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Abstract

The copper smelter and refinery at Port Kembla, formerly known as the Electrolytic Refining and Smelting Company (ER&S), has attracted considerable controversy in recent times. The history from which the new works of the Southern Copper company emerges, however, is largely forgotten. This paper is about reclaiming part of that history. Its objective is simple – to move those people who are fundamental to that history out of the forgotten shadows to centre stage. The work of those who built and worked the furnaces and residents who absorbed much of the company's environmental excesses in the form of lead fumes, sulphur dioxide and dusts, those who are the heart and soul of Port Kembla's past – is largely ignored by their economic and political masters. Instead of work and toil we hear 'jobs'; instead of work hazards and risks we hear 'economic progress'; instead of injury and death we hear 'the bottom line'; and in place of environmental or health justice, we hear 'environmental best practice' and assertions about environmental safety. This paper has four parts. The first part traces the history of the early days of the Port Kembla smelter. The second part examines working conditions within the plant and briefly tells the stories of some of the workers and residents. This part also looks at the responses of company, government, union and community to the plant's work. The final part draws parallels between the past and the government's recent decision to introduce special legislation and considers the implications of this case for the broader question of environmental justice.

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Introduction

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At the beginning of this century, the Mount Morgan Gold Mine in north Queensland was 'one of the greatest gold producers of

the world'¹ and 'one of the most profitable mines of any metal in existence'². As the mine went deeper, its workings began to find other ores, in particular copper. As the company did not have adequate facilities to smelt or refine these ores, it began sending them overseas – the west coast of the United States of America and Germany – for processing.

The increasing quantity of copper ores and rising costs in shipping the ores overseas convinced the Directors of the Mount Morgan Gold Mining Company to form its own company to treat its copper ores. So in partnership with a German company, Aron Hirsch und Sohn, Mount Morgan established the Electrolytic Refining and Smelting Company. In their corporate deliberations of setting up another company, it is likely that the Directors gave only scant, if any, consideration to matters such as human health and environmental impacts. The Directors were men of considerable wealth – men with political and social power whose principal interests lay in the health of the company balance sheet.

The board of the Mount Morgan Gold Mining Company responsible for the formation of ER&S included Robert Stubbs Archer, Chairman, Walter Russell Hall, Chairman of the Sydney Board, William Knox D'Arcy, Chairman of the London Board, the Hon James Albert Callan, Kelso King, Richard Gardiner Casey and Kenneth De Lacy Cudmore. The Board of ER&S included Hall, Chairman, King, Francis H Snow and the General Manager of the Mount Morgan Mining Company, Captain GA Richards.

Most of the Directors had extensive business interests: Archer and Casey were prominent pastoralists; Casey was also the Managing Director of Goldsborough, Mort and Co and Chairman of the Victorian Racing Club; Hall was a wealthy philanthropist whose interests included insurance, meat retailing and horses. He was a director of the Mercantile Mutual Insurance Company, the Sydney Meat Preserving Company and a committee member of the Australian Jockey Club. Richards, the man who supervised and developed the chlorination processors at Mount Morgan, was a member of the Queensland militia which he used against striking Queensland shearers in 1891.

In summary, it would be difficult to portray these men as environmental advocates or pioneers of occupational health and safety.

Working conditions at ER&S

When ER&S commenced production in 1909, it required experienced and skilled workers. It hired men from another copper smelter at Dapto, the Australian Smelting Company, and

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workers from copper mining towns such as Cobar and Nymagee in western NSW and Mt Morgan in Queensland, as well as local labour. Wollongong at this time was not an industrial centre and workers recruited from in and around Wollongong would have had little or no experience of working in a factory.

The same could not be said of those workers who had worked at the Dapto smelter or any of the other copper centres. These workers would have been well acquainted with the occupational risks and hazards of working with copper. The Dapto smelter was an especially dirty and dangerous plant which produced discharges of pollution which can be still found today in the bed of Lake Illawarra. The Port Kembla smelter would be a similar work environment. It exposed workers to serious occupational health and safety hazards from the first days of production. There are at least three sources for this. One is the general nature of copper refining and smelting. Another is the testimony of workers at the hearing of a wages board and the final source is the oral testimonies of workers and their wives.

