

RURAL ASSISTANCE (AMENDMENT) BILL, 1979

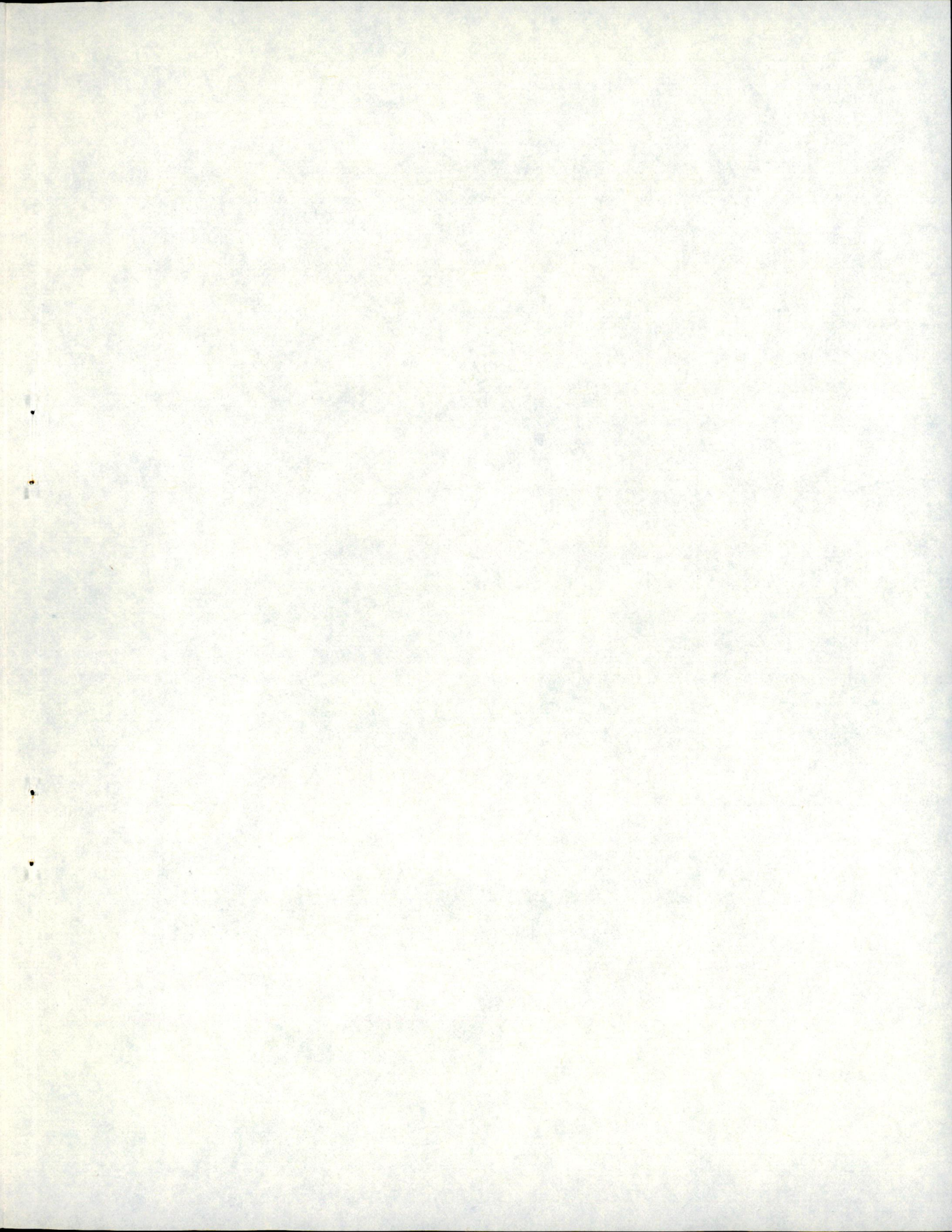
EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to alter the short title of the “Farmers’ Relief Act, 1932,” to the “Rural Assistance Act, 1932” (Schedule 1 (1) (a));
- (b) 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));
- (c) to specify that for the purposes of any Act, the Rural Assistance Board (“the Board”) shall be deemed to be a statutory body representing the Crown (Schedule 1 (3) (a));
- (d) to authorise the payment of remuneration (in addition to expenses and fees) to certain members of the Board (Schedule 1 (3) (c) and (d));
- (e) 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 (4));
- (f) to empower the Board to fix the rates of interest payable in respect of certain advances without reference to the Minister, subject to those rates not exceeding the maximum rate determined by the Treasurer from time to time (Schedule 1 (6) (b) and (e), (7) (a), (8) and (15)—proposed Part IID—section 34AO);
- (g) to allow the Board to charge, in respect of advances for farm build-up or farm improvement, additional interest on arrears in repayments, but only in certain circumstances and subject to the rate of interest not exceeding the maximum rate determined by the Treasurer from time to time (Schedule 1 (13), (14) and (15)—proposed Part IID—section 34AP);
- (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 (15)—proposed Part IID—section 34AM);
- (i) to enact financial provisions applicable to schemes of assistance referred to in paragraph (h), including a provision that advances under those schemes shall be secured by a statutory charge (Schedule 1 (15)—proposed Part IID—sections 34AN and 34AO);

