



ANNO VICESIMO TERTIO

GEORGII V REGIS.

A.D. 1932.

No. 2100.

An Act to amend the Farmers Relief Act Extension Act, 1931, to make provision for financing farmers for the season 1933-34, and for purposes incidental thereto.

[Assented to, November 30th, 1932.]

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

1. (1) This Act may be cited as the "Farmers Relief Act, 1932". Short title and Division of Act.

(2) The Farmers Relief Act, 1931, the Farmers Relief Act Extension Act, 1931, and this Act may be cited as the "Farmers Relief Acts, 1931 and 1932".

(3) The Farmers Relief Act Extension Act, 1931, is hereinafter called "the principal Act".

(4) The remaining sections of this Act are divided into Parts as follows:

PART I.—Amendments of the Farmers Relief Act Extension Act, 1931:

PART II.—Finance of Farmers for season 1933-34.

PART I.

PART I.

AMENDMENTS OF THE FARMERS RELIEF ACT EXTENSION ACT, 1931.

2. This Part is incorporated with sections 3 to 23, inclusive, of the Farmers Relief Act Extension Act, 1931, and those sections and this Part shall be read as one Act. Incorporation.

3. Section

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Amendment of
principal Act,
s. 12—

Retention of wheat
for milling, and
provision as to
cartnotes.

3. Section 12 of the principal Act is amended as follows :—

(a) At the end of paragraph (b) of subsection (1) thereof the following words are inserted :—“ or for milling into flour for food for himself and his family during the said season ” :

(b) At the end of subsection (1) the following paragraph is inserted :—

(c) forthwith upon receipt of the cartnote or other document issued on the delivery of such crop or any portion thereof forward such cartnote or document to the Bank :

(c) After subsection (2) the following subsection is inserted :—

(2a) If an applicant retains an amount of his crop for the purposes specified in subsection (1) of this section, and the Bank is subsequently satisfied that the whole or 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 13 and 14 with the necessary modifications shall thereupon apply to the amount so delivered.

Amendment of
principal Act,
s. 13—

Provisions as to sale
of crop.

4. Section 13 of the principal Act is amended as follows :—

After subsection (3) thereof the following subsection is inserted :—

(3a) When any merchant or the manager, secretary, or agent of any pool, has received a request or direction under this section to pay to the Bank the proceeds of the sale of any crop, it shall be his duty to obey such request or direction without the production or delivery of any wheat receipt, cartnote, storage warrant, or other document. The receipt given by the Bank to a merchant, manager, secretary, or agent for the proceeds of the sale of any crop shall be a complete discharge to the merchant or pool against the claims of any other person to or in respect of the said proceeds.

Amendment of
principal Act,
s. 14—

Disposal of proceeds
of sale of crop.

5. Section 14 of the principal Act is amended as follows :—

(a) The words “ as at the first day of March, nineteen hundred and thirty-three (hereinafter called ‘ the date of distribution ’) ”, in the fifth and sixth lines of subsection (1), are struck out :

(b) After the words “ immediately prior to ” in the fourth line of subparagraph (i.) of paragraph (d) of subsection (1) the words “ the first day of March, nineteen hundred and thirty-three, hereinafter called the ” are inserted :

(c) After

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(c) After the words “principal Act” at the end of subparagraph (i.) of paragraph (d) of subsection (1) the words “or by or on behalf of the Crown under any other enactment by virtue of which the amount of such advance is a first charge on the farm on which the crop was grown” are inserted.

(d) At the end of subparagraph (i.) of paragraph (d) of subsection (1) the following passage is inserted:—

If any such mortgage does not purport to provide for payment of interest on the moneys thereby secured, the mortgagee shall be entitled under this paragraph to rank for payment of an amount equal to interest for one year at the rate of five and a half per centum on such part of the amount secured by the mortgage as the Bank in its discretion deems to be the amount of principal outstanding.

If the farm on which the crop was grown is encumbered to secure the payment of any sum or sums of moneys the encumbrancee shall be entitled under this paragraph to rank for payment of an amount equal to interest for one year at the rate of five and a half per centum per annum on the capital value of the amount secured by the encumbrance as estimated by the Bank.

