

by inserting in Subsection 1 thereof a paragraph as follows: 'Land held by any pensioner under the Invalid and Old Age Pensions Act, 1908.''

The PREMIER: I agree to the amendment. New clause put and passed.

New clause:

The PREMIER: I move an amendment—

That the following new clause be added: "The amendments of the principal Act made by this Act shall apply to assessments for the financial year beginning the first day of July, 1921, and to all subsequent years, and to the income of taxpayers for the year next preceding each year of assessment."

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

### BILLS (2)—RETURNED.

- (1) Local Courts Act Amendment.
- (2) Permanent Reserve (Pt. Walter).

*House adjourned at 4.2 a.m. (Wednesday.)*

## Legislative Council,

*Wednesday, 30th November, 1921.*

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

### QUESTION—INDUSTRIES ASSISTANCE BOARD.

*Westralian Farmers, Granaries Co.,  
George Wills & Co.*

Hon. A. LOVEKIN asked the Minister for Education: 1, Are the Government under any promise to merchants and creditors having claims against farmers under the Industries Assistance Board that the full proceeds from crops shall be paid to the board to meet creditors' claims and provide the cost of sow-

ing, etc., of following crops? 2, Have the acquiring agents for the wheat pool issued certificates to farmers under the board partly for cash and partly for shares in the Granaries Company? 3, Are the Government holding shares in the Granaries Company on behalf of, and as security for advances to, farmers under the board? 4, With the locking up of the funds of the Board's clients in shares of the Granaries Company, how is it proposed to meet the claims of creditors? 5, Are the acquiring agents (the Westralian Farmers, Limited) the promoters of the Granaries Company? 6, Will the Minister, as promised, endeavour to lay on the Table the last balance-sheet and profit and loss account of the Westralian Farmers, Limited; also of the Granaries Company, Limited, together with the memorandum and articles of association of the last-mentioned company? 7, Is it a fact that Messrs. George Wills & Co. offered to supply super. at a discount of 9s. per ton as against the Westralian Farmers' quotation of 7s. per ton? 8, Is it a fact that the Government in endeavouring to bring about a uniform price suggested that Messrs. George Wills & Co. should reduce their discount to 7s. per ton off? 9, Have Messrs. George Wills & Co. acceded to the wishes of the Government?

The MINISTER FOR EDUCATION replied: 1, The obligation of the Board to collect the proceeds of crops grown by assisted settlers is a statutory one. The distribution of such proceeds is governed by Section 14 of "The Industries Assistance Act Amendment Act, 1917." 2, No. 3, No. 4, Answered by the foregoing. 5, No. 6, (a) The particulars asked for re the Westralian Farmers, Ltd., will be laid on the Table of the House as soon as received. (b) Those relating to the Granaries Company are now available. 7, Yes; but withdrew the offer when informed that the obligation of the Board to its customers necessitated the acceptance of a del credere commission of 7s. per ton on the bulk of the super. supplied under its guarantee, and that the Board, on grounds of public policy, were prepared to place all distributors on the same footing by the acceptance of a uniform rate of commission. 8 and 9, Answered by No. 7.

### QUESTION—EDUCATION, SECONDARY, GOLDFIELDS AND COUNTRY.

Hon. J. W. HICKEY asked the Minister for Education: 1, Has his attention been drawn to a paragraph in the issue of the "Murchison Times" of the 18th November, headed "Education Facilities in the Country"? 2, Is it a fact that the Education regulations provide that a minimum of 60 scholars must be guaranteed before continuation classes are established in any centre? 3, Having regard to the conditions existing on the goldfields and in out-back districts, does he consider that these regulations are reasonable so far as these districts are concerned?

4, Is it a fact that four boys of the Cue State school were debarred from entering for scholarships because the status of the school was a grade too low? 5, What grade of school would entitle these boys to enter for scholarships? 6, Why should boys be debarred from entering for these scholarships, whatever may be the "grade" of the school they belong to?

The MINISTER FOR EDUCATION replied: 1, Yes. 2, There is no regulation governing the numbers required to establish continuation classes, but repeated experience shows that an initial enrolment of 60 is necessary to ensure the continued existence of the classes. 3, There are no regulations. All cases are considered on their merits, and wherever possible classes are established provided funds are available. 4, No. 5, For ordinary scholarships any efficient school. Some special scholarships, e.g., scholarships at the Narrogin School of Agriculture, are limited to students from small country schools of under 50 children. 6, For these special scholarships it was not considered advisable to bring children from small rural schools into competition with children from larger town schools.

#### BILLS (2)—THIRD READINGS.

1, Constitution Act Amendment.

Returned to the Assembly with an amendment.

2, Bank Holidays Amendment.

Transmitted to the Assembly.

#### BILL—AUCTIONEERS.

In Committee.

Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Licensees:

The MINISTER FOR EDUCATION: I move an amendment—

That in line 3 of Subclause 2 "City of Perth and municipal district of Fremantle" be struck out and the words "metropolitan area" inserted in lieu.

An anomalous position has been created by the establishment of Greater Perth, with the result that a person can take out a license for Subiaco but not for Leederville. It is desirable that the provisions regarding licenses should be uniform throughout the metropolitan area.

Amendment put and passed.

The MINISTER FOR EDUCATION: I move an amendment—

That a subclause to stand as Subclause 3, be inserted as follows: "Metropolitan area" means that portion of the State which is within the Metropolitan Pro-

vince, the Metropolitan-Suburban Province and the West Province."

The amendment is necessary in view of the previous amendment so as to define what shall be regarded as the metropolitan area.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 5 to 10—agreed to.

Clause 11—No person to act as an auctioneer after sunset or before sunrise:

The MINISTER FOR EDUCATION: I move an amendment—

That after "company" in line 4, the words "or wool included and described in a catalogue issued prior to and for the purpose of the sale of such wool" be inserted.

The object of the amendment is to permit wool sales to be held at night. The practice is customary elsewhere and will be adopted here.

Amendment put and passed; the clause, as amended, agreed to.

Clause 12—agreed to.

Clause 13—Holder of limited license not to act or advertise sale beyond limits of license:

Hon. J. W. KIRWAN: I move an amendment—

That all the words after "operative" be struck out.