- (j) to empower the Board to recover any expenses incurred or losses suffered by reason of a wilfully misleading application (Schedule 1 (17)—proposed section 40c (1) and (2));
- (k) to provide that the Board may, with the consent of the Minister, require a person who makes repeated or unmeritorious applications to pay its expenses before it considers any further applications by that person (Schedule 1 (17)—proposed section 40c (3)–(5));
- (l) to empower the Board to call up any advance made to a person if that person has wilfully misled the Board in relation to any matter pertaining to the advance (Schedule 1 (17)—proposed section 40d); and
- (m) to make other provisions of a minor, consequential or ancillary nature.



RURAL ASSISTANCE (AMENDMENT) BILL, 1979

No. , 1979.

A BILL FOR

An Act to amend the Farmers' Relief Act, 1932, in relation to the power of the Rural Assistance Board to administer schemes of assistance to farmers and in certain other respects; and to validate certain matters.

[MR RENSHAW—16 October, 1979.]

Rural Assistance (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 :—

- 5 **1.** This Act may be cited as the "Rural Assistance Short
(Amendment) Act, 1979". title.

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

- 10 **3.** (1) A reference to the Farmers' Relief Act, 1932, or an Savings.
instrument made under that Act in any Act (other than this Act
or the Farmers' Relief Act, 1932) or in any instrument other than
an Act (whether made under an Act or not) shall be read as a
reference to the Rural Assistance Act, 1932, or an instrument
made under that Act, as the case may require.

- 15 (2) A regulation in force under the Farmers' Relief Act,
1932, immediately before the date of assent to this Act shall be
deemed to be a regulation made under the Rural Assistance Act,
1932.

- 20 **4.** Any act or proceeding of the Rural Assistance Board before Validation.
the date of assent to this Act shall be deemed not to have been
invalid by reason only that the Chief Commissioner who constituted
The Water Conservation and Irrigation Commission or the Chief
Commissioner who constitutes the Water Resources Commission
acted as a member of the Board.

Rural Assistance (Amendment).

SCHEDULE 1.

Sec. 2,

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932.

(1) (a) Section 1 (1)—

5 Omit "Farmers' Relief Act, 1932," insert instead
"Rural Assistance Act, 1932".

(b) Section 1 (1)—

From the matter relating to Division 2 of Part IIA,
omit "34ED", insert instead "34EE".

(c) Section 1 (1)—

10 After the matter relating to Part IIC, insert :—

PART IID.—ADMINISTRATION OF OTHER SCHEMES
—ss. 34AL–34AP.

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

Omit "is a resident of this State and".

15 (3) (a) Section 7A (1A)—

After section 7A (1), insert :—

(1A) The Board shall, for the purposes of any
Act, be deemed to be a statutory body representing the
Crown.

20 (b) Section 7A (2) (b) (ii)—

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

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(c) Section 7A (12)—

Omit the subsection, insert instead :—

5 (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 in respect of him.

10 (d) Section 7A (13)—

Omit “, expenses and fees”.

(4) Section 7E (4), (4A)—

Omit section 7E (4), insert instead :—

15 (4) Notwithstanding anything in this Act except subsection (4A), a meeting of the Board shall not be held or continued unless—

(a) the Director; or

20 (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.

(4A) Subsection (4) does not affect the operation of section 7D.

(5) Section 7J (1)—

25 After “Director”, insert “or an officer of the Board nominated by the Director”.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(6) (a) Section 31 (1) (a)—

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

(b) Section 31 (1)—

Omit "a rate not exceeding four per centum per annum", insert instead "the prescribed rate".

