**DRIED FRUITS BILL 1934**

**House of Assembly, 26 September 1934, pages1249-53**

Second reading

**The Hon. M. McINTOSH (Albert—Minister of Irrigation)—**This is an amending and consolidating Bill. The Dried Fruits Acts of 1924 to 1929 expire on March 31, 1935, and accordingly the question of extending their operation must be considered this session. The simplest way of dealing with the matter would have been to bring down a one clause Bill declaring that the operation of the Acts was extended. The Dried Fruits Board, however, influenced by its experience in litigation arising out of the present Acts and by the legal advice which it had received, asked the Government to bring down a Bill re-enacting the whole of the legislation with some re-arrangements and slight alterations of the provisions.

As members are aware, since the passing of the original Dried Fruits Act of 1924 there has been a certain amount of litigation in connection with the dried fruits scheme. The constitutionality of the Acts has been challenged. The scheme, however, has successfully emerged from the scrutiny of the courts and on the decisions of the High Court and the Privy Council given up to the present it is clear that the State Acts and the supplementary Commonwealth legislation are valid and effective.

Mr. Fullagar, K.C., of Melbourne, however, advised the Board that it would be advisable to re-enact the present Acts divided into parts in a more logical way than formerly, so that if in future any provision of the Act should be held to be invalid the invalidity of that provision would not affect the rest of the Act. This is the principal reason why the Government has brought down a Bill incorporating the whole of the legislation. Members will see the reasons for that. If one section is challenged, it would be unfair to regard the whole of the Act as invalid.

Mr. Playford—You mean that if one part is upset the other portion of the Act will still be valid?

The Hon. M. McINTOSH—Yes, that is the scheme in legislation to-day. The Farmers Assistance Act is a case in point. The statement has been made that if one part was invalid it would not affect the validity of the remainder of the Act.

A further reason for doing it is that there are a good many provisions of the 1924 Act which were only required for the inauguration of the dried fruits scheme and, are now fit for repeal. Moreover, there are in the present Acts some minor anomalies of the kind inseparable from experimental legislation and these have been removed. It can be said with confidence that this Bill, while conferring no new powers on the board, except in one or two very minor matters which I shall explain to the House, will facilitate the administration of the dried fruits scheme and be an improvement on the present law. It is to be hoped that members will deal with this Bill on the assumption that it is merely re-enacting the existing scheme which is working satisfactorily; and will, as far as possible, refrain from making any amendments which are likely to embarrass the Dried Fruits Board in carrying on as at present. I will give a short explanation of the Parts of the Bill, calling attention to those matters where an alteration has been made in the present law.

In Part I of the Bill the only matters which require attention are the definitions of “dried fruits,'’ “producer,” and “packing house.” The definition of ***‘ ‘*** dried fruits ’ ***’*** doe3 not go any further than the definition in the old law, but it sets out in detail the dried fruits which are now' covered by the Acts as the result of certain proclamations which have been made, so that the members of the public who have to obey the Bill will more clearly understand the position.

A definition of "producer” in clause 5 has been substituted for the existing definition of “grower.” The persons who are treated as growers under present law are those who actually produce dried fruits by processes of drying, whether they be the actual growers or not. In order, therefore, to accord with the actual facts of the industry it is better to use the term “producer” rather than the term "grower,” and to define a "producer” as a man who dries fruits for sale, whether grown by himself or anyone else. This definition will make no difference to the existing practice of the board, or to the present interpretation of the law. The term "packing house” has been substituted for the term "packing shed” in the present Act as being a more accurate term to define premises where fruit is packed and processed. Previous to 1924 the word “shed” adequately described the premises. In many cases they were just sheds. They are now magnificent factories with up-to-date machinery and cement floors. The fruit is produced under such hygienic conditions that the people who buy the article on the other side of the world know it will keep, and will be true to the grade that it is professed to be. As a dried fruitgrower myself for a number of years, and one who represents the Murray district, I can say that the growers all over the State have received an inestimable amount of benefit from this legislation. When the scheme was first initiated into some of the non-irrigated areas there was a great deal of opposition, but taking it by and large the opposition has decreased to a minimum.

Mr. Crosby—The other side has become more sensible?

The Hon. M. McINTOSH—When it came to bedrock these producers realised that they had derived a great deal of benefit. Reverting to the question of sheds, as compared with packing houses, Waikerie is a case in point. Previously a large number of sheds processed fruit there, but to-day practically the whole of it is processed by one large co-operative store. They bought out the other people. The cost of packing has been reduced enormously and the public are getting a better article and the grower a better price. Part II. of the Bill deals with the constitution of the Dried Fruits Board and contains no alterations of the existing law. Part III sets out all the provisions relating to the registration of producers, dealers and packing houses. In this Part there are two alterations of the present law. The first is in subclause (3) of clause 23. This subclause provides that registration as a dealer shall expire at the end of each year. At present registration remains in force for an unlimited period, but this is inconvenient, since under this system the board gets no information when a person ceases to be a dealer and in consequence its records become out of date. As registration costs nothing it will be no great burden on the public to require that dealers shall register annually.