(e) Before the word “used” in the fifth line of subparagraph (ii.) of paragraph (d) of subsection (1) the word “necessarily” is inserted:

(f) At the end of subparagraph (iii.) of paragraph (d) of subsection (1) the following passage is inserted:—

Where any such agreement to purchase does not purport to provide for payment of interest on the purchase-moneys the vendor shall be entitled under this paragraph to rank for payment of an amount equal to interest for one year at the rate of five and a half per centum per annum on that part of the moneys payable under the agreement which the Bank in its discretion deems to be the amount of purchase-money outstanding:

(g) Before the word “used” in the fourth line of subparagraph (iv.) of paragraph (d) of subsection (1) the word “necessarily” is inserted:

(h) In subparagraph (v.) of paragraph (d) of subsection (1) the words “vermin rates” are inserted after the words “district rates” in the first line thereof:

(i) at

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- (i) At the end of paragraph (e) of subsection (1) the following proviso is inserted: Provided that there shall rank for payment under this paragraph any principal moneys secured by a stock mortgage where those moneys represent either in whole or in part the cost of any commodities supplied to the applicant before he applied for relief under any of the Farmers Relief Acts, 1931 and 1932, and being commodities of any kind commonly required for the purpose of putting in, protecting, harvesting or delivering a crop.

New section 14a of principal Act—

Power to postpone distribution of certain moneys.

6. The principal Act is amended by inserting therein after section 14 the following section :—

14a (1) If—

- (a) on the first day of October next after the delivery of any crop to a merchant or pool, the Bank had or has in hand any undistributed balance of the proceeds of the sale of such crop which was or is insufficient to pay a dividend of one shilling in the Pound on any outstanding debts payable from such proceeds; or
- (b) the Bank received or 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 Bank may in its discretion postpone for such period as it thinks proper the distribution of the whole or any part of such moneys and if the applicant assigns his next succeeding crop to the Bank, the Bank may add such moneys to the proceeds of that crop and distribute such moneys as if they formed part of such proceeds.

(2) This section applies to the proceeds of the sale of crops for the seasons 1931-1932 and 1932-1933.

PART II.**PART II.****FINANCE OF FARMERS FOR SEASON 1933-34.**

Interpretation.

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

“ Applicant ” means a person who has submitted an application to the Bank under this Part and whose application has not been refused or withdrawn :

“ Bank ” means the State Bank of South Australia established by the State Bank Act, 1925 :

“ Board ” means the Board of Management of the Bank :

“ Crop ”

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“Crop” means crop of wheat, barley, oats, or rye, and any such crop cut for hay, and includes the grain harvested from any such crop, and, in relation to a party to a share-farming agreement, means his share of or interest in a crop :

“Farmer” means any person who otherwise than as an employee of another person is engaged in the cultivation of land for the production of wheat, barley, oats, or rye, or the hay of any of these crops, or any party to a share-farming agreement under which land is cultivated for such production :

“Wheat merchant” includes any person other than a pool to whom a crop is sold or delivered for sale.

8. This Part shall be administered on behalf of the Bank by the Board, but the Board may delegate to any person the performance or exercise of any duties, functions, or powers of the Bank under this Part. Administration.

9. (1) Any farmer who in good faith intends to put, or has put, land under crop for the season 1933-34, and who requires assistance under this Part for all or any of the following purposes, namely, to sow, harvest, and market his crop for the said season, to maintain himself and his family throughout the said season, to feed his stock during that season or to fallow land for cropping in the season 1934-35, may apply to the Bank for assistance under this Part. Applications.

(2) The assistance which may be applied for shall be—

- (a) the supply by the Bank of commodities required for any of the purposes aforesaid :
- (b) payment by the Bank on behalf of the applicant of fees, wages, or other amounts which in the opinion of the Bank are expenses reasonably necessary for any of the purposes aforesaid :
- (c) payment by the Bank on behalf of the applicant of the premium for one year on any policy of insurance against fire of any buildings or other improvements on the farm on which the applicant's crop is grown or to be grown, or of any reasonable sums for medical, dental, or nursing expenses, opticians' fees, or funeral expenses payable for services rendered to or in respect of the applicant or any member of his family between the twenty-eighth of February, nineteen hundred and thirty-three, and the first of March, nineteen hundred and thirty-four :
- (d) without limiting the generality of the foregoing provisions, advances by the Bank for :—

