

## FARMERS ASSISTANCE ACT, 1933-1936.

BEING

FARMERS ASSISTANCE ACT, 1933, No. 2134 OF 1933  
[ASSENTED TO 5TH DECEMBER, 1933.]

AS AMENDED BY

FARMERS ASSISTANCE ACT AMENDMENT ACT, 1936, No. 2330 OF 1936  
[ASSENTED TO 3RD DECEMBER, 1936.]

An Act to provide for the constitution of a board to be known as the Farmers Assistance Board, to invest the board with certain powers for the assistance and relief of farmers, to transfer to the board the administration of certain Acts relating to drought relief and farmers' relief, to enact certain provisions relating to drought relief charges and for purposes incidental thereto.

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

### PART I.

### PART I.

### PRELIMINARY.

1. This Act may be cited as the "Farmers Assistance Act, 1933-1936," and shall come into operation on a day to be fixed by the Governor by proclamation.

Short title  
and com-  
mencement.  
Cf. U.K.  
21 & 22  
Geo. 5 c. 48.

2. This Act is divided into Parts as follows:—

PART I.—Preliminary: ss. 1-3.

PART II.—Administration: ss. 4-10.

PART III.—Provisions for finance of farmers: ss.  
11-26.

PART IV.—Debt Adjustment: ss. 27-57.

PART V.—Drought Relief Charges: ss. 58-63.

PART VI.—Supplementary Provisions: ss. 64-80.

Arrangement  
of Act.

s. 1. This Act was proclaimed to commence on 1st January, 1934: *Gazette* 21st December, 1933, p. 1239.

## PART I.

Interpreta-  
tion.

3. (1) In this Act, unless the context otherwise requires—  
“Director” means the Director for the time being in  
office under section 4:

“board” means the Farmers Assistance Board appointed  
under section 5:

“member” means member of the board.

(2) Notwithstanding the provisions of The Real Property Act, 1886, this Act applies in respect of land and interests in land whether subject to the provisions of The Real Property Act, 1886, or not.

(3) This Act shall be construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State to the intent that if any provision of this Act or the application thereof to any person or circumstance is invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected.

(4) This Act shall bind the Crown.

## PART II.

## PART II.

## ADMINISTRATION.

Appointment  
of Director.

4. (1) The Governor may appoint a Director for the purposes of this Act upon such terms, at such salary, and to hold office for such period as the Governor determines at or prior to the time of such appointment.

(2) The Director shall be the chairman and the principal administrative officer of the board.

Constitution  
of board.

5. (1) For the purposes of this Act there shall be constituted a board, the members of which shall be appointed by the Governor, and which shall be known as the “Farmers Assistance Board.”

(2) The board shall be a body corporate with perpetual succession and a common seal and, subject to this Act, may take, hold, and dispose of land and other property for the purpose of this Act, and may sue and be sued under the name of “The Farmers Assistance Board” as its corporate name.

(3) The board shall consist of four members, namely:—

(a) the Director:

- (b) a person who, in the Governor's opinion, is a suitable representative of the interests of those farmers who are likely to be subject to this Act:
- (c) a person who, in the Governor's opinion, is a suitable representative of the interests of the creditors of the said farmers:
- (d) a person who, in the Governor's opinion, is a suitable representative of the Treasurer of the State.

(4) The members of the board other than the Director shall hold office for one year, but a retiring member shall be eligible for reappointment.

(5) The Governor may dismiss any member of the board for misconduct or incapacity in his office as member, or for conviction for crime, and may appoint a member in lieu of any member so dismissed.

(6) Any member appointed to fill a casual vacancy on the board shall hold office only for the balance of the term of office of the member in whose stead he was appointed.

(7) The Director shall preside at every meeting at which he is present, and if he is absent the remaining members shall appoint a chairman.

(8) Any three members of the board shall form a quorum thereof and at any meeting the chairman shall have a deliberative vote and, in case of equality of votes, a casting vote also.

(9) No act or decision of the board shall be invalid or defective on the ground that when such act was done or decision made any vacancy existed on the board, or on the ground of any defect in the qualification or appointment of any member of the board.

6. This Act shall be administered by the board.

Duty of  
board to  
administer  
Act.

7. (1) The Governor may on the recommendation of the board appoint any supervisors and other officers or employees necessary for the administration of this Act.

Officers and  
employees.

(2) Such supervisors and other officers or employees may be appointed in accordance with the provisions of the Public Service Act, 1916, or on any special terms and conditions approved by the Governor.

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s. 6. In *re* VERCO BROTHERS & COMPANY LIMITED (1933) S.A.S.R. 264; 6 Austn. Digest 50. Held, under the Farmers Relief Act, 1931, that the State Bank Board, which administered that Act, was not, as administrator of the Act, identified with the Crown, and was not entitled to the priority enjoyed by the Crown.

PART II.

(3) The board may with the approval of the Minister administering the department concerned make use of the services of any officer or employee of the Public Service for the purposes of this Act, and with the approval of the State Bank may make use of the services of any officer or employee of the Bank. Any such officer or employee shall, whilst his services are so used, be subject to the control and directions of the board as if he were an officer or employee thereof.

## Delegation.

8. The board may delegate any of its powers, duties, or functions except the making of orders for the reduction of farmers' liabilities, to any person, firm, or company on any terms and conditions and subject to any restrictions which the board thinks proper, and may at its discretion terminate such delegation.

Administra-  
tive districts.

9. The board may divide the State into administrative districts for the purpose of this Act and may appoint a supervisor for each district to exercise and perform within that district such of the powers, duties, and functions of the board, except the making of orders for the reduction of farmers' liabilities, as the board directs.

Financial  
provision.

10. The remuneration of the members of the board, and of the Director, supervisors, officers, and employees appointed under this Act shall be payable out of moneys appropriated by Parliament for the purpose.

PART III.

## PART III.

## PROVISIONS FOR FINANCE OF FARMERS.

Interpreta-  
tion.

11. In this Part, unless the context otherwise requires:—

“applicant” means a person who has submitted an application to the board under this Part and whose application has not been refused, cancelled, or withdrawn:

“crop” means crop of wheat, barley, oats, rye, or field peas, and all hay, grain, and other produce harvested from any such crop, and, in relation to a party to a share-farming agreement, means his share of a crop, and where necessary, means part of any such crop or share:

“farmer” means any person who otherwise than as an employee is engaged in the cultivation of land for the production of a crop, or any party to a share-farming agreement under which land is cultivated for such production:

“wheat merchant” means any person or body of persons other than a pool to whom a crop is sold or delivered for sale.

**12.** (1) Any farmer who intends to put, or has put, land under crop for the season 1934-35 or any subsequent season not later than the season 1937-38, to which the Governor by proclamation directs that this Act shall apply may apply to the board for advances under this Part. **Applications.**

(2) Advances under this Part may be made at the discretion of the board for the purpose of providing a reasonable living allowance for the applicants and his dependents and for defraying the necessary expenditure of the applicant in connection with the working and maintenance of his farm, and the marketing of his produce, and any other expenditure for which the board deems it proper that an advance should be made.

