as to whether they decide that the hotel is more necessary than houses or camps.

MR. CROSS: In what suburb did you live in in Perth?—North Perth.

What did it cost per week to travel to Midland Junction?—9/-

On the train?—Yes. I rode a bicycle to the station.

And because you worked for the railways you got a concession in your fares?—Yes.

The ordinary worker would not enjoy that concession?—No.

MR. McKINNA: You got it at half fare?—Half the ordinary monthly ticket fare.

MR. DAVIES: Could the ordinary worker not on the railways get a concession on a monthly ticket?—Yes I think they would. The rate was 18/- from Mt. Lawley to Midland Junction but I do not know what the ordinary fare would be.

For a full calendar month?—Yes.

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MR. CROSS: In view of the cost of petrol up here you are not complaining about the 6/- per week?..Only to the extent that think the fortnightly ticket should cover the picture bus at nighttime. As far as the workers down here are concerned they take a trip into the store at the present time on Saturday morning to buy whatever they need, ~~XXXXXXXXXXXX~~

You realise that the company has cut it down as low as it can do not know anything about it.

Was the refrigerator that was sold to you, sold at actual cost? I do not know.

Have you any reason to believe otherwise?—I did hear that the firm had the agency and it did seem to me reasonable that they should make something out of them.

Not for the make of your refrigerator?—For the Defender and Electrolux and "B" I think.

Only the Electrolux, not the "B"?—I do not know.

MR. NAYLER: When you say actual cost do you mean actual landed cost?

MR. CROSS: Yes, the actual cost of getting it here. The company made not a penny on it.

MR. CROSS: You mentioned that you might want to go to Perth after 6 months in which case you would get 1½ weeks holiday pay. Yes. There is no question of my going, but the majority of people come up for 6 months and then go to Perth and come back again, and usually go for more than 1½ weeks holiday, but it may be 3 or 4 weeks, and they are re-engaged and come back again.

Would it be merely for a holiday?—I could not tell you, but I imagine it would be for a holiday or a break.

After 6 months?—After you have been working in the Dorgo, especially in summer they say the walls get closer every day.

They do things fairly well with a holiday every 6 months?—In the metropolitan area there are a number of public holidays throughout the year which we do not get, and it is made up as part of the three week's holiday.

How you want them every 4 months?—Yes we consider that a person who comes up here is entitled to leave after 4 months and should not be bound down to 6 months to get that £14/10/- back.

Did you say that most of them come back?—No, a few come back the majority being miners, but I would not say that of the fitter.

When you say that it costs £58 to have your wife up here and go back after 12 months that is not quite correct as your fare is paid in that case and it would cost you only £3 £43/10/-?—Per year. If I come back at the end of the year I was not assured that my fare would be paid again. I would not actually terminate my employment. People going to Perth at the end of 6 months actually terminate their employment and get a taxation clearance.

THE PRESIDENT: What is the position Mr. Cross?

MR. CROSS: I am instructed that whether they terminate their employment or not they get their fare back.

THE PRESIDENT: At what stage?

MR. CROSS: Any time after six months.

THE WITNESS: Then you have to pay your fare back to Perth yourself.

MR. CROSS: Yes. In each case the cost would be £14/10/-?— Yes.

THE PRESIDENT: Is that fare paid back to a worker who has been here not less than 12 months and at any time after that goes to Perth to take his holiday?

MR. CROSS: Yes. It is so easy for a worker to adopt the subterfuge of terminating his employment. If he stays another 6 months it is paid back to him. If the worker stays 12 months it is refunded to him.

THE PRESIDENT: What provision is that under?

MR. CROSS: Under the award it is just as if he commenced his employment for the first time and in each case the fare is paid at the end of 6 months.

THE PRESIDENT: They pay the fare up in the first instance, deduct it over a period of 12 weeks, and then after a period of 6 months it is paid to the worker.

MR. CROSS: That is so.

THE WITNESS: In the case of a single man taking a holiday at the end of 6 months and coming back again the company is prepared to pay £25 in fares.

MR. CROSS: He would pay his fare to Perth?—If I stay here 6 months I get my fare paid back to me, and if I go back to Perth and come back here again I get paid again, no over a period of a year the company pays £25 for fares. But if I stop here for a period of 12 months would I get my fare paid back again? In other words would the same amount of money be expended on me?

MR. CROSS: It would not make any difference if you stopped 6 months or 5 years.

THE PRESIDENT: The witness is saying that in effect the company is willing to pay £25 every 12 months, why therefore not pay this witness his return fare when he went on holidays at the end of 12 months.

MR. CROSS: Circumstances force them to pay that at the present time, but it does not mean that it will always be the position when labour becomes more plentiful.

MR. CROSS: If you were working on a goldmine anywhere around this area, say within a hundred miles or even further north you would not get any of these concessions?—I do not know.

THE PRESIDENT: You told us of these figures for groceries for the 7 weeks since your wife has been here. When you and your wife were living in North Perth did you keep any accounts which are at all comparable?—No, I did not keep accounts, but my wife may have some, but I do not know. We did find that on £12 a week was somewhere £3 to £3/10/- per week was ample for the 3 of us.

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In effect what you are saying is that the present district allowance is not sufficient?—Yes.

Or the present basic wage perhaps?—I would not say the present basic wage because our housekeeping bill in Perth was less than it is up here, so it must be the district allowance.

The basic wage of course is higher here than in Perth?—Yes, it is a few shillings higher.

It is 8/- per week higher?—My store bill is roughly £2 different to what it was in Perth.

The trouble is that those figures are not necessarily accurate?—Yes.

MR. McKIMMA: You were going to say that it costs £2 per week more?—Apparently.

You are getting 8/- more on the basic wage and 30/- on the district allowance, that is 38/-?—Yes, but there are other inconveniences. It has been necessary to buy a refrigerator up here. Having to go without green vegetables during the first weeks up here I considered it definitely warranted one. And then there is the cost of kerosene for that.

THE PRESIDENT:

How much is that a week?—It uses about 2 gallons per week. That is about 14/- for 4 gallons, and that is not included in these bills.

Where do you get the kerosene?—I have to buy it from the company's store. Newspapers are not included in there either.

And they were not included in the comparable figures in Perth?—No.

For what purpose would you use firewood?—For cooking.

Laundry?—Yes. There is rather a lot of washing out here, with the red dust and you cannot keep sheets on the bed for more than 4 days.

How long would a £4/10/- load of wood last you?—I do not know, but we use a pressure cooker quite a lot so we do not have the fire going all the time.

