

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 11 March, 1976.*

New South Wales



ANNO VICESIMO QUINTO

ELIZABETHÆ II REGINÆ

Act No. , 1976.

An Act to amend the Farmers' Relief Act, 1932, and the Fruit-growing Reconstruction Agreement Act, 1973, in connection with the constitution, powers, authorities, duties and functions of the Rural Assistance Board, and in certain other respects; and to validate certain matters.

BE

Farmers' Relief (Amendment).

BE 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. This Act may be cited as the "Farmers' Relief Short title. (Amendment) Act, 1976".

2. (1) Except as provided in subsections (2), (3) and Commence- (4), this Act shall commence on the date of assent to this Act. ment.

10 (2) Section 3 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

15 (3) Schedule 1 (3) (a) shall be deemed to have commenced on 20th January, 1975.

(4) Schedule 1 (3) (b) and (c) shall be deemed to have commenced on 1st January, 1972.

3. The Farmers' Relief Act, 1932, is amended in the Amendment manner set forth in Schedule 1. of Act No. 33, 1932.

20 4. The Fruit-growing Reconstruction Agreement Act, Amendment 1973, is amended— of Act No. 51, 1973.

(a) by omitting section 5;

Sec. 5.
(Financial arrangements.)

(b) by omitting section 6.

Sec. 6.
(Grant of assistance.)

25 5. Anything done by the Rural Assistance Board before Validation. the date of assent to this Act which would have been lawful if section 40F of the Farmers' Relief Act, 1932, as amended by this Act, had been in force at the time the thing was done is validated.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932.

(1) Section 1 (1)—

Omit "34ED", insert instead "34EE".

5 (2) Section 3 (1), definition of "Farmer"—

Omit "is a resident of this State and".

(3) (a) Section 7A (2) (b) (ii)—

10 Omit "Chairman of The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912", insert instead "Chief Commissioner who constitutes The Water Conservation and Irrigation Commission".

(b) Section 7A (12)—

Omit the subsection, insert instead :—

15 (12) Each appointed member of the Board, other than the Director and the Deputy Director, shall be entitled to receive such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine
20 in respect of him.

(c) Section 7A (13)—

Omit ", expenses and fees".

(4) (a) Section 7D (1)—

Omit the subsection.

25 (b) Section 7D (2), (3), (3A)—

Omit section 7D (2), (3), insert instead :—

(2) During the illness or absence of the Director, the Deputy Director shall act in the place of the Director and, while so acting, shall

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 have and may exercise or perform the powers, authorities, duties and functions of the Director, including his powers, authorities, duties and functions as a member of the Board.

10 (3) During the illness or absence of the Deputy Director or while he is acting in the place of the Director—

(a) the Assistant Director referred to in section 7A (7) (a); or

15 (b) if the Assistant Director referred to in section 7A (7) (a) is ill, absent or acting in the place of the Director, the Assistant Director referred to in section 7A (7) (b) (if he is not acting in the place of the Director),

20 shall act in the place of the Deputy Director and—

(c) shall be deemed to be a member of the Board; and

25 (d) while so acting, shall have and may exercise and perform the powers, authorities, duties and functions of the Deputy Director, including his powers, authorities, duties and functions as a member of the Board.

30 (3A) A reference in subsections (2) and (3) to the Director, the Deputy Director or an Assistant Director includes a reference to a person acting in the place of that Director, Deputy Director or Assistant Director, as the case may be.

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- (c) Section 7D (4)—
5 Omit the subsection.
- (d) Section 7D (8)—
Omit “paragraph (a) of” wherever
occurring.
- (5) Section 7E (4)—
10 Omit the subsection, insert instead :—
(4) Notwithstanding anything in this Act, a
meeting of the Board shall not be held unless—
(a) the Director; or
15 (b) where the Director has requested the Deputy
Director to act in his place for the purposes
of this subsection, the Deputy Director,
is present at the meeting.
- (6) Section 7J (1)—
20 After “Director”, insert “or an officer of the Board
nominated by the Director”.
- (7) (a) Section 31 (1) (a)—
Omit “Farmers Relief Agency”, insert instead
“Rural Reconstruction Agency”.
(b) Section 31 (1)—
25 Omit “a rate not exceeding four per centum per
annum”, insert instead “the prescribed rate”.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 31 (2A) (b)—

5 Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".

(d) Section 31 (4) (b)—

Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".

10 (e) Section 31 (5), (6)—

Omit the subsections, insert instead :—

15 (5) In subsections (1) and (4) (a), "the
prescribed rate" means such rate as may be fixed
by the Board, not exceeding the maximum rate
which is, at the time of fixing the rate, the
maximum rate determined by the Treasurer under
subsection (6).

20 (6) The Treasurer may, either generally or in
a particular case or class of cases, determine the
maximum rate which may be fixed by the Board
under subsection (5) and may, from time to time,
vary the maximum rate so determined.

(8) (a) Section 34E (3A), (3B)—

Omit the subsections, insert instead :—

25 (3A) In subsection (3) (b), "the prescribed
rate" means such rate as may be fixed by the
Board, not exceeding the maximum rate which
is, at the time of fixing the rate, the maximum
rate determined by the Treasurer under
30 subsection (3B).

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 (3B) The Treasurer may, either generally or in a particular case or class of cases, determine the maximum rate which may be fixed by the Board under subsection (3A) and may, from time to time, vary the maximum rate so determined.

(b) Section 34E (4) (b)—

10 Omit "Farmers Relief Agency", insert instead "Rural Reconstruction Agency".

(9) Section 34ED (4), (5)—

Omit the subsections, insert instead :—

15 (4) In subsection (3) (b), "the prescribed rate" means such rate as may be fixed by the Board, not exceeding the maximum rate which is, at the time of fixing the rate, the maximum rate determined by the Treasurer under subsection (5).

