

IN THE COURT OF ARBITRATION
OF WESTERN AUSTRALIA

NO. 5/48

B E T W E E N:

AUSTRALIAN WORKERS' UNION, WESTRALIAN
BRANCH, INDUSTRIAL UNION OF WORKERS.

Applicants.

- and -

CONSERVATOR OF FORESTS OF WESTERN AUSTRALIA

Respondents.

REFERENCE OF INDUSTRIAL DISPUTE

WEDNESDAY, 14th DECEMBER, 1949

BEFORE: S.E. SCHNAARS Esq. (Conciliation Commissioner)

MR. J. WALSH appeared for the applicant.

MR. A.B. STANNARD appeared for the respondent.

MR. WALSH: This application is an award between the Australian Workers Union and the Conservator of Forests, and after a series of conferences we have reached a stage where there are only several what we term contentious matters to be considered.

Everything else has been agreed to. We maintain that matters in dispute are very vital to the men in the industry. There is one thing before proceeding I would like to clear up relating to our claim: I hope it is obvious to the Court that the tower men are involved in overtime. I do not think that will be disputed. It is not very clear in the issues.

MR. STANNARD: They are in the wages schedule.

THE COMMISSIONER: There is also a special clause.

MR. STANNARD: That is in our answers.

THE COMMISSIONER: In effect if your answer is agreed to the amount in the wages clause will go out.

MR. STANNARD: Yes.

THE COMMISSIONER: If on the other hand the amount in the wages

clause goes in, then the other clause would go out.

MR. WALSH: We maintain the people are to be brought into the same category as every other person on the job regarding hours.

THE COMMISSIONER: We will leave that until we come to that point in the issues.

MR. WALSH: In regard to these particular people all we say is that they are the only people we definitely agree can work outside of the 5 day week. Every other employee in the industry we are claiming a 5 day week for.

With reference to the hours we are claiming a 5 day week for all persons in the industry with the exception of the men on the towers. As you know at/present time a 5 day week is worked from April to November. the

THE COMMISSIONER: Now you do not exclude them from your claim. Your claim is for a straight out 40 hour week.

MR. WALSH: That is right.

THE COMMISSIONER: To be worked in 5 days. Where in your claim do you exclude the tower men?

MR. WALSH: With regard to the tower men we agree that it is impossible for them to work the 5 day week.

THE COMMISSIONER: Then we will have to add to this "excluding tower men".

MR. WALSH: Yes. What we are claiming in the tower men's case is overtime for all hours over 40, but we do agree that the tower men must work a 7 day week.

As I said previously the 5 day week at the present time is worked between April and November, with the approval of both parties. I would just like to say in qualification of that that it is not always particularly carried out, but is rather vague in its application. The position is that it is with the approval of both parties, and in this particular matter we do approve, but we have made the discovery that with the fluctuations in the weather it is not always carried out by the Forestry Department. In saying that I might state that in the event of the weather, for argument's sake, being a bit on the dry side, well the men can be called on, we have instances where they have been called on earlier in November, and on the other end of the stretch, where they have been worked a later period of 5½ days when they should be commencing the 5 days.

THE COMMISSIONER: I do not suppose that it would ever apply down in the Manjimup area, I should think it would mainly be about Dwellingup.

MR. WALSH: I could not say. We have isolated cases but I could not be accurate as to the particular districts where they applied. But what we would like is, if such a thing came about, with a clause of this particular sort included in the award in future, something more specific as to whether those particular periods were to be rigidly complied with or remain elastic in their operation as they are now.

The Department as you know, requires a 5½ day week, during the control burning season. The chief reason, so far as we can gather is that they require the men to patrol the fire on Saturday morning. The men have stated very emphatically without exception that the average fire in control burning can be definitely tied up on Friday night. I have questioned men in the various localities on this particular aspect and they tell me

that provided they know that that is the terminating day of the week they can definitely tie that particular fire up on the Friday night. Therefore under those circumstances it is quite obvious that they would not be required on Saturday morning, as actually speaking what happens at the present time in relation to this, is that possibly there is a report from the tower man in relation to the state of the fire. He would notify headquarters that there was no occasion for the men to go out on the Saturday morning and we have discovered that they are generally occupied around headquarters and other adjacent places doing various odd jobs.

The 5 day week is worked in the Forestry Departments of S.A., Victoria, Queensland and Tasmania.

THE COMMISSIONER: Have you got those references?

MR. WALSH: I have the necessary awards which I was going to hand in later.

MR. STANNARD: I would like to know the references at this stage.

THE COMMISSIONER: Will you quote the references at this stage without handing in the awards. Is that a 5 day week all the year round?

MR. WALSH: Yes.

In the case of the Vic. and Tasmanian awards the reference is No. 463/48.

THE COMMISSIONER: Is that a Wages Board determination or a decision of the Commonwealth Court?

MR. WALSH: As far as I can gather it is a decision of the Commonwealth Court.

THE COMMISSIONER: This is a copy printed by the A.W.U.

MR. WALSH: In that respect I regret that I could not get certified copies or extracts from the gazettes of those two awards.

MR. STANNARD: I could help you here. That is slip No. A151.

MR. WALSH: The next one is the N.S.W. award contained in N.S.W.I.G. of 28th Feb. 1947, vol. 84.

The Queensland award is contained in Queensland Govt. Gazette 12th Nov. 1945, with all amendments up to date.

The S.A. award is contained in S.A.G.O. pages 304 to 307 of 3 Feb. 1949.

The 5 day week is worked the whole year round in the Forestry Departments of those States and we maintain there is no legitimate reason why a 5 day week cannot be worked in the identical industry in W.A. After 24 Dec., what is known in the Forestry area as the closed season, there is no control burning, therefore it should be obvious to everyone that on Saturday morning there would definitely be no fire to patrol.

THE COMMISSIONER: Is that a fact? Is it not true during that season they do have fires in that area?

MR. WALSH: The only fires that break out would be those caused by accident. I am pointing out the difference between the fires caused by accident and those purposely lit under control burning. It is clear that fires caused by accident are no respectors of

days.

THE COMMISSIONER: You claim there are less fires in the Forests areas during the closed season from 24 Dec.

MR. WALSH: That is correct. Prior to that on all suitable days control burning is done regularly. The only days when control burning is refrained, are those when the hazards are not very favourable. Every other day up to 24 Dec. when favourable, controlled burning is carried out. After that date there are specific instructions given regarding the lighting of fires.

We say that in relation to the instructions given to the men as to why they are required on Saturday mornings, they do not ring quite true. We make the discovery in respect of those men required on Saturday mornings to patrol fires, and very often there are no fires to patrol, that they are purposely retained in the vicinity of the forestry areas so as to be handy in the event of a fire breaking out, that is a fire caused by the usual procedure of controlled burning.

On Saturday mornings if these men were notified the previous night, on Friday night, that they are to stand by for the weekend, they would be available for fires lit any where on Saturday morning. On the other hand, for the sake of argument, if these men are not notified we maintain they are to be at liberty to go where they like. We claim the object of the Forestry Department of retaining the men on Saturday mornings is to keep them there until lunch time Saturday. So that by the time they get home, have their meal, and get washed and cleaned, the weekend would have been broken into. It is obvious it would be useless to go anywhere during the weekend.

The main reason which the men maintain is that they are retained for the Saturday morning definitely not to patrol fires. I pointed out that all States work a five day week and I see no reason why this State cannot follow the same practice. With regard to that item I will be calling evidence.

The next item is one that is a very contentious matter, and that is the overtime rate to be paid for fire fighting. I would like to mention that prior to 1940 the rate for this class of work was controlled by the Bush Fires Act and the allocating of the overtime was outside of the jurisdiction of the Arbitration Court, but the Act was amended to allow the overtime rate to come within the scope of the award. For the past number of years the fire fighting rate has very definitely been a bug bear of the men in this particular department. The men maintain that there is plenty of skill, the disability is great, and that the pay for this particular class of work is very far from adequate. They are required to work at high pressure sometimes, for days on end, and very often during that particular period they have very little to eat. As you know in a bush fire, or the average fire, they carry water containers on their back which definitely add to the disability. They have to fell dry trees and green trees with dry limbs burning. This in itself is particularly hazardous. There is all sorts of danger to their clothes and boots in regard to the falling of pieces of bark and timber, and I have discovered boots which after a fire have been practically useless. This together with the heat and smoke makes the job particularly unpleasant.

THE COMMISSIONER: You know your claim on just a brief examination as I have made is not as good as the existing award provisions in respect to certain matters. You take your claim, you are claiming time and a half for the first 4 hours overtime and double time thereafter, but under clause (a) of the existing award, if a worker worked 4 hours overtime and only 4 hours overtime and it happened to be after 5 p.m. on Saturday he would get double time.

MR. WALSH: Not for fire fighting.

THE COMMISSIONER: So far as sub clause (a) of the existing award is concerned you are in agreement there.

MR. WALSH: Definitely for ordinary overtime but not the rate paid for fire fighting, fire fighting is excluded from the particular clause.

THE COMMISSIONER: The ordinary overtime clause.

MR. WALSH: We are quite in agreement.

THE COMMISSIONER: You are claiming time and a half for the first 4 hours and double time thereafter, that is the end of it, but the existing award provides that if a worker worked overtime on Saturday and he is called out after 5 p.m. he receives double time for that first 4 hours. That is under the 2nd paragraph of the existing clause, but under your proposal he only receives time and a half.

MR. WALSH: I agree that the claim would penalise that particular man on Saturday when he is working on any duty apart from fire fighting.

THE COMMISSIONER: Probably our disagreement is mainly with sub clause (b) not with the existing clause (a).

MR. WALSH: Yes, that is correct. That actually speaking should exclude sub clause (a) of clause 25.

MR. STANNARD: He wants to pick the eyes out of our offer and leave the rest.

THE COMMISSIONER: You have already offered that.

MR. WALSH: Yes, that is a fact. Actually speaking it does apply commencing from sub clause (b).

As I said previously we maintain that the rate paid for this particular class of work is definitely much too low. There is another very bad aspect we discover in relation to the men fighting fires, and that is where it states that the Forestry Dept. want to make a slight variation in the present clause on standing men down after 12 hours, and the whole position is in relation to that, that to add insult to injury they want to stand them down without pay. The previous award, you will notice, excluded that particular aspect.

MR. STANNARD: I object, it did not. That is already in the existing award.

MR. WALSH: Some very specific words have been added to the new clause.

MR. STANNARD: Because we have given you weekly hiring.

MR. WALSH: I am talking about this particular clause where certain words have been added that makes it very specific that the men shall not receive pay when stood down after 12 hours, but there is nothing specific in the previous clause. The clause as now drafted reads "such worker may be stood down without pay until after the midday meal on the following day". The existing clause read "such worker shall not be required to work until after the midday meal on the following day". There was no mention at all of the men being stood down without pay. One is very specific and the other is not, and we claim that if these

men are stood down after 12 hours they should not be stood down without pay.

THE COMMISSIONER: But if under the existing award he was not required to work until after the midday meal on the following day he would still not get that pay, because under the existing provision it is a daily contract of service.

MR. WALSH: NO.

MR. STANNARD: There is a weekly contract but we may deduct for any time not worked. It was a queer sort of contract of service and although it gave a provision for a weekly contract, there was a provision where they could be deducted if they were not required to work. It meant the same thing.

MR. WALSH: There is nothing specific about that. There is nothing specified in relation to the man being deducted.

THE COMMISSIONER: Just to clear up that point, Mr. Stannard says there is, so can you quote the particular section, Mr. Stannard.

MR. STANNARD: In Clause 44, sub clause (c) of the existing award it species:--

"If for any reason whatever during any portion of the working hours of any week no work is available or performed the worker will be entitled to pay for the time actually worked at the rate of pay prescribedduring the week."

So if they are stood down and work is not performed we do not have to pay but we were required to give a week's notice of termination of service.

MR. WALSH: We say that that should definitely not be the case. We notice that in the Victorian and Tasmanian awards, provision is made that when men are stood down under similar circumstances they are paid for that particular period. I would like to quote the clause in relation to it, it is clause 26 - "

"Rest period after performing overtime duty; when overtime work is necessary it shall whenever reasonably practicable, be so arranged that employees have at least 8 consecutive hours off duty between the work of consecutive days. An employee other than a casual employee who works so much overtime between the termination of his ordinary work on one day and the commencement of his ordinary work on the next day that he has not at least 8 consecutive hours off duty between those times, shall, subject to this clause, be released after completion of such overtime until he has had 8 consecutive hours off duty without loss of pay for ordinary working time occurring during such absence."

I think that is very definite. That is a clause in a similar industry in 2 other States. We contend that these men if they are stood down after what amounts to possibly the most hectic part of the work in this industry, the fighting of fires, without pay, it means that the pay they received for the fire fighting is practically nullified. In actual fact, that is what it means, and I suggest some safeguard in relation to the men under those particular circumstances should be inserted in the award in this particular state.

Now we come to overtime in relation to overseers. In the other Govt. awards in this particular State that cover the majority of gangers, foremen, in that particular status

working for the govt. a limit is put on the time that these particular men can work without receiving overtime, and we state that that particular thing should apply in this instance. We state that overseers, and men equivalent to gangers or foremen or whatever you like to call them, that the time allocated for overtime to be worked gratis should be brought within the scope of the other award and that is 20 minutes each day. We say that it is wrong for these men to be working unlimited. There is too much scope for this. We discovered that the clause under the present set up allows for these men to be worked unlimited and no overtime paid.

MR. STANNARD: Have you any evidence in the industry?

MR. WALLACE: Probably we will get evidence, yes.

THE COMMISSIONER: How do you mean they work unlimited hours. Point out in the clause where they could be worked unlimited overtime without payment. It is page 2 subclause 2 ..

MR. STANNARD: I presume you are referring to subclause (e) of the existing award.

MR. WALSH: Yes, that is exactly what I am referring to (reads subclause (e)).

(CONTINUED ON PAGE 8)

MR. WALSH: The trouble is that no specified time is put on that. These men could start at 6.30 or 7 and they would be duties outside their ordinary starting time.

We discovered when this time was applied for in the other award, that gangers and foremen working on public works, and main roads on Saturdays and Sundays, because they were gangers and foremen, the whole of the overtime was included in their margin.

THE COMMISSIONER: It did apply to gangers generally.

MR. WALSH: Yes. That has been altered to 20 minutes each day.

THE COMMISSIONER: When was that altered?

MR. WALSH: 1st July, 1948.

MR. STANNARD: We have exactly the same clause in the Forestry award.

MR. WALSH: Clause (d) is nothing like it.

THE COMMISSIONER: Does that apply to overseers when they are on fire service?

MR. WALSH: No.

THE COMMISSIONER: Then they are paid at overtime?

MR. WALSH: For the purpose of fire fighting, the overseers become ordinary members of the gang. They only receive the same rate as any member of the gang. This in fact applies to overseers when they are starting and finishing the men each day on ordinary duties.

THE COMMISSIONER: As we go along will you quote the clause you are dealing with so that it can be easily picked up in the transcript. Referring back to clause (b) (1) on page 2, will you outline briefly why you do not want this clause to be retained on the award.

MR. WALSH: Our argument also applies there, the same as in the clause relating to fire fighting after ordinary working hours. We maintain that class of work becomes within the category of fire fighting, when it is outside ordinary working hours.

THE COMMISSIONER: That only refers to the recognised working hours, not to hours outside.

MR. WALSH: We have no quarrel there. When this work is done within the ordinary working hours we are emphatic that those men should be entitled to the margin for that class of work.

THE COMMISSIONER: Read it carefully and don't rush into it. As I understand it this clause is in dispute. You do not want it to go into the Award. On the other hand, Mr. Stannard says the department want it to be retained in the award. You have suggested to me you are not in disagreement with that. Can I take it that you agree it should go back into the award.

MR. WALSH: That is alright.

THE COMMISSIONER: We can mark clause (b) (1) as agreed to. What is the main difference between you in regard to (b) (2)? I have already marked the bottom portion where you mention about the worker not being required to work until after the midday meal on the following day, and the department's answer. With

the balance, what is your objection.

MR. WALSH: We maintain that men engaged on that class of work outside of ordinary working hours should be paid overtime rates at the rate of time and a half for the first 4 hours, double time thereafter.

THE COMMISSIONER: You agree with the existing clause with the exception of the last 2 lines, provided that the overtime rate is altered from time and a quarter to time and a half for first 4 hours, and double time thereafter.

MR. WALSH: That is right.

THE COMMISSIONER: What about subclause (c)

MR. WALSH: That is the same as the other clauses in dispute. It is most contentious. When these men are stood by on weekends for attention, they are paid 8/- per day.

THE COMMISSIONER: When was this rate of 8/- per day first fixed?

MR. WALSH: To my knowledge it has been paid for the last 6 years.

THE COMMISSIONER: When was the first occasion that a rate was introduced for the standby?

MR. WALSH: That was the occasion. One of the chief arguments to the rates is that the men have not always been notified before knocking off that they would be required to stand by for the weekend. I find that these men have in the past made preparations to go to adjoining towns for cricket matches, fishing and other social activities, and then they are notified by the officer in charge or forester that they cannot go because he has decided to stand them by.

THE COMMISSIONER: When were they then notified?

MR. WALSH: On the spot when they were leaving.

THE COMMISSIONER: Were they notified on the Saturday morning.

MR. WALSH: They are not notified at all. They take the risk of not notifying the men in the hope that being an isolated area the men would not go away, and naturally would then be there without notification.

THE COMMISSIONER: When do you say they should be notified?

MR. WALSH: On the Friday night if they are to be stood by, and if not notified by then they can make preparations to go where they like.

We say it is grossly unfair for these men to be waylaid without notification on the Friday night on knocking off. We claim that if these men are stood by after being notified, from that time onwards they are within the employ of the department and should receive the ordinary rate applicable to the job.

I would like to clear up this particular point. It says these rates are paid for half a day or a day. We would like to know the definition of a day.

THE COMMISSIONER: There have been many decisions on that.

MR. WALSH: To use it is very clear.

MR. STANNARD: That does not apply in this case. Our offer is by the hour with a maximum of 16s. Does a day come into it?

MR. WALSH: That is our aspect. We are not in accordance with it at all. Very often the local forester maintains that a day instead of finishing at 4 o'clock after a man starts at 8 o'clock terminates at 6 o'clock for the purpose of detention. I maintain whether it is detention or not the stereotyped day should be rigidly carried out.

THE COMMISSIONER: That department has doubled the existing rates in their offer.

MR. WALSH: There is a string attached to it. We say these men should be stood by for the whole weekend or nothing at all. What could happen at present is that men could be brought back to stand by for Saturday afternoon and Sunday morning, or part of the weekend. In the event of deterioration of weather are these men to be inconvenienced to the extent of being paid and working for a couple of hours in a weekend, when under ordinary circumstances they could have gone elsewhere. That is an important point. We claim these men should be stood by on Friday evening for the whole weekend, but not for a part of it. Ours is a reasonable request. These men live in very remote localities and it is a pleasure for them to get away periodically for a weekend. If they are to be hamstrung like this where they are stood by for portions of the weekend, we say it is unjust.

These are the centres I refer to. They are isolated places from where the men would like to go to other major towns for recreation or fishing:-

Myalup, Tallanalla, Hoffman, Willowdale, Worsley, Lyell's Mill, Wellington, East Kirup, Yornup, Glenoran, Yarmah, Nyamup.

THE COMMISSIONER: I doubt if many people living in those places go away for week ends?

MR. WALSH: The position is that if they wished to and had conveyance they would relish the chance.

THE COMMISSIONER: I doubt if they do.

MR. WALSH: They do go fishing in the week ends. If they are not stood by for the whole week end they should be given that opportunity. The following rates are quoted in the awards I have quoted for this service:-

Queensland week end detention rates for 8 hours Saturday and Sunday at ordinary rates. For your guidance I would like to mention it is clause 10 in that award.

Victoria - 20/- per day with a minimum of 30/- for work performed on such a day, which means if they attempted to adopt this method in W.A. Forestry Dept. they should be paid 30/- for 2 hours work.

THE COMMISSIONER: Where does the 20/- come in?

MR. WALSH: The 20/- per day is paid if they are stood by and there is no occasion to be called out to work, and no fires to fight. In the event of fighting a bush fire they get a minimum of 30/-.

The Victorian award is clause II(a)(iv).

In S.A. it is 2/11d. per hour for an 8 hour day, which is in clause 7(c).

In N.S.W. I do not see any mention. I assume ordinary rates are paid.

Tasmania, ordinary rates, clause 11(iii).

If those rates can be paid in those States I cannot see any reason for differentiation in W.A.

MR. WALSH: For the five States the average is £1/3/8 for a day. That disposes of 5(c) of the claim.

THE COMMISSIONER: I take it that (d) is alright?

MR. WALSH: Yes.

I do not think there is anything further we can say on overtime on fire fighting. The next item is the tower.

THE COMMISSIONER: Does the towerman come into the fire fighting clause?

MR. WALSH: The towerman is in the overtime clause. We are claiming ordinary rates for the towerman.

THE COMMISSIONER: Where is the mention here in the clause?

MR. WALSH: It is in the ordinary overtime clause, 4 of the claim.

THE COMMISSIONER: Where is the existing award clause?

MR. WALSH: The existing award clause in relation to towermen is 40, and 50 of the Union's claim. (reads clause).

At your recent inspection you had an insight of the tower and the duties in connection with it. The observations are visibility and wind direction; mostly attending to the telephone and taking bearings on fires. We find that there have been cases where these men have been penalised on week ends, possibly due to a change in weather. In the event of the weather being cool or wet these men would not be required on Saturday afternoon or Sunday. Seeing that these men are engaged for seven days, any curtailment of that period should be paid for.

(continued on page 11)

The periods that they go on the tower are generally early in the morning, then they come down to breakfast and return, down again for lunch and return, down again for tea and return and possibly finish in the vicinity of 7 p.m. This necessitates about 4 excursions up the tower per day and I think that in itself is a pretty tough sort of a job. I should not imagine any tower man relishing that particular job, at, say Gloucester Tower.

The duties of these particular men we consider, are most important. As you know they have an apparatus that has to be worked in conjunction with the head office or other towers in getting the direction of the fires and in the event of those men, not being particularly accurate in doing that particular work it could quite easily mean that the gang on the ground could be directed miles away from the actual location of the fire. As you know these men are camped in lots of places and I venture to say that in most cases they are in very remote localities, and it could possibly be that the only person they would see would be the storeman or the person that delivers the stores about twice weekly.

I have often heard it expressed in relation to these particular men by officers of the department that they consider these men are very definitely the ears and eyes of the dept. They work and synchronise with the men on the ground, and it is these men they definitely rely on during the very bad hazards in the summer months.

Now the rates that these men receive in the various States compare much more favourably than ours. First of all I would like to quote the margins paid for this particular class of work. In S.A. this particular person is known as a watchman. He receives a 12s. margin. In Qld. there is no margin; in Vic. he is known as a tower man or look out man and receives a margin of 21s. In N.S.W. there is no margin but ordinary overtime is paid after 40 hours. and in Tas. they are known as fire guards and are paid a margin of 21s. The average in the 3 states where a margin is paid is 18s. I would just like to mention in passing that they receive no margin at all in this state.

Now the overtime for the towermen in the various States is as follows: in S.A. they receive time and a half for all overtime (clause 7 (b)); in Qld. it is time and a half for Saturday and double time on Sunday (clause 10 (2)); in Vic. it is time and a half the first 2 hours and double time thereafter (clause 11); in Tas. it is time and a half for the first 2 hours and double time thereafter (clause 2); in N.S.W. it is time and a half the first 4 hours and double time thereafter (clause 4(i)).

With reference to the tower man the present rates paid in W.A. are £9.7.4. plus £1 camp allowance which gives a total of £10.7.4 for unlimited hours.

THE COMMISSIONER: To be quite clear on that, do they receive this every week, or is this the maximum amount they could receive.

MR. WALSH: No, it is a maximum amount. That other portion I am coming to. As I said previously these men are definitely ~~xx~~ a specific part of the men fighting fires on the ground. The men on the ground rely on these particular men and the men on the ground plus 12s. margin for fire fighting have a rate of pay including the margin of £7. 7.4 for a 40 hour week.

Now these men work approximately 9 hours each day. I am saying they work 60 hours per week each week and that in my opinion is conservative.

THE COMMISSIONER: Who work a 60 hours week?

MR. WALSH: The tower men. After 40 hours for the balance of the 20 hours at the same rate as men get when fighting fires that is time and a quarter it amounts to £4.11.7 giving a total of £11.19.0 plus £1 camping allowance or £12.19.0, that is compared with the £10.7.4 for the men at present paid on the tower.

Now you were going to mention that reference to the man that does not work 7 days. When the tower man is stood down for weekends he receives the following wages; up to midday Saturday £7.4.10. The hours he would work would be 49½ based on the assumption that he averages 9 hours per day. The basic wage for that particular period is £6.15.4, so for working an extra 9½ hours he receives the benevolent sum of 9/6.

THE COMMISSIONER: How does he receive that 9/6, where is that expressed.

MR. WALSH: That is in what he receives in the £7.4.10.

THE COMMISSIONER: How is that £7.4.10 made up?

MR. WALSH: A basic wage plus a 12s. margin. These men for that particular legitimate week work 49½ hours and only receive £7.4.10. That is all I have to say in regard to the tower men, I think myself that if there is a man who is unjustly penalised it is that particular man.

THE COMMISSIONER: That is the minimum he can receive.

MR. WALSH: Yes.

THE COMMISSIONER: If, for example there is no necessity for cool weather to go up on the tower for 4 days in any particular week he will still receive that same amount.

MR. WALSH: Not necessarily. That is for the ordinary basic wage week. It could possibly happen for 4 days but then some attempt might be made to deduct him for the days off.

THE COMMISSIONER: If a man never went on a tower on Monday Tuesday or Wednesday, but went on it Thursday and Friday and then did not go on it Saturday or Sunday he would still receive £7.4.10.

MR. WALSH: I am very sceptical about that, it is what he should receive.

MR. STANNARD: You should not be sceptical, it is a weekly hiring.

MR. WALSH: I think that could be enforced, but what I am trying to get at is that when he works a full week of an extra 9½ hours he receives an additional 9/6.

THE COMMISSIONER: I cannot see that point at all. He receives a margin 12s. plus a basic wage, which gives a total of £7.4.10 and without any hours being specified.

MR. WALSH: Well, for a man without any hours, that is for unlimited hours. The man that works a 40 hour week receives the basic wage of £6.15.4, yet one works 40 and the other works 49½ hours.

THE COMMISSIONER: Sometimes.

MR. WALSH: In this particular case they would average 9½ hr a day.

THE COMMISSIONER: That is when he goes up the tower.

MR. WALSH: I am stating that the days that he definitely works on the tower for that particular period.

THE COMMISSIONER: Have you any hours taken out or any witness who will give any indication of the actual time that these tower men do work.

MR. WALSH: I think our witness will possibly throw some further light on that.

Now moving on from there I think that has got us over the major portion of our argument though I am not going to admit that the balance is not just as important, I now come to the travelling clause where we are asking for certain concessions in regard to the truck that the men travel on during the winter months.

THE COMMISSIONER: Does this come under the clause headed the walking time.

MR. WALSH: Yes. In the summer time we realise that these particular vehicles are overloaded with gear and all sorts of fire fighting equipment, and we grant them the concession of possibly not having enough room to comply with the seating portion, but in the winter time we say there is no definite excuse. This truck in the winter time goes out with just a minimum lot of implements and the men are seated around anywhere they can possibly get on the side of the truck or on the tools, and they can easily travel a maximum of 20 miles from their headquarters or from the starting point. I think any person only wants a reasonable idea of what the Southwest is like to know what those days can be like. In the lower reaches of the south I might mention that in winter the rain there is not measured in inches it is generally measured in feet, and all we are asking for is the request which we maintain is a very reasonable one, that a cover be provided for those particular men. A cover is something that is now employed by the Main Roads and Public Works on the whole of the jobs in W.A. and is something that can be taken off and put on in 10 minutes. There are appliances on the side where a gang of men can put it on easily in 10 minutes.

THE COMMISSIONER: And would this cover fit over all of the trucks used by this department?

MR. WALSH: Yes. The truck that goes out on each particular job is not changed from day to day and their trucks, or most of them, are reasonably standard.

THE COMMISSIONER: I mean in respect to the gear that those trucks carry for the Forestry Dept.

MR. WALSH: In the winter time the gear would be standard. You will possibly hear, as I have heard, the reason why they do not want this cover on the truck is that when they get to their destination the truck is employed on various duties such as carrying gravel and stone, but I suggest it would not impair it in any way. The cover could be taken off and the truck used in its ordinary capacity. It is something that is going to make a big difference to the men that are travelling during the torrential rains that occur in these particular parts.