Did you get this load when your wife first came here?—I did not get this load of wood. Someone else bought it about 2 or 3 weeks ago and as they were going away they asked me if I would take it.

MR. McKIMMA: How long do you anticipate that it will last?—2 months I think depending upon the weather and whether it will be necessary to put a fire in the house all day. At the present time it is comparatively warm in the house, but we have had to have a fire in the house all day.

THE PRESIDENT: Have you been here doing the cold weather?—Only the last few weeks, I have been here since November.

MR. McKIMMA: Would you say it is a common practice for workers here after 6 months to go to Perth for a holiday?—I think you will find that the majority of workers go to Perth at the end of 6 months.

And have 3 or 4 weeks holiday?—Depending upon the amount of money they have got.

Coming to the 5 day week you said you wanted Saturday and Sunday off to do odd jobs around the house. If you had a week of 5 days

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with any day off during the week, Tuesday or Wednesday, and worked a roster including Saturday...?—I do not say it would be the same as we have already forced the 2 days before and got the Saturdays and Sundays & free.

I thought you said that you had jobs around the house that you want to do on Saturday?—I did not say that I wanted to do them but there is plenty to do.

Could you not do them on any other day?—There is always plenty of work that can be done at home, and I do quite a lot at night time.

How it would it suit you to work any Monday, Tuesday, and have Wednesday off, and then work Thursday, Friday and Saturday?—I cannot say that I fancy the idea. I would rather work a straight 5 day week and have Saturday and Sunday off.

Midland Junction is closed down on Saturday and Sunday?—Yes, but I was on call from the East Perth station and was liable to be called out at any time on Saturday or Sunday.

You would not be called out for the workshops on Saturday or Sunday?—I have been. I was also the fitter in charge of diesel electric trains and have had to go to Chidlow to bring back a train.

In the Midland workshops?—At the weekend as well.

You were working overtime?—Yes. And on other weekends I was called out to do repair jobs, but there are only 6 diesel trains and it was a matter of getting them back in service as soon as possible.

(The witness withdrew)

RICH MACLEAY. Sworn.

EXAMINED MR. OLIVER.

What are you employed as?—Picking off the belt at the present time.

What would you call that occupation?—Cherry picking.

Have you ever done any mining?—Yes, a little bit.

How many years have you been a miner?—A couple of years.

MR. MACLEAY: Mining here?—No. I was at the Triton Goldmine for 18 months.

MR. OLIVER: What were you doing at Triton?—I was in the stoppings, bogging, timbering, machine mining, skips or anything. Labour was just as scarce then there as here.

Are you aware of the hours worked on a mine?—In an actual mine it is 7½ hours 5 days per week, that is 37½ hours underground.

What hours did they work on Saturday?—on the surface at the Triton goldmine?—They all worked 5 days per week Monday to Friday, that is the fitters. They did have 2 mill fitters and they worked a rotation of shifts on weekends.

Is there any distinction on a goldmine between surface workers, underground workers, and continuous process workers?—Yes, definitely.

Can you explain to the bench what that distinction is? And the number of hours that each group of workers works?—Underground workers work a 5 day week Monday to Friday, 7½ hours each day. Surface workers work a 5 day week Monday to Friday inclusive 8 hours per day, and continuous process workers work a 40 hour week over 6 days, but I think their day off rotates, that is, if they have Tuesday this week they will have Wednesday next week.

All depending upon a roster?—Yes, they have a roster.

So actually the continuous process worker works 40 hours spread over 6 days?—That is correct.

All other workers, both underground and surface, work a 5 day week Monday to Friday?—Yes.

MR. MOXMER: You mentioned two mill workers?— They are in the continuous process section.

MR. OLIVER: In the union's claim (and I might mention that it has all been agreed to) we have a definition of continuous work. Are you aware of the definition?—No, I could not quote it.

I would like you to give some idea of how you compare living costs with Perth. Are you a married man?—Yes, with a wife and 2 children.

Have you got your wife here? No, she is in Perth.

Your wife and the 2 children are in Perth?—Yes.

Are you on wages here?—No, I am a piece worker.

THE PRESIDENT: What is this cherry picking?— Picking mullock off the belt. When the ore is being carried up the belt anything not containing any fibre is discarded.

MR. OLIVER: How do they work that on piece work?—6/- per ton for picking the mullock off.

THE PRESIDENT: Is there any penalty attached for picking off other than mullock?—Yes, there is a certain amount of wind as the shift boss calls it.

If you are paid 6/- for picking a ton of mullock off the belt the temptation perhaps would be to regard many things as mullock?—No, because if you do they are on to you.

MR. OLIVER: The idea is not to allow the mullock to go through the mill. It pays to get it off beforehand. We have actually overlooked this occupation.

THE PRESIDENT: So far as the minimum rate of pay is concerned I do not know under what category this witness would come.

THE WITNESS: As a mill hand.

MR. OLIVER: Although not listed in that occupation he is listed as an ore treatment operator.

MR. CROSS: That is correct.

THE PRESIDENT: With a margin of 3/- per shift.

MR. CROSS: Yes, that is correct.

THE PRESIDENT: You get 5/- per ton?—Yes.

On the average how long would it take you to pick a ton of mullock off the belt?—It depends upon how the plant is going. If the ore is a bit damp it clogs up and you cannot put the same amount through the cracker. It depends upon the condition of the ore. The belt might travel for a couple of hours without a stop and then it might only go for 12 inches or 2 or 3 inches perhaps.

But if the mill was running all day?—I would get about £3 per shift.

MR. McKENNA: Would that be the tonnage going through the mill?—No, what I would actually take off. Two of us would pick off about 20 tons in a good day's picking.

MR. OLIVER: Have you ever given any thought of what your cost of living up here is and maintaining a wife in Perth?—Definitely every pay day.

Have you ever thought about bringing your wife up here?—Yes I have thought it over, but the way things are it is too uncertain with a basic wage of £6/15/- and a 30/- district allowance. This pay I have only had 3 shifts picking off the belt and I would not entertain the idea of bringing my wife up here until things are more settled.

Have you ever asked Mr. Broadhurst to provide you with a house?—

You have not seriously considered taking up residence apparently Not yet.

MR. McKENNA: How long have you been here?—About 3 months but I went away at the end of 3 months for 4 or 5 weeks.

THE PRESIDENT: You are one of them referred to by the previous witness?—As I backed them the right way when they spun the dice. The majority do not go away on their earnings, they go away on what they win at the game, but it is not possible to do that since the game stopped.

MR. OLIVER: Who stopped the game?—Constable Johnston.

You heard it explained previously of how the basic wage is made up?—Yes.