Copper refining and smelting

The dangers and hazards faced by workers in the copper smelting industry are well documented and beyond the scope of this paper. Suffice it to say, that to claim no knowledge of these matters by Australian copper smelters and the governments which regulated them would give new meaning to the word ignorant.³

The Wages Board Hearing

On 21 June 1911 a NSW Wages Board began a hearing into wage claims by the Electrolytic Employees Union (EEU). The EEU was registered in February 1911, only four months before this hearing, and operated from the Friendly Societies' Hall in Wollongong. Mr C Carson, union secretary and advocate for the union told the hearing that 'His clients were simply asking to be paid a fair living wage'.⁴ Neither the EEU nor the company sought or obtained compensation for occupational hazards in the 'fair living wage'. And these risks and hazards within the smelter were not insignificant.

The testimonies of workers at the Wages Board hearing read like passages from Charles Dickens's *Hard Times* where the industrialists used Coketown – 'a town of machines and tall chimneys, out of which interminable serpents of smoke trailed themselves for ever, and never got uncoiled...' – and its workers to extract profit and product. Dickens' evocation of life in

industrial England could seem almost bearable alongside the conditions described at the hearing. And these testimonies were not literary inventions – they were the words of ordinary working men who earned their living in a dangerous place.

They were testimonies of acid fumes, which after floating carelessly through the plant, settled on clothes and skin, burning cloth and material and scarring flesh and tissue. They were testimonies of machinery which broke and which in turn broke limbs and bodies. They were descriptions of tapping hot molten copper from furnaces. They were, in short, descriptions of work that Helen Hamilton, an opponent of the new smelter, would later see as ‘dying for jobs’.⁶

Ernest Mathew Riley, a solution attendant in the tank house, described how he had experienced electrical shocks to his hands and how he had seen several of his work mates ‘in a fainting condition’ from the acid fumes. Riley also found the dirt and dust he had to remove from pipes as part of maintenance and renewal duties, harder than coal dust. He told the hearing of the conditions he worked in:

the cellar was not well ventilated or lighted; men had to work there all day. Felt the fumes from the tanks considerable, causing a sneezing sensation; going in the thing in the morning caused a tired feeling.⁷

George Grieves, skimmer in the converter plant, described similar conditions. The *South Coast Times* reported that the ‘fumes affected the witness disagreeably’⁸ and that he considered them to be responsible for damage to his teeth. Grieves wore special mineralised boots to prevent acid burns to his feet. The boots were not items of work clothes provided by the company and Grieves had purchased them for greater protection at work.

Thomas Osborne, a smelter, told how he had been burned when a ladle broke. He was off work for six weeks and during that time he received neither compensation nor regular wages. Arnold Beach, a tapper in the refinery, told the hearing how his work forced him to wear all woollen clothes and, like Grieves, he also wore mineralised boots. He said, ‘the heat was sometimes intense... a man might get burnt at any time’.⁹ He also described how his work place and the acid fumes in the air turned his hair green.

Thomas Montgomery, an inspector at the plant, also talked about how he was forced to wear woollen clothing. He wore tweeds at first, but they fell off him because of the intense acid fumes. Every evening, he returned to his boarding house covered in copper, dust and dirt. His teeth had turned black, he suffered

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from copper rash, and acid had aggravated and infected a wound on a finger.¹⁰ David Shannon who worked in the tank house considered his work at ER&S injurious to his health. The company did not provide him with rubber boots to protect his feet and legs from spilled acid, gloves or even bandages to cover his sores.¹¹

Other workers at ER&S experienced intense acid fumes which destroyed their work clothes, incidents of copper rash, fumes which had turned teeth black and hair green, while in earlier times, workers had experienced horrible injuries such as molten copper splashing on furnace workers, severe scaldings from molten slag and acid splashes and in some cases, fatal work accidents. In October 1911, ER&S and the NSW government agreed to the wage claim and offered an over-award wage.¹²

Oral evidence

Tom Cronan, who worked at ER&S for 51 years, saw hundreds of accidents in his time at the plant. He was convinced that accidents never worried him or his fellow employees. Other long time employees, Bill Mintorn and Hilton Rieck, supported his assessment, even though they left ER&S with some scars from industrial accidents, In the face of the work dangers described by Riley, Grieves, Osborne, Beach, Montgomery, Shannon and others, why this loyalty to the employer?

