

LEGISLATIVE COUNCIL.

Thursday, June 30, 1955.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2 p.m. and read prayers.

[*Sitting suspended from 2.03 p.m. to 4.40 p.m.*]

BULK HANDLING OF GRAIN BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 4 to 9, agreed to amendment No. 10 with an amendment, and had disagreed to amendments Nos. 1 to 3.

Consideration in Committee.

Amendment No. 1.

The Hon. Sir LYELL McEWIN (Chief Secretary)—Members will remember that I suggested that our amendment could be accepted in order that it would have proper consideration by the whole Parliament. No division was taken in this Chamber. Opinions were expressed that the powers in the clause were very broad, and could include almost anything. I think it would be difficult to imagine any Act that would not relate to the finances of the company. I do not think this Committee would desire to contest the matter, and I move that we do not insist on our amendment.

The Hon. A. J. MELROSE—Is the Committee well enough assured that the position that Mr. Cudmore strove to achieve will be protected if we do not insist on our amendment? I think he had in mind the certainty that the Government would have, if not the final say, some considerable say in who would control or manage this company, having in mind its importance to the wheatgrowers and to the State.

The Hon. Sir LYELL McEWIN—I think the position is secure because of the very broad powers in the clause. An amendment was suggested and considered in the House of Assembly to make this condition apply only during the period of provisional directors, who have not yet been appointed by the members of the company. This matter was discussed in Cabinet, and Cabinet's view was that there should not be unnecessary interference with directors who have been properly appointed. I do not think the Minister of Agriculture would desire to have the responsibility for everything that the company did once the directors were appointed. I do not think the matter is of such magnitude that it warrants concern. It has been ventilated and

discussed, and all the arguments for and against have been ably debated and considered. That in itself has stressed the importance of these appointments and I think would meet any objections of even those most concerned.

The Hon. L. H. DENSLEY—The Minister's reply causes some slight concern in my mind. Would the fact that it was dimly accepted that under clause 7 the Minister would have power on the representation of the directors to deal with any matters concerning finance or other matters, that this Chamber moved an amendment to make the position clearer, that the House of Assembly decided to disagree with the amendment, and that we did not insist on our amendment mean that we agreed that the position has been well catered for? Perhaps if we do not insist on our amendment we would be taking away some of the powers he may have expected under the clause. Will the Minister clear up this matter?

The Hon. Sir LYELL McEWIN—I think the answer is that no discussion or opinion expressed in debate in Parliament or recorded in *Hansard* has any legal value whatsoever.

Amendment not insisted upon.

Amendment No. 2.

The Hon. Sir LYELL McEWIN—This amendment as it left here was the insertion in a number of lines of the words "or other grain" after the word "wheat." This has been found too restrictive as it means that if any grower happened to grow 30 or 40 bags of oats or barley or other grains and sold them in the ordinary way of business he would not be available to act as a director. I think the reasons given by the other House are valid and I move that the Council do not insist upon its amendment.

The Hon. L. H. DENSLEY—Members of the grain trade in Adelaide were rather desirous that there could be no restrictions on the handling of other grain, and many growers in the South-East were perturbed that in practice this might develop into a monopoly in the handling of oats. As there are two pools handling oats they were concerned lest they lose their rights to handle it in the event of bulk handling facilities being made available to handle oats in the district. I think there was some ground for that fear. The words that were added here protect the interests of both merchants handling oats and the growers of oats, and I oppose the motion.

The Hon. Sir LYELL McEWIN—I do not quite follow the honourable member about interference with other people in the trade.

Those words merely place a limitation on the people who can be employees or directors of this company.

Amendment not insisted upon.

Amendment No. 3.

The Hon. Sir LYELL McEWIN—This amendment has the same effect as the previous one and for that reason I move that the Council do not insist on it.

The Hon. L. H. DENSLEY—I assume that, having ruled out the previous one, this will not operate; but this is where they feared they would lose their power and the thing might develop into a monopoly with regard to the handling of oats.

Amendment not insisted upon.

Amendment No. 10—

Clause 34—Add the following subclauses:—

(3) Where the Minister is of opinion that any regulations (being regulations on matters mentioned in subsections (1) and (2) of this section) ought to be made in the public interest, or in the interests or for the protection of any class of persons, he may submit a draft of such regulations to the company with a request that the company shall recommend the making of such regulations.

(4) The company may within two months after the receipt of the draft regulations make representations thereon to the Minister.

(5) If the company does not notify the Minister within the said period that it is willing to recommend the regulations the Minister, after considering any representations made by the company, may recommend the regulations and

if he does so the regulations may be made without the recommendation of the company, which was amended by the House of Assembly by the deletion of the words “in the public interest, or in the interests or.”

The Hon. Sir LYELL McEWIN—The object is to restrict the power of the Minister to have regulations made on his recommendation. The House of Assembly's amendment has the effect of providing that regulations can be made only on the recommendation of the Minister when they are required for the protection of any class of person. Wider powers of the Minister have been deleted on the grounds that they might confer unnecessary power upon him to interfere with the internal management of the company. I do not think that was ever desired by the mover of the amendment in this place, but simply that we should protect the interests of people right outside the domestic affairs of the company. The amendment as originally drafted gave too wide an application and I think that as amended it meets the objectives of the mover. I therefore suggest that the amendment be agreed to.

The Hon. L. H. DENSLEY—I agree with the Minister and think that the clause as amended covers the position.

House of Assembly's amendment to the Legislative Council's amendment agreed to.

ADJOURNMENT.

At 5.8 p.m. the Council adjourned until Tuesday, August 16, at 2. p.m.