- I. the purchase of clothing for the applicant or members of his family :

- II. the

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- II. the purchase of farming machinery, plant, and live stock :
- III. the purchase of fencing wire, for fencing the portion of the farm on which the applicant's crop is growing or is to be grown :
- IV. the purchase of rabbit poison for use on the said farm :
- V. the payment of stallion fees :
- VI. payment of subscriptions payable by the applicant to a veterinary lodge, or of fees payable by the applicant for veterinary services :
- VII. payment of premiums not exceeding Twenty Pounds in the aggregate on any policy of insurance on the life of the applicant or of any member of his family dependent upon him :
- VIII. payment of subscriptions payable to any friendly society in respect of the applicant or any member of his family dependent upon him.

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

Assignment of crops.

10. (1) With every application the applicant shall execute and forward to the Bank an assignment to the Bank of all crops to be grown by the applicant in the State during the season 1933-34.

(2) If the applicant is a party to a share-farming agreement he shall assign to the Bank the whole of his share of or interest in any crops to be grown in the State during the season 1933-34.

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

(4) Every assignment shall operate to pass the legal ownership of the crops mentioned therein (whether growing or sown or not yet sown at the time of the assignment) to the Bank 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 disposition of or interest created in the land on which the crops exist or come into existence shall affect the Bank's ownership of the said crops.

(5) If any applicant fails to assign to the Bank all crops which he is by this section required to assign, this Part shall operate as an assignment to the Bank as from the date of the application of any crop 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 the assignment of his crops shall be void.

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(8) An application shall not be deemed to be withdrawn until the Bank has by notice in the *Gazette* signified its consent to the withdrawal and intimated that the application is withdrawn as from some date specified in the notice. The Bank may signify its consent to the withdrawal of an application—

- (a) if it is satisfied that the applicant desiring to withdraw his application has not been supplied with any commodities or services the price of which is payable out of the proceeds of his assigned crop and has not received any advance which is repayable from those proceeds; or
- (b) if the Bank is satisfied that all persons who are entitled to be paid out of the proceeds of his assigned crop for any commodities or services supplied or money lent to the applicant, have been paid in full or consent to the withdrawal.

On receipt of any application for withdrawal the Bank 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 of the application must signify their objection to the Bank.

If the Bank does not receive any objection within the said period or if all creditors objecting are either paid in full or withdraw their objections the Bank may signify its consent to the withdrawal of the application, and shall not be under any liability to any person by reason of doing so.

11. (1) The Bank shall keep at its head office at Adelaide a record of every application made under this Part 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 :
- (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.

(2) The said record shall be open to inspection by the public during the hours during which the office of the Bank is ordinarily open to the public.

12. The Bank shall consider every application and may in its discretion grant or refuse any application or may grant any application in part only. Decision on applications.

13. (1) The amount fixed in each case by the Bank as the cost of any commodities supplied to or on behalf of any applicant, and the amount of any money paid by the Bank to or on behalf of any applicant, shall be deemed to be a loan of money made by the Bank to the applicant. Repayment of cost of commodities supplied or moneys paid on behalf of applicant.

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(2) The applicant to whom such loan is made shall repay the amount thereof together with simple interest thereon at the rate fixed by the Bank (being as nearly as practicable the average rate paid by the Bank on money borrowed by it for purposes of this Part) on or before the twenty-eighth day of February, nineteen hundred and thirty-four. The interest shall be computed from the date when the Bank made the advance or paid for the commodities supplied until the time of repayment.

(3) The Bank may in any case which it considers to be one of special hardship extend from time to time the date of repayment of the whole or any part of any moneys due by any applicant.

Applications by farmers financed by persons other than the State Bank.

14. (1) Where any trading bank, merchant, or other 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 mentioned in section 9 of this Act, the farmer may, by application to the Bank in the prescribed form, request the Bank to distribute the proceeds of his crop for the season 1933-34 in accordance with the provisions of this Part, and to pay the amounts due to the lender in the same order of priority as amounts due to the Bank under this Part. The Bank shall not consider any such application unless the lender consents thereto and unless the Bank is satisfied 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 the lender or any other person.