20 (5) The Treasurer may, either generally or in a particular case or class of cases, determine the maximum rate which may be fixed by the Board under subsection (4) and may, from time to time, vary the maximum rate so determined.

(10) (a) Section 34GG (1) (a)—

25 Omit "Rural Bank Department", insert instead "General Bank Department".

(b) Section 34GG (1) (c)—

Omit "Rural Bank Department", insert instead "General Bank Department".

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 34GG (1) (d)—

5 Omit "Rural Bank Department", insert instead
"General Bank Department".

(11) Section 34H (1)—

Omit "Farmers Relief Agency", insert instead "Rural
Reconstruction Agency".

10 (12) Section 34J (2)—

Omit "Farmers Relief Agency", insert instead "Rural
Reconstruction Agency".

(13) Section 34N (9)—

15 Omit "for a period of three months from the date of
grant thereof", insert instead "from the date of grant
thereof for a period of 3 months or for such lesser
period as the Director may, at his discretion, determine
at the time the order is granted".

(14) (a) Section 34w (3)—

20 After "interest", insert "(not being interest
referred to in subsection (6))".

(b) Section 34w (5)—

After "under", insert "the foregoing provisions
of".

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 34w (6), (7), (8)—

5 After section 34w (5), insert :—

10 (6) The Board may, if it is satisfied that the
circumstances so warrant, direct that any amount
required to be paid as a repayment or part of a
repayment of an advance made under this section
that is not paid on or before the date that it is
due to be paid shall bear interest at such rate,
not exceeding the maximum rate determined by
the Treasurer under subsection (7), as may be
fixed by the Board.

15 (7) The Treasurer may, either generally or
in a particular case or class of cases, determine
the maximum rate which may be fixed by the
Board under subsection (6) and may, from time
to time, vary the maximum rate so determined.

20 (8) Any interest payable under subsection
(6) in respect of an advance shall be in addition
to any interest payable under the covenants,
conditions and provisions specified by the Board
under subsection (3) in respect of that advance.

25 (15) (a) Section 34z (3)—

After "interest", insert "(not being interest
referred to in subsection (9))".

(b) Section 34z (8)—

30 After "under", insert "the foregoing provisions
of"

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 34Z (9), (10), (11)—

5 After section 34Z (8), insert :—

(9) The Board may, if it is satisfied that the
circumstances so warrant, direct that any amount
required to be paid as a repayment or part of
a repayment of an advance made under this
10 section that is not paid on or before the date
that it is due to be paid shall bear interest at
such rate, not exceeding the maximum rate
determined by the Treasurer under subsection
(10), as may be fixed by the Board.

15 (10) The Treasurer may, either generally or
in a particular case or class of cases, determine
the maximum rate which may be fixed by the
Board under subsection (9) and may, from time
to time, vary the maximum rate so determined.

20 (11) Any interest payable under subsection
(9) in respect of an advance shall be in addition
to any interest payable under the covenants,
conditions and provisions specified by the Board
under subsection (3) in respect of that advance.

25 (16) Section 40A (1) (c)—

After "compromise," insert "compound, effect a
composition of,".

(17) Sections 40C, 40D, 40E, 40F—

Omit sections 40C, 40D, insert instead :—

30 40C. (1) The Minister may, by instrument in Adminis-
writing, appoint the Board as the authority having the tration
administration, or the administration to the extent of other
schemes
by Board.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 specified in the instrument, of any scheme for the assistance of farmers or of persons who have disposed of, or are disposing of, their farms, not being a scheme administered by the Board by virtue of the provisions of this or any other Act, other than this section.

10 (2) Where the Minister has, under subsection (1), made an appointment in relation to a scheme, the Board may administer that scheme and may do and suffer all such acts and things as may be necessary for or incidental to, the purposes thereof and as are not inconsistent with any of the provisions of this
15 Act or any other Act.

(3) Where an appointment made under subsection (1) relates to a scheme administered, wholly or in part, by the Board before the date of assent to the Farmers' Relief (Amendment) Act, 1976, all acts, matters or things done or executed
20 before the date of that appointment—

- (a) in connection with the administration by the Board of that scheme; or
- 25 (b) which would have been lawful if sections 40D and 40E had been in force in respect of that scheme at the time the acts, matters or things were done or executed,

are validated.

30 40D. (1) In this section and section 40E—
“advance” includes a loan, a grant and a loan
that may be converted to a grant; Financial
arrange-
ments.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 “scheme” means a scheme for the assistance of
farmers, or of persons who have disposed of,
or are disposing of, their farms, that is
administered, wholly or in part, by the
Board, not being a scheme established by or
under this Act.

10 (2) Any money held or received by the State
of New South Wales for the purposes of a scheme,
being money that is required for advances and other
expenditure incurred or to be incurred in respect of
15 that scheme, shall from time to time be made available
to the Rural Bank for the purposes of the Rural
Reconstruction Agency.

