

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 9 September, 1970.*

## New South Wales



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1970.**

An Act to make further provisions for and in relation to the adjustment of the debts and liabilities of certain farmers; for this purpose to amend the Farmers' Relief Act, 1932; and for purposes connected therewith.

BE

*Farmers' Relief (Amendment).*

**B**E it enacted by the Queen'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. (1) This Act may be cited as the "Farmers' Relief Short title. (Amendment) Act, 1970".

(2) The Farmers' Relief Act, 1932, is in this Act referred to as the Principal Act.

10 2. The Principal Act is amended by omitting from subsection four of section four the word "Governor" and by inserting in lieu thereof the word "Minister".

Amendment  
of Act No.  
33, 1932.

Sec. 4.  
(Director  
and  
deputies.)

3. The Principal Act is further amended—

Further  
amendment  
of Act No.  
33, 1932.

15 (a) by omitting paragraph (a) of subsection four of section thirty-one and by inserting in lieu thereof the following paragraph :—

Sec. 31.  
(Advances  
and  
guarantees  
by Board.)

20 (a) Where a farmer has been granted a protection order under Part IIB of this Act and the protection order is still current or where the Board has, under subsection one of section 34E, or subsection one of section 34ED, of this Act, approved of granting, or has, under either of those subsections, granted, assistance under Part IIA of this Act to a farmer, the Board may direct the Rural Bank of New South Wales to advance to the farmer through its Rural Reconstruction Agency such moneys upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction

specify



*Farmers' Relief (Amendment).*

specify, for any or all of the purposes specified in subparagraphs (i), (ii), (iii) and (v) of paragraph (a) of subsection one of this section.

- 5 (b) by inserting at the end of the same subsection the following new paragraph :—

10 (d) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

15 Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept  
20 in the office of the Registrar-General.

25 Any such charge shall be subject to any security entered into for the purposes of paragraph (a) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

- (c) by inserting at the end of the same section the following new subsections :—

30 (5) In paragraph (a) of subsection four of this section "the prescribed rate" means—

(a) where a determination of a rate of interest has not been made under subsection six of this section in respect of an advance to be made

*Farmers' Relief (Amendment).*

made under that subsection— such rate not exceeding the rate of four per centum per annum as may be fixed by the Board; or

- 5 (b) where such a determination has been made in respect of such an advance—the rate so determined.

- 10 (6) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection four of this section shall be a rate exceeding four per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and the Minister may, on receipt of such a recommendation, determine, as  
15 the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

4. The Principal Act is further amended—

Further amendment of Act No. 33, 1932.

- 20 (a) by omitting from subsection one of section 34E the words “, for the purpose of granting the assistance applied for—” and by inserting in lieu thereof the words “approve of granting the assistance applied for and thereafter may, for the purpose of granting the assistance—”; Sec. 34E. (Grant of assistance.)

- 25 (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections :—

- 30 (3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under paragraph (a) of subsection one of this section.

(b)



*Farmers' Relief (Amendment).*

5 (b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction specify.

10 (c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

15 Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

20 Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

25 (3A) In paragraph (b) of subsection three of this section "the prescribed rate" means—

(a) where a determination of a rate of interest has not been made under subsection (3B) of this section in respect of an advance to be

*Farmers' Relief (Amendment).*

be made under that subsection— such rate not exceeding the rate of two and one-half per centum per annum as may be fixed by the Board; or

- 5 (b) where such a determination has been made in respect of such an advance—the rate so determined.

10 (3B) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection three of this section shall be a rate exceeding two and one-half per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and  
15 the Minister may, on receipt of such a recommendation, determine, as the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

- 20 (c) by inserting in paragraph (b) of subsection four of the same section after the word "Act" the words "or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency".

5. The Principal Act is further amended—

Further amendment of Act No. 33, 1932.

- 25 (a) by omitting from subsection one of section 34ED the words "for the purpose of granting the assistance applied for" and by inserting in lieu thereof the words "approve of the granting of the assistance applied for and thereafter may, for the  
30 purpose of granting the assistance,";

(b)



*Farmers' Relief (Amendment).*

(b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections :—

5 (3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under subsection one of this section.

10 (b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction specify.