(3) Every application shall be in the form fixed by the board and contain all particulars reasonably required by the board.

**13.** (1) Every applicant shall execute and forward to the board with his application an assignment to the board of all crops grown or to be grown by him in the State during the season in respect of which the application is made or such portion of those crops as the board may in any special circumstances approve. **Assignment of crops.**

(2) If the applicant is a party to a share-farming agreement he shall assign to the board the whole of his share of any crops grown or to be grown in the State during the said season, or such portion of the said share as the board may in any special circumstances approve.

(3) The assignment shall be in a form to be fixed by the board.

(4) Every assignment shall pass both at law and in equity the ownership of the crops mentioned therein (whether growing or sown or not yet sown at the time of the assignment) to the board free from all rights, claims, and remedies of all persons except those provided for in this Part and shall be

valid and effectual for all purposes, and no other disposition of or interest created in the crops or the land on which the crops exist or come into existence shall affect the board's ownership of the crops.

(5) If any applicant fails to assign to the board any crops which he is by this section required to assign, this Part shall operate as an assignment to the board as from the date of the application of any crops which the applicant so failed to assign.

(6) The Bills of Sale Act, 1886, shall not apply to any assignment under this section.

(7) If the application of any applicant is refused or withdrawn, or cancelled the assignment of his crops shall be void.

(8) Nothing in this section shall affect the rights of any person under any bill of sale if such bill of sale—

- (a) was given by an applicant before he made his application; and
- (b) was registered (whether before or after the making of the application) within the time prescribed by The Bills of Sale Act, 1886.

Withdrawal  
of applica-  
tions.

14. An application may be withdrawn in accordance with the following provisions, but not otherwise:—

- (a) The applicant shall apply to the Board for consent to the withdrawal;
- (b) If the board is satisfied either that—
  - (i.) no money is or will become payable to any person out of the proceeds of any crops assigned by the applicant; or
  - (ii.) that all persons to whom any such moneys are or will become payable consent to the withdrawal—

it shall consent to the withdrawal, but not otherwise;

- (c) For the purpose of ascertaining the matters specified in the last preceding paragraph the board may at the expense of the applicant by advertisement in a daily newspaper published in Adelaide fix a date not earlier than twenty-one days from the date of the advertisement on or before which all persons objecting to the withdrawal must give notice in writing to the board of their objections. No person who does not give the board notice in writing of his objection in accordance with this

paragraph shall have any claim against the board in respect of the withdrawal of any application, or in respect of any consequences resulting therefrom to himself:

- (d) The board shall give notice in the *Gazette* that it has given its consent to the withdrawal, and shall in the notice fix a date as from which the application shall be deemed to be withdrawn, and as from the date so fixed, the application shall be deemed to be withdrawn and the assignment shall for all purposes be void.

15. Where the board is of opinion that it is desirable to cancel any application it may, in its discretion, and as an administrative act, by notice in the *Gazette*, cancel the application: Provided that before cancelling any application the board shall give not less than fourteen days' notice in writing to the applicant of its intention to do so.

Cancellation  
of applica-  
tions by  
board of its  
own motion.

16. (1) The board shall keep at its head office at Adelaide a record of every application, showing—

Record of  
applications.

- (a) the name and address of the applicant:
- (b) the section and hundred of the land on which his crops are growing or are to be grown:
- (c) the acreage sown or to be sown, so far as known to the board:
- (d) the date of the application and assignment:
- (e) whether the application has been granted or not, and if it has been granted, the date on which it was granted:
- (f) the amount of any advances made to the applicant:
- (g) if the application is refused, withdrawn, or cancelled, the date of refusal, withdrawal, or cancellation.

(2) The said record shall be open to inspection by the public without fee at all times when the office of the board is open to the public.

(3) The board upon payment of a fee of one shilling shall supply to any member of the public a certified copy of such record or a certificate that no such application has been made by a particular farmer.

(4) The board shall—

- (a) as soon as practicable after an application is made publish in the *Gazette* the name and address of the applicant:

## PART III.

(b) as soon as practicable after an application is dealt with, publish in the *Gazette* a statement showing whether the application was approved or refused, and the date of approval or refusal.

(5) Any creditor of an applicant or any person acting on behalf of a creditor may inspect at the office of the board the application of such applicant.

Decision on applications.

17. (1) The board shall consider every application and shall have an unfettered discretion to grant or refuse any application or to grant any application in part only.

(2) No refusal of an application shall be effective until seven days after service by post on the applicant of a notice stating that his application has been refused.

Repayment of cost of commodities supplied or moneys paid on behalf of applicant.

18. (1) Every applicant to whom an advance is made shall repay the amount thereof together with simple interest thereon at the rate fixed by the board (being as nearly as practicable the average rate paid by the State on money borrowed for purposes of this Part) on or before the thirty-first day of March next after the harvesting of the crop for which the advance was made. The interest shall be computed from the date when the board made the advance until the time of repayment.

(2) The board may in any case which it considers to be one of special hardship extend from time to time the date of repayment of any moneys due by any applicant.

Applications by farmers financed by persons other than the board.

19. (1) Where any person (in this section referred to as "the lender") has advanced or is about to advance money, or has supplied or is about to supply commodities, to a farmer for all or any of the purposes for which an advance may be made by the board under this Part, the farmer may, by application to the board in the form fixed by the board, request the board to distribute the proceeds of his crops for the current season in accordance with the provisions of this Part. The board shall not grant any such application unless the lender consents thereto and unless the board is satisfied with the conditions of the advance or supply of commodities, and that it is desirable that the applicant should obtain the protection afforded to applicants under this Act and that there is no collusion between the applicant and the lender for the purpose of securing preferential treatment for any person.

(2) Every such application shall be accompanied by an assignment to the board of all crops grown or to be grown



by the applicant during the season current at the time of the application or of such part of those crops as the board may, in any special circumstances, approve.

(3) If the board approves of the said application it shall notify the lender of its approval, and all amounts advanced by him with the approval of the board and the cost of all commodities supplied by him with the like approval shall be paid out of the proceeds of the crops assigned by the applicant in the order of priority in which amounts advanced by the board are usually repaid under this Part.

(4) The other provisions of this Part shall apply to every applicant, application, and assignment under this section.

**20.** The board may insure any crop assigned to it against such risks as it thinks proper and shall deduct and retain the cost of such insurance from the proceeds of the sale of that crop.

Insurance  
of crop.

**21.** (1) An applicant whose application has been granted under this Part shall duly—

Duty of  
applicant to  
sow and  
harvest crop.