(c) Section 31 (2A) (b)—

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

(d) Section 31 (4) (b)—

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

15 (e) Section 31 (5), (6)—

Omit the subsections, insert instead :—

20 (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).

25 (6) The Treasurer may, either generally or in a particular 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.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(7) (a) Section 34E (3A), (3B)—

Omit the subsections, insert instead :—

5 (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 subsection (3B).

10 (3B) The Treasurer may, either generally or in a particular 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.

15 (b) Section 34E (4) (b)—

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

(8) Section 34ED (4), (5)—

Omit the subsections, insert instead :—

20 (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).

25 (5) The Treasurer may, either generally or in a particular 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.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

- (9) Section 34GG (1) (a), (c), (d)—
5 Omit "Rural Bank Department" wherever occurring, insert
 instead "General Bank Department".
- (10) Section 34H (1)—
 Omit "Farmers Relief Agency", insert instead "Rural
 Reconstruction Agency".
- (11) Section 34I—
10 Omit the section.
- (12) (a) Section 34J (2)—
 Omit "Farmers Relief Agency", insert instead "Rural
 Reconstruction Agency".
 (b) Section 34J (4)—
15 Omit "40C or 40D", insert instead "34AN".
- (13) (a) Section 34w (3)—
 Omit "an applicant", insert instead "a farmer".
 (b) Section 34w (5)—
 Omit "this section", insert instead "subsection (3)".

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(c) Section 34w (6), (7), (8)—

After section 34w (5), insert :—

5 (6) If—

(a) any amount required to be paid by a farmer under this Division has not been paid within 3 months of the date on which it is due to be paid; and

10 (b) the Board is satisfied that the farmer—

(i) was able to pay the amount on the date on which it was due to be paid; or

15 (ii) since the date on which it was due to be paid, became able to pay the amount,

the Board may direct that the amount shall bear interest—

20 (c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

25 (d) at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (7), as may be fixed by the Board.

30 (7) The Treasurer may, either generally or in a particular 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.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (8) Any interest the subject of a direction under subsection (6) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions referred to in subsection (2).

(14) (a) Section 34z (8)—

Omit "this section", insert instead "subsection (3)".

10 (b) Section 34z (9), (10), (11)—

After section 34z (8), insert :—

(9) If—

- 15 (a) any amount required to be paid by a farmer as a repayment or part of a repayment of an advance made to him under this section has not been paid within 3 months of the date on which it is due to be paid; and

(b) the Board is satisfied that the farmer—

- 20 (i) was able to pay the amount on the date on which it was due to be paid; or
(ii) since the date on which it was due to be paid, became able to pay the amount,

25 the Board may direct that the amount shall bear interest—

- (c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

Rural Assistance (Amendment).

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

5 (d) at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (10), as may be fixed by the Board.

10 (10) The Treasurer may, either generally or in a particular 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.

15 (11) Any interest the subject of a direction under subsection (9) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions referred to in subsection (3).

(15) Part IIb—

After Part IIc, insert :—

PART IIb.

20 ADMINISTRATION OF OTHER SCHEMES.

34AL. In this Part (except section 34AM)—

Interpre-
tation.

“advance” includes a loan, a grant and a loan that may be converted to a grant;

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

Rural Assistance (Amendment).

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

5 34AM. (1) The Minister may, by instrument in writing, Admini-
appoint the Board as the authority to have the stration of other
administration, or the administration to the extent specified schemes
10 in the instrument, of any scheme for the assistance of by Board.
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,
15 other than this section.

15 (2) Where the Minister has, under subsection
(1), made an appointment in relation to a scheme, the
Board may administer the scheme or administer the scheme
to the extent specified in the instrument of appointment,
15 as the case may be, 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 sections 34AN and 34AO.

20 (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 Rural
Assistance (Amendment) Act, 1979, all acts, matters or
things done or executed before the date of that appointment
25 which would have been lawful if sections 34AN and 34AO
had been in force in respect of that scheme at the time the
acts, matters or things were done or executed, are
validated.