20 (c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

25 Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

35 Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien

to

*Farmers' Relief (Amendment).*

to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

5 (4) In paragraph (b) of subsection three of this section "the prescribed rate" means—

(a) where a determination of a rate of interest has not been made under subsection five of this section in respect of an advance to be made under that subsection—such rate not exceeding the rate of two and one-half per centum per annum as may be fixed by the Board; or

10 (b) where such a determination has been made in respect of such an advance—the rate so determined.

15 (5) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection three of this section shall be a rate exceeding two and one-half per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and the Minister may, on receipt of such a recommendation, determine, as the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[10c]



No. , 1970.

# A BILL

To make further provisions for and in relation to the adjustment of the debts and liabilities of certain farmers; for this purpose to amend the Farmers' Relief Act, 1932; and for purposes connected therewith.

[MR LEWIS—18 August, 1970.]

BE

21767 285—



*Farmers' Relief (Amendment).*

**B**E it enacted by the Queen'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. (1) This Act may be cited as the "Farmers' Relief Short title. (Amendment) Act, 1970".

(2) The Farmers' Relief Act, 1932, is in this Act referred to as the Principal Act.

10 2. The Principal Act is amended by omitting from subsection four of section four the word "Governor" and by inserting in lieu thereof the word "Minister".

Amendment  
of Act No.  
33, 1932.

Sec. 4.  
(Director  
and  
deputies.)

3. The Principal Act is further amended—

Further  
amendment  
of Act No.  
33, 1932.

15 (a) by omitting paragraph (a) of subsection four of section thirty-one and by inserting in lieu thereof the following paragraph :—

Sec. 31.  
(Advances  
and  
guarantees  
by Board.)

20 (a) Where a farmer has been granted a protection order under Part IIB of this Act and the protection order is still current or where the Board has, under subsection one of section 34E, or subsection one of section 34ED, of this Act, approved of granting, or has, under either of those subsections, granted, assistance under Part IIA of this Act to a farmer, the Board may direct the Rural Bank of New South Wales to advance to the farmer through its Rural Reconstruction Agency such moneys upon such securities and subject to such covenants, conditions and provisions (including provision for payment of interest at a rate fixed by the Board not exceeding such rate as the Board may, with the concurrence of the Treasurer, from time to time determine for the purposes of this

paragraph)



*Farmers' Relief (Amendment).*

paragraph) as the Board may in the direction specify, for any or all of the purposes specified in subparagraphs (i), (ii), (iii) and (v) of paragraph (a) of subsection one of this section.

- 5 (b) by inserting at the end of the same subsection the following new paragraph :—

10 (d) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

15 Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

25 Any such charge shall be subject to any security entered into for the purposes of paragraph (a) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

4. The Principal Act is further amended—

Further amendment of Act No. 33, 1932.

- 30 (a) by omitting from subsection one of section 34E the words “, for the purpose of granting the assistance applied for—” and by inserting in lieu thereof the

Sec. 34E. (Grant of assistance.)

words

*Farmers' Relief (Amendment).*

words "approve of granting the assistance applied for and thereafter may, for the purpose of granting the assistance—";

- 5 (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection :—

10 (3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under paragraph (a) of subsection one of this section.

15 (b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions (including provision for payment of interest at a rate fixed by the Board not exceeding such rate as the Board may, with the concurrence of the Treasurer, from time to time determine for the purposes of this paragraph) as the Board may in the direction specify.

25 (c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

30 Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director

has



*Farmers' Relief (Amendment).*

has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

- (c) by inserting in paragraph (b) of subsection four of the same section after the word "Act" the words "or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency".

5. The Principal Act is further amended—

Further  
amendment  
of Act No.  
33, 1932.

- (a) by omitting from subsection one of section 34ED the words "for the purpose of granting the assistance applied for" and by inserting in lieu thereof the words "approve of the granting of the assistance applied for and thereafter may, for the purpose of granting the assistance,";
- (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection :—

(3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under subsection one of this section.

(b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of

*Farmers' Relief (Amendment).*

of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions (including provision for payment of interest at a rate fixed by the Board not exceeding such rate as the Board may, with the concurrence of the Treasurer, from time to time determine for the purposes of this paragraph) as the Board may in the direction specify.