(2) Every such application shall be accompanied by an assignment to the Bank of all crops grown or to be grown by the applicant during the season 1933-34. The provisions of sections 10 and 11 of this Act shall apply to the assignment, and the farmer shall be deemed to be an applicant within the meaning of this Act, and shall be entitled to all the rights, privileges, and immunities, and subject to all the duties and liabilities of an applicant who has received assistance from the Bank under section 9 of this Act.

(3) If the Bank approves of the said application it shall notify the lender of its approval, and all amounts advanced by him with the approval of the Bank 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 same order of priority as amounts due to the Bank under this Part are payable.

Insurance of crop.

15. The Bank may insure any crop assigned to it under this Part against such risks as it thinks proper and shall deduct the cost of insurance from the proceeds of that crop coming into its hands.

Duty of applicant to sow and harvest crop.

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

(a) sow, care for, harvest, and render marketable the crops grown or to be grown by him during the season 1933-34 :

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(b) within one month of harvesting deliver the crop on behalf of the Bank to a wheat merchant or pool, nominated by the applicant and approved by the Bank: Provided that, with the approval of the Bank, the crop may be delivered in portions to different pools or merchants: Provided further that the applicant may retain with the approval of the Bank a reasonable amount of his crop for seed and fodder for the next ensuing season, or for milling into flour for food for himself and his family during the said season:

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

(2) If any such applicant neglects or refuses to comply with any requirement of this section, or if the Bank has reasonable cause to believe that any applicant is likely so to neglect or refuse, the Bank may—

(a) itself 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 crop coming into its hands:

(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 Bank is subsequently satisfied that the whole or 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 17 and 18 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.

17. (1) If the applicant delivers the crop, or any portion thereof, to a wheat merchant, the applicant shall, on behalf of and in the name of the Bank within three months after delivery, sell the crop, or portion so delivered, and direct the merchant to pay the proceeds of the sale to the Bank. Sale of crop.

A wheat merchant so directed by the applicant, or though not so directed, when required by the Bank, shall pay the proceeds of the sale directly to the Bank accordingly, and if the proceeds are not so paid, the Bank may recover them from the wheat merchant as a debt by action in any Court of competent jurisdiction. If any applicant fails to sell any

any crop or portion of a crop as required by this section the Bank may sell that crop or portion of a crop and retain the proceeds for distribution under this Act.

Where any crop has been delivered to a merchant and the sale of the whole of such crop has not been completed before the expiration of three months after delivery, the said crop or, as the case may be, the portion then remaining unsold, shall, unless the Bank directs the merchant to the contrary, upon such expiration be deemed to have been bought by the merchant at the price ruling on the day following the said expiration, and the merchant shall forthwith without production of any wheat receipt, cartnote, storage warrant, or other document, pay the price thereof to the Bank.

(2) If the applicant delivers the crop, or any portion thereof, to a pool the applicant shall forthwith notify the manager, secretary, or the agent of the pool taking delivery that the crop, or portion thereof, is delivered on behalf of the Bank, and shall direct the said manager, secretary, or agent to pay all moneys due by the pool in respect of the crop, or portion thereof, to the Bank, and, if the said proceeds are not so paid, the Bank may recover them from any person into whose hands they have come, as a debt in any Court of competent jurisdiction.

When such a direction has been given by the applicant, or when required by the Bank, the pool shall pay all the said moneys to the Bank accordingly.

(3) If any proceeds of the sale of any crop of an applicant, or any portion thereof, or any money due by a pool in respect of any such crop, or any portion thereof, is paid to the applicant, he shall forthwith pay the amount thereof to the Bank, and if the amount is not so paid the Bank may recover it as a debt by action in any Court of competent jurisdiction.

(4) When any wheat merchant or the manager, secretary, or agent of any pool, has received a request or direction under this section to pay to the Bank the proceeds of the sale of any crop, it shall be his duty to obey such request or direction without the production or delivery of any wheat receipt, cartnote, storage warrant, or other document.

The receipt given by the Bank to such merchant, manager, secretary, or agent for the proceeds of the sale of any crop shall be a complete discharge to the merchant or pool against the claims of any other person to or in respect of the said proceeds.

(5) 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.

Disposal of proceeds
of sale of crop.