(3) Notwithstanding anything in Part VI^B of
the Government Savings Bank Act, 1906—

20 (a) except where the Treasurer otherwise
determines, the Rural Bank shall,
where money is made available to it for
the purposes of a scheme or schemes,
keep, in respect of the money made
25 available for the purposes of each
scheme, a separate account;

(b) to each separate account shall be
30 credited all such other amounts as the
Treasurer may determine either
generally or in any particular case or
class of cases, those other amounts
being amounts paid or payable for the
purposes of or in relation to the scheme
in respect of which the account is kept;
and

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- 5 (c) from each separate account shall be paid the advances and expenditure referred to in subsection (2) in relation to the scheme in respect of which that account is kept and such other amounts as the Treasurer may determine either generally or in any particular case or class of cases, those other amounts being amounts paid or payable for the purposes of or in relation to that scheme.
- 10
- 15 40E. (1) The Rural Bank shall make any advance Advances. which the Board may direct for the purposes of a scheme.
- (2) Any advance referred to in subsection (1) in respect of a scheme shall—
- 20 (a) be made in the name of the Board out of the funds to the credit of the separate account kept in respect of that scheme; and
- 25 (b) be of such amount, upon such securities and subject to such covenants, conditions and provisions, including a provision for payment of interest, as the Board may specify in the direction.
- 30 40F. (1) The Board may, before considering an Costs, fees, application made to it, require the applicant to pay etc. such amount as the Board may determine towards the cost of dealing with and investigating the application.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 (2) The Board may, in respect of an application made to it, recover from the applicant the whole or any part of the cost of dealing with and investigating the application, after deducting any amount paid in pursuance of subsection (1).

10 (3) Where the Board has incurred any expense in connection with an application made to it, other than the Board's costs of dealing with and investigating the application, it may recover from the applicant the whole or any part of the amount of that expense.

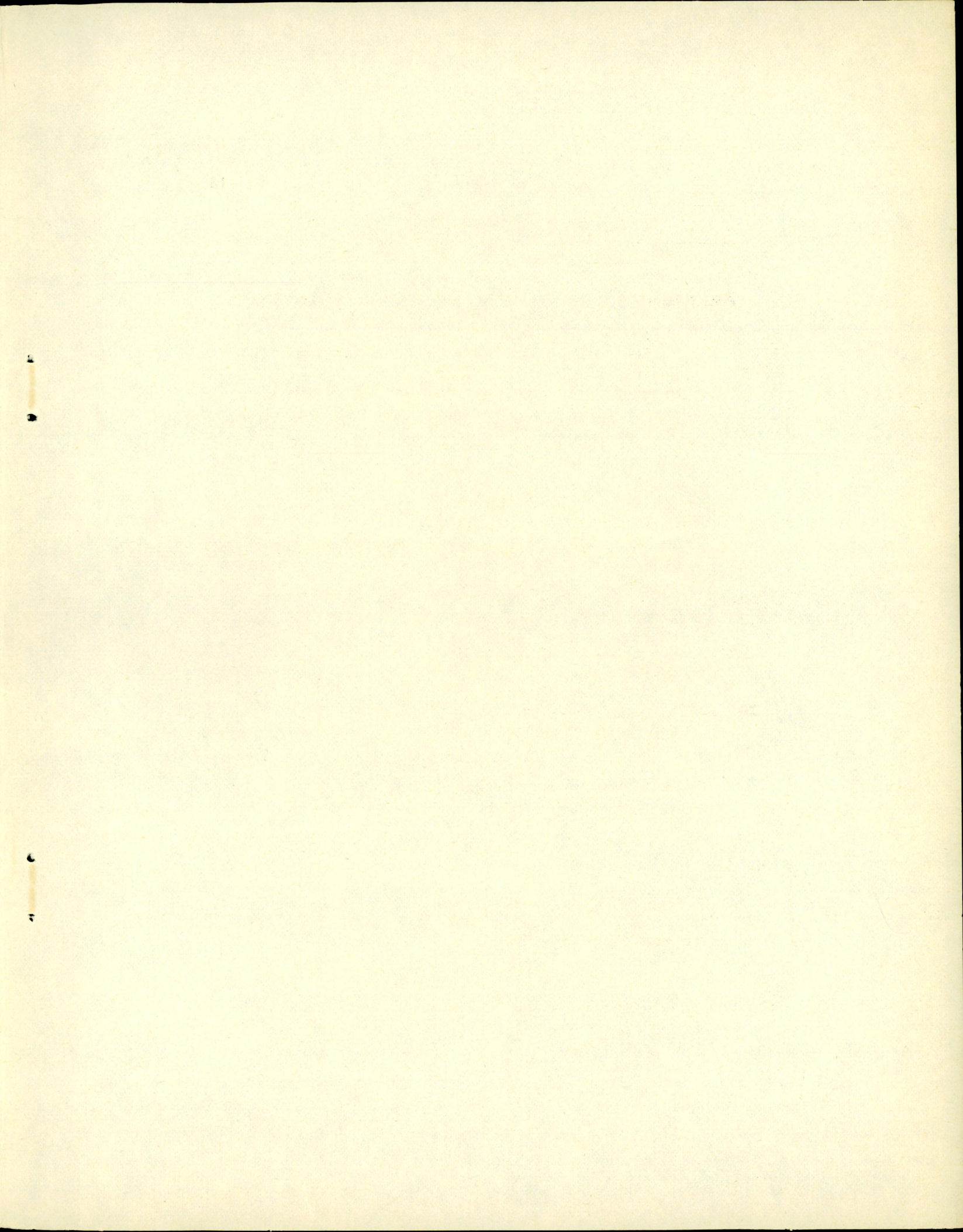
15 (4) The Board may, on payment of such fees as it may determine, supply to a person or that person's authorised agent any information concerning any accounts of that person kept by or on behalf of the Board.

20 (5) The Board may refund the whole or any part of any amount paid in pursuance of this section.

(6) Any amount due to the Board in pursuance of this section may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976



No. , 1976.

A BILL

To amend the Farmers' Relief Act, 1932, and the Fruit-growing Reconstruction Agreement Act, 1973, in connection with the constitution, powers, authorities, duties and functions of the Rural Assistance Board, and in certain other respects; and to validate certain matters.

