BARLEY MARKETING ACT AMENDMENT BILL 1971

House of Assembly, 19 October 1971, page 2311

Second Reading

**The Hon. J. D. CORCORAN (Minister of Works)** obtained leave and introduced a Bill for an Act to amend the Barley Marketing Act, 1947-1969. Read a first time.

The Hon. J. D. CORCORAN: I move:

*That this Bill be now read a second time.*

The Bill, which amends the Barley Marketing Act, 1947, as amended, has been brought forward as a result of representations from the Australian Barley Board and the authorities of the State of Victoria. Honourable members will be aware that the legislative framework of the board is found in two Acts, namely, the Barley Marketing Act of this State and the Barley Marketing Act of Victoria, and by virtue of these Acts the board is empowered to act in both this State and Victoria. As a result of discussions between the appropriate authorities in this State and Victoria, it was decided to increase the Victorian grower representation on the board from one to two. Such an increase, of course, requires amendments to the Acts of both States, and although Victoria moved in this matter some little time ago it cannot formally appoint its additional representative until this Bill becomes law. In addition, there are some disparate matters that have from time to time arisen for attention by amendments in this Bill but these can conveniently be discussed when the Bill is examined in some detail.

Clauses 1 and 2 are formal. Clause 3 corrects an incorrect reference to the principal electoral officer in this State. Although he could in one sense be correctly described as the chief electoral officer, his statutory title is properly the “Returning Officer for the State” and he is now so referred to by that title. Clause 4 extends somewhat the definition of “barley” by having the expression encompass growing crops of that grain as well as certain products of that grain. The purpose of widening this definition is to achieve a measure of control over the practice of leasing areas planted to barley for short terms, and by this means effecting a sale of barley outside the scheme of orderly marketing. Practices such as this appear to be detrimental to the industry as a whole and hence should be prohibited.

Clause 5 is the provision complementary to the Victorian provision to enable the appointment of an additional representative from Victoria, bringing that State’s grower representation to two, but the number of South Australian grower representatives remains at three. Clause 6 will enable the board to keep its accounts in relation to barley of this State separate from its accounts kept in relation to barley grown in Victoria, and this provision has been inserted at the board’s request. Clause 7 is intended to ensure that the board will never be subject to conflicting directions from the responsible Minister of each State. So far this has, in fact, not happened, but it seems prudent to guard against this contingency. Clause 8 is intended to strengthen the board’s hand in dealing with illegal sales of barley. It will enable some control to be exercised over the transport of such barley. The placing of the burden on the defendant by proposed subsection (1b) is not, in the circumstances, unreasonable, since it is surely “a fact within his knowledge” whether or not the sale was legal.

Clause 9 is a provision included at the board’s request. For some time the board’s forward export sales policy has been somewhat inhibited by the need to pay regard to the needs of domestic users of barley in South Australia and Victoria. In the board’s view, its inhibition will be lessened if each State can, from this point of view, be treated separately, and this is the effect of this amendment. Clause 10 will enable the board to make proper provision for the establishment of reserve funds and the amortization of the costs of the provision of storage facilities, as well as ensuring that to some extent deductions from amounts payable to growers can be equalized. Clauses 11 and 13 merely increase the maximum penalties for breaches of the Act or regulations to bring them into line with those applicable under the Victorian Act, since in this area consistency seems desirable. Clause 12, which has been included at the board’s suggestion, is designed to avert a situation in prosecutions under the Act where some difficulty arises in formally proving that grain which in all respects appears to be barley is in fact barley as defined.

Mr. FERGUSON secured the adjournment of the debate.