18. (1) The Bank shall apply the proceeds of the sale of each applicant's crop in payment of debts due and payable by the applicant, or in respect of the farm on which the applicant's crop was grown,

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or the machinery or chattels necessarily used in the production, harvesting, or marketing of such crop, in the following order of priority :—

- (a) Firstly, in payment of commission to the Bank at a rate to be fixed by the Bank, which rate shall be the same for all applicants, shall not exceed two and a half per centum of the said proceeds, and shall be of such amount as, in the Bank's opinion, will produce a sum sufficient to cover the actual cost incurred by the Bank in the administration of this Act :
- (b) Secondly, in payment, at the discretion of the Bank and to the extent fixed by the Bank, of any money due to any labourer (whether remunerated by a share of the crop or otherwise) for services rendered in connection with the production, harvesting, or marketing of the crop or any part thereof :
- (c) Thirdly, in payment of the amounts due to the Bank under this Act :
- (d) Fourthly, in payment of the following amounts specified in this paragraph ranking equally between themselves :—
 - (i.) Any interest under any legal or equitable mortgage of the farm on which the crop was grown becoming due and payable during the period of twelve months immediately prior to the first of April, nineteen hundred and thirty-four, hereinafter called the date of distribution, including, if the Bank so determines, any interest due and payable in respect of the said period on any advance made to the applicant under the Farmers Relief Acts 1931 and 1932 or by or on behalf of the Crown under any other enactment by virtue of which the amount of such advance is a first charge on the farm on which the crop was grown :

Where any such mortgage does not purport to provide for payment of interest on the moneys thereby secured, the mortgagee shall be entitled under this paragraph to rank for payment of an amount equal to interest for one year at the rate of five and a half per centum on such part of the amount secured by the mortgage as the Bank, in its discretion, deems to be the amount of principal outstanding :

Where the farm on which the crop was grown is encumbered to secure the payment of any sum or sums of money the encumbrancee shall be entitled under this paragraph to rank for payment of an amount equal to interest for one year at the rate of five and a half per centum
per

per annum on the capital value of the amount secured by the encumbrance as estimated by the Board :

- (ii.) In payment of any interest becoming due and payable during the period of twelve months immediately prior to the date of distribution under any registered stock mortgage or bill of sale over any chattels necessarily used in the production, harvesting, or marketing of the crop for the season 1933-34, but if any stock mortgage or bill of sale comprises chattels other than those used as aforesaid the interest payable under this subdivision shall be a part of the total interest payable under the said mortgage or bill of sale which, in the opinion of the Bank, bears the same relation to the total interest as the value of the chattels used as aforesaid bears to the value of all the chattels comprised in the stock mortgage or bill of sale :
- (iii.) If the farm on which the crop was grown is held under lease, any rent which became due and payable under such lease, during the period of twelve months immediately prior to the date of distribution, or, if the said farm is held under an agreement to purchase, any interest due and payable on the balance outstanding of the purchase price in respect of the said period :

Where any such agreement to purchase does not purport to provide for payment of interest on the purchase-moneys, the vendor shall be entitled under this paragraph to rank for payment of an amount equal to interest for one year at the rate of five and a half per centum per annum on that part of the moneys payable under the agreement which the Bank in its discretion deems to be the amount of purchase-money outstanding :

- (iv.) Any instalments due and payable in respect of the period of twelve months immediately prior to the date of distribution on any farming machinery or chattel, necessarily used in the production, harvesting, or marketing of the crop for the season 1933-34, and which was being purchased on extended terms of credit or held under hire purchase agreement : Provided that where no instalments are due and payable in respect of the said period, but instalments are due and payable in respect of a previous period of twelve months, the instalments due and payable in

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in respect of the last previous such period shall be payable under this subdivision. In no case shall the amount payable under this subdivision exceed one-quarter of the total purchase-money or of the total money payable under the hire purchase agreement :

(v.) Any municipal or district rates, vermin rates, water rates, charges for excess water, or land tax due and payable in respect of the farm on which the crop was grown, and any income tax under any Commonwealth or State Act due and payable by the applicant, but not exceeding in any case the amount of any such rates, charges, or taxes which became due and payable during the twelve months preceding the date of distribution :