Regarding the seating I think it is most essential. I can definitely state that in one particular case to my way of thinking owing to the lack of seating, there was a ~~various~~ very serious accident. Going round a turn a man was thrown out on his head and apart from him being thrown out the whole of the gear went out too with the result that that man was in hospital with a very serious complaint for 5 or 6 months. If that man had been seated in a seat he could have held on going round that

turn and I venture to say that this could not have happened.

THE COMMISSIONER: You only require this during the winter months.

MR. WALSH: Yes, we are quite agreeable and happy about the position in the summer. We definitely state that the inside of those trucks are loaded to capacity in the summer time, and that nothing happens to the men in regard to being saturated as in the winter. The weather is reasonable. The idea of the cover is to protect the men from being soaked. Men going out to the job get half drenched and then they are required to work in that particular state for the balance of the day and are liable to get pneumonia and all sorts of complaints. And apart from going out and being in direct contact with the elements, we say they should be safeguarded in that state that they arrive on the job, and definitely state that it is a request that is most reasonable. It is a thing that is working very harmoniously in the Public Works and Main Roads Dept.

THE COMMISSIONER: Is that part of the award there?

MR. WALSH: Yes, the award provides for that. It has only been put in since the inception of this particular award on the 1st July. It is something that was not previously in, but the Court or Board thought fit to include that particular item in this particular award.

The next item is the starting point. Now the usual procedure on all jobs, particularly govt. jobs in the country in W.A., is that the men are assembled at one or two points. The men, right throughout the Main Roads and the Public Works, Water Supply or any other govt. job in W.A. in the country districts assemble either from headquarters before they proceed to work, or if they are camped in the bush they are assembled at the camp. We say that those particular points, those 2 particular places, should be definitely specified and that the choice of the starting point should not be left to any particular person. We discover that there is scope for these particular men to be instructed to proceed to a certain point to start, and that definitely works to the detriment of the men. It could be a point between headquarters and the job or between the camp and the job.

THE COMMISSIONER: Has that ever happened?

MR. WALSH: We have had cases but not in the Forestry Dept. but on other jobs, and that is why we want a safeguard in this one. I do not know of any specific case but I say there could be scope for it happening, and I say the general routine is what I have outlined and we maintain that those two particular places should be specified as the starting points, that is either Forestry headquarters or at the camp where the men are camped. I think everyone would be happy about that and the men would have no fear of any particular advantage being taken of them as regards where they start.

The next item is in regard to the latter position of the clause dealing with forest workers.

THE COMMISSIONER: The next clause is camping area. If you would not mind taking them in that order.

MR. WALSH: In regard to the camping allowance this is something that is most important and we consider that in the interest of the men we require the inclusion of 2 clauses that we have in our P.W.D. or construction award. Those clauses are working quite satisfactorily there and we maintain there is no reason why they should not function just as successfully in the Forestry Dept. The position in regard to the two clauses and the discrepancy is

this that we say that when a man is camping irrespective of where he is camping he should receive a camp allowance. The Forestry Dept. state that when this man is camping at Forestry headquarters in a hut that is the only time he should receive the allowance, but when he is in a tent he should not receive the allowance.

THE COMMISSIONER: No, the reverse is the position.

MR. WALSH: Yes, that is the time the Forestry Dept. state he should receive the camp allowance when he is camped at headquarters in a hut and not otherwise. There is absolutely no discrimination in the men. As I said before in the Public Works or Main Roads, anywhere where that man is camped, whether he is camped at headquarters, in the bush, or anywhere, whether in a tent or a hut he receives the camping allowance.

THE COMMISSIONER: Is not there this difference that the construction award camps erected are definitely of a temporary nature and must be shifted from time to time because of the nature of the work, whereas these camps are more or less of a permanent nature and in that case what might be regarded as the permanent home of the individual yet it could not be said of the construction award.

MR. WALSH: Under the construction award they do camp in the same place anything up to 4 or 5 years, and I should say that that was permanent enough. There is nothing to say these other headquarter locations will last any longer than that from the camping aspect. The whole thing is where these permanent camps are in big works we do camp for years, such as at places like Stirling Dam and one at Cookernup, which has been going for years and looks like lasting years longer.

THE COMMISSIONER: Huts or tents?

MR. WALSH: Tents on wooden frames. We maintain in regard to these particular things that very definitely there should not be any discrimination as to whether they are tents or huts, the man is camping. In this particular case he is camping in every sense of the word, he is batching and has to cook his own food, and we maintain that when a man has to do that in any other place, and receives a camp allowance there is no reason in the world why a man in one department, the Forestry Dept. should be penalised, or that there should be any discrimination in regard to the camp allowance. Such things as the huts on a water supply job at Mundaring are permanent, that is permanent headquarters, and they are all receiving a camp allowance, so why should not men in the Forestry receive it. I think that the present position is very anomalous. There is no discrimination in Qld., Tas., Vic., N.S.W. or any other job in W.A. and it is a definite injustice to these men to have them penalised because they are camping at Forestry headquarters.

THE COMMISSIONER: What would be the position - take Dwellingup - If the Forestry Dept. said that they were going to dispense with all the camps of the single employees employed by them and they would have to find their own board and lodgings in Dwellingup.

MR. WALSH: There is nothing to stop those particular men - if they wanted to, from still camping. In this particular clause mentioned the only alternative accommodation outside of camping, outside of private property with the aid of their own tent and utensils would be an hotel.

MR. WALSH: In that place there is no other accommodation. There may be areas where these men can be provided for in boarding houses.

THE COMMISSIONER: The worker at Dwellingup would lose by it. This says that employees who in order to be available for their work have to live in their camp. The worker at Dwellingup has not got to be living in the camp to be available for work. He can live in a hotel or boarding house. If the department took down these huts that are now provided cheaply at Dwellingup the worker would be worse.

MR. WALSH: I do not know any men camping in this centre.

THE COMMISSIONER: There were 2 or 3 huts in Dwellingup which we inspected.

MR. WALSH: The position is that if they do not wish to camp and there are boarding houses in the area, there is nothing to stop them living in a boarding house and not getting an allowance.

THE COMMISSIONER: Would they like it that way? The men at Dwellingup would prefer to have the huts cheaply as they are getting them at the present, instead of being compelled to live elsewhere.

MR. WALSH: I do not know what is the general idea of the men regarding that. There is always the disability of batching and these men do not like it.

THE COMMISSIONER: I do not know what construction has been placed in this clause in the A.W.W. award and I do not know if this would help you.

MR. WALSH: Why has no definite mention been made in the same industry in the other States? The clause in the eastern states awards is similar to the clause in our construction award. These men are unfettered. The position is if they camp irrespective of whether they get camping allowance.

THE COMMISSIONER: This clause "employees who in order to be available for their work have to live in a camp established by either employers or employees", indicates to me it would be in isolated spots where there was no other accommodation available. In those circumstances they would receive such camping allowance.

MR. WALSH: Those are not the true facts. Take the big camp at Cookernup. There are 2 or 3 boarding houses besides a hotel within a stone's throw of the job. These men are not compelled to camp at Cookernup.

THE COMMISSIONER: I would say that the Govt. is taking a very lenient view of the interpretation of this clause.

MR. WALSH: I venture to say that this has not been enforced in any way, provided the men are camping to the satisfaction of the boss. They are paid the camping allowance, there is no discrimination made. This is only one department of the Government. If it functions satisfactorily in all the others I cannot see why they should stipulate different terms for workers in the Forestry Dept.

MR. STANNARD: You say if they do not live in camps they should get the camping allowance.

MR. WALSH: I say no. It is purely optional. They are compelled to live there to qualify for the work. That is all in reference to camping.

THE COMMISSIONER: Your main difference regarding this camping allowance clause appears to be the question of living in a hut in certain centres at Forestry headquarters. How many of these headquarters are there, and how many huts?

MR. WALSH: The Dept. is establishing them anywhere, where there is a forester, assistant forester or overseer, as forest headquarters. That applies to every headquarters with few exceptions in W.A. It is not a case of a few men being penalised. It is the case of every centre in the forestry. There are places in all those remote areas and everyone would come under the band under this clause.

In places like Dwellingup where men are camping and there are all sorts of amenities outside the camp there are 60 or 70 men in remote localities.

THE COMMISSIONER: Can you name some of the places so that I may be quite clear about this?

MR. WALSH: I have already named the places, (hands list to Court).

THE COMMISSIONER: Any single man living in a hut in any of those places would be penalised.

MR. WALSH: Yes, under that clause.

I turn to the matters in dispute in the wages schedule, clause 48. The first item is number 6, Top Disposal man under supervision. The disagreement is that the Forestry Dept. will not pay him the margin when he is under supervision. In this class of work, the clearing of tops of trees to prevent burning of good timber which was demonstrated to you during the inspection, we cannot see any difference why these men should not be paid when they are under supervision.

THE COMMISSIONER: This only concerns the men without 6 months experience.

MR. WALSH: Yes. Those men who have not qualified for forest workers' margin, whether he is supervised or not, the work is still done with an axe. We say emphatically in regard to supervision when the men are taken out and they are in charge of an officer that they are spread out anything from one to two miles while doing this work.

It is utterly impossible for the overseer to supervise these men. The overseer is not solely supervising. He is part of the working gang. He has an axe and takes a spot in the span of men. From where he is I venture to say he will not have the slightest idea of what is going on in the other parts. Quite definitely he does not inspect the work of the other men which means the men not adjacent to the overseer could not be supervised. This appears to be something verging on something out of the kindergarten.

THE COMMISSIONER: Are you referring to the answer?

MR. WALSH: I am referring to the non payment to both classes of men. We have gangs and timber men all over the state in other occupations, under identical conditions when the overseers are adjacent to the men. Are they not then paid the margin? Of course, they are. It does not matter whether you are in the Main Roads or the Public Works, the men are under stricter supervision than these men yet the foremen receive their margins. It is ridiculous that these men allegedly under supervision, are not paid the margins.

There is a job more related to this than the instance I have just quoted, that is the man on land settlement. They are all doing this class of work though it is not called top disposal there. They are using the axe on trees and scrub all day long. The ganger is in the bush with them and they are working in a small place where they can be supervised yet every man receives a margin. These men are doing the job, they are employing their own axes in doing it and should be paid.

THE COMMISSIONER: Do they supply their own axes?

MR. WALSH: No, but the overseer does not do the axe work for them seeing that they do the work, which point I will bring up from the witness that they are not under supervision all the time, they should receive the top disposal margin.

THE COMMISSIONER: I notice that in item 15 you agree for a 6s. margin to the axe man. Would the man on top disposal be more skilled than the axeman to whom you agreed to 6s.?

MR. WALSH: Very definitely. That is a specific job. This man is doing work for the preservation of the forests.

THE COMMISSIONER: It is very important, but so is digging a drain around a house very important. Which would be more skilled?

MR. WALSH: A man on top disposal. I do not think anyone would deny that. That job is much more skilled than using an axe on timber of certain dimensions. There is nothing to say that a man on top disposal would not be chopping timber over 12 ins. in dimension.

THE COMMISSIONER: What does the axeman receive if he chops over 12 ins.

MR. WALSH: That is in dispute. They are offering 9s. We are claiming 12s.

THE COMMISSIONER: The hand cross cut sawyer at present receives 6s. margin, which he has been getting since 1939.

MR. WALSH: I do not know what has happened to him. At present everybody else has been well treated. For some reason he seems to have disappeared in the dark ages. The dept. maintains his work had not ^{been} appreciated in all those years. All other margins have increased by 50%, but the men on cross cut sawing stayed where they were.

In support of him with the aid of disability allowance in our construction award that man at present receives 8/6 margin a combination of the 2. If he is entitled to 8/6 then he should be entitled to 9s. here., and which we claim.

THE COMMISSIONER: Does he in fact exist in the Forestry Dept.

MR. WALSH: Yes, you will remember at Yornup, a man passed us with a cross cut saw on his shoulder. This job is done extensively when clearing tracks. It is a job likely to continue after we are gone.

THE COMMISSIONER: In the main would not this work be done by the man on 12s. margin.

MR. WALSH: Yes, but the protection I am trying to bring about is for the man not qualified for the margin. In these days men are coming and going and they could be on half a dozen jobs a year. Many would not be strong enough there to qualify for 12s.

The next item is 11, Culvert construction. They have offered 6s. and we are claiming 9s. which is modest.

THE COMMISSIONER: I notice you have left in the words culvert construction. Are you claiming elsewhere for bridge construction?

MR. WALSH: Yes.

THE COMMISSIONER: Where does bridge construction come in.

MR. WALSH: It has been put in the issues late, No. 21(a). Previously these two were in one classification, culvert and light bridge work. Now for some reason or other, they have been put in as separate classifications, which shows us convincingly that they maintain both classifications as a distinct meaning. As they see it the lower one is culvert construction. You will notice the person on culverts is the man who lays bed logs across dry creeks and some streams, and then deck over the same as the average bridge. On the other hand they can reach bigger dimensions like a road over a water way.

THE COMMISSIONER: Was that a bridge or water way we saw?

MR. STANNARD: I would say it was a bridge.

MR. WALSH: I thought I went out of my way to clear it there. Mr. Wallace stated it was a culvert. I stress^d the fact while I was there as to what they classify the structure. I remarked about them receiving no margin and you said they received 6s. margin.

THE COMMISSIONER: If the present classification of culvert and light bridge construction was split up into two, that might give rise to a lot of argument in future as to what is a culvert and what is a light bridge.

MR. STANNARD: I hardly think so. I have pretty deep feelings about this item. It was after a conference which Mr. Hodsdon attended when I thought we had come to agreement on it. Mr. Hodsdon then left the Union and Mr. Walsh took over. We have been at logger heads since over this. It was an unfortunate occurrence and would have still been 6/- if we had not come to agreement. We have to argue the matter.

THE COMMISSIONER: There is already disagreement between you both on one particular job, which we inspected. You say it is a light bridge, and Mr. Walsh says it is a culvert.

MR. STANNARD: We saw a job at Manjimup where we had a culvert and a bridge side by side. I was of the opinion that culverts would be similar to that and smaller, and bridges perhaps where the decking might be laid in several strings. It looks as if we have got ourselves into difficulty in trying to do something in the award.

MR. WALSH: To our way of thinking there is some cause for separating those two classifications. Previously they were thought to be something of a light structure, now they have come to the conclusion that one is a culvert and the other a bridge. They have inserted two separate margins.

We have a classification in award 24/47, the Main Roads and Construction Award. I mention this so as not to mislead you embodying 3/- disability allowance, and 12/- is paid for that margin for the culvert man in the construction award.

In the Municipal Employees Award No. 77/48 they pay a 9/- margin

The value of those margins are shown in those awards. We should at least have the comparable rates for the men in the Forestry Dept. doing identical work.

THE COMMISSIONER: Do they use identical tools - adze and jigger.

MR. WALSH: Yes. In the early stages, though the squaring up could be done by broad axe, in the event of big bed logs to be squared up. That is all for the culvert construction clause.

We pointed out that the job is much more important than that appearing in the award, and we consider similar margins paid in other awards should be applied in this instance.

The next item is the man on bridge construction. When we were at Yanmah you very clearly pointed out the discrepancy between culvert and bridge. A culvert is something which was much more miniature and involved less skill in construction than for a bridge. I take it a bridge could be built over any span of water. In the forestry areas I know them all. There are fair sized streams where these bridges would have to be built over for the men to get about in those areas.

We say a man doing bridge construction work comes under the category of timber man. A timber man in award No. 24/47 is paid a margin of 13/6. I shall quote the definition of a timber man and see how it compares with jobs done on these bridges. Clause 37(2) reads (read).

MR. STANNARD: Lays decking where?

MR. WALSH: Anywhere.

THE COMMISSIONER: How did that clause get in?

MR. WALSH: That is for bridge building in the construction award. That is the definition of a timber man.

THE COMMISSIONER: It looks to me that it was taken from another award and included here. What does laying keels mean.

MR. WALSH: Laying bed logs or the equivalent. I have a big group of men on bridge construction under that award. In the majority of cases they are known as timber men. Under that classification there is a 13/6d. margin, and if that definition is anything near the equivalent of a man building a bridge, I say he should receive the equivalent margin.

THE COMMISSIONER: I cannot see how it could. "shall mean a worker who hangs centres, and fixeslathes". Does your worker do this?

MR. WALSH: When he is building bridges he could be doing that. The span that holds the decking could be classified as sets. That goes over water courses and rivers.

THE COMMISSIONER: Would not a bridge carpenter come into that?

MR. WALSH: A bridge carpenter who has served his time gets the carpenter's rate.

THE COMMISSIONER: Do you not have bridge carpenters under the award?

MR. WALSH: No.

THE COMMISSIONER: The only men employed on bridges irrespective of their size are timber men?

MR. WALSH: Men on the bridges fully qualified as carpenters are paid the rate for carpenters. The offsider is called the timber man.

THE COMMISSIONER: You do have carpenters on the bridge?

MR. WALSH: Definitely.

We maintain that that classification is in keeping with the classification of a man building a bridge across a span of water anywhere within the forestry area.

The next item is axe man cutting bush over 12 inches. Again I would like to point out that this man is paid 12/- in the same award No. 24/47.

(Continued on page 22)

In this particular job we say that the consistency with which he would use an axe would be nothing in comparison to a man in the forestry sphere.

LUNCHEON ADJOURNMENT

AT 2.15 P.M.

MR. WALSH: As I said previously there is quite a difference in the duties of the 2 men, the man using the axe in timber of these dimensions in the Forestry award and the man using it casually in construction. Under the construction award the man gets a 12s. margin, and the margin in the identical industry in the other states, that is paid for this particular class of work, is S.A. 14s. Vic. and Tas. 24s. N.S.W. 24s. and Qld. 16/8. These men, we maintain, are doing identical work with the men employed in a similar industry in W.A. The main features in connection with the work would be possibly the clearing of trucks. In view of the award paid to men in this State in other avenues and the very definite amounts paid in this industry in the other states, we say that these particular men in the Forestry in W.A. should be treated in a like manner and we maintain that our request in this particular item is particularly modest. As I pointed out this is one of the men who has been penalised for some reason or other, we do not know why. This classification was put in 10 years ago and why they were not conceded a 50% increase in his particular case, we just don't know. We maintain that apart from him automatically receiving an increase which I think was logical on the construction of the award, we maintain we are putting a logical argument on the rates they are receiving, comparable classifications in other States.

The next item is forest workman, item 23; he is designated as one with at least 6 months experience and is a member of a regular fire gang, and in the case of a married man is a resident in a departmental house, provided when it is available, or in the case of a single man residential in a departmental hut at a home station. We say that the latter portion of that after "available" should be deleted.

THE COMMISSIONER: The decision on this matter will depend on my decision in the other matter. If I decide in your favour in the other matter I would decide in your favour here.

MR. WALSH: No, I don't think the circumstances are quite identical.

THE COMMISSIONER: No, it is not.

MR. WALSH: Our reasons are quite different. In this particular instance our chief reason for objecting to the inclusion of that latter portion of that clause is that the single man can be definitely penalised. We make the discovery in several of the forest centres where a single man that can qualify for this particular margin lives with his people in the town and rightly so.

THE COMMISSIONER: Where does this happen?

MR. WALSH: In any of those places. I think there are some at the moment at Dwellingup. Also with regard to this particular single man there is nothing to force him to camp on the job. If there is a boarding house or hotel in the town, what is wrong with them

living at the boarding house or living at the hotel and why on that occasion should they be debarred from this particular margin? They are just as easily accessible or on call as any other man in the gang, in the case of fire, and we state that while that particular clause is there, these single men are definitely penalised. If that award is rigidly complied with, the whole of the single men in camp at headquarters are outside the scope of that particular clause and I think that is a very grave factor, and the men think so too. They have told me that whilst that exists it is particularly dangerous, and seeing that there are highly qualified men in the gang, some are the best men in the gang, yet because they are single men and not living at forestry headquarters, it is said they fail for that particular margin, and on that account we claim that these words should be eliminated, to let those particular men in for such a qualification.

THE COMMISSIONER: They would have to live somewhere close to headquarters.

MR. WALSH: As I told you they live in forestry houses. Their father could be a member of the gang too.

THE COMMISSIONER: If that happens does the single man qualify himself for that rate in fact.

MR. WALSH: According to the clause he does.

THE COMMISSIONER: Does he, in fact?

MR. WALSH: I do not know whether it is definitely the case that a man has been penalised, but the position is that whilst it is there we say he can be. It is not much good arguing the point after it happens if that is there and a man is penalised, because they will simply turn round and point to the award and where do we stand. If the award is rigidly to be complied with, this particular man is penalised.

The next item is the Carpenter's labourer. The carpenter's labourer, or this particular class of man, in the construction award 24/47, is receiving 12s. In the municipal employees award 77/48, we notice there is a bridge carpenter's assistant who is receiving a 12s. margin and under the dock river and harbour award 82/47, we notice that the tradesman's assistant in that award is receiving a margin of 14/6.

THE COMMISSIONER: Is that the carpenter's labourer or assistant?

MR. WALSH: The carpenter's labourer, I think this classification is. We say that the men employed in those particular categories in those awards are doing work not any more unskilled than men under this particular class of work in the forestry. The average man, the majority of men employed on this particular class of work in the forestry would be assisting a qualified carpenter building houses. At the present time there is quite a big house building scheme going on in the forestry, and this particular man, labourer or whatever they like to call him, that is offaiding to the carpenter that is receiving the legitimate carpenter's wage, we say his work is just as important, no less important than the labourer or assistant under these other 3 awards I have quoted, and this man should definitely receive the same margin. I think in that particular case our claim is quite just. We are not asking for anything exorbitant and cannot see any reason why our request in that particular respect should not be granted.

The next item is in relation to tower men, but I think I have covered that ground pretty fully. I think I have pointed out the margins paid in other states for this particular class of work.

and I emphasised that if those men were qualified to receive such margins in those states, surely there was no reason why they should not receive the very moderate margin of 12s. in our request. I think the average for the other states is 18s.

THE COMMISSIONER: No, not quite. You said the average for the 3 states receiving a margin.

MR. WALSH: That is right.

THE COMMISSIONER: Actually the average for the 5 states would be about 11s.

MR. WALSH: Yes, that is right. In the event of it being 11s. it is very close to our request as we are only asking 12s.

The only margin left is that man manipulating the hose at the fire. We had a demonstration of that at Dwellingup, and I think you could see actually for yourselves what is required in relation to it. The position is that the men maintain that we saw the operation there in all its glory. It was a demonstration without a fire, but the men maintain that in the manipulation of these hoses, one man is put on the hose and he is responsible for pulling it over logs and all classes of obstacles, in the bush. He says that he receives no assistance, but I think we were told that under such circumstances they would receive assistance. The position is that these men maintain it is a job where they are working under very hot conditions and as well as manipulating the hose they have to free it from all sorts of obstructions in the shape of stumps on the ground, and they maintain that they are entitled to something in the shape of a margin we are claiming and that that would adequately fit the job, that is 15s. However there is nothing very much we can bring forward in respect to that claim.

THE COMMISSIONER: Any way we have inspected the work.

MR. WALSH: I will now call my witness.

GEORGE WILLIAM REYNOLDS SWORN.

EXAMINED MR. WALSH:

How long have you been employed in the Forestry dept.? -- Just on 17 years.

What is your present classification? -- Overseer.

I take it you have had experience in all depts. of the Forestry? -- I think so.

Absolutely every dept.? -- everything up to what I am supposed to do.

What period do they work the 5 day week? -- From April to Nov.

And the 5½ day week? -- From November to April, the balance of the year.

Tell me in your opinion why they do not work the 5 day week over the whole of the year? -- I see no reason at all why they do not work it for the whole of the year. I contend that the only reason for working the 5½ day week is definitely to tie manpower up, so that it will be there when they want it over the weekend. If they wanted it for the sake of control burning I contend that they would do far more control burning during the week in the 40 minutes each day on which they knock us off early

than they would holding us for Saturday morning.

What happens when the weather is hot? -- When it is too hot to control burn there is no mopping up to be done on Sat. morning.

What do you do when there is no mopping up on Sat. morning? -- Generally cart tools, look after the fire equipment and sharpen tools around headquarters.

It is quite possible for there to be a long period of hot weather and no control burn required on Sat.? -- Yes, if you get the hazard too hot you are not allowed to burn.

What happens in the period after the 24 Dec.? -- How do you mean.

What are you employed on, you are still on the 5½ day week? -- I do not know. We can just be employed on the same work we are employed on any other weekend, it does not make any difference at all.

Would the men working a 5 day week all the year round what safeguards would you suggest during the weekends during the summer months? -- I see no reason at all if they require men to work on Saturday morning for the purpose of mopping up or any other purpose why they should not be paid over-time.

Can you suggest any idea why men should be stood by and when they should be stood by? -- Yes, I think the very least is that a man could be told on Friday night when they go that they will be stood by. I know of hundreds of cases when you are just going out and they ask you to stand by. Last year, I was going prawning at Carning Bridge and as I went past headquarters I was told to stand by. They had known of the fire for some time and yet they had not asked me to stand by until they saw me going out. They knew we were there and when they know that you are there they won't stand you by.

You were approached and asked to stand by? -- Yes. I said we were going prawning, and we were told there was a fire up Applecross and that we might have to go. It would be too late to go prawning. We did not know of the fire, but he knew and had known for hours and hours.

Is that a common procedure? -- There is quite a lot of it.

In your opinion, there is no reason why the 5 day week cannot be worked? -- No. I think if the dept. is seeking for more control burning they could get more control burning done by keeping us working 5 days per week than by 5½, because we can keep on later when it is cool and we can burn, whereas if we can only burn until such time as mopping has got to be done we have got to knock off in the heat of the day. During the heat of the day you cannot burn.

THE COMMISSIONER: When you do burning off operations on Friday afternoon, is it necessary in any case for someone to go out and make an inspection on Saturday morning? -- Not always. A lot depends on the class of fire. If it is a severe fire there will be more logs alight and burning along the tracks.

Then it would be necessary for someone to go out? -- In a lot of cases it would, but not always. It really depends upon the day, but if you are working to 5 o'clock you have time to mop up the fire that afternoon.

If it is necessary to go out on Saturday morning, how many men go out? -- That all depends on the class of gang. The overseer may take a couple or 3 men depending on what the fire is like.

How many men comprise a gang? -- That all depends. They are never up to strength. They have improved a lot now, but there are a lot of foreigners and they are very hard to talk too and you cannot take too many out.

Approximately how many? -- 5 or 6 men.

MR. WALSH: Forestry dept. in the states of Qld., Vic. Tas. and S.A. work a 5 day week all the year round. How do you suggest that is done? -- exactly the same way I suggest we could do it. I do not see why it could not be done because you would get as much burnt off, if not more, by working the 5 days than you would by working the 5½ days.

You are convinced that if it could be done in other states, there is no reason why it could not be done in W.A.? -- Quite convinced.

I take it you have had quite a bit of experience in fire fighting? -- I have.

(Continued on page 27)

MR. WALSH: Do you consider it very strenuous work? -- I do not think you can get harder work than fire fighting. When the fire starts you have to work hard to stop it. There is no doubt about that. If you do not, the longer will the fire keep going. It is very hard work.

Will you tell the Court some of the hazards in connection with this class of work? -- If you can get to the face of the fire you could stop it. That is very bad with the heat. If you do not you may have to make breaks and burn back. In almost every instance you have to cut down dry timber and trees, and the bark falls on you. Twigs and strips fall on to your boots, and the boots even burn. I do not think you can get harder work.

What do you think of the overtime rate paid in respect of this work? -- I think it is terrible.

What do you think should be paid for the work? -- At least ordinary overtime rate for first four hours, and double time after.

Have you any idea of this class of work in other States? -- I have not much idea what they do in the other States. I know they are above us, somewhere around the ordinary overtime rates.

You maintain ordinary overtime rates should be paid in this State? -- Yes.

On what grounds? -- Purely and simply that if the men are worth having in the gang, I contend from the time the fire starts they have to work at double speed. They work twice as hard fire fighting as on other jobs. Therefore they should get double paid; if they get double pay they are still not over paid.

You maintain they work at high pressure? -- Yes.

What do you think of the tower man's rate of pay? -- I think the tower man is entitled to overtime rates as other employees.

THE COMMISSIONER: They would not work at the high pressure after the fire started? -- That is quite true. The tower man is on a pretty monotonous job. He has to be exact. If he is not very particular with his work he can easily give the fire gangs a lot of running round by slight errors in his bearings, and take the gang to the fire at the wrong place. It would mean the fire gang would get into a truck and look for a fire miles away.

The payment of higher margins would not improve the position. It is very simple to take a bearing? -- The actual taking of the bearing is simple. He has to be at their beck and call all the time. He does not get anything other than the ordinary rate for the work; he does only when they ask him to work overtime.

MR. WALSH: Can you suggest why they are not paid the same rates if that is a good argument? -- If they are worth more money in the other States, and if there are as good men here, surely they should be identical.

Would you say the work in the other States is identical? -- Yes.