You have a difference in the basic wage over Perth of approximate 8/- and a 30/- district allowance which gives you an addition over Perth of 38/-. Do you think that offsets the difference in living costs here as against Perth?—No. It is not only the living costs, you have to look at it from the point of view of a holiday. You are entitled to a holiday and surely the basic wage was worked out so that you could take your family a way for a holiday. If you want to take your wife and 2 children it is not only a question of fares, you have to take luggage and you cannot do that for nothing. The men could not go away.

THE PRESIDENT: Are you allowed a certain amount of luggage on the plane without charge?—35 lbs.

MR. OLIVER: So in effect you feel that if you brought your wife and kids here you might never get out again?—On wages I would not bring them here.

On the question of amenities, what amenities have you in this

places?—The amenities are all at Wittenoom Gorge and not at Wittenoom at all. We are at Wittenoom now.

What are the amenities at the Gorge?—There is a cricket pitch up there, a bit of a sports ground, tennis court, swimming pool, and library.

So moving you down to Wittenoom has alienated you from the amenities?—Definitely.

Can you go for a swim?—They go for a swim at the weekend. You go by bus on Saturday morning and wait until it comes back in the afternoon.

You have a swimming pool?—Yes.

Where is that?—About 3 miles down from the mine.

How far from Wittenoom town?—About 5½ to 6 miles.

How do you get there?—Catch the mine bus.

Do you have to pay for that?—Yes.

What does it cost for board in the mess?—At present it is 35/- per week, but we have been advised by the management that the board is going up to 40/- per week in the future though we have not been given any definite date.

Is the food in the mess adequate?—Extra good.

It is a good boarding house?—Yes.

Do you find this business of keeping your wife in Perth costly?—Yes, but it depends on the pay as to how it pans out.

Do you rent a house in Perth?—I am buying a house in Perth.

THE PRESIDENT: What family have you got?—A wife and 2 children.

Young children?—One is 7 and the other 2½ to 3.

What suburb?—South Perth.

Were your wife and children living there all the time you were at Tilton?—Yes.

How long is it since you have been living at home in South Perth with your wife continuously and working in Perth?—A couple of years.

Since then you have simply been living as a single man either at Tilton or here?—Yes.

Do you think it costs more to live that way than to live in Perth?—Definitely.

Take the 35/- board and lodging that you are paying at the moment, you don't think it would cost your wife an extra 35/- to keep you down there?—Definitely not.

Apart from the little electricity that you might use it would only be a question of food?—Yes.

MR. OLIVER: Would you work up here on wages?—I do not think so.

What I mean that if it were not for the amount you get in addition to your wages by way of piece work would you stay on wages?—No, not on the basic wage plus district allowance.

Is it your idea by coming in to the back country to increase your income from bonuses or piece work?—The idea in coming to most of these places is to endeavour to get a few bob out of them and have a bit of a holiday. They generally make it attractive enough to get labour here.

Your object in coming to Wittenoom Gorge was to work piece work to get a few additional pounds?—My object was to get work. When the Triton closed down they came down and canvassed for workers, and I came up.

Let us get the position clearly. When they canvassed was any inducement offered in addition to wages?—Yes, I came here as a machine miner, not in the mill at all, and was employed as a machine miner.

What were the inducements?—The amount of money being made and the wonderful conditions.

Let us put it this way: You were not offered the actual wage rate at Wittenoom?—No.

What were you offered?—Piece work on machine mining.

Were you offered actual piece work, and not to come here on wages?—Yes.

CROSS-EXAMINED MR. CROSS.

When you were at Triton what was the district allowance there?—I would not be sure what it was.

It is 8/6 in the award?—That is what it would be.

You said it is costing more here than at Triton?—I never said that at all.

What do you think of the prices at Triton as compared to here?—That was a different proposition altogether. One could get into the railway station for 2/- and catch a train to the Bell for a dollar, but here you can't get out.

But as the question of prices?—I have not bought much since I have been here, and I never bought much at Triton.

You did not get your fare to and from the Triton to Perth?—No, I bought it myself.

I assume from what you said about men going away on their winnings that that won't happen in the future?—Not the way it is going now.

The question of the cost of holidays would be the same anywhere in the north as it was at Triton when you paid your own fare?—Yes, but there you were on a railway and did not have to catch an aeroplane.

You are better off here than at the Triton?—Far from it.

Take Mullagine and other places?—I do not know anything about them. I can only speak about Heady's and I would not say that I am better off here than there. Definitely not.

Your board and lodging here cost 35/- per week now, and you have

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been assured that it is going up to 40/-. That is still fairly cheap accommodation?—Yes, but not as cheap as at Reedy's.

Prices have gone up a lot since that time?—They have gone up, but not a lot.

THE PRESIDENT: What was the cost at Reedy's?—27/6 for board and 2/9 for a hut.

MR. CHASE: And here full board apart from lodging is 35/-?—That is not full board as we have to supply our own knife, fork, spoon and cup, and we eat cafeteria style. To go to the counter, pick it up, and wash our own gear up afterwards.

In three-life lodging, apart from meals, is 37/6?—I do not know about that. We are not arguing about the price of lodging, we are satisfied.

You said that the swimming pool is 5 or 6 miles from the town. Do you know that it is only 3 1/2 miles?—I know it is too far to walk.

You would not argue about it being 3 1/2 miles?—No.

Do you think that the company is pressing ahead with amenities at a pace as fast as they can?—What are the amenities—the picnic area, but that has not even started to shift.

It is a question of getting plants?—They cannot press ahead until they get the plant. I should say that amenities are at a standstill.

They are pressing ahead with the new power house?—Yes, they have the 'diesel' up there.

The other things that you have complained about such as the cricket pitch, and sportsground, have you not been asked to choose a site for a sportsground here?—I do not know. I have been away and it has never been mentioned to me.

Are not you the union rep?—I am chairman.

Did not they ask the union reps. to choose a sportsground and they would go ahead with the construction?—I cannot answer that question to my knowledge.

You know, do you, that the union reps. have not chosen a sportsground?—I know nothing about it at all.

THE PRESIDENT: How do the general living conditions compare here with Reedy's apart from the question of cost?—I should say they were probably a bit better than this. In the compound they had a swimming pool and the mess was right at the compound. It was only about 3 or 4 minute's walk from the compound, and they had a billiard room and hotel, and a football ground and sportsground, and they used to provide all transport to and from the picnic grounds. So far as living was concerned it was better there than here just now.

Were you living in the dormitories?—Yes.

In one of the single men's huts?—In the barracks.