(vi.) Any medical, dental, or nursing expenses, optician's fees, or funeral expenses, reasonably incurred by the applicant for services rendered to or in respect of the applicant or any member of his family during the period of twelve months immediately prior to the date of distribution and which have not been paid by the Bank :

(e) Fifthly, in payment of the remaining debts of the applicant, due and payable before the date of distribution, other than principal moneys secured by mortgage or bill of sale or stock mortgage and other than any part of the balance outstanding of the purchase price of the farm on which the crop was grown in any case where such farm is held under agreement to purchase: Provided that there shall rank for payment under this paragraph any principal moneys secured by a stock mortgage where those moneys represent either in whole or in part the cost of any commodities supplied to the applicant before he applied for relief under any of the Farmers Relief Acts, 1931 and 1932, and being commodities of any kind commonly required for the purpose of putting in, protecting, harvesting or delivering a crop :

(f) Sixthly, the surplus, if any, shall be returned to the applicant.

(2) The interest payable under paragraph (d) of subsection (1) of this section shall be at the rate payable under the mortgage, bill of sale, hire-purchase agreement, or agreement in cases where the interest is paid on the due date, and shall in no case be paid at a rate in excess of seven per centum per annum.

(3) The Bank shall at a convenient time determined by it publish in the *Gazette* a notice setting out the names and addresses of all applicants who have received assistance under this Act, and may by the notice fix a date on or before which any person claiming
payment

payment of any debt payable out of the proceeds of any crop pursuant to this section is to forward to the Bank particulars of his claim in the form fixed by the Bank. The Bank shall also publish in a daily newspaper published in Adelaide an advertisement calling attention to the notice in the *Gazette*. The Bank shall be deemed to have duly made all payments payable under subsection (1) if it duly pays to the extent to which funds are available the debts of which particulars are given to it on or before the said date and in the form fixed by the Bank.

(4) The Bank 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 Bank acted negligently or in bad faith.

(5) If the Bank is of opinion that any debt the payment of which is claimed out of the proceeds of any applicant's crop is not such a debt as in the opinion of the Bank ought to be paid out of those proceeds the Bank may in its discretion refuse payment of such debt out of the said proceeds.

(6) In this section "farm" includes all lands, whether in blocks contiguous to each other or not, which the Bank is satisfied are worked in conjunction with each other for the production of crops, as one farm.

(7) The Bank shall not pay under this section any interest or penalty in respect of any rates or taxes payable under any law of the State or in respect of charges for excess water, and when the Bank 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 penalty or interest in respect thereof.

Power to postpone
distribution of
certain moneys.

19. If—

- (a) on the first day of October next after the delivery of any crop to a merchant or pool, the Bank has in hand any undistributed balance of the proceeds of the sale of such crop which is insufficient to pay a dividend of One Shilling in the Pound on any outstanding debts payable from such proceeds; or
- (b) the Bank 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 Bank may in its discretion postpone the distribution of the whole or any part of such moneys and if the applicant assigns his next succeeding crop to the Bank, the Bank may add such moneys to the proceeds of that crop and distribute such moneys as if they formed part of such proceeds.

20. (1) Notwithstanding

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20. (1) Notwithstanding any enactment or rule of law to the contrary, and notwithstanding the provisions of The Real Property Act, 1886, or any term, covenant, or condition of any agreement, during the period from the making of the application until the thirty-first day of August, nineteen hundred and thirty-four, the following provisions shall, subject to subsections (2) and (6) hereof, apply with respect to every applicant:—

Suspension of
certain liabilities
of applicant.

- I. No action shall be commenced in any court for the recovery of any debt, demand, or damages against the applicant, nor to enforce any security alleged to have been given by him. If any such action is commenced it shall be, and is hereby declared to be, stayed :
- II. No proceedings in the nature of an execution of a judgment or order already obtained and no proceedings in the nature of discovery in aid of execution shall be had or taken against the applicant. Every such judgment or order shall be and is hereby declared to be stayed for all purposes whatsoever :
- III. 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's crop is growing or was grown or 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, but all the remedies available to any such mortgagee, grantee, holder of a lien, or other holder or grantee shall be and the same are declared to be suspended :
- IV. No steps shall be taken by the vendor under any agreement for sale and purchase of the farm on which the applicant's crop is growing or was grown to terminate the agreement, nor shall any such agreement become void by reason of any breach thereof :
- V. No steps shall be taken by any lessor of the farm on which the applicant's crop is growing or was grown to determine the lease, nor shall any such lease become void or determined by reason of any breach thereof :
- VI. No person shall, whether on or by reason of the breach of any term of a hire-purchase agreement or for any other reason whatever, take out of the possession of the applicant without his consent any chattel which came into his possession lawfully and was used by him for the production, harvesting, or marketing of his crop :
- VII. No chattel on the farm on which the applicant's crop is growing or was grown shall be distrained for any purpose.