(a) sow, care for, harvest, and render marketable every crop assigned by him to the board:

(b) within one month after harvesting, deliver the said crop on behalf of, and in the name of, the board to a wheat merchant or pool, nominated by the applicant and approved by the board: Provided that, with the approval of the board in writing—

(i.) the crop may be delivered in portions to different pools or merchants:

(ii.) the applicant may retain a reasonable amount of the said crop for seed and fodder, or for milling into flour for food for himself and his family:

(c) forthwith upon receipt of any cartnote or other document issued on or in respect of the delivery of such crop forward such cartnote or document to the board.

(2) If any applicant fails to comply with any requirement of this section, or if the board has reasonable cause to believe that any applicant is likely so to fail, the board may—

(a) do the act or carry out the operations in which default has been made or is likely to be made:

(b) reimburse itself for any expenditure incurred in so doing out of the proceeds of the sale of the applicant's crop:

(c) for the purposes aforesaid by its servants, agents, or any person authorised by it enter and remain upon any land or premises upon which the crop is.

(3) If an applicant retains an amount of his crop for the purposes specified in subsection (1) of this section and the board is subsequently satisfied that the whole of any part of the amount retained has not been and will not be used for those purposes, it may direct the applicant to deliver the whole or such part of the said amount to a merchant for immediate sale or to a pool. The applicant shall obey the said direction and the provisions of sections 22, 23, and 24 of this Act with the necessary modifications shall thereupon apply to the amount so delivered.

(4) If any such applicant neglects or refuses to comply with any requirement of this section he shall without prejudice to any other liability incurred be guilty of an offence.

Disposal of  
crop.

**22.** (1) Subject to the preceding section any applicant may, on behalf of the board—

(a) sell the crop grown by him or any part thereof at any time before delivery:

(b) sell the crop or any part thereof on delivery:

(c) deliver the crop or any part thereof to a merchant on storage or on some other contract for the future sale thereof:

(d) deliver the crop to a pool.

If the crop or any part thereof is delivered on storage or some other contract for future sale the board may whenever it thinks fit complete the sale of the crop.

(2) Whenever any moneys become due by a merchant in respect of the price of any crop delivered by an applicant the merchant shall forthwith pay those moneys to the board.

If the proceeds are not so paid, the board may recover them from the wheat merchant by action in any court of competent jurisdiction as a debt due to the board.

(3) If the applicant delivers the crop to a pool he shall forthwith notify the manager of the pool, or its secretary, or its agent who takes delivery of the crop, that the crop is delivered on behalf of the board, and the pool shall pay all moneys due, or which become due, by the pool in respect of the crop to the board.

If the said moneys are not so paid, the board may recover the amount thereof from the pool as a debt by action in any court of competent jurisdiction.

(4) If any proceeds of the sale of any crop are paid to the applicant, or any other person, such applicant or person shall forthwith pay the amount thereof to the board, and if the amount is not so paid the board may recover it as a debt by action in any court of competent jurisdiction.

(5) Any person who is required by this section to pay to the board the proceeds of the sale of any crop, shall do so without the production or delivery of any wheat receipt, cartnote, storage warrant, or other document.

The receipt given by the board to such person for the proceeds of the sale of any crop shall be a complete discharge to the merchant or pool for whom he acts against the claims of any other person to or in respect of the said proceeds.

(6) If any person fails to comply with any requirement of this section he shall, without prejudice to any civil liability, be guilty of an offence.

**23.** (1) The board shall apply the proceeds of the sale of each applicant's crop in such manner as the board having regard to the interests of the farmer and his creditors deems equitable.

Disposal of  
proceeds of  
sale of crop.

(2) The board shall at a convenient time determined by it publish in the *Gazette* a notice setting out the name and address of every applicant who has assigned any crop under this Part, and may by the notice fix a date on or before which any person claiming payment of any debt payable out of the proceeds of any crop pursuant to this section is to forward to the board particulars of his claim in the form fixed by the board. The board shall also publish in a daily newspaper published in Adelaide an advertisement calling attention to the notice in the *Gazette*. At any time after the date so fixed the board may distribute the proceeds of any crop, having regard only to those debts of which particulars have been forwarded to the board in accordance with this section and within the time fixed as aforesaid.

(3) The board shall not incur any liability with respect to any amount paid to any person pursuant to this section, whether such person was legally entitled to payment or not, unless it is shown that the board acted negligently or in bad faith.

**24.** If—

- (a) on the first day of October next after the delivery of any crop to a merchant or pool, the board has in hand any undistributed balance of the proceeds

Power to  
postpone  
distribution  
of certain  
moneys.

of the sale of such crop which is sufficient to pay a dividend of one shilling in the pound on any outstanding debts payable from such proceeds; or

- (b) the board receives any part of the proceeds of the sale of any crop after the first day of October next after delivery for sale of such crop,

the board may postpone for such time as it deems proper the distribution of the whole or any part of such amounts.

Suspension of  
certain  
liabilities of  
applicant.

**25.** (1) Notwithstanding any enactment, rule of law, or agreement to the contrary, the following provisions shall, subject to subsections (2) and (6) hereof, apply with respect to every applicant on and from the day when he makes his application until the thirty-first of August next after the harvesting of the crops assigned by him to the board in connection with his application:—

- i. No proceeding shall be commenced or continued in any court for the recovery of any debt, demand, or damages or for any other relief, legal or equitable, against the applicant or to enforce any security alleged to have been given by him:
- ii. No proceedings in the nature of an execution of any judgment or order whenever obtained, and no proceedings in the nature of discovery in aid of execution, shall be had or taken against the applicant. This Act shall operate as a stay of execution on every such judgment or order:
- iii. No garnishee proceedings shall be commenced or continued against the applicant:
- iv. No steps shall be taken by any mortgagee, grantee of any bill of sale, holder of a lien, or any other holder or grantee of any form of security over any property of the applicant, or over the farm on which the applicant carries on farming operations, or over any chattel used for the production or marketing of that crop to realise his security or put the same into force whether by entry into possession, the exercise of a power of sale, seizure, or otherwise howsoever:
- v. No steps shall be taken by the vendor under any agreement for sale and purchase of the farm on which the applicant carries on farming operations to

s. 25. *WARD V. SMITH* (1935) S.A.S.R. 205. Exemption can be granted under subsection (2) of s. 25 to an applicant prior to consideration of his application under s. 17.

terminate the agreement, nor shall any such agreement become void or determined by reason of any breach thereof:

- vi. No steps shall be taken by any lessor of the farm on which the applicant carries on farming operations to determine the lease, nor shall any such lease become void or determined by reason of any breach thereof:
- vii. No person shall distrain or take out of the possession of the applicant without his consent any chattel which came into his possession lawfully and with the consent of the owner:
- viii. No mortgagee in possession of any land of the farmer when the application is granted, and who entered into such possession after the first day of November, nineteen hundred and thirty-three, shall remain in possession: Provided that nothing in this section shall affect the title of any person who has acquired the land or any interest therein *bona fide* and for value from the mortgagee.

(2) The board may, upon the application of any person, order in writing that any provisions of this section shall not apply to any specified land, interest in land, or chattels, and upon such declaration the provisions of this section shall cease to apply accordingly: Provided that before making any such order the board shall give at least fourteen days notice in writing of the application to the applicant farmer, and shall consider any oral or written representation made or evidence submitted within the said period by or on behalf of such farmer.

