**CHAFF AND HAY (ACQUISITION) BILL 1944**

**Legislative Assembly, 21 September 1944, pages 392-4**

Second reading

A message was received from His Excellency the Lieutenant-Governor recommending the appropriation of moneys borrowed by the Treas­urer to serve the provisions of the Chaff and Hay (Acquisition) Bill, 1944, as required for the purposes mentioned in the Bill.

Mr. THOMPSON (Semaphore)—On a point of order, Mr. Speaker, I understand that it is the usual practice, when a Bill is to be discussed, to place a copy on members’ files. That has not yet been done, and members have not had an opportunity to see the provisions of the Bill. I object to the Minister of Agriculture proceeding with the second reading until the Bill is placed on the files.

(At this stage copies of the Bill were distributed to members by the House Messenger.)

The SPEAKER—When the Bill was introduced by the Minister a motion was carried that it be printed. The member for Semaphore is in order. When copies of the Bill are printed the practice is to distribute them to hon. members and it is invariably done before the Minister makes a speech on the measure. I understand that that omission has now been corrected.

**The Hon. G. P. JENKINS (Newcastle— Minister of Agriculture)—**Yesterday I laid the Bill on the table of the House and I understand that printed copies of it have just been received from the Government Printing Office. The House Messenger was in the act of distributing those copies when Mr. Thompson registered his protest. I did not intend any discourtesy to members and sent a copy of the Bill to the Leader of the Opposition before making my second reading speech so that he could acquaint himself with its provisions. During my Parliamentary career there is no measure which I have introduced with greater regret than the one now before the House. The occasion which has warranted the introduction of the Bill is one which will give no pleasure to any member of the House or anybody in the community. The necessity for it arises, as every member is probably aware, because of effects of the disastrous drought which we are experiencing in this State. It has become necessary to introduce the legislation in order to ensure, as far as possible, that sufficient quantities of hay shall be cut during the forthcoming season and that chaff shall be rationed so that people who are most in need of supplies will receive their fair and equitable proportion. There are few areas in South Australia where anything approaching an adequate quantity of hay can be cut. The areas from which it appears we shall be most likely to cut hay are not usually looked upon as hay growing districts and are farthest from the chaff cutting areas of the State, necessitating a lot of transport. Sea transport will be required to bring a considerable quantity of fodder from Eyre Peninsula where, fortunately, in some of the better rainfall districts, there are prospects of a considerable hay cut. Another area where there are good prospects is Yorke Peninsula. Farmers there do not usually cut their crops for hay and consequently we shall have to see that, as far as possible, adequate supplies are made available in order to overcome the State’s serious fodder shortage.

The importation of chaff from Tasmania, which was undertaken by the Government, has not been without difficulty because, although we purchased about 3,000 tons from that State, it was not possible to get it just as we required it. Difficulties associated with shipping play a part in the obtaining of transport under existing conditions. The shipping authorities assisted the Government to the best of their ability to provide prompt transport, but unfortunately, when the chaff was arriving here, there was such a tremendous demand for it that the quantity required had to be rationed to approximately 40 per cent of the quantities people were asking for. That caused a lot of dissatisfaction. We had to give some priority in respect of orders as they were received. In some instances, where orders had been received a week or two before the chaff arrived and the people who had ordered could not get it because others were in greater need, they considered they were not getting a fair deal, but I assure the House that the Chaff and Fodder Pool, which has been established on a voluntary basis has done its best to meet the position.

Mr. O’Halloran—Are the needs of different cases determined when considering priorities?

The Hon. G. P. JENKINS—To some degree, yes. First priority has been given for dairy cattle and the next for working horses. In some places, as on stations, saddle horses are the working horses.

Mr. O’Halloran—And they are very essential too.

The Hon. G. F. JENKINS—Yes. I believe that a certain amount of black marketing and under-the-lap dealings in chaff have taken place in the metropolitan area. Reports have reached the Chaff and Fodder Pool of people who have been selling chaff for as much as £1 a bag. Chaff dealers who are known to the pool not to have played the game have been completely cut out by the pool and have been refused further supplies. Any merchant or dealer who is known not to be playing the game cannot expect to be treated with the same liberality as people who play the game.