(c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[5c]









## FARMERS' RELIEF (AMENDMENT) BILL, 1970

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### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to enable the Minister instead of the Governor to appoint a person to act as Director during the illness or absence of the Director appointed under the Farmers' Relief Act, 1932;
- (b) to enable certain advances to be made to necessitous farmers by the Rural Reconstruction Board before assistance is granted under Part IIA of that Act for the adjustment of debts;
- (c) to provide that advances made on the direction of that Board shall be a statutory charge over the land of such farmers;
- (d) to provide that advances made on the direction of the Board shall bear interest at a rate fixed by the Board not exceeding such rate as may be determined by the Board with the concurrence of the Treasurer;
- (e) to make other provisions of a consequential or ancillary character.



# THE HISTORY OF THE UNITED STATES

## CHAPTER I

The first of the United States was discovered by Christopher Columbus in 1492. He was sailing for Spain when he reached the island of San Salvador. He was the first European to set foot on the continent. He was followed by other explorers, including John Cabot, who was the first to reach the mainland. The first permanent settlement was founded by the Pilgrims in 1620. They were the first to establish a permanent colony. The first constitution was written in 1787. It was the first to be written by the people. The first president was George Washington. He was the first to be elected by the people. The first war was the American Revolution. It was the first to be fought by the people. The first treaty was the Treaty of Paris. It was the first to be signed by the people. The first amendment was the Bill of Rights. It was the first to be passed by the people. The first president was George Washington. He was the first to be elected by the people. The first war was the American Revolution. It was the first to be fought by the people. The first treaty was the Treaty of Paris. It was the first to be signed by the people. The first amendment was the Bill of Rights. It was the first to be passed by the people.



No. , 1970.

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## A BILL

To make further provisions for and in relation to the adjustment of the debts and liabilities of certain farmers; for this purpose to amend the Farmers' Relief Act, 1932; and for purposes connected therewith.

[MR LEWIS—18 August, 1970.]

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BE



*Farmers' Relief (Amendment).*

**B**E it enacted by the Queen'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. (1) This Act may be cited as the "Farmers' Relief Short title. (Amendment) Act, 1970".

(2) The Farmers' Relief Act, 1932, is in this Act referred to as the Principal Act.

10 2. The Principal Act is amended by omitting from subsection four of section four the word "Governor" and by inserting in lieu thereof the word "Minister".

Amendment  
of Act No.  
33, 1932.

Sec. 4.  
(Director  
and  
deputies.)

3. The Principal Act is further amended—

Further  
amendment  
of Act No.  
33, 1932.

15 (a) by omitting paragraph (a) of subsection four of section thirty-one and by inserting in lieu thereof the following paragraph :—

Sec. 31.  
(Advances  
and  
guarantees  
by Board.)

20 (a) Where a farmer has been granted a protection order under Part IIB of this Act and the protection order is still current or where the Board has, under subsection one of section 34E, or subsection one of section 34ED, of this Act, approved of granting, or has, under either of those subsections, granted, assistance under Part IIA of this Act to a farmer, the Board may direct the Rural Bank of New South Wales to advance to the farmer through its Rural Reconstruction Agency such moneys upon such securities and subject to such covenants, conditions and provisions (including provision for payment of interest at a rate fixed by the Board not exceeding such rate as the Board may, with the concurrence of the Treasurer, from time to time determine for the purposes of this

paragraph)



*Farmers' Relief (Amendment).*

paragraph) as the Board may in the direction specify, for any or all of the purposes specified in subparagraphs (i), (ii), (iii) and (v) of paragraph (a) of subsection one of this section.

- 5 (b) by inserting at the end of the same subsection the following new paragraph :—

10 (d) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

15 Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

25 Any such charge shall be subject to any security entered into for the purposes of paragraph (a) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

4. The Principal Act is further amended—

- 30 (a) by omitting from subsection one of section 34E the words “, for the purpose of granting the assistance applied for—” and by inserting in lieu thereof the words

Further amendment of Act No. 33, 1932.

Sec. 34E. (Grant of assistance.)

*Farmers' Relief (Amendment).*

words "approve of granting the assistance applied for and thereafter may, for the purpose of granting the assistance—";

5 (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection :—

10 (3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under paragraph (a) of subsection one of this section.

