

SOUTH AUSTRALIA

PRIMARY PRODUCERS ASSISTANCE ACT, 1943

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being

Primary Producers Assistance Act, 1943, No. 26 of 1943
[Assented to 16 December 1943]¹

¹ Came into operation 1 January 1944: *Gaz.* 23 December 1943, p. 810.

An Act to provide for the future administration of the Farmers Assistance Act, 1933-1939, the Primary Producers Debts Act, 1935-1941, and other Acts and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title and commencement

1. (1) This Act may be cited as the *Primary Producers Assistance Act, 1943*.
- (2) This Act shall come into operation on a day to be fixed by the Governor by proclamation.

Interpretation

2. In this Act, unless the context otherwise requires—

"committee" means the Primary Producers Assistance Committee constituted under this Act:

"Director" means the Director for the time being in office under the Farmers Assistance Act:

"Farmers Assistance Act" means *Farmers Assistance Act, 1933-1939*, as amended by any subsequent Act:

"Farmers Assistance Board" means the Farmers Assistance Board constituted under the Farmers Assistance Act:

"Primary Producers Debts Act" means *Primary Producers Debts Act, 1935-1941*, as amended by any subsequent Act:

"Treasurer" means the Minister of the Crown for the time being holding the office of or acting as the Treasurer of the State.

Administrative Provisions.

Abolition of Farmers Assistance Board

3. The Farmers Assistance Board is abolished.

Administration of Farmers Assistance and Primary Producers Debts Acts

4. Subject to this Act, the Farmers Assistance Act, the Primary Producers Debts Act, and all other Acts the administration of which has been transferred to the Farmers Assistance Board by the Farmers Assistance Act or the Primary Producers Debts Act, shall be administered by the Treasurer.

Primary Producers Assistance Committee

5. (1) There shall be a Primary Producers Assistance Committee consisting of the Director and two other members, one at least of whom shall be a primary producer within the meaning of that term as defined in the Primary Producers Debts Act.

(2) The members of the committee other than the Director shall be appointed by the Governor and shall hold office for such period and on such terms and conditions as the Governor determines.

(3) The Director shall be the chairman of the committee.

3.

(4) The Director or any member of the committee may at any time resign his office by written notice to the Treasurer.

Remuneration of committee

6. Each member of the committee shall be entitled to such fees, allowances, or other remuneration as the Governor determines.

Quorum and decisions of committee

7. (1) At any meeting of the committee two members shall form a quorum.

(2) Every matter coming before the committee shall be decided by a majority vote, and if at a meeting of the committee at which there are only two members, those members are not unanimous on any matter, that matter shall be deferred to a full meeting of the committee.

Function of committee

8. (1) The functions of the committee shall be to advise and to make recommendations to the Treasurer upon the administration of the Acts mentioned in section 4 of this Act.

(2) In administering the Primary Producers Debts Act and Part V of the Farmers Assistance Act the Treasurer shall not act except upon the recommendation of the committee.

Director

9. (1) The Director shall be the principal administrative officer of the Treasurer for the purposes of the administration of the Acts mentioned in section 4 of this Act.

(2) The Treasurer may delegate to the Director any of the powers and functions vested in the Treasurer by this Act or any of the Acts mentioned in section 4 of this Act.

Construction of Farmers Assistance and Primary Producers Debts Acts

10. Except where this Act otherwise provides, every reference in the Farmers Assistance Act or the Primary Producers Debts Act to the Farmers Assistance Board shall be construed as a reference to the Treasurer.

Transfer of rights and liabilities

11. (1) All rights, powers, functions, duties, obligations and liabilities of the Farmers Assistance Board under the Farmers Assistance Act or the Primary Producers Debts Act which have arisen or accrued or arise or accrue before or after the passing of this Act, in connection with the administration of any of the Acts mentioned in section 4 of this Act are hereby transferred to the Treasurer.

(2) Any instrument, agreement, or other document and any transaction to which the Farmers Assistance Board is a party shall have effect as if the Treasurer had been a party thereto in place of the Board, and any discharge, extension, or modification of any such instrument, agreement, document, or transaction may be executed or made by the Treasurer.

(3) Any instrument or document executed by the Treasurer by way of discharging, extending, or modifying any instrument or document executed by the Farmers Assistance Board shall be accepted for registration and be registered under any Act as if it had been executed by that Board.

Farmers Assistance.

Farmers Assistance Fund

12. (1) There shall be kept in the Treasury a fund to be called the Farmers Assistance Fund.

(2) The fund shall consist of—

(a) so much of the sum of thirty-five thousand pounds provided under the heading of Farmers Assistance Board in the Second Schedule to the *Public Purposes Loan Act, 1943*, as is unexpended at the time of the passing of this Act; and

(b) all money received by the Treasurer after the passing of this Act—

(i) in repayment of advances made before or after the passing of this Act under the Farmers Assistance Act;

(ii) in repayment of advances made before or after the passing of this Act under any Act relating to drought relief other than the *Drought Relief Act, 1940*;

(iii) in payment of interest on any such advance as mentioned in this paragraph.

(3) There shall be paid out of the fund all advances made under the Farmers Assistance Act after the passing of this Act.

