**GARDEN PRODUCE (REGULATION OF DELIVERY) BILL 1967**

**LEGISLATIVE COUNCIL, 14 MARCH 1967, PAGE 3591**

**Second reading**

The Hon. S. C. BEVAN (Minister of Local Government): I move:

*That this Bill be now read a second time.*

Its purpose is to control the times of delivery within a prescribed portion of the metropolitan area of fruit and vegetables which have been purchased by wholesale. At present it is only possible to control deliveries within the limits of the East End Market as prescribed by the East End Market Act, 1872. The East End Market premises are controlled by the East End Market Company Limited and the Adelaide Fruit and Produce Exchange Company Limited, who have the power to make by-laws regulation the activities on these premises. However, in recent years, regular purchasers of market produce by wholesale have been operating just outside the prescribed East End Market area and are therefore not regulated by the by-laws made by the two market companies. They have begun conducting business much earlier than the official time prescribed for opening the East End Market by the two market companies. This has made it necessary for the tenants of the East End market to commence business earlier than the official time prescribed in order to be able to compete with traders outside the East End Market area. Any attempt by the two market companies to enforce the official market starting time would only result in tenants leaving the market area and setting up business nearby. As a result, conditions at the East End Market have become chaotic and the stability of the industry is in danger.

This Bill has been prepared after discussion with representatives of the fruit and vegetable industry and has the support of the whole industry. Its provisions give the Minister power to control the time of delivery on any particular day within a particular portion of the metropolitan area of fruit and vegetables to persons who have purchased them by wholesale. I shall now deal with the clauses individually.

Clause 2 contains the necessary definitions for interpreting the legislation. These are self-explanatory. Clause 3 contains a prohibition for any person to deliver garden produce at a place within a prescribed area on any day before the time prescribed for the day to any person who has purchased the same by wholesale. A penalty of $100 is provided for any offender against this prohibition. Clause 4 sets out the method by which an area becomes a prescribed area. The Governor must by regulation prescribe an area within a 25-mile radius of the General Post Office to be a prescribed area not less than seven days after that regulation takes effect. In a similar way the Governor may subsequently prescribe that any prescribed area or any part of a prescribed area shall cease to be a prescribed area from a day fixed in the regulation.

Clause 5 sets out the method by which a time becomes a prescribed time for a particular day. The procedure is that the Minister must publish a notice both in the *Gazette* and in a daily newspaper declaring that from a certain day, being a day not earlier than seven days after the notice appears in the *Gazette* and in the daily newspaper, a certain time shall be the prescribed time for a particular day. Different times may be prescribed times for different days of the week. By a subsequent notice also published in the *Gazette* and a daily newspaper, the Minister may vary the time previously prescribed for a particular day and declare that from a certain future day at least seven days after the publication of the notice in the *Gazette* and a daily newspaper a different time shall be the prescribed time for that day. Clause 6 provides for summary disposal of all proceedings for offences against clause 3 and provides that proceedings shall not be commenced without the consent of the Minister. Clause 7 is a simple provision giving power to make regulations for the purpose of the Bill. I commend the Bill to honourable members.

The Hon. C. R. STORY (Midland): In rising to discuss this Bill I mention that I am aware of the keenness of the Chief Secretary to continue with it immediately, and perhaps obviate the necessity for a few extra hours of sitting at night. The East End Market is unique in South Australia. It is an old organisation and we have learned to live with it. Whether we, as producers, have liked it or not is another matter. It is an instrumentality run under certain bush rules worked out over many years in an effort to make it possible for the market to function. In recent years certain by-law-making powers were granted the two companies operating at the market.

At first glance the Bill is a socialistic piece of legislation, and the Minister will be granted the right to fix any area within 25 miles of the General Post Office as a prescribed area. In any part of that area the Minister may by regulation prohibit the action of any producer in disposing of his goods on a wholesale basis.

The Hon. Sir Norman Jude: Does the honourable member think that this would be a restrictive trade practice?

The Hon. C. R. STORY: I am not sure about that; I do not think it would be because I do not think such a restriction would apply to a Government. What does disturb me is that this measure could channel most of the trading of fruit and vegetables through the agents of the East End Market. The powers granted to make regulations will enable the Minister to make it impossible for any transaction to take place on a wholesale basis anywhere within 25 miles of the General Post Office. Therefore, it is probable that the places prescribed for business will be within the exact precincts of the East End Market.

The Hon. C. M. Hill: Isn’t that the only place where the trouble is occurring? Why is there a limit of 25 miles?