Mr. Shard—I agree, but the customers of those dealers or merchants are not to blame and are entitled to protection. What have you done to protect their customers?

The Hon. G. P. JENKINS—They will have to make a claim through another dealer or merchant.

Mr. Shard—You are not meeting with success that way.

The Hon. G. P. JENKINS—The hon. member will appreciate that when we set up an organization with small staff at its disposal to handle a new scheme, many difficulties must arise in dealing with hundreds of people seeking supplies of chaff. Requests for chaff have been received, not only from drought-stricken areas of the State and the metropolitan area, but from some of our best districts. When I state that frantic requests have been received from such localities as Bordertown, Clarendon, and Kangarilla—some of our best grazing areas—members will appreciate how widespread has been the demand. They will appreciate, too, how short for a while were our reserves of fodder to supply the needs of people who use working horses and make their living from dairy cows. A committee to deal with a job of this kind cannot be expected to get a grip of all the ramifications in a few days and satisfy everybody who wants supplies. I wish particularly to commend Mr. Modra (chairman of the Chaff Merchants’ Association), and Mr. Lee (secretary), who have been working very hard and entirely on a voluntary basis. They have not asked for a penny from the Govern­ment for their work.

The purpose of this Bill is to provide the powers necessary to enable the government to acquire supplies of chaff: and hay in order to meet the requirements of primary producers in drought-affected areas of the State. Because of drought conditions many primary producers are unable to obtain supplies of chaff and hay and, in order to relieve the position, the Government has, in anticipation of Parliamentary approval, already placed orders in Tasmania for the delivery of 3,200 tons of chaff and is negotiating for the supply of further large quantities.

So far as supplies within the State are concerned, the Government has been informed that some persons are holding surplus stocks of chaff and hay but are not disposed to sell. The Government considers that; in order to meet this position, it should be given power to acquire surplus stocks of chaff and hay with a view to making them available to people who are in urgent need of fodder for their stock. Power to requisition fodder is already contained in the National Security (Food Control) Regulations of the Commonwealth, and it would be competent for the Commonwealth authorities to requisition chaff and hay.

The Government has been in communication with the Commonwealth, and the Commonwealth is prepared, if necessary, to delegate to a South Australian Minister the powers conferred by these regulations. The Government, however, feels that it would be preferable for the State to enact its own legislation with respect to this matter and not act under the Commonwealth regulations. It will be remembered that in 1914 somewhat similar legislation was considered necessary and enacted in the Grain and Fodder Act, 1914. The Bill now under consideration is in some respects similar to that legislation.

It is provided by the Bill that a committee is to be set up which will consist of four members and will be called the Chaff and Hay Acquisition Committee. Members will be appointed by the Governor on the recommendation of the Minister. Under clause 4 the committee is given power to acquire any chaff or hay within the State or any standing crop within the State which is capable of being harvested as hay. These powers, however, cannot be exercised after September 30, 1945. Clause 5 deals with the manner of acquisition. The commodities in question may be acquired either by purchase or by giving notice to the owner or the person in occupation of the land on which they are situated, that it is the intention of the committee to acquire the chaff, hay, or standing crop, and thereupon the property in the chaff, hay, or crop will vest in the committee. It is provided by clause 6, however, that the committee is not to acquire, other than by purchase, chaff, hay, or standing crops from any primary producer if it is satisfied that the primary producer has not fodder supplies sufficient for the needs of his stock for the next 12 months. It will thus follow that the committee cannot requisition chaff or hay from a primary producer unless he has surplus fodder over and above that sufficient for more than 12 months food for his stock.

Clause 7 provides that when chaff, hay, or a standing crop is acquired, it is to be taken by the committee free from all interests therein and all such interests will be converted into claims for compensation. Failing agreement, the amount of compensation which will be paid will be determined by action in a court, and, in determining the amount of compensation, the court is to assess the value of the chaff, hay, or standing crop at the time it is acquired and having regard to the provisions of any order or regulation of the Commonwealth fixing the price of chaff, hay, or standing crops. The maximum prices of chaff and hay have been fixed by the Prices Commissioner, and the effect of this provision will, therefore, be that in assessing the value of all fodder taken the maximum price must be taken into account, having regard to the quality of the fodder taken and any other relevant considerations.