[MR RUDDOCK—3 March, 1976.]

BE

Farmers' Relief (Amendment).

BE 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. This Act may be cited as the "Farmers' Relief (Amendment) Act, 1976". Short title.

2. (1) Except as provided in subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act. Commencement.
(2) Section 3 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.
(3) Schedule 1 (3) (a) shall be deemed to have commenced on 20th January, 1975.
(4) Schedule 1 (3) (b) and (c) shall be deemed to have commenced on 1st January, 1972.

3. The Farmers' Relief Act, 1932, is amended in the manner set forth in Schedule 1. Amendment of Act No. 33, 1932.

4. The Fruit-growing Reconstruction Agreement Act, 1973, is amended— Amendment of Act No. 51, 1973.
 - (a) by omitting section 5; Sec. 5. (Financial arrangements.)
 - (b) by omitting section 6. Sec. 6. (Grant of assistance.)

5. Anything done by the Rural Assistance Board before the date of assent to this Act which would have been lawful if section 40F of the Farmers' Relief Act, 1932, as amended by this Act, had been in force at the time the thing was done is validated. Validation.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932.

- (1) Section 1 (1)—
Omit "34ED", insert instead "34EE".
- 5 (2) Section 3 (1), definition of "Farmer"—
Omit "is a resident of this State and".
- (3) (a) Section 7A (2) (b) (ii)—
10 Omit "Chairman of The Water Conservation and
Irrigation Commission constituted under the
Irrigation Act, 1912", insert instead "Chief
Commissioner who constitutes The Water
Conservation and Irrigation Commission".
- (b) Section 7A (12)—
Omit the subsection, insert instead :—
15 (12) Each appointed member of the Board,
other than the Director and the Deputy Director,
shall be entitled to receive such remuneration
(including travelling and subsistence allowances)
20 as the Minister may from time to time determine
in respect of him.
- (c) Section 7A (13)—
Omit ", expenses and fees".
- (4) (a) Section 7D (1)—
Omit the subsection.
- 25 (b) Section 7D (2), (3), (3A)—
Omit section 7D (2), (3), insert instead :—
(2) During the illness or absence of the
Director, the Deputy Director shall act in the
place of the Director and, while so acting, shall

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 have and may exercise or perform the powers, authorities, duties and functions of the Director, including his powers, authorities, duties and functions as a member of the Board.

10 (3) During the illness or absence of the Deputy Director or while he is acting in the place of the Director—

(a) the Assistant Director referred to in section 7A (7) (a); or

15 (b) if the Assistant Director referred to in section 7A (7) (a) is ill, absent or acting in the place of the Director, the Assistant Director referred to in section 7A (7) (b) (if he is not acting in the place of the Director),

20 shall act in the place of the Deputy Director and—

(c) shall be deemed to be a member of the Board; and

25 (d) while so acting, shall have and may exercise and perform the powers, authorities, duties and functions of the Deputy Director, including his powers, authorities, duties and functions as a member of the Board.

30 (3A) A reference in subsections (2) and (3) to the Director, the Deputy Director or an Assistant Director includes a reference to a person acting in the place of that Director, Deputy Director or Assistant Director, as the case may be.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- (c) Section 7D (4)—
5 Omit the subsection.
- (d) Section 7D (8)—
Omit "paragraph (a) of" wherever
occurring.
- (5) Section 7E (4)—
10 Omit the subsection, insert instead :—
(4) Notwithstanding anything in this Act, a
meeting of the Board shall not be held unless—
(a) the Director; or
15 (b) where the Director has requested the Deputy
Director to act in his place for the purposes
of this subsection, the Deputy Director,
is present at the meeting.
- (6) Section 7J (1)—
20 After "Director", insert "or an officer of the Board
nominated by the Director".
- (7) (a) Section 31 (1) (a)—
Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".
25 (b) Section 31 (1)—
Omit "a rate not exceeding four per centum per
annum", insert instead "the prescribed rate".

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- (c) Section 31 (2A) (b)—
- 5 Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".
- (d) Section 31 (4) (b)—
- Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".
- 10 (e) Section 31 (5), (6)—
- Omit the subsections, insert instead :—
- 15 (5) In subsections (1) and (4) (a), "the
prescribed rate" means such rate as may be fixed
by the Board, not exceeding the maximum rate
which is, at the time of fixing the rate, the
maximum rate determined by the Treasurer under
subsection (6).
- 20 (6) The Treasurer may, either generally or in
a particular case or class of cases, determine the
maximum rate which may be fixed by the Board
under subsection (5) and may, from time to time,
vary the maximum rate so determined.
- (8) (a) Section 34E (3A), (3B)—
- Omit the subsections, insert instead :—
- 25 (3A) In subsection (3) (b), "the prescribed
rate" means such rate as may be fixed by the
Board, not exceeding the maximum rate which
is, at the time of fixing the rate, the maximum
rate determined by the Treasurer under
- 30 subsection (3B).

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 (3B) The Treasurer may, either generally or
in a particular case or class of cases, determine
the maximum rate which may be fixed by the
Board under subsection (3A) and may, from time
to time, vary the maximum rate so determined.

(b) Section 34E (4) (b)—

10 Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".

(9) Section 34ED (4), (5)—

Omit the subsections, insert instead :—

15 (4) In subsection (3) (b), "the prescribed rate"
means such rate as may be fixed by the Board, not
exceeding the maximum rate which is, at the time of
fixing the rate, the maximum rate determined by the
Treasurer under subsection (5).

