**MARKET CLAUSES BILL 1870**

**House of Assembly, 24 August 1870, pages 582-4**

Second reading

**Mr. HAY,** in moving the second reading of this Bill, said he had before detailed pretty fully its provisions. He was satisfied the more it was looked into by the parties concerned, the less opposition would be shown to it . A memorial had been presented that day from the Corporation of the City of Adelaide, asking that it might be referred to a Select Committee for enquiry into its provisions, and he should not object to that being done after the second reading. This Bill was not for the benefit of one particular party, but simply to give facilities to trade. (Oh and Hear.) The time had passed for upholding monopolies. The desire all over the world now was to do away with them, and no Corporation should attempt to gain a monopoly to the disadvantage of the general public. In England in 1847 a Bill similar to this, the provisions of which were included in every Special Market Act, was passed, and had not been altered; and now any person in any part of Great Britain, if he purchased and, could obtain a Bill to carry on a market, if he could do it cheaper than a Corporation could. If a person could serve the public better than the Corporation, no hindrance should be put in his way. A good deal had been said about this Bill having been introduced for one particular individual. It was not so. One particular individual had established a market by his own private enterprise and his own capital. The Corporation, although they had made several attempts before then, established a market to compete with it. There was no harm in doing that, but an attempt was made to put a stop to the private market. One or two members of the Corporation went to it and tried to make people believe that they were acting illegally, and people did not like that even though they might not be doing wrong. In the former Bill which he introduced it was provided that any errors or omissions in special Act might be corrected by Justices: but as that had been objected to, in this Bill he had provided that the Governor in Council should make corrections only as to the statement of land, not as to taking any other. Clause 11 provided that the undertakers for the market should make good any damage done by them in the exercise of the powers they possessed. In the former Bill a clause copied from the English Act gave power to the undertakers to appoint their own Inspectors of Weights and Measures and Food; but as objection was taken to that he had put in this Bill, so that there might be no clashing, that where a market was established and the Corporation or Police Acts were not put in force, the proprietor of the market might have power to appoint his own Inspector to prevent wrong weights and measures being used, or unwholesome meat being exposed for sale in it, so that the Corporation and Police would still have power to appoint their Inspectors. Clause 49 provided that Corporations might have power without coming to the House to establish markets by proclamation; and the last clause was that nothing in the Act should be deemed to affect any market heretofore established by the Corporation of the City of Adelaide. The only object of the Bill was to prevent a monopoly. It might be that the Corporation had established a market in the city which was inconveniently situated for a large number of citizens; and if a person was to establish a market in a better situation, where people would be better served, they should allow in to do so. If the second reading was carried, he should have no objection to comply with the desire of the Corporation of Adelaide

The ATTORNEY -GENERAL (Hon. R. C. Baker) said the Government had not intended to oppose a second reading of the Bill that day. Objections which they might have had were removed by the hon. member’s willingness that it should be referred to a Select Committee. But he would point out one objection, which if not removed in Committee the Government would feel bound to vote against the third reading; that was if some provision was not inserted expressly setting forth the legality of Inspectors appointed by District Councils and Corporations being allowed to inspect in the markets. (Mr. Hay —“Hear, hear.”) Clause 48 contradicted the rest of the Bill, and clause 47 was inconsistent with it. That provided that the present Market Acts should be repealed, but the 1st clause said that the Bill should only apply to markets hereafter to be authorized by Act of Parliament. If that was to be the case markets already established would be without any Act at all. The clause would therefore have to be altered, to say that the Act should not affect markets already established by Act. The 1st clause said that this Act should only extend to markets authorized by special Act. But clause 48 stated that notwithstanding the provisions of any law in force, no person resorting to any market now carried on should suffer certain penalties, which was a direct contradiction of the other. It had been asserted by certain people that this Act was to legalize Vaughan’s market; but it was nothing of the sort, and, like the Lands Clauses Consolidation Act and Railway Clauses Consolidation Act, would have no effect whatever until a special Act was passed. That Act would be a private one, the plans would have to be sent to the Surveyor-General, notice would have to be given to all parties whose land was taken, the Bill would have to be referred to a Select Committee, and all these people would have an opportunity of appearing before it, so that there was no reason to say that this Bill took away persons’ land without their permission.

Mr. PEARCE supported the second reading. He pointed out that clauses 33 and 34 provided that the undertakers should have a power which was not at present granted even to Corporations and District Councils. They had to make By-laws and lay them for 14 days on the table of the House before they went before the Governor, whereas these clauses provided that the undertakers should have power to make By-laws without reference to the Governor. He thought these, with clause 50, needed amending, to guard against the imposition of such By-laws as might be oppressive.

Mr. WARD should not object to the second reading of the Bill, if it was understood that it was to be referred to a Select Committee afterwards; but otherwise he should, for he considered it was very arbitrary, and interfered in an improper manner with the legitimate rights of the City of Adelaide. Clause 13 gave absolute authority to the three undertakers under this Bill; clause 16 allowed them to provide weights and measures without any controlling power being given to the Corporation for inspection ; and clause 31 gave them greater power with reference to the declaration of By-laws than was possessed by the Corporation of Adelaide. Clause 48 gave a great monopoly to the undertakers, and in the 50th clause he should move to insert that the Act should not only apply to markets heretofore established by the Corporation of Adelaide, but to markets hereafter established.

Mr. COGLIN believed another hon. member for the City was going to move that the Bill be referred to a Select Committee, so it was useless for him to detain the House.

Mr. PLAYFORD supported the second reading, had no objection to the Bill being referred to a Select Committee; but he hoped the House would not merely take into consideration the Corporation of Adelaide, but also those individuals who supplied the citizens with the provisions they required. He believed sufficient evidence would be given to show the necessity for this measure passing. Having been a market gardener for many years, he was personally acquainted with all the circumstances of the case, and had there been any strenuous opposition he should have been prepared to have gone into it.

Mr. DARLING said he should not oppose the second reading of the Bill, but if it was carried he intended to move that the Bill be referred to a Select Committee. He thought the power granted to the Corporation of Adelaide and other Corporations for the establishment of markets was sufficient for present requirements. (Hear, hear, and No.) He was satisfied that' the Corporation desired even-handed justice. (Mr. Hay—“Hear hear.”) If he thought there was any intention to crush Mr. Vaughan, who deserved great credit for the energetic way in which he had established and conducted his market, he should certainly vote for the second reading and oppose any Committee, but he felt the Corporation only desired justice to Mr. Vaughan and the citizens at large.

The motion was carried, and the Bill read a second time.