**DRIED FRUITS ACT AMENDMENT BILL 1925**

**House of Assembly, 11 December 1925, page 2144**

Second reading

**The MINISTER of AGRICULTURE (Hon. T. Butterfield)—**This Bill has been introduced at the request of the Dried Fruits Board for the purpose of making some improvements in the machinery provisions of the Dried Fruits Act, 1924, and in order to remove some minor inconsistencies in the application of that Act. Clause 3 amends the definition of “grower” and “packing shed” contained in the principal Act. I will deal first with the definition of “grower.” Under the principal Act a grower is any person who in any one year produces more than 10cwt. of dried fruits of any one variety of the dried fruits to which this Act applies. The board has found that this definition has the effect of militating against its efforts to stabilise prices in the home market. Under the Act one of the main functions of the board is to control the market with a view to stabilising prices, at a reasonable figure. The board has found, however, that there are in existence a very large number of small growers who do not produce 10cwt. of dried fruit of any particular variety, and the fruit produced by these growers is put upon the market indiscriminately, thus making it very difficult for the board to control prices. The amendment proposed in the Bill is to alter the definition of “grower” to mean any person who produces any dried fruit for sale or barter. Thus the small grower and his fruit will be subject to the operation of the Act, but the provision that the fruit must be produced for sale or barter will exclude from the definition small growers who produce dried fruit for their own use.

Mr. Butler—Under this the small grower could not sell half a hundredweight of fruit.

The MINISTER of AGRICULTURE—You cannot legislate for exceptions, and the advice of the board must be taken. Under the Bill passed last year it gave the Minister power to appoint the board on account of the shortness of the time. When it came to an election those who were appointed by me polled 95 per cent of the votes. Evidently the choice was acceptable to everyone concerned. We conserved the interests of every settler, and, in the appointment of the chairman of the board, although the nominee might have been an official of one of the departments, we chose a man outside the Government. I am sure the board has the confidence of everyone, and that is why I am confident that its recommendation should be adopted. Whether a man sells a hundred tons or one ton he is getting the benefits accruing from this Bill. This measure is framed after consultation with the Dried Fruits Board, and Mr. Summers, secretary to the Minister of Agriculture. The man who sells only 5cwts. or 10cwts. of dried fruit in the year is not depending on that fruit for a living. He does not deserve anything like the amount of consideration which is given to a man whose whole livelihood is bound up in the industry. I have no hesitation, knowing the board as I do, and the valuable work It has put in, in saying that honorable members can feel quite safe in accepting the board’s recommendations. This amended definition of grower must be read in connection with clause 5, which imposes an obligation on every grower to register with the board. The existing provisions relating to registration of growers were unsatisfactory on two grounds. Firstly, because they did not require registration of a grower who produced less than 10cwts. of any particular class of fruit, and, secondly, because they did not require the registration of a grower who in the year 1924 produced less than 10cwts. of dried fruit, but subsequently increased his production to an amount in excess of 10cwts. The amended definition read in conjunction with clause 5 remedies these defects, and puts the obligation on every grower to register and furnish the necessary particulars to the board. The amended definition of “packing shed” makes it clear that any place at all in which dried fruits are stemmed, processed, graded, sorted, or packed for the purpose of sale will be a packing shed within the meaning of the principal Act. At present the term is limited to buildings or erections where those operations are carried on, but in some cases the operations may be carried on in the open, and it is desired that the board should have control over persons who treat or pack, dried fruit otherwise than in a building or erection. Clause 4 relates to the notice which the Act compels the board to give when it makes a determination as to the places where and the quantities in which dried fruit is to be marketed. At present the board is required to give notice of every such determination by public notice, i.e., notice published in the “Gazette” and in two daily papers in Adelaide, and also by sending by post to each grower or dealer affected or likely to be affected by the determination at his registered address a letter containing particulars *at* the determination. The board finds that this dual obligation entails a very great deal of unnecessary clerical work, and the amendment proposes to permit the board to use its discretion whether it gives notice of the determination by public notice or by notice to the individual growers. Clause 5 I have already explained. I pass on to clause 6. In its administration of the Act, particularly in regard to enforcing its determinations, the Dried Fruits Board from time to time requires information concerning the disposal of dried fruit, and in some cases that information can be supplied by dealers only. Under section 23, subsection (2) of the Act, however, the board has no power to call on dealers to supply the required information unless regulations are prescribed specifying the information that can be demanded. Clauses 6 and 7 propose to alter this by striking out section 23 (2) of the Act, and providing for the insertion of a new section in the Act which will enable the board to demand from dealers any information which it may at any time require with regard to dried fruits, and to give dealers directions in order to ensure the observance of any determination of the board for the time being in force. Failure to comply with any requirement or direction of the board is made punishable by a fine of £500. This seemingly large penalty is necessary in view of the fact that large profits may sometimes be made by disregarding the board’s directions. The essence of the principal Act is that the board shall have power to determine the quantity of dried fruit which may be sold on the local market in any season and the quantity that may be exported, and by section 31 provision is made for a penalty of £500 on any grower who disposes of his fruit contrary to the determination of the Dried Fruits Board. Practically the whole of a season’s fruit is, however, handled by registered dealers, who, in some cases, act as selling agents for the growers, and in others buy the fruit outright from the growers and sell on their own account. In either case, once a grower has delivered his fruit for marketing purposes, either direct to a dealer or to a registered packing shed, he loses control of his fruit. The Act, however, restrains only the grower from selling a greater quantity on the home market than that specified by the determination of the board, and therefore a dealer can, as the principal Act stands at present, deal with impunity with the fruit in his possession. Clause 8, therefore, in order to give the board control over dealers, provides that the board will have full control over all persons who acquire the fruit, or who are in possession of the fruit after it has left the grower’s hands-—that is to say, dealers and persons in charge of packing sheds—and also provides a penalty of £500 for any departure from the board’s determinations by any of those persons. Clause 10 exempts from stamp duty all declarations required for the purposes of the principal Act. The Act requires declarations from persons registering as growers and dealers, and it is not desired that the compulsory registration of these people should be used as a means of raising revenue; consequently their statutory declarations are exempted from stamp duty. The small machinery amendments can, I think, be easily accepted.