(3) If any proceedings are commenced or steps taken in contravention of subsection (1) they shall be void, and if any proceedings are continued in contravention of subsection (1) every step in the proceedings taken after the making of the application shall be void.

(4) If any person takes possession of any chattels contrary to the provisions of subsection (1) hereof, he shall, in addition to any other liability, be guilty of an offence against this Part. Where the board suspects that any offence against this section has been committed, it may take proceedings therefor.

(5) In computing the time within which according to law any proceedings must be commenced or any step in any proceedings taken, no account shall be taken of the period during which an applicant is protected against proceedings under this section.

PART III.

(6) Any creditor or person claiming against the applicant whose right of action or other right or remedy is stayed or suspended under this section may apply to a special magistrate for leave to proceed. The magistrate shall give notice of the application in writing to the board and the applicant at least seven clear days before the hearing. Every such application shall be heard in a summary way, and the magistrate may receive evidence by affidavit or *viva voce* or otherwise as he thinks fit. The magistrate—

(a) shall have an absolute discretion as to granting or refusing any leave:

(b) shall take into consideration the circumstances of the debtor and of the creditor or claimant, the right or claim relied on by the creditor or claimant, and the objects of this Act.

(7) An application may be made under subsection (6) notwithstanding that an application has previously been made under subsection (2) of this section in relation to the same applicant and the same matter.

(8) The jurisdiction conferred by this section shall be exercised by a special magistrate exercising jurisdiction in the local court nearest to the applicant's place of abode.

The magistrate shall have all the powers of the local court for the purpose of dealing with the application, and his decision shall be final.

False  
statements.

26. Any person who wilfully makes any false statement in any application, declaration, assignment, or other document made or executed in connection with anything done or proposed under this Part, or wilfully neglects to disclose fully any matter required by this Act to be disclosed shall be guilty of an offence.

PART IV.

## PART IV.

## DEBT ADJUSTMENT.

Interpreta-  
tion.

27. In this Part, unless the context otherwise requires—

“certificate” means a protection certificate granted under this Part or to any person who is subject to this Part by virtue of section 28:

“farmer” means—

(a) any individual person who is a resident of, and personally engaged in farming or pastoral operations in the State, whether he be farming on his own account or under a share-farming agreement:

- (b) the personal representative of any such individual person:
- (c) any company which is engaged in farming or pastoral operations in the State.

**28.** Every farmer to whom a certificate has been issued under the Debt Adjustment Acts, 1929 to 1932, and whose certificate is in force at the commencement of this Act shall be subject to this Part in all respects as if he were the holder of a certificate issued under this Part.

Holders of existing debt adjustment certificates to come under this Part.

**29.** (1) Any farmer may by writing in the form fixed by the board apply to the board for a certificate.

Application by farmer for protection.

(2) Upon receipt of such an application the board may, in its discretion, after enquiry into the financial position of the farmer, issue to the farmer a certificate in the Form A in the Schedule to this Act, and shall file a copy thereof in the Lands Titles Registration Office, at Adelaide, and insert a notice in the *Gazette* to the effect that the certificate has been issued.

(3) Certificates under this Part may be issued at any time not later than the thirtieth day of June, nineteen hundred and thirty-eight.

Amended by 2330, 1936, s. 3.

**30.** The Master of the Supreme Court and the clerk of every local court shall keep in the office of the court a list of all certificates notified in the *Gazette* under the last preceding section, and shall produce the list for inspection by any person without fee.

Records of certificates.

**31.** (1) Notwithstanding any enactment, rule of law, or agreement to the contrary, when a certificate has been issued by the board as aforesaid and during the currency thereof the following provisions shall apply:—

Effect of certificate.

(a) No proceeding shall be commenced or continued in any court for the recovery of any debt, demand, or damages or for any other relief legal or equitable against the farmer named in the certificate nor to enforce any security alleged to have been given by him:

(b) No proceeding in the nature of an execution of any judgment or order whenever obtained, and no proceedings in the nature of discovery in aid of execution shall be had or taken against the farmer

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s. 31. REX v. RAY, *ex parte* CHAPMAN (1936) S.A.S.R. 241. Affirming REX v. RAY, *ex parte* CHAPMAN (1936) S.A.S.R. 6. Where a mortgagor is protected under the Act the mortgagee cannot set-off moneys owing to him by the mortgagor against costs ordered under s. 33 to be paid by him to the mortgagor.

named in the notice. This Act shall operate as a stay of execution on every such judgment or order:

- (c) No garnishee proceedings shall be commenced or continued against the said farmer:
- (d) No steps shall be taken by any mortgagee, grantee of any bill of sale, holder of a lien, or any other holder or grantee of any form of security over any property of the said farmer or the land on which he carries on farming or pastoral operations to realise his security or put the same into force whether by entry into possession, the exercise of a power of sale, seizure, or otherwise howsoever:
- (e) No steps shall be taken by the vendor under any agreement for sale and purchase of any land of the farmer or the land on which he carries on farming or pastoral operations to terminate the the agreement, nor shall any such agreement become void by reason of any breach thereof:
- (f) No steps shall be taken by any lessor of any land held by the farmer or the land on which he carries on farming or pastoral operations under lease to determine the lease, nor shall any such lease become void or determined by reason of any breach thereof:
- (g) No person shall distrain or take out of the possession of the farmer any chattel which came into his possession lawfully and with the consent of the owner:
- (h) No mortgagee in possession of any land of the farmer when the certificate is issued and who entered into such possession after the first day of November, nineteen hundred and thirty-three, shall be entitled to remain in possession: Provided that nothing in this section shall affect the title of any person who has acquired the land or any interest therein *bona fide* and for value from the mortgagee.

The provisions of this subsection are subject to sections 33 and 35 of this Act.

(2) If any proceedings are commenced in contravention of this section they shall be void, and if any proceedings are continued in contravention of this section, every step in the proceedings taken after the issue of the certificate shall be void.



(3) As soon as possible after the certificate has been issued the board shall serve by post on the creditors of the farmer so far as the board can ascertain them a statement of the financial position of the farmer.

(4) At any time during the currency of a certificate the board may, on the application of any person order that all or any of the paragraphs of subsection (1) of this section shall not apply to any specified land, interest in land, or chattel of the farmer named in the certificate, and upon such order the said provisions shall cease to apply accordingly.

32. Nothing in this Part shall prevent any creditor from commencing or prosecuting any proceedings, whether in a court or not, in respect of any secured debt contracted after the thirty-first day of December, nineteen hundred and twenty-nine: Provided that no proceedings shall be taken against a farmer during the currency of his certificate in respect of a loan made on security to the farmer after the said date by a creditor, in renewal of a loan made before the said date, or for the purpose of paying a debt due to that creditor and contracted before that date or any interest on any such debt.

Provision as to debts incurred after 1929.