Have you been living there ever since you came or were you living in the dorms?—I was in the dorms in the barracks and they have shifted them down here now.

(The witness withdrew.)

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HEDLEY HYKING, STORM

EXAMINED MR. OLIVER.

What is your occupation?— Organizer A.E.U.

Have you ever been employed on a Gold Mine?— Yes.

You are conversant with the conditions employed on Gold Mines?— I think so. I was secretary of the Kalgoorlie branch A.E.U.

On the question of hours of work on Gold Mines what are the methods of employment regarding continuous workers and surface workers in particular. I am not concerned with underground workers, but I do want you to tell the Court the conditions of employment with regard to surplus workers and continuous workers?— In the recent Gold Mining Award there is provision for a normal working week of 40 hours in 5 days for surface workers, and for continuous process workers 40 hours in 5 days spread over 6 days. Actually as far as our members are concerned they work 40 hours in 5 days though there may be perhaps one or two exceptions in some Gold Mines where one of our members works on continuous process in the fleet. Conditions in the mill here are similar to those on a Gold Mine.

Is it usual to employ maintenance staff for a period of 6 days per week?— No.

What sixth are the usual hours of employment?— A 5 day week. And if it is necessary for maintenance they are called out and paid at overtime. In the present award special provision is made for overtime and Saturday work. Normally the provision is time and a half for the first two hours and double time thereafter and working on Saturday morning it is time and a half for the first 4 hours and double time thereafter.

Is that the claim you are making in this case?— The claim we are making in this case is based on the Gold Mining Award because previously the hours clause was similar to that in the Gold Mining Award.

So in actual fact you are asking in your claim in this case for conditions similar to the Gold Mining Industry?— That is true. We are prepared to agree that continuous process be included and shift work be included, and we have also agreed to lift the restrictions on overtime which are included in the Gold Mining Award at the present time.

Have you any recollection of a young apprentice named Growcock being employed at Mittenoom Gorge?— Yes, he was employed as a electrical fitter.

Have you any knowledge of the wages he was paid?— Yes. He was paid in accordance with the award. He was in his second 6 months of apprentice and received 25% of the basic wage which was extended to £1. 13. 2, and on top of that he received the 30/- per week district allowance, and on top of that again the Management made a concession to him in that instead of paying the normal 35/- per week board they gave him board for 17/6d. per week.

THE PRESIDENT: When was he employed here?— He left here about the end of February.

For how long had he been employed?— For about 2 1/2 years, though he was only apprenticed in the later part of the period here.

H. H. STORMS M.

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Has he gone elsewhere to complete his apprenticeship?— Yes. Owing to the fact of the high cost of living, the other disabilities and the environment in which he was working here he approached the Management and asked them to agree to a transfer of his apprenticeship down to Perth.

MR. OLIVER: What measures have you taken to ascertain the facts of your statement?— I looked up the time and wages book.

And that is stated in the time and wages book?— Yes.

Does it show the concession in regard to his board?— No, I do not think so.

Who told you then that he was in fact getting his board and half rates?— The boy himself.

You have no evidence at Wittenoom Gorge that that was a fact?— No, except that it was an acknowledged fact amongst the men and the shop representative knows it.

Who was your shop representative?— Mr. Morgan.

Do you know what age this apprentice was?— 17 or 18 years of age.

Was he in his first or second year?— He was in his second 6 months — $\frac{2}{3}$ of the basic wage.

THE PRESIDENT: The same rate as in the A.I.U. Gold Mining Award?— No, he was paid differently to the Gold Mining Award. He was paid $\frac{2}{3}$ of the basic wage plus full district allowance.

But the $\frac{2}{3}$ was the same?— Yes.

MR. OLIVER: So in effect this boy in his second 6 months of his apprenticeship was receiving £1. 13. 2. as a portion of the basic wage, plus 30/- district allowance plus a concession on his board amounting to 17/6d. per week?— Yes.

That gave him a wage of £4. 0. 8d. per week?— Yes.

And you say he left because he could not continue on under those conditions?— Yes, on account of the cost of living and the disabilities under which he had to live up here, and the environment.

THE PRESIDENT: He just did not like the place?— He was here for 2½ years and then asked Mr. Broadhurst for a transfer as he said he had had enough of it.

Prior to being apprentice how was he employed?— as a junior worker.

MR. DAVIES: Has any application been made to back date his apprenticeship?— No. I had nothing to do with that.

CROSS-EXAMINED MR. CROSS:

You would not want to see regular overtime worked if it can be avoided?— No, I do not think it is necessary. I think under the nationalised hours Mr. Dampy described in the Gold Mining Award the matter could easily be got over.

Overtime?— Yes.

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You know that the restriction on overtime that appears in the Gold Mining Award was not included in your last asbestos award?— That is so.

THE PRESIDENT: You mean that this sub-clause "K" did not.

MR. CROSS: Sub-clause (a) of the Gold Mining Award did not appear in the asbestos award.

THE WITNESS: (I) did.

MR. CROSS: That also appears in the Gold Mining Award, but sub-clause (a) says that the amount of overtime shall be restricted to the least practical minimum?— Yes.

That same sub-clause (a) appeared in the old Gold Mining Award?— I would not say that now.

The main point is that you do not like overtime if it can be avoided?— No.

With regard to this apprentice you know the reasons why concessions were made, it was because his parents did not live here?— His father lived here for a period previously.

It is a very different position for a lad living away from his parents to one living with his parents?— I do not know. I should say the position is this on the evidence I have heard, and from what has been told me, and the fact of what it costs to keep men in the mine, that there would be very little difference whether his parents had to keep him or not.

But would you not say that it would be very unusual for a young apprentice to work in the outback away from his parents?— They had two apprentices here living away from their parents. They had an apprentice complete his apprenticeship previously up here.

Have you ever found that elsewhere?— They had two at Yampi.

RE-EXAMINED MR. OLIVER:

Have you any idea when these awards were given — that is the blue asbestos award and the Gold Mining Award?— The previous blue asbestos award was delivered about June 1947.

Have you any recollection of when the Gold Mining Award was given?— With regard to the general clauses I think it was December 1947.

So actually the Gold Mining Award was given a long time after the blue asbestos award?— Yes.

And that of course would account for something being in the Gold Mining Award that are not in the other awards?— Yes, and that is why we have made application on this occasion to bring it into line with the Gold Mining Award so far as general conditions now are concerned.

(THE WITNESS WITHDREW).

SAMUEL HENTER. Sworn.

EXAMINED MR. OLIVER:

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... your occupation?— Workman's Inspector of Mines
for the North West and Kimberleya.