If the clause is passed as it stands, it will mean that the holder of a country or a district license who may want to sell a mine or a farm, for instance, will not be permitted to advertise the sale in the Perth papers. If the amendment is agreed to, it will simply mean that no person, being the holder of a license other than a general license, shall act as an auctioneer beyond the limits within which his license is operative. I do not see why such sales as I have referred to should not be advertised in the metropolitan papers.

The MINISTER FOR EDUCATION: I do not think the clause means what Mr. Kirwan suggests. It says that a man shall not conduct a sale outside the limits of his license and shall not advertise the fact that he is going to conduct a sale outside the limits of his license. If an auctioneer in a country district intended to conduct a sale within the limits of his license, he could advertise it wherever he liked.

Hon. J. W. Kirwan: That is not the reading of the clause.

The MINISTER FOR EDUCATION: Yes, it is. An auctioneer is prohibited from doing something, and he must not advertise the fact that he intends to do the prohibited thing.

Hon. J. W. KIRWAN: If the Minister is quite satisfied that his interpretation of the clause is correct, I point out that the marginal note is distinctly misleading.

Hon. Sir Edward WITTENOOM: On first reading the clause, I was inclined to take the

view expressed by Mr. Kirwan but, after reading it carefully, I have no doubt that the interpretation of the Minister is correct. The marginal note, however, is misleading.

Hon. J. W. KIRWAN: On re-reading the clause I think the words after "operative" are superfluous. It should be sufficient to stipulate that an auctioneer shall not operate beyond the limits of his license.

The MINISTER FOR EDUCATION: Without some provision of the kind, it would be competent for a person to hold a license for a district, and to undertake a sale elsewhere and merely get some other person holding a license in that particular district to do the actual work of auctioneering.

Hon. Sir Edward Wittenoom: Is there any objection to that?

The MINISTER FOR EDUCATION: It would be most unfair. If an auctioneer wishes to operate in a certain district, he should have a license for that district.

Hon. J. A. Greig: The clause begins "No person." Does "person" include firm?

The MINISTER FOR EDUCATION: The Bill is not satisfactory from the point of view of firms, but I have an amendment on the Notice Paper to rectify this.

Amendment put and negatived.

Clause put and passed.

Clauses 14 to 18—agreed to.

Clause 19—Application of trust moneys:

The MINISTER FOR EDUCATION: This clause was inserted in another place, I think, without full consideration of its effect. The mover communicated with me on the following morning and said he realised that a mistake had been made. It is the practice of a large number of auctioneering firms to pay the seller long before they get the money from the buyer, and it would be quite impossible for them to observe the provisions of this clause. Consequently I hope the clause will be negatived.

Clause put and negatived.

Clauses 20 to 23—agreed to.

New clause—Licenses may be issued for the benefit of firms or companies:

The MINISTER FOR EDUCATION: The Bill contemplates the licensing of persons, but a great many auctioneering businesses are carried on by large firms and companies. A clause has been drafted as a result of a consultation between the Solicitor General and a solicitor representing the firms. I move—

That the following be inserted to stand as Clause 19:—(1) Any person applying for a license under this Act may in his application state that he is applying for the benefit of a particular firm or in which he is an employee or partner or of a particular company of which he is an employee; but the clerk of the magistrate shall not receive such application unless he is satisfied that the firm or company has by writing signed on its behalf consented

thereto. (2) The firm or company may be represented at the hearing and shall be liable to pay and may be awarded costs, as if such firm or company were the applicant. (3) The magistrate may refuse the application on the ground of want of fitness in the firm or company. (4) The certificate of the license, if granted, shall state that the license is to be used for the benefit of the firm or company, and the license when issued shall contain the like statement and shall be exercised for the benefit of the firm or company and not otherwise. (5) Two or more such licenses may be granted in favour of the same firm or company. (6) Neither the licensee nor his legal personal representative shall be competent, except with the consent of the firm or company, to agree to transfer such license, but a transfer of any such license as aforesaid may be made to any person to whom the firm or company has agreed to transfer the same, and the consent of any such license, being the employee of the firm or company, or of his representative, shall not be necessary. (7) A temporary license shall not be granted in respect of such license as aforesaid except with the consent of the firm or company. The liability imposed by subsection four of section fourteen shall, in the case of a temporary license granted by virtue hereof, attach to the firm or company and not to the licensed auctioneer. (8) A firm or company for whose benefit any such license has been issued shall not be entitled, by virtue thereof, to act as auctioneer; but, with this exception, the provisions of section twelve of this Act shall not, within the limits to which the license extends, apply to such firm or company so long as the license remains in force and any business done under the license may be transacted in the name of the firm or company. (9) If during the currency of any such license as aforesaid the firm or company desires to transfer the benefit of the license to any firm or company the transfer may on the application of the proposed transferor and transferee be made by the resident magistrate of the district in which the license was granted, but the provisions of section ten shall (subject to such modifications as may be prescribed) apply to and in respect of such application and the proceedings thereon as if the application were for a transfer of a license. After the transfer, the license shall be held and exercised for the benefit of the transferee as if it had been granted for that purpose. (10) For the purpose of this section "firm" means a firm consisting of two or more persons registered under the Registration of Firms Act, 1897, and "company" means any incorporated body of persons which but for this Act would be competent in law to transact or engage in auctioneering business.

Hon. Sir Edward WITTENOOM: I have gone into this clause carefully and I think

it will meet all requirements. It deals with the matter comprehensively and will suit the auctioneers and the public.

New clause put and passed.

Schedules A, B, C and D—agreed to.

Schedule E:

The MINISTER FOR EDUCATION: There are two consequential amendments which appear on the Notice Paper.

The CHAIRMAN: Those amendments will be made consequentially.

Schedule, as consequentially amended, agreed to.

Schedules F and G—agreed to.

Title—agreed to.

Bill reported with amendments.

