**FRUIT CASES BILL 1949**

**Legislative Assembly, 23 August 1949, pages 381-2**

Second reading

**The Hon. Sir GEORGE JENKINS—(New­castle—Minister of Agriculture)—**The object of this Bill is to alleviate in some measure the shortage of cases for the packing of fruit and vegetables. The information received by the Government shows that this shortage is now most acute and is a matter of grave concern to those engaged in the production and sale of' fruit and vegetables. Representations have been made to the Government by the Australian. Vegetable Grower’s Federation, the South Australian Fruitgrowers and Market Gardeners Association and the Australian Primary Producers Union, asking that legislative action, shall be taken to increase the supplies of cases available for the fruit and vegetable industry. In the opinion of the Government, the shortage is due to the following factors:—

(a) Short supply of new cases.

(b) Export of a proportion of new and re-conditioned cases to other States and countries.

c) Failure of retailers, and householders to return cases to circulation

(d) Destruction of cases for kindling,

(e) Use of second-hand cases for packing goods other than fruit and vegetables.

It will be seen that some of these causes of shortage cannot be cured by legislation, but some can. In particular it is possible by legislation to prevent the destruction of fruit cases and their use for purposes other than packing of fruit and vegetables. The Bill has been drawn upon these lines.

Clause 2 and the schedule indicate the fruit cases to which the Bill applies. These are the bushel case, the half-bushel case, the Canadian standard case, and the tropical fruit case, the dimensions of which are set out in the schedule. Clause 3 prohibits the use of fruit cases for a purpose other than the containing of fruit and vegetables, and the damaging or destruction of a fruit case. The penalty for contravention of the section is a fine of not more than £20. Clause 4 provides that the Minister may grant exemptions. An exemption may be granted on conditions and breach of a condition will be an offence. Clause 5 provides that general or limited regulations may be made specifying what are in effect exemptions from the Act. The Government cannot at present foresee that any such exemptions will be required in the near future, but as time goes on it may be necessary to relax the stringency of the Bill.

Clause 6 sets out that if a defendant relies on an exemption from the Act as a defence to a charge, he must prove the exemption. Clause 7 provides that persons authorized by the Minister of Agriculture may make inspections for the purpose of ascertaining whether the Act has been complied with. Clause 8 contains the usual provision as to making regulations necessary or convenient for the administration of the Act.

For many years there has been a serious shortage of fruit cases in South Australia, and requests have been made to the Minister from time to time by users of fruit cases, such as the Fruit Growers and Market Gardeners Association, for legislation to deal with the matter, and much more stringent legislation than this has been suggested. The Government, however, felt it was not desirable to bring in legislation embodied in the Queensland Fruit Cases Act, for example, but that the simplest possible measure should be introduced, such as was in vogue under Commonwealth regulations during the war period. Accordingly, this Bill has been drafted almost exactly on the lines of those regulations. The Forestry Department is inundated with requests for further supplies of timber by people desirous of making cases. Where we do supply timber to case makers it is on condition that the cases are sold in South Australia, but notwithstanding that there has been a most serious shortage. The legislation has been designed for the purpose of giving some relief in that direction and in the hope that it will enable the fruit and vegetable trade to catch up with the shortage. I move the second reading.

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