20 (5) The Treasurer may, either generally or in a
particular case or class of cases, determine the
maximum rate which may be fixed by the Board under
subsection (4) and may, from time to time, vary the
maximum rate so determined.

(10) (a) Section 34GG (1) (a)—

25 Omit "Rural Bank Department", insert instead
"General Bank Department".

(b) Section 34GG (1) (c)—

Omit "Rural Bank Department", insert instead
"General Bank Department".

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 34GG (1) (d)—
5 Omit "Rural Bank Department", insert instead
"General Bank Department".

(11) Section 34H (1)—
Omit "Farmers Relief Agency", insert instead "Rural
Reconstruction Agency".

10 (12) Section 34J (2)—
Omit "Farmers Relief Agency", insert instead "Rural
Reconstruction Agency".

(13) Section 34N (9)—
15 Omit "for a period of three months from the date of
grant thereof", insert instead "from the date of grant
thereof for a period of 3 months or for such lesser
period as the Director may, at his discretion, determine
at the time the order is granted".

(14) (a) Section 34w (3)—
20 After "interest", insert "(not being interest
referred to in subsection (6))".

(b) Section 34w (5)—
After "under", insert "the foregoing provisions
of".

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 34w (6), (7), (8)—

5 After section 34w (5), insert :—

10 (6) The Board may, if it is satisfied that the circumstances so warrant, direct that any amount required to be paid as a repayment or part of a repayment of an advance made under this section that is not paid on or before the date that it is due to be paid shall bear interest at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (7), as may be fixed by the Board.

15 (7) The Treasurer may, either generally or in a particular case or class of cases, determine the maximum rate which may be fixed by the Board under subsection (6) and may, from time to time, vary the maximum rate so determined.

20 (8) Any interest payable under subsection (6) in respect of an advance shall be in addition to any interest payable under the covenants, conditions and provisions specified by the Board under subsection (3) in respect of that advance.

25 (15) (a) Section 34z (3)—

After "interest", insert "(not being interest referred to in subsection (9))".

(b) Section 34z (8)—

30 After "under", insert "the foregoing provisions of".

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 34z (9), (10), (11)—

5 After section 34z (8), insert :—

 (9) The Board may, if it is satisfied that the
circumstances so warrant, direct that any amount
required to be paid as a repayment or part of
a repayment of an advance made under this
10 section that is not paid on or before the date
that it is due to be paid shall bear interest at
such rate, not exceeding the maximum rate
determined by the Treasurer under subsection
(10), as may be fixed by the Board.

15 (10) The Treasurer may, either generally or
in a particular case or class of cases, determine
the maximum rate which may be fixed by the
Board under subsection (9) and may, from time
to time, vary the maximum rate so determined.

20 (11) Any interest payable under subsection
(9) in respect of an advance shall be in addition
to any interest payable under the covenants,
conditions and provisions specified by the Board
under subsection (3) in respect of that advance.

25 (16) Section 40A (1) (c)—

 After "compromise," insert "compound, effect a
composition of,".

(17) Sections 40C, 40D, 40E, 40F—

 Omit sections 40C, 40D, insert instead :—

30 40C. (1) The Minister may, by instrument in Adminis-
tration of other
writing, appoint the Board as the authority having the schemes
administration, or the administration to the extent by Board.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 specified in the instrument, of any scheme for the assistance of farmers or of persons who have disposed of, or are disposing of, their farms, not being a scheme administered by the Board by virtue of the provisions of this or any other Act, other than this section.

10 (2) Where the Minister has, under subsection (1), made an appointment in relation to a scheme, the Board may administer that scheme and may do and suffer all such acts and things as may be necessary for or incidental to, the purposes thereof and as are not inconsistent with any of the provisions of this
15 Act or any other Act.

(3) Where an appointment made under subsection (1) relates to a scheme administered, wholly or in part, by the Board before the date of assent to the Farmers' Relief (Amendment) Act, 1976, all acts, matters or things done or executed before the date of that appointment—

- 20
- (a) in connection with the administration by the Board of that scheme; or
 - 25 (b) which would have been lawful if sections 40D and 40E had been in force in respect of that scheme at the time the acts, matters or things were done or executed,

are validated.

30 40D. (1) In this section and section 40E—
“advance” includes a loan, a grant and a loan
that may be converted to a grant; Financial
arrange-
ments.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 “scheme” means a scheme for the assistance of
farmers, or of persons who have disposed of,
or are disposing of, their farms, that is
administered, wholly or in part, by the
Board, not being a scheme established by or
under this Act.

10 (2) Any money held or received by the State
of New South Wales for the purposes of a scheme,
being money that is required for advances and other
expenditure incurred or to be incurred in respect of
15 that scheme, shall from time to time be made available
to the Rural Bank for the purposes of the Rural
Reconstruction Agency.

(3) Notwithstanding anything in Part VI B of
the Government Savings Bank Act, 1906—

20 (a) except where the Treasurer otherwise
determines, the Rural Bank shall,
where money is made available to it for
the purposes of a scheme or schemes,
keep, in respect of the money made
25 available for the purposes of each
scheme, a separate account;

(b) to each separate account shall be
credited all such other amounts as the
Treasurer may determine either
generally or in any particular case or
30 class of cases, those other amounts
being amounts paid or payable for the
purposes of or in relation to the scheme
in respect of which the account is kept;
and

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- 5 (c) from each separate account shall be
paid the advances and expenditure
referred to in subsection (2) in relation
to the scheme in respect of which that
account is kept and such other amounts
10 as the Treasurer may determine either
generally or in any particular case or
class of cases, those other amounts
being amounts paid or payable for the
purposes of or in relation to that
scheme.
- 15 40E. (1) The Rural Bank shall make any advance Advances.
which the Board may direct for the purposes of a
scheme.
- (2) Any advance referred to in subsection
(1) in respect of a scheme shall—
- 20 (a) be made in the name of the Board out
of the funds to the credit of the separate
account kept in respect of that scheme;
and
- 25 (b) be of such amount, upon such securities
and subject to such covenants, condi-
tions and provisions, including a provi-
sion for payment of interest, as the
Board may specify in the direction.
- 30 40F. (1) The Board may, before considering an Costs, fees,
application made to it, require the applicant to pay etc.
such amount as the Board may determine towards the
cost of dealing with and investigating the application.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 (2) The Board may, in respect of an application made to it, recover from the applicant the whole or any part of the cost of dealing with and investigating the application, after deducting any amount paid in pursuance of subsection (1).

