# CANNED FRUITS MARKETING BILL 1980

## **LEGISLATIVE COUNCIL, 4 March 1980, pages 1355-1356**

## Second Reading

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time. It is complementary to legislation introduced into the Commonwealth, Victorian, New South Wales and Queensland Parliaments for the purpose of setting up a marketing scheme for canned apricots, peaches and pears produced in Australia.

The canned fruits industry is an important horticultural undertaking. It provides the basic economic and social foundation of the population in many areas of the country, including the Riverland region of this State. However, the industry has been experiencing serious difficulties for a number of years, resulting from a variety of factors, principally excess capacity, increasing costs and depressed international marketing conditions. It is now convinced that a statutory marketing scheme is necessary, and the arrangements of which this proposed legislation forms a part have the support of the growing and canning sectors of the industry in the principal growing areas of the country. The Commonwealth legislation establishes the Australian Canned Fruits Corporation which will replace the Australian Canned Fruits Board and which will manage the marketing of the canned fruits.

The scheme operates with the corporation estimating the amount of canned fruits that may be sold during the next year in the most profitable world markets, which the scheme terms "the equalisation market". Quotas are allocated to the canners and the canned fruits produced to fulfil the quotas become the property of the corporation. The canned fruits are sold in the equalisation market and the proceeds are distributed equally to the canners subject to premiums being allowed for certain kinds of canned fruits. It is a major objective of the scheme that, with better marketing arrangements and funding, payments by canners to growers for their fruit will show a considerable improvement both in respect to earlier payments and increased returns. A Commonwealth levy on all canned fruits will finance the administrative costs of the corporation. The object of this Bill is to provide for the scheme to operate in relation to canned fruits produced in South Australia. I seek leave to have the explanation of the clauses inserted in Hansard without my reading it.

Leave granted.

**Explanation of Clauses**

Clauses 1, 2 and 3 are formal. Clause 4 defines certain expressions employed in the proposed Act. Clause 5 provides that the Act is to apply subject to the Constitution Act of the Commonwealth. Clause 6 enumerates the powers of the corporation, limits the power of the corporation to purchase property for an amount exceeding $100 000, and requires the corporation to insure canned fruits acquired by it.

Clause 7 requires the corporation to comply with any directions which may be given to it by the Commonwealth Minister who is administering the complementary Commonwealth legislation. Clause 8 permits the corporation to market the canned fruits through agents. Clause 9 provides that the corporation acquires canned fruits when a canner sets canned fruits aside for that purpose, whether or not the canner has been required to do so by the corporation, and that the canner is required to notify the corporation that he has so set aside the canned fruits. Clause 10 allows the corporation, when canned fruits become or are unfit for human consumption, to serve on a canner a notice to that effect.

Clause 11 prohibits a canner dealing with canned fruits without the consent of the corporation. Clause 12 provides for the fixing by the corporation of an insurance reimbursement rate to cover the cost of insurance of the canned fruits. Clause 13 requires the proceeds of the disposal of canned fruits in the equalisation market to be paid into a special account known as an equalisation pool, and specifies the procedure for determining the amount of the payments that may be made from that account in respect of the canned fruits.

Clause 14 provides for payment by the corporation of proceeds of the disposal of canned fruits other than in the equalisation market. Clause 15 deals with the person entitled to payment for canned fruits acquired by the corporation other than by purchase, and clause 16 deals with the person entitled to payment for canned fruits purchased by the corporation.

Clause 17 makes provision as to when the corporation must pay for canned fruits acquired by it and permits the corporation to make advance payments to a canner until that time. Clause 18 empowers the corporation to require a person to supply information relating to canned fruits and imposes a penalty for the supply of false or misleading information. Clause 19 permits the corporation to delegate its powers and clause 20 provides that a member of the corporation is indemnified for acts of the corporation.

Clause 21 enables the Australian Canned Fruits Industry Advisory Committee established under the complementary Commonwealth legislation to give advice to the corporation, and clause 22 requires a person to exercise proper care in relation to canned fruits which are the property of the corporation. Clause 23 provides for the authorisation by the corporation or its Chairman of a person who may enter premises, by permission of the occupier or by warrant, for the purpose of inspecting or taking away canned fruits or books, documents or papers relating to those canned fruits. Clause 24 provides that offences constituted under the new Act are to be dealt with summarily. Clause 25 allows the Governor to make regulations for the purposes of the proposed Act.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.