33. (1) At any time after notice of a certificate has been published in the *Gazette* any creditor of or person claiming against the farmer may apply to a special magistrate for leave to proceed. Notice of the application shall be given in writing to the board and the farmer at least seven clear days before the date of hearing mentioned in the notice.

Applications by creditors for leave to proceed.

(2) Every such application shall be heard in a summary manner and the magistrate may receive evidence by affidavit or *viva voce* or otherwise as he thinks fit.

(3) The magistrate—

(a) shall have an absolute discretion as to granting or refusing any leave:

(b) shall take into consideration the financial position of the farmer and of the creditor, or claimant, the right or claim relied on by the creditor or claimant, and the objects of this Act:

s. 33. REX v. RAY, *ex parte* CHAPMAN (1936) S.A.S.R. 6. Where a mortgagor is protected under the Act, the mortgagee cannot set-off moneys owing to him by the mortgagor, against costs ordered under s. 33 to be paid by him to mortgagor.

*Ex parte* CHAPMAN (1935) S.A.S.R. 447. Section 33 (6) empowers the magistrate to award costs.

- (c) may make any order he thinks proper for the interim preservation of any property of the farmer situated within the State:
- (d) may, as a condition of refusing leave, impose upon the farmer any terms and conditions he deems advisable as to the disposition or sale of any property of the farmer, and the application of the proceeds of any such sale:
- (e) may make it a term of granting any leave that the certificate of the farmer be cancelled:
- (f) may at the time of granting any leave or by subsequent order give directions for the removal and sale of any property of the farmer situated in the State which may become liable to seizure and sale in consequence of the granting of such leave or the cancellation of the certificate, and for the distribution of the proceeds of sale thereof.

(4) When the magistrate orders that any certificate be cancelled the magistrate shall forthwith file with the Registrar-General of Deeds a copy of the order, and shall publish a copy of the order in the *Gazette*, and thereupon the certificate shall cease to have any effect whatever.

(5) The jurisdiction conferred by this section shall be exercised by a special magistrate exercising jurisdiction in the local court nearest to the farmer's place of abode.

(6) The magistrate shall have all the powers of the local court for the purpose of dealing with the application, and his decision shall be final.

Duration of  
certificates.

**34.** Every certificate shall, unless sooner cancelled under this Part, remain in force until the board in its discretion determines it by notice filed with the Registrar-General of Deeds and published in the *Gazette*.

Cancellation  
of certificate.

**35.** If the board considers that it is advisable to cancel any certificate the board may, in its discretion, cancel the certificate by filing with the Registrar-General of Deeds a notice of cancellation in the Form B in the Schedule to this Act, and publishing a copy of the said notice in the *Gazette*, and thereupon the certificate shall cease to have any effect whatsoever: Provided that before cancelling any certificate the board shall give not less than fourteen days' notice in writing to the farmer of its intention to do so.

36. When a certificate ceases to have any effect any proceedings which were pending against the farmer at the time of the issue of the certificate, may be continued, and in computing the time within which according to law any proceedings must be commenced or any step in proceedings taken, no account shall be taken of the period during which the certificate was operative.

Continuation of proceedings when certificate cancelled.

37. When a certificate is cancelled the farmer to whom it was issued shall at the request of the board forthwith deliver or send the certificate to the board. Any farmer contravening this section shall be guilty of an offence.

Duty to deliver up cancelled certificates.

38. (1) If the board is satisfied that any property of any farmer holding a certificate is being or likely to be unlawfully dealt with, the board may, by writing under the hand of any member or authorised officer thereof directed to the bailiff of the local court situated nearest to such property, require the bailiff to seize the property, and to hold and deal with it in such manner as the board in writing directs.

Protection of property.

(2) Thereupon the bailiff shall forthwith seize the property and deal with it in the manner directed from time to time by the board by writing under the hand of any member or officer of the board.

(3) The proper fees and expenses incurred by the bailiff in respect of such property shall be a charge upon the property.

39. Where any person to whom a certificate has been issued has assigned the whole or any part of his crops under Part III. of this Act, or under any other Act relating to farmers' relief, the said Part III. or the said other Act shall continue to apply to the growing, harvesting, sale, and distribution of the proceeds of the said crops or part thereof, subject, however, to any reduction of the applicant's liabilities effected under this Part.

Provisions applicable where applicant has assigned crop under Part III.

40. If any farmer in respect of whom a certificate has been issued makes default in complying with any direction given by the board he shall be guilty of an offence.

Penalty for disobedience to directions and orders.

41. (1) The board may out of moneys to be provided by Parliament, make advances to any farmer holding a certificate for any of the purposes for which advances may be made under Part III. of this Act, and may reimburse itself for such advances and the interest thereon out of any income of the farmer which is in or comes into the hands of the board.

Power of board to make advances to holders of certificates.

(2) The board may require any farmer to whom an advance is made to give such security therefor, and in such form, as the board deems advisable.

*Reduction of Liabilities.*

Application  
for reduction.

**42.** (1) An application for reduction of debts under this Part may be made by—

- (a) any farmer to whom a certificate has been issued at any time during the currency of his certificate; or
- (b) any farmer who has applied for a certificate, either at the time of or subsequent to the application for the certificate: Provided that the application for reduction of debts shall not be dealt with unless the farmer obtains a certificate.

(2) Every application for reduction of debts shall be in writing, and shall specify the debts which the farmer asks to be reduced and the amount by which he asks that they should be reduced.

Formulation  
of schemes  
for reduction.

**43.** Upon receipt of such an application the board, if it is of opinion that the application contains a fair and equitable scheme, may submit the proposals of the debtor as a scheme under this Part, and if it is not of that opinion it may itself formulate a scheme whereby the debts of the farmer will be reduced by an amount which the board considers reasonable.

Contents of  
scheme.

**44.** Any scheme may provide for all or any of the following matters:—

- (a) a reduction of the amounts of the debts, accruing or accrued due to unsecured creditors or creditors who become unsecured creditors under this Part for any sum, or accrued due to the Crown. The reduction in the debts of unsecured creditors shall be proportionate to the respective amounts thereof unless, for special reasons, the board decides that it is just that differential reductions should be made in any case:
- (b) a waiver in whole or in part of the Crown's right to priority of payment:
- (c) the postponement of the whole or any part of the rights of the Crown under any mortgage or charge to any other debts, rights, or interests:

- (d) the waiver of any security or part thereof so that the whole or any part of any secured Crown debt shall become unsecured and any property be freed from such debt or part of a debt:
- (e) a reduction of the interest payable on any secured debt to a rate not lower than the rate which in the board's opinion is the current rate chargeable on similarly secured debts of the same kind:
- (f) a release of the farmer from any arrears of interest on any secured debt in excess of an amount computed at the said rate:
- (g) a reduction of the interest payable on any unsecured debt to any rate which the board deems proper or a provision that such debt shall not bear interest:
- (h) a release of the farmer from any arrears of interest on any unsecured debt.

