**BARLEY MARKETING ACT AMENDMENT BILL (1988)**

**Legislative Assembly, 25 February 1988, page 3133**

Second reading

**The Hon. M.K. MAYES (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Barley Marketing Act 1947. Read a first time.

The Hon. M.K. MAYES: I move: That this Bill be now read a second time. I seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

ts purpose is to replace section 19c of the principal Act. Section 19c was inserted to protect the Australian Barley Board from claims by the holders of mortgages, bills of sale, liens or other charges in respect of barley or oats where the board makes payment to the grower contrary to the security. It is impossible for the board to establish from which property grain has been harvested and it must rely on information given to it, usually by the grower. It is therefore possible for the board, through no fault of its own, to make payment to the wrong person. Conversely it is possible that the board could make payment to a lender whose security has been discharged without the board’s knowledge.

Although existing section 19c achieves this it goes further than is desirable. The effect of the section is to discharge the security with the result that the board should pay the price of grain to the grower even when it knows of the existence of a security over the grain. The new provision avoids that problem by providing that the holder of the security does not have a claim if the board acts honestly. Subclause (2) provides that the security is not discharged.

Clause 1 is formal. Clause 2 replaces section l9c of the principal Act.

Mr GUNN secured the adjournment of the debate.