### BILL—GRAIN.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [4.57] in moving the second reading said: I do not think it is necessary to go exhaustively into the question of the merits of bulk handling as against the handling of wheat in bags. This matter has been discussed at very great length, and I propose rather to confine myself to the principles of the Bill now before the House. Under a Commonwealth Act, the sum of £550,000 is made available to the West Australian Grain Growers Co-operative Elevators, Ltd., subject to certain conditions. The first of the two principal conditions was that 300,000 shares should be taken up in the company. This condition was subsequently reduced to 240,000 shares, and I am informed that 256,000 shares have now been taken up in the company, so that the first of the two main conditions has been complied with. The second condition was that the company should obtain from the State Parliament statutory and executive authority to enable the company to carry out their objects. That is the object of this Bill, namely to give the company power to carry out their objects. When this is given, the necessary number of shares having been applied for, the company will be entitled to the £550,000 made available for this purpose under the Commonwealth Act of Parliament. The principle of the bulk handling of grain has been established in almost all the wheat-growing countries of the world. For a considerable time there were very few elevators on the Pacific coast, but there the system has been adopted. That part of the American continent is falling into line with the other States of America and giving up as quickly as possible the handling of wheat in bags. I do not think there is any case on record of a country having adopted the bulk-handling system and reverted to bags. Most overseas ports are equipped with facilities for unloading the grain in bulk, and full inquiries made on behalf of the company have elicited the

information that even at those ports where bulk-handling facilities have not been installed, there is no disadvantage in forwarding cargoes in bulk. The Canadian Government have recently leased certain of their facilities to the co-operative farmers' companies of Canada. In New South Wales the system was installed by the State Government. When in New South Wales at the beginning of this year I had an opportunity of looking over that system; and I am quite sure that the New South Wales State Government regretted very much that the work had not been done by a co-operative company under conditions similar to those proposed here. Further, I notice from sections of the Eastern Press recently that negotiations are in progress between the State Government of New South Wales and farmers' co-operative companies with a view to the handing over of at all events the country elevators to the co-operative companies.

Hon. J. Cornell: They will want a lot of alteration before that is done.

The MINISTER FOR EDUCATION: During last session of Parliament this House rejected two Bills dealing with this same matter. One of those Bills has not been revived, and is not referred to in any way in this measure. That was the Bill authorising the Government to make certain deductions from moneys due to farmers interested in the Wheat Pool. So far as the rejection generally of those two Bills of last session is concerned, I do not think it can be said that this House did any dis-service to the farming community. I think that the additional time which the company were forced to take in acquiring information has been all to the good of the company and to the advantage of the farmers of Western Australia. "Try it on the dog" is a very sound maxim, as Dr. Saw no doubt will admit. The company have taken the fullest advantage of the opportunity afforded them of investigating thoroughly the method installed in New South Wales.

Hon. C. F. Baxter: Which is the dog in this case, though?

The MINISTER FOR EDUCATION: The company have examined the New South Wales method with a view to ascertaining where mistakes have been made and avoiding them in carrying out the Western Australian project. Coming now to the Bill itself, one of the essential clauses is Clause 3, which provides for the elevator company having the sole right to use elevators for the bulk handling of grain for the public for a period of 25 years. The clause does not, of course, prohibit millers or others who require a bulk handling system for their own uses from installing such systems.

Hon. A. H. Panton: At the mill itself?

The MINISTER FOR EDUCATION: Yes, or anywhere else. So long as the bulk handling system is in connection with the business of the miller, it does not matter where he establishes it. The monopoly given to the company is the monopoly of handling

grain in bulk for the public. As is very proper in cases where a monopoly is given, the company are bound down by a number of restrictions. The first of these is that the elevators shall afford sufficient facilities for handling the whole of the grain to be raised in each district. The State is divided into four districts, which are set out in the interpretation clause: The Bunbury district, the Albany district, the Geraldton district, and the Fremantle district. Then there is another restriction on the company, that the terminal and other elevators shall be constructed within certain periods. In the case of the Fremantle district the period is four years from the commencement of the Act, and for the Geraldton, Albany, and Bunbury districts, the period is five years from the commencement of the Act. Then provisions are made to maintain the co-operative character of the company, to prevent the shareholders in the company from obtaining any undue profit, and to prohibit the company from making differential charges as between shareholders and farmers who are not shareholders. Paragraph (c) of Subclause 2 of Clause 3 provides:—

That the company shall charge for handling, storage, cleaning, and fire insurance of grain at the same rate per bushel for persons who are not shareholders as the rate charged to shareholders, and there shall be no discrimination directly or indirectly in favour of the shareholders as against persons who are not shareholders.

Hon. J. Duffell: What consideration do the Commonwealth Government claim for their action?

The MINISTER FOR EDUCATION: They get no consideration. They are doing this simply in order to enable what is admitted to be an economical system of handling wheat to be operated throughout Australia. They offer similar concessions to all the States.

Hon. Sir Edward Wittenoom: Is there no interest?

The MINISTER FOR EDUCATION: Yes, undoubtedly the Commonwealth Government ask for interest. The Bill provides that the dividends to shareholders shall not exceed 8 per cent. on the paid up capital of the company for the time being. The object is to restrict the profits of the shareholders. It is then provided that the net profits of the company, after paying a dividend not exceeding 8 per cent., and after setting aside as a reserve fund such amount as the directors may consider necessary for the protection of the business of the company, are to be distributed amongst the members on the basis of the quantity of grain delivered by them for the time being. It is also provided that any grain grower shall have the right at any time to acquire shares in the company on the same terms and conditions as the original shareholders. That is one of several provisions which are inserted in order to maintain the co-operative character of the company; and

its co-operative character is certainly a very big feature in view of the fact that a monopoly right is given, because very strong exception might be taken to the giving of a monopoly right when the profit was going into the hands of individuals. But I do not see that any exception whatever can be taken to a monopoly right when the profits go to the farmers themselves—the people who are concerned, the men who find the money, who grow the grain and have to bear the costs of marketing it. The company are prohibited from dealing or trafficking in grain, and they are also prohibited from altering or varying their memorandum or articles of association. The articles of association were laid on the Table of the House to-day, in response to a request from Mr. Lovekin. The company are also prohibited during the period of their sole right, 25 years, from amalgamating with any other corporation, firm, or person, and from selling or transferring their business to any other corporation, firm, or person, except with the approval of both Houses of Parliament.

