

South Australia

# Primary Producers Emergency Assistance Act 1967

An Act to provide for assistance to primary producers in necessitous circumstances as a result of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, and for other purposes.

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Legislative history

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## The Parliament of South Australia enacts as follows:

### 1—Short title

This Act may be cited as the *Primary Producers Emergency Assistance Act 1967*.

### 2—Interpretation

In this Act, unless the contrary intention appears—

*the Farmers Assistance Fund* or *the Fund* means the Fund kept at the Treasury and entitled "the Farmers Assistance Fund";

*natural calamity* means drought, fire, flood, frost, animal or plant disease, insect plague, or other natural calamity;

*rural liquidity* means the total amount of money that primary producers have available to spend;

*small rural business* means a business—

- (a) that relies wholly or mainly on transactions with primary producers; and
- (b) of which the proprietor is—

- (i) a natural person; or
- (ii) a proprietary company of which each shareholder is a natural person who actively participates in carrying on the business or a close relative of such a person.

### **3—Payments to the Fund**

- (1) There shall be paid into the Farmers Assistance Fund the following amounts—
  - (a) all moneys received from the Commonwealth by way of grant or advance for a purpose for which the Fund may be applied; and
  - (b) so much of the moneys held in the Marginal Lands Improvements Account kept at the Treasury not exceeding One hundred and fifty thousand dollars as the Treasurer may approve; and
  - (c) such other moneys—
    - (i) as are provided by Parliament for the purposes of the Fund; or
    - (ii) as are advanced by the Treasurer to the Fund under subsection (2); and
  - (d) all amounts received in repayment of advances made under section 5 of this Act and in payment of interest on such advances.
- (2) The Treasurer may, out of any moneys that are available for the purpose, advance moneys to, or for the purposes of, the Fund on such terms and conditions as he thinks fit.

### **4—Payments out of the Fund**

There may be paid out of the Farmers Assistance Fund—

- (a) the moneys required for the purpose of providing financial assistance under section 5; and
- (b) such part of the costs of administering any scheme of financial assistance under section 5 of this Act as may be approved by the Minister; and
- (c) moneys required to repay moneys advanced to the Fund on condition that they should be repaid; and
- (d) moneys required to reimburse the Treasurer in respect of moneys previously applied from a Treasury account for the purpose of repaying moneys advanced to the Fund on condition that they should be repaid.

### **5—Power to make advances**

- (1) Subject to this section, the Minister after consideration of such reports and recommendations as may be tendered by any person or persons appointed for the purpose, may make from the Farmers Assistance Fund—
  - (a) advances or grants to primary producers who are eligible for such advances or grants under subsection (2a); and
  - (b) payments towards the cost of fodder or water for starving stock including the cost of transport of such fodder or water, or for any other purpose deemed necessary by the Minister for the purposes of this Act; and

- (c) advances to the proprietors of small rural businesses who are eligible for such advances under subsection (2b).
- (2) Subject to subsection (3) of this section, any advance made under subsection (1) of this section shall be made subject to the following conditions:
  - (a) the advance shall be made upon such terms and conditions (including terms and conditions relating to interest) as may be determined by the Minister;
  - (c) the Minister may take security for any advance by mortgage, bill of sale, lien, assignment or such other charge as he thinks fit;
  - (d) with the concurrence of the Treasurer and after due inquiry the Minister may remit part or the whole of any interest on or part or the whole of any advance made under this Act;
  - (e) without in any way affecting the rights of the Minister under any security given for an advance under this Act, where the Minister is satisfied that any person to whom any advance has been made is not making reasonable efforts in carrying on his business or has no prospect of ultimate recovery he may demand repayment of the advance and realise on any security taken in respect thereof.
- (2a) A primary producer is eligible for an advance or a grant under this section if—
  - (a) the primary producer is in necessitous circumstances as a result of a natural calamity; and
  - (b) the advance or grant is necessary in order to enable the primary producer to continue in the business of primary production; and
  - (c) the primary producer has no other source of funds available to him for that purpose; and
  - (d) the primary producer would have, given the advance or grant, a reasonable prospect of being able to continue in the business of primary production.
- (2b) The proprietor of a small rural business is eligible for an advance under this section if—
  - (a) his business has been adversely affected by a decline in rural liquidity resulting from drought; and
  - (b) those persons whose livelihood is dependent on the profitability of the business are consequently in necessitous circumstances; and
  - (c) the advance is necessary in order to enable the proprietor of the business to continue in that business; and
  - (d) the proprietor has no other source of funds available to him for that purpose; and
  - (e) the proprietor of the business would have, given the advance, a reasonable prospect of being able to continue the business.