What do you consider is the skill attached to this work - the man on the tower? -- If he does not keep his eyes on the horizon all the time and is late in picking up fire there can be several mistakes. He may pick one bearing and be exact on that, but if the other man on the bearings is not also exact, one may ring up the other to get a cross-bearing, in order to notify the fire truck. If there was a small fire, and another man on the

tower gives him a ring for the bearings where the fire is, if either bearing is wrong the fire could be miles away. The truck has to go where it is sent?

What is the spread of hours in this class of work? -- From 6.30 to 7.00 in the morning to 7 at night.

With your experience how many hours a week would you think the average worker works? -- Well over 60 hours.

How many times a day would they climb up this tower? -- Approx. 4 times.

Up and down? -- Yes.

Would you say this work is very strenuous? -- I do not know. It is not actually strenuous work.

It requires a fair amount of nerve? -- That is not very easy for me to answer. In any case I know it is pretty hard on your legs if you have not done it for some time.

How often would the tower man see anybody over a stretch of a week? -- It would not be an uncommon thing for the tower man to see only the storeman.

You consider the isolation a disability? -- Definitely.

THE COMMISSIONER: It is not the same type of isolation with another class of worker on his own. At least your man can talk to quite a number of people. He can not only listen but have a conversation with them? -- There are very few men camped out in the bush on their own, such as the tower man. Most of those other men are in gangs, or in pairs. The tower man is on his own.

MR. WALSH: What do you think of the suggestion detention rates? -- Ordinary time is quite reasonable. Ordinary rates of pay now received is not detention rates.

You think the present rates are not much good? -- That is generally understood everywhere. If you were to ask 12 men in a gang, and you only wanted 2 for detention, the men would ask each other if they wanted to stand by.

Why do you suggest this job should be paid the ordinary daily rates? -- Because you are tied down and cannot get away from your house. You have to be there if there is a call out. The other day there was a fire in some bush very close to our place and the officer in charge sent word down to about five or six men to be ready. They were not however wanted, but they received nothing for it. That happened last week.

They were stood by and received no pay? -- I do not know if you call it stand by, but word was sent down that a fire might break out in the bush.

Was this after ordinary working hours? -- Sunday afternoon.

They should have received detention? -- Seeing the men were asked to be ready I think it should have been understood they were stood by.

Do you agree they should be engaged for a portion of the week end? -- Definitely no, because the men cannot make arrangements to go away if they have to stand by on Saturday afternoon. You cannot make arrangements to go on Sunday, because you had been asked to stand by and you may be required. Last week I was asked to stand by for the week end and I could not go to Northam as I intended. On Saturday night it rained and I was told I was not wanted. All I got was 4s.

When do you think the men should be notified? -- Five o'clock Friday evening.

THE COMMISSIONER: Would it always be possible to forecast up to Sunday evening from Friday night? -- I do not think it would be. I am not much of an astronomer but they can get a pretty good idea.

MR. WALSH: You know definite instances where men have not been notified and have been asked to stand by? -- I have just pointed out some instances.

You are quite definite this procedure has a detrimental effect on the men's programmes on week end? -- It is very bad, especially for men way out who want to go fishing or something else. They have no entertainment. With a five and a half day week we cannot even get a hair cut besides doing anything else. You never see a shop opened.

I take it you sometimes have trouble in the open trucks without covers in Winter time? -- Yes.

What do you have in the lower reaches of the South West? -- It is pretty bad. It would be a simple thing to put covers overhead.

Have you actually had the experience of getting very wet? -- I should say 2,000 times.

What happens when you get to the job in that condition? -- You please yourself. You can work and if you do not work you go home and get no pay.

You are expected to work in wet clothes all day? -- I cannot see any other way out.

What are your views on the discrimination of the officer in charge being allowed to nominate starting points? -- I do not know. The starting point should definitely be Headquarters, where there is an Assistant Forester at least, or if a ganger is in the bush or an officer is in charge there. You cannot nominate jobs in particular. If you do there is no set place at all. We cannot reach an understanding at all.

You are suggesting they should assemble at Forest Headquarters? -- Yes, or if the gang is camped in the bush, the place where they are camped. I cannot see any other place.

What is your idea the way single men are penalised under the Forestry camping allowance? -- No matter where they live if they are within easy reach of the district they are living in I do not see why they should not get the 12s. margin. The Department would soon call on them.

You reckon it would cause very little inconvenience if they lived with their people, in boarding houses or hotels? -- They would have no trouble in picking the men up if they wanted a special gang, even if they are not forestry workers at all.

In the various jobs you have been on, what is the actual duty of

carpenter's labourer? -- I do not know. Carpenters' labourers would mainly be assisting in the erection of sheds and huts. There is not much other building going in employing carpenter labourers.

You know of any cases where they have been employed in those capacities? -- Yes. You can term it a carpenter labourer's job what I am on. They have one or two men assisting carpenters. That is at Gwangara? -- Yes.

You maintain the present margin for men on culvert construction is an adequate one? -- When you come to the culvert, I do not know how you are going to variate between a culvert and bridge. You could not do that yourself. A culvert would be more or less no more than 4 feet across.

In your opinion the two jobs should be definitely defined - the culvert and bridge? -- A lot depends on the district. I have seen a culvert with split decking and soil on top. You do not get that in bridges. Bridges are squared timber.

There are fair sized construction of culverts? -- I should say 4 feet would be a culvert.

What is your idea of the present margin for this work? I take it you have done some? -- It is a year or two since I did any bridge work.

The present margin is 6/- for culvert construction? -- We are back to the same thing, culvert and bridge. There is a lot of difference.

We are not discussing bridges, just culverts. The present margin is 6/-. Do you think it is adequate? -- I think it could be a little more. 6/- is very small.

What do you suggest? -- Something around 9/- or 10 /-.

And the bigger constructor of bridges, you maintain there is a definite discrepancy between the culvert and bridge? -- Yes.

The present bridge margin is 9/-. What do you suggest would be adequate for bridge construction men? -- I should say at least £1. A man constructing a bridge must know his work. That is putting a heavy bedding from 10 to 30 feet in length, and average 10 to 20 inches thick. You have to use dummies and blocks to put the timber in position. If you do not get it right, the timber will go over the side.

There can be quite large spans of water in the various localities? I suppose we put in bridges around 100 feet over the rivers.

The axe man cutting bush over 12 inches; the present margin has been in force since 1939. Would you suggest there is any difference in chopping them in the forestry work, and men on construction work. On construction work you do not use an axe one quarter as much as in forestry.

For this class of work higher rates are paid in the other States? -- I do not know the rates that are paid in the other states.

Regarding top disposal, I know you have had considerable experience in this. Can you see any difference between the man doing that work under supervision, and one not under supervision? -- If you went out with a gang of men, some are good and some are not. All you can do is to show them what class of trees you want clear-

ing, and what class that is not worth clearing. After you get started you spread out. You may cover 20 chains, 1/2 or 3/4 mile depending on the amount of men. It would be absolutely impossible for an overseer to go over every bit of the men's work. It is his place to go through and keep a check and show them if they are right or wrong. You cannot go through every tree they went on because that means you have to walk around the trees which six men have done.

The position is that each man does his work? -- Yes.

The man on hand cross-cut saw is receiving a margin of 6/-. Can you see any particular skill in this work to justify why he should receive more? -- I think there is a lot of skill and hard work in cross-cut saw.

The argument you heard in relation to camping, you have heard what happens in regard to the men when they are camped in huts at Forestry headquarters, do you maintain there should be any discrimination in a man camping? Whether he should or should not receive camping allowance anywhere, or should be paid only in specified places? -- I think he should receive it no matter where he is camped. He has plenty of inconvenience. He does not get his stores when expected, at times. One time I expected stores on Monday and got them on Tuesday.

Do you think they should discriminate between men camping in the bush and hut? -- I do not. I do not know how that is arrived at. About 12 months ago there were married people living in two huts, and single people living alongside in single huts. The single man got paid £1 for living in his hut, and the married man had to pay 4/- for living in the huts.

Both lived in the same kind of huts? -- Yes, at Gnanagara.

According to that reckoning the man living in the hut in your place does not get the camping allowance? -- The married men alongside the single, paid 4/- rent per week. The single men paid about 1/- rent and got back £1 camping allowance.

Yet both huts were identical? -- Yes.

THE COMMISSIONER: Take these centres - Myalup, what accommodation is there? -- I do not know.

Tallanalla and Hoffman? -- I have not been there.

Willowdale? -- I have been to Willowdale. They have one house in each gully, very often tents. One house in one gully and half a mile away another house.

Are there any shops or accommodation? -- No.

Worsley? -- That is strange to me.

CROSS-EXAMINED MR. STANNARD.

You have been employed in the Forestry Dept. for 17 years and have had experience in all the departments? -- Yes.

You realise the purpose of the department? -- Certainly.

MR. STANNARD: What is it? -- To grow timber.

Is that all? -- That is what you are there for, re-forestation. That is the major work.

Does it not involve more than the growing of timber, and more in the nature of a caretaker of forests? -- Principally.

Do you not realise that there is more involved in it than just a Monday to Friday job. You are the caretaker of one of the valuable assets of the State? -- I am a member of the A.W.U., and employed by the Forestry Dept.

The purpose of your work is? -- I do my work.

What as? -- Overseer.

You are more or less there to safeguard the forests? -- Certainly.

Do you honestly think you can do that from Monday to Friday? -- I think a lot better in 5 day week, than a 5½ day week.

Say for instance it was competent to control burning on Friday afternoon, should you not be brought back on Saturday? -- As I pointed out I do not think there is any reason to bring us back on Saturday, if controlled burning makes the forests safer. I think we can do more controlled burning in a 5 day week than in a 5½ day week.

Another 40 minutes a day? -- Yes, it makes a big difference.

Does it not give us 3 hours at least the last day? -- You cannot do any burning then.

Why? -- You cannot burn on Saturday morning.

On Friday afternoon you can burn? -- Not as much as you can burn from Monday to Friday.

Would you not be mopping up on Friday afternoon? -- You would not be mopping up on Friday afternoon with a 5 day week. You would work to 4.30 Monday to Friday, and then mop up, depending on the severity of the burning. If we could knock off at 4.20 we could do more. You have to knock off now at 3.30 because you have no time to mop up that afternoon.

It could be left in a safe state? -- I contend a fire is never safe.

Do you know the present programme of controlled burning with a 5½ day week? -- I do not think they have ever got over the controlled burning programme, that is completed any season.

You like to see 3 hours go out of one day? -- Yes, put on to another 5 days. I contend that we also do more burning in 5 days by 8 hours per day.

In the hours clause we have provision for grader men. Do you think that should be deleted in (b)? -- I do know this. A grader man cannot work to within half an hour, to where he would be at 5 o'clock. He works to the best of his ability, and may be two or three miles away, and has another mile to grade at 5 o'clock. He automatically carries on the grading.

Do you think he should be allowed to arrange his programme? -- Yes.

You have no objection to it continuing in the award? -- I have no objection.

You say in regard to stand-by a man may be stopped when he is going out on a week end. Do you know of any other instance other than the one about prawning? -- I know more than that. For the sake of a man who considers his job I will not mention his name. One man was asked to stand by and a big fire started, and the forester told him to go to the fire. He said 'I am going to no fire, you did not ask us to stand by'. That man is today an Assistant Forester.

Have you taken up the matter with Union? -- No.

Do you know of anyone? -- It has always been mentioned to the Union representative when he comes around.

Have you ever raised it with the Department as to stand by? -- With the man in charge there, yes. We cannot do anything there. This Court is the only place where we can do something definite.

You have done this? -- Any amount of men have raised it. When they raise a thing and get nothing out of it, it dies a natural death.

You know this provision has been in the award for many years and the Court has often considered it and still retained it. Do you think they have given it reasonable consideration? -- I think they have not been given the true facts of the case to go on with.

Have you ever been to the Eastern States? -- No.

You have no idea how the work is done there? -- I have no idea.

You would not know they employ towermen regularly? -- I have read about it in books. I have seen their towers in books.

Where? -- I cannot remember off hand.

As regards fire fighting, you said it was very strenuous, for how long? -- I was in one last year and I was there for 5 days. The first stretch was not under 24 hours.

You would not say you are on it all the time? -- That is what you are there for.

Were you at Manjimup when we watched the fire there? -- No. I have been at fires where I have worked the clock around.

Would you be surprised to know that we saw several men standing round a truck? -- Yes. I have seen hundreds of men doing this, they were from the mills and so but are not worth 2/-.

Some of these are forestry workers? -- Somebody is at fault. Would it not in fact indicate that after you have stopped the fire, there is a period when you are waiting around and mopping up? -- When you are mopping up you are still working. You may be putting sand on fallen logs, and falling trees with the axe.

(continued on page 34).

But you are not as hard at it? -- Too right you are.

You mention the danger of cutting down trees. Have you ever known anyone who has been required to go off on sick leave or compensation? -- Yes, I can remember Wally Longbottom of Yanmah who was hit by a limb from a tree that was alight.

Any others? -- I have had plenty of hot stuff fall on me but I cannot remember now anyone that has been hit by trees, but there have been plenty of narrow escapes.

That can happen here. You might walk out in the street and be hit by a car? -- Yes.

You have been there 17 years and only know of one instance? -- Yes, one instance only where a man was hit. I have known other men that have been hit, but it was not fire.

It cannot be too bad? -- You have a go at it.

The rate is terrible so you say? -- Yes.

Do you know what it is? -- I have a fair idea.

What? -- time and a quarter.

Do you know what the rate is at the present time and what it was under the old Award? -- About 3/3 per hour we used to get.

That is as overseer? -- Yes.

But the ordinary worker? -- The ordinary worker got the same, 3/3 per hour.

2/6 is nearer the mark? -- You are going back a long way. It rises in accordance with the basic wage. Each time the basic wage is raised 11s, the fire fighting margin goes up 3s.

There was a basis for adjustment? -- Yes.

Apparently there doesnot appear to be any basis for adjustment in the award but that is something that has been given to you. Do you know what the rate would be at the present time as time and a quarter? -- 4/7 or something like that.

Is not that a fair and liberal increase? -- It is not a matter of what the increase itself is, it is what we contend it is worth.

But surely you must take into consideration what is a fair thing? We do, and that is why we are here asking for more.

You say the rate is terrible and that it should at least be ordinary overtime? -- If I had it my way I would not ask for time and a half for the first 4 hours and double time thereafter, I would ask for time and a half for the first 2 hours and then double time.

Don't you agree that these fires are outside the control of the Conservator of Forests? -- Admittedly I do.

And you elect to take on a job in the forestry industry. Should not you be prepared to take your share of the work? -- I take my share or I would notbe there now.

The Conservator is not responsible? -- No.

Then why should he have to foot the bill? -- He does not pay it.

It eventually comes back to that? -- that is something beyond my control.

Don't you get good housing down there? -- I have a fair house, but I know some who have not got a tank to their house, because they cannot get them. We have a 4 roomed cottage.

An excellent type of house for the S.W.? -- I am not in the S.W. at present, but they are the same all round.

Take the other houses in the immediate vicinity, do they not compare somewhat favourably with them? -- I do not know. I think the houses being built now for the Quinninup mill are ahead of the forestry houses.

You do? -- Yes.

You do not mean to tell me that you are working at double speed all the time? -- As fast as you can go.

That is overestimating it a bit? -- I would not say that. It depends upon who you have working. There are good men and some not quite so good.

Keeping the overtime clause, regarding detention you say that it should be ordinary rates for that? -- Yes.

There again don't you think you should have some share of the responsibility that goes to the Conservator? -- As to taking a share of the responsibility I start work at 8 o'clock on Monday morning, or earlier than that to get a truck ready and I do 8 hrs. 20 minutes per day. Don't you think I have done my share of the work?

During the week are not your men out there trying to make the forest as safe as possible? -- Don't we all do it.

Yes, but whenever there are circumstances outside the control of the employer such as when a fire occurs, has not he done all he can during the week to try and stop that. So why should he have to pay ordinary rates when he just asks you to stand by in case of emergency? -- You may be living in Perth and in a different position to a man in the country. In the country the only time you can get away is at the weekend and you cannot get your holidays in summertime because of the hot weather. The forestry worker has a pretty poor go at the weekend. They are tied down to 12s. He cannot go fishing, and the forestry worker cannot get a haircut unless he loses a day's pay.

That is stretching it a bit? -- No it is not.

Cannot anyone on the settlement cut hair? -- Go out to where I am now and see for yourself.

These chaps you say that have been going away and have been stopped, do you know if they have told the officer in charge that they were going away? -- No, but you don't have to tell him you are going away when 5 o'clock comes, because your day is finished.

When were they stopped? -- We were dressed and going past his house. We were going to Canning Bridge and he came out and stopped me and told me that he wanted me to go to a fire. I asked him how long the fire had been going and he mentioned it had been going for several hours, either at South Perth or Canning Bridge. I said "you never asked me to stand by, why could you not let us know something about it", and he could not say anything. He
knew

E/g.2.

he may have required us so why didn't he ask us.

There might have been a severe hazard that day? -- Why not ask us, we had knocked off and he already had the fire but he took it for granted we were not going away. We did not go because there was a fire alight, we had made arrangements a day or two before to go.

Is that the only occasion you were ever stopped? -- No, there was another time when I was going to Northam.

Twice in 17 years is not bad? -- I did not try to remember those things back for 17 years, but that has happened several times. I did not know a fortnight or three weeks ago that I was coming here today and I did not try to memorise that.

It is a fairly important point? -- Yes.

2 cases in 17 years? -- That is 2 jst for myself.

Do you know of any others? -- Yes, I told you of another one where a man was not asked to stand by.

3 or 4? -- I could probably think back on a lot more.

You do not know whether that man told the officer in charge that he was going away? -- He did not tell him he was going away but he did not ask him to stand by in this isolated case because it is an understood thing that he could not get out.

If a severe hazard came up? -- The officer in charge has the hazard at 8 o'clock in the morning.

It could change? -- They don't make that big a mistake as a rule.

Do you know of any complaints that have ever gone to the Dept. about this stand by? -- Yes. I told you we asked only last year what hours we were expected to stand by. As a matter of fact, he asked me to stand by when I wanted to go to the Trots at 6 o'clock at night.

That is just verbal? -- Yes. We do not ask for everything in writing.

It is a pretty important point? -- I could not go back to a man like that and ask for it in writing.

You could have written to the Union? -- I asked Mr. Walsh and Mr. Walsh told me that he contended that the stand by was for 4 hours only.

Supposing we say very well, we will give you the ordinary time for detection, is it ordinary rates or ordinary overtime? -- Ordinary daily rates.

Not overtime? -- No.

That is the Union's claim, though you are not required to do any work, but are just sitting round your home. How many times have you been required to stand by? -- I have not been asked this season, but I was asked a terrible lot last year.

How many times last year? -- I would not like to state a definite figure because I could not stand to it, but I was asked several times.

That is better than a terrible lot? -- No.

How many times have you been called out to fires? -- We don't get many fires where I am now as the hazard is very low, but in the S.W. I have been called out to dozens of them.

THE COMMISSIONER: When you were asked to stand by last season, was the stand by for the weekend or half a day on Saturday or half a day on Sunday? -- I was asked to stand by on the weekends, but other men were asked to stand by for 4 hours at a time.

They worked Saturday morning and at lunchtime were asked to stand by again? -- They might be asked to stand by on Sunday morning or they may not. There is very little chance of a stand by on Sunday morning because it would be cool, and therefore they would be asked to stand by on Sunday afternoon again.

MR. STANNARD: This covering and seeking of vehicles, why do you think it necessary. You did not give much of a reason? -- When you are in the S.W. you may be going out and it is pouring rain. I do not think you should need to ask me why we should have something over us to keep us dry. It is an understood thing that we do not want to sit in the rain.

How long would you be in the truck? -- You might drive anything from 2 to 10 miles.

How long would it take? -- It depends upon the road.

Not very long? - 10 minutes? -- A quarter of an hour, 20 minutes, or half an hour. I have taken myself from work from Willow Springs to Dixons, probably 16 miles.

That would not be a regular 16 mile journey? -- No, but quite often we have to go 5, 6, or 7 or 8 miles.

But you would not strike it wet every day? -- You do not want to strike it every day.

Everybody in the Metropolitan Area might take 20 minutes to walk home and they might get as wet as you are? -- When they have a quarter to half a mile to go they catch a tram.

They might get caught just the same? -- You might, but there is not much chance. Your chance of getting wet in the city here is very slight compared to the country.

When the vehicles are on the job you could not just drop the cover off and go on with the job and then come back to get the cover, you would be retracing your steps unnecessarily? -- You would not have to drop the canvas or cover off the truck and go back as the only time you would drop it off is when you are carting rock or timber and are carting from one place to another, or something like that. Maybe you could rig up some sort of a frame with 4 arms in a socket that would slide down and only have 4 nuts to take off, and when you finish carting gravel or whatever you were carting, you could pick it up and put it on. There would be no need to go back 4 or 5 miles.

It could happen? -- No.

It would be very difficult to make those covers? -- There would be no need for them to be fixed on as the men could hold them on.

As regards the recognised starting time have you had any complaints on the present clause in the award? -- I do not know very much about this starting place business, myself.

THE COMMISSIONER: You need not bother about that one. Actually the Union has no complaint about the existing clause, it is purely theory, that will stand as it is.

MR. STANNARD: As regards the camping allowance you said that there was a case out in the bush where a single man was paid camp allowance and a married man was charged rent. Do you know if a mistake was made? -- Maybe it was a mistake but it was made for 12 months or more, every payday.

It is not being paid now -- No, it has probably been stopped 6 or 8 months ago to my sorrow, and I thought I might be able to get a bit of back pay out of it.

You realise that the Forestry Dept. is endeavouring to create settlements everywhere? -- Yes.

And that there is no comparison between the camping conditions of construction workers and your living conditions. Do you agree? -- The houses in comparison with the road workers.

If that is what you are referring to? -- Yes, there are no complaints about them, but when men are camping in the bush, it depends upon where they are. Years ago I did a fair amount of camping in the bush and it did not mean a thing. If anything went wrong you were waiting for your meat and bread that night and you might not get it until the next day.

We are prepared to pay it when we are out in the bush in a tent or away from their home station? -- If they don't still forget your stores.

I am on camping allowance? -- I contend that it is the same inconvenience he has got to put up with.

Has not a married man the same inconvenience? -- He does not cook his own tucker.

Supplies have to come in the same? -- Yes, but he is generally at headquarters, which does not make it quite so bad, but the single man has no convenience for drying his clothes when they get wet.

In the huts you are referring to? -- 3 men in one hut.

Where? -- The Union rule entitles you to put 3 men in a hut. There must be so many cubic feet per man and I worked it out. It allows 12 x 4 and that is not very much room.

Do you know of any instances of 3 men in one of those huts? -- Yes, I can take you out to plenty of them now.

Do you know anything about the construction workers' award. Have you been in a construction camp? -- bridge construction.

A main road camp? -- No.

You would not know anything about their living conditions? -- I have been camped alongside and worked close to men working on the main roads, and I know the conditions they worked under.

Are not your conditions much better at the home station? -- Depends on what you term the home station.

We have a definition in the award? -- I was led to believe that a home station under the award is where an overseer is stationed.

I could go out in the bush and camp with 4 or 5 men and because I am camped with them they get no camp allowance and I get none.

Home station has been agreed to (reads agreed clause re home station? -- That could be anywhere. That could mean the very worst of conditions.

We are prepared to pay if it is at the home station? -- And at the home station is not something allowed for an Overseer or Assistant Forester.

Does not that definition give you a clear indication of what a home station is? -- No.

THE COMMISSIONER: Where did you get that from?

MR. STANNARD: It is not in dispute.

THE COMMISSIONER: It is not in the old definition.

MR. STANNARD: No, it is in clause 27 of the definitions of the schedule.

THE COMMISSIONER: A new agreed clause.

MR. STANNARD: Yes. I am trying to get the witness to give some indication as to how he would think that would apply.

MR. WALSH: It looks as if the witness cannot discriminate between headquarters and the men camped in the bush temporarily. He assumes that possibly if he is in the bush with half a dozen men camped in tents, that can be called a headquarters, but for the purposes of the award, it is not.

MR. STANNARD: Taking that definition of home station that Mr. Walsh has indicated to you, if they are just camped out in the bush that would not apply. Do you consider that the man at the home station has got a permanent residence if he is in a hut? -- No man has got a permanent residence because he can be shifted from one week to another.

And go to another hut? -- Not necessarily, he might go to a tent.

That would be very unlikely? -- No.

Do you know of any case? -- Yes.

Where? -- Only last year we had men camped out in tents. Where I came from in the S.W. there were any amount of tents, and when we went to Ellis Creek the men were in tents.

They get a camp allowance then.

THE COMMISSIONER: That is not in dispute? -- With the huts at the home station I think the main inconvenience is the drying of the men's clothes. He has not got the room in the hut. I think he has something like 12x4. That is his portion of the hut.

MR. STANNARD: A portion of the hut. I think we can disagree with you there. Are you sure of that? -- Pretty sure, as I had a look at the Union book.

You are only going on the award are you? -- Going on the Union book.

You do not mean to say that our huts just measure up to whatever is in the award? -- I think they did as a matter of fact, but I would not be sure.

But even so, don't you agree that those huts do provide a permanent residence for a single man?-- While providing a permanent residence as I say they can be shifted from one week to another.

If he goes into a hut, don't we provide him with other accommodation? -- Yes.

And if he goes into a tent we pay it? -- He has not got any stove or anything like that in the huts, they are not lined.

Have you seen the ones at Dwellingup?-- No, but I have seen the ones down home where I am.

And they have not got a stove? -- No.

Where is that? -- Nangarup.

Where is that? -- Out of Guildford.

Do you realise that a single man is getting quite a large amount in the basic wage for rent? -- No, I was not aware of it.

(CONTINUED ON PAGE 41).

MR. STANNARD: You have done the work of top disposal man? -- Yes.

Now you act as overseer? -- I was overseer.

Item 19, top disposal man working independently. Do you know what that was meant to cover? -- Yes? I did work independently. Say a man who had no margin other than it used to be 9/- for top disposal, which was the same as Ridgeman?, who was put on his own. He was not an overseer, but was capable of doing the work. They paid him the margin accordingly.

Is there any difference between that and a man under supervision?-- A big difference. You cannot supervise a man all day long on that work because you are with the man. If you wanted to do this you do it for one or two. But you have four or five men under you. They may spread $3/4$ miles wide in going through. You cannot walk from tree to tree to supervise the work of the men. You cannot do it. You are expected to work yourself.

The man working independently, did he not camp out in the bush with the fallers? -- Yes.

They do not do it now? -- I do not think so.

Do you not take the responsibility when you have the men under you? -- Yes, the men have to be capable of doing it all the same.

It is not arduous? -- They have one thing, they have no responsibility. It does not matter what tree they cut down. If they leave a decent piece under the tree which catches fire, if it is seen I am hauled over the coals. He is not responsible, but he is capable of doing the work.

He carries no responsibility? -- That is the only responsibility.

He does not use the axe to any extent? -- Yes, I know.

Could he not pull a log away? -- Not those in the south-west.

We must have seen a crook tree. Referring to top disposal man, Mr. Walsh said he was comparable with a man on land clearing; do you agree with that? -- Cross-cut saw work at any time is hard work. There is no doubt of that. If you get two good men together it is not so bad, but when you get a man not quite so good it makes it harder for the other. At any time it is hard work. That is why fallers are paid high margins for falling, on account of the heavy work.

Do you know what the margin is in the construction award quoted by Mr. Walsh? -- I cannot remember off hand.

Do you agree with him that your men are comparable with construction workers on land clearing? -- I have seen several men on land settlement blocks. The forestry men are well up with them.

The hand cross cut sawyer only gets $4/6$ margin. Would you be satisfied with that? -- I would not have it. I think $4/6$ is ridiculous.

Yet you say he is comparable with those men? -- We are far better men. You have only to go along and see the gangs working in the bush and compare the forest gangs with them. There is no doubt in my mind who gets the work done.

You agree with me regarding item 22; the axeman, that he is just the same as the man on the clearing? -- Similar work.

We are offering the same margins, in some cases, more and yet you are not satisfied? -- I think it is very lowly paid for cross cut sawing.

Mr. Walsh included in those margins an amount of disability allowance.

THE COMMISSIONER: Is it a disability allowance?

MR. STANNARD: I think it is styled as such in the award.

THE COMMISSIONER: It is a disability allowance that varies according to the margins.

MR. STANNARD: Do you know why that was granted? -- No I have not been doing much cross cut sawing lately. Mr. Walsh said that the 6s. has not risen but all other margins have risen by 50%. I fail to see why it has not been raised. I have seen men on cross cut sawing who are worth far less but there are plenty of men in the timber industry which the Forestry Dept. seem content to have.

Yet you say they are comparable with the land clearing men. Do you think they should get their margins? -- Some.

You said we should have the same margins because Mr. Walsh added the disability allowance. The actual margins for axeman is 9s. That is what we are offering you. Don't you think that is quite all right when the margin in the general construction award is only 4/6? -- The margin on hand cross cut sawing has not gone up. If the others have gone up, this should go up too.