Hon. A. Lovekin: But they are not prohibited from buying out another company.

The MINISTER FOR EDUCATION: I do not see how they can buy out another company, because there cannot be another elevator company here to buy out, seeing that under the Bill the sole right is given to this company.

Hon. J. J. Holmes: They could buy any other business, though.

The MINISTER FOR EDUCATION: I do not know whether they could not buy a newspaper or something of that sort, I am sure. Provision is made that in the event of the failure of the company to perform or fulfil the whole of these conditions, it shall be lawful for the Governor, after at least three months' notice, to revoke the right conferred upon the company.

Hon. J. Duffell: Then where would the Commonwealth Government come in for their money?

The MINISTER FOR EDUCATION: Those who took over the company would have to take over the obligations. The clauses next following are principally machinery clauses dealing with the issue of receipts for wheat received, and they have been taken chiefly from existing Canadian legislation. Clause 4 will preclude the issue of documents with varying reservations and conditions. The warehouse receipt will be uniform in terms, and thus the reliability of the receipt, and its value as security for an advance, will be established. Under Clause 5 it will be impossible for the elevator company to guarantee to hand back to a grower the exact grains of wheat received into the elevator. The clause makes that clear, and all disputes in that connection are obviated by this provision. At the same time the growers are protected in that the measure forbids the elevator company to mix parcels of different grades. In America profitable business has been done by mixing an inferior grade with

a prime grade, the resultant product being of higher value than the average of the two grades mixed. Notwithstanding the general provision of the first part of Clause 5 rendering it unnecessary to maintain the identity of the grain, Clause 6, Subclause 1, provides for an exception being made in the case of seed or special milling wheat. The company may agree, therefore, to receive seed wheat for storage, and to deliver the identical parcel on demand. These machinery clauses are designed to obviate disputes, and to secure a fair deal between all the customers of the company. Clause 8 makes it incumbent on the company promptly to deliver on demand all grain received by it for storage. Clause 9 provides that the company may issue a terminal elevator certificate in lieu of a country elevator warehouse receipt. It is very important, both in the public interest and for the protection of the company, that warehouse receipts and all documents representing grain should be surrendered and cancelled on delivery of the goods represented by the documents. This is provided for by Clause 10, the second part of which is important as protecting the company against third parties after having given delivery of the grain in good faith to the holder of any documents. At the same time, persons having interest in grain are protected in that, if notice be given to the company, it would be incumbent upon the company to protect the lien-holder or mortgagee. Clause 11 relates to the issue of new receipts where partial delivery is given.

Hon. J. Duffell: It can only be partial delivery, in most cases.

The MINISTER FOR EDUCATION: In many cases, it may be. Clause 13 precludes any dispute in respect of weight of grain per bushel. The weights stated in the clause are those which obtain at the present time all over the world. The transposing of weight into measurement of bushels is uniformly taken at 60 lbs. The clause merely perpetuates the existing practice. Then there is provision for grain delivered at unattended sidings, and also provision regarding dockages for grain that is out of condition. This matter is to be covered to a certain extent by regulations, because the experience of Canada and the United States is not regarded as sufficient to enable the exact conditions to be set out here at the present time. Therefore provision is made for the governing of this matter by regulation as experience may dictate. Clause 19 refers to the lease which the Government have granted the company for land at Fremantle; and that lease, although it is not a part of the Bill, is now attached to the measure. Thus hon. members can see exactly what it is. The last paragraph of the lease contains these words—

This lease shall be subject to such alteration or modification as may be approved by Parliament within twelve months from the date thereof.

Clause 19 of the Bill makes an alteration in the terms of the lease. The lease provided for a rental of £250 per annum. Clause 19 provides that the rental shall be equal to £5 per cent. upon the unimproved capital value of the land, and that for the purpose of assessing that rental the unimproved capital value of the land is to be taken at £5,000; which means that the company will pay for the first ten years the same amount of rent as is set down in the lease, namely £250 per annum. If, however, after ten years reappraisal shows that the land has appreciated in value, the rental will be correspondingly increased. Another very important provision is contained in Clause 22, which lays down that a board to be known as the Western Australian Grain Board shall be appointed. The board will consist of five members, who will be appointed by the Governor. It is certainly desirable that some supervising authority should be established. The duty of the board will be to look after such matters as the grading of wheat. In connection with overseas shipment, it is important that a certificate of grain shall accompany the ship's documents. Further, in the matter of local deliveries to millers and dealers, disputes between farmer and miller, or by both with the company, will be precluded by instituting the practice of a certificate accompanying the documents covering the parcel. All these matters will be within the jurisdiction of the board.

Hon. J. J. Holmes: How long will the board hold office?

Hon. A. Lovekin: For three years.

The MINISTER FOR EDUCATION: The period is stated in the Bill as follows: Each member of the board will be appointed for a term of three years and be eligible for re-appointment, but may be removed from office by the Governor for due cause. Provision is made for the appointment of the necessary officers of the board. The intention is that the revenue of the board shall be sufficient to meet its expenses. Clause 24 provides that the expenses of the board shall be paid out of money appropriated by Parliament, and that the fees levied upon by the board shall be paid into Consolidated Revenue.

Hon. J. W. Kirwan: Where is it specified that the revenue of the board shall be sufficient to meet these expenses?

The MINISTER FOR EDUCATION: I do not know that it is particularly specified in the Bill, but I know that is the intention. A rate is to be struck on the wheat itself. No difficulty is likely to arise in this respect, because a very small fee will easily cover the maximum expenses of the board. To take an average of no more than ten million bushels, a rate of one-eighth of a penny per bushel will yield a revenue of £5,000, which will certainly be ample to cover the expenses of the board.

Hon. C. F. Baxter: Clause 37 deals with that question.

The MINISTER FOR EDUCATION: Yes, but it does not exactly cover the point

raised by Mr. Kirwan. It provides that all inspections and other fees payable to the board shall be charged up and remitted to the board. Mr. Kirwan wanted to know under which clause an assurance was given that the revenues of the board should be sufficient to meet its expenses. I take it that it would be the duty of the Government to see that those expenses were met in that way. The board is empowered to hold its meetings at any place which it may deem desirable.