- (3) If any arrangements are made between the Government of the State and the Government of the Commonwealth or between Ministers acting on behalf of those Governments with respect to such advances or other payments, or the conditions under which such advances or payments are to be made, or the class of persons to whom such advances or payments may be made, every such advance or payment shall be made in accordance with those arrangements.
- (4) A person who has received any payment, or the benefit of any payment, referred to in subsection (1)(b) of this section shall, at the request in writing of the Minister, pay to the Minister the whole amount or such part of such payment as the Minister may specify in this request and, if such person fails to pay the same to the Minister within the time allowed by the Minister, the Minister may recover the same from that person as a debt in any court of competent jurisdiction.

### **6—Advances and payments not liable for existing debts**

A payment or advance made under section 5 of this Act to any person—

- (a) shall not pass to any other person by virtue of any assignment made before such payment; and
- (b) shall not be subject to any lien, right of set off or appropriation, or charge, which lien, right or charge exists or is claimed in respect of any debt incurred before such payment is made; and
- (c) shall not be taken or applied by virtue of any legal process in or towards satisfaction of any debt incurred before such payment.

### **7—Exemption from stamp duty and registration fees**

Stamp duty shall not be payable upon any declaration or any other document made or executed by any applicant for assistance under section 5 of this Act in connection with his application or by way of giving security for any advance or the price of any goods; and no fees shall be payable under any Act for the registration of any such document.

### **8—Penalty for false statements**

If any person knowingly makes a false statement in connection with any application for assistance under this Act he shall be guilty of an offence and liable on summary conviction to a penalty of one hundred dollars and in addition any amount advanced pursuant to this Act to such person or paid to him or on his behalf shall forthwith become repayable to and may be recovered by the Minister.

### **9—Appropriation**

This Act without any further or other appropriation shall be sufficient authority for the expenditure of any money for any of the purposes of this Act.

### **10—Regulations**

- (1) The Governor may make regulations prescribing and providing for such matters as are necessary to be prescribed or provided for to give effect to or to facilitate the operation of this Act, including penalties not exceeding, in each case, fifty dollars for the breach of any regulation.
- (2) Any such regulation may be of general or special application or may be made to meet a particular case or particular cases.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1967	42	<i>Primary Producers Emergency Assistance Act 1967</i>	12.10.1967	12.10.1967
1981	21	<i>Primary Producers Emergency Assistance Act Amendment Act 1981</i>	19.3.1981	19.3.1981 except s 2—12.10.1967: s 2
1982	84	<i>Primary Producers Emergency Assistance Act Amendment Act 1982</i>	30.9.1982	30.9.1982

### Provisions amended since 3 February 1976

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
s 2	substituted by 84/1982 s 2	30.9.1982
s 3		
s 3(1)	s 3 amended and redesignated as s 3(1) by 21/1981 s 2(1)	12.10.1967
s 3(2)	amended by 84/1982 s 3	30.9.1982
s 4	inserted by 21/1981 s 2(1)(c)	12.10.1967
s 4	amended by 21/1981 s 3	19.3.1981
s 4	amended by 84/1982 s 4	30.9.1982
s 5		
s 5(1)	amended by 21/1981 s 4(a)	19.3.1981
s 5(1)	amended by 84/1982 s 5(a), (b)	30.9.1982
s 5(2)	amended by 21/1981 s 4(b), (c)	19.3.1981
s 5(2)	amended by 84/1982 s 5(d)	30.9.1982
s 5(2)	(b) deleted by 84/1982 s 5(c)	30.9.1982
s 5(2a) and (2b)	inserted by 84/1982 s 5(e)	30.9.1982
s 5(4)	amended by 21/1981 s 4(c)	19.3.1981
s 8	amended by 21/1981 s 5	19.3.1981