10 (3) Where the Board has incurred any expense in connection with an application made to it, other than the Board's costs of dealing with and investigating the application, it may recover from the applicant the whole or any part of the amount of that expense.

15 (4) The Board may, on payment of such fees as it may determine, supply to a person or that person's authorised agent any information concerning any accounts of that person kept by or on behalf of the Board.

20 (5) The Board may refund the whole or any part of any amount paid in pursuance of this section.

(6) Any amount due to the Board in pursuance of this section may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

FARMERS' RELIEF (AMENDMENT) BILL, 1976

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to enable assistance to be given to farmers who carry on farming operations in the State, but do not reside in the State (Schedule 1 (2));
- (b) to authorise the payment of remuneration (in addition to expenses and fees) to certain members of the Rural Assistance Board (hereinafter referred to as "the Board"), with retrospective effect from 1st January, 1972 (section 2 (4) and Schedule 1 (3) (b) and (c));
- (c) to remove the necessity for the Minister to nominate an Assistant Director of the Board to act in the place of the Director or Deputy Director of the Board during illness or absence (Schedule 1 (4) (a)–(d));
- (d) to enable the Deputy Director of the Board to act in the place of the Director at meetings of the Board, other than during the illness or absence of the Director (Schedule 1 (5));
- (e) to enable the Board to fix the rates of interest payable in respect of certain advances under the Act without reference to the Minister, subject to those rates not exceeding the maximum rate determined by the Treasurer from time to time (Schedule 1 (7) (b), (7) (e), (8) (a) and (9));
- (f) to allow the Director of the Board to grant a protection order for a lesser period than 3 months (Schedule 1 (13));
- (g) to allow the Board to charge penalty interest in certain circumstances in respect of late repayments, subject to the rate of interest not exceeding the maximum rate determined by the Treasurer from time to time (Schedule 1 (14) and (15));
- (h) to enable the Minister to appoint the Board as the authority having the administration of any present or future scheme of assistance for farmers, the administration of which is not provided for in any Act of Parliament, and to validate acts done in relation to certain existing schemes (Schedule 1 (17)—section 40c);
- (i) to expand certain financial provisions applicable to schemes of assistance referred to in paragraph (h) (Schedule 1 (17)—sections 40D and 40E);

- (j) to give the Board a discretionary power—
 - (i) to recover the costs of dealing with and investigating applications made to it and to recover costs incurred in connection with applications (Schedule 1 (17)—section 40F (1)–(3));
 - (ii) to supply, on payment of such fees as it may determine, information concerning the accounts of a person to that person or his agent (Schedule 1 (17)—section 40F (4));
 - (k) to validate anything done by the Board before the date of assent to the proposed Act in relation to the recovery of costs and the supplying of accounts information (section 5); and
 - (l) to make other provisions of a minor, consequential or ancillary nature.
-

PROOF

No. , 1976.

A BILL

To amend the Farmers' Relief Act, 1932, and the Fruit-growing Reconstruction Agreement Act, 1973, in connection with the constitution, powers, authorities, duties and functions of the Rural Assistance Board, and in certain other respects; and to validate certain matters.

[MR RUDDOCK—3 March, 1976.]

BE

Farmers' Relief (Amendment).

BE 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. This Act may be cited as the "Farmers' Relief Short title. (Amendment) Act, 1976".

2. (1) Except as provided in subsections (2), (3) and (4), this Act shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Section 3 shall, in its application to a provision of Schedule 1, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedule 1 (3) (a) shall be deemed to have 15 commenced on 20th January, 1975.

(4) Schedule 1 (3) (b) and (c) shall be deemed to have commenced on 1st January, 1972.

3. The Farmers' Relief Act, 1932, is amended in the Amendment
of Act No.
33, 1932. manner set forth in Schedule 1.

20 4. The Fruit-growing Reconstruction Agreement Act, 1973, is amended— Amendment
of Act No.
51, 1973.

(a) by omitting section 5; Sec. 5.
(Financial
arrange-
ments.)

(b) by omitting section 6. Sec. 6.
(Grant of
assistance.)

25 5. Anything done by the Rural Assistance Board before the date of assent to this Act which would have been lawful if section 40F of the Farmers' Relief Act, 1932, as amended by this Act, had been in force at the time the thing was done is validated. Validation.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1. Sec. 3.

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932.