Hon. J. Duffell: I cannot quite understand the money being appropriated by Parliament and the fees and dues paid into Consolidated Revenue.

The MINISTER FOR EDUCATION: That is the principle set out in the Bill. It might be done in another way, not necessarily a better way, and the board made responsible. It is a matter of detail, which can easily be altered if thought desirable. The powers of the board are fully set out in Clause 26. It will have the control and inspection of grain. It will advise the Minister on matters relating to the conservation of grain for home consumption, and it will determine all disputes relating to the receipt, storage and delivery of grain, and all complaints of unsatisfactory dockages.

Hon. J. W. Kirwan: Why is it that the board is not to appoint its own officers, instead of the Governor appointing them?

The MINISTER FOR EDUCATION: I do not know that there is any particular reason for it. The board would recommend, and the Governor appoint—meaning, of course, the Governor-in-Council. The board is given very extensive powers in determining the different matters coming within its jurisdiction, and is called upon to submit a report in writing to the Minister at the close of each calendar year, which report is to be subsequently presented to Parliament.

Hon. J. Duffell: That is in the event of the Government having to make up any deficiency in the money collected.

The MINISTER FOR EDUCATION: It could only be made up by a vote of Parliament, because it is clearly prescribed, "paid out of moneys appropriated by Parliament." Parliament would control the matter. It would be necessary each year to put up an estimate of the requirements of the board, and I take it Parliament would not pass the estimate unless satisfied that the revenue would be sufficient to cover the expenses of the board. The board will establish standards of grain. At the present time the methods of fixing the f.a.q. standard are not regarded as being entirely satisfactory. Another existing difficulty is that the farmer as a rule does not get much advantage from producing wheat above f.a.q. standard. Generally speaking, his wheat is bought and sold as a bushel of wheat, and unless it be so far below the standard as to justify dockage, all share alike. Under the new system, the farmer who produces a high quality of grain will be paid accordingly. Official standards are also provided for, which undoubtedly will be

necessary in the initiation of the system in order that buyers in other parts of the world shall know exactly the standard of wheat they are buying. Power is given to the board for the inspection of grain. There is also a clause to cover the weighing of grain delivered at unattended sidings. The method of collecting fees is set out in Clause 37. No doubt that is the most convenient method. A very small fee will cover the necessary expenses of the board. Clauses 38 and 39 relate to offences. Those are perfectly reasonable clauses. Clause 40 deals with any unauthorised person acting as inspector, etc. Clause 45 provides for the making of regulations. Such regulations are subject to the usual review by Parliament, will have to be laid on the Table of both Houses, and may be disallowed by either House. As I have mentioned, the lease attached to the Bill is not really a part of the Bill. Indeed when the Bill was presented in another place the lease was not attached; but for the convenience of members the lease is now attached to the Bill and is subject to any modification which Parliament may choose to make.

Hon. J. Duffell: Where is the plan referred to in the lease?

The MINISTER FOR EDUCATION: As I say, the lease is not part of the Bill. If hon. members desire a production of the plan, it will be produced. I move—

That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban) [5.25]: Unquestionably the Bill is one of first-class importance. It must be very gratifying to those members who took part in that work at a late hour last session to have the frank and candid admission of the Minister that the rejection of the Bill was not unwise, and that advantage has been taken of the delay to reconsider the matter. If hon. members will recall the circumstances connected with that rejection, they will agree that an apology could be demanded from the Government for what we went through to protect what is now admitted to be a sound policy by the rejection of the Bill. However, I am never willing to drag up the past unless it be to illustrate the present or the future; therefore that can go. While congratulating the Minister on bringing this measure forward at this stage of the session, I ask him and members generally if they think that even at this date—St. Andrews Day, curiously enough—when we are to finish our labours within three weeks, there will be sufficient time, in view of the other work in hand, to do justice to the Bill.

Hon. J. Duffell: They say we are going to sit till March next.

Hon. A. SANDERSON: I pass that by. The only reference I will make to St. Andrews Day is that as far as I can see, until we have a few more Scotchmen dealing with the public affairs of this country we shall remain in financial difficulties. I am not going to deal with the clauses *seriatim* in discussing the Bill. I am going to vote for

the second reading because I am, and always have been, anxious to give the fullest consideration to any important party in this State, such as the farmers, in dealing with any measure which interests them. They have a perfect right to demand from Parliament a careful hearing on any matter they bring forward. But while I will vote for the second reading, I say there are in the Bill many clauses which are highly contentious and which will receive from me the fullest consideration. I want to outline the position, as it appears to me, from two points of view. The first is in regard to the great public works constructed in this State during the past 30 years. It must be most distressing to anyone who has followed the big works through, to see how our hopes have been disappointed. I will give two or three illustrations of big things done in this country. Take, for instance, the Coolgardie water scheme. What was the opposition to that? It was based on the financial ground. What were we told? That it would be a magnificent success. I do not mean merely from the engineering point of view—that was assured from the beginning—but we were told that it would be a financial success. Yet not since that work was started has it paid its way.

Hon. A. H. Panton: Without it, there would have been no Kalgoorlie.

Hon. A. SANDERSON: That is an entirely irrelevant comment. If they had said they were going to put money into that scheme because the people at Kalgoorlie were dying of thirst, and because the men could not remain on the mines without water, it would have been very different from saying that the scheme was going to be a financial success.

Hon. Sir Edward Wittenoom: The engineer laid it down as a condition precedent that there must be five million gallons of water consumed per day.

Hon. A. SANDERSON: Yes. Sir Edward Wittenoom probably knows more than anyone else in the Chamber of this matter. But never mind the "ifs" and the "buts" and the "provisoes." The question which Parliament had to decide was, "Is this going to be successful from a financial point of view?" We were told that it would be a success without any doubt whatever. It has not been a success financially, and I repeat it exceedingly. Now take another big State undertaking, namely the Wyndham Meat Works.

Hon. Sir Edward Wittenoom: I was only saying a word in justice to the engineer.

Hon. A. SANDERSON: I do not wish to enter on that aspect of the question at all. I refer solely to the financial aspect. I will quote half a dozen different works—

The PRESIDENT: With a view to, what?