15 (b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions (including provision for payment of interest at a rate fixed by the Board not exceeding such rate as the Board may, with the concurrence of the Treasurer, from time to time determine for the purposes of this paragraph) as the Board may in the direction specify.

25 (c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

30 Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director

has



*Farmers' Relief (Amendment).*

has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

5 Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

10 (c) by inserting in paragraph (b) of subsection four of the same section after the word "Act" the words "or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency".

5. The Principal Act is further amended—

Further amendment of Act No. 33, 1932.

20 (a) by omitting from subsection one of section 34ED the words "for the purpose of granting the assistance applied for" and by inserting in lieu thereof the words "approve of the granting of the assistance applied for and thereafter may, for the purpose of granting the assistance,";

25 (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection :—

(3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under subsection one of this section.

30 (b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of

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*Farmers' Relief (Amendment).*

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5 of other funds made available to the said Bank  
for advances through its Rural Reconstruction  
Agency, and shall be of such amount, upon such  
securities and subject to such covenants, conditions  
and provisions (including provision for payment of  
interest at a rate fixed by the Board not exceeding  
such rate as the Board may, with the concurrence  
of the Treasurer, from time to time determine for  
the purposes of this paragraph) as the Board  
10 may in the direction specify.

(c) Any moneys advanced under this  
subsection together with all interest thereon and  
costs of recovery thereof shall be a charge in  
favour of the Board over any estate or interest of  
the farmer in any land.  
15

Any such charge shall be of no force or effect  
unless, in the case of an estate or interest in land  
under the provisions of the Real Property Act,  
1900, the Director has caused to be lodged with  
the Registrar-General a caveat against any dealings  
not consistent with the charge or, in the case of an  
estate or interest in any other land, the Director  
has caused the charge to be registered in the Regis-  
ter of Causes, Writs and Orders Affecting Land  
20 kept in the office of the Registrar-General.  
25

Any such charge shall be subject to any security  
entered into for the purposes of paragraph (b) of  
this subsection and to any mortgage, charge or lien  
to which any estate or interest of the farmer in any  
land may be subject as at the date on which the  
caveat is so lodged or the charge is so registered.  
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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970









**New South Wales**



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 46, 1970.**

An Act to make further provisions for and in relation to the adjustment of the debts and liabilities of certain farmers; for this purpose to amend the Farmers' Relief Act, 1932; and for purposes connected therewith. [Assented to, 14th October, 1970.]

**BE**

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*Farmers' Relief (Amendment).*

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**B**E it enacted by the Queen'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 :—

Short title.

**1.** (1) This Act may be cited as the "Farmers' Relief (Amendment) Act, 1970".

(2) The Farmers' Relief Act, 1932, is in this Act referred to as the Principal Act.

Amendment  
of Act No.  
33, 1932.

Sec. 4.

(Director  
and  
deputies.)

Further  
amendment  
of Act No.  
33, 1932.

Sec. 31.  
(Advances  
and  
guarantees  
by Board.)

**2.** The Principal Act is amended by omitting from subsection four of section four the word "Governor" and by inserting in lieu thereof the word "Minister".

**3.** The Principal Act is further amended—

(a) by omitting paragraph (a) of subsection four of section thirty-one and by inserting in lieu thereof the following paragraph :—

(a) Where a farmer has been granted a protection order under Part IIB of this Act and the protection order is still current or where the Board has, under subsection one of section 34E, or subsection one of section 34ED, of this Act, approved of granting, or has, under either of those subsections, granted, assistance under Part IIA of this Act to a farmer, the Board may direct the Rural Bank of New South Wales to advance to the farmer through its Rural Reconstruction Agency such moneys upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction

specify



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*Farmers' Relief (Amendment).*

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specify, for any or all of the purposes specified in subparagraphs (i), (ii), (iii) and (v) of paragraph (a) of subsection one of this section.

