BARLEY MARKETING ACT AMENDMENT BILL 1956

House of Assembly, 23 October 1956, page 1131

Second reading

The Hon. G. G. PEARSON moved—-

That the Speaker do now leave the chair and the House resolve itself into a Committee of the whole for the purpose of considering the following resolution:—That it is desirable to introduce a Bill for an Act to amend the Barley Marketing Act, 1947-1952.

Motion carried. Resolution agreed to in Committee and adopted by the House. Bill intro­duced and read a first time.

**The Hon. G. G. PEARSON (Minister of Agriculture)—**I move—

That this Bill be now read a second time.

Its principal object is to extend the life of the Australian Barley Board. If the Act were not altered, the board would have to cease operations and go out of existence after disposing of next year’s barley harvest. It is proposed by the Bill to extend the life of the board for another five seasons, so that the principal Act will apply to barley grownup to the season of 1962-1963. An organization such as the Barley Board has to plan ahead and in the interests of efficiency it is desirable that the board should know a reasonable time in advance whether it is to expire or continue. For this reason the board asked that the question of extending its life should now be considered. The Government decided to seek Parliamentary approval for an extension of the board for a further five years. Clause: 7 contains the amendment required for this purpose.

The Bill also proposes some other amendments of the principal Act which the Barley Board has asked for. Clauses 3 and 4 deal with illegal purchases of barley from growers. One of the basic requirements of the barley marketing scheme is that barley growers must sell their barley through the board. The Act places an obligation on the grower not to sell or deliver barley to any person other than the board, except with the approval of the board itself. However, in recent years, the board has found that in some cases merchants have approached the growers directly and bought barley from them without consent of the board. It is clear that if a grower sells his barley to such persons, he commits an offence; but the legal position of the buyer is not so clear. Some judicial decisions are to the effect that a person who buys a commodity from a person who sells it illegally is himself guilty of aiding and abetting the offence and punishable accordingly. In other cases the contrary view has been taken. It is proposed by clause 3 to place the responsibility for illegal sales on the buyer as well as the seller. The clause makes it an offence for a person to buy barley from a grower without written consent of the board. Like the other provisions in the Bill, this provision will not apply to barley sold in the course of interstate trade. Frequently a question arises as to the transfer or sale of seed barley as between grower and grower. During its term of operation the board has not attempted to hamper the legitimate transfer of barley from grower to grower for seed purposes, and the amendment in no way interferes with that custom.

Mr. O ’Halloran—What about barley for feed purposes?

The Hon. G. G. PEARSON—It is handled through the board. Any transfer or sale of barley for feed purposes should have been done in the past with the board’s concurrence.

Clause 5 provides that all offences against the Act or the regulations can be dealt with summarily. At present the Act does not provide for summary procedure. This omission occurred in the preparation of a uniform Bill for both Victoria and South Australia. The provision in question was not required in Victoria. But it is, of course, desirable in this State. It could be included in the regulations, but it is preferable to have it in the Act. The board has another year to run, but because it desired to know its position and because of repeated requests throughout the State for its term to be extended, the Government has considered the matter this year. It is pleasing that the board appears to have the confidence of the growers to the extent that organizations of growers have said by resolution, sometimes unanimously, that its life should be extended. The Government is pleased to extend the board’s life for the period mentioned in the Bill and to do it a year ahead of the required time, which will assist the board in its administration and future planning.

Mr. O’HALLORAN secured the adjournment of the debate.