**FRUIT AND VEGETABLES (GRADING) BILL 1934**

**Legislative Council, 31 July 1934, page 277**

Second reading

The Hon. A. P. BLESING (Northern— Minister of Agriculture)—This Bill is introduced for the purpose of setting up machinery whereby standards may be laid down for the grading of fruit sold in this State. The necessity for legislation of this character became apparent some years ago when large quantities of low-grade bananas were being disposed of in South Australia. In Victoria there has been for some years an Act in operation whereby the grading of fruit offered for sale was required. Bananas were imported into Victoria, and failed to comply with the tests imposed in that State. As South Australia had no corresponding legislation this inferior fruit was accordingly dumped on the South Australian market. This state of affairs can, of course, arise with respect to any kind of fruit which is imported into the State, and the Bill istherefore framed on similar lines to the Victorian legislation in order, among other things, to prevent the practice.

In 1929 the South Australian Fruitgrowers and Market Gardeners’ Association asked that the Government take action to prevent inferior fruit from entering the State. Since that time other requests have been made by the Murray Citrus Growers’ Association that legislation should be enacted to enable grading standards of fruit to be established, it being pointed out that quantities of immature and rubbishy fruit is at times placed on the market to the prejudice of both producers and consumers. As there is control of this nature in the three eastern States, it follows almost inevitably that similar control becomes necessary in this State in order to prevent this State from becoming a dumping ground for fruit rejected in the neighbouring States, especially Victoria. In addition to being desirable for the purpose of controlling fruit imported into South Australia the regulation of standards should also result in benefit both to producers and consumers in the local market. The Bill therefore proposes that power should be given whereby standards of various fruits, vegetables and nursery stock may be fixed and supplies the necessary provisions to enable these standards to be enforced. The legislation cannot, of course, apply to interstate trade as such, but will apply to sales made by one person to another within the State of fruit produced in the State or imported into the State. It is proposed that the Bill shall apply to the grading both of fruit and vegetables and of nursery stock. The provision dealing with nursery stock is an innovation so far as the other legislation is concerned, but it is felt that if fruit and vegetables are graded and protection is given to purchasers of those commodities similar protection should be given to purchasers of the nursery stock from which fruit is derived.

Clause 3 is the definition clause. The Bill will only apply to such fruit, vegetables, and nursery stock as are proclaimed from time to time, so that the Bill will not apply generally, but will only be applied to such products as in the opinion of the Government need regulation in this manner. Power to make these proclamations is contained in clause 4. The definition of nursery stock is restricted to trees and plants cultivated solely for their fruits. Clause 2 provides that the Potato and Onion (Grading) Act, 1927, is to be repealed. That Act provided somewhat similar provisions for the grading of potatoes and onions. The Bill, however, is general in its application, and will comprise the matters now contained in the 1927 Act, so that if the Bill is passed the Potato and Onion (Grading) Act will become unnecessary. Clause 5 gives the Governor power to appoint inspectors, Clause 6 gives the Governor power to make regulations for a variety of purposes. It is obvious that in legislation such as this, various matters must be worked out by regulation. Regulations will be made prescribing the standards of fruit, vegetables or nursery stock and requiring any such products to be graded in accordance with the prescribed standards. The method of marking graded fruit, &c., may be prescribed and the sale of fruit &c., below any prescribed standard may be forbidden. In all these matters it must be borne in mind that before the regulations can apply to any fruit, vegetable or nursery stock, the fruit, vegetable or nursery stock must be proclaimed as one to which the Act applies. These regulations will, of course, be laid before Parliament in the usual manner and will be subject to disallowance by either House. Subclause (2) provides that standards may be fixed with reference to dimensions, shape, weight, flavour, decay, and other qualities. Clause 7 gives an inspector power to enter into premises to examine fruit &c., and, in addition to other general powers enables an inspector to efface false marks placed upon fruit, &e. Clause 8 gives an inspector power to detain fruit, &c., in respect of which a contravention of the Act occurs. In any such case, however, notice is to be given to the owner. Clause 9 makes it an offence for any person to alter grade marks placed on fruit, &c., by an inspector. Clause 10 makes it an offence to obstruct inspectors in the execution of their duties. Clause 11 provides that proceedings for offences are only to be taken by an inspector or a person authorised by the Minister. Clause 12 is a provision frequently inserted in Bills of this nature and provides that where an employee commits an offence without the knowledge or connivance of his employer the employer is not to be convicted of an offence but the employee may be convicted in his stead. The remaining clauses of the Bill deal with machinery and administrative matters and do not require special comment. I move the secondreading.

The Hon. E. W. CASTINE secured the adjournment of the debate.