Mr. Crosby—What is the reason for the amendment embodied in clause 9 to insert “dealers” as well as “growers.”

The MINISTER of AGRICULTURE— Because it has been found difficult for the board at times to trace fruit, and they hold that it should be traceable whether held by grower or dealer.

Mr. Crosby—-Couldn’t that be done under the present Act?

The MINISTER of AGRICULTURE—It can be done, but it may be difficult. The board want power to identify the fruit at any point. Under the Act at present they could not prosecute the dealer. They would be more certain in a prosecution against the grower for any infringement of the Act where both should be equally liable.

Mr. Crosby—That is more than a machinery clause.

The Hon. G. B. Laffer—It is simply to stop a leak.

The MINISTER of AGRICULTURE—Yes, it repairs a weakness.

Mr. Reidy—Would it be a better position if it created a hardship? I would not interfere with the man with only a few hundredweight of fruit.

The MINISTER of AGRICULTURE—The point is that the small man who does not depend on his few hundredweight of fruit, but has other means of contributing to his livelihood, is able to injure the man whose whole living is dependent on dried fruit growing. There are some of the smaller men engaged in mixed farming in the district of Barossa, growing perhaps some wheat, vines for wine making, and some fruit. Also around Clare there are people with a number of methods of making a living on a farm, and the right to ask these men to conform to the conditions imposed upon those whose whole livelihood is bound up in the production of dried fruit is reasonable. There is another point exercising the Governments of Victoria and South Australia. We have not been able to get New South Wales to come in, which does not matter very much.

Mr. Crosby—It may matter in a year or two.

The MINISTER of AGRICULTURE—I don’t think so. That State will possibly come into the market with apricots, but not with lexias, currants, or sultanas. However, Western Australia is a State likely to give the Commonwealth most trouble. The Minister of Agriculture for Victoria and I propose to go over to Western Australia at the earliest opportunity and see if we can’t come to some arrangement with the Government of that State in regard to being reasonable.

Mr. Butler—Is Western Australia sending fruit here to-day?

The MINISTER of AGRICULTURE—They send to the Eastern States, but have not been sending here particularly. New South Wales is a big consuming State, and if it means that Western Australia can, with its increasing output, collar the local market which is being made by the efforts of Victoria and South Australia, it is manifestly unfair, and we would have to make some effort to protect ourselves against that in the future. I do not want to say just what action we would take, but there is a possibility of being able to defend ourselves if it came to an issue. However, we don’t want to do that, and the Victorian Minister and I will go over to see the Western Australian Minister of Agriculture, Mr. Troy, whom we have not been able to get across to any of the conferences held. It is highly important to the industry in Australia that there should be some uniformity of legislation, particularly in the three dried fruit producing States of Victoria, South Australia, and Western Australia.

Mr. Nicholls—Can the Minister estimate the total quantity to be effected by the Bill in the matter of these little lots?

The MINISTER of AGRICULTURE—They may not amount to very much. I have not got the total, but it affects the whole industry, and if they have to register, as under the Bill they will have to do, it will put the business on a safer basis.

The Hon. G. R. Laffer—Has the Minister any report from the Dried Fruit Board on that aspect?

The MINISTER of AGRICULTURE—I have had many discussions with the board and the secretary. They are quite convinced that the proposed amendments to the Act are necessary for the proper working of the board.

Mr. Crosby—Are stone fruit brought under the Bill?

The MINISTER of AGRICULTURE—No.

Mr. Crosby—Not this year?

The MINISTER of AGRICULTURE—No, they could be brought under by proclamation at any time if it were found necessary. At present there is no proposal to bring them under. There was a suggestion earlier in the year, but it has been abandoned for the time being. I move the second reading of the Bill.

The Hon. G. R. LAFFER secured the adjournment of the debate until December 15.