- (1) Section 1 (1)—
Omit "34ED", insert instead "34EE".
- 5 (2) Section 3 (1), definition of "Farmer"—
Omit "is a resident of this State and".
- (3) (a) Section 7A (2) (b) (ii)—
10 Omit "Chairman of The Water Conservation and
Irrigation Commission constituted under the
Irrigation Act, 1912", insert instead "Chief
Commissioner who constitutes The Water
Conservation and Irrigation Commission".
- (b) Section 7A (12)—
15 Omit the subsection, insert instead :—
(12) Each appointed member of the Board,
other than the Director and the Deputy Director,
shall be entitled to receive such remuneration
20 (including travelling and subsistence allowances)
as the Minister may from time to time determine
in respect of him.
- (c) Section 7A (13)—
Omit ", expenses and fees".
- (4) (a) Section 7D (1)—
Omit the subsection.
- 25 (b) Section 7D (2), (3), (3A)—
Omit section 7D (2), (3), insert instead :—
(2) During the illness or absence of the
Director, the Deputy Director shall act in the
place of the Director and, while so acting, shall

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 have and may exercise or perform the powers, authorities, duties and functions of the Director, including his powers, authorities, duties and functions as a member of the Board.

10 (3) During the illness or absence of the Deputy Director or while he is acting in the place of the Director—

(a) the Assistant Director referred to in section 7A (7) (a); or

15 (b) if the Assistant Director referred to in section 7A (7) (a) is ill, absent or acting in the place of the Director, the Assistant Director referred to in section 7A (7) (b) (if he is not acting in the place of the Director),

20 shall act in the place of the Deputy Director and—

(c) shall be deemed to be a member of the Board; and

25 (d) while so acting, shall have and may exercise and perform the powers, authorities, duties and functions of the Deputy Director, including his powers, authorities, duties and functions as a member of the Board.

30 (3A) A reference in subsections (2) and (3) to the Director, the Deputy Director or an Assistant Director includes a reference to a person acting in the place of that Director, Deputy Director or Assistant Director, as the case may be.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- (c) Section 7D (4)—
5 Omit the subsection.
- (d) Section 7D (8)—
Omit "paragraph (a) of" wherever
occurring.
- (5) Section 7E (4)—
10 Omit the subsection, insert instead :—
(4) Notwithstanding anything in this Act, a
meeting of the Board shall not be held unless—
(a) the Director; or
(b) where the Director has requested the Deputy
15 Director to act in his place for the purposes
of this subsection, the Deputy Director,
is present at the meeting.
- (6) Section 7J (1)—
20 After "Director", insert "or an officer of the Board
nominated by the Director".
- (7) (a) Section 31 (1) (a)—
Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".
(b) Section 31 (1)—
25 Omit "a rate not exceeding four per centum per
annum", insert instead "the prescribed rate".

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- (c) Section 31 (2A) (b)—
- 5 Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".
- (d) Section 31 (4) (b)—
- Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".
- 10 (e) Section 31 (5), (6)—
- Omit the subsections, insert instead :—
- (5) In subsections (1) and (4) (a), "the
prescribed rate" means such rate as may be fixed
by the Board, not exceeding the maximum rate
15 which is, at the time of fixing the rate, the
maximum rate determined by the Treasurer under
subsection (6).
- (6) The Treasurer may, either generally or in
a particular case or class of cases, determine the
20 maximum rate which may be fixed by the Board
under subsection (5) and may, from time to time,
vary the maximum rate so determined.
- (8) (a) Section 34E (3A), (3B)—
- Omit the subsections, insert instead :—
- 25 (3A) In subsection (3) (b), "the prescribed
rate" means such rate as may be fixed by the
Board, not exceeding the maximum rate which
is, at the time of fixing the rate, the maximum
rate determined by the Treasurer under
30 subsection (3B).

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 (3B) The Treasurer may, either generally or
in a particular case or class of cases, determine
the maximum rate which may be fixed by the
Board under subsection (3A) and may, from time
to time, vary the maximum rate so determined.

(b) Section 34E (4) (b)—

10 Omit "Farmers Relief Agency", insert instead
"Rural Reconstruction Agency".

(9) Section 34ED (4), (5)—

Omit the subsections, insert instead :—

15 (4) In subsection (3) (b), "the prescribed rate"
means such rate as may be fixed by the Board, not
exceeding the maximum rate which is, at the time of
fixing the rate, the maximum rate determined by the
Treasurer under subsection (5).

20 (5) The Treasurer may, either generally or in a
particular case or class of cases, determine the
maximum rate which may be fixed by the Board under
subsection (4) and may, from time to time, vary the
maximum rate so determined.

(10) (a) Section 34GG (1) (a)—

25 Omit "Rural Bank Department", insert instead
"General Bank Department".

(b) Section 34GG (1) (c)—

Omit "Rural Bank Department", insert instead
"General Bank Department".

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- (c) Section 34GG (1) (d)—
- 5 Omit "Rural Bank Department", insert instead
"General Bank Department".
- (11) Section 34H (1)—
- Omit "Farmers Relief Agency", insert instead "Rural
Reconstruction Agency".
- 10 (12) Section 34J (2)—
- Omit "Farmers Relief Agency", insert instead "Rural
Reconstruction Agency".
- (13) Section 34N (9)—
- 15 Omit "for a period of three months from the date of
grant thereof", insert instead "from the date of grant
thereof for a period of 3 months or for such lesser
period as the Director may, at his discretion, determine
at the time the order is granted".
- (14) (a) Section 34w (3)—
- 20 After "interest", insert "(not being interest
referred to in subsection (6))".
- (b) Section 34w (5)—
- After "under", insert "the foregoing provisions
of",

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 34w (6), (7), (8)—

5 After section 34w (5), insert :—

(6) The Board may, if it is satisfied that the
circumstances so warrant, direct that any amount
required to be paid as a repayment or part of a
10 repayment of an advance made under this section
that is not paid on or before the date that it is
due to be paid shall bear interest at such rate,
not exceeding the maximum rate determined by
the Treasurer under subsection (7), as may be
fixed by the Board.

