

STATUTES REPEAL (MINISTER FOR PRIMARY INDUSTRIES AND RESOURCES PORTFOLIO) BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The objective of this bill is to repeal nine Acts on agricultural issues, ranging from tenancy rights to horticultural grading standards, margarine manufacture and rural adjustment schemes.

The decision to repeal these Acts has been taken after consultation with 16 relevant industry groups or commercial organisations. These included the South Australian Farmers Federation, the SA Chamber of Fruit and Vegetable Industries and companies such as Unilever Foods, Coles and Woolworths. Responses to the public discussion paper indicated (with the exception of two respondents) very strong support for repeal of the nine Acts.

The Acts will now be examined in alphabetical order of title.

THE AGRICULTURAL HOLDINGS ACT 1891

The Act applies to freehold land used for primary production. It aims to protect the tenants of farming land in two ways-

- Part 2 deals with the right of tenants who have ended their tenancy to receive compensation for any improvements they made to the landlord's property;

- Part 3 of the Act gives tenants the right to sell the tenancy. This Act is no longer relevant. The *Landlord and Tenant Act 1936* (see section 64) gives tenants the right to assign a tenancy to another party, similar to the right provided by Part 3 described above and, generally, the matters provided for in the *Agricultural Holdings Act* can be covered in a written lease or sharefarming agreement between landlord and tenant.

DAIRY INDUSTRY ASSISTANCE (SPECIAL PROVISIONS) ACT 1978

This Act was one of several initiatives launched nationwide in the 1970s to facilitate provision of financial assistance to certain

sections of the dairy industry and for other purposes'. Similar Acts providing for the beef and fruitgrowing industries (*see the Beef Industry Assistance Act 1975 and the Fruitgrowing Industry Assistance Act 1972*) have already been repealed.

Commonwealth money was to be used for grants to 'proclaimed' dairy producers and dairy factories. However, this particular scheme did not progress and the Act was never made operative.

FRUIT AND VEGETABLES (GRADING) ACT 1934

This Act provides for the making of regulations to fix grade standards for fresh produce and nursery stock sold in South Australia. The sale of these is prohibited where they are not graded in accordance with the regulations or the grade is incorrectly marked on any package or lot of product. Standards may be fixed in the regulations by reference to one or more of dimensions, shape, weight, flavour, maturity, ripeness, decay or any other attribute. Regulations for potatoes, tomatoes and the more common fruits were established in the 1930s and reviewed in 1961, but became moribund with the lapsing of the regulations on 1 January 1990. Departmental officers cannot recall an actual or practical demand for the Act in the last 15 years.

Industry is now focused on the adoption of ISO standards, or variations of these, as criteria for grower/merchant/retailer dealings in fresh product. This is a clear example of industry self-regulation (as opposed to statutory rules) which governments collectively have been promoting for some time.

Despite this situation, two grower-based respondents to the discussion paper suggested that, although industry self-regulation is well under way, the retention of the Act may be necessary to deter a minority who persist in supplying fruit of poor maturity standard. The proposition was not accepted for the reasons already given, but government assistance in developing dispute resolution processes was offered. To date, the offer has not been taken up.

GARDEN PRODUCE (REGULATION OF DELIVERY) ACT 1967

The object of this Act is to control the times at which deliveries of fresh produce may be made to wholesale purchasers. Parliament's second reading of the Act on 14 March 1967 reveals that the measure was prompted by conditions at the East End Market. It was said that disorder at the East End was increasing because wholesalers just outside the market precinct were commencing business earlier than official market hours.

An industry proposal to invoke the Act in terms of the Pooraka complex was launched in 1988 but nothing eventuated. On 1 January 1990, the regulations under the Act, which had no effect on the Pooraka trading hours, were allowed to lapse.

MARGARINE ACT 1939

The purpose of this Act is to regulate the manufacture and sale of margarine in South Australia. Principal features of the Act are—

- the licensing of margarine manufacturers;
- the declaration of 'table' and 'non-table' margarine;
- inspection of premises and product/product constituents;
- testing of product for compliance with the Act or regulations (quality aspects).

Time, technology and consumer preference have changed things to the point where the Act no longer has application. In particular, the licensing provisions of the Act have not been enforced for a considerable time and matters of product quality now rest under the Food Standards Code.

MARGINAL DAIRY FARMS (AGREEMENT) ACT 1971

This Act ratified a national agreement to extend the Marginal Dairy Farms Reconstruction Scheme. The extended scheme aimed to alleviate a serious low income problem amongst producers of whole milk or cream for manufacturing purposes. A total of \$25 million in Commonwealth funds was allocated to the States for—

- voluntary disposal of land at fair market value if there was insufficient potential for viability (when income was based on sales of the above product);
- acquisition by others of that land, for the build-up of dairy farms into economic units or purposes such as forestry;
- improvements to farm buildings, the purchase of livestock or to offset the costs of working the land during the development period;
- changeovers to refrigerated milk delivery.

The Marginal Dairy Farms Reconstruction Scheme has ceased and all financial issues, including the repayment of loans by producers, have been settled.

RURAL INDUSTRY ADJUSTMENT (RATIFICATION OF AGREEMENT) ACT 1990

Aspects of the continuing rationalisation of the rural adjustment process are described earlier in this report. The situation, in fact, is

now at the stage where just two avenues of rural adjustment, and indeed development, are on offer.

In South Australia, there is the *Rural Industry Adjustment and Development Act 1985*. Under this legislation, surplus funds from previous schemes may be used for loans or grants for specified purposes that enhance farming.

At Commonwealth level, there is the *Rural Adjustment Scheme Act 1992* (administered by the States as agents) and the associated 'Triple A' scheme.

It was the practice for the schemes replaced by the above to be expressed in agreements between the Commonwealth and the States. It also was the practice in South Australia to ratify those agreements by Acts.

The arrangements provided for under the *Rural Industry Adjustment (Ratification of Agreement) Act 1990* have now been superseded and the Act can be repealed.

RURAL INDUSTRY ASSISTANCE ACT 1985

This short Act did three things—

- it maintained the agreements on rural adjustment ('reconstruction') between the Commonwealth and States, signed on 4 June 1971 and 1 January 1977 'and any subsequent agreements';
- in the process, it repealed various Acts of those years;
- it enabled the issuing of Ministerial protection certificates with respect to applicants with prospects of assistance under the Act.

These arrangements are no longer applicable and the Act can be repealed.

RURAL INDUSTRY ASSISTANCE (RATIFICATION OF AGREEMENT) ACT 1985

This Act operated in tandem with the above and ratified the agreement of 1 July 1985 between the Commonwealth and States for assistance, in the forms of debt reconstruction, farm build-up, farm improvement, carry-on finance, household support and rehabilitation. Section 5 of the Act makes the relevant cross-reference to the *Rural Industry Assistance Act 1985*. This Act has also been superseded and it is appropriate that it be repealed.

I commend this bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Repeal of certain Acts

This clause provides for the repeal of the following Acts:

- the *Agricultural Holdings Act 1891*;
- the *Dairy Industry Assistance (Special Provisions) Act 1978*;
- the *Fruit and Vegetables (Grading) Act 1934*;
- the *Garden Produce (Regulation of Delivery) Act 1967*;
- the *Margarine Act 1939*;
- the *Marginal Dairy Farms (Agreement) Act 1971*;
- the *Rural Industry Adjustment (Ratification of Agreement) Act 1990*;
- the *Rural Industry Assistance Act 1985*;
- the *Rural Industry Assistance (Ratification of Agreement) Act 1985*.

The Hon. T.G. ROBERTS secured the adjournment of the debate.