Surely you cannot have it all ways. You cannot say "we are comparable and we like the margins" and when I tell you the margins for you to say "we do not want them now" -- I do not understand you when I said they were comparable. I did not say we were not better.

When Mr. Walsh added the disability which has nothing to do with skill it is all right. There is the margin for skill, 4/6 hand cross cut sawing. You said carpenter labourers are employed on sheds and huts by the Forestry Dept.? -- I know one or two employed there last year helping the carpenter who was employed by the Forestry Dept. building huts on day work.

Would you agree we pay him the same rate as the construction award? -- I cannot remember offhand what the Union was trying to get for the carpenter's labourer. I have not put in a long time studying these things, but I am here to speak the truth as I see it.

You agree with Mr. Walsh the rate in the construction award was quite a suitable one. Do you still agree with him? -- What do they give the carpenter's labourers? I do not agree with the 9s. He must have more skill.

What skill? -- He has to be able to use saws and use them decently, and also give the carpenter a hand out in cutting timber.

Have you ever seen it done by carpenter's labourers? -- Yes.

Where? -- The man I am speaking about is Moyes and his man was cutting up.

Do you know if he was paid as carpenter's labourer? -- I am pretty sure he was.

Have you ever worked for the main roads? -- No.

You would not know about their culverts? -- No, but I have seen them.

The ones you have seen along the main roads, do you think they compare with yours? -- Both in looks and the price they are put in for. As far as looks they are definitely comparable with the forestry ones, but they are dearer.

Have you ever seen main road culverts that look like yours? -- Yes. As far as culverts are concerned, there is not much difference when you go down to small ones.

Where have you seen culverts put in by the main roads? Any amount.

Possibly you do not know what is a culvert in the main roads. A culvert hand under the construction award works with the carpenter's. Would you agree that your men do the same work? -- The only difference between the culverts of the main roads and that put in by the Forests Department, is that many of them are square. They may put split decking and soil on top, and a little gravel along the side just the same as the main roads.

You have never seen a main roads culvert like that? -- Not with soil on top.

Not constructed with a split decking either. There is no comparison in the job? -- It is not everybody who could square the timber with a broad axe.

You do not say a culvert hand uses a broad axe? -- Any amount of them do.

He would not be paid as culvert hand if he was using a broad axe? -- He would be paid for squaring and decking.

We are not talking of squaring and decking but the work of putting in a culvert. You do not think that compares with a main roads job? -- Definitely not on culverts.

Item 21 (a) bridge construction. Do you know what a timber man is in the general construction award? -- I do not know, as a rule a man who works in the bush is termed as a timber man.

Do you know what the designation in the award means? -- I do not understand a lot in that award.

You would not know whether the timber man here compares with one on bridge construction? -- I take it a man constructing bridges would be a timber man, otherwise he would not be handling timber.

When you referred to the classification in an award surely you knew something about it. You do not seem to know anything about a timber man? -- The man who handles timber is a timber man.

Do you know what hanging centres and fixing sets mean? -- I know what it means in wells.

Fixing sets and off bolts on lathes? -- I do not know.

Do you use lathes in your work? -- No.

If you have seen a trench timbered, you would see it is timbered with lathes. You don't do that? -- We put wells down and timber them.

Not done by bridge construction men? -- By anybody.

A bridge construction man would not be classified when he is putting down a well? -- I suppose he would be classified as well sinker then.

Or is employed in handling timber in shafts. You do not do that? -- No.

Do you know what lays decking means in that definition? -- I do not think there is any doubt about that.

They lay down decking in a trench which may be down 15 feet in stages at different depths. Do you have that? -- No.

So that a timber man has nothing to do with your job? -- A timber man is a man who handles timber.

In accordance with his definition out of the construction award, notwithstanding it does not agree with your men? -- Apparently not. I contend a timber man is one who handles timber.

You have not claimed for 13/6 just because he is a timber man? -- When he is working with timber on bridges or anything like that I consider he is a timber man and is entitled to it.

Who generally would put in the bridges? -- Probably done by 3 or 4 men. The man in charge in a sense builds it up. He must have assistance.

They are all under supervision? -- Yes.

That is the general forest workers? -- Yes.

In claiming a 12s. margin are you not immediately breaking the rate of the forest workers? -- No.

Is not bridge construction part of the forest workers' duties? -- Only after so long in the job. If a man is on the job 6 months he gets paid the margin. After 6 months you want to stop the margin.

Is that not one of the forest workers' jobs? -- Yes.

We have agreed to a margin of 12s. for him, is it not breaking down the others? -- I do not think so. You have agreed to 12s. for that man, with another man on the job you are prepared to pay him 13/6.

With a man coming in like that do you think he should be paid more than the forest workers? -- He should be paid according to his capacity in the job.

MR. WALSH: There is a misunderstanding. We are claiming 12s. and not 13/6. We are quoting the timber man in the award. For the classification of 21(a) we claim 12s.

MR. STANNARD: IN the claim it is 13/6. Can we amend it to 12s?

THE COMMISSIONER: He wants 21(a) bridge construction worker 12s. Do you want the timber man in 13/6.

MR. WASH: We are quoting the timber man's rate as an argument for our margin.

MR. STANNARD: Do you think this man has any more skill than the axe man? -- Definitely. Anybody can swing an axe. Hundreds in the Department can swing them, but not do the other work.

Yet you want the same margin for them?-- It is hard work.

Which is? -- swinging the axe.

Bridge construction is hard work also? -- It is. They both are.

Yet you say the axeman has not anywhere near the same skill as the bridge construction man? -- I do not think he has. He has not to use his head so much but an axeman must have a fair amount of strength to swing an axe, but he is not as skilled as the bridge construction worker.

They should not get the same margins? -- I do not suppose so, although skill may counterbalance hardwork. There may be more in building a bridge than chopping down a tree, but I know which I would like to do.

They have to swing heavy logs into position? -- It is not as hard as swinging an axe about 5 o'clock in the afternoon.

Then the margin of 9s. would be near the mark for bridge construction? -- No. I do not know what they are asking, I think 9s. is very low.

CASE ADJOURNED TO 103.0 AM.

THURSDAY, 15th DECEMBER, 1949.

IN THE COURT OF ARBITRATION
OF WESTERN AUSTRALIA.

No. 5/48.

B E T W E E N :

AUSTRALIAN WORKERS' UNION, WEST AUSTRALIAN
BRANCH, INDUSTRIAL UNION OF WORKERS.

Applicant

and

CONSERVATOR OF FORESTS OF WESTERN
AUSTRALIA.

Respondent.

ADJOURNED HEARING.

THURSDAY, 15th DECEMBER, 1949.

MR. STANNARD: Before the witness takes the stand, I would like to refer to the wages schedule, Item 39, broad axeman. In the existing award you will see Item 39 is "broad axeman preparing timber for construction of bridgework, margin 27s.6d." In the answer column it has "as in existing award."

I would like to delete all the words after "axeman" because in the existing award we have two classifications for a broad axeman; one preparing timber for construction in bridge work, which is on a lower margin than the general broad axeman. We now wish to make a broad axeman classification and have one margin, the higher margin of £1.19s.

MR. WASH: We have no objection.

GEORGE WILLIAM REYNOLDS, continued :

EXAMINED MR. STANNARD:

In answer to a question by Mr. Walsh, you said that you should get the 5-day week that is operating in South Australia, Victoria and Queensland. What if I were to say there is provision for a 5½-day week in those awards, and we should continue the same provision in our award? -- My reason for saying we should have a 5-day week is because I fail to see any reason at all why we should have a 5½-day week. I contend we can do more control burning working five days a week with the 40 hours in the five days than by working the 40 hours in 5½ days, and I do not see that you would be benefiting at all by keeping us on 5½ days.

You want to base it on the West Australian standard, not the Eastern States? -- I have not worked in the Eastern States.

Overtime, re overseers. Mr. Walsh said that they should be treated as gangers in the construction award. Do you agree with that? -- We are more or less just gangers.

Do you know what the provision is in the construction award? -- I could not tell you offhand.

If I were to tell you gangers get only time and a half for overtime, would you like to take that? -- For how long?

Any overtime? -- I would say that a ganger in the construction award, or any other award, does not work half as hard as men on fire-fighting.

So if other Unions say you should have those conditions, you do not agree with them? -- What conditions?

The same conditions as gangers under this construction award, the A.W.U. construction Award No. 24/47. Mr. Walsh said you should be on the same basis.

THE COMMISSIONER: Did he?

MR. STANNARD: Yes.

MR. WALSH: In what respect?

MR. STANNARD: As regards over time. In subclause (c) we have it that overtime shall not be construed as meaning the additional time usually and necessarily worked by overseers as part of their ordinary duties prior to and after the usual starting and finishing times.

MR. WALSH: My only reference was to the limitation of 20 minutes each day overtime outside that particular sphere.

MR. STANNARD: We have an identical provision in our answer as in the construction award. Mr. Walsh has said that he wanted the same conditions as gangers. I am fairly certain of that.

THE COMMISSIONER: Will you quote the construction award? Mr. Walsh said that award limits the clause to 20 minutes.

MR. STANNARD: That is not correct. It limits it to two hours a week. Clause 5(c) of Award No. 24/47 says -

"Gangers shall not be entitled to payment for overtime unless called on to work such overtime with other workers for more than an aggregate of two hours in any week. When the aggregate overtime exceeds two hours in any week, the whole of such overtime shall be paid for at time and a half. Sunday time included in the time for which overtime is paid shall be paid for at double time. Overtime shall not be construed as meaning the additional time usually and necessarily worked by gangers as part of their ordinary duties prior to and after the usual starting and finishing hours."

I fail to see how we are tying these down to any harsher conditions. I think we are offering something better than this award. Right through it appears to me that the Union has not given proper consideration to our offer.

MR. STANNARD: Do you agree with the Union's contention? -- As I see it, under the Union's contention an overseer would not be asked to work more than 20 minutes per day preparing the start of his gang at 8 o'clock, and also putting tools away at the end of the day's work. If we have no stipulated time, you could find all sorts of jobs for the overseer to do before and after working hours.

Has this been done in practice? -- Yes.

Has that happened to you? -- I have put in a lot of time loading saws and taking them to be gulletted. As far as working time is concerned, I generally get to the office at 20 to 8 and talk with the men about something to do the work, or load saws.

That could happen under the construction award. It says time necessarily put in before starting and finishing does not constitute overtime. You have to work with the other men for overtime? -- For the margin the overseer is paid, he may put in more overtime each week and may not get as much as the men under him.

That is why he is getting the margin? -- I thought it was for responsibility.

It is all included? ----

(Continued on page 49).

MR. STANNARD: Forest Work. Do you know of any man who has been penalised by the clause in the Award now? -- I cannot recall any off hand, but I have heard them referring to it.

We do not want hearsay. Do you know any? -- No.

Do you know of anybody living with their parents in a Forestry house who is not being paid as a forest workman? -- I did know one chap, but he shifted camp only a few days ago. But he has not been on the job six months.

You do not know of anyone who could qualify? -- Not in this particular place where I am. There are not a lot of centres round there, though.

So it is just a wild statement on the Union's part? -- No, there are dozens of different places.

No evidence has been brought in that respect? -- I have not been around the South-West. Mr. Walsh may have.

You are giving the views of the Union for the whole of the Forests Districts? -- As I know it.

Do you know of anyone at all who is readily available for a fire who has not been classified as a forest workman? -- Yes. One young fellow in particular I know who would be readily available, and is not classified as a forest workman.

Has he been on the job six months? -- No.

You know the provision? -- Yes, but that was not what you asked me.

I am referring to the item "Forest Workmen", and you know what goes with it. With regard to Ewmen, do you agree that it is necessary to work a 7 day week? -- No.

Have you ever known the towerman to give gangs a lot of running about? -- Yes, more than one.

How long would he last as a towerman? -- He was there a year or two, and afterwards I think he gave the job up himself. That is not uncommon.

Don't they check on these fires from headquarters if they are in doubt? -- Yes, but many a time a small smoke may go up, too small to get a cross-bearing on, and if they think the weather is very bad and there is any likelihood of it breaking into a big fire, then without a cross-bearing they will take the towerman's idea of distance and bearing and go to the fire.

They would check up on that fire? -- Not always. If they have a direct view, they can; but if there is an indirect view, they cannot. Maybe there are hills between the towers and smoke is rising behind a hill and the other tower cannot see it.

Would you say the man who gave the wrong information was new to the game? -- Not necessarily. No, as a matter of fact, I would not.

I suppose you will agree that mistakes are made in all walks of life occasionally? -- Yes.

Regarding this towerman, he might be late in picking up fires or taking a cross-bearing. How often would that occur? -- It should not occur, but that is why I think towermen are fairly conscientious, taking them all round, because if they were not conscientious that could happen. That is why I contend towermen should be paid good wages.

They would not have their job, either? -- No, that is why I think they are entitled to be paid for it.

Do you know that the Department does not have any difficulty in getting men for this job? -- It is news to me, great news.

It is a fact. Have you had anything at all to do with timber mills? -- Yes.

Do you know the watchman's duty in a timber mill? -- I do not know. I did not know they had watchmen in timber mills.

Watchman-cleaner? -- I know that he lights the boiler in the morning and cleans up at night-time.

He is working during the night? -- Yes.

Do you think the towerman's duties are more congenial than his? -- Yes, I think so, because there is not the same chance of a fire starting in a mill that there is in the bush.

Is not the towerman working under better conditions in the daytime and suchlike, whereas the other man is working at night? -- I do not think so.

If I were to tell you that a mill watchman gets a margin of only 9s. for an average of 52 hours per week, would not you say the towerman is doing quite well? -- No. The mill watchman has a very light job. It is just cleaning up, and he has not got a lot of responsibility.

For the 60 hours which you say he works, he gets £2.12s. over the basic wage? -- I think he is entitled to it.

That is a reasonable amount ? -- I think he is entitled to the amount of pay for that overtime, the same as the other men should get.

Yet you realise it is a 7-day week job ? ---- Yes.

And there is a man who could be worked anything up to 104 hours per fortnight, yet he gets only 9s. above the basic wage ? -- A lot of his time he is just walking around with a broom sweeping.

Does not a fireman for a lot of his time just sit up in the tower in the cool breeze? -- Yes, there is a cool breeze; but he has to keep his eye on the horizon and everything.

He is above the smoke and everything? -- Sometimes he is above it.

Item 51, man manipulating hose at the fire. Where is the skill in this job? -- The man has to know where to use the water to the best advantage. If you were to take a tank of water to a fire, one man would probably put out anything up to a quarter of a mile with that tank by using the water properly, where another man would use it in 10 to 15 chains.

Could not any forest worker do that ? -- He could, with training. Practice makes perfect, I contend.

Could not any member of the fire gang do that? -- I do not say that all do it, but some better than others.

Do you think it requires any different rate ? -- I think if a man is skilled in that class of work and better than another man, and can conserve water and put out more fire with less water, he is entitled to something for it.

Are not they under the supervision of an overseer? -- The overseer cannot be in every place at once.

He would know if they were wasting it ? -- You might have several nozzles going on a fire, and the overseer cannot be at all the nozzles at one time.

Do you consider there is the same skill and responsibility as the man operating the fire pump ? -- With a fire pump, it is just a matter of starting the engine and watching for signals.

Do you think he has the same responsibility and skill ? -- He has responsibility. Every man could waste water.

Are they the same? -- I do not know; it is hard to judge. There are two different things. The man on the hose might not know anything about the engine.

Is not that something? -- He has to start the engine and have some intelligence ? -- Yes.

Don't you consider that warrants more than the man who is just directing a stream of water on to a tree ? -- What is the margin being asked for the man directing a stream of water on to a tree?

Don't you know? It is 15s., and you are claiming the same amount for the man manipulating the hose. Do you think that is fair and reasonable ? -- They can both be good men. How are you going to divide them? You have two good men together, and who are you going to put on the hose. If they are both good men, you cannot put both on the engine or the hose.

G.W. REYNOLDS. XAN.
15-12-49.

The man in Item 40, the man operating the fire pump, has to hold a certificate issued by the Forests Department that he is capable of doing it, but the man on the nozzle has not got to have such a certificate? -- It does not mean that he could not do it, just the same.

(Continued on page 52).

MR. STANNARD: It is doing what, just the same? -- Operating the fire pump if wanted.

We are not concerned about that, but the relative skill to do the two jobs? -- The man on the fire pump has not only got to use the water, but has quite a heavy job and quite hot work.

Which man?-- The man using the water on the nozzle. He is closer to the fire than the man on the truck.

You do not say he requires more skill?-- Not necessarily more skill, but he is putting up with more difficult conditions.

Where do the difficult conditions come in?-- If you go close to a fire to stop it, you will find the conditions very difficult and hot.

Would not the man using the knapsack spray be equally as capable and entitled to such a margin?-- He would not be so close to the fire with the knapsack spray. If you have fire where you have to take a big engine along, you do not use a knapsack spray to stop it.

You have someone to do the job?-- You may have them putting out fires on trees. You would not go to the face of the fire with a knapsack spray.

The man with the nozzle would be quite some distance off because there is a stream of water?-- I have been some distance off trying to get away from a fire, and have been blistered on the arms and face.

You were not on the nozzle?-- No. I am just pointing out you have not to be right alongside the fire to be pretty warm.

(THE WITNESS WITHDREW)

MR. SCHNAARS: One thing I am not quite clear on, Mr. Walsh. You referred to the wage of the Towerman as being £9.7.4d. plus £1. camp allowance. I take it that is when he works the 7 days?

MR. WALSH: Yes.

MR. SCHNAARS: Then you said his ordinary rate would be £7.4.10d. and I understood you to say that would be made up of the basic wage plus a margin of 12/-. Is that correct? -

MR. WALSH: Yes. Six pounds fifteen and something, plus 12/-.

MR. SCHNAARS: Now you were claiming a margin of 12/- for the Towerman which you say he now receives. What is the difference between you there?

MR. WALSH: I am setting up a comparison in connection with the basic wage plus the 12/- the man gets on the ground for fire fighting. As a forest workman he gets a 12/- margin. The comparison I am setting up is the towerman working the equivalent week on the tower, against the man working an identical week on the ground, and showing the discrepancy in the two.

MR. SCHNAARS: Does he or does he not at the present time receive 12/- margin - I mean, the man on the tower?

MR. WALSH: The man on the tower receives no margin at all.

MR. SCHNAARS: And if he only worked 40 hours, what wage would he receive. If he started on the Monday and finished on the Saturday lunchtime?

MR. STANNARD: That point also struck me yesterday, sir, although I did not quite get down Mr. Walsh's figures, but I worked them out myself and the forest workman on the basic wage of £6.15.4d., with a margin of 12/-, would get £7.7.4. for his 40 hours of work. Then 20 hours of fire fighting at time and a quarter at the rate Mr. Walsh mentioned -- would, on my calculations, give him £4.10.0., making the total £11.17.4.

The Towerman, for a 7 day week, would get £10. 7. 4d. with his camp allowance of £1. 0. 0., bringing the total earnings up to £11.7.4d.

MR. SCHNAARS: No. £10. 7. 4d. includes the £1. camp allowance.

MR. STANNARD: I am sorry. That is right. That makes it £10. 7. 4d., so that for his full week there is only a difference of 30/- and he has done no manual work whatsoever.

MR. SCHNAARS: Does he at any period only receive the basic wage - the man on the tower?

MR. STANNARD: I would say no, because for 5½ days it would come out at 9/6d. It is £7. 4. 10d.

MR. SCHNAARS: For 5½ days?

MR. STANNARD: Yes. The minimum he would get would be £7.4.10d. That is, if he worked the eleven half days between Monday and Saturday noon. Our offer is 13/2d.

MR. WALSH: With regard to that argument, he certainly receives £7.4.10., but for that he works 49½ hours. That was the comparison on the set-up I was making, and for the extra 9½ hours he works over the hours the man works on the ground he only receives an additional 9/6d. That was the comparison I made.

MR. SCHNAARS: I understand this is your first case, Mr. Walsh - the first case you have taken in Court, and I would like to congratulate you, that being so, on your effort, which is certainly far superior to the efforts of some who have been down here on quite a number of occasions, and some, as you may have heard, quite recently.

MR. WALSH: Thank you, sir. I am very pleased to know that my first effort has been appreciated.

MR. STANNARD: On behalf of my principal, the Conservator of Forests, I desire to draw the attention of the Court to the fact that Forestry is unlike other Government undertakings that are from time to time reviewed by various tribunals, and therefore it requires a different approach when considering its difficulties.

It is appreciated that after the brief inspection we had some of the aspects of the industry have been clearly demonstrated to you, and therefore I feel sure you will realise that rural industries are more analogous to this than, say, the ordinary manual worker doing construction work, and therefore you cannot apply the same conditions as you do to the manual worker.

We feel that this has always been considered by the Court, and I would refer you to W.A.I.G., Volume 20, at page 163, where Sir Walter Dwyer, who was then President Dwyer, said: (This is at the top right hand column on page 163):

"It is important that trained workers should be retained in the service of the Department
.... rural surroundings."

That gives a clear indication that he did not just consider these as just ordinary workers in other Government undertakings. He goes on to say:

"It is pleasing to note the advances made by the Department of the workers' families."

That still applies today. There has been no change of circumstances. Houses are still being constructed on a community basis, and therefore we wish you to take the same approach as Mr. President Dwyer did at that time.

This work is on a permanent basis, and offers plenty of scope for the intelligent, enterprising and industrious worker.

MR. SCHNAARS: Are these workers eligible for superannuation?

MR. STANNARD: If they were to apply they would get favourable consideration.

(CONTINUED ON PAGE 55)

MR. STANNARD: They could apply to members of the superannuation fund. We have some members in that fund, but not many.

THE COMMISSIONER: Would they be accepted?

MR. STANNARD: The majority of them would be accepted as contributors.

THE COMMISSIONER: Who would not be?

MR. STANNARD: A few, the casuals. The forest workmen and above would be entitled to contribute to the fund.

THE COMMISSIONER: Those who come within that special classification.

MR. STANNARD: Yes, that covers the special job, and those who are qualified. There is a permanent job for a man if he is suitable for the work.

The administrative officers of the Department have foresight and initiative, as is borne out by past references in this Court. I again refer you to the judgment of Mr. Walter Dwyer, the first paragraph, when he said --

"It is pleasant to note that all connected with the department appear to be enthusiasts in their work and to be fully seized with its importance."

That was nearly ten years ago, and since then there has been no relaxation of effort to make the work and home conditions of the men as congenial as possible, and which you were able to witness yourself.

On the industrial side, modern machinery and plant has been obtained to do the more arduous work in the bush. Up to date, fire-fighting equipment has also been procured to assist in that work. Wherever possible, we apply the standard conditions relating to Government workers, but it has not always been possible to extend all the conditions. That is why we are here today.

With respect to housing and amenities, this department has always been out in the forefront, and has sought to preserve that high standard. But you must realise that today we cannot go on with the programme as we wish because of lack of material and skilled labour. Those are limiting factors.

With regard to amenities, it is the policy of the department to establish their settlements on a community basis and therefore it is not so isolated as dotting them all over the countryside. We give assistance wherever possible with construction of recreation grounds such as we saw at Dwellingup, which is a good start. There are other instances where we have given assistance.

On the amenities side, the future policy of the department is for electric light to be installed wherever possible. Already there is a local service at Pemberton, Mundaring, Harvey, Collie and Manjimup. The department has also installed its own supply at Dwellingup and Dryandra. They have approval for four or five other places, some of which come within those terribly isolated places mentioned by Mr. Walsh, such as Willow Spring and East Kirup. They are doing all they can in that regard.

MR. STANNARD.
15-12-49.

Also, we have provided water supplies, as far as possible, and are endeavouring to have water put in the forest places. It has always been established at quite a number. There are other places where it will be established as soon as we can.

There are tennis courts at Dryandra, Huntly, Ludlow and Mundaring Weir.

THE COMMISSIONER: Were these established by the department?

MR. STANNARD: The department has given assistance. If it was convenient, the department has lent plant and other things, and given time off, when convenient to assist the jobs. They have supplied such items as netting. This has gone a long way to reduce the cost to the persons who would benefit from those amenities.

When we come to the first item in dispute, Clause 4, hours, here the Conservator has been able to grant the 40-hour week, but he has not been wholly able to extend it to five days. The 5-day week is worked during the winter, but it is necessary to retain the 5½ days during the fire season. The union is seeking to have the 5-day week throughout the whole year. This is not a new claim. It has been sought previously before this Court, and refused.

THE COMMISSIONER: Is reference made to that in the decision you have been quoting from?

MR. STANNARD: No, he does not specifically refer to hours.

THE COMMISSIONER: When was the 5-day week claim submitted to and rejected by the Court?

MR. STANNARD: That was in Reference No. 13/39. I have not a copy of the issues with me. The problem of safeguarding forests is difficult enough with a 5½-day week, but it would be much more difficult with a 5-day week, particularly during the control-burn period during the spring and autumn months, when we say it is essential that areas burnt, say, on a Friday, should be patrolled the next day.

There are activities, such as the railways, tramways and hospitals, where the 5½-day week still applies, or something similar, say, an 11-day fortnight. There are provisions for that in Award No. 11/47, the Moulders' Railway Award, which provides for a 5-day or 6-day week; 12 and 14 of 1947, Engineers Railways, No. 10/47, boilermakers, railways, and No. 48/46 W.A.A.S.R.E. award, all prescribe either a 5-day or 6-day week.

Then we have Award No. 14/46, covering the State Gardens Board employees. That can be a 5-day or 5½-day week. Also No. 88/47, road transport workers. Then we go to No. 1/47, infant health nurses, which prescribes a five or 5½-day week, and the hospital employees, No. 74/48, which applies to the Perth Dental Hospital, where it can be a 5½-day week. Also there is No. 1/45, nursing assistants. They have just got a 40-hour week, with a 1½ days off. No. 1/45, hospital domestics, provides for an 80-hour fortnight, with a 10 or 11-shift fortnight. No. 13/47, male and female mental nurses, contains a similar provision, No. 29/46, tramway award, carbarn section, is 5 or 5½ days. No. 6/46, farm workers. There are no fixed hours there, but there is one day off in seven. No. 22/47, State farms award, an 80-hour fortnight with one day off.

So you see there are quite a few awards which have been

MR STANNARD.
15/12/49.

considered by this Court but which still provide for something other than a 5-day week. In that respect, I would draw your attention particularly to farm workers who, I consider, are somewhat on the same lines as these. The workers here are more or less caretakers of a large farm, you might say, when they have to look after the forests. Therefore we consider that we should be able to have their services as long as it is considered necessary.

With regard to the Eastern States, Mr. Walsh quoted those, but I do not think he looked very deeply into them. In Victoria, forestry workers are covered by Federal Award Print A151, and Clause 10 provides for a 40-hour week, eight hours per day Monday to Friday. There is also a provision there for a spread of shifts at a special rate, which indicates that even there, although they have 40 hours specified from Monday to Friday, they have to put in further provisions to safeguard themselves in case it is necessary.

The union did not bring any evidence regarding Victoria, but just said they had the 5-day week there, and why should not we have it? This Court has never accepted that as being sufficient argument, and I ask that it be rejected. Here again, I am not conversant with all the conditions in Victoria myself, but I do know it is a common saying that you cannot go out in Victoria in the summer unless you take an overcoat with you. It rains almost every day there, so even on that score the conditions are not comparable. They are much further south than any part of this State, and there can be a lot of other factors, too, that possibly make it that they can, in some instances, work 40 hours in five days.

In New South Wales, Industrial Gazette vol. 84, 28th Feb. 1947, I think that was the one Mr. Walsh quoted from, in the hours of labour Clause (2) ----

THE COMMISSIONER: Before you go on, Mr. Stannard, will you, Mr. Walsh, hand in those awards so that I can read them as they are being quoted from?

EXHIBIT. EXHIBIT No. 1. Commonwealth Forestry Awards.

MR. STANNARD: Unfortunately, you will not have full information, as I have here the 40-hour week amendment, but it does only substitute 40 for 44 in Clause (2). In subclause (1) you will see it specifies that, except in the case of camp cooks, the ordinary hours of working shall not exceed 40 per week, and shall be eight hours a day, Monday to Friday inclusive, between the hours of 7 a.m. and 5 p.m., provided that during the fire danger season in any district employees may be required to work their ordinary hours in 5½ days.

(Continued on page 58)

MR. STANNARD: The amendment says:-

"5½ days of 7 hours 12 minutes, Monday to Friday inclusive between 7 a.m. and 5 p.m., and 4 hours on Saturday between the hours of 7 a.m. and 12 noon.

That is in N.S.W. Industrial Gazette, Vol. 84, page 341. You will see that is almost identical with what we are offering, and geographically we are approximately on the same parallel as Sydney, so that at least we have this in common.