Hon. A. SANDERSON: To showing the necessity for the greatest care being accorded to the details of this Bill, for more care to be accorded to them than was done in the case of the Wyndham Freezing Works and

the Coolgardie Water Supply. I am dealing with the question of whether or not this scheme will prove a financial success. We were told that the Wyndham Freezing Works would be a great success. We have only to turn to the report of the select committee to see whether that is borne out or not. Then we can take the case of the Fremantle Meat Works. I deeply regret that instead of these works turning out a financial success, as we were told they would do, they have now been turned into cool storage for fruit and potatoes. These works were going to establish the pastoralists on a sound foundation, but what do we see to-day? Our railways afford another illustration of what I mean. All our care, our hopes, our wishes and our beliefs have been falsified.

Hon. T. Moore: There has been a war on.

Hon. A. SANDERSON: There was no war when the Coolgardie Water Scheme was started. The Government were able in those days to get money at 3 per cent. The mere fact that there has been a war, that we are now supposed to be in times of peace, and that money can only be obtained at rates of interest from 6½ to 7 per cent., should make us even more careful than we were in the past. If works were not paying on money borrowed at 3 per cent., is it not going to be a more difficult proposition to establish works with money on which interest at the rate of 6½ to 7 per cent. is charged? In one sense we have nothing to do with the Commonwealth loan that has been arranged by this company. I do not understand all the circumstances under which the loan was obtained. I do understand that considerable credit is due to those people who were able to negotiate a loan of half a million from the Commonwealth.

Hon. T. Moore: We can give them credit if we pass this Bill.

Hon. A. SANDERSON: I am taking this matter step by step, before the Bill was ever heard of. Someone went to Melbourne and obtained from the Federal Government a promise, which will be redeemed, no doubt, of a loan of half a million of money for this particular purpose.

Hon. A. H. Panton: If this Bill is passed.

Hon. A. SANDERSON: They obtained the money before the Bill was thought of.

Hon. A. H. Panton: If they do not get the monopoly they have still got the money. That is what I want to find out.

Hon. A. SANDERSON: In order to shorten my remarks, I must be permitted to conduct my observations in my own way.

The PRESIDENT: Will the hon. member please cease from interjecting.

Hon. A. SANDERSON: These interjections do make it difficult to carry out one's wishes, and to obey your ruling, Sir. One does not like to be drawn aside, even by matters that are important in one sense but totally irrelevant to the lines of argument that one may be putting before the House. I am trying to trace the history of the Grain Elevators Bill. That the money has been promised by the Federal authorities, and for



what purpose, does not concern me. Anyone who can get half a million of money from any source and spend it in this country, I shall not criticise too closely. I say, the more the merrier. I should be glad to see everyone get half a million of money and put it into reproductive work in Western Australia. That is the only way in which we can help to develop this State. The Commonwealth Government and the party who negotiated the loan are respectively deserving of thanks and congratulations. The history of this company is an interesting one. The outline is clear. It is partly political and partly financial. It begins with the Country Party and Western Australian Farmers, and ends at present with this grain elevators business.

Hon. J. Duffell: That is the grand finale.

Hon. A. SANDERSON: I do not say that. I put the position as the public are entitled to understand it. There is some connection between all of these. To accurately analyse the connection between the parties, and state quite clearly in what manner they are bound together, would be no easy task. I have no desire to attempt it.

Hon. J. Duffell: You would require inside knowledge for that.

Hon. A. SANDERSON: There is a great deal of outside knowledge, which has come into our own hall. There is a great political party in Western Australia called the Country Party. If the farmers and settlers like to pursue any occupation in regard to the development of the country, speaking as a representative of the people I wish them every success, and I make no comment whatever except in so far as they affect the public point of view, and they ask for something from the representatives of the people who are assembled here.

Hon. J. A. Greig: What are they asking for?

Hon. J. Duffell: A monopoly.

Hon. A. SANDERSON: They are asking for a monopoly, for one thing. I am not going into the details, but will reserve that for the Committee stage. The Commonwealth have offered half a million of money to the company. I do not criticise any of these financial arrangements of the company. Presumably they have made satisfactory arrangements with the Commonwealth, but now they have come to us. It may be said that if the Commonwealth Government lend them that money, and they have sufficient backing behind them, they should be at liberty to build grain elevators or anything else they liked. That may be so, but why do they come to us?

Hon. J. J. Holmes: For a monopoly.

Hon. A. SANDERSON: I was going to make that point, but the interjection has rather lessened the effect of my remarks, because I was going to put two points together. The third point is, where do we come in? The one reason why we come in is that they want a monopoly for 25 years. The details of the story are simple. I do not say they are not entitled to ask for a monopoly, in the same way as the tramways or any other undertak-

ing may make a similar request. If they think they have a good case to put before Parliament, let them make their request. There is no mystery about it, but are we going to grant that monopoly? If that were the only point involved, I would certainly be prepared to fight against the second reading of this Bill, but I am prepared to go into Committee and strike out that clause and see where we are then. I object, in a matter of first-class importance, to Parliament being placed in a somewhat similar position to the position we were put in last session over a Bill of this nature. The Bill came to us at 2 o'clock in the morning. We were told that if we rejected it we should be doing enormous damage to the country, although that has gone by the board since the observations of the Leader of the House. The Federal Government will not keep that money in a trust fund, as it really amounts to, for an indefinite term. This company is fairly entitled to demand of Parliament that we should either reject this measure on the question of a monopoly, and let them get on with the Federal Government as best they can, or to pass the Bill. They are entitled to that. I have no inside information, but it stands to reason that the Federal Government will not keep that half a million of money awaiting the convenience of this Parliament.

Hon. F. A. Baglin: Do they want Parliament to consent before they give it?

Hon. A. SANDERSON: They do want some kind of guarantee. It is a most discouraging thing to the people in Melbourne who are lending this money to know that Parliament has already rejected one measure, and, if this measure is rejected, they may well say they will strike the amount off the list.

Hon. A. Lovekin: There is a Federal Act authorising this advance.

Hon. A. SANDERSON: I know, but another Bill can be brought in to stop it.

Hon. A. Lovekin: There is an amending Bill reducing the amount to £440,000.