**45.** The scheme so formulated for submission to the creditors shall have regard to—

Matters to be considered in formulating schemes.

- (a) the interests of all parties concerned;
- (b) the economic conditions of the industry in which the farmer is engaged;
- (c) the reductions applied for by the farmer;
- (d) the productive capacity of his land;
- (e) the value of his assets;
- (f) the mode in which he has managed his farm and business affairs generally; and
- (g) any other circumstances which the board thinks relevant.

**46.** The board may include in any scheme a provision that the board will make an advance to the farmer under this Part to enable him to continue his farming operations.

Advances.

**47. (1)** The board shall endeavour to obtain the consent of the creditors to the scheme submitted by the farmer or formulated by the board and for that purpose it may communicate with the creditors individually or it may, at its discretion, instead of or in addition to such communication call a meeting of the farmer's creditors.

Consent of creditors.

(2) If the board communicates with the creditors individually it shall forward to each creditor a full statement of the assets and liabilities of the farmer and particulars of the scheme for reduction of his debts.

## PART IV.

Provision as  
to meetings.

**48.** (1) Any meeting of the farmer's creditors shall be held at a place convenient to the majority in value of the creditors.

(2) Notice of the meeting shall be given to every creditor known to the board by circular delivered at or posted to his residence or place of business.

(3) The notice shall state the object of the meeting and either details or the substantial effect of the scheme.

(4) The meeting shall be held not less than seven nor more than twenty-one days after the delivery or posting of the notices.

(5) A member of the board or some person appointed by the board shall be chairman at and shall have control of the meeting and its business.

(6) The chairman shall decide who is entitled to vote at the meeting and the amount in respect of which any creditor may vote.

(7) Any creditor may vote personally or by proxy.

(8) The chairman may adjourn the meeting from time to time.

(9) The scheme may be amended by the meeting so long as such amendment does not in the opinion of the chairman make the scheme a substantially different one.

(10) The practice, procedure, and the power of the chairman at a meeting shall be the same as at a meeting held under Part XI. of the Commonwealth Bankruptcy Act, 1924, and its amendments.

Voting by  
secured  
creditors.

**49.** A creditor who has security for his debt shall for all the purposes of this Part be an unsecured creditor if—

(a) he surrenders his security, in which case he shall be an unsecured creditor in respect of his whole debt; or

(b) he states in writing the value at which he estimates his security, in which case he shall be an unsecured creditor in respect only of any balance due to him after deducting the estimated value of his security and shall be secured only to the extent of the value estimated; or

(c) he has duly realised his security, in which case he shall be an unsecured creditor in respect of any balance due after deducting the net amount realised.

**50.** The board may make an order that the scheme shall come into operation unless— Orders.

- (a) where the board communicates with the creditors in writing a majority in value of the unsecured creditors intimate in writing (within a time fixed in the communication) that they are opposed to the scheme; or
- (b) where a meeting is called, a majority in value of the unsecured creditors attend personally or by proxy at the meeting and vote against it.

**51.** (1) When the board makes an order that a scheme shall come into operation, the following provisions shall have effect from the date of such order:— Effect of order.

- (a) The scheme shall be binding on the Crown and on all creditors, secured and unsecured, in accordance with its terms:
  - (b) A secured creditor shall have no remedy in respect of his secured debt against the farmer or any of his property except property comprised in the security:
  - (c) Every unsecured debt shall be discharged as to the amount by which it is reduced by the scheme.
- (2) Where the farmer is liable as mortgagor for repayment of any moneys secured on any land which is subject to The Real Property Act, 1886, and of which the farmer has ceased to be the owner, no order shall affect any right of the creditor to take proceedings for recovery of the full amount of those moneys, except his personal remedy against the farmer.

**52.** Where any creditor of a farmer whose debts have been reduced by order of the board— Rights of secured creditors holding wasting security.

- (a) holds as security any property of a wasting nature; and
- (b) did not surrender, value, or realise his security before the order for reduction was made,

such creditor shall at any time after the order for reduction comes into operation be at liberty to value his security and become an unsecured creditor as regards the balance due to him after deducting the estimated value of his security: Provided that the said balance for which he becomes an unsecured creditor shall be reduced proportionately with the other unsecured debts of the farmer.

## PART IV.

Service of  
orders for  
reduction.

53. The board shall serve personally or by post a copy of every order on every creditor thereby affected and shall file and index a copy thereof in the office of the board and every such order and the index shall be kept open to public inspection at all reasonable hours.

Registration  
of certain  
orders.

54. (1) An order made under this Part affecting the rights of the Crown or any person under any instrument registered under The Real Property Act, 1886, shall not be effectual until registered in accordance with this section.

(2) The board shall deliver to the Registrar-General of Deeds a copy of every such order made under this Part, certified under the hand of a member or officer of the board, and the Registrar-General of Deeds shall register the same by making such entries on such instruments as he thinks proper, and shall also arrange for the making of any entry necessary to be made on any copy of a Crown lease in the Land Office.

(3) No fee shall be charged for registration under this section.

Exemption  
of certain  
debts.

55. Where any person after the commencement of this Act makes any loan or supplies goods or services on credit to the holder of a certificate, the provisions of this Part as to reduction of debts shall not be applied so as to reduce the amount due to such person for such loan, goods, or services.

No such person shall, in respect of any amounts due to him for any such loan, goods, or services, be a creditor for the purpose of voting on, or being made party to, any scheme for reduction of debts under this Part.

Provision as  
to trustees.

56. No trustee shall be chargeable with breach of trust by reason of his consent to or failure to object to any scheme under this Part.

Definition of  
liabilities.

57. In the foregoing sections relating to schemes for the reduction of debts "debt" means any debt or liability due or accruing due by the farmer, liquidated or unliquidated, except—

(a) a liability arising under an order or judgment of any court whereby the farmer is required to pay money for the maintenance of his wife or any of his children or relatives:



(b) a liability to pay any fine (with or without costs) imposed by any court:

(c) a liability due to the State on recognizance or bond:

(d) a liability to the Commonwealth or any person or body representing the Commonwealth.

“Crown lease” means lease of, or agreement for the sale of Crown lands.

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## PART V.

## PART V.

### DROUGHT RELIEF CHARGES.

#### 58. In this Part—

## Definitions.

“Crown lease” means lease of or agreement for the sale of Crown lands:

“Drought Relief Acts” means Drought Relief Act, 1914, Drought Relief Act, 1919, Drought Relief Act, 1923, Drought Relief Act, 1926, Drought Relief Act, 1927, Drought Relief Act, 1928, Drought Relief (Extension) Act, 1929, and Frost Relief Act, 1927:

“drought relief charge” means a charge created on any land by any Drought Relief Act to secure any advance under any such Act:

“pre-existing mortgage” means any mortgage, encumbrance, lien, or charge—

(a) affecting land which is subject to a drought relief charge; and

(b) given before the advance for drought relief was made.