Then we come to Queensland, Forestry Award, Govt. Gazette 142 of 12 Nov 1945. In the hours clause you will find the ordinary working hours of employees other than persons attending to horses shall not exceed 40 in any one week, or 8 hours from Monday to Friday inclusive.

In cases where the employer and branch secretary of the A.W.U. Union, Queensland, agreeing the ordinary working hours of employees other than persons attending to horses shall not exceed 80 hours in any one fortnight. Here again we have something other than Monday to Friday, and they still have a provision for a 5½ day week, or it could be worked in 6 days, providing they do not exceed more than 80 hours in a fortnight.

Then we come to S.A. construction award, pages 304/7 quoted by Mr. Walsh. In clause 6(a) hours we see that "the number of hours worked per week for which the rates ... or rates fixed by this determination shall be paid, shall be 40". It does not say Monday to Friday. Providing they do not work more than 40 hours per week there are no other limits to it. So they have not got a 5 day week in S.A. from Monday to Friday. I have the information that is a somewhat similar arrangement as here.

Tasmania has similar conditions to Victoria. They have a 40 hour week, Monday to Friday, but there is a provision where the hours can be spread over the day in two parts. Everywhere in Australia there is something different than a 5 day week from Monday to Friday. I ask the Court to take that into consideration when arriving at a decision. I submit that the clause we are offering is a very reasonable one, and has not caused hardship to anyone.

We come to (b) in our answer.

THE COMMISSIONER: You need not touch on that. Mr. Reynolds has made it quite clear that that clause is operating quite satisfactorily.

MR. STANNARD: We come to clause 5 overtime. Here the Union is claiming all time worked in excess of the ordinary working hours shall be paid at the rate of time and a half, first 4 hours and double time thereafter. I think that has already been amended by both the advocate and the witness when they said detention should be at ordinary time. Although I do not agree with that, they are already finding what they are claiming does not fit in with the needs of this industry whatever. This is another indication that they have not given the claim proper consideration.

We have agreed to this overtime provision when it involves men other than when engaged at fires, on fire service outside ordinary hours. We say ordinary overtime, at time and a half first 4 hours and double time thereafter is quite alright. I have gone a bit further than that as regards Saturday. They are quite happy to take that because it suits them. But they did not even think of it when putting in their claim. The outbreak of fires is something which the Conservator cannot wholly prevent.

As you observed during your inspection no possible effort is spared to reduce these happenings to a minimum. Every effort has been made to educate the public by propganda over the wireless and press to take every care when in the forest, but you have the careless people and indifferent people who do not pay any heed. They light fires indiscriminately and they get away. That is when we get our troubles.

A lot of work has also been done in inspecting spark arresters in locos in mills and ash pans, and also insisting on a high standard of maintenance in those items. As far as the Conservator is able to, he does everything possible to reduce the fires to a minimum. I feel that we cannot be called upon to pay ordinary overtime rates when these men are fighting fires outside of ordinary hours.

The offer which has been made to the Union is a very generous one and is quite an improvement on the old rate. At the present time the rate would be 5/6d for overseers and 4/6d for all other workers. The Union accepted this as an interim award. I submit it has been very successfully worked during one season and it should be permitted to continue.

If there are changes in circumstances relating to fire fighting then I say it is definitely on the improve. You have better fire fighting equipment than in days gone by. In these days they are on the lookout for improved methods in regard to fire fighting, so that it may be broken down as much as possible in its arduous nature. When a man goes to a fire he does not work flat out all the time. It is admitted for a time after the immediate arrival until they get the fire under control, it is pretty heavy going, but there is a period of mopping up which is nowhere near as arduous. Therefore to expect the ordinary overtime rates is very unreasonable.

Another point that must be taken into consideration is that under section 47(1) of the Forestry Act which says that - in the event of a fire occurring in or adjacent to any State forest reserve, a forestry officer may call upon any person residing or working within a radius of 5 miles of the outbreak to assist in extinguishing the fire, and secondly all persons who in response to such a call shall render the assistance required, and shall be remunerated at the prescribed rate.

(continued on page 60.)

MR STANNARD: Mr. Walsh, in his address, said that prior to 1940, it was controlled by the Bush Fires Act and that the Court did not have any jurisdiction at that time. That is not correct. In 1940 the regulations were amended, the regulations to the Forests Act, and that was published in Government Gazette, 8th March, 1940, and was an amendment to Regulation 134A. It now prescribes that the general public get the same rate that was prescribed in the award of the A.W.U.

That only referred to the general public. There has always been provision in the various agreements and awards relating to this industry as regards fire-fighter rates, and at this stage I would like to hand in a schedule I have prepared, showing the various provisions relating to hours, fire-fighting, detention rate, and look-out men.

EXHIBIT. EXHIBIT No. 2. Schedule showing provisions relating to hours, fire-fighting rate, detention rate and look-out man.

It really shows what the provisions have been in the past, right from the beginning, there was a registered agreement, in 1928. You will see that there was a rate for fire-fighting for those workers then so that Mr. Walsh's statement has no effect whatever, because these men have always been covered. He should have said it was the general public who were covered by that amendment.

I would like to go back to the hours clause. You will notice I have not made any reference, in the early stages, about the grademen, but now that has been fixed up, so I need not say any more.

Take the fire-fighting rate. The fire-fighter had a registered agreement in 1928 which prescribed that outside ordinary working hours the rate should be 2s.6d. per hour, and we see that the provision regarding the 12-hour stand-down was contained in that agreement. That has been continued right through and has caused no hardship. As a matter of fact, I think you will agree it has more or less given the worker an opportunity to recuperate after the fire. We have already paid him overtime while he is fighting something for which we were not responsible. Therefore, he has done quite well.

The 2s.6d. rate carried on without much alteration other than in 1930, when it went up to 3s., and then down to 2s.6d. in 1935. That was a review by the Court.

THE COMMISSIONER: 2d.6d. in 1935 would represent more than time and a quarter, would it not?

MR. STANNARD: The basic wage at that time was £3.11s.2d.

THE COMMISSIONER: What was the margin?

MR. STANNARD: Actually, there was no forest workman at that stage.

THE COMMISSIONER: The general margins were about 6s.

MR. STANNARD: They would be.

THE COMMISSIONER: 1/9 would be the ordinary rate.

MR. STANNARD: Yes, it was less than time and a half.

THE COMMISSIONER: Round about time and a third.

MR. STANNARD: On the basic wage. We have now doubled the margin and are prepared to pay time and a quarter, so I feel it is quite a reasonable offer. Also there is no provision for variation. It was just a flat 2/6, so that the basis that we are on now provides time and a quarter, that is for the general worker on the forest workman's margin, so that we have gone quite a long way.

And of course it should be noted that this does not also apply to fire fighting, it could be control burning outside of the ordinary hours and it is not so arduous at that stage. It did go up, there were some increase until we come to our amendment in December last when we put it on what we considered was a good reasonable basis for all concerned.

As regards the provision relating to the 12 hours stand down here the union referred to the Vic. award in regard to the rest period, and I would just like to refer to that point also. That was in clause 26 of print A141. You will see the heading "rest period after performing overtime duty." Now immediately that indicates that is overtime and therefore it is something that can possibly be regulated and controlled. We go back to the overtime clause, clause 11, and have a look at subclause (f) which provides "this clause shall not apply to employees engaged upon the work of fighting bush fires." So the fighting of bush fires in Vic. is not overtime and therefore clause 26 does not apply to that particular duty whatsoever.

THE COMMISSIONER: What would apply then? Now apparently from this they do not receive overtime rates in Victoria, they merely have time off.

MR. STANNARD. I will come to that now. They had an agreement for quite a long time outside of the award and fire fighting service was excluded from the award altogether, but in December, 1948, in print A285, there was an amendment to this award 463/48, amendment 890/48, and there the parties appeared before Conciliation Commissioner, J.R. Donovan, and by consent an order was made. He says "by adding to the end of clause 10 the following new subclause (clause 10 was working hours) the provisions of this clause shall not apply to employees engaged in the work of fighting bush fires in the state of Victoria." And by inserting the following new clause 11(a) fire fighting in Victoria. The following conditions of work shall apply to employees engaged in the fighting of bush fires in the state of Victoria:-

1. The hours worked before or after the ordinary starting or finishing time shall be paid for at time and a half rates. The ordinary daily hours of work prescribed in clause 10 subclause (1) of this award made by a agreement with the employee be worked in two periods subject to the following conditions,....."

That indicates they could not work the ordinary hours over there even, also I would like to draw your attention to the fact that this time and a half was by consent and was not the considered opinion of the Conciliation Commissioner, so therefore I do not think we should take much cognisance of that. But it does put fire fighting outside of the ordinary overtime clause and therefore that rest clause would not apply. That is what I wish to draw attention to at that stage.

Then we come to the other provisions in the eastern states.

I have already mentioned that time and a half is by consent in Vic., but we do not know how many fires they have over there and whether it means much to them or not. I think it could be readily understood that it is a much cooler climate and therefore the hazards would not be the same, and possibly it would not matter if they were paid ordinary overtime it would not cost them much but it makes a big difference here. Also Victoria is a rich state, they don't have to go the Grant's Commission, like we do, and it is only retarding the progress of the work when we have to pay out unreasonable amounts.

In N.S.W. ordinary overtime rates apply, but here again we do not know much about whether they have many bush fires or whether they even bother much about the control over there. In Queensland ordinary overtime rates apply but you will observe that clause 10 prescribes time and a half on week days for overtime and that would apply to Saturdays too.

Coming to S.A., clause 7 of that particular determination that you have, subclause (a) prescribes that all time worked outside of the ordinary hours shall be paid for at the rate of time and a half for the first 4 hours and double time thereafter except in the case of employees of the Woods and Forest Department engaged in fire fighting operations where it shall be paid at the rate of time and a quarter on the ordinary labourer's rate. Well that is almost identical with what we are offering, ours is time and a quarter on the forest workman's rate, so we are definitely in line there. I cannot tell you any more about the conditions there, but that is a determination of a Wages Board when considering the fire fighting point. It is not like the Vic. one which was not considered by the Court.

(CONTINUED ON PAGE 63.)

MR STANNARD:

We come to Tasmania. Under the Federal award, fire-fighting is excluded, as it is in Victoria. When we come to the amendment No. 285, we find that in Tasmania it refers to cookhouse employees only and who, when employed on duty in connection with the work of fighting bush fires, shall be paid ordinary rates while engaged on such duty. It does not say anything about what the ordinary workers get, so they must still be working under an unregistered agreement between the parties.

Because fire service work is excluded from the award, and it refers to cooks and says they shall only get ordinary time although working right over a fire, and if they only get ordinary time, possibly the fellows doing the fire-fighting also get ordinary time, but we will take that.

THE COMMISSIONER: Possibly there is a little difference in the fires!

MR. STANNARD: It will be seen that there is nothing standard, even in the Eastern States, but at least South Australia does apply the same principle we are offering and, to my mind, it is a jolly good basis.

Then we come to subclause (c) of our answer, "Detention allowance." This is a very necessary provision in the industry, and I think the witness agreed that it is necessary to have men standing by. That is for the purpose of having a few experienced men available without delay, mainly during the week-end, so that they can get out smartly to fires.

Only resident workers are required to stand by, and we pay them simply to remain in close proximity to their homes. I do not consider this is any great hardship, but it is necessary to preserve the interests of all concerned. These men can please themselves what they do. They are not required to do any work, but to be readily available in case of an alarm. If any fire-fighting is done, it is paid at the prescribed rate in the award.

-- Here again, it is of interest to turn to the decision in Award No. 13/39, as regards detention:---- I am going to read this paragraph later, but I think it is good in the opening remarks: --

"When dealing with hook-out men . . . peculiar nature of this industry."

I cannot help but feel how apt those remarks are today. They could be written again. We come down a little lower in the column on the right-hand side--about 10 or 15 lines up from the bottom--where it says--

"It is also necessary for some workers . . . necessary duty."

That stands good today, that the conditions have not altered but for the better. Therefore I submit that the union's claim for overtime is unreasonable, and we ask you to give favourable consideration to the amount we are offering. We are prepared to pay 16s. for a whole day when a man is just asked to stay at his home.

THE COMMISSIONER: The main difficulty appeared to be that the men were not notified; that because some officer knew that the man would not be leaving the place he would not advise that he was required.

MR STANNARD.
15-12-49.

MR STANNARD: But the witness who had been 17 years in the industry could cite only three instances where it had affected workers. I would say that possibly on that particular day it must have been a very dangerous period. My witness will tell you that these men are given every consideration as regards any private engagement they have; that not all the workers are required to stand by; that it is impossible to forecast what will be the hazard for the whole week-end, and that a man can leave the settlement if he is not told to stand by.

But if he is at his home and the hazard does change, then I do not consider there is anything unreasonable in requiring him to stand by. There may be an occasion when something happens. Say, for instance, we had half-a-dozen men at one spot, three of them might go away. The other three might be there on a Sunday, and it comes up a pretty bad hazard. It might be that those three men would be asked to stand by. It might possibly affect some engagement they might have made, but it would be very rare. In some of the localities Mr. Walsh referred to, if a man is there on Sunday morning, he is not likely to shift out on Sunday afternoon. I think we all know that they do not go fishing every week-end. Quite a few remain around their homes.

THE COMMISSIONER: Could not they be notified before ceasing work on the Friday? I understand that the fire hazard is given about 4 o'clock in the afternoon.

MR. STANNARD: I do not think so, but I shall endeavour to make that clearer to you through the witness. The union's wild statement that these men are waylaid without notification and that in remote localities they are hamstrung so that they cannot get away at the week-end is, I think, just trying to pad it up a bit. They have never asked for any conference on this item, which has been in the award for years. It has been argued in Court from time to time, but we have never heard such wild statements as that before. I do not think there has been any change over the years.

(Continued on page 65.)

MR. STANNARD.
15-12-49.

D/ES.

Orangawa?

MR. STANNARD: Most of the witness's remarks I think were directed at Nangarup, which is only a few miles north of Guildford. Perhaps some of them might like to get away to the city. They have a bigger call, perhaps, but I do not think he was speaking for the industry generally when he made those remarks, because he said he did not know much about the South West.

And I think you will agree with me that these men are considerably better off than quite a number of farm workers and the like, who have not much opportunity of getting away; and we pay them something extra for staying there and taking their ease.

As regards overseers, subclause (e) of our claim, I do not know whether I need to go any further with that point, but I think you will readily agree, from a perusal of Award 24/47, that we are already offering better provisions for overseers than are contained in that award.

I would ask that (e) be retained in the award. It is absolutely necessary. I think the Union is trying to take something away from the overseer.

I admit that in Victoria the provision is 20/- for Saturday Sunday or holidays, but there is no indication as to how often these men would be required to stand by and I do not think it is a fair comparison to take Victoria, or indeed any of the Eastern States. We do not know much about them. It is not provided for in the N.S.W. award. They may or may not do it.

In Queensland it is 8 hours paid at ordinary rates for each day, and the fire service is at overtime rates, which is time and a half.

In S.A. it is 2/11d per hour or part thereof. In Tasmania it is not provided for in the award.

There is not much to be gained from the Eastern States awards and I feel that 2/- an hour is a liberal offer.

The next in dispute is walking time. The only point is in regard to the Union's claim for seating accommodation and covers for vehicles.

I take it I need not go any further into the officer in Charge.

The Department is unable to grant the Union's claim in full. Wherever the vehicle is used wholly for the transfer of the men they will comply with the request. It is not possible to provide covers on all vehicles and I will endeavour to establish that in evidence.

We come to clause 18 camp area. We have been able to reach agreement on all the points in this clause with the exception of the actual camp allowance. Here the Union is claiming the standard clause relating to the general construction workers. I think it will be readily agreed that you cannot compare the living quarters and conditions of these men with the general construction men.

THE COMMISSIONER: Are these huts provided at Dwellingup, larger than the huts provided on construction work?

MR. STANNARD: They do not have huts anywhere near the same type as they have in Dwellingup, not the same standard. 50 square feet is the requirement in the award. Our huts are now 8 by 10

feet for a man on his own, and 10 by 12 feet for two men. I think you will agree that there is plenty of room for drying clothes which is about the only thing the witness said he could not do.

There we have gone well above the minimum prescribed in the award and the type of hut is a very good one.

We are offering in clause 38:--(reads)
That has been a provision in this award for some considerable time. They have never been treated on the same basis as construction workers, and I cannot see that there is any reason to make a change. I shall refer later to the provision in past awards.

As far as possible we are endeavouring to make settlements. Wherever we have any resident workers, you will have several married workers living in houses and huts not far distant so that there is quite a community angle attached to it. If you are going to pay a single man £1 a week to live in a comfortable hut and only charge a few pennies rent which we are doing at present, and charge a married man rent for living in a house, you are going to have serious dissention. The single man is already receiving a considerable amount in the basic wage for rent, but he is not required to spend anything like the amount he receives. There would be an anomaly. Later on when he graduates up to the married state he gets his residence along with the others if he desires to continue in the industry. I am sure you will agree that there is a definite line of demarkation between the forestry industry and the ordinary construction worker.

If he is required to live in a hut away from his home station we are prepared to pay the camping allowance. I feel this has gone a long way. I do not know anywhere where a permanent resident gets paid camping allowance for living in a hut.

(continued on page 67).

MR. STANNARD: A recent survey showed the strength of forestry employees at 402. I have no idea how many single men were in that number, but the number of houses is 212, and the number of huts is 137. For your guidance, I will submit detailed lists of those items so that you can get a clear picture.

IT. EXHIBIT No. 3. Numbers and disposition of wages employees of Forests Department.

IT. EXHIBIT No. 4. List of departmental houses and huts.

THE COMMISSIONER: How much are workers charged for those huts?

MR. STANNARD: 8d. at the present time.

If the department has to pay the occupants of these 137 huts a camp allowance, it is going to amount to a considerable sum in addition to providing them with a permanent residence. As I pointed out before, they are already receiving quite a considerable amount for rent in the basic wage. It is interesting to look at 24 W.A.I.G. p. 282. I just refer you to general workers. This award used to be in two parts, for overseers and general workers. They both have the same provision, so I shall read from the general workers' part, Clause 37, which provides--

"Camp allowance. When a worker is required15s. per week shall be paid."

We brought in that provision about the home station, and it has always been a provision since. That was in the 1939 award. It is only asking you to continue something which has already been recognised as necessary in this industry. The union has always recognised it in the past, and I am at a loss to understand the change in their attitude.

It is also interesting to note that we have the following living quarters in the remote centres mentioned by Mr. Walsh yesterday when he was talking about the detention and how they had been hamstrung, etc., in some of these centres.

Take Myalup: We have three houses there. At Tallanalla there are eight houses and five huts. At Hoffman there are no houses and no huts, so we presume they are living in their own houses. Willowdale, there are nine houses and one hut. Worsley, one house and no huts. Lyall's Mill, six houses and no huts. Wellington, four houses and no huts. East Kirup, eight houses, two huts and one fire tower. Yornup, six houses and one hut, Glenoran, no houses but three huts and one fire tower hut. Yanmah, two houses and one hut. Nyamup, five houses.

The single men there are not suffering any harsh treatment, in my opinion. You can see from the number of buildings there that they are quite a reasonable community, and if you are going to pay them the camp allowance, some of the married men would soon be kicking up quite a stir. I again consider that in these particular spots alone they are much better off than quite a number of farming communities, where there would not be anywhere near the same number of houses or dwellings in the same area, and the farm worker would not get camp allowance if he were living in a hut of that standard, I am sure.

It is also quite probable that a large number of these centres will expand in the near future, if it is only shortage of material and tradesmen that is keeping us back, so I would like you to take that into consideration also.

MR. STANNARD.
15-12-49.

At present, we have 30 houses that have been approved, but unfortunately they have not been able to put them in course of construction, so that will make a big difference throughout the South-West generally when they get going. There are also another 12 huts being approved. There again we are tied up for want of materials and labour.

If we are saddled with too much expense as regards camp allowance, we may not be able to pay for those houses and huts, and may have to call the job off.

I think this dispenses with (a) and (b). (b) of the union's claim is dealt with in the last part of our answer. That is, that if there is a suitable residence supplied to the worker, there should be no obligation to pay the allowance, and that has never been questioned.

Then we come to the wages schedule. The department gave very serious consideration to the wages schedule, and there have been quite a number of variations from the old award. They did not just add a percentage to the margins, and say, "That is our offer. Take it leave it." But they went through and considered every item on its merits, and it might be of interest to note, say, Item 11. We used to have the culvert construction man coupled with the light bridge construction man. Now it has been decided to make two items of those and pay the culvert construction man 6s. and the bridge construction man 9s., whereas before the margin was 4s.

Then we have the control burning rate, 21. That used to be 4s. and it has been stepped up to 9s.

Item 23 is forest workmen. There is an absolutely new classification there.

We have also introduced plant operators, who were not in the award before.

(Continued on page 69).

MR STANNARD.
15-12-49.

The carpenter's labourer, item 37, is a new classification. It has caused a lot of bother.

Item 39, broad axeman. We had 2 rates under the old award, one had a margin of 18s. We have struck that out altogether and brought it up to 39s. There is a big improvement.

Item 40, fire pump operation, is another new classification. The same applies to items 41 and 42, ploughman and ploughman's offsider.

Then we come to item 43, mining timber cutters, that was 6s. in the old award. It has been increased to 15s.

Item 44, fire wood cutters, has been increased from 9s. to 15s.

Item 45, fence post splitters, went from 7/6 to 15s.

Item 46, pine fallers, for milling, went from 6s. to 15s.

Item 47, handy man and storeman, is a new classification.

So you can see that quite a lot of consideration was given to the wages schedule.

We have been able to agree on the margin for the various workmen but the union now, I feel, are trying to break down what we tried to do in that they are seeking to take some jobs that are regularly done by various workmen and get extra margins for them. That is in connection with item 21 (a), bridge construction, and item 22, axeman cutting bush over 12 ins. in diameter.

(Continued on page 70).

MR STANNARD
15-12-49 .

Item 37, carpenter's labourer, and also in respect to bridge construction man, Item 24A. Those jobs are all usually done by forest workmen, and there are other qualifications to become a forest workman. We feel it would only be disturbing the balance of the award if you were to give something to these items.

Then we come to Item 10, hand crosscut sawyer, and Item 22, axeman carrying out regeneration, and 37 carpenter's labourer. Here the union is trying to get the disability allowance granted to construction workers, because they have not asked for the margin; they have asked for an amount which includes that disability allowance, and there is no justification for that. It is interesting to note that the Chairman, Mr. Wallwork, had to say regarding that disability allowance in his judgment, at p. 276 of the transcript. He said --

"Allowance for disabilities: Although the work is fairly constant in the industry at present and is likely to remain so for a few years, experience of past years has shown that good and lean years may move in cycles, and that some provision should be made, particularly in the case of workers on lower margins, to provide to some extent against the outstanding disadvantages of the industry, namely, intermittency and insecurity of employment.

A further disability, disadvantage was also taken into reckoning, namely, the frequent necessity for changes of domicile by workers in the industry. "

THE COMMISSIONER: Where is this intermittency of employment?

MR. STANNARD: I was coming to that. That particular award prescribed daily hiring and, as you know, it refers to construction works, which might be perhaps for three or four years or less. Some might be a matter only of months, and from there the men are paid off, and it was considered by the chairman that there was a certain amount of lost time in the industry; therefore he awarded this disability allowance. That is not so regarding forestry workers as they have a weekly hiring and it is a permanent job for anyone who shows that he is interested in the work and likes to stay there.

THE COMMISSIONER: I could understand that disability allowance if it was the same figure applying to all workers.

MR. STANNARD: I can explain to you the reason for the sliding scale. That was because he said some of the higher margins, you might term them keymen, or at least workers you would like to hold, and therefore men on the lower margins would go off first, you can always down-grade a man to hold him in bad times, and I presume he is referring also to the fact that you might hold a man if you want him for the next job if he is on some sort of a margin. He was of opinion that the man on the lower margin would be put off first because he had the least skill, and that is the reason for the sliding scale.

THE COMMISSIONER: It may be the reason.

LUNCHEON ADJOURNMENT.

MR STANNARD.

AT 2.15 p.m.

MR STANNARD: When we adjourned, I was referring to the judgment of the Chairman, Mr. Wallwork, in connection with the A.W.U. award with regard to the industry disability allowance. I would like to make one further reference to that.

In the last sentence of the second paragraph, he says --

"The extent of the worker's security is daily hiring."

That was one of the reasons for granting the disability allowance.

THE COMMISSIONER: Yet, if the worker is employed for only a week, he would not get the disability allowance.

MR STANNARD: Yes, but he can be paid off at a day's notice.

THE COMMISSIONER: Does not he have to qualify?

MR WALSH: Yes.

MR STANNARD: Yes, I think it is 20 days. That is only in the industry.

THE COMMISSIONER: But if it is granted for intermittency of employment, it is peculiar that the man who works for one week does not receive it, whereas the man who works for two or three years does receive it.

MR. STANNARD: He indicated that some jobs last only two or three months, and then they would be paid off. When they came on again, they would get it immediately. They would not serve another period.

There would be very few workers who would not qualify. It would, therefore, only apply to the men coming into the industry in the beginning. That does not apply in the Forestry. If they are worth their salt at all, they can have a permanent job and can make application to be contributors to the super-annuation fund, which is not available to those men under the construction award.

The next item in dispute is Item 6, top disposal man under supervision. Here the union wish to delete that item and classify him the same as the top disposal man working independently. We say there is a difference between the two. We have only one or two who go out into the bush on their own to clear up after the fallers. This is generally done in gangs of a few workers under the direction of an overseer. There is a big difference in the two jobs.

It would be a waste of time to clear up around some trees because it would not be necessary. We find it is better for them to be working under supervision than on their own. The work itself is not very arduous. It consists mainly of pulling branches away from the bases of trees, cleaning up generally, and a little axe work on the limbs which are not on the big side. Seeing they are limbs, you can appreciate there is not much axe work done. Therefore there is no justification for the 9s. margin which is in excess of Item 15, axeman for clearing purposes, which is an agreed item, where a man could be on the axe all day where is cutting is not more than 12 inches in diameter.

MR STANNARD.

15-12-49.

THE COMMISSIONER: Would there be much difference between the work of a top disposal man and another man clearing the track? One man is clearing a space around the tree all the time, and another is clearing the track.

MR STANNARD: That is Item 16, and it embraces crosscutting logs, working rock culvert and light bridge construction, grubbing, sucker-bashing, cutting down interfering or dangerous trees, forming and gravelling. That is all included in that item, and, to cover the lot, it has been given a margin of 6s.

THE COMMISSIONER: But still, if a man is continuously employed just clearing, under the proviso attached to that he still receives a 6s. margin.

MR STANNARD: He would, but possibly it would be more arduous clearing a track all day than just clearing around the base of these trees.

As you can see, he has other functions that he has to be capable of doing, and that he could be called upon to do to be classified under that item.

This item has been in the awards and agreements since the inception, and has never been paid more than the basic wage; that is Item 6. It has been reviewed by the Court on more than one occasion, and he still has not received more than the basic wage. Of course, it must be realised that the majority of men on this work are paid 12s., and it might only be an odd man where there would be an opportunity to do a special job.

THE COMMISSIONER: Yes.

MR STANNARD: Item 10, hand crosscut sawyer. This item is not greatly used at the present time. Again, it is just there for special jobs we might get, and also during the period that the man is qualifying for a forestry workman. The union are claiming a margin of 9s., but we feel that the 6s. margin is quite adequate. They say that in the A.W.U. award he gets 8s.6d. The actual margin under that award is 4s.6d. He again come up against the disabilities allowance.

In the timber workers' Award, No 17/47, the margin is 5s., so that we are offering more than is paid under that award. The item is 29. Both the applicant and witness consider a man on land clearing in the South-West does comparable work. His margin is only 4s.6d. I feel there is no justification for lifting our men above 6s. We have introduced power saws, and possibly there is a big difference in the work to what it was years ago.

We come to Item 11, culvert construction, where it has been pointed out that this was bracketed with light bridge construction. Previously the Conservator considered there was a big difference here, and Item 21A., bridge construction, was introduced. The union base their claim on the general construction award as regards the culvert hand, but there again I feel there is no justification because, if you look at the transcript of Reference No. 24/47, p. 230, the witness said --

"The culvert hand? What exactly are his duties?--
He is the man associated with the carpenter on culverts."

That is a witness on behalf of the Main Roads. Our culvert hands are not associated with carpenters at all and therefore cannot be placed in the same category as the culvert hand in the construction award, because he would be used only by the Main Roads, and they would not use our men on those jobs. That classification is comparable to ours.

MR STANNARD.
15-12-49.

and that the margin of 6s. which is being offered is a reasonable one. The worker is simply digging an excavation for bad logs and snigging the logs into position by truck or some other vehicle and then boring holes with an auger to take spikes, and he is also placing the decking in position. All the timber is prepared by other workers so therefore they cannot claim any margin in that regard. So taking everything into consideration, it is in my opinion, pure laboring, but there is a certain amount of skill and they have been amply provided for with a margin of 6s. The men always carry out these jobs under supervision.