Hon. A. SANDERSON: They are not going to keep that money indefinitely if this Parliament rejects the Bill. In one sense we can concentrate all our efforts on the question of a monopoly. I am not prepared just now to hand to this company or any other company a monopoly for 25 years for dealing with wheat. I can hardly believe that the company will insist upon that. They probably have put forward the terms they would like to get, and are prepared to listen to objections and in the circumstances to strike it out.

Hon. Sir Edward Wittenoom: This has been adopted in another place.

Hon. A. SANDERSON: Another place! We are not here to endorse what another place does, but to review the actions of another place. We have been shown by our actions, and the admission of the Leader of the House, how justified we were last year

in the action we took. That is not a very powerful argument to use, that it has been passed in another place. We pay every respect to another place.

Hon. Sir Edward Wittenoom: You stated it had not been submitted anywhere before.

Hon. A. SANDERSON: The hon. member must have misunderstood me. I know this has come from another place. The important issue in this matter is the compulsory clause. The people, who should do their best to follow these important matters, are entitled to know from us the essence of the facts, so that they may form their own conclusions. If I am wrong I hope I shall be corrected at once. The public should understand what is before the Chamber, namely, a proposal to deliver over the wheat production of this country for 25 years to a monopoly. No one can contradict that. No one can say that, as far as we are concerned, the representatives of Western Australia in the Legislative Council, we are not entitled to form this conclusion. I do not ask anyone to attach too much importance to my remarks regarding the Commonwealth Government, the Western Farmers, and this company. That is a matter for the three parties concerned. The essential matter for us to deal with is the question of the monopoly. Why is the monopoly objected to? Does it require any great argument inside or outside of this Chamber when we have a matter of first class importance, such as giving a monopoly to anybody, to convince us that it should be most closely scrutinised? Once we have given a monopoly, as we have found out with the tramway company—and in fact there are plenty of illustrations—the matter then passes out of our hands. A striking illustration may be seen with regard to the gas works. No doubt hon. members are acquainted with that. I ask the company to give some indication to us in a perfectly legitimate manner as to whether this monopoly is essential, and that without it the Bill is not worth the paper on which it is written. Then I think it will be a fight to a finish. Another reason why I object to a monopoly is that I think it would damage the development of Western Australia. I do not believe this company, even with its half million of money, is financially capable of dealing with those developments which I hope will take place in Western Australia, and to give a monopoly to such a comparatively small company seems to me to be very dangerous. Only another point to which I wish briefly to refer. I cannot understand why the Government seem to be constantly coming in with regulations and notices in the "Government Gazette." Are the Government going to interfere with us as they did with the freezing works? Is it to be a State monopoly?

Hon. T. Moore: A pity it is not.

Hon. A. SANDERSON: That is an important observation. Now I can see where we are. I can understand now why the members of the Labour Party are pushing the

Government down hill in this direction. They say this, "You establish this monopoly for a private company and then by arguments you will be able to prove to the public that this monopoly should belong to the Government." The hon. member's interjection was certainly a most illuminating observation, and I hope the company will make a proper note of it. I do not criticise the hon. member; he is right in dealing with it in that way but it should make us, who hold different opinions, doubly careful in dealing with matters of this kind. The Bill is littered with references to the "Government Gazette" and interference with the Minister. Surely we have had enough evidence of our painful experience of the weakness and folly of this Government's finance. Certainly the Leader of the House and most of his colleagues must be utterly discredited from the financial point of view with regard to large business operations, and if that is the case—and it cannot be denied with the record of the last five years and the record of the last 10 years of the Minister for Mines, before us—surely that is another reason why we should examine most carefully and closely every detail of the Bill. I shall vote for the second reading and I hope I have made my position clear. I hope also that the company will give us an indication that the striking out of the monopoly will not defeat the measure and will not prevent the expenditure of half a million of money on these works in the State.

On motion by Hon. V. Hamersley, debate adjourned.

## BILL—STAMP.

### Recommittal.

On motion by Hon. J. Nicholson, Bill committed for the purpose of further considering Clauses 97 and 98. Hon. J. Ewing in the Chair; the Minister for Education in charge of the Bill.

Clause 97—Terms on which receipt may be stamped after execution:

Hon. J. NICHOLSON: This clause was the subject of lengthy discussion last night. Mr. Lovekin raised the question as to whether the amount which is named in the clause as a fine of £5 was a maximum amount or not. Mr. Lovekin held that this total fine could be imposed by the Commissioner. The view of the Solicitor General is that the section of the Interpretation Act, which provides the penalties would not apply to this clause, for the reason that this particular fine is the sum that would be payable, not upon conviction, as is provided in the Interpretation Act, but a sum which would be executed upon the decision of the Commissioner. The point arises that, under Subclause 2 of Clause 25, notwithstanding the fact that the Commissioner has the power to say that the total fine shall be paid, he has also the power to remit the whole or any

part of the fine. The position would be all right if we had a reasonable man acting as Commissioner, but a man who may not be reasonable may take an extreme view and say: "I am going to exact the penalty of £5."

The Minister for Education: There may be circumstances in which it would be justified.

Hon. J. NICHOLSON: I put the position before the Solicitor General, and he drafted for me several clauses which may well take the place of the two in the Bill. I shall embody these clauses in my amendment, and will move them as follows:—

That subclause 1 and 2 be struck out, and the following inserted in lieu—(1) Within fourteen days after it has been given on payment of the duty and a fine of 10s.; (2) after fourteen days but within 28 days after it has been given on nonpayment of the duty and a fine of £1; (3) after 28 days but within two months after it has been given on payment of the duty and a fine of £2; (4) after two months after it has been given on payment of the duty and a fine of £5.