Another amendment is in subclause (5) of clause 24. This deals with the transfer of the registration of a packing house. The present law is that the registration of a packing house may be transferred in favour of any person. In the Bill the Government has inserted after the words *“*any person” the words “who is capable of carrying on the business of such packing house and willing and able to comply with this Act.” The Dried Fruits Board has asked that these words should be inserted, not with a view to limiting the number of packing houses, but in order to ensure that packing houses shall be transferred only to competent people who are willing to cooperate in the dried fruits marketing scheme. Many of these houses have dehydrator plants and this has been an important factor in the success of fruit packing. I have known of fruit, because of excessive moisture, arriving in England in an unsatisfactory condition. That was to the detriment of the industry. Members will realise that a great deal of harm can be done to the dried fruits trade by bad work in packing houses in the way of grading and packing dried fruits.

Clause 25 contains a new provision in subclause (2). This subclause permits the board to grant registration of a packing house on condition that the house be used for treating certain defined fruits only. This provision is really for the purpose of liberalising the operation of the present law. At present registration entitles a packing house to deal with all kinds of dried fruits. The policy laid down for Australia by the Development and Migration Commission and followed by the various boards has been not to increase the number of packing houses. The board desires to continue to adhere to this policy but, at the same time, to allow certain growers of dried fruits, particularly prunes, who have special facilities for dealing with these fruits, to pack them on their premises without setting up packing houses to deal with dried fruits generally. For this purpose the Bill includes a power for the board to grant limited registration to packing houses.

The Hon. E. S. Richards—Has there been a request for that amendment?

The Hon. M. McINTOSH—Yes.

The Hon. R. S. Richards—We have had about 10 years experience of this legislation, and apparently it has been satisfactory. If there is a departure it should be in respect of all sections.

The Hon. M. McINTOSH—As it is a board of control, the board is not likely to relax in its control. It is only when it is satisfied that it is in the interests of producers that the board will allow any liberalisation of existing conditions. I do not think we have any fear that the board will change its policy. Part IV. sets out the substance of the present law as to the promulgation and observance of a quota for dried fruits sold within the State. This Part does not alter the law, but merely states the position more clearly. Part V., which deals with the purchase or compulsory acquisition of dried fruits, is also a re-statement of the existing law. The principal difference is that whereas under the old law this was not a separate Part of the Act, under the Bill these provisions do constitute a separate Part. Part VI., containing miscellaneous provisions, includes only one new matter, and that is in paragraph (c) of clause 33. This clause gives the Governor power to make regulations for the registration, regulation, and inspection of dehydrators. The Dried Fruits Board has asked for this provision, because the present position is somewhat doubtful. These dehydrators are, in fact, subject to inspection and supervision by the board, but doubts have been raised as to whether the language of the present law is apt to cover them. One small amendment is required in clause 22, where the word “grower’' has been inadvertently inserted instead of “producer.” The Bill is commended to the favourable notice of members as being quite a reasonable and moderate one, and is aimed rather at reproducing the law in a more convenient and simple form than in conferring any new powers. The practice has been to extend the Dried Fruits Acts from time to time for varying periods, the last extension being for five years. The

scheme has, however, now become so well established and so generally accepted in the industry that it appears unnecessary to put a time limit on the Bill. Therefore, the Government has not included any provision for this purpose. I do not know that there is any need for much debate on the question. The Bill breaks no new ground, nor enforces any further control or restrictions. I do not know of any measure that this House should

Mr. Playford—Is it socialisation?

The Hon. M. McINTOSH—It has nothing to do with socialisation. It only fixes certain quotas and sets out that the industry must be carried on under hygienic conditions. It does not impose any fixed prices, and it does not nationalise the industry. The measure has been a great factor in making these areas payable. Most of those in the industry are doing reasonably well. I know of no sounder community at present than those engaged in the industry on the well established areas on the top end of the river. Although they are not making a fortune they are making a reasonable living and are meeting their commitments very well indeed. If any evidence is wanted as to what the control has meant one has only to study the financial position of some of these co-operative packing houses. Prior to the enactment of this law they were in a difficult financial position and growers who had received advances had incurred heavy liabilities. Now these packing houses are in a first-class position. Many of them have, at certain periods of the year, funds at their disposal. The price of marketing has been reduced considerably, and the article produced has been improved in quality. It would be a disaster if we did anything to prevent the maintenance of the high standard which has been set for our dried fruits. They have achieved fame on the other side of the world, and that is almost entirely due to our system of packing houses. Members will be glad to hear that for a long time our bulk samples have been bringing a higher price on world markets than the bulk samples of any other country. It is only the very highest grade of hand-picked fruit of other countries that can compete with us in the top grade. The measure has been a success and I ask members to support it. I move the second reading.

The Hon. R. S. RICHARDS secured the adjournment of the debate.