30 34AN. (1) Any money held or received by the State Financial
of New South Wales for the purposes of a scheme, being arrange-
money that is required for advances and other expenditure ments.
incurred or to be incurred in respect of the scheme, shall
from time to time be made available to the Rural Bank for
the purposes of its Rural Reconstruction Agency.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(2) Notwithstanding anything in Part VIb of the Government Savings Bank Act, 1906—

- 5 (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 available for the purposes of each scheme, a
- 10 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 class of cases, those other amounts being
- 15 amounts paid or payable for the purposes of or in relation to the scheme in respect of which the account is kept; and
- (c) from each separate account shall be paid the advances and expenditure referred to in sub-
- 20 section (1) 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 class of cases, those
- 25 other amounts being amounts paid or payable for the purposes of or in relation to that scheme.

34AO. (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—

- 30 (a) be made in the name of the Board; and

Rural Assistance (Amendment).

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

5 (b) be of such amount, upon such securities and subject to such covenants, conditions and provisions, including a provision for payment of interest at the prescribed rate, as the Board may specify in the direction.

10 (3) Any moneys advanced under this section by way of a loan (including a loan that may be converted to a grant), together with all interest thereon and costs of recovery thereof, shall be a charge in favour of the Board over any estate or interest beneficially held in any land by the person to whom the moneys have been advanced.

15 (4) Any charge under subsection (3) 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
20 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 (5) Any charge under subsection (3) shall be subject to any security entered into for the purposes of subsection (2) and to any mortgage, charge or lien to which any estate or interest beneficially held in any land by the person to whom moneys have been advanced may be subject as at the date on which the caveat is so lodged
30 or the charge is so registered.

(6) In subsection (2), "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
35 subsection (7).

Rural Assistance (Amendment).

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

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

34AP. (1) If, where the Board administers a scheme which includes a form of assistance for farm improvement— Interest on arrears.

10 (a) any amount required to be paid by a farmer as a repayment or part of a repayment of an advance made to him for that form of assistance has not been paid within 3 months of the date on which it is due to be paid; and

15 (b) the Board is satisfied that the farmer—
(i) was able to pay the amount on the date on which it was due to be paid; or
(ii) since the date on which it was due to be paid, became able to pay the amount,

20 the Board may direct that the amount shall bear interest—

(c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

25 (d) at such rate not exceeding the maximum rate determined by the Treasurer under subsection (2), as may be fixed by the Board.

30 (2) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (1) and may, from time to time, vary the maximum rate so determined.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

5 (3) Any interest the subject of a direction under subsection (1) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions to which the advance referred to in subsection (1) (a) is subject pursuant to section 34AO (2).

(16) Section 40A (1) (c)—

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

(17) Sections 40C, 40D—

Omit the sections, insert instead :—

15 40C. (1) Where, in relation to an application made to the Board, a person making an application knowingly makes any false statement or otherwise wilfully misleads the Board, the Board may recover from the person the whole or any part of any expense incurred or loss suffered by it as a result of being misled by the person. Misleading or repetitive applications.

20 (2) Any amount recoverable by the Board in pursuance of subsection (1) may be recovered as a debt in a court of competent jurisdiction.

(3) Where—

- 25 (a) a person makes an application to the Board which is refused;
- (b) that person makes a subsequent application to the Board which is not substantially different from and has no greater merit than the application referred to in paragraph (a); and

Rural Assistance (Amendment).

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

(c) the Minister consents in writing to the Board so doing,

5 the Board may serve by post on the person a notice informing him that the Board will not deal with any further application made to it by him unless he has paid to the Board such expenses with respect to that further application as may be required to be paid by him to the Board.

10 (4) Notwithstanding any other provision of this Act, where the Board has served on a person a notice referred to in subsection (3), the Board is not obliged to consider any further application made to it by the person unless the amount required to be paid to the Board under
15 that subsection in respect of that further application has been paid.

(5) Where any such further application is refused and the Board is of the opinion that the further unsuccessful application is substantially different from or has greater merit than the application made by that person and referred
20 to in subsection (3) (a), the Board shall refund to that person the expenses paid by him.

25 40D. (1) Where the Board is satisfied that a person to whom it has made an advance has knowingly made to the Board a false statement or has otherwise wilfully misled the Board (whether before or after the Board made the advance to him) in relation to the application for the advance, the advance or any matter pertaining to the advance, the Board may by notice served by post on the
30 person call up the advance and exercise its rights under any security relating to the advance, notwithstanding any of the provisions of the Moratorium Act, 1932.

Board may call up advance obtained by false statement.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (2) Where the Board calls up an advance under subsection (1), the moneys advanced shall become due and payable as from the date specified in the notice calling up the advance.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

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RURAL ASSISTANCE (AMENDMENT) BILL, 1979

