

is at once attended to. There is some little doubt in the minds of the Committee, I think, in respect to the arrangement regarding wet time. It was laid down by an award of the Arbitration Court that the Resident Engineer, represented by the Assistant Engineer, should be the sole judge of what was a wet place. Mr. Gavin in his evidence informed the Committee of the procedure as far as he was concerned, and he had heard no complaints up to the end of 1911, when this arrangement was terminated. It lasted from the end of 1908 till the end of 1911—three years. Now, it was given in evidence that the conditions were not so bad for the last six months, when we were working under different conditions from those that obtained before. At the end of 1911 the Public Works Department decided to remove the Assistant Engineer to Bealey—to the other side of the range—where it was impossible to get him to adjudicate on this matter, and we as contractors did not care to place ourselves in the hands of the Inspectors. Most of you, I think, who know much about contracting will realise that the Inspectors are there to see that the contractors carry out the letter of the specification. The contractors, on their part, endeavour to carry out the work as cheaply as possible consistent with a good job, and many times the Inspectors and the contractors may be, in a way, at loggerheads; and I did not think, under those conditions, that the Public Works Inspector was the right individual to adjudicate on the matter of wet time. Consequently I refused to take his view of the matter, but instructed our engineer to be as liberal as possible in regard to this particular question, because undoubtedly that is the worst feature of the tunnel. It is a wet tunnel, I may say, throughout. We are working under the watershed of the Otira right from end to end; in places the Otira is within a few hundred feet of the line of the tunnel. In my opinion it is on account of this adjacency to the Otira River that there is so much wet. Unquestionably it is a very wet tunnel, and we endeavour, as practical men and for economy's sake, to satisfy the workmen to the best of our ability, consistent, of course, with being able to carry out the work. That was the instruction given to Mr. Gavin, and I think the evidence given by the men themselves proved that Mr. Gavin gave them wet time whenever it was reasonable to expect it. So that if this tunnel had been brought under the Mining Act I do not think the conditions would have been as good to work under as they are now.

10. *Hon. Mr. R. McKenzie.*] Could you indicate whereabouts your heading would be at the Otira end from the surface: would it be under the moraine or up Peglake Creek?—At present it is between Peglake and the moraine. Presently we shall strike the headwaters of the Bealey.

11. *Mr. Seddon.*] You will go under the Bealey?—No; we go under the Otira and under the headwaters of the Bealey. We are under the Otira right from where we started.

12. *Hon. Mr. Fraser.*] What distance are you from the bed of the river?—I cannot tell you exactly. The Otira River in one place is about 150 ft. from the line of the tunnel, and probably about 300 ft. above it.

13. *Hon. Mr. R. McKenzie.*] Where—at Peglake Creek?—Yes, just at the moraine. The highest peak is Warnock's Knob, 1,100 ft. above the formation of the tunnel; it is a very high knob, just above Peglake Creek. There are other conditions under the Mining Act that it would be almost impossible to work the tunnel under. I refer to the provisions regarding explosives: "It shall not be stored on the surface of or adjacent to the mine unless in such magazine and in such quantities as may in writing be approved by the Inspector. It shall not be stored in the mine in any quantity exceeding what would be required for use during six working-days for the purpose of the mine; and, whilst so stored, it shall be kept in a drive or chamber separated by a door fixed across such drive or chamber at least thirty feet from any travelling-road. It shall not be taken for use into the workings of the mine except in quantities actually required during the shift, not exceeding sixteen pounds of gunpowder or ten pounds of nitro compounds or nitro-glycerine compounds in workings where drilling-machines are used, and not exceeding eight pounds of gunpowder or five pounds of nitro-glycerine compounds in any other working, nor in any case except in securely covered cases or canisters." It would be almost impossible to conform to those conditions in constructing a tunnel like the Otira Tunnel. Every round in the tunnel at the face weighs nearly 50 lb. of gelignite, and to put a 30 ft. drive in every here and there along the tunnel would entail enormous expense and delay. So that that alone would prevent our coming under the Mining Act.

14. *Mr. Davey.*] The same would obtain with quarries, would it not?—No.

15. *Hon. Mr. R. McKenzie.*] In a mine they have the drives, anyhow?—Yes, unused drives. It is no special expense to put them in. I do not think I need refer to Mr. Malloy's evidence further than to say that it proved that while we were working under the Arbitration Act and while he was president of the Reefton Miners' Union everything went on quietly and satisfactorily, and that we did our very best to make the conditions under which the men were working favourable. Mr. Holmes's evidence on the whole proved, I think, that we used every endeavour to carry out the work and prosecuted it in a manner that was satisfactory to him, and that we could not ourselves foresee all the trouble that we have met with. I will leave the matter now in the hands of the Committee.

16. *Mr. Veitch.*] With regard to the working-conditions under the Mining Act, you point out first of all that you gave special treatment to the men with regard to wet time. That is a matter that would not apply under the Mining Act, is it not?—Perhaps Mr. McKenzie would be able to put his finger on the part of the Mining Act which refers to wet time; but if my impression is correct the whole tunnel would come under wet time as defined by the Mining Act.

*Hon. Mr. R. McKenzie:* I do not think the Act defines a wet place. I think it leaves it to the discretion of the Inspector of Mines.

*Witness:* I have not any written information, but I am informed that the definition laid down by the Inspector regarding various mines would make our tunnel a wet-time tunnel right through.