Repeal of ss. 5 and 6 of Farmers Assistance Act

13. Sections 5 and 6 of the Farmers Assistance Act are repealed.

Amendment of s. 12 of Farmers Assistance Act

14. Section 12 of the Farmers Assistance Act is amended—

(a) by inserting after the word "land" in the first line the words "in a proclaimed area";

(b) by striking out in the second and third lines the words "the season 1934-1935 or any subsequent season not later than the season 1939-1940" and inserting in lieu thereof the words "a proclaimed season";

(c) by adding at the end thereof the following subsection:—

(4) In this section—

"proclaimed area" means a part of the State to which the Governor by proclamation directs that this Act shall apply:

"proclaimed season" means a season to which the Governor by proclamation directs that this Act shall apply.

Every proclamation directing that this Act shall apply to a part of the State shall specify the period for which the proclamation remains in force and such period shall not exceed two years.

Amendment of s. 13 of Farmers Assistance Act

15. Section 13 of the Farmers Assistance Act is amended by adding at the end thereof the following subsection:—

(9) In addition to the assignment provided for in the previous subsections of this section the applicant shall, if required to do so by the Treasurer, give further security for any advance made to him, in such form and upon such terms and conditions as the Treasurer directs. The Treasurer may reimburse himself for any advance and the interest thereon out of any income of the applicant which is at any time held by the Treasurer.

Amendment of s. 16 of Farmers Assistance Act

16. Section 16 of the Farmers Assistance Act is amended by striking out therein the words "its head office" and inserting in lieu thereof the words "the principal office of the Director".

Application of s. 25 of Farmers Assistance Act

17. Section 25 of the Farmers Assistance Act shall not apply in relation to an applicant who makes an application under that Act after the passing of this Act unless the Treasurer so directs by an order published in the *Gazette*. When such an order is made section 25 shall apply to the applicant therein mentioned as from the date of the order.

Repeal of ss. 42-57 and 80 of Farmers Assistance Act

18. Section 42 to 57 inclusive and section 80 of the Farmers Assistance Act are repealed.

Amendment of s. 60 of Farmers Assistance Act

19. Section 60 of the Farmers Assistance Act is amended by inserting after subsection (1) thereof the following subsection:—

(1a) Where the pre-existing mortgage was given as a security for the balance of purchase-money owing on a sale of the land, the board shall make an order of the kind prescribed in paragraph (b) of section 59 of this Act.

If any question arises between the Crown and the pre-existing mortgagee as to the value of any land in negotiations arising out of or consequential on an order made under this subsection, the value of the land shall be deemed to be—

- (a) the price realized at a sale of the land by auction; or
- (b) the value of the land as fixed under the *Arbitration Act, 1891-1934*, by three arbitrators. One arbitrator shall be appointed by each party and the third by the two appointed by the parties.

Meaning of "pool" in Farmers Assistance Act

20. The word "pool" where used in the Farmers Assistance Act shall be deemed to include the Australian Wheat Board constituted by regulations of the Commonwealth made under the *National Security Act, 1939-1940*, and its amendments.

Primary Producers Debts Adjustment.

Primary Producers Debts Adjustment Fund

21. (1) There shall be kept in the Treasury a fund to be called the Primary Producers Debts Adjustment Fund.

(2) The fund shall consist of—

- (a) the balance to the credit of the account kept in the Treasury and known as the *Primary Producers Debts Act, 1935-1939*, Trust Fund;
- (b) all moneys received by the State from the Commonwealth after the passing of this Act for the purpose of making payments to or for the benefit of farmers to enable them to make compositions or schemes of arrangement with their creditors in respect of their debts;
- (c) all moneys received by the Treasurer after the passing of this Act in repayment of advances made before or after the passing of this Act under the Primary Producers Debts Act, or in payment of interest on any such advance.

(3) There shall be paid out of the fund all loans or grants made by the Treasurer to any person under the Primary Producers Debts Act after the passing of this Act.

Repeal of ss. 3 and 9 of Primary Producers Debts Act

22. Sections 3 and 9 of the Primary Producers Debts Act are repealed.

Amendment of s. 12 of the Primary Producers Debts Act

23. Section 12 of the Primary Producers Debts Act is amended—

- (a) by striking out the words "Upon the making of an application" in the first line thereof and inserting in lieu thereof the words "If the Treasurer so directs by order published in the *Gazette* in relation to any applicant"; and
- (b) by striking out the word "forthwith" in the fourth line thereof and inserting in lieu thereof the words "as from the day of the order"; and
- (c) by striking out the words "but no transaction shall be invalid on the ground only that it was entered into in contravention of this section" in the last two lines thereof and inserting in lieu thereof the words "and any transaction entered into by him in contravention of this section shall be void".

Repeal of s. 36 of Primary Producers Debts Act

24. Section 36 of the Primary Producers Debts Act is repealed.

Consequential amendment of s. 41 of Primary Producers Debts Act

25. Section 41 of the Primary Producers Debts Act is amended by striking out the words "board or of the Land Board" in the first and second lines and inserting in lieu thereof the words "Primary Producers Assistance Committee appointed under the *Primary Producers Assistance Act, 1943*".

Regulations.

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26. The Governor may make any regulations necessary or convenient for the administration of this Act and may by any regulation prescribe fines recoverable summarily and not exceeding one