Then we come to item 21 (a) - bridge construction - The union are basing their claim on the fact that his duties are comparable to a timber man's but I think you will readily agree that there is no similarity between the 2. A timber man is engaged in the timbering of trenches, but these men do not do anything of that nature. Here again, forest workmen are usually employed on the job and it is not desired that margins should be brought up in line with the forest workmen when there are other qualifications for that particular item, so I do not think the union has in any way established that it is entitled to a margin of 12s. It would simply be breaking down our base for these actually routine jobs.

Then there is item 22 - axeman cutting bush over 12 ins. in diameter. That is the union's claim, but we have asked for the existing award, which is a different designation altogether, and which reads:-

"axeman carrying out the generation cleaning improvement work and crown thinning of pole stands without marking and falling for purpose of clearing where major portion of bush is over 12 ins. in diameter, 9/-."

That particular classification has stood in the award for a long time and I do not think that the union are seeking to have it altered but are mainly endeavouring to get the same margin as applies in the construction award for axeman cutting bush over 12 ins. so I ask you to retain the wording as requested in our answer which is the wording in the existing award.

Here I would like to draw your attention to the actual margin which does appear in award 24/47 for item 127, that is the construction award.

(CONTINUED ON PAGE 74)

MR STANNARD:

It provides for sap falling or logging, not grubbing, where the major portion of the bush to be cut is more than 12 inches in diameter, 9s. That is exactly the same as we are offering and I ask you to agree with our offer. I cannot see that the axeman in the Forests Department should receive any more than the axeman employed by the Land Settlement Department when he is engaged on clearing work. I think both the union and the witness agreed on that point, except that they introduced the disability allowance.

Mr. Walsh quoted some Eastern States margins as regards these particular men, and it would be interesting to look at some of these.

In South Australia he said they have a margin of 14s. In that same determination, a faller, in South Australia, gets 14s. In Western Australia he gets £1.11s.6d., so if they want to take the eyes out of that, we might still hand them out some of the other margins. So it would appear it is based on an entirely different scale to the one here.

Also, he spoke of Victoria and Tasmania. There, he said, the margin was 24s. He did not mention there was a war loading of 3s., which brings it down to 21s., and the labourer under that award gets 9s., while a man grubbing gets 18s., whereas in our award the labourer in Classifications 1 to 9, the unskilled man, is on the basic wage, and the man grubbing in Item 13 is on a margin of 6s., which has been agreed to. So there is no comparison at all. You cannot just take one classification out of an award.

In New South Wales he said it was 24s. Here the labourer gets 21s., so actually there it is only 3s. above the labourer's rate for the axeman.

In Queensland they get 16s.8d. for the axeman, but there the labourer is on 9s. and the faller on 12s.8d., whereas our labourer is on the basic wage and the faller on £.11s.6d.

(Continued on page 75.)

MR STANNARD.
15-12-49.

MR STANNARD: When you quote the rates from the eastern states you have to look into the whole award and not pick out an isolated item. The Court has frequently raised that point, and I think a reference to the recent metal trades decision would not go amiss when the President more or less issued a warning to both union and employers. You cannot just go in and just say that that is what they get in the Eastern states. They have to put all the cards on the table and bring forward evidence to substantiate.

Item 23 - forest workman. The only point in dispute is in respect of single men. The real test here is whether the man is available in the event of fire.

THE COMMISSIONER: You would still pay it would you not?

MR STANNARD: In the departmental house away from home station, yes. The witness could not bring forward any instance. I cannot conjure up where he would not be paid. It has been the practice for a single man who lives away from the home station to be practically available in the case of fire. If he is in a hut and living in a forestry residence he would be. I cannot see that we can have a married forest workman living in a departmental house and a single man living in the same house, one getting the forest workman's rate and the other not. I do not think anybody can expect that to happen.

I do not think the union brought any definite instance forward where a man had been penalised and I think I can show in evidence that there have been no complaints although the classification has been in operation for 12 months now. It has had a pretty good trial.

Item 37 - carpenter's labourer. Here the union is claiming 12 s. which, they say, is the margin in the construction award. I draw attention to the fact that it is only a 9s. margin. Here again, a disability allowance has been added. They also referred to the Dock River and Harbour workers award No. 82/47, but you will observe there that item 72 is a tradesman's assistant, and not specifically "carpenter's labourer". There could be a big difference between the two. In the Metropolitan water supply award No. 46/48, item 53 is a carpenter's labourer, on a margin of 9s. There is no disability allowance in that award.

THE COMMISSIONER: But this man appears to be more of a carpenter's assistant than a carpenter's labourer. Most of the work has been helping in the construction of huts and houses, apparently.

MR. STANNARD: I do not think the witness was quite correct there. He could not definitely say what rate they were on. I would say if the men were using tools to any extent they could be classified as bush carpenters under item 31. But without some definite evidence as to whether it did occur, I am afraid it would be very difficult for me.

THE COMMISSIONER: This carpenter's labourer would be doing entirely different work from the carpenter's labourer under the construction award.

MR. STANNARD: We would not use many carpenter's labourers in the forestry award. I think the union claimed it. It has not been in the award before.

THE COMMISSIONER: I think it has come about only as a result of the house building campaign.

MR. STANNARD:

15-12-49

MR. STANNARD: I think they have some bush carpenters there. We might be able to clear that up when we come to that item in evidence. The union witness, I consider, did not have much of an idea of that classification.

Item 51. I will leave the town just for the moment and go on to the man manipulating a hose at a fire. As far as I can determine there is no merit in this claim. We saw a practical demonstration which, although not under fire fighting conditions, I thought was quite sufficient. We did see a man out in the bush. We saw a man at Yanmah operating a small hand pump. He had a length of hose, but he certainly did not have to drag it round stumps or logs. Also, in some centres, they do not have very long lengths of hose. In some instances they have cut it down considerably so that there is not all this man handling; and the trucks are mobile - they can move about.

Also, if a long length of hose were used we would all agree that it would be only common sense to put someone on, if it had to be pulled over stumps to give the man a hand.

I do not think that, by any stretch of imagination, he could be compared, or be said to be deserving of the same margin as the man who is classified as a fire pump operator, item 40.

(CONTINUED ON PAGE 77)

MR. STANNARD: Then I come back to Item 50, towerman. The union agree that this man is a seven-day-week worker. On more than one occasion the Court has given a great deal of consideration to this item, and they have always kept him on the seven-day-week basis.

There have been quite a few different methods. You will see in the first agreement it was £5 per week, which includes payment for all overtime. That was a 7-day-week, no fixed hours, and one day's leave without pay, if desired, on a basic wage of £4.5s. So he got only 15s. above the basic wage at that stage.

Then, in the unregistered agreement of 16th April, 1930, the same conditions applied, but the rate was increased to £5.4s.9d. on a basic wage of £4.7s. Then, before the union registered this, it was more or less unofficially reviewed by an Industrial Board, by (if I remember rightly) Sir Walter Dwyer, who was again chairman of that board. The rate was decreased to £4.14s.9d. on a basic wage of £3.17s.

Then we come to the first award, and there we find a margin of 17s.6d. per week to include payment for all overtime, a 7-day week, no fixed hours, one day's leave without pay, if desired, on a basic wage of £3.11s.2d. Well, he did not get much then.

Then we come to another review by the Court of Award No. 13/39. There the margin went up to £1. per week, and he still had the other conditions of a 7-day week with a day off without pay, if desired.

Then we find an amendment by consent, that is, No. 167/43, and here they got away from the margin basis, and put it on to a half-day basis. That appears to me as though the Department and the union thought they had got on to a suitable basis for these men, and one of the reasons, I think, might have been that the half-daily rate is preferable so that men may be switched to other work if they are not required in the tower. He might be able to put on to a higher margin job, and therefore it would be quite easy to arrange it. That is just a thought which struck me. I was not in those negotiations, so I do not know.

But that, you will notice, was a fixed rate. There was no provision for adjusting that rate. That continued on the half-day basis until the 40-hour week amendment, No.60(12)/1947, but the same general conditions applied.

They have offered the half-day basis, but there is provision for adjustment in accordance with variations in the basic wage. We have done something there. While on this item, I refer to the judgment in Award 30/39, which is very interesting. I quoted this earlier, and it has a bearing at this stage --

"When dealing with look-out men and observers who are required to stand by . . . hours in this industry."

We gave him a margin of £1 a week, with no overtime, no fixed hours, and a 7-day week. These remarks ring true today. They are distinct from the other workers. They are not unjustly treated.

THE COMMISSIONER: If he worked only five days he would receive less than the basic wage.

MR. STANNARD: He could not, because he is on a weekly contract and is not excluded from the contract of service clause, so that

the minimum rate under the award is the basic wage. He would not be stood down and he would not be working a 5½-day week. He would be put on other work. He would not get less than the basic wage, unless he asked for leave without pay, which often happens to any worker. These men would not, in ordinary circumstances, if available for work, get less than a full week's work. We have never had that complaint, and I am certain the department would never think of doing it. We have not had any difficulty in filling these jobs, so the rates must be considered reasonable.

Some towermen follow the job each season. We do not want an attraction wage for them. No skill is required. They can pick up the job in a few hours. A union witness said that climbing was not very strenuous. I must agree with him. I think they should be considered more as caretakers or watchmen.

It is interesting to see at this stage the provisions in the timber workers' award No. 17/47, Item 45, where they work for 104 hours a fortnight and get a margin of 9s. He could work as long a working week as these men. The union witness said they would average about 60 hours. That might be stretching it a bit.

In comparison with the forest workmen and their 20 hours on fire service rate, there is not much difference between them, because one man has done a week's manual work as forest worker. He has also done 20 hours fire service and I think we can readily agree that he has put in a much heavier week in the 60 hours than the towerman.

Their conditions are quite good. They have excellent huts as quarters. I do not think we can improve the conditions. It looks to me on comparison with the forest worker that our offer might be a little high.

We come to the Eastern States provision. In Victoria the margin is 18s. The union says it is 21s., but they have added the war loading. No information has been placed before the Court whether these towers are regularly manned. They may be manned only on odd occasions during the season. I do not think we can take much notice of it. In N.S.W., they are not provided for in the award. Queensland does not provide for them in the award.

In South Australia it is time and a half at forest worker's rate. It is not part of the ordinary duties. That indicates that there is a man who might be regularly engaged on that work. I refer to Clause 7(b), overtime, "any employee employed as watchman on a fire tower in the Woods and Forests Department outside his ordinary working hours, such not being his ordinary duties, shall be paid such time at the rate of time and a half, whether on Sundays or any other days, such payment to be based on the rate of forest worker."

It distinctly says "Watchman". I have been through the wages schedule and the best I can find for watchman under Part C. of the wages schedule is £7.0s.8d., with no overtime.

(Continued on page 79).

MR STANNARD.
15-12-49.

MR. STANNARD: That is fixed on a basic wage of £5.17.0, so you will see we are well out in front as regards South Australia. The rates which have been referred to you by the Union are not correct, and not true average can be struck as regards these men.

For your information, I have a list of the fire towers which will serve as an indication of how many towers we have and their situations.

BIT

EXHIBIT 5 List of fire towers.

I do not think I need make any comment on that at all.

There was one point this morning regarding the hours. When I mentioned the Union had previously made a claim for a 5 day week, and it had been rejected, that was reference 13/1939, and it is an identical claim with the one placed before you today. It is a 40 hour week, Monday to Friday.

THE COMMISSIONER: What happened to it during the proceedings?

MR STANNARD: I feel as though the worthy president did not wish to offend the union, so he did not make any comment in his judgment. But his decision was a 44 hour week, Monday to Friday, 8 a.m. to noon, and 1 p.m. to 5 p.m.; Saturday 8 a.m. to noon. That is in Industrial Gazette No. 20 at page 165.

THE COMMISSIONER: Perhaps the matter was not argued.

MR. STANNARD: It was argued considerably. From the statement he made that the union was not of much assistance he apparently realised that they did not take into consideration the nature of the industry. I feel the claim should receive the same consideration this time.

I would now like to call Mr. Stewart.

DONALD WILLIAM RUSSELL STEWART, SWORN.

EXAMINED MR. STANNARD:

What is your position --- Senior divisional forests officer.

How long have you been with the Forests Department? - about 21 years.

You are familiar with all phases of the work? -- I think so, with the possible exception of the Goldfields region.

You have been down in the S.W. for quite a number of years? -- Yes, for the whole period.

Have you had any special training in your work? -- The training required for appointment to the professional division of the W.A. Forests service as required under the Forest Act - that is to hold the degree of the University and the diploma of Forestry at the Australian Forestry School, Canberra.

In regard to the Union's claim in respect of hours, you are familiar with it are you not?--Yes, I think so.

Are you familiar with the department's offer?-- Yes. What do you work now? --At present a 40 hour week. During the winter months, from April to November, it is a 5 day week of 8 hours, and from late November or early December to April it is a 5½ day week with 3 hours and 20 minutes on Saturday mornings.

D.W.R. STEWART. XN.

In your opinion could that be varied? -- It could be varied.

Would it have an adverse effect on the industry?-- To vary it in any particular way?

Do you think you could concede a 5 day t throughout the summer months?-- I think it would be a definite disadvantage during the period when control burning is possible, in the spring and early summer months, and the late summer and autumn months.

It is not standard in all districts? It might vary in some districts?-- The period in which control burning is possible does vary. In the drier inland country in the northern districts it is possible to burn in short spells of fine weather in the winter, and they have perhaps 2 months or 3 in the spring. There are periods of fine weather in November October and December when it is possible to do control burning.

In the lower south west the period is greatly restricted. There are short periods of fine weather where it is possible. In October you might get 2 or 3 days, in November you might get 10 or 12 days, and in December 11 or 12 days when it is possible to burn. When it is possible to burn we endeavour to cover the maximum ground in break and protective burning because the more burning that is done the less risk of serious fires in the summer.

The close burning season is sometimes suspended, is it not, to provide for control burning?-- Yes. It is usual, particularly in the southern portions of the state, to get under the Bush Fires Act, an extension of the prohibited burning period from the closing date of the 22nd December until the 12th or 15th January, to enable us to do further burning in suitable weather in January.

So that any variation would considerably hamper your work?-- I believe so. I believe we would then do less burning.

THE COMMISSIONER: Do you do any burning of a Saturday morning?-- Very rarely I would say.

How would it reduce your burning?-- When we are burning particularly as the summer advances - the amount we can do is almost controlled by the weather. We cannot burn during the midday hours until perhaps 3 or 4 in the afternoon. We invariably have the men burning then until 5 o'clock and until 8 o'clock in the evening, as long as conditions are favourable for the fires to run. That is at our fire service rates during that period. That would go on each night when conditions were suitable.

After that late burning it is essential, unless there is a sudden cool change with rain, to patrol the burn in the morning, to see that logs and trees are not alight that might become active when the weather was hot the next day.

MR. STANNARD: You would require all the gang, would you not, for that?-- Generally speaking, yes. There is a pretty wide range in all the gang because it takes in Karri country and plantation country in the north. The conditions vary, the northern areas get their burning finished, perhaps by the end of November, where further south they are still struggling to get well into their programme. But I would say the great majority of the gangs would be burning.

MR. STANNARD: Do you manage to get through your programme now in 5½ days?-- I do not know any occasion on which we have got through our programme yet.

And any variation could make it worse?-- Enlarging on that, there might be particular limited areas where a gang might get through its programme but, generally speaking, in any one district or region we do not get all the burning-off done that we wish to.

But it would be impossible to single out particular districts for a variation, because it might change from season to season? --That is very true.

The union are claiming overtime in respect of standing by at week-ends. What are your views on that?-- I do not think it is a reasonable claim at all, to claim overtime for standing by, I certainly think there should be some compensation, because the men are placed on detention to be available at call. But if there is to be compensation, I think the Department's offer is very fair.

Do you consider it curtails their liberty unduly?--Generally no, because I think you will agree that the average married man does not rush away from home every week-end. I suppose nine out of ten week-ends he spends with his wife and family, and in the garden. But if he did want to go out at any time, I have always found it possible to arrange to leave someone in his place on detention. Even on a special occasion--for instance, if there is a log-chop on in the town-- it is usually possible to get one or two chaps who are prepared to stay behind. Then, too, a lot of our settlements are mill vallages, and the Department's purpose is served if we are in a position to be able to pick up a few more men in the village if anything breaks, and we have not all our own men on detention. As far as I am concerned, in the southern divisions, which I know pretty well, I think it is extremely rarely that a man has been restrained from going away if he wanted to.

If any man were to come to you and say he had some prior engagement, you would give it every consideration?--Almost certainly he would be able to keep it. The only exception might be on a day of dangerous forecast. We usually only get one to five of those in the fire season; except for last season, which was the most severe we have had since we have been keeping records. On a day of dangerous forecast we might want the whole gang to stand by; but that is very rare.

When are you able to notify the men that they are required to stand by?-- Not until 7.45 a.m. on Saturday forecast. We get a preliminary forecast on Friday afternoon at 4.15. That is a longer range one, and may be amended on Saturday morning, because in weather prediction there is no certainty. Usually, on Saturday morning we have a very fair idea. If it is a rising hazard and if it is a severe summer, and we know the hazard will be high for a day or two, then anyone we want we put on detention. If it is a rising hazard reaching its peak on Saturday, with a cool change coming, we need not stand by. Sometimes a forecast predicts a change on Saturday night, but Sunday morning may dawn hot and dangerous, and that forecasted change may be delayed 48 hours because the pressure has changed up north. Although we are in close contact with the Weather Bureau, we cannot forecast with certainty.

It could be that you would not know on Saturday whether a man is required on Sunday afternoon? -- It could be.

It is usual on these days to get someone who is actually at home and ask him to stand by so that he would be readily available?-- If we wanted a man, we would get a chap from there. Almost invariably the staff are in the same position in every centre where there is an assistant forester. Often he is there himself. If he is going away, the overseer is there. The assistant forester will stand-by the overseer. We do not restrict him more than the men unless weather conditions are going to be bad.

Have you ever had any complaints about stand-by interfering with sporting activities?-- I have not.

Have you ever had any man complaining because he was not required to stand by? -- I have. Last summer I stood-by the overseer and a resident man at a mill centre where we could get additional men when required. We had complaints from the others that they were not stood-by and were not getting the additional money.

THE COMMISSIONER: You heard the witness yesterday mentioned an instance when he was going to leave on Saturday and Sunday for somewhere else. He was stopped by the overseer who told him he could not go on account of the danger. How can that sort of thing be prevented in future? -- The best way would be to lay a complaint by the men concerned to the officer in charge or to the union so that the case might be taken up. It is not intended to interfere unduly with the men's liberty of movement if they are not stood by.

I got the idea from the witness that in some cases they do not stand men by to save payment, knowing the men will not leave that locality on the week-end. That is the impression I got from the witness. If that is so, it is wrong? -- Perhaps I can reply to that. In any community where there are ten men resident I can conceive of no occasion when they all want to go away. That is one reason why the department builds community houses for men in forests. If the weather conditions are severe, there will always be some men, even if it is one man for telephone contact, stood by. The essential thing is to have a nucleus to pick up a gang if required. Another reason we may have a delayed request to stand-by on a Sunday afternoon is that there may be four gangs in two divisions and there is a fire. The reserves are reduced and we ask for men to stand-by for each gang.

MR STANNARD: Regarding fire-fighting, the union is claiming overtime rates. Do you consider that warrants the same payment as ordinary time? --I do not, because it is entirely beyond our control and it is in the interests of both parties to cope with fire control.

During working hours, one of your main functions is to avoid fires? -- Yes.

Tell the Court briefly something about the organisation regarding fire-fighting control and the work? --The whole of the South West is covered by a network of towers for detection of smoke. On smoke being sight and located, the nearest gang is usually despatched to deal with the fire. Provided there is no hitch and the weather is not bad, in 19 cases out of 20 they deal with the fire effectively. We get the extreme conditions when there are a number of fires with rapid rate of spread and we have fires on hand which are beyond the capacity of one gang. Reinforcements are obtained from a wide area. A fire not suppressed in an hour or two may run for a day or two, and may get completely out of hand in bad weather conditions, but it is invariably brought under control the following night. Then, following that, is a long period of mopping up and suppression. Mopping up of small fires is almost 100 per cent. In big fires this is

impossible. There is cleaning up around the edges and putting out burning debris half a chain to one chain from the fire. The trouble is still there until a lot more burning debris is put out when it rains. Generally, they are dealt with in a short period of 20 minutes up to two or three hours, depending on the rate of spread and how rapidly the gang gets there.

The men are not working solidly all the time at the fire?-- Fire-fighting, while it lasts, is very strenuous. Once under control, they take it easy. There is cleaning up. There are always periods of patrol which is not strenuous. All we ask is that they be alert.

The same rate applies to all jobs? --Yes. It includes control burning and burning of hazards and counter-firing. A lot of this is not strenuous. It requires constant attention on the job. A little of that was seen during inspection.

(Continued on page 84).

D.W.R. STEWART. XN.
15-12-49.

MR. STANNARD: Is your department always on the lookout for improved methods in respect of fire fighting?-- Yes. It is continually trying to improve our methods and get better equipment, with a view to relieving the lot of the worker, but there is still a lot of strenuous work attached to it. The use of water enables us to dispose of a fire much more rapidly and get away. One point in connection with the heavy duty pumper is that it is very rarely you are able to use it for taking the base of a running fire, but it is invaluable once you have the fire checked, and it is an invaluable safeguard when the wind changes and the conditions become more severe because the water is immediately at hand.

That would be handy when you come to the nozzle man to indicate that he is not in the face of the fire to any great extent?-- He may be, but it is very rarely.

Have you ever had any claims for damaged clothes or boots?-- Not from the men engaged in fire fighting, but where a man's camp has been destroyed by fire there has been a claim.

And I presume that received favourable consideration from the department?-- Yes.

Are those men required to carry a pack spray continuously?-- Not continuously.

Do you know anything about the Eastern States, as regards the weather or the fire conditions?-- Any particular state?

Victoria?-- Generally none of the Eastern States have the long continuous fire season we have. In Victoria, for instance, their rainfall is well distributed throughout the year. In Melbourne, the rainfall is distributed in summer as much as in winter, so their fire control is more intermittent than ours. In N.S.W. coastal forests have summer rainfall areas. The fire season in Qld. is usually August, September, and possibly October. Some years they have none at all, and some they have only 2, 3 or 4 weeks of fire season, when they have trouble. They may have another spell at the end of the summer but there they get the summer rain.

So they are not comparable to W.A.?-- No, definitely not.

With regard to clause 17, walking time, the Union is claiming seating accommodation and covers on vehicles. What do you think about that?-- It would be rather difficult to provide that with the type of work we do. The men who go to work in those trucks are usually using them during the day and not just travelling to and from work. If they were just taken out in the truck, and called back for in about 7 or 8 hours, it would be different, but our trucks are used on many different jobs, and have to carry many different articles. We also have a wide range of trucks. We have an assortment of ex-army trucks, for instance, and it would be necessary to provide a wide range of different types of covers, which would not be interchangeable.

I had the experience some years ago of providing 4 covers for the 4 trucks in my division in the winter months, and the next winter when they were to be put on again, there was not one fit for use, because no care had been taken of them during the summer. They had just been thrown on the ground and left there.

Seating accommodation would also be difficult because of the range of tools carried. Frequently there is a winch in the back of the truck, and sometimes a power drag saw. That would

happen more often in the Karri country where they have to cut the big logs. The men may be doing some bridge and culvert work, carting decking or snigging in logs. They may be carting gravel, and generally the provision of covers could only be done with considerable inconvenience.

In connection also with seats, we have had a number of cases where seats have been provided in the backs of trucks - a plain type of seat with an upholstered strip on it - and when the truck is required for something else the seats are pulled out and thrown on the ground and not used until perhaps the next day. There is often a shower of rain in the night, or in between, and eventually the seat is no good at all.

Then there is so much changing of men and equipment in the trucks. For instance, we have been doing a good bit of felling for saw mills who have been short of labour, and going out to a regular job there. In a case like that, I would say it would be quite practicable to have the seats, and covers, where the truck is only being used as a means of transport.

THE COMMISSIONER: Do you provide covers now?-- I did last year, for one gang under those conditions. As it happened it was an ex-army truck, but it is not often we are doing one regular job like that.

MR. STANNARD: Do you think the men suffer any serious inconvenience by not having covers or seats?-- There is no disability they have not suffered ever since there has been a timber industry, it seems. You cannot work without getting wet, but if the rain is too heavy they do not go to work. If it eases up, they may decide to go out, but it is very unusual for a gang of men to get wet when they are going out. They may get a bit wet going home, but I think the main thing is to be able to keep the clothes they are going home in dry. It is important to keep those dry and their cribs. They can easily have some waterproof cover, to do that, or keep them in a box.

(Continued on page 87)

With regard to Clause 18, camp allowance, are you familiar with the department's answer and the union's claim?-- Yes.

Do you think that fits your particular set-up?-- Yes.

Do you consider a man living in a hut at a home station should be paid camp allowance?-- Definitely not.

Are they quite comfortable huts?-- Reasonably comfortable.

What are the dimensions?-- There are two standards, 8 x 10 for one man and 10 x 12 for two men, provided with a fireplace in some. In others, there is an open fireplace with bars across. In addition, there is a temporary type of hut which was erected during the war, a portable type -- prefabricated, I suppose. They are of various sizes and the standard is 12 x 18. They house three men. It is normally provided with a fireplace.

Those huts were developed primarily as camps for internees and prisoners of war, and, later, migrants. Associated with them was a central mess and kitchen, so that they could dry their clothes. The huts have been shifted around until we can get a standard hut built. Where they are shifted, it is usual to build a chimney on to them or a bit of a galley where a fireplace can be put so that the men can dry their clothes.

Are most of the home stations constructed in the nature of settlements?-- Yes.

And on a community basis?-- Yes, most are now. During the earlier development of housing in the department, the houses were scattered and the overseer had a range of 10,000 or 20,000 acres. He might have one or two men. In later years, there was an attempt to consolidate into settlements so that instead of the overseer using a horse and cart the men went much further afield with a truck, and he had a 10 or 15-mile radius. Although they might not all be in consolidated settlements now, they are all being moved. A lot of these settlements are at mill townships; others are more isolated.

Do you think your settlements could be in any way compared with an ordinary construction camp?-- No, they are all on a much more permanent basis and more comfortable.

Do you think there would be dissension amongst the married men if the single men were paid camp allowance?-- Definitely. I have had that complaint lodged more than once, namely, why should a single man get \$1 just because he is living in a hut alongside of me?

Are you familiar with any of the remote localities referred to by Mr. Walsh?-- With a number of them.

Do you know Nyalup?-- I have been there only once.

Is it anywhere near a township?-- I think it is some eight miles or so west of Harvey. Although, perhaps, a little isolated, it has the advantage of being not very far to the coast; only a few miles.

Do you know Tallanalla?-- I have been there once or twice. If I remember, it is 18 miles out of Harvey on the main Quindanning road.

Is there a number of houses there?-- About eight, I think.

It is quite a reasonable settlement?-- I believe so; I do not know.

D.W.B. STEWART. XN.
15/12/49.

Hoffman?-- I do not know. That is an old mill settlement.

What about Willowdale?-- I do not know Willowdale.

There are nine houses there, so it cannot be too bad. Yanmah?-- There are only two houses at Yanmah, the overseer and assistant forester. There is right adjoining group settlement country. There are a store, hall and school three miles away, and the employees are nearly all local farmers or residents. We have one man in a hut and the others are living either in farm houses or vacant farm houses nearby.

Yornup?-- That is on the main bitumen South-West Highway nine miles south of Bridgetown, with a daily bus service to and from Bridgetown. It is far from isolated. It is one of the popular places.

East Kirup?-- That is about eight miles from Balingup. There is a good main road under construction there at present. There will be a daily bus service next year to take children to the school at Balingup. The main road is going through from Balingup to Noggerup.

So that some of these places are not very remote or isolated?-- I would say, far less isolated than the majority of wheat belt farmers, graziers, miners and agricultural workers, with the possible exception of the closer settlement areas of the South-West.

With regard to margins, Item 6, top disposal man working under supervision, do you think that should be retained in the Award?-- I think so.

What do you think the job is worth?-- As it is classified there, there is no particular skill in clearing debris from around the butt of a tree, but knowledge is required if a man is left without supervision.

That work was formerly done by experienced timber workers who knew the value of a jarrah tree. They did not spend their time clearing stuff away from red gum trees or useless jarrah trees. They had some knowledge and worked only on trees that were worth protecting. Otherwise a lot of money would be wasted. There was a tendency to get away from that as the old sleeper cutters who did that work became fewer, and it was done by gangs. The normal gang with an overseer consists of four or five men, and of them two or three, or possibly four, would be forest workers in any case. He may have one or two men recently picked up who perhaps had never been in the timber industry. We are picking up migrants now and casual labour. There are frequently one or two of these men in a gang. They would require supervision, and the overseer is quite capable of supervising one or two men. The rest of the fellows would be getting the 12s. margin anyhow.

