

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 December, 1919.*

New South Wales.



ANNO DECIMO

GEORGII V REGIS.

Act No. , 1919.

An Act to afford relief to farmers affected by the prevailing drought; to validate certain payments, undertakings, and advances; to provide for the postponement of certain proceedings and remedies against farmers; to amend certain Acts; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Farmers Drought Relief Act, 1919." Short title.

Farmers Drought Relief.

2. In this Act, unless the context or subject-matter otherwise requires,—

5 “Creditor” means any person to whom a farmer owes any debt or the performance of any obligation arising out of a contract, verbal or written, express or implied, or who can enforce against such farmer any right arising out of any such contract or any statute or law in force in the State.

10 “Farmer” means any person whose principal occupation or business is the cultivation of his own land or that of another, or the carrying on of dairy farming or grazing thereon, and includes a tenant farmer or share-farmer, and further
15 includes any person whose chief form of business or means of livelihood is connected with farming or grazing.

“Minister” means Minister for Agriculture.

20 “Prescribed” means prescribed by this Act or by any regulation made under it.

Pecuniary relief.

3. (1) Any farmer in the State who has suffered or is likely to suffer loss or hardship in consequence of the drought prevailing in the State may apply to the
25 Minister for relief.

(2) Such application shall be made in the form and shall give the particulars prescribed and shall, if the Minister so require, be verified by the statutory declaration of the applicant.

30 4. Upon receipt of such application the Minister, if it is proved to his satisfaction that such farmer has suffered or is likely to suffer such loss or damage, may, subject to the provisions of this Act, relieve such farmer in all or any of the following ways, that is to say,—

- 35 (a) by payment of the whole or part of any moneys due or accruing due by such farmer to any creditor ;
(b) by guaranteeing the payment of the whole or part of such moneys ;
40 (c) by advancing moneys to such farmer ;

(d)

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- (d) by supplying commodities to such farmer ;
 (e) by giving such farmer orders for the supply to him of commodities for which the Minister undertakes to pay ; and
 5 (f) by restraining proceedings against such farmer as hereinafter provided.

5. The Minister may require the applicant to enter into a contract in the form prescribed, and to give security for the repayment at a date to be fixed by the
 10 Minister in each case of any moneys paid, payable, or advanced, or the value of any commodities so supplied by the Minister under this Act, together with interest thereon at a rate to be prescribed. -

6. The total amount to be paid, payable, or advanced
 15 by the Minister (together with the value of any commodities supplied by him or on his order) after the coming into operation of this Act by way of relief to any one such farmer shall not exceed five hundred pounds.

7. The total amount to be paid, payable, or advanced
 20 by the Minister (together with the value of any commodities supplied by him or on his order) under this Act by way of relief to all such farmers shall not exceed ten hundred thousand pounds.

8. All such payments and advances shall be made
 25 out of such moneys as may be provided by Parliament for the purposes of this Act.

9. All payments made or undertaken to be made by the Minister or the Minister for Lands, and all commodities supplied by or upon the order of either of them,
 30 before the commencement of this Act since the first day of January, one thousand nine hundred and nineteen, for the purpose of affording relief to such farmers as have suffered or were likely to suffer such loss or damage are deemed to have been made or undertaken to be made
 35 and supplied respectively under the authority of this Act.

Restraining proceedings.

10. (1) For the purpose of restraining proceedings as hereinbefore mentioned the Minister may send to any
 40 creditor concerned a notice in the form prescribed restraining him from exercising, except by leave of the Minister as hereinafter provided, all or any of his remedies against any farmer in respect of any of the matters mentioned in the section next hereinafter
 45 following.

(2)

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(2) Such notice shall be deemed to have been received by such creditor if the same has been posted to him in a registered letter to his last known place of address.

11. Upon receipt of such notice such creditor shall not before the thirty-first day of January, one thousand nine hundred and twenty-one, commence any proceeding or continue any proceeding already commenced against the farmer mentioned in such notice in respect of all or any of the matters following :—

- 10 (a) The recovery of any moneys due or owing by such farmer ; or
 (b) the recovery of possession of lands or premises held by such farmer under any form of letting ; or
 15 (c) the recovery of any goods held by such farmer under any agreement ; or
 (d) distress for rent ; or
 (e) the institution of bankruptcy proceedings ; or
 (f) the enforcement of any remedy under a mortgage ;

20 except with the leave hereinafter mentioned :

Provided that the provisions of this section shall not apply to any right or remedy of a creditor arising out of any contract, agreement, or obligation made or entered into by a farmer after the commencement of this Act.

25 **12.** Any such creditor desiring to commence or continue any such proceedings may apply to the Minister in the prescribed manner for leave so to do.