(2) The

(2) The Bank may, upon the application of any person, declare 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 at least fourteen days notice in writing shall be given to the applicant farmer before any such declaration is made, and the Bank shall consider any oral or written representation made within the said period by or on behalf of such farmer, before the Bank makes any such declaration.

(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 granting 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, without prejudice to any other liability, be guilty of an offence against this Part. Where the Bank has just cause to suspect that any offence against this section has been committed, it may institute and prosecute such proceedings as are justified by the facts coming to its knowledge.

(5) The period during which any right of action or other right or remedy of any person is suspended under this section shall not be included in the period fixed by any statute of limitations within which such right of action, right, or remedy must be commenced or exercised.

(6) Any person 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. Such application shall be made to a Special Magistrate exercising jurisdiction in the Local Court nearest to the applicant's place of abode. The provisions of this subsection are in addition to the provisions of subsection (2) hereof.

Every such application shall be heard in a summary way, and the Special Magistrate may receive evidence by affidavit or *viva voce* or otherwise as he thinks fit.

The Special Magistrate—

- (a) shall have an absolute discretion as to granting or refusing any leave:
- (b) shall take into consideration the circumstances of the applicant and of the person aforesaid and the objects of this Act.

The decision of the Special Magistrate shall be final.

(7) No mortgage, bill of sale, charge, lien, pledge, or other security given or created by any applicant over any real or personal property during the period during which this section is in operation shall have any force or validity whatsoever unless it is given or created with the consent of the Bank expressed in writing.

21. Any

Farmers Relief Act.—1932.

PART II.

21. Any person who wilfully makes any false statement in any application, declaration, assignment, or other document under or for the purposes of this Part, or wilfully neglects to disclose fully in any application under this Part any matter required to be disclosed shall be guilty of an offence and liable to a fine not exceeding One Hundred Pounds or imprisonment for any term not exceeding twelve months.

Penalty for false statements.

22. Any person to whom any commodity has been supplied under this Part, and who without the written consent of the Bank barter or sells, or attempts to barter or sell, the said commodity or any quantity thereof, shall be guilty of an offence and liable to a fine not exceeding Fifty Pounds or imprisonment for any term not exceeding three months.

Penalty for selling commodities supplied under this Act.

23. Where any offence is created by this Part, but no penalty provided therefor, the penalty for such offence shall be a fine not exceeding Fifty Pounds, or imprisonment for any term not exceeding six months.

General penalty.

24. Notwithstanding the provisions of the Stamp Duties Act, 1923, no stamp duty shall be payable upon any application, declaration, certificate, or assignment made pursuant to this Part.

Exemptions from stamp duties.

25. Any application or assignment pursuant to this Part may be in any form prescribed or fixed pursuant to this Part with any modifications, additions, or alterations which the Bank thinks fit.

Forms.

26. Offences against this Part shall be disposed of summarily.

Summary proceedings for offences.

27. The Governor may make any regulations necessary or convenient for carrying this Part into effect, and may, by regulation, impose penalties recoverable summarily and not exceeding Fifty Pounds for breach of any regulation.

Regulations.

28. (1) The Treasurer of the State may from time to time out of moneys to be provided by Parliament for the purpose, make advances to the Bank for carrying out the provisions of this Part.

Financial provision.

(2) So far as is practicable, the advances made under subsection (1) of this section shall be repaid to the Treasurer out of the moneys paid to the Bank in repayment of the loans made by it under this Part; and any deficiency which may arise and any other money required for purposes of this Part shall be made good or paid out of money provided by Parliament for that purpose.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.