What experience have you had as a Mines Inspector?— 4½ years.

What area of Mines have you inspected? What mines in any
area have you inspected?— Besides the one I work in every
mine from Geraldton to Wyndham.

How far East?— The Mine Spec would have been the furthest East.

Do you include the Mt. Ball, Triton and Hill Fifty?— Yes.

In fact you inspect every mine on the Robinson and in the
North West?— Yes.

How do the conditions at Wittenoom compare with the other
Mines you would inspect?— They would not compare at all
there is no comparison.

THE PRESIDENT: What do you mean by "conditions".
Are you referring to the actual conditions on the mine?

MR. OLIVER: No. The question I wanted Mr. Hunt
to answer is how would the conditions compare with
Wittenoom with other mines under his jurisdiction.

THE PRESIDENT: Conditions on the mine itself as
distinct from general living conditions.

MR. OLIVER: Yes. I mean the mine workings.

THE WITNESS: I take it you mean underground and
surface work.

MR. OLIVER: All work that goes on under the Mines regulations—
There is no comparison between Wittenoom Gorge and any other
Mines, that is including both lead and gold mines.

THE PRESIDENT: You mean you cannot make any comparison at
all?— No you could not. This is different mining altogether
with lowbanks and hot ends and diavels underground. You do
not get that in Gold Mines at all.

MR. OLIVER: You were one of the party on the inspection of the
mine yesterday. I think we visited two working places if not
three?— Three places.

Would you say that those three places were a fair indication
of what the mine workings were like?— No I would not say that,
I would say that that was the best of it.

The best ends?— Yes, you saw the best, certainly not the worst.

So actually we were taken to the bright spots?— Definitely.

THE PRESIDENT: You had the remedy in your own
hands Mr. Oliver.

THE WITNESS: I told Mr. Oliver a couple of times
when he was in there.

MR. OLIVER: I am not complaining. I was trying
to save you trouble.

THE WITNESS: The further in you go the better it
gets and I could see Mr. Oliver was not used to it,
and I said to Mr. Oliver

S. HUNTER IN.
W. D. M.

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MR. CROSS: We offered to show the Court the whole mine this afternoon if Mr. Oliver wants to see it.

THE WITNESS: Will the diesels be working?

MR. OLIVER: I do not think we should get heated about this because after all it is a fair enough question about comparison.

MR. CROSS: No, I am objecting to that as I think it is unfair.

THE PRESIDENT: This is the point I made clear to you yesterday morning that we were there to see whatever you wanted us to see. You had the opportunity to take us anywhere you wanted to take us.

MR. OLIVER: I asked them to take us to the hottest end of the Mine, and we were told there were no hot ends, and I am asking Mr. Hunter is there a hot end in the Mine.

MR. CROSS: What claim is this related to?

MR. OLIVER: General conditions on the mine. Hot ends do affect the workers.

THE PRESIDENT: I think it is relevant under the claim of district allowance or bonuses.

MR. OLIVER: What would you say from your experience as a practical miner and Mines Inspector would be the effect of working diesel loco underground?— They were that objectionable, and I had so many reports about them from the Miners working under a different set up to this with the diesels underground that I was asked to go and make a complete report to the Mines Department, which I did. I condemned them.

What exactly was your reason for condemning them?— I have to come here periodically and to go into the ends with the diesels working at their very best is bad enough, but with lowbacks and cramped position and not being to breathe properly, you have to try to stop yourself breathing so that you do not get the gases down your stomach. You get very short winded, and it makes your eyes smart. For some time after the fumes come out when you go into those ends again you can still taste them, and if you light a cigarette you can still taste it in the tobacco smoke, it absolutely exhausts you.

Is it the exhaust from these diesels that causes the fumes?— I should say it was. They open exhausts and the gas comes straight out, and is usually on the side you are working and you get the lot. Some of the ends are hundreds feet further in than the ones we went to, and if diesels are going in they are going on an up road pushing empty trucks in and the exhaust is more than when they are coming out with loaded trucks.

They have to pull them?— They are not supposed to idle in dead ends, the engine is supposed to be cut off but the chaps will tell you that if they stop them they could not start them again. I objected to that altogether but at that particular time there was no other method of haulage.

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THE PRESIDENT: When did you make that report?— I should say it would be nearly two years ago.

Are the working conditions the same underground now as they were 2 years ago?— The diesels are definitely worse now than then. My eyes smarted all the time I was underground.

And in your report 2 years ago you stated that you condemned the diesels?— Yes.

What did that mean?— The State Mining Engineer asked me for a report and I told him exactly what I thought of it. I called it poisonous fumes. Your eyes got burnt and you had palpitation of the heart, and you felt choked.

When you say you condemned them what do you mean by that?— I thought by the way they wrote to me about these diesels they wanted to know whether it would be practicable to work them or not, and I definitely said it was not practical in this mine under the present set up — to do into the dead ends and have them idel in the dead ends, which is definitely not allowed.

The Mines Department apparently have taken no action since then?— Yes. I wrote asking for the Ventilation Inspector to come regularly once a month and bring his instruments to measure the gas. It was that objectionable and I thought the gas was poisonous. But on the report I got from him I am not well enough up in the gas to read his report properly because it goes into thousandths and millionths that I do not understand, and he deals with particles in the air and that sort of thing.....

But apparently no action was taken by the Mines Department to approve or disapprove of the use of diesels underground?— Couldn't I had a lot of correspondence and I think they did not do anything because they did not want to see the asbestos mines closed down, and they had to use locomotive power to work the mines. It meant that if I told them to leave the locomotives out on the bench the whole position would collapse and the Mine would stop. At that particular time I had authority to do that, but I did not want to see a lot of men thrown out of work particularly as I thought it would be getting better later on, but it has not got better, it is definitely worse, and I was told there was a collapse yesterday. They are definitely bad underground.

MR. OLIVER: Do you think the introduction of electrically driven locomotives will improve conditions underground?— Certainly it will. They use them in other Mines such as at the Big Bell. They had mules at the Tilton and big electric locos on the Big Bell.

I take it that the smell from the diesels underground particularly in confined spaces is nauseating?— Yes.

I take it in effect that although they have been proved not necessarily poisonous they do cause a lot of inconvenience?— Yes, they are very objectionable and discomforting.

But you think that disability could be removed by the introduction of electric motors?— Definitely. I could add a little more to that set up by saying that when permission was given to use these diesels underground originally they were not to go past a through airway but how to stop definitely at a through air way which meant that they could not go into

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a dead end.