15 (7) The Treasurer may, either generally or
in a particular case or class of cases, determine
the maximum rate which may be fixed by the
Board under subsection (6) and may, from time
to time, vary the maximum rate so determined.

20 (8) Any interest payable under subsection
(6) in respect of an advance shall be in addition
to any interest payable under the covenants,
conditions and provisions specified by the Board
under subsection (3) in respect of that advance.

25 (15) (a) Section 34z (3)—

After "interest", insert "(not being interest
referred to in subsection (9))".

(b) Section 34z (8)—

30 After "under", insert "the foregoing provisions
of".

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

(c) Section 34z (9), (10), (11)—

5 After section 34z (8), insert :—

(9) The Board may, if it is satisfied that the
circumstances so warrant, direct that any amount
required to be paid as a repayment or part of
a repayment of an advance made under this
10 section that is not paid on or before the date
that it is due to be paid shall bear interest at
such rate, not exceeding the maximum rate
determined by the Treasurer under subsection
(10), as may be fixed by the Board.

15 (10) The Treasurer may, either generally or
in a particular case or class of cases, determine
the maximum rate which may be fixed by the
Board under subsection (9) and may, from time
to time, vary the maximum rate so determined.

20 (11) Any interest payable under subsection
(9) in respect of an advance shall be in addition
to any interest payable under the covenants,
conditions and provisions specified by the Board
under subsection (3) in respect of that advance.

25 (16) Section 40A (1) (c)—

After "compromise," insert "compound, effect a
composition of,".

(17) Sections 40C, 40D, 40E, 40F—

Omit sections 40C, 40D, insert instead :—

30 40C. (1) The Minister may, by instrument in Adminis-
writing, appoint the Board as the authority having the tration
administration, or the administration to the extent of other
schemes
by Board.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 specified in the instrument, of any scheme for the assistance of farmers or of persons who have disposed of, or are disposing of, their farms, not being a scheme administered by the Board by virtue of the provisions of this or any other Act, other than this section.

10 (2) Where the Minister has, under subsection (1), made an appointment in relation to a scheme, the Board may administer that scheme and may do and suffer all such acts and things as may be necessary for or incidental to, the purposes thereof and as are not inconsistent with any of the provisions of this
15 Act or any other Act.

(3) Where an appointment made under subsection (1) relates to a scheme administered, wholly or in part, by the Board before the date of assent to the Farmers' Relief (Amendment) Act, 1976, all acts, matters or things done or executed
20 before the date of that appointment—

- (a) in connection with the administration by the Board of that scheme; or
- (b) which would have been lawful if
25 sections 40D and 40E had been in force in respect of that scheme at the time the acts, matters or things were done or executed,

are validated.

30 40D. (1) In this section and section 40E—
“advance” includes a loan, a grant and a loan that may be converted to a grant; Financial
arrange-
ments.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 "scheme" means a scheme for the assistance of
farmers, or of persons who have disposed of,
or are disposing of, their farms, that is
administered, wholly or in part, by the
Board, not being a scheme established by or
under this Act.

10 (2) Any money held or received by the State
of New South Wales for the purposes of a scheme,
being money that is required for advances and other
expenditure incurred or to be incurred in respect of
15 that scheme, shall from time to time be made available
to the Rural Bank for the purposes of the Rural
Reconstruction Agency.

(3) Notwithstanding anything in Part VI^B of
the Government Savings Bank Act, 1906—

20 (a) except where the Treasurer otherwise
determines, the Rural Bank shall,
where money is made available to it for
the purposes of a scheme or schemes,
keep, in respect of the money made
25 available for the purposes of each
scheme, a separate account;

(b) to each separate account shall be
30 credited all such other amounts as the
Treasurer may determine either
generally or in any particular case or
class of cases, those other amounts
being amounts paid or payable for the
purposes of or in relation to the scheme
in respect of which the account is kept;
and

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

- 5 (c) from each separate account shall be
paid the advances and expenditure
referred to in subsection (2) in relation
to the scheme in respect of which that
account is kept and such other amounts
10 as the Treasurer may determine either
generally or in any particular case or
class of cases, those other amounts
being amounts paid or payable for the
purposes of or in relation to that
scheme.
- 15 40E. (1) The Rural Bank shall make any advance ^{Advances.}
which the Board may direct for the purposes of a
scheme.
- (2) Any advance referred to in subsection
(1) in respect of a scheme shall—
- 20 (a) be made in the name of the Board out
of the funds to the credit of the separate
account kept in respect of that scheme;
and
- 25 (b) be of such amount, upon such securities
and subject to such covenants, condi-
tions and provisions, including a provi-
sion for payment of interest, as the
Board may specify in the direction.
- 30 40F. (1) The Board may, before considering an ^{Costs, fees,}
application made to it, require the applicant to pay ^{etc.}
such amount as the Board may determine towards the
cost of dealing with and investigating the application.

SCHEDULE

Farmers' Relief (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—
continued.

5 (2) The Board may, in respect of an applica-
tion made to it, recover from the applicant the whole
or any part of the cost of dealing with and investigat-
ing the application, after deducting any amount paid
in pursuance of subsection (1).

10 (3) Where the Board has incurred any
expense in connection with an application made to it,
other than the Board's costs of dealing with and
investigating the application, it may recover from the
applicant the whole or any part of the amount of that
expense.

15 (4) The Board may, on payment of such fees
as it may determine, supply to a person or that
person's authorised agent any information concerning
any accounts of that person kept by or on behalf of
the Board.

20 (5) The Board may refund the whole or any
part of any amount paid in pursuance of this section.

 (6) Any amount due to the Board in pursu-
ance of this section may be recovered as a debt or
liquidated demand in a court of competent jurisdiction.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