The Hon. C. R. STORY: I would not say that it is the only place because at present I do not think it interferes with the market except that the merchants are not getting the commission on the produce being sold. Many producers are selling wholesale to chain store organisations and arranging for delivery at Enfield, Marion and other places. That does not interfere with the market, but what is proposed in this measure is that no transactions shall take place before a prescribed time – I think the suggestion was 7 a.m. My experience is that at 7 a.m. people should be going home to breakfast from the market and not starting work. One of the great advantages of the early opening of the market is that people may pick up a load of fruit in an area, transfer it in the cool of the night and dispose of it early next morning so that it may be in a greengrocer’s shop as fresh fruit ready for sale to the housewife. If operations are not to commence before 7 a.m. it seems to me that it will be too late. I do not know how the stallholders in the Central Market will get on because they normally like to have their stands full and ready for operation at that time.

The Hon C. M. Hill: One stallholder has a girl working at 6.30 a.m. in order to serve shift workers.

The Hon. C. R. STORY: I imagine that would be so. The early bird catches the worm. The Minister has power to make regulations but we cannot hazard a guess at what they might be. I am pointing out some of the difficulties that could arise if the regulations are not correctly drawn. Parliament has the right to deal with the regulations and I promise the Minister that if such regulations are not in the best interests of the industry generally, including the housewife, I will not allow them to pass. The Bill provides that “prescribed area” means an area that by virtue of section 4 of this Act and the regulations is for the time being a prescribed area for the purposes of the Act. This could be any area within 25 miles of the G.P.O. If this were applied to the whole area within a circle around the city, no wholesale business could take place in that area, but beyond Gawler and Two Wells there would be no restriction.

The Hon. Sir Norman Jude: If a person at Gawler were prevented from selling, would it not be a restrictive trade practice on the individual?

The Hon. C. R. STORY: I think so. The purpose of the Bill is not clear, and I should like to have much more information from the Minister before I go along with it. He has said that this measure has the blessing of the Fruitgrowers and Market Gardeners Association and the Citrus Organization Committee. I have been in touch with the Secretary of the former and I know that his organisation is happy about the legislation, and the latter, although not vitally interested, is an interested party. However, I want to know from the Minister whether there is anything hidden in this matter, because I suspect there are certain aspects in which the regulations will have to effect of altering vastly the operation of the wholesale fruit trade in Adelaide. I know this relates only to the commencing time of the wholesale market, but if a blanket provision applied to the whole of the metropolitan area it will have the effect of causing all fruit and vegetables to be brought to one point. The thing that worries me is that a monopoly could be created.

The Hon. S. C. Bevan: It is only within a prescribed area.

The Hon. C. R. STORY: Yes, a prescribed area is set out, and a prescribed time is also set out: clauses 3 to 5 deal with these matters. I want to be sure that this is just a matter of prescribing an area adjacent to the East End Market so that other people will not be in open competition with stallholders and agents, who pay dues to the City Council and rates and taxes. The same problems are experiences with itinerant hawkers who come to country towns and sell in competition with the man living in the area. However, I object to anything that would preclude the practice of delivering goods before 7 a.m. in outer suburbs to various wholesalers, as that would be too restrictive.

If this is merely to relate to the East End Market, I do not object to it, but I shall have to be assured by seeing the regulations that we are not creating a great monopoly for the merchants of the Adelaide market. I have lived all my life in association with them and I know that are powerful people. The Secretary of the Fruitgrowers and Market Gardeners Association, whom I respect, has said that this is the first move in an effort to bring some law and order to what is happening outside the market now. This is the first of a number of reforms, which I hope will be for the better, in relation to the set-up of the sale of garden produce. However, the suggested time of 7 a.m. it too late-it should be no later than 6 a.m. I think that one can now get into the market at 4.30 a.m.

The Hon. A. J. Shard: You can get there before then.

The Hon. C. R. STORY: I think 7 o’clock is too late; it is almost reaching the stage of being a 9 a.m. to 5 p.m. set-up, which we do not want for perishables.

The Hon. S. C. Bevan: The Bill does not say anything about 7 o’clock.

The Hon. C. R. STORY: No, but I have read, perhaps in the proceedings of another place, that that is the time suggested.

The Hon. S. C. Bevan: A suggestion was made in another place that the time would be 7 o’clock, but this has to be determined by the Minister.

The Hon. C. R. STORY: Then that is all the more reason why I should speak on this aspect. If the matter has not been resolved, I suggest 5 o’clock. I am prepared to support the second reading so that in Committee I can discuss some of the more intricate provisions. Also, I should be interested to see the regulations when they are introduced. I acknowledge that the market is in a chaotic condition and that something should be done, but I do not know that this is the answer.

The Hon. C. M. HILL secured the adjournment of the debate.