**BARLEY MARKETING BILL 1947**

**Legislative Council, 11 November 1947, page 1274**

Second reading

The Hon. R. J. RUDALL (Midland) Attorney-General)—Since the beginning of the war the barley crop of South Australia and Victoria has been marketed by the Australian Barley Board constituted under the National Security Regulations. Until the recent political crisis in Victoria occurred it was generally agreed that these regulations would not be needed after the end of this year, and that in future a scheme for the organized marketing of barley would be conducted under State legislation by a joint board representing South Australian and Victorian growers. The dissolution the Victorian Parliament made it impossible to have a joint State scheme for coming barley crop. Thereupon the Commonwealth Government agreed to extend the National Security Regulations for another year and this season’s barley crop will accordingly be marketed by the Australian Barley Board. The present Bill will apply to next season’s crop and those of subsequent years.

It is clear that the Commonwealth has no power to maintain a permanent marketing scheme for barley. The Commonwealth itself realizes this and does not intend to keep the scheme in existence after this season. The Government therefore is proceeding with this Bill so that it will be available in the event that growers desiring a State marketing for next season’s crop.

The general provisions of the Bill were altered in another place to meet the possibility that Victoria might not be able to join South Australia in setting up a two-State board. The original State marketing scheme agreed upon principle by the growers was that the Governments of Victoria and South Australia should co-operate in constituting a board, and the Bill, as introduced, provided for this. In another place a further clause was inserted at the instigation of the Government enacting that if the Governor of this State should be satisfied that a joint board would not be constituted in time to handle next year’s barley crop he could order that a South Australian Board should be constituted and that the administration of the Bill should be entrusted to that board instead of the joint board.

In bringing down this Bill the Government has no intention to force a scheme on the growers. The Bill is intended as an enabling one, to allow growers to have an organized marketing scheme if they want it. It is accordingly provided by clause 2 that the Bill will not come into operation until a proclamation is made, and a proclamation will not be made until a poll of the growers has been held and a majority of the votes cast at the poll are in favour of Bill. At the poll every grower who in the previous season harvested barley from not less than 30 acres will be entitled to vote. The poll will be conducted by the electoral officer of the State by postal voting.

Clause 4 deals with the constitution of the Joint Board. The Governor of South Australia is empowered to enter into an arrangement with the Governor of Victoria for the constitution of an Australian Barley Board. This board, if agreed on, will consist of five persons. There will be two elected representatives of South Australian growers and one elected representative of Victorian growers. One person will be appointed to represent brewers and maltsters. The chairman will be selected by the Governments of the two States in consultation with each other. The term of office of members of the board will be three years.

Clause 5 provides for the constitution of a South Australian Barley Board to administer the Act in the event of it being found impossible to constitute a joint board. The South Australian Board is to consist of four members. There will be two elected growers’ representatives, one person appointed by the Governor to represent brewers and maltsters, and a chairman appointed by the Governor. The board will hold office for three years.

Clause 6 provides that the Bill is to be administered by the board and that the board will not be an instrumentality of the Crown. Clause 7 provides for the appointment of the staff of the board. It is contemplated that the present staff of the Australian Barley Board will be taken over by the new board. Clause 8 provides for the appointment by the board of licensed receivers of barley. A person who, when the Bill comes into force, is a licensed receiver under the National Security Regulations dealing with barley, will be regarded as holding a licence under the Bill.

Clause 9 sets out the general powers of the board. Put briefly, these are to buy and sell barley and certain kinds of barley products and enter into commercial transactions incidental thereto. It is also proposed that the new board will act as agent for the Commonwealth in buying and selling barley, oats, and grain sorghum. The present Barley Board has acted for the Commonwealth in this matter and it is desired to transfer the business to the new board.

Clause 10 empowers the board to inspect any stocks of barley and any books and accounts relating to barley. Clause 11 requires personsholding property of the board to take due care thereof. Clause 12 provides that the board shall keep proper accounts and have them audited by a qualified auditor. Separate accounts must be kept for each season, and for each grade of barley.

Clause 13 gives a right of appeal against decisions and actions and proposed decisions and actions of the board. A dissatisfied person may request the Minister to review an actual or proposed decision or action of the board. After receiving such a request, the Minister must inquire into the matter and give the interested parties an opportunity to put their cases before him. After doing this he may, if he thinks proper, give the board a direction relating to the matter in issue and the direction will be binding on the board.

Clause 14 is important. Its effect is to require a grower to sell his barley to the board if he sells at all. There is, however, nothing to prevent him from keeping barley on his farm indefinitely. The board also has a discretion to exempt growers from the duty to sell their barley to the board; and barley required for interstate trade will also be exempt from the Bill. It is expected that by reason of the operation of clause 14 substantially all the barley available for commercial use will be marketed through the board. Clauses 15, 16, and 17 deal with the delivery of barley to licensed receivers. Clause 18 provides that the board is to market all barley to the best advantage and apply the whole of the proceeds in paying the costs of administering the Act and in making payments to growers.

Clause 19 sets out the factors which will influence the price to be paid by the board for the barley delivered to it. These factors are the gross receipts of the board from barley of each particular class, the board’s expenditure in transporting and marketing the barley and administering the Act, the place at which barley is delivered to the board, and any other circumstances affecting the price of the barley. Provision is made for progress payments to growers. Clauses 20 and 21 are the usual clauses dealing with offences, penalties, and regulations. Clause 22 provides that the Bill will apply only to barley grown in seasons after that of 1947-48. I have already explained the reason for this—namely, that this season’s barley will be handled by the Commonwealth board. That is a short and concise summary of the Bill, which is of considerable importance to barley growers of this State. As I have already stated, it will not come into force until barley growers have had an opportunity of deciding whether they want it or not. I support the second reading.

The Hon. E. J. CONDON secured the adjournment of the debate.