Cronan said; 'You accepted the dangers, such as they were, and got on with the job. We never complained because we were happy to have a job'.¹³ Cronan and other ER&S workers also believed that employment by the British Commonwealth's largest electrolytic copper refinery was 'an honour and a privilege'.

Two months later, Dr William Kelty whom the company had employed to investigate working conditions at its plant, released his report. Surprisingly perhaps, Kelty saw a safe work place and the EEU publicly endorsed his report. The *Illawarra Mercury* published a comprehensive account of Kelty's report which said in part:

He went through the tank house and enquired so far as he could into how far the conditions are injurious to health, and had tests made of the atmosphere. Generally speaking, he did not find present any conditions which could be capable in any way of impairing health. Such chemicals as he found in the atmosphere there he did not think would produce unhealthy conditions in the men. He had never seen such a thing [sic] as copper rash produced by handling

copper, nor had he ever read or heard of it. The atmosphere in the tank house is practically normal so far as oxygen and nitrogen are concerned.¹⁴

Danger and nuisance was not confined to the shop floor at ER&S. Many workers lived in company houses along Military Road within sight of the works – these workers and their families were especially inconvenienced and exposed to health risks. Residents who lived close to the works experienced high levels of dust, sulphur dioxide and lead fumes and school children who attended the Port Kembla Primary School were affected by sulphur dioxide fume and possibly lead fume.

Given these conditions at the plant what were the responses of the key players? First, the Directors of the ER&S Board. These directors have left no evidence that they were either concerned as a Board or as individuals about these matters. ER&S only gave a guarantee of work; it did not guarantee safety at work or a healthy community in which to live. For Directors, ER&S was beyond their gaze – literally.

Most of the Directors never visited Port Kembla, preferring Melbourne, Sydney or London. For example, William Knox D'Arcy, an original shareholder and director of the Mount Morgan Company left Australia for England in 1886. He watched over the company's interests from London and his country estates. He never saw the works at Port Kembla for he never returned to Australia after he set his sights on London. He was the classic absentee landlord of whom the *Australian Dictionary of Biography* wrote:

The main reason for his departure was a wish to use his fortune to establish a place in English upper-class society' and he had few, if any, ideals, his main aim being to win and then maintain wealth and social esteem.¹⁵

ER&S would later confirm the worst suspicions about its corporate probity or morality of its Directors when the Company's Secretary spoke openly about how it deceived the government, workers and residents. Put simply, ER&S lied about its commitment to pollution reduction programs and the installation of pollution reduction equipment. What it said publicly – trust us, we are good corporate citizens with the best interests of our employees and their families at heart – it disavowed privately.¹⁶

What of the government? Surely it would be concerned about health and safety matters? What of the ethical, moral and social issues, not to mention legal responsibilities of the Minister for Health? Like the ER&S Directors there is no evidence that the

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conditions inside the refinery or the environmental hazards to the community beyond the factory's boundaries troubled or concerned him. And as for industrial matters, consider the following. In his Introductory Article written for the first issue of the *NSW Industrial Gazette*, GS Beeby, the Minister for Labour, extolled the strengths and benefits of the new Industrial Arbitration Act in particular and in industrial arbitration in general. He said in part that the new Act would 'guarantee to all workers in the community a reasonable standard of comfort, and to prevent the sweating and oppression of workers'.¹⁷ He added:

The success of any scheme of this nature of course depends upon the co-operation of both sides, and an earnest appeal is made to the employers and workers to accept the new machinery and to call it into requisition whenever disputes are threatened. We have passed the stage in Australia when employers can afford to disregard the claims of workers to public investigation of their grievances.¹⁸

Moreover after the NSW Premier Wade had charged the refining furnace and posed for photographs, there is little evidence that he or the government were concerned with what went on at Port Kembla other than the value of its product.