All the payments made to the same person for drought relief advances for the same season shall be regarded as one advance and the advance shall be regarded as having been made when the last such payment was made.

“rights of the mortgagee” means rights of the mortgagee in respect of any amounts outstanding under the mortgage at the time when the application for the order is made, but not exceeding the amount outstanding at the time when the drought relief advance was made:

“mortgagee” means mortgagee under a pre-existing mortgage.

## PART V.

Orders  
relating to  
drought  
relief  
charges.

**59.** The board may on the application of any person interested make any of the following orders, and may include in any order any conditions or directions which are necessary to do justice as between the Crown and the mortgagee, or to protect third parties, or to secure the due carrying out of any order made under this Part:—

- (a) Ordering that the whole or any part of the rights of the Crown under any drought relief charge shall be postponed either to the whole or any part of the rights of the mortgagee under any pre-existing mortgage:
- (b) Ordering that any drought relief charge and pre-existing mortgage shall be regarded as one mortgage owned by the mortgagee and the board in shares proportionate to their respective interests; and ordering the execution and registration of any instrument for giving effect to such order:
- (c) Apportioning any drought relief advance secured on two or more parcels of land between those parcels and discharging any such parcel from any part of the advance:
- (d) Discharging any part of the land on which a drought relief advance is charged from the whole or any part of such advance: Provided that no order under this paragraph shall be made unless the remainder of the land is a sufficient security:
- (e) Permitting the alienation of any land subject to a charge for a drought relief advance upon payment of part only of the advance or without any payment being made on account of the advance:
- (f) Declaring that any order under the previous paragraphs shall be conditional upon reduction of interest upon the drought relief advance or the moneys secured by the pre-existing mortgage, or both.

Duties and  
powers of the  
board as to  
orders.

**60.** (1) Where—

- (a) the pre-existing mortgage was given as a security for an actual loan or actual loans in cash made at the rate of interest current at the time of the loan on similarly secured loans of the same kind; and
- (b) the board is satisfied that the owner of the mortgaged land has not made before the first day of March, nineteen hundred and thirty-four, any application under Part IV.,

the board shall, on application, make an unconditional order that the rights of the Crown under the drought relief charge shall be postponed to the rights of the mortgagee.

(2) In any other case the board shall have a discretion as to the order to be made and in deciding whether to make any order and what order to make it shall have regard to the following matters:—

- (a) the nature of the transaction giving rise to the debt for which the pre-existing mortgage was given:
- (b) whether and to what extent the mortgagee's security benefited by the drought relief advance:
- (c) how far the existence of the drought relief charge affects the extent to which the mortgagee's debt is secured:
- (d) the rate of interest charged or to be charged under the mortgage:
- (e) whether and to what extent the mortgagee has reduced or is willing to reduce the amounts due to him under the mortgage:
- (f) any other circumstances which the board thinks relevant.

**61.** (1) No order affecting the rights of the Crown or any other person under any instrument registered under The Real Property Act, 1886, shall be effectual until registered. Registration of orders.

(2) The board shall deliver to the Registrar-General of Deeds a copy of every such order made under this Part certified under the hand of a member or officer of the board and the Registrar-General of Deeds shall register the same by making such entries on such instruments as he thinks proper and shall also arrange for the making of any entry necessary to be made on any copy of a Crown lease in the Land Office.

**62.** Where any farmer—

- (a) was supplied with seed wheat or superphosphate under the Drought Relief Acts, 1928 and 1929, and used the said seed wheat or superphosphate for the purpose of growing a crop during the season 1930-1931; and
- (b) did not harvest in that season an amount of grain equal to the amount of seed used for sowing the crop,

Relief from the obligation to repay certain advances.

the board shall, upon being satisfied of the facts, wholly discharge the farmer from his obligation to repay the cost of the said seed wheat and/or superphosphate.

## PART V.

Fees for  
orders and  
registration.

63. Every applicant for any order shall pay to the board a fee of two shillings and sixpence together with the proper fees for registration of the order calculated as if the order were an order discharging a mortgage. If the board does not make any order requiring registration, the fees for registration shall be refunded.

## PART VI.

## PART VI.

## SUPPLEMENTARY PROVISIONS.

Transfer to  
the board of  
the adminis-  
tration of  
certain Acts.

64. (1) The administration of the following Acts, namely:—Drought Relief Act, 1914; Drought Relief Act, 1919; Drought Relief Act, 1923; Drought Relief Act, 1926; Drought Relief Act, 1927; Drought Relief Act, 1928; Drought Relief (Extension) Act, 1929; Farmers Relief Act, 1931; Farmers Relief Act Extension Act, 1931; and Farmers Relief Act, 1932, is hereby transferred to the board.

(2) All rights, powers, functions, duties, liabilities, and obligations of any Minister of the Crown or of the State Bank of South Australia under any of the said Acts or under any document executed pursuant to the said Acts are hereby transferred to the board.

(3) The said Acts and documents shall be construed as if every reference therein to a Minister of the Crown (other than the Treasurer) or to the State Bank of South Australia were a reference to the board.

Provision as  
to guarantees.

65. (1) The board may order that throughout the period or part of the period during which any applicant is protected against proceedings by or on behalf of his creditors under Part III. of this Act or during which any farmer is the holder of a certificate under Part IV. of this Act all rights and remedies to which any person is entitled under any guarantee for the fulfilment of any obligation by such applicant or farmer shall be suspended.

(2) Where under any mortgage of land which is subject to The Real Property Act, 1886, and of which a farmer or applicant is the owner, any person other than the farmer or applicant is liable, the board may order that the rights and remedies of the mortgagee against every such other person shall be suspended throughout the period or part of the period specified in subsection (1) of this section.

(3) In computing the time fixed by law for commencing or taking any step in any proceedings, no account shall be taken of the period throughout which any rights or remedies are suspended under this section.

**66.** The board shall not—

- (a) grant any application made by an applicant or farmer for an advance; or
- (b) issue a protection certificate to any farmer; or
- (c) formulate or submit or bring into force any scheme for the reduction of the liabilities of any farmer,

Restriction  
on grant of  
assistance.

unless it is satisfied that the applicant or farmer has a reasonable prospect of becoming able within a reasonable time to carry on his farming or pastoral operations, as the case may be, without loss. In considering whether the applicant or farmer has a reasonable prospect of becoming able to carry on his farming or pastoral operations without loss, the board shall have regard to the possibility that the applicant's or farmer's debts may be reduced under this Act.

**67.** (1) The Director or the board, or any person authorised by the board to act under this section, may for purposes of this Act—

Power to  
summon and  
examine  
witnesses.

- (a) by summons under his hand, or in the case of the board, under the hand of any member or the secretary thereof, require any person to attend before him or it and give evidence, and may require answers or returns to any inquiry which that person or body thinks fit to make:
- (b) by notice in writing signed as aforesaid, order the production by any person of any books, papers, or documents in the custody or control of such person:
- (c) inspect any books, papers, and documents so produced:
- (d) examine witnesses on oath, affirmation, or declaration, and administer such oath, affirmation, or declaration.