- (b) by inserting at the end of the same subsection the following new paragraph :—

(d) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

Any such charge shall be subject to any security entered into for the purposes of paragraph (a) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

- (c) by inserting at the end of the same section the following new subsections :—

(5) In paragraph (a) of subsection four of this section “the prescribed rate” means—

- (a) where a determination of a rate of interest has not been made under subsection six of this section in respect of an advance to be  
made

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*Farmers' Relief (Amendment).*

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made under that subsection— such rate not exceeding the rate of four per centum per annum as may be fixed by the Board; or

- (b) where such a determination has been made in respect of such an advance—the rate so determined.

(6) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection four of this section shall be a rate exceeding four per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and the Minister may, on receipt of such a recommendation, determine, as the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

Further  
amendment  
of Act No.  
33, 1932.

Sec. 34E.  
(Grant of  
assistance.)

4. The Principal Act is further amended—

- (a) by omitting from subsection one of section 34E the words “, for the purpose of granting the assistance applied for—” and by inserting in lieu thereof the words “approve of granting the assistance applied for and thereafter may, for the purpose of granting the assistance—”;
- (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections :—

(3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under paragraph (a) of subsection one of this section.

(b)



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*Farmers' Relief (Amendment).*

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(b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction specify.

(c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

(3A) In paragraph (b) of subsection three of this section "the prescribed rate" means—

- (a) where a determination of a rate of interest has not been made under subsection (3B) of this section in respect of an advance to

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*Farmers' Relief (Amendment).*

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be made under that subsection— such rate not exceeding the rate of two and one-half per centum per annum as may be fixed by the Board; or

- (b) where such a determination has been made in respect of such an advance—the rate so determined.

(3B) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection three of this section shall be a rate exceeding two and one-half per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and the Minister may, on receipt of such a recommendation, determine, as the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

- (c) by inserting in paragraph (b) of subsection four of the same section after the word “Act” the words “or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency”.

Further  
amendment  
of Act No.  
33, 1932.

5. The Principal Act is further amended—

Sec. 34ED.  
(Grant of  
assistance.)

- (a) by omitting from subsection one of section 34ED the words “for the purpose of granting the assistance applied for” and by inserting in lieu thereof the words “approve of the granting of the assistance applied for and thereafter may, for the purpose of granting the assistance,”;

(b)



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*Farmers' Relief (Amendment).*

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- (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections :—

(3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under subsection one of this section.

(b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction specify.

(c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien

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*Farmers' Relief (Amendment).*

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to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

(4) In paragraph (b) of subsection three of this section "the prescribed rate" means—

- (a) where a determination of a rate of interest has not been made under subsection five of this section in respect of an advance to be made under that subsection—such rate not exceeding the rate of two and one-half per centum per annum as may be fixed by the Board; or
- (b) where such a determination has been made in respect of such an advance—the rate so determined.

(5) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection three of this section shall be a rate exceeding two and one-half per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and the Minister may, on receipt of such a recommendation, determine, as the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 6 October, 1970.*

## New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

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### Act No. 46, 1970.

An Act to make further provisions for and in relation to the adjustment of the debts and liabilities of certain farmers; for this purpose to amend the Farmers' Relief Act, 1932; and for purposes connected therewith. [Assented to, 14th October, 1970.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

*Farmers' Relief (Amendment).*

**B**E it enacted by the Queen'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 :—

Short title.      **1.** (1) This Act may be cited as the "Farmers' Relief (Amendment) Act, 1970".

(2) The Farmers' Relief Act, 1932, is in this Act referred to as the Principal Act.

Amendment of Act No. 33, 1932.  
Sec. 4.  
(Director and deputies.)      **2.** The Principal Act is amended by omitting from subsection four of section four the word "Governor" and by inserting in lieu thereof the word "Minister".

Further amendment of Act No. 33, 1932.      **3.** The Principal Act is further amended—

Sec. 31.  
(Advances and guarantees by Board.)      (a) by omitting paragraph (a) of subsection four of section thirty-one and by inserting in lieu thereof the following paragraph :—

(a) Where a farmer has been granted a protection order under Part IIB of this Act and the protection order is still current or where the Board has, under subsection one of section 34E, or subsection one of section 34ED, of this Act, approved of granting, or has, under either of those subsections, granted, assistance under Part IIA of this Act to a farmer, the Board may direct the Rural Bank of New South Wales to advance to the farmer through its Rural Reconstruction Agency such moneys upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction

specify



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*Farmers' Relief (Amendment).*

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specify, for any or all of the purposes specified in subparagraphs (i), (ii), (iii) and (v) of paragraph (a) of subsection one of this section.