And what of the Port Kembla community? Sadly it is a similar story. Wives, sons and daughters **knew** the dangers their husbands and fathers faced at work and all families **knew** of the discomfort, inconvenience and risk to health that the company's operations provided. They also believed that in the absence of concerns from the company, the government and the union, that these risks were part of a natural order of factory life. Jobs came with risks as did living near the place which provided the jobs. And this after all was a plant contributing to the local, state, national even British Commonwealth good. Hazards at the workplace and in the home posed by the factory were thus as one resident said, 'good things'.¹⁹

The special legislation

When the Japanese firms of Nissho Iwai and Furukawa applied to redevelop and expand a copper smelter and refinery at Port Kembla, their plans did not meet with unanimous approval. Where supporters saw jobs, economic benefits and progress, opponents saw environmental concerns and risks to health.

On 28 May 1997 faced with what it saw as frustrating delays, uncertainty and the possibility of the investors abandoning the

project, on 28 May 1997, the government introduced the *Port Kembla Development (Special Provisions)* legislation. The Minister for Urban Affairs, Craig Knowles said:

I am not prepared to allow this uncertainty to continue and the Port Kembla Development (Special Provisions) Bill aims to ensure that there is no further delay to the construction of this important economic development initiative for the Illawarra.

In simple terms, this bill is about certainty and jobs... and we, as a Parliament, have an obligation to see that this project proceeds. (The Bill) provides a unique opportunity for this House to vote for jobs, to vote for economic growth and to show people of the Illawarra that we can establish an internationally competitive industry with the highest environmental standards.²⁰

The introduction of the Bill at this time was deliberate. In a little over twelve hours, the NSW Land and Environment Court was to hear a challenge to the government's original decision. Helen Hamilton, a longtime Port Kembla resident, against the odds had got the case to court with the help of Legal Aid. She wanted to test the legal worth of the government's decision to allow the re-opening of the plant. The government however was not willing to see this case proceed. Knowles said

We are not prepared to lose 270 direct jobs with a potential for a flow-on effect of 400 jobs on a legal technicality. We are not prepared to lose \$270 million of capital investment. We are not prepared to lose a \$350 million annual increase in the State's economic output including \$270 million worth of exports. And we are not prepared to maintain the uncertainty that a technical legal battle has established around this project.²¹

These were not new arguments. The use of special legislation was new, but not the arguments, many of which were as old as the smelter itself. Progress, jobs, money, economic certainty from powerful economic and political forces were familiar cries.

The use of the parliament to give legislative certainty to a matter which had and continues to have serious environmental implications, does not appear to sit easily with the concepts of environmental justice. But given that neither this phase nor its application as found in the American context can be found in NSW environmental policies, this may not seem surprising. For

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Port Kembla residents, however, when a government is prepared to use parliament as a blunt instrument to buy immunity from legal scrutiny and to ensure its economic and so-called environmental agenda, environmental justice will have a hollow meaning. It will be interesting to see the responses of absentee landlords, the government and unions to work and environmental hazards once the smelter is operational.

Notes

- 1 *The Copper Handbook 1907*, p. 834.
- 2 *Ibid.*, 1908, p. 995.
- 3 See E. Newell, 'Atmospheric pollution and the British copper industry, 1690–1920', *Technology and Culture*, 1997, pp. 655–89.
- 4 *South Coast Times*, 28 July 1911.
- 5 C. Dickens, *Hard Times. For these times*, Penguin Classics, London, 1995, p. 28.
- 6 *Illawarra Mercury*, 'Smelter Bill is pushed through', 21 June 1997.
- 7 *South Coast Times*, *op. cit.*
- 8 *Ibid.*
- 9 *Ibid.*
- 10 *Ibid.*
- 11 *Ibid.*
- 12 *NSW Industrial Gazette*, July 1912, pp. 807–11.
- 13 Personal interview, 7 July 1977.
- 14 *Illawarra Mercury*, 22 September 1911.
- 15 *Australian Dictionary of Biography*, 1891–1939, pp. 208–209.
- 16 Personal interview, Mr R Walmsley 15 April 1979.
- 17 *NSW Industrial Gazette*, July 1912, p. 6.
- 18 *Ibid.*
- 19 Personal interview, Hilton Rieck, 15 July 1977.
- 20 *NSW Parliamentary Debates, Legislative Assembly*, 28 May 1997, p. 9461
- 21 *Ibid.* p. 9463