13. The Minister shall cause notice of such application to be given to such persons and in such manner as he thinks proper, and, if satisfied upon such evidence as he may deem necessary that it is just and proper so to do, grant leave in the form prescribed to commence or to continue such proceedings after such period and otherwise upon such terms and conditions as he thinks fit.

Miscellaneous.

14. Any farmer to whom any money has been advanced or any commodity supplied under the provisions of this Act, who—

- 40 (a) uses such money or commodity or any portion or quantity thereof respectively for a purpose other than that for which it was advanced or supplied ; or
 (b)

Nature of
restraint.

Application
for leave to
proceed.

Grant of
leave to
proceed.

Offences ;
misuse, &c.,
of relief.

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(b) fails to return to the Minister such money or commodity or any portion or quantity thereof respectively if he does not intend to use the same for the purpose for which it was advanced or supplied; or

5

(c) fails upon request of the Minister to furnish him with a statement of such particulars or to make such returns as are prescribed,

shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.

15. Any farmer to whom any commodity has been supplied under the provisions of this Act who without the written consent of the Minister barter or sells, or attempts to barter or sell, such commodity or any quantity thereof, shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.

Bartering or
selling relief
commodities.

16. Any person who wilfully makes any false statement in any application or in any contract return or other document under or for the purposes of this Act shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.

False
statements.

17. For the purpose of any Statute of Limitations or other Act prescribing the time within which any action for the recovery of any sum or the enforcement of any remedy is to be commenced or continued, the period of time between the receipt of any such notice by a creditor and the thirty-first day of January, one thousand nine hundred and twenty-one, shall not run against such creditor, or any person claiming through or under him in respect of any matter in which the creditor may have been restrained as aforesaid.

Statute of
limitations.

18. The Governor may make regulations which in his opinion are necessary or expedient for the purpose of giving full effect to the provisions of this Act, and may therein provide for a penalty not exceeding twenty pounds for any breach of the same.

Regulations.

All regulations under this Act shall be published in the Gazette, and a copy thereof shall be laid before both Houses of Parliament within fourteen days after the publication thereof if Parliament be then in session, or otherwise within fourteen days after the commencement of the next ensuing session.

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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

19. This Act shall remain in force until the thirty-first day of January, one thousand nine hundred and twenty-one. Duration of Act.

Sydney : William Applegate Gullick, Government Printer.—1919.

[7d.]

FARMERS' DROUGHT RELIEF BILL.

(Amendments to be proposed in Committee of the Whole by
THE HON. JOHN GARLAND, K.C.)

- Page 3, clause 4, line 4. Omit " and "
- Page 3, clause 4, line 5. Omit paragraph (f).
- Page 3, clause 10, lines 37 to 45. Omit short heading and subclause (1) and insert new short heading and subclauses (1) and (1A) as follows :—

Agreements with creditors and restraining proceedings.

10. (1) Where any farmer is granted relief in any of the ways mentioned in section four hereof, the Minister may send to any creditor concerned a notice in the form prescribed calling upon him, within fourteen days of receipt of such notice, to meet the Minister or such person as the latter may appoint, for the purpose of making an agreement between the Minister and such creditor postponing for the period during which this Act is in force, or such lesser period as may be agreed upon, the recovery of any debt due by such farmer to such creditor or the exercise by such creditor of any right or remedy against such farmer, upon such terms as may be mutually agreed upon. Such agreement shall be binding upon the creditor.

(1A) In consideration of the postponement of the recovery of any such debt the Minister ~~may~~, if such creditor so require, guarantee to such creditor the payment before the thirty-first day of January, one thousand nine hundred and twenty-one, of such debt together with interest during the period of such postponement at the rate of six pounds per centum per annum.

- Page 4, clause 11, line 20. After " mentioned " insert " or in conformity with such agreement with the Minister "
- Page 4, clause 12, lines 25 to 27. Omit the clause and insert in lieu thereof :—

12. (1) If such creditor fails to meet the Minister or his appointee as aforesaid, or if no such agreement for postponement is made, the Minister may refer the matter to a local land board as constituted under the Crown Lands Consolidation Act, 1913.

(2) Such local land board shall thereupon make such order therein as to it may seem just and equitable, and such order may include the giving of leave to the creditor to commence or continue proceedings in respect of the matters mentioned in section eleven hereof, upon such terms and conditions as it may think fit.

(3) For any of the above purposes such local land board may exercise all or any of the powers conferred upon it by the said Crown Lands Consolidation Act, 1913.

- Page 4, clause 13, lines 28 to 35. Omit the clause.