As regards Item 15, axeman for clearing purposes. That is where the major portion of the bush to be cut is not more than 12 inches. Do you think your top disposal man would be equal to that man in the matter of skill?-- No. There is not the same skill required. These men on regeneration work are required to cut stumps at ground level and that requires some reasonable skill with an axe, although not that of a first class axeman. The top disposal man has limbs to pull away, and he works with a rake and an axe. But the man on regeneration work is doing all-round axe work, but not the fellow on top disposal work.

D.W.R. STEWART. XN.
15/12/49.

Do you think the hand crosscut sawyer should get any better margin than, say, the man in the timber industry?-- If he is on hand crosscut sawyer's rate, wherever he is cutting logs the work is comparable. It is only a matter of putting a saw cut through a log.

If he is getting less than our men, should they come down to that?-- I would not say that.

It is not worth any more than we are offering. We are offering 6s., the timber mills 5s. and the Land Settlement 4s.6d. Do you think ours is reasonable?-- The timber mills have a margin for the hand crosscut sawyer?

Yes?-- Yes. It is a job we rarely do. The crosscutting we do in track maintenance and clearing is an intermittent job with other work and I do not think would ever exceed the two hours a day mentioned in the mixed functions. It was used a lot when we were clearing for pine planting, but that work has been replaced almost entirely by power saws and drag saws.

THE COMMISSIONER: If that is so, why have this designation at all? After all, Item 16 refers to clearing breaks and fire lines embracing, amongst other things, the matter in dispute now, crosscutting logs?

MR. STANNARD: If the Union has no objection, we could take it out. It is only one of those jobs that could be done by the casual bloke that comes in. That is the only reason we put it there. In ninety-nine cases out of a hundred, it is done by a forest workman, but it is there in case it is needed. But we feel we must argue against building it up; that is the main thing.

MR. STANNARD: Item 11, culvert construction man. Do you consider the work is comparable with the Main Roads?-- No.

He would not be called upon to build a similar type of bridge to the Main Roads?-- As a Forests Dept., no. If we were doing it on behalf of the Main Roads Department, I presume we would pay the Main Roads rates.

You would not use a culvert construction man?-- No.

What are the tools used?-- A pick and shovel to open a channel across the track; an axe to fall the timber. The squaring of the timber is done by a broad axeman, which is provided for. The broad axeman would also provide the decking, I presume. Very often the broad axeman is the overseer because he may be the only man in the gang who can use a broadaxe. The decking is in boards through which $\frac{1}{2}$ -inch diameter spikes are driven into the bed logs with a hammer, so that you have an auger, a hammer, an axe, a broadaxe and a saw, with a pick and shovel. To pull the logs into position, you may use a small winch, track or jack. You can bar them into position with the smaller culverts. Some culverts are a small box drain. Recently we have done some with cement pipes by digging a trench, putting a pipe in, and covering it. We have done very few of them.

You think our margin is quite reasonable?-- I think it is. There again the work is usually done by the overseer and his team, the majority of whom are forest workmen who have some degree of skill and are accustomed to the work. There may be one, or possibly two, men in the gang who have not been there for six months and who perhaps are learning the work.

Do you think the man on bridge construction (Item 21A.) is worth a bit more than the man on culvert construction?-- Yes. He is handling timbers to a greater extent and sets them in position under the direction of the overseer.

MR. STANNARD: For the new chum who goes in he should not get much of the forest work?-- I should say no. The forest worker is a man who attains some degree of skill in the work.

Do you think he should get more than the control burning rate?-- It is probably comparable. It is a job that needs some time spent on it to understand it.

Have you ever seen one of your bridges 100 ft. long?-- I have not seen one constructed by us 100 ft. long.

Do you think you would?-- It is possible.

It is not on the books at present?-- We have not built one that long that I know of.

Item 51, man manipulating hose at the fire, you have already given some of your ideas on this, when referring to fire fighting rate. Do you think any real skill is required?-- Any man in the gang could be taught in a brief time.

Do you think this man is worth any more than a forest worker?-- No.

Do you think a classification is necessary at all?-- Definitely not. Any man in the gang may be put on it. The important man is the pump operator who needs a certain amount of training in handling his pumper.

It should not be in the Award?-- In my opinion, it is entirely superfluous.

If they are required to take a long length of hose, I take it they would get some assistance?-- In a big fire where you can run a hose line into you have to have a lot of men to handle that hose, running it out to get a long length on the ground. By far the greater part is getting round the edge of the fire and dousing the logs. The standard length is 100 ft. There is a definite instruction not to drag the hoses round the ground. They are lightly made and designed for field handling, and soon wear out. For that purpose as far as possible we are putting out 25 ft. length of hose, for work along the track. We have been hampered in not getting hose couplings and We are just getting them so that we can now cut off long lengths and make them short, and where there are faulty parts we can cut them out and join them. We can join these lengths together. Normally I should not say a man on the nozzle would be asked to lug around 100 ft. of water filled hose. We do not want him to do that in order to preserve the hose which is costly.

THE CASE ADJOURNED TO 10.30 A.M.

FRIDAY, 16th DECEMBER, 1949

IN THE COURT OF ARBITRATION
OF WESTERN AUSTRALIA.

No. 5/48.

B E T W E E N :

AUSTRALIAN WORKERS' UNION, WESTRALIAN
BRANCH, INDUSTRIAL UNION OF WORKERS.

Applicant.

- and -

CONSERVATOR OF FORESTS OF WESTERN
AUSTRALIA.

Respondent.

ADJOURNED HEARING.

FRIDAY, 16TH DECEMBER, 1949.

MR. STANNARD: Before I commence with my examination of the witness I would just like to refer to the schedule I submitted as regards the hours and detention rates, that was exhibit 1. In column 3 headed fire fighting rates, I asked for that to be amended to fire service rate, because it applies to the service. I spoke in broad terms, but it was meant to cover fire service in any remarks I have addressed.

DONALD WILLIAM RUSSELL STEWART, continued.

MR. STANNARD: Referring to the lookout man, the Union is claiming a 40 hour week, and all in excess of that should be paid at overtime rates. Do you think that is fair?-- I do not think that is at all reasonable.

You think that he works reasonable hours?-- I think so for the class of work he is doing.

And that the offer is a fair one?-- I think it is a very fair one.

Do you have much difficulty in filling these jobs?-- With the exception of some of the war years we did not have difficulty in filling the jobs. There were occasions during the war when manpower was short and we had to use girls and some youths on the work.

Have you men that follow you each season just for that particular job?-- We do.

It would appear that they are quite happy with the conditions and rates that are offered?-- Quite happy and glad to come back. Each year they write or communicate with us to see if the job is available.

D.W.R. STEWART XN.
16/12/49.

Briefly explain his duties?-- The tower man's duties are to maintain a watch as required, depending on weather conditions and on sighting smoke to take a bearing on that smoke and report that bearing to the nearest forest office or divisional office or assistant forester as he may be instructed. Or he may be required to ring an adjoining tower before transmitting the bearing and get a cross bearing, depending on the circumstances and the location of the tower. He may also be questioned quite a lot about that smoke by the officer in the divisional office, the co-ordinating officer, with a view to avoiding errors. He will, if there are several smokes showing, be questioned at some length as to appearance and size and whether they are beyond this ridge or in front of that ridge, with a view to avoiding errors which can crop up. Also in the summer months there are usually 2, 3 or possibly 4 lines which junction at the tower and account of our particular earthing return system we may break the circuits at the tower during the summer months and be in constant communication with the office, and several officers or gangs will be required to put the switches in or pull them out, if he is required to talk through to other stations.

He may also be asked to pass messages. For instance, a gang in the field may ring intermittently, give a message and ask for it to be passed the next time they ring up. That is very often the case because we use radio now. We do not often pass on messages direct. That covers pretty well the extent of his duties.

He would not be as isolated as the man on the grader?-- No. As far as verbal communication goes.

He is in contact with somebody at any time of the day?-- He is in contact throughout the day. This may be irrelevant. In one tower the air service used to drop the daily news and that tower passed the news to the others to keep them informed, particularly when the test cricket matches were on.

Is there much skill involved in the duties?-- I should say there is not much skill involved. It is a commonsense job.

Does it take long to pick it up?-- Not long. The usual practice is to give a man a couple of hours instructions to be familiar with switches and sightings. With any queries he has, we can talk to him over the telephone. After he has been on for a week or two I go out and check again on anything he is not sure of. He improves as the season proceeds. That is why we like to get a man back from year to year.

Some of the local settlers take these jobs?-- Frequently we have a number of settlers who are glad to do the work. They may dry their cows early in the season and get their families to look after them when there is less activity on the farm. We have several of those.

Many men get less than 5½ days a week?-- Not unless they request for it. They may want a spell in the town for 3 or 4 days until required again.

That could happen to every man?-- Yes. If they like to go into town when the weather is mild they can do so. They are on fairly long stretches and like time off.

It is only on rare occasions you can spare them?-- In some seasons it is more frequent. It is more frequent in the southern than the northern divisions. You get longer spells of cool weather and more occasions when it rains.

It has always been to their advantage?-- Yes.

If for instance, you do not want them in the tower you put them on other work?-- That is correct.

Have you ever known a tower man to give a fire gang a lot of running around by errors he makes?-- I've known them to go out to fires and smoke, but found no fire there. They should not get a terrible lot of running around because the co-ordinating officer should keep a pretty close check on the tower men's bearings, to ensure that a grave error is not made. It has not always been possible to be correct. I have known a gang to find no smoke when sent out and reported back. It is much easier now to communicate by radio and tell us they cannot find the smoke. We would get in touch with the tower and ask him to check the bearings. That is done in any case, the checking of the bearings. If there is no smoke he is asked to check, and the adjacent towers are also asked to check. By cross checking we are able to determine where the smoke is. In the meantime it may have disappeared, such as a small billy fire being extinguished. Alternatively, it may be two different towers sighting smoke, thinking they were two different smokes.

There can be good reasons for the errors?-- Yes, particularly with less experienced men. When a man has been on the tower for a season or so he should not make those errors.

Item 22, axeman, (reads existing clause). The Union claims "axeman cutting bush over 12 ins. in diameter, 12s." As regards the designation do you think the Union's claim is sufficient, or should it be as an existing Award which we claim?-- I think as in existing Award covers two distinct operations. Axeman carrying out regeneration cleaning improvement work and crown thinning of pole stands without marking, is one operation. It is distinct from falling for purpose of clearing where major portion of bush is over 12 ins. in diameter. In my opinion there should be two distinct items. The first item is an operation which we have not carried out for many years. I do not see much likelihood for some time before doing that. The second item is generally associated with clearing pine plantations. And in my opinion they should go as 2 separate items.

So that the Union's designation would not cover the work adequately?-- No, it would not cover the 2 items.

Now, they are claiming a margin of 12s. for that work. What is your opinion of that?-- For that class of work I do not think that is unreasonable.

That would be the same as the forest workman?-- Yes. The man should have reasonable skill with the axe to be able to do that work.

Do you think a man that just comes in before serving his term as a forest workman should get the same margin?-- If he came in from the timber industry, and was an axeman, yes, but if he came in and was not an axeman, definitely no, as he would not be able to do the work until he had some training with the axe.

So don't you think over the period during which he is qualifying for forest workman there should be some difference because he will go on the 12s. margin when he does qualify?-- Yes, it would seem reasonable to make a distinction there.

So that the department's offer of 9s. would be sufficient?-- If he is not a skilled axeman it would definitely be sufficient.

Item 23, forest workman; here again the Union are seeking, the deletion of all the words after "available" in the third line. What is your view of that?-- I think that would be very undesirable. I understand the whole purpose of having the item covering forest workman is to be able to give that 12s. margin to the men who look like being permanent employees or have some reasonable degree of permanency in the industry, and who will be available at any time for fire service. I think it is essential that the fact of being available is included and that would imply living at or close to the job. A single man who is resident perhaps some miles away has not got his interests in the place and is not readily available. From Friday night we do not see him again until Monday morning, but a single man living on the job in a departmental hut is available, when required for detention and goes on detention and has his interest in the job. We have a number of single men like that. Some have been with us as long as 17 or 18 years, and the hut is their home and they are to all intents and purposes part of the gang of forest workmen.

In your opinion has the existing clause worked satisfactorily?-- It has.

So after 12 months' trial you would say it is not too bad?-- I think it has been working very satisfactorily and the men were very glad to see it introduced.

Have you had any complaints?-- No.

Do you know of any single man living in a departmental house with his parents who would not be classified as a forest workman?-- No. I know of no cases. We have classified some with the 6 months qualifications. Perhaps a man is living with his parents and we have even extended it to single men where we have a settlement at a town site and one or two single men are living in the town site fairly close by and readily available even at the week end, and can be picked up at any time. They have qualified.

So you are giving it a pretty liberal interpretation?-- We have given it I think a fairly liberal interpretation.

Item 37, carpenter's labourer; do these men use any tools regularly?-- They are classified as carpenter's labourers and I should assume that that would only apply to men who have the skill to use tools. We would not do very much building work, most of the houses are being built by contract workers. We have tried to speed up the house building by employing our own men where that is practicable under a carpenter, and if we employ a man that can use tools and is assisting the carpenter by using tools, helping to cut out, we pay the bush carpenter's margin of 25s. But if a man is not skilled with tools and cannot use a carpenter's tools but can only do a labouring job such as carrying timber around or assisting in holding up, or helping to cart sand and stone for chimneys or is used on foundation excavations and putting in stumps, he would be paid as a carpenter's labourer.

At page 23 in respect to the carpenter's labourer, Mr. Walsh has this to say.

"The carpenter's labourer, I think this classification is. We say that the men employed in those particular categories in those Awards are doing work not any more unskilled than men under this particular class of work in the forestry. The average man, the majority of men

employed on this particular class of work in the forestry would be assisting a qualified carpenter building houses. At the present time there is quite a big house building scheme going on in the forestry and this particular man, labourer or whatever they like to call him, that is offsidings to the carpenter that is receiving the legitimate carpenter's wage, we say his work is just as important, no less important than the labourer or assistant under these other 3 Awards I have quoted and this man should definitely receive the same margin. I think in that particular case our claim is quite just."

In that particular big house building scheme Mr. Walsh refers to, that is where you would be using your bush carpenter, is it not. Have you got a number of houses where you are using your own labour?-- There is only 1 at present in the southern division and I believe there is one in the Dwellingup division. I only know of 2.

They must have got confused with some private contractors jobs. Possibly we may have been building at some other centres. There was one more at Pemberton where we shifted one house, and it was done by day labour, but there again I think the man assisting the carpenter was fairly skilled with tools and was being paid the 25s. margin.

THE COMMISSIONER: When would those carpenter's labourers be employed?-- Very rarely unless we try to speed up a house when we might have a fully qualified carpenter, 2 men who were fairly useful with tools, and one man who was perhaps purely a labourer, but I just cannot recollect any at present. I can see circumstances where we would employ extra men. On the houses we are building now there are a fully qualified carpenter and 2 more men on the 25s. margin, but they are fairly useful with tools, though they have not the qualifications to set out jobs themselves.

MR. STANNARD: It looks as though that item could be deleted from the Award?-- I think probably it could because wherever we can get contractors to build houses they are doing it. The present house I am doing now is not at a settlement but at a remote siding and is being built by forest officers, because we could not get any response to our tenders. We will be building sheds with our own men and these will be using carpenter's labourers, perhaps one of the men in the gang.

They might be forest workmen?-- Yes. There might be one man quite unskilled who will be doing the work of a carpenter's labourer for a couple of weeks until the shed is built, and that is the only time we would touch it in years. It does seem to me rather unnecessary.

CROSS EXAMINED MR. WALSH:

In regard to these huts you stated these men are paying 8d. per week per hut?-- No, I did not state that, I was not asked that question.

I thought Mr. Stannard extracted that from you.

MR. STANNARD: No.

MR. WALSH: You deny that each of those huts costs 8d. per week?-- No, I do not deny it.

D.W.R. STEWART XN.
16/12/49

Can you tell me what is the revenue produced per week from each hut in the Forestry Dept.?-- Not with certainty, but I think normally with 2 men in the hut it is 1/4 per week, but with one man in it it is 8d. per week.

Would you be surprised to know that in some huts there are 3 men?-- In that case it would be 2s. per week.

That would be £5/4/- per year for the hut?-- If each had 3 men in it.

Under those circumstances it would not take very long for the cost of the hut to be paid for?-- It would take an appreciable time.

THE COMMISSIONER: Anyway, Mr. Walsh this matter was not in dispute, it was only as a point of interest that I asked that question as there is nothing involved in this case.

MR. WALSH: They are attempting to make out that these huts are a wonderful amenity for the men occupying them and they are giving them something practically for nothing. I am just trying to point out that these huts are one of the amenities that are being paid for in a very short time.

In regard to culverts you say most men would be on forest workman margin?-- I think so.

The position is that these men on the culverts could be single men?-- Yes.

In the event of them being camped at Forestry headquarters they would not get the camping allowance. Do you suggest working on culverts, the present margin is quite sufficient in view of their not receiving the camping allowance?-- I do not think the camping allowance has anything to do with the margin.

It appears to me that the men are deprived of a decent margin on culvert work, and who could not be receiving the camping allowance?-- I would point out that in doing culvert work it is part of track clearing, and they get the track clearing margin. They may be on culvert work for a few hours and go on. We do not construct a series of culverts in one operation.

Sometimes they could be on for a series of a few days?-- I do not think so. They could be on bridges, not culverts.

We witnessed a culvert which might have taken a week to construct?-- I hate to think a gang would take a week to put in a culvert. I think the definition of a culvert would help. I assume a culvert to be 3 or 4 ft. in width, is a channel across a road to convey the water. Some of the culverts are 1 ft. wide. Others possibly are 5 ft. wide in which stringers are not required and logs are laid in the direction of the track. The bridge is required to go over a stream and would be provided with stringers and decking across. We may be at loggerheads with different ideas on what is a culvert.

You maintain for the work outlined by you the present margin is sufficient?-- For the work those men would be doing.

Referring to bush fires, would you suggest what we witnessed in the bush at Manjimup in our inspection was a true indication of a fire out of hand?-- No. I say that fire was not out of hand. The fire out of hand would be a different picture.

Mr. Stannard pointed out those men appeared to be taking things easy when we were there. That would not be a true picture?-- That would be a true picture if the running fire had been stopped, and the fire was safe.

After the hurly burly of the fire is over?-- After the strenuous portion was over. It may take minutes, hours or days.

THE COMMISSIONER: That fire was actually under control when we were there.

THE WITNESS: The proportion of time when they are cleaning up and mopping is considerably greater than the strenuous period when they bring it under control. Then they have a very difficult time.

MR. WALSH: Talking about controlled burning, the programme of the Forestry Department was quite a good way behind, and apparently throughout the season you have not enough time to complete control burning. Can these men be employed regularly on overtime each week to do this?-- They are. Whenever possible they are employed on overtime.

Consistently from Monday to Friday?-- Yes, if the weather conditions are suitable. They get quite a lot of overtime on controlled burning.

Do you know many occasions when the weather would be against controlled burning from Monday to Friday?-- It is rarely you get a continuous spell and do burn. You get two or three good days, and then a couple of hot ones, which means you do not burn by day but at 5 at night. It may be too cold or wet and then you do not burn at all. We are at the mercy of the vagaries of the weather. We burn when it is reasonably safe and fine, and when it can be controlled.

If controlled burning takes place on Friday night, with the aid of those men working overtime that could not be tidied up by Friday night?-- It can be left reasonably safe. Your witness said that no fire is safe. If they are burning that night, there are logs and trees alight. Next day it must be controlled, unless it rains. One or two men next day must ensure the fire is as safe as the previous night, and in a condition that it would not start again when the temperature is 80 to 90 degrees the next day. If in the morning the fire is alight a second patrol is unnecessary, unless there is a bad forecast.

If the fire was not safe do you not get a warning from the tower if it breaks out again?-- We do not let it break out. We do not give it a chance. A tree may be alight and the fire creeping across the track.

You want to send the men out when a fire need not be dangerous?-- They may have nothing to do when they get there. The thing is they patrol the area. Anything left burning on the edges must be put out. There may be a blaze of stuff at the edge of the track. They would put it out and leave it in a safe condition in the day. We burn at night during the week including Fridays. We patrol the next day. If on Friday we do not burn, and the weather is not suitable we do not go out the next day.

Has there been any occasion when you have received instructions from the fire officer in relation to burning on Friday?-- I believe there has been some communication but I cannot give you any particulars now, because it must be a year or two old. I cannot give you the substance of the communication. It could have been produced with notice.

Would you deny that particular instruction has been given?-- I would suggest there may have been an instruction about burning under certain weather conditions. I have no clear recollection of it. I assure you it is our practice to do it.

If that instruction has been given and it had been rigidly carried out you agree with no controlled burning on Friday, it would not be necessary to patrol on Saturday morning?-- In 99 out of 100 cases it would not be necessary on Saturday morning. There are possibilities of dangerous forecasts when you patrol even after a Thursday burning.

In the event of Saturday morning arriving, and the weather forecast being dangerous could not the men be stood by to cope with any eventuality of that sort?-- Yes.

They could be stood by on Saturday morning?-- Yes. They could be stood by at any time if instructed.

As senior officer in charge what are your instructions to the officers under your control in regard to standing these people by for week ends?-- They usually refer it to me. We do not stand them by unless the hazards are high. We let them know on Saturday morning after the forecast how many men would be required to stand by. I get in touch with the officers when I am there. If I am not there they use their own judgment.

There is no definite instruction given when the hazard is severe on Saturday morning they would be stood by?-- Not at the present time. Ten years ago one was given. The number of men were related to the degree of hazards - dangerous hazards all men; severe summer 60% of the men; average summer 50% of the men. That was set out many years but there has not been an instruction since that time, and it has been left to the judgment of the officer in charge. He definitely stands them by under dangerous conditions.

In any of the jobs in your district, does the forester make any attempt through the week to ascertain whether the men are leaving for the week end?-- I would not say the forester makes an attempt to see if they are leaving. If the men are leaving they tell the forester. With few exceptions they tell him. Sometimes he finds out himself.

You agree they are not compelled to?-- No.

In the event of their not being stood by and not telling anybody where they were going, they would be at liberty?-- They would be. I expect them to inform us when they are going. Every man has an interest in the job, and says to the assistant forester 'I am going off'.

Do you consider what they do in the week end, after filling in the week at the Forestry Department, is entirely their own business?-- It is entirely their own business. Most men we employ have an interest in their jobs. They usually tell me if they are going away in the week end. We are happy to know it.

That does not correspond with what they tell me?-- Very few of them go away. They are mostly men with their homes there. They are interested in what is happening in the forest.

Do you say you definitely know that lots of men in the week end do not go away for sports?-- There is no trouble about that. The sports are local. If we know there are men in the sports ground, we have no worry. There are always sufficient men who do not go to sports, from whom we could get a gang.

In the summer there is a lot of intertown cricket played not locally?-- Yes.

Would you be surprised men have been stopped with their cricket gear when on their way to an intertown match, though not stood by?-- Apart from not being stood by, in an emergency an officer could call anybody with 5 miles to go to the fire, under the Forestry Act. He could go to the sporting ground and say 'I want 15 men to volunteer'. He may get the volunteers. There are a lot of cricketers in the farming community, and the farmers themselves are interested in seeing that fires do not break out around their district.

These men have been taken advantage of. Seeing the hazard was possible severe on the week end, they should have been stood by?-- We do not like to keep men from their sports, when we can get others. Every man has not the same hobby. As long as we can get two or three men in the week end to take out the truck and gear, and gather up a gang we are safe.

With reference to bridges, you stated that possibly some of the bridges are big structures compared with culverts?-- Yes.

Would you say that the miniature culvert you spoke of a while ago is a very poor job, compared with a bridge over the Donnelly River?-- Yes. They are very small jobs, compared with the Donnelly River bridge.

How long would you say the bridge over the Donnelly River was?-- We have them up to 80 feet. They are from 40 to 80 feet.

That would be a fair size?-- Yes.

You maintain the man capable of assisting, to make, or doing anything in relation to that particular bridge over 80 feet span of water, is only entitled to a 9/- margin?-- There are a series of spans, not one of 80 feet. It is the same as a series of small bridges. They are 20 feet spans.

Do you think that requires extra skill compared with the man who puts in culverts in boggy land?-- On the part of the overseer yes. On the part of labourers no. There are excavations to do, assisting to pull timbers round, working the kangaroo jacks to put the logs into position. The overseer is a key man, and he has a couple of forest men helping him. There may be one or two quite unskilled men on the job. Your witness will bear that out. He has built some good bridges.

Referring to covers on trucks, you said rather emphatically as far as you could see it would be futile to have a cover on the truck, when the men would get on to the job and work in rain all day?-- I did not say it would be futile. There would not be very much point if they are going out in the wet weather.

Do you know under the new Award these men are not expected to work in rain?-- They do not, they wait in hollow trees, and wait until the rain stops.

What is the object of saying that they get wet on the job, if they get cover under a hollow tree?-- In practice there are very few men who do not get wet on the job. Every time light rain comes, a man does not knock off. He works even though not required. In a light shower they get a little wet, but they dry out again. The rain is often

intermittent. Anyone working in the South-West knows the conditions.

You maintain there are so many trucks on the job that you have to make a separate cover for the trucks, and a separate frame?-- We have to make a wide range of frames.

You are not suggesting the men take out different trucks each day?-- No. With the trucks under the Department's control you cannot standardise any truck or cover.

It would be mostly confined to two trucks, that the gangs use every day?-- Yes.

Do you think it would be asking too much in a centre like Manjimup to ask them to make frames that would be everlasting, to save men getting drenched, coming and going to work?-- I do not think it is out of the way. I do not think it is unreasonable. I do not know that there is much in it one way or another. It would not be convenient. There is no possibility of standardising. They frequently get stoppages, and we would send out another vehicle which would not have a cover. If we get covers for non-gang trucks used for relief that would be building up a large number. It is so rarely they get wet going in and coming back. They dodge the showers.

How can they dodge the rain when they are in the truck, when it is raining in torrential downpour, travelling 10 to 20 miles an hour, without having a cover?-- They would wait until the torrential showers are finished, and then come out. It is not raining in torrential showers all day.

You are not opposed to the covers being put on the trucks?-- I am not. There are no insurmountable difficulties. With the type of work I do not think it is necessary provision by any means. For the men who are on a regular job, he is provided with covers.

I notice you treat very lightly the men placed in isolated areas. You seem to think that their amenities are equivalent to the amenities at Manjimup or Dwellingup, and other big centres. Would you say a man camped at Myalup was living in a town where he could get reasonable amenities?-- I would not say he was living in a town where he can get reasonable amenities.

In places like Tallanalla where there are seven or eight forest houses, would you say that is a town the men would relish living in for five years?-- It depends on the man. Some men like being isolated in the bush.

Those are small in number, and this does not apply generally?-- The great majority, particularly the young grader men, they like to be in the towns.

Do you know Willowdale?-- No.

There is a series of houses and they are a mile apart. The nearest township is 15 miles away. I do not think those men would like being isolated there for three or four years?-- Probably not. They probably will shift from Willowdale in those circumstances. They can shift if they do not like it.

I have to break down this argument that these men are happy and content with the conditions. Mr. Stannard said something about water facilities, and there is plenty in these places. Would you agree with me in the big majority of forestry areas the only water they have is contained in 1,000 gallon

tanks, for themselves, their wives and family?-- I would not agree in the big majority of cases. I agree in a number of these places they have only 2,000 gallon tanks, rarely 1,000 gallon tanks except in houses where we cannot get 2,000 gallon tanks. I have had some on order for 18 months. Schemes have been approved. We are giving them as soon as we can get piping, engines and pumps.

Do you know Lyall's Mill?-- I know where it is.

There is only one man, the forester himself, who has two rain water tanks. Every man on the job has 2,000 tanks?-- I say that is the exception.

I say that is the general rule?-- I can quote you a large number of houses where that is not the rule.

Speaking of camping, do you know that the men in the forestry in N.S.W. and other centres, get the camping allowance without exception, irrespective of whether they camp or not?-- I do not know that.

THE COMMISSIONER: Is that in the Award?--

MR. WALSH: There is no exception made to these men. The clause is in the general Award, the same as we are asking. It would apply exactly the same as in the construction award.

MR. STANNARD: Do you know they have the same conditions as we have.

MR. WALSH: We do not travel around over Australia.

In regard to men camped at headquarters you said something to the effect that the married men complain that the single men are getting the allowance. Could it not be possible among the men camped, they need not be single men, and married men are penalised?-- The married man will not be penalised. If they are in a hut in headquarters and living away from home they get the allowance.

The Award does not say so?-- We make a practice of it. The Award says if living in a hut and camped away from.