- (b) by inserting at the end of the same subsection the following new paragraph :—

(d) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

Any such charge shall be subject to any security entered into for the purposes of paragraph (a) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

- (c) by inserting at the end of the same section the following new subsections :—

(5) In paragraph (a) of subsection four of this section "the prescribed rate" means—

- (a) where a determination of a rate of interest has not been made under subsection six of this section in respect of an advance to be made

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*Farmers' Relief (Amendment).*

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made under that subsection— such rate not exceeding the rate of four per centum per annum as may be fixed by the Board; or

- (b) where such a determination has been made in respect of such an advance—the rate so determined.

(6) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection four of this section shall be a rate exceeding four per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and the Minister may, on receipt of such a recommendation, determine, as the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

Further  
amendment  
of Act No.  
33, 1932.

Sec. 34E.  
(Grant of  
assistance.)

4. The Principal Act is further amended—

- (a) by omitting from subsection one of section 34E the words “, for the purpose of granting the assistance applied for—” and by inserting in lieu thereof the words “approve of granting the assistance applied for and thereafter may, for the purpose of granting the assistance—”;
- (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections :—

(3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under paragraph (a) of subsection one of this section.

(b)



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*Farmers' Relief (Amendment).*

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(b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction specify.

(c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

(3A) In paragraph (b) of subsection three of this section "the prescribed rate" means—

- (a) where a determination of a rate of interest has not been made under subsection (3B) of this section in respect of an advance to be

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*Farmers' Relief (Amendment).*

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be made under that subsection— such rate not exceeding the rate of two and one-half per centum per annum as may be fixed by the Board; or

- (b) where such a determination has been made in respect of such an advance—the rate so determined.

(3B) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection three of this section shall be a rate exceeding two and one-half per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and the Minister may, on receipt of such a recommendation, determine, as the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

- (c) by inserting in paragraph (b) of subsection four of the same section after the word "Act" the words "or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency".

Further amendment of Act No. 33, 1932.

Sec. 34ED.  
(Grant of assistance.)

5. The Principal Act is further amended—

- (a) by omitting from subsection one of section 34ED the words "for the purpose of granting the assistance applied for" and by inserting in lieu thereof the words "approve of the granting of the assistance applied for and thereafter may, for the purpose of granting the assistance,";

(b)



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*Farmers' Relief (Amendment).*

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- (b) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections :—

(3) (a) The Rural Bank of New South Wales shall make any advance which the Board may direct under subsection one of this section.

(b) Any such advance shall be made in the name of the Board through the Rural Reconstruction Agency of the said Bank out of the funds to the credit of the separate account mentioned in subsection three of section 34J of this Act or out of other funds made available to the said Bank for advances through its Rural Reconstruction Agency, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction specify.

(c) Any moneys advanced under this subsection together with all interest thereon and costs of recovery thereof shall be a charge in favour of the Board over any estate or interest of the farmer in any land.

Any such charge shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the Register of Causes, Writs and Orders Affecting Land kept in the office of the Registrar-General.

Any such charge shall be subject to any security entered into for the purposes of paragraph (b) of this subsection and to any mortgage, charge or lien

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*Farmers' Relief (Amendment).*

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to which any estate or interest of the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

(4) In paragraph (b) of subsection three of this section "the prescribed rate" means—

- (a) where a determination of a rate of interest has not been made under subsection five of this section in respect of an advance to be made under that subsection—such rate not exceeding the rate of two and one-half per centum per annum as may be fixed by the Board; or
- (b) where such a determination has been made in respect of such an advance—the rate so determined.

(5) The Board may recommend to the Minister that the rate of interest payable in respect of an advance to be made under subsection three of this section shall be a rate exceeding two and one-half per centum per annum but not exceeding such rate as may from time to time be fixed by the Treasurer for the purposes of this subsection and the Minister may, on receipt of such a recommendation, determine, as the rate of interest payable in respect of the advance, a rate not exceeding that recommended by the Board.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
Governor.

Government House,  
Sydney, 14th October, 1970.