The MINISTER FOR EDUCATION: I do not want the Committee to gather the impression that the opinion of the Solicitor General, which has been quoted, is one that that official put forward as a desirable proposal. That is not the case. The Solicitor General is definite in his statement that the penalties provided are the maximum penalties, and that it is within the discretion of the Commissioner of Taxation to levy what fines he thinks will meet cases within the limit of the fine mentioned. The opinion which has been quoted was merely one drawn up in accordance with what Mr. Nicholson sought to achieve. If we were to take action along the lines desired by Mr. Nicholson the proposal drawn up by the Solicitor General is, in his opinion, the best way to get at that point. The Solicitor General has drawn attention to the fact, however, that it is not a difficult matter to evade payment of stamp duty, and in his opinion the penalties should be substantial, discretionary power being left in the hands of the Commissioner to levy what penalty he thinks will fit the case. If we make the penalties trivial, there is an increased danger that the payment of this duty will be evaded. Mr. Nicholson says that the Commissioner may insist on the full penalty of £5. Are there no circumstances under which the full penalty of £5 should be imposed? If so, we should give the Commissioner discretionary right to impose even a fine of £5.

Hon. J. J. HOLMES: After the definite statement by the Solicitor General and by the Minister that discretionary power lies with the Commissioner of Taxation, who will act as the adjudicator between the public and the State, I do not think we should interfere with the discretionary power of the Commissioner.

Hon. A. LOVEKIN: I suggest that there is not discretionary power in the hands of

the Commissioner but that the penalty provided is a specific fine of £5.

Hon. J. J. HOLMES: In view of the Minister's statement, do you still contend that it is the maximum and minimum fine?

Hon. A. LOVEKIN: Yes. I have looked into this matter carefully and I am satisfied that my view is the correct one. It has been said that Section 29 of the Interpretation Act governs the question of penalty under the clause. But that section refers to acts punishable on conviction by penalties not exceeding the amount set out. Clause 119 does not mention anything about offences punishable on conviction. Regarding the clause under consideration, the fine mentioned is the one amount to be imposed by the Commissioner, and is not to be imposed on conviction at all. The Interpretation Act, therefore, does not apply to this clause. It is an old maxim that where there is a conflict between two sections of any Act of Parliament, it is the last section which prevails.

The Minister for Education: There is no conflict here.

Hon. A. LOVEKIN: Yes, there is. On the one hand we are told the Commissioner has discretionary power and on the other hand, the clause fixes a definite penalty.

Hon. J. J. HOLMES: There is no conflict. One part provides a penalty and the other gives the Commissioner power to remit.

Hon. A. LOVEKIN: It does not refer to a penalty of this kind.

Hon. A. J. H. SAW: There is considerable danger in the amendment. In the first place it gauges the gravity of the offence by the time ratio between the date of the receipt and the date of the stamping of it. I do not consider that is the best way to gauge such a matter. Surely the monetary value of the stamp should also be taken into consideration. There is also the danger from the point of view of the person who will have to pay the fine, that the Commissioner will take up the attitude that Parliament has fixed the time ratio and that he will be bound to follow a sliding scale of fines. The Commissioner should have discretionary powers.

Hon. A. LOVEKIN: The Leader of the House says that the fine provided is not the maximum penalty, inasmuch as the Commissioner has discretionary power to inflict a smaller penalty. In those circumstances, I think he should agree to my proposal so as to make it perfectly clear.

Amendment put and negatived.

Hon. A. LOVEKIN: I move an amendment—

That in line 2 of Subclause 1 after "fine" the words "not exceeding the sum" be inserted.

The MINISTER FOR EDUCATION: To my mind, the words are quite meaningless. I will not delay the discussion on the clause by dealing with the amendment. I do not care whether it is accepted or not.

Hon. J. W. Kirwan: If it is accepted we should realise that there are many other clauses to which the same proposal may be applied.

The MINISTER FOR EDUCATION: Quite so. I know that.

Amendment put and a division taken with the following result:—

Ayes	..	..	..	11
Noes	..	..	..	7
Majority for				4

#### AYES.

Hon. J. Cornell	Hon. A. Lovekin
Hon. J. Duffell	Hon. J. Mills
Hon. J. A. Grelg	Hon. J. Nicholson
Hon. J. W. Hickey	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. R. J. Lynn
Hon. J. W. Kirwan	(Teller.)

#### NOES.

Hon. R. G. Ardagh	Hon. G. W. Miles
Hon. H. P. Colebatch	Hon. Sir E. H. Wittenoom
Hon. V. Hamersley	Hon. A. J. H. Saw
Hon. E. H. Harris	(Teller.)

Amendment thus passed.

*Sitting suspended from 6.15 to 7.30 p.m.*

Clause, as amended, agreed to.

Clause 98—Penalty for offences:

Hon. J. NICHOLSON: When the clause was previously under consideration, I secured an amendment to Subclause 3. I now find that the amendment does not express the intention. In order to make it clear, I move an amendment—

That the words "to the employee of any person" be struck out and the words "by one employee of a person or firm to another employee of such person or firm" inserted in lieu; and that after "person" in the last line the words "or firm" be added.

Amendment put and passed; the clause, as amended, agreed to.

Bill again reported with further amendments, and a Message accordingly forwarded to the Assembly, requesting them to make the amendments, leave being given to sit again on receipt of a Message from the Assembly.

#### QUESTION—WESTRALIAN FARMERS' LIMITED.

The MINISTER FOR EDUCATION: In answering a question asked by Mr. Lovekin this afternoon, I mentioned that certain documents he desired were attached to the answer and that the other would be furnished as soon as it was available. I have the other document now, the report and balance-sheet of the Westralian Farmers' Ltd. I ask that it be attached to the answer.

#### ADJOURNMENT.

The MINISTER FOR EDUCATION: In view of the extreme pressure on the "Hunsard" staff, I do not propose to proceed any further with the business this evening. I move—

That the House do now adjourn.

Question put and passed.

*House adjourned at 7.35 p.m.*

## Legislative Assembly.

*Wednesday, 30th November, 1921.*

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

#### QUESTION—WORKERS' HOMES, METROPOLITAN AREA.

Hon. P. COLLIER asked the Premier: Do the Government intend to proceed with the erection of workers' homes in the metropolitan area in the near future?

The PREMIER replied: Applications are receivable for the building of workers' homes in the metropolitan area. A large number of contracts has already been let, and several houses are now in course of erection.

#### QUESTIONS (2)—FIREWOOD HAULAGE, GOLDFIELDS.

*Kurrawang and Lakeside Companies.*

Hon. P. COLLIER asked the Minister for Railways: 1, What was the tonnage of fire-