MR. DAVIES: Has that been altered?-- I think so. I have not seen a copy of the new permit, but I think it has been altered.

Who would issue the permit?-- The Minister for Mines.

Without any recommendation from the Mines Inspector?-- I do not know whether the permit was given before Inspector Lloyd's report or not.

MR. OLIV R: Are you advised when these permits are given by your department?-- Yes.

Do they send you a copy?-- No, I do not get a copy.

Is it usual for your department to issue permits or orders to Mines under your jurisdiction without your knowledge?-- No.

Do you always get notified?-- Yes.

The ventilation officer, Mr. Lloyd, subsequent to his inspection of the Mine when he took the dust content and fume content of the air, did you get a copy of that report?-- Yes.

Who did you get the report from?-- I think I got it from you.

I want you to think carefully before answering this question; is it usual for the Mines Department to keep you completely informed of every order or instruction they give Mine owners in this district?-- Well no.

They do not keep you completely informed?-- No. There are several things that I have noticed around the district which have been given to mine owners and tributors they I have known nothing about. I only comply with the mine's regulations whether they give orders or not.

In reply to His Honour you made this statement that in the face of an adverse report from yourself on the question of working those diesel motors underground the permit was issued?-- Correct.

The permit was restricted to through air ways?-- Originally the permit was. I have a copy of that one.

Are you sure when you say has since allowed them to go into dead ends to work and that there was a permit issued to that effect by the Minister?-- I did not get a copy of that permit but I have been told by the underground Manager here that it is a fact.

Did the underground manager show you his instruction from the Minister?-- No.

THE PRESIDENT: Did you ask him to show it?-- Yes.

Did he refuse?-- He got a few files and threw them about the office, tore his hair and talked his way out of it. It was while Mr. Fumphries was here.

Did you get a copy of the permit from the Mines Department?-- No, I have not got one yet.

Have you written for one?-- No. I was so disgusted about the whole set up that I did not worry about it.

So you have not verified whether they are allowed to use them or not?-- No, it is only what I have been told here. The ventilation officer, Mr. Lloyd, did not say anything about it. HUNTER IN.

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inspector said in his report that they were not poisonous. I naturally thought they were poisonous gasses, and when I got that report to say they were not I was satisfied that they were not injurious.

In other words your attitude is that whilst they are still objectionable it is not a matter of actual injury to anyone?-- Not according to the report I got.

CROSS-EXAMINED MR. CROSS:

You knew that Mr. Adams, an Inspector of mines inspected the mine and reported favourably on the diesels?-- No I did not.

You say you did know Mr. Lloyd the Ventilation Inspector had reported favourably on them?-- After 12 months.

Yet despite reports from experts you are raising strong objection to it?-- Yes.

Are you frequently at variance with the experts?-- I worked from the general working man's point of view, and at that particular time as I have already explained I thought they were poisonous and injurious. They are very objectionable y-t.

THE PRESIDENT: Worse now than before?-- Yes.

Were they worse when Mr. Lloyd inspected them 12 months after you first inspected them?-- They were pretty bad.

They have got bad over the last 2 years?-- One collapsed altogether the other day.

It is the fuses you object to. Have they been getting worse over the last 2 years?-- Not when they are overhauled.

There is a bit of up and down about them?-- Yes definitely. Sometimes they are not so bad, but when they collapse they get very bad. There were two coupled together and when they start up you get the result of two instead of one which I had not seen before, and that was plenty for me.

MR. CROSS: Have you any idea why the Mines Department may have ignored your reports for 12 months?-- Only that the regulations inspector was so busy that he could not make the visit.

Was it not because they had some knowledge of diesels and knew that they would not be injurious underground?-- At that particular time they did not know.

Are they in the habit of ignoring your reports?-- No.

Do you always give the Company a copy of your reports?-- Yes.

Always?-- The Hittencoon Company?

Yes?-- There is the record book and I write everything in the record book and that is in the Mine office.

We were in the No. 2 main yesterday?-- Yes.

The No. 3 main would be the furthest in?-- When you start to talk mains in this mine it is so complicated and different to other mines that it is a job for me to watch up.

The furthest place in the mine would be 100ft. further in than yesterday?-- I should say that it would be considerably more than that.

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If the plan shows that it is only 100 ft. would you disagree with it?— I was going on the time it took us to go in and around. Personally I certainly think that the longest would be about 300 ft, though it may be 600 ft. by the same rule because when your back is bent you are walking quicker.

THE PRESIDENT: Mr. Hunter does not really know how far we went.

MR. CROSS: I should think that he would know the difference between 100 ft. and 600 ft.

THE WITNESS: This is such a complicated turn out.

MR. CROSS: I think I would?— When you are continuously in for hours and in one cross cut and out another you do not bother.

You know your way around the mine?— No I don't, I have to have a guide to take me through.

MR. CROSS: We will show the Court anywhere in the mine that Mr. Oliver wants to take us.

MR. McKENNA: Do you wish to connect Mr. Hunter's evidence up with any claim in the award.

MR. OLIVER: It covers the claim of disability in working in such a mine as the Wittenoom Gorge asbestos mines.

MR. McKENNA: Which section are you claiming under?

MR. OLIVER: The disability experienced here in respect of district allowances. That is what it is all meant to compensate them for.

MR. McKENNA: Taking the district allowance claim it is 30/- for a single man but you are claiming £2. 0. 0. for a married man, is that not 10/- on account of his family?

MR. OLIVER: You must remember this.....

MR. McKENNA: The family do not go down the mine.

MR. OLIVER: Our claim is offset by a claim for a district allowance of 15/- per week all round. We have to keep in mind the claim of the other side.

MR. CROSS: What about the surface worker?

THE PRESIDENT: In what way do the surface workers and other workers generally in the district compare with underground workers?

MR. OLIVER: You have raised the question that I was not going to ask, but I will ask now.

MR. OLIVER: How do conditions in the Wittenoom Gorge in the mill compare with the marble bar and coast when they were in operation?— This dry milling is different to anything in Western Australia that comes under my jurisdiction. In the Gold Mines it is all wet milling.

Is there is a greater disability in this mill than in the Coast mine?— Yes.

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What is the disability?— The dust. You do not get that in the Gold Mines because everything is wet. The dust here is terrific.

You think that men working continuously at the Coast mine would live longer than a man working continuously at this mine?— Definitely.

THE PRESIDENT: How is Mr. Hunter qualified to answer that.

THE PRESIDENT: Are you a medical man?— No, but I have quite a lot to do with the doctor taking tests here and where I live. Mr. S. who was at the Yampire Gorge had a laboratory there and he did all sorts of tests with the blue asbestos fibre and he is feeling the effects of the asbestos dust by experiment. And Mr. Foxall.....

MR. CROSS: I object. This is hearsay. Call Mr. Foxall.

THE PRESIDENT: I think we are getting a little off the track there. Let us take it a step further. How does the question of underground or mill working enter into the district allowance as against the carpenters working in the town site.

MR. OLIVER: There they have got sufficient men.

MR. CROSS: What about truck drivers.

MR. OLIVER: I am probably a little behind and should have covered the whole of the North West.

THE PRESIDENT: The whole question has arisen this way. Mr. McKenna asked you to what particular claim this evidence related, and you said to the district allowance.

MR. OLIVER: The whole claim generally, but I should say that there are disabilities associated with mining at the Wittenoom Gorge that would not be experienced in the Gold Mining Industry or for that matter in any other metalliferous mining industry that I know of. I say there are disabilities peculiar to this particular industry. I agree very readily that we have been perhaps a little timid on the question of district allowances.

THE PRESIDENT: But on whatever basis you put the district allowance it must be an allowance payable to all persons commonly throughout the district whereas the evidence that Mr. Hunter has given is in respect to a disability attached to a certain class of work. In other words a housemaid at the hotel does not suffer from the same disability that Mr. Hunter is talking about, and it occurs to me that it would be more logical to refer this disability to a particular margin than to the people working.

MR. OLIVER: Perhaps my answer to Mr. McKenna was a little unfortunate.

MR. DAVIES: You related it to the claim in general.

MR. OLIVER: It would cover the claim generally. It would cover the claim for hours. I should say that the question of disability should be related to the claim generally. We have not given sufficient attention to removing this disability and perhaps we are to blame for that.

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MR. CROSS: I do not think this is relevant because you cannot buy a man into danger, and if this is dangerous to workers it should be corrected and we should not give a man more money to work under unhealthy conditions. Under no circumstances would I say that this evidence is relevant to anything in the claim. I have no further questions.

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(The Witness withdrew).

MR. OLIVER: There are several matters that came out of the evidence given by Mr. Hunter that in my opinion require correction. I do not know whether I can make a statement from where I am, or whether to take the oath, but I do want to make a statement and I am prepared to make it on oath.

THE PRESIDENT: Something said by your own witness.

MR. OLIVER: No.

MR. CROSS: I may agree if I know what it is.

MR. OLIVER: It is about the diesel locos. I have had a lot of complaints about them from people here and I am happy to know that Mr. Goodhurst is putting in electric locos.

I want to say this on the question of Mr. Adams, the District Inspector of Mines for this district that he was very careful of how these locomotives were to be introduced into the mining industry, and he denies any knowledge of recommending the use of diesel locos for Wittenoom Gorge.

THE PRESIDENT: Is Mr. Adams located in Perth?

MR. OLIVER: His office is at Cue.

THE PRESIDENT: Does he go down to Perth very much?

MR. OLIVER: I could not say.

THE PRESIDENT: This is evidence on which you really want to call Mr. Adams.

MR. OLIVER: That is why I want to make a statement on oath.

THE PRESIDENT: What Mr. Adams tells you out of Court does not help us.

MR. OLIVER: No.

MR. CROSS: Would it help if we produced the reports later on. We could do that.

MR. OLIVER: I am not concerned with Mr. Lloyd, but I do question Mr. Adams because he was very careful as to how they were introduced because he knew that the Union was opposed to the use underground.

THE PRESIDENT: Did he say he had any knowledge of the use of them?

MR. OLIVER: He denied any knowledge of how they came to be introduced at Wittenoom Gorge. He did not consent on their uses underground but he did deny that he had played any part in their introduction.

MR. HUNTER: X.

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THE PRESIDENT: Then was this?

MR. OLIVER: It followed a visit of mine to Wittenoom Gorge some 14 or 15 months ago.

THE PRESIDENT: Can you clear this up for us in Perth?

MR. OLIVER: According to my instructions Mr. Adams was on the question of those diesels.

MR. CORSON: I am instructed that Mr. Adams inspected them about the middle of last year and raised no objection to their use.

THE PRESIDENT: Had he inspected them previously?

MR. CORSON: Yes, and I understand that it was his report that the Minister gave the permits through Mr. Foxall. However we will produce the whole set up as to how they were permitted.

THE PRESIDENT: What do you say Mr. Adams said?

MR. OLIVER: I am saying this that on my enquiring of Mr. Adams how this system was introduced to Wittenoom Gorge - and I made this statement to him; I said "It must have been at your recommendation that they were introduced there". Now he denied all knowledge of making any statement that diesel locos should be used at Wittenoom Gorge. He said they were not introduced on his recommendation.

MR. MCKENNA: Would he or your be confused with the original introduction, but since then he has been inspecting them on several occasions.

MR. OLIVER: I want to be careful about that. These locos have been used at Wittenoom Gorge for some years and when I questioned Mr. Adams about their initial introduction - I am well aware that he inspected the mine on several occasions since and might not have protested at all, though we as a Union conditionally protested -

THE PRESIDENT: When were these diesel locos first used? Was it prior to the present company taking over.

MR. OLIVER: No, the present company are the only ones who have introduced large mining machinery.

THE PRESIDENT: Prior to using the diesel locos they would have to obtain permission from the Mines Department.

MR. OLIVER: They had to obtain permission to use them in the initial stages from the Mines Department.

THE PRESIDENT: So they obtained permission previously?

MR. CORSON: The permit was signed by Mr. Panton who was the Minister and the whole matter was fully discussed with Mr. Foxall at the time. Since then had they been objectionable or dangerous it was Mr. Adams' job to condemn them and he has approved apparently on every occasion because he has never condemned them.

MR. MCKENNA: I gather from the evidence of Mr. Hunter that about 2 years ago he condemned them and said that they should not be used; and then Mr. Corson came - examined him and he said that subsequent to that Inspector Adams inspected, or was it Mr. Lloyd, and they both reported favourably.

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MR. OLIVER: I think Mr. Munkex might have used his words a bit loosely, when he said they reported favourably.

MR. CROSBY: Mr. Lloyd definitely reported favourably, and Mr. Adams did not report unfavourably. He did not condemn them.

MR. OLIVER: I am suggesting to the Court that if there was a permit issued by the governing council on the recommendation of someone I suppose these gentlemen would not like to report adversely.

THE PRESIDENT: That is their job.

MR. OLIVER: Of course it is.

THE PRESIDENT: If they are going to say that because a permit was issued several years ago they are not going to report unfavourably they are not carrying out their job.

MR. OLIVER: I do not think they are carrying out their job.

MR. DAVIES: That raises another point. You have as a long experience in mines.

MR. OLIVER: Yes.

MR. DAVIES: If a workman's inspector condemns some practice at a mine and recommends that that practice be discontinued does it automatically follow that the head of the department will recommend it to the Ministry that his approval be given to its discontinuance.

MR. OLIVER: No.

MR. DAVIES: Mr. Adams is not a workman's inspector, but an inspector of mines and if he made a recommendation to the head of the Mines Department that a certain practice should be discontinued, does it necessarily follow that the department would recommend that the approval of the Minister be given to its discontinuance.

MR. OLIVER: No, not necessarily as it would still be at the discretion of the Minister subject to the advice of the State Mining Engineer.

MR. DAVIES: Could this situation arise that the mines inspector and workman's inspector could make a report yet despite that report the Chief Mining Engineer could make a report recommending something entirely different to the Minister and the Minister would approve?

MR. OLIVER: Exactly, that is what could happen. The statement I make is this that Mr. Adams as District Inspector of mines is the proper person to make any recommendation in connection with the working of the mines up here because he is continually inspecting them and knows all the workings on; and I say that it is wrong of the department to go over his head and recommend anything that he has not approved of. It follows that having recommended it and allowed the thing to be put into operation I think Mr. Adams would be very adverse about doing anything about that. After all he is only a Departmental Officer.

THE PRESIDENT: Did you say that you understood the company was going to approach them with electric locos.

MR. OLIVER: Mr. Goodhurst sent me into boundless joy yesterday by saying that he was introducing electric locos, and if that is

brought about it will clarify the whole position.

MR. CROSS: As far as the company is concerned the diesels will not be replaced but the new locomotives will be electric.

THE PRESIDENT: Are they obtainable these days?

MR. CROSS: They have been on order now for several months.

MR. DAVIES: Is their use contingent on the completion of the new power house?

MR. CROSS: No. There is one other point that I would like to make, and that is that it is not possible for the Mines Department inspector to get around to every mine as soon as they going to put in new equipment and authorise it to the mines department. The Union are informed about it and then if anything is wrong with it the Mines Inspector can condemn it. He can stop the whole mine immediately, or any equipment immediately if he thinks there is anything wrong or dangerous about it. On the other hand he may merely advise the company to discontinue its use as soon as possible. I do not agree with Mr. Oliver's suggestion that because a thing has been approved down in Perth by the Minister that the inspector would be frightened to condemn it.

THE PRESIDENT: That was only conjecture on Mr. Oliver's part.

MR. CROSS: Yes, they stopped the whole mill at times.

MR. DAVIES: Perhaps it is not so material now but I think you know, as many other people know that it has always been charged against the Mines Department of Western Australia that whilst they are experts in Gold Mining they are not experts in any other form of mining carried on in Western Australia.

MR. CROSS: No I do not know that, and as far as the Mines Department is concerned this seems to have developed into in a royal commission on the Mines Department and we will find out all the matters we can.

ALEXANDER McARTHUR COOPER, Born.

EXAMINED MR. OLIVER:

What is your occupation?— Mess hand and cook.

How long have you been employed as a cook and general mess hand?— I came back on the 15th. March last year. I was here from May to December.

I want you to tell His Honour what your conditions of employment are, the hours you worked and the rates you are paid?— At the present time I average 11½ hours per day for £8. 0. 0. per week and keep.

What do you value the keep at?— I do not know at the present time, but 2 years ago it was rated at £1. 6. 6d. per week.

Food is 75/-?— Yes, but there is a rate applicable to Mess Hands but whatever it may be here I do not know.

THE PRESIDENT: These 11½ hours per day can you give me any idea how they would be worked, for instance from when to when?— From a quarter to five to a quarter to two.

There is no break during the morning at all?— Only to run down the yards. Then I work from 3 to 6 or it may be 4 to 6.30.

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on it at the present time, I can only quote what it was rated
at 2 years ago.

Of course the basic wage has gone up 41 in 2 years?— I am well
aware of that.

It looks at the moment as if you job along during the winter day
and have no regular fixed times?— It is no joggling along at
all, it is all flat out.

(The Witness withdrew)

MR. CROSS: I am instructed that the mess hall is not
employed by the company, and that in fact a contract catering
company has guaranteed the mess at the moment and therefore the
wages are being paid by the company on behalf of the contract, but
if it will suit Mr. Oliver we are prepared to make an agreement
with him on behalf of the caterer.

THE PRESIDENT: Are you instructed to act for the caterer.

MR. CROSS: I am informed that it would be quite all right.
Under those circumstances I think that as the company is not
the actual employer they could not come into this award, but we
are quite prepared to enter into an agreement to cover them. That
is the practice in other places.

THE PRESIDENT: From that point of view it is certainly clear
that if the caterer is the employer of these people then they
cannot be included in this particular award which binds only
the company, but there should be no difficulty in arriving at
an industrial agreement on which one may call the usual basis
so far as Mr. Cropper and his fellow workers over there are
concerned. I would suggest that you and Mr. Cross get together
and try and finalize the terms of an agreement with the usual
right to refer to us if you cannot agree on anything.

MR. OLIVER: We are quite prepared to negotiate an agreement
with Mr. Cross, but we want to be clearly understood is that
this catering house, and even an hotel are associated with the
industry of producing asbestos at Wittenoom Gorge, and we were
aware that the conditions of employment in so the catering
industry are entirely different to the conditions in producing
asbestos. I do not think it would be wise to have it in the
asbestos award itself, but what we do want to make quite clear is
that we associate the industry of catering at Wittenoom Gorge
with the industry of producing asbestos. In fact we say it
is part of the industry, and we feel that we should endeavour to
get some industrial coverage so as to ensure that these workers
are properly treated.

THE PRESIDENT: I take it your constitution is broad enough to
cover these workers.

MR. OLIVER: I think our constitution is wide enough to cover
anything.

MR. CROSS: We have examined that in other places and we agree that
this catering is part of the industry.

THE PRESIDENT: The only objection that could be raised would be
by another Union, and until some other Union steps in and tries
to run them you are prepared to cover them.

MR. OLIVER: I do not want to close my case at this stage in case
I would like to call some further evidence in Perth.

and the same shall have the same effect as if it were a judgment of the court.

MR. BYRON: No, Mr. Oliver has dealt with the whole claim.

MR. WESTFALL: The same applies to my Union.

CASE ADJUDICATED TO PERITH TO A DATE
TO BE FIXED.

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