Clause 8 authorizes the committee to purchase chaff or hay outside the State, and in this case also it is provided that the committee can exercise its power only up to September 30, 1945. I am not expecting that it will be necessary in many instances for court action to fix the price, because the Common­wealth Government has already fixed the price of hay. Obviously no one will sell hay to the committee at a price lower than that fixed.

Mr. Stott—If the committee purchased chaff outside the State at £10 a ton and the local price was £6 15s., who would make up the difference?

The Hon. G. P. JENKINS—We are already purchasing chaff outside South Australia at a cost of approximately £10 12s. 6d. a ton landed in Adelaide. The Prices Commissioner is subsidizing the freight so that it can be sold at the same price in South Australia as that charged for local cut chaff. The Prices Commissioner determines that question.

Clause 9 authorizes the committee to harvest any standing crop acquired by it, and clause 10 provides that the committee may, on such terms and conditions as are prescribed by regulation, sell chaff or hay to any person. Clause 10 gives the committee the necessary power to enter land for the purpose of carrying out the provisions of the Bill, and clause 12 gives general power to the committee to do all things necessary to protect the property acquired by it, including power to insure. Clause I3 authorizes the Treasurer to borrow £200,000 for the purpose of carrying out the provisions of the Bill, and it is provided by that clause that this amount is to be appropriated for the purposes of the Bill. Clause 14 provides that legal proceedings may be taken by or against the committee in the name of the committee. The clause provides that the Treasurer is to satisfy any judgments given against the committee and protects the individual members of the committee from personal liability.

Clause 15 enables the Government to make regulations on a variety of topics necessary for the administration of the Bill. As previously mentioned, the Treasurer has already arranged for the purchase of considerable quantities of chaff from Tasmania, and negotiations are now in progress for the purchase of further supplies from that State. Clause 16 validates these arrangements and also provides that the Treasurer may borrow £50,000 for the purpose of carrying them into effect, and that sum is appropriated by the clause for this purpose. This amount of £50,000 is additional to the amount of £200,000 appropriated by clause 13. I do not wish to burke discussion, but in this instance it is essential that the legislation should be passed as early as possible. In some of the earlier districts crops are almost fit to cut for hay and unless we have the power to say to these people "You must cut the crop as hay" they will in all probability allow the crops to pass the period of cutting and leave them for grain. That is why it is necessary to pass the legislation expeditiously. The present shortage cannot, be materially relieved until the new hay crop is available.

Mr. Thompson—Can there be long terms for payment ?

The Hon. G. P. JENKINS—That will be a matter for the committee to decide. I take it that it will not. be anxious to give long terms for payment. The Government is allotting the job to the committee to acquire the hay and use it in the interests of those most in need of it, having regard to certain priorities.

Mr. Lyons—Will it be the same committee as that now operating?

The Hon. G. P. JENKINS—No. If we are to set up a committee to spend £200,000 of State money we must have Government representatives on it. The Government has not yet decided upon the committee, but of necessity there should be a Government man as chairman, and at least one other Government representative. A man who was a hay-grower would be of assistance to the committee in helping to assess the value of crops.

.Mr. Quirke—Has the question of manpower been considered?

The Hon. G. P. JENKINS—That question has been considered, because I realize it is an important factor in the cutting of hay in districts which are not normally hay-cutting districts. No hay will be cut this year in the majority of the hay-growing districts. Men who do this work of cutting and stacking will be made available wherever hay is to be cut. In the acquisition of standing crops it will be necessary in many cases to provide for the cutting. In very few eases does a farmer have more than one binder, and if he were asked to cut 300 or 400 tons of hay it would be a physical impossibility with one machine. However, in South Australia this year we have unfortunately far too many farmers who have binders but no hay to cut, therefore I am sure that there will be no difficulty in getting sufficient binders and men to cut these crops.

Mr. Michael—Will there be at least one hay- grower on the committee?

The Hon. G. P. JENKINS—That will be my recommendation. I move the second reading.

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