**DRIED FRUITS BILL 1929**

**House of Assembly, 21 August 1929, pages 790-2**

Second reading

**The COMMISSIONER of PUBLIC WORKS -(Hon. M. McIntosh)—**I believe that this measure will commend itself to the House. It is entirely non-political. It may have some opponents on economic grounds, but I cannot conceive of anyone who knows the position as it is declining to accept the recommendations made.

I shall read the Draftsman’s report:—

The principal purpose of this Bill is to provide that the Dried Fruits Act, 1924, and its amendments shall remain in operation until Parliament otherwise provides. While providing for the extension the Government has taken the opportunity to incorporate in the Bill several minor amendments of the Act, which are not aimed at giving the board any substantial additional powers, but rather towards facilitating the working of the existing Acts. Under the existing provisions the Dried Fruits Acts will expire on March 31, 1930. The reasons which have actuated the Government in asking Parliament to continue the operation of the Act are the following:—Firstly, a very large majority of the growers desire that the control shall be continued. Evidence of this is given by the fact that the proprietors of a number of packing sheds have prepared a petition for submission to the Government, asking that the Acts shall remain in operation. The signatures to the petition represent growers who in 1929 produced 77 per cent, of the total fruit packed for the State.

It is a sufficient indication of the desirability of a measure that a petition should be signed by people representing 77 per cent, of the packers. Probably had the petition been more extensively canvassed that number could have been increased. The report states:—

Secondly, the Commonwealth Dried Fruits. Act, which is complementary to the State Act, is in force for an indeterminate period. The Dried Fruits Act in operation in New South Wales is likewise subject to no limitation as to the period of its operation. Further, the existence of the State Board is required since the State Board acts as the prescribed authority for the administration of the Commonwealth Act.

I am informed that Victoria and Western Australia are about to introduce similar legisla­tion. I now come to the other amendments. Clause 4 amends the definitions contained in the principal Act in two respects. One is in regard to the definition of “dealer,” and the report states:—

The definition in the principal Act and its amendment is defective in two main ways. In the first place it is so worded that a grower who sells the whole of his fruit outright to a registered dealer is himself required to register as a dealer. Secondly, any person who buys more than one ton of dried fruits from a registered dealer is also a registered dealer. It is not necessary for the administration of the Act that either of these types of persons should be registered as dealers or be subject to the control which the board exercises over dealers, and therefore a new definition has been sought which more accurately sets out the meaning of the term “dealer”. The following persons are now included in the term: — (a) Any person who buys any dried fruits from a grower; (b) any person who sells any dried fruits on behalf of a grower; and (c) any grower who sells dried fruits to any person other than a registered dealer. In order to prevent evasion of the Act it is also provided that, if a, person who ought to be registered as a dealer, but is not, buys fruits from a grower and resells them, the person who buys the fruit will also be a dealer. The object of these amendments of. the definition of “dealer” is not to widen the scope of the term, but rather to exclude from it persons who should never have been included. The board only desires that the first person who deals with the fruits after they pass from the grower should be registered as a dealer, but does not desire that a person who only handles fruit which has previously passed through the hands of a registered dealer should himself have to register as a dealer.

The provision to be made does not widen, but makes clear, the definition of “dealer” and includes bona fide growers who were previously comprised in the term. The other definition to be amended is in respect of “export parity price.” The report states:—

The Act provides that when any dried fruits have been acquired by the Minister the price to be paid for it is export parity price. The term “export parity price” as at present defined is interpreted to mean the London price of dried fruits at the time when the fruits are acquired. As, however, the fruits cannot be sold until some weeks subsequent to the acqusition a fair price to pay is that ruling at the time of sale. The definition, therefore, provides, that the export parity price to which a person whose fruits have been acquired is entitled shall be the export parity price existing at the time when the fruits are actually sold.

The amendment to be made makes it clear that export parity price shall be the price ruling when the fruit is normally put on the market. Clause 5 alters the method of collecting the annual levy on dried fruits. Under section 18 of the principal Act the levy is payable by the grower. There are in the State over 2,000 growers, whereas there are only 45 packing sheds and less than 20 dealers. It is obvious, therefore, that it is a much simpler matter to collect the levy from the packers or the dealers than from the growers. As a matter of fact, the board has, under an arrangement with the dealers, collected from them the levy which, strictly speaking, should be paid by the grower. It is proposed by the amendment to permit this practice to take place in future under the sanction of the law. The amending clause provides that the levy on dried fruits shall be payable by the packer unless the board, in its discretion, elects to collect the levy from the dealer or the grower.  *“*Packer” is defined to mean the person who registered the packing shed in which the fruits are processed. The packing sheds are agreeable that they should be the persons to pay the levy. Clause 6 is inserted to allow to dealers more freedom in disposing of fruit than they have under the present law. At present the board makes determinations limiting the amount of each year’s crop of fruit which may be sold in Australia, and these determinations are equally binding on everybody. It happens, however, occasionally that a dealer cannot dispose of his full quota in the Australian market in any year and desires to export more , than he is obliged to do. In such a case it is desirable that the board should be empowered to allow a. dealer who has sold less than his quota in Australia in one year to exceed his quota by a; similar amount in the subsequent year, and clause 6 will enable this to-be done. The board has asked for this power. Presumably it is one which the members of the board are in common agreement upon, and the board, as honorable members know, represents the growers to a very large extent.

The Hon. T. Butterfield—Who is the present chairman ?

The COMMISSIONER of PUBLIC WORKS —Mr. Pope, by virtue of the fact that he is the Government nominee on the board. Clause 7 increases the penalty for using an unregistered packing shed. At present the maximum penalty, is £2 per day, which is so low that it does not act as a deterrent. It is proposed, therefore, to fix a maximum penalty of £100 for the offence in question. I ask the House not to regard that as a vindictive penalty. There are at the- present time very few people who are disposed to disregard the Act, but there are one or two notorious exceptions. Those persons are packing in sheds which are not designed to produce the best class of fruit, as the packing is not done under the most hygienic conditions. A penalty of £2 a day during the short period, of packing is so nominal that it does not deter them, so the board wants some real power. The remedy, so far as the offenders are con­cerned, is that they can bring their sheds up to such a state of efficiency that they can obtain registration or otherwise get the approval of the board that they should pack. Clause 8 gives the Dried Fruits Board power to refuse to renew the registration of a packing shed. The board may refuse to register a packing shed in the first instance, and it was thought that the board also had power to refuse renewal of registration, but the Full Court has recently decided otherwise. It is necessary that the board should have this power, in order to prevent evasions of the Act. It is rather an anomalous position that a person once having the registration can, we are advised, continue to have it, and we have not the power of cancellation to the extent that was asked. Therefore, the board now desires to have the power to refuse a renewal of registration. We could cancel under certain conditions, but as in the case of a hotel licence, these licences should be subject to renewal, and it was for the purpose of giving the board that power that provision is made in the Bill. I would like members to be assured, despite any opinion there may be to the contrary, that this measure is fully warranted. I say that as a representative of one of the largest districts where the dried fruits industry is conducted, and as one who has had some experience on the commercial side in the sale of the product, also as a grower, and I ask the House to believe that the Bill is mainly in the interest of those who are principally concerned in the marketing and export of dried fruits. Therefore, I hope that it will receive favorable consideration.

Mr. R. S. RICHARDS secured the adjournment of the debate until August 22.