**(2)** If any person—

- (a) who has been personally served with a summons to attend before any person or body, and whose reasonable expenses have been paid or tendered to him, does not attend in obedience to the summons; or
- (b) being called or examined as a witness, refuses to be sworn or to affirm or declare; or
- (c) fails to produce any books, papers, or documents mentioned in a notice under subsection (1) personally served upon him; or

(d) prevaricates in his evidence, or refuses to answer any lawful question,  
he shall be guilty of an offence.

Directions by  
the board.

68. (1) The board may give to any applicant or farmer whose affairs are being dealt with under Part III. or Part IV. of this Act any directions as to—

- (a) the disposition of any of his property or income:
- (b) his business transactions:
- (c) the better management and working of his farm.

(2) If any such applicant or farmer fails to obey any such direction the board may do any action, execute any document, or take any measures or proceedings necessary to carry out such direction and for that purpose shall be the agent of the applicant or farmer.

(3) Any disposition of property or income or any other transaction entered into by any such applicant or farmer in contravention of any direction of the board shall be void: Provided that in the case of an applicant under Part III., no such disposition or transaction shall be void by reason of this section if the applicant's name does not appear on the record of applications kept by the board under Part III.

(4) If any applicant or farmer fails to obey any direction of the board as to the disposition of any of his property or income, or any of his business transactions, he shall be guilty of an offence.

Legal  
assistance for  
farmers.

69. The board, on behalf of any applicant or farmer whose affairs are being dealt with under Part III. or Part IV. may, where necessary, employ any solicitor or counsel, and may advance money to pay the solicitor or counsel, or any other legal expenses of the applicant or farmer.

Provisions as  
to payment  
of certain  
liabilities.

70. (1) The board shall not pay on behalf of any applicant or farmer under this Act any interest or penalty in respect of any rates, taxes, or charges for excess water imposed under any law of the State, and when the board has paid the amount of any such rates, taxes, or charges (exclusive of any interest or penalty) the person or authority entitled to payment of such rates, taxes, or charges shall have no further claim against any person for any interest or penalty in respect thereof.

(2) Any payment made by the board on behalf of an applicant or farmer, of interest on any moneys secured by a

mortgage or payable under an agreement for the sale and purchase of land shall be at the lowest rate applicable when the interest is paid on the due date; and payment by the board of any interest at that rate shall be a full discharge of the interest in respect of the period for which the payment is made, notwithstanding that the interest was not paid on the due date.

(3) Where the existence or amount of any debt or liability alleged to be due by any applicant or farmer is in dispute, the board may, in its discretion, permit any creditor or claimant to institute and prosecute any legal proceedings in respect of such debt or liability up to the point of obtaining judgment in the court of first instance. No execution or other step shall be taken to put such judgment into force and no appeal shall be taken past the stage of filing and serving notice thereof except with the further permission of the board. The board may treat the amount for which any such judgment is obtained as the amount of the debt or liability for any purpose under this Act, but may reduce the rate of interest payable under such judgment by any amount which it deems proper.

**71.** The board shall, after distributing the income of each applicant or farmer under this Act for each season, send by post to each of his creditors who applies therefor, and who pays the prescribed fee, a written statement showing the details of the moneys received and expended by the board on account of the applicant or farmer in respect of that season's operations.

Annual  
statements for  
creditors.

**72.** The Governor may make any regulations necessary or convenient for carrying this Act into effect, including regulations prescribing fees to be paid in respect of anything done under this Act, the procedure to be adopted in regard to any application or proceeding under this Act, and the duties and conduct of applicants and farmers who are subject to this Act.

Regulations.

**73.** Where any offence is created by this Act but no penalty is specifically provided therefor, the penalty for that offence shall be a fine not exceeding one hundred pounds, or imprisonment for any term not exceeding six months.

General  
penalty.

**74.** All offences against this Act shall be disposed of summarily before a court of summary jurisdiction constituted by a special magistrate.

Summary  
proceedings  
for offences.

## PART VI.

Forms.

**75.** Any application, assignment, or other document used for the purposes of this Act may be in any form prescribed or fixed by this Act or by the regulations thereunder, or by the board, with any modifications, additions, or alterations which the board thinks fit.

Exemptions  
from stamp  
duties.

**76.** Notwithstanding the provisions of any law relating to stamp duties, no stamp duty shall be payable upon any application, declaration, certificate, or assignment made pursuant to this Act.

Duty of  
Registrar-  
General to  
file documents  
without fee.

**77.** The Registrar-General of Deeds shall without fee receive and file a copy of every certificate issued pursuant to Part IV. of this Act, and of every order for, or notice of cancellation of any certificate and shall keep a record thereof.

Saving of  
rights under  
certain hire  
purchase  
agreements.

**78.** Nothing in this Act shall prevent the owner of goods supplied to any person under a hire purchase agreement after the commencement of this Act from exercising (subject to the Hire-purchase Agreements Act, 1931) any power to re-possess, sell, or otherwise deal with the goods.

Board's  
commission.

**79.** The board may retain out of the income of any applicant or farmer whose affairs are being dealt with under Part III. or Part IV. of this Act a commission for its services in connection with the management of his affairs, at a rate to be fixed by the board, which rate shall be the same for all persons, shall not exceed two and a half per centum of the said income and shall be of such an amount as, in the board's opinion, will produce in the aggregate a sum sufficient to cover the actual cost of the administration of this Act.

Financial  
provision.

**80.** (1) The Treasurer of the State may from time to time out of moneys provided by Parliament for the purpose, make advances to the board for carrying out the provisions of this Act.

(2) So far as is practicable, the advances made by the Treasurer shall be repaid to him out of the moneys paid to the board in repayment of the loans made by it under this Act; and any deficiency which may arise and any other money required for purposes of this Act shall be paid out of money provided by Parliament for that purpose.

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## THE SCHEDULE.

### FORM A.

#### FARMERS ASSISTANCE ACT, 1933.

To the Registrar-General of Deeds and to the Master of the Supreme Court and the Clerks of all Local Courts:

This is to certify that.....  
of....., a farmer within the meaning of  
Part IV. of the said Act, is a person entitled to the benefit of the provisions of  
Part IV. of the said Act.

Dated at.....this.....day of....., 19..

.....  
Director.

### FORM B.

In the matter of the Farmers Assistance Act, 1933.

To the Registrar-General of Deeds and to the Master of the Supreme Court and the Clerks of all Local Courts:

This is to certify that the certificate issued by me under the provisions of the  
above Act in respect of....., of.....  
on the.....day of....., 19...., is hereby cancelled.

Dated this.....day of....., 19....

.....  
Director.

## Regulations.

The following regulations were in force under this Act on the 12th April, 1937:—

### GENERAL REGULATIONS—

*Gazette*—27th September, 1934, p. 646.

4th October, 1934, p. 682.

## FATAL ACCIDENTS

see Wrongs.