It says away from home station?-- In the previous Award it was away from home station. We have continued that interpretation. The married man required to camp away from home, has to keep two homes going and we pay him the camping allowance.

That can be definitely relied on?-- For the southern division. I presume it is the same in the northern divisions. This is a ruling from headquarters.

A lot of men involved camping at headquarters need not be single men. The married men need not be paid camping allowance under the present Award?-- If the strict letter of the Award is complied with.

MR. STANNARD: That is the case on strict interpretation of the Award, but the department has always taken a generous view as pointed out by Mr. Stewart. The reference to away from permanent residence was deleted because a single man might claim that camping allowance. It has always been paid to the married man who has to keep two homes going. The Union should be satisfied.

MR. WALSH: We are trying to safeguard ourselves in the Award. All these things that happen outside and which are so elastic need not necessarily be complied with.

MR. WALSH: In regard to the rate that has been paid since 1940 for bush fire, the fire fighting rate, have you any idea of the ratio of that and whether it was something given by the Court or whether it was controlled under the Bush Fires Act?-- I think it definitely had nothing to do with the Bush Fire Act.

How do you suggest the rate of 2/6 was struck in the first place?-- I would not know, I presume it was an Award of the Court. There has been a fire services rate for as long as I can remember in the Dept. The fire service was considered something outside.

You would not agree that the Act distinctly said that the certain rate that was to be paid for ordinary people outside of the forestry and should also apply to the forestry workers?-- Not so far as I can recollect, No, I am certain that was not the case.

With reference to that particular rate I was just quoting, the 2/6, you know it was paid in those days to the overseers and the men?-- I believe so, but I would not be clear on that.

It was a flat rate which fluctuated with a rise or fall of 3d. with every rise or fall of 11s. in the basic wage?-- Yes.

Do you agree with me that the particular rate paid to overseers was less than their ordinary time?-- That is going back a long way and without working it out and checking it I would not know. It may have been less.

MR. WALSH: That was the case and I have heard suggestions put up, Mr. Commissioner, on those lines. I think it was suggested that it was not.

MR. STANNARD: I do not know what your suggestions are.

THE COMMISSIONER: In 1935 it was not.

MR. WALSH: In 1940 when that rate was 2/6 the overseer was actually getting 1d. less than his ordinary rate when fire fighting, that was taking the basic wage plus his margin into consideration.

MR. STANNARD: We have given you a much better basis.

THE COMMISSIONER: The ordinary worker was not.

MR. WALSH: No, I am only referring to the overseer.

MR. WALSH: You mentioned in regard to the man on the nozzle at the fire that there could be a hose 100 ft. long and stated something about this. It can be agreed that if a hose that length was used and a man was not supplied to assist it would warrant a margin?-- I do not see how it would warrant a margin, it would slow the work up, in having to pull it around.

Do you think it would be an easy job for one man to control a hose of that length in the bush?-- It would not be easy and it would slow the work up. We would put another man on if we could. I do not see that it would make it necessary to pay a margin as there would be no more skill attached to it.

Regarding the tower man I notice that you mentioned something about him having to plug this fellow in and having to cut another fellow off. It looks to be in addition to his ordinary duties

D.W.R. STEWART XXN.
16/12/49.

as a tower man he controls a sort of miniature telephone exchange?-- No, that is stretching it a bit. He may possibly have 2, 3 or 4 switches, there, and if he rings Manjimup he puts one in and if another station wants to ring through he puts another switch in, and if they want to speak through from one to the other he leaves both switches in. The service gives him an extra interest.

You compared him with the man on the grader. You suggested in comparison that he was a lot better off. Does not the average man on the grader in most districts return home for the night?-- No, nearly all our grading is done by two men camped out for the night. They are only able to do a certain amount of work from district headquarters and generally all their work is done camping out.

What proportion of the year?-- I should say $\frac{3}{4}$ of the year, that is in the southern division as I know it. They could only do a certain amount from district headquarters, maybe 5 miles radius, and beyond that they would have to shift.

Do you deny or affirm that the tower man is stood down when the weather is cool or wet over the weekend?-- There have been cases where they have been stood down, but I do not know of any cases over the last 2 years in the southern division, except at his own request.

That only applies to your division?-- Yes, from Kirup southwards.

Do you suggest that would be the general trend?-- With possible exceptions, but I am not prepared to say. It would rest on the particular divisional officer. I do regard it as no obligation to employ him on the days off on Saturday and Sunday if, for instance, it is raining, but in other cases I can recollect with the exception of one man in an isolated tower, the men have wanted that time off. In the isolated tower I referred to I have paid that chap because he could not have the advantage of getting off.

Would you be surprised to know that is one of the tower man's chief complaints and one of the most general?-- I do not know about it being general, but it is a complaint. It is the only one I have ever heard.

Have you ever had occasion to get rid of a man on the tower through inability to do the job?-- I do not think so, but there have been occasions when I should have done so.

You do not know of any man whose services have been dispensed with because he was not capable?-- Not personally. I think I can recollect one man being sent back because he was totally unsuitable and I know of others who have been dispensed with for being too unsatisfactory. They did not seem to have any commonsense, but generally the towermen who come down are able to do the job with a couple of hours' instruction.

Mr. Stannard asked you some question in relation to the axeman and you appeared to agree with me that the margins we were asking for were quite O.K., but you qualified it with the words, that he would have to be on the job for 6 months to qualify?-- I do not think I put it that way. I said that provided he was an axeman and could use an axe.

Provided he was an axeman he would get the margin as soon as he goes on the job, but then you say that he should be stood down for 6 months if he is not an axeman when he goes on, inferring by that.....

D.W.P. STEWART XXII.
16/12/49.

it takes him 6 months to qualify to use the axe?-- No. I would say that as soon as he can use the axe and do the work he should be paid the margin. There are very few men who have not used an axe that are any good at it under six months. They just cannot do the work.

Mr. Stannard asked you should he be put on the same footing as a forest workman in that regard, and you said yes. Now you state he should receive the margin when he qualifies not necessarily after 6 months?-- Yes.

Getting back to the forest workman would you suggest that the single man living in a hut at forestry headquarters, if they lived anywhere in the town, would not be readily available?-- Yes depending on the men in the town.

If that is your idea what is the idea of paying the single man that is living in the town with his parents that you spoke of?-- If he is readily available, yes, but if for instance he has a girl friend 20 miles away and every weekend goes to see her, he is not readily available in the sense that he is living on the job.

But if he is living in the town with his parents you are saying you are going to pay that particular man.

MR. STANNARD: In a departmental hut.

MR. WALSH: Yes.?-- Yes, but he might be 2 miles away in his own house. In a departmental house, yes.

Say at Hoffman where there are no huts a single man is living in one of the mill houses, would he not be as readily available?-- I do not know the set-up. If he is living in a house in close proximity to forest headquarters and is a regular member of the fire gang I would certainly say he should be paid.

Any man readily available?-- And living on the job.

But not living at forestry headquarters in a hut. You are prepared to pay forest workman's margin?-- If he is living in close proximity.

The Award does not say anything like that, the Award says the man must definitely live in a hut at forest headquarters?-- We have extended it where they have fulfilled those 2 qualifications. In practice, perhaps, we have been unduly lenient, but we have extended it to cover men if they are regular members of the fire fighting gang.

Do not think there is any argument about members of the fire gang, but the position is that while this particular aspect is in the Award we claim that you people, if you wanted to, could exclude those people.

THE COMMISSIONER: I will alter that to clear that up.

MR. WALSH: That is the bugbear in relation to it?-- We do not want to include people who are not part of the job and not readily available. We have cases where men may be living 2 miles away, where we have not got our own settlement built and living in farm houses, and we put a telephone on so that we can contact them, and although they are 2 miles we pay the forest workman's margin. We do not normally do that, it is only because we have not got our own houses built.

D.W.R. STEWART XXN.
16/12/49.

You are prepared to bring these men within this scope?-- We have done it in specified instances, but it requires the approval of the fire control officer and senior divisional officer to make a recommendation to include those men and if the Conservator approves they are included. There is no suggestion to exclude men, but rather to include them if they qualify.

But with the Award in its present shape they could be excluded that is the position. Carpenter's labourer; it appears to me in relation to this house building business that you are talking of the present. Do you realise that over the past 2 or 3 years there has been an extensive house building programme going on in the Forestry Dept.?-- Yes, but not by Departmental labour.

Although it might be done by contractors the person offside has been a member of the gang and has been employed as a carpenter's labourer?-- There has been occasions where a carpenter has been stuck for labour and we have made a member of the gang available to him.

Those particular men, although they are not using tools, they are doing the job and doing practically the whole of the cutting out?-- If they are cutting out they are using tools.

They might use a saw, but I am talking about the general handy persons using the general carpenter's tools. The majority of men who are doing that particular class of work, do you say they should not receive the equivalent of the carpenter's assistant or labourer on another job. What would be the difference?-- I do not know what the difference would be. A provision has been made that they would certainly not get less than what they were receiving on the class of work they had been on, which is usually a 12s. margin.

We are asking for 12s. but all they are prepared to give for that particular class of man is 9s.?-- That depends on whether he is skilled with tools.

If he is skilled with tools he gets the carpenter's rate?-- Not necessarily. He could have some degree of skill in using tools and yet be far from a qualified carpenter.

The only other man who could qualify to use tools would be the bush carpenter?-- Yes.

He is a different man altogether and is an efficient carpenter and is kept on building sheds or huts and does not offside. He is the man actually doing the job and that is what he gets paid for.

THE COMMISSIONER: Do not start arguments, confine yourself to questions.

RE-EXAMINED MR. STANNARD:

Do you think it reasonable that we should be asked to reduce the hours and then pay overtime, persistent overtime for patrolling burning the next day?-- No, I do not think so.

Also with regard to detention do you think it reasonable that we should be asked to reduce the hours and then pay detention the next day?-- No.

In places like Willowdale, where Mr. Walsh said the houses were a mile apart, is it not the present policy of the department.

to shift those houses into closer settlement?-- I understand that is the present policy. Some of the settlements are being shifted as fast as we can get men to undertake the work.

Regarding the tower man the southern division is the coolest division?-- Yes.

And therefore no tower man would lose more time in other divisions than your division?-- No, I should think not.

Regarding this carpenter's labourer, if I was to tell you that in the A.W.U. construction Award he gets 9s. and in the Metropolitan Water Supply Award he get 9s. do you think your man should get any more?-- I should not think so as his work is quite comparable.

MR. WALSH: Men working fire fighting day and night and going out to fire and necessitating being there for a night and a portion of the next day without returning to their home what rate would you pay them?-- The usual fire services rates.

For the day and night and portion of the next day?-- If it is during the week they get their ordinary rate during the week, but if it is for the weekend it is the fire service rate right through.

If they were fighting fires during the night time they would receive the fire fighting rate. Perhaps you do know that men have been sent out and in going out of a night time have been ordered to take their blankets out and instead of being paid the fire fighting rate have only received the detention rate for that particular class of work?-- It would not surprise me to know it though I have not met any cases, they might be told to go and have a sleep for 4 hours, no man can keep going indefinitely, and possibly they would be paid the detention rate during that period.

Where would they sleep?-- Under a black boy or under a truck.

You consider that would be standing by?-- I would. I should certainly not think it would be fire fighting.

Do you know that in Tasmania they get paid from the time they leave their house until the time they return?-- No, I do not know that. We endeavour to get our men home at least within 24 hours, so that they can get a break, but there may be circumstances where they are out for more than one night. We try to alternate the night gangs with the day gangs. They may be out for several nights under extreme conditions.

THE COMMISSIONER: I will issue the minutes of the Award on Tuesday at 2.15 p.m.

CASE ADJOURNED till 2.15 P.M.

TUESDAY, 20th DECEMBER, 1949.

IN THE COURT OF ARBITRATION
OF WESTERN AUSTRALIA.

No. 5/48.

B E T W E E N :

AUSTRALIAN WORKERS' UNION, WESTERN AUSTRALIAN
BRANCH, INDUSTRIAL UNION OF WORKERS.

Applicant.

- and -

CONSERVATOR OF FORESTS OF WESTERN
AUSTRALIA.

Respondent.

TUESDAY, 20TH DECEMBER, 1949.

RESERVED DECISION.

THE COMMISSIONER: The first issue of the dispute is that of hours, the Union claiming a five day week, while the employer contends that the five and a half day week is necessary during certain periods of the year.

The five day week has, in fact, operated in sections of the Industry for many years, during certain periods, with a five and a half day week for the balance of the year.

Saturday morning work is mainly required during the "Control Burning" period, and this period varies according to the particular district. Furthermore, it is not possible to forecast with any degree of accuracy the particular days on which "Control Burning" can be performed. Weather conditions may make a Monday and Tuesday favourable days for this work, and in the following week the Thursday or Friday may be most opportune. When "Control Burning" is undertaken, particularly towards the summer months, it is customary to often work on a favourable day, until late in the evening in order to take advantage of the conditions for this work which is regarded as one of the most essential in forestry preservation. When such burning continues until late in the evening it is the practice, unless rain intervenes, for

the area burned to be patrolled the following morning. This would mean, in the event of a five day week, that either there would have to be a limitation of "Control Burning" or the payment of overtime on Saturday for patrol work. I would not be prepared to introduce any provision that in any way would tend to limit the possibilities of this work, or bring about an overtime payment for work which must be regarded as one of the ordinary and necessary incidents of employment in this Industry. Consequently I have left in the existing provision for a five and a half day week, together with the proviso that by agreement between the parties the weekly hours may be worked in five days. The department has already gone a long way in this matter in applying a five day week whenever practicable, and it is now a question whether a method can be devised whereby the department can extend the five day week principle without in any way limiting its "Control Burning" or incurring additional overtime as a result of the five day week. I believe that this is possible, providing both parties will continue as they have done in the past to recognise each others' difficulties and co-operate to the fullest extent. To this end I have included a completely new provision in the hours clause, which reads as follows :-

"Where a five day week is worked and the exigencies of the service require work to be performed on the Saturday morning, equivalent time off up to four hours shall be given during the following week or as soon as practicable. All time in excess of the four hours to be paid in accordance with the overtime provisions."

I consider that the main difficulty in the past of the department extending the five day week, has been because of the possibility of severe fire hazards towards the week-ends, and their desire to utilise Fridays whenever the weather permitted for "Control Burning". Under this new provision, when burning can be undertaken on the Friday, then the

necessary patrolling can be performed on the Saturday by the gang or portion of the gang without any additional expenditure, and to the Union it should mean a five day week to a far greater extent than that which now applies. It will be noted that I have made provision for the time off during the "following week or as soon as practicable." The latter has been added because during a period of severe summer it may not be possible for any worker to be given time off in the particular week immediately following work on a Saturday morning. However, this is purely in the nature of an experiment, although I feel confident that its application will prove of benefit to both employer and employee.

OVERTIME.

The parties are in agreement on what might be termed the ordinary class of overtime, wherein provision is made for time and a half for the first four hours and double time thereafter, but are unable to agree on the overtime rate for work defined in paragraph (b) of this Clause as "carrying out or assisting in controlled burning, burning of hazards, burning of felled or treated country, fire-fighting or counter firing at any time." The existing rate is time and a quarter, which the department claims should remain unaltered where as the Union claims that payment for this work should come within the ordinary overtime provisions of time and a half and double time.

Penalty provisions in an Award are of a restrictive character, mainly as a method of preventing unnecessary overtime, and it now becomes a question whether the existing penalty rate should be increased for the purpose of limiting as much as possible, overtime on work as defined in paragraph (b).

It is not possible for the department to foresee the actual day or the week during which the above work must be undertaken, and consequently an increase in staff to cope with such work is completely out of the question. This work must, at all times, be performed by the existing staff, and as

I have already stated in dealing with hours, "Control Burning" and the other duties mentioned above must also at times be performed outside the ordinary hours. Overtime on this class of work cannot, therefore, be regarded as coming within the general principles of overtime payment as applied to Industry generally, and I consider that the existing rate under present circumstances is adequate.

DETENTION ALLOWANCE.

Occasionally, because of the Fire Hazard, it becomes necessary to instruct certain workers to remain in close proximity to their homes during non-working hours, and payment for this in the past has been at the rate of 4s. for each half day during the week-end and 8s. per day at other times. The Union now claims time and half and double time rates for such standby period, while the employer offers 2s. per hour with a maximum of 16s. per day and a minimum of 4s. per day. My remarks on the previous section should be sufficient to indicate that I could not approve of the application of ordinary overtime rates on this matter.

The department's offer is in the main a reasonable proposition, except as regards the minimum payment, which I have altered to read as follows :-

"The minimum payment shall be as follows :-

Monday to Friday inclusive	4/-
Saturdays	6/-
Sundays & Holidays	8/-

One of the main matters of disagreement on this section was the Union's contention that the workers required to standby were not given reasonable notice. Actually, the Fire Hazard is broadcast to the various gangs at 4 p.m. each day and at 7.45 a.m. on Saturdays and Sundays. I can see no reason why the workers required to standby should not be notified within a reasonable time following such broadcasts and have inserted a special provision to this effect, which reads as follows :-

"Workers required to stand by on Mondays to Fridays inclusive shall be notified prior to the ordinary ceasing time and on Saturdays and Sundays within one hour of the 7.45 a.m. Hazard. In the event of any worker being notified after the time herein specified, he shall be regarded as having been on call as from the time notification should have been made."

WALKING TIME.

The only matter here in dispute was the Union's claim for seating accommodation and adequate covering on vehicles used for the purpose of transporting men to and from work. The department has in the main agreed with the Union's claim, but contends that on occasions it is not practicable because of the materials transported to provide these facilities. I have, therefore, included the claim as made by the Union and have added the following:-

"This provision shall not apply where, because of the nature of the materials to be conveyed, it is impracticable to provide a cover or seating accommodation."

CAMP ALLOWANCE.

The existing provision provides a payment of 4s. per day with a maximum of 20s. per week to "employees who, in order to be available for their work, have to live in a tent, or when away from their home station are required to live in a tent or hut." The Union desires this amended to provide that all employees living in a hut at the home station or elsewhere shall receive this allowance. This claim is completely untenable. The work is of a permanent nature and workers living in huts established at the various home stations are in an entirely different category to the average worker living in the various tents and camps under the A.W.U. Construction Award. These workers are in no different position I consider to the hundreds of single men living in huts at the various timber mills.

LOOK OUT MAN.

I do not intend to comment on this classification other than to say that I have not seen anything on the inspections or heard anything during the case, which would in any way make me differ from the general principles that should apply to this position as stated in a unanimous decision of the Court in 1940. There was one point, however, that appeared to give the Union some concern, that being the possibility of this worker, although being available for seven days per week, being stood down without pay to an extent that he would receive less than the Forest Workman's rate. This, the department deny as being a fact, but in order to remove any doubt in the future I have added a special provision to this clause to cover the position.

MARGINS.

Actually few alterations have been made to the existing margins and these will be readily apparent from a perusal of the Award.

GENERAL.

I feel that I should not let this opportunity pass without making some comments in respect to the inspection I recently made in the South West. One could not help but be impressed with the efforts of the department in endeavouring to have their employees suitable housed. Not only are there comfortable homes being erected in small communities, but considerable progress has also been made in assisting with the provision of various sporting facilities. In some centres the only residents in the particular locality with electric light were those housed by the Forestry Department. This has all helped, no doubt, to develop that very splendid relationship between the officers of the department and the workers concerned, which was so apparent throughout the districts I visited.

IN THE COURT OF ARBITRATION
OF WESTERN AUSTRALIA.

No. 5/48.

B E T W E E N :

AUSTRALIAN WORKERS UNION, WESTRALIAN
BRANCH, INDUSTRIAL UNION OF WORKERS.

Applicant.

- and -

CONSERVATOR OF FORESTS OF WESTERN
AUSTRALIA.

Respondent.

THURSDAY, 22nd DECEMBER, 1949.

SPEAKING TO MINUTES.

MR. WALSH: There are just one or two items that we feel could be brought forward. The first one is in connection with clause 31 - hours subclause (a). I am referring to the deletion of the words "during the months of April to November inclusive." We are wondering whether that will have a depreciating effect, the exclusion of those words from the subclause. No application was made by either party to have the words excluded, and we thought possibly they appeared to be of vital importance.

THE COMMISSIONER: Actually this is the view I took of that, that I think you have the best end of the stick by the deletion. Previously the clause read that during the months of April to November inclusive the five day week may be worked by agreement between the parties, and now I have deleted all reference to April to November in order that by agreement between the parties the 5 day week may be worked all the year round.

MR. WALSH: We took the view that the exclusion of those words might possibly mean that the 5 day week period might be of less duration.

THE COMMISSIONER: It could not be. The only period under the existing clause under which the 5 day week could be worked was limited to the period April to November, and now I have added a new provision under which I feel that the 5 day week can be given greater application; now the parties can apply that beyond the period.

MR. WALSH: That would be alright if it worked in practice, but we appear to be very skeptical about that part of it. We make the discovery that we have a very big battle in having this 5 day week so far worked within this period, and that with that particular

part of the subclause excluded we think there is a big possibility that advantage might be taken of it.

THE COMMISSIONER: I would be quite prepared to put those few words back again, but I am quite sure it would be to your disadvantage.

MR. WALSH: If that is the view you take I think it possibly might be worth a trial.

THE COMMISSIONER: Perhaps it could be cleared up this way that Mr. Stannard can be given to understand now that the deletion of those particular words does not mean in any way that there should be any limitation of the application of the 5 day week as it previously applied.

MR. STANNARD: If I may raise this whilst on this clause, this is perfectly understood. I think Mr. Walsh all through has more or less dealt with hypothetical cases and has not looked at what has been given away, and I am sure in this case he won't find that they have lost anything because it said "may" before, it did not say "shall" be worked and I can assure you that there has never been any difficulty in applying it during the April to November period and I am sure they have nothing to fear there.

THE COMMISSIONER: You have now that appearing in the transcript.

MR. WALSH: With that assurance I think we can waive our objection.

The next one is in connection with subclause (b). As you see this is a new subclause and prior to the inclusion of this subclause these men were provided under clause 32 (a) and with the reduction of what was actually speaking time and a half for that particular period to what actually amounts now to ordinary time, it appears to be a retrograde step.

THE COMMISSIONER: I do not regard that as coming under the ordinary overtime provision. It was to enable you to enjoy the 5 day week to a far greater extent than you can. For example, the department could not say "during the month of December now, we will apply the 5 day week" unless there was a provision like that because there may be 2 Saturdays during that particular month on which they would want to work following control burning on the Friday night. But then again applying the 5 day week under this principle you might go right through the month of December without having to work on Saturday at all and in fact have the 5 day week.

MR. WALSH: I thought possibly that this could be applied. The position is that in regard to burning there is not the slightest doubt in its present form that if those men are put on that particular type of burning, the fire fighting rate definitely applies in relation to this particular Saturday morning. That is provided for, but I took it that the application of this would possibly occur during the winter months.

THE COMMISSIONER: No.

MR. STANNARD: The fire fighting rate could not apply between the ordinary spread of hours but they would be given 4 hours off in the next week. I think it is clear enough in our minds what was your intention, that it is not possible to foresee, as you mentioned what is going to happen towards the weekend, so to take every advantage as regards control burning you have given the opportunity if it is advantageous on the Friday that we can do it and then bring them back on the Saturday morning without any penalty rates

provided that we give time off during the next week or at some convenient time.

Is it perfectly clear to my principles. They feel that you have a firm grip of the industry and can see where it can possibly work in the 5 days. We do not see that the men are going to suffer by it at all.

THE COMMISSIONER: I feel if you were to give this a trial I am sure you will find it will work out satisfactorily.

MR. WALSH: Do I understand that this Saturday morning applies to control burning?

THE COMMISSIONER: It applies to the necessary work which will follow control burning in the Friday evening.

MR. WALSH: Clause 32 (ii) states, "with the exception of men engaged on 'top disposal' work.....". How would that be overcome in relation to fire service.

THE COMMISSIONER: It is still subject to the hours clause. It might be worked one weekend in the month of December. It might not be worked at all, but if it is worked you receive the equivalent time off during the following week. All of that overtime work is subject to the provisions of the hours clause.

MR. WALSH: I do not think it will be an asset.

THE COMMISSIONER: I will be anxious to speak to you on this matter in about 6 months time if it is given a trial. I think you have practically got there what you claim in your application for a 5 day week by this principle.

MR. WALSH: Clause 32 (c) is the standby. The present clause provides for notification by 8.45 a.m. on Saturday.

THE COMMISSIONER: By 7.45, is it not.

MR. WALSH: Yes. An hour later would be 8.45. As I pointed out during the course of our evidence it is quite possible that lots of these men will go away for the whole weekend. In the event of men not being notified on the Saturday morning, it must be obvious there would be nobody there to notify on the Sunday.

THE COMMISSIONER: I am afraid there is noway of overcoming that. The department will just have to face up to that position. After all it does not affect you or your workers so much. They have the right to go away for the weekend, if they want to, if they are not notified on a Saturday morning. It will be the department's responsibility to overcome that.

MR. WALSH: On account of the Sunday being mentioned I thought I would bring it under your notice.

The only other thing is in relation to clause 35, wages. To bring the Award up to date we suggest that classifications 1 to 9 be deleted and "All others, nil" be substituted. We cannot see the force of specified classifications when there is no margin attached to them.

THE COMMISSIONER: At the hearing it was agreed between the parties that I should include all these classifications. This would mean that between now and the Xmas recess the Clerk would have to type the whole of the wages schedule, which is fairly lengthy. You agreed between that I should include these classifications with no margin.

MR. WALSH: One or two were in dispute.

THE COMMISSIONER: Yes.

MR. WALSH: That was the reason. With "all others" and they are grouped, none need necessarily know under what they are.

THE COMMISSIONER: It is rather difficult to make an alteration now.

MR. WALSH: It possibly will not make much difference. Perhaps it may be remedied later. That is all I have to say.

MR. STANNARD: There is a minor typographical error in clause 5 subclause (B) third line. It should read "he would have." It is "be would have" in my typed copy.

In clause 31, hours, subclause (b) provides, "where a 5 day week is worked and the exigencies of the service require work to be performed on the Saturday morning, equivalent time off up to 4 hours shall be given." We feel that the words "without pay" should go in there in view of the contract of service clause being a weekly hiring.

THE COMMISSIONER: Naturally it would have to be without pay to conform to the principle.

MR. STANNARD: Seeing that Mr. Walsh has all through been referring to all sorts of things that might happen, we thought there might be a misunderstanding with this clause.

THE COMMISSIONER: In view of the fact that it is a weekly contract of service, in the following week there may be a claim for the 40 hours.

MR. STANNARD: Yes.

THE COMMISSIONER: That was not the intention. Perhaps that might be altered to make it clear. Where do you suggest the words go in.

MR. STANNARD: In clause 31, the last line, after the word "hours" so that it would read "four hours without pay." I do not think Mr. Walsh need have any fears about that particular clause.

MR. WALSH: I hope not.

MR. STANNARD: We feel it is quite a good one. He might be able to do something with it.

With regard to margins I could not agree to Mr. Walsh's suggestion there because we have found over the years that it is very satisfactory. If it is in there, they want a Board of Reference for any little odd jobs. You are definite. If it were "all others" they might say "it is something different."

THE COMMISSIONER: It was an agreed matter during the case, and I would not alter it on the speaking to the minutes.

MR. STANNARD: On behalf of my principles I would like at this stage to express our gratitude for the expeditious way in which this application was dealt with. It was brought into Court very hastily and you have arranged a visit to the forestry sections in the bush, and listened attentively to us here for a couple of days. We feel that you quickly got a good grasp of the industry, and we express our gratitude to you. I am sure the Union will be only too happy to join with us in that particular expression.

MR. WALSH: On behalf of the organisation I represent, I endorse those remarks. We very much appreciate the expeditious way in which everything was carried out.

THE COMMISSIONER: Thank you. This is the first occasion, Mr. Walsh, that you have appeared as an advocate in Court, and it is interesting to say that some advocates, if they do not get everything they claim go away terribly disappointed and are upset for weeks. I have found however, from experience, that it is often impossible for a Union Secretary, even to draw up a claim that would meet the wishes of all his members.

If he were to claim 10s. for one classification and £1. for another, he would find they would not be satisfactory to all of his members. The one on the 10s. would say he was worth a £1. and the one on the £1. would say he was worth more than the other.

So, if it is impossible, as it is for a Union official to draw up a claim satisfactory to all his members, I feel you will appreciate that a person adjudicating on these matters who has to deal fairly with both sides finds it impossible to give to the Union advocate, unless that Union advocate has a very sound case, everything he claims.

I thank you for your attitude in this case, Mr. Walsh, and I feel you will do a good job in this class of work for the Union you represent.

DELIVERY OF AWARD.

THE COMMISSIONER: The award will now issue subject to the following alterations:-

The word "be" in the third line of clause 5 (b) will be altered to read "he".

In clause 31 (b) there will be included after the word "hours" appearing in the third line, the words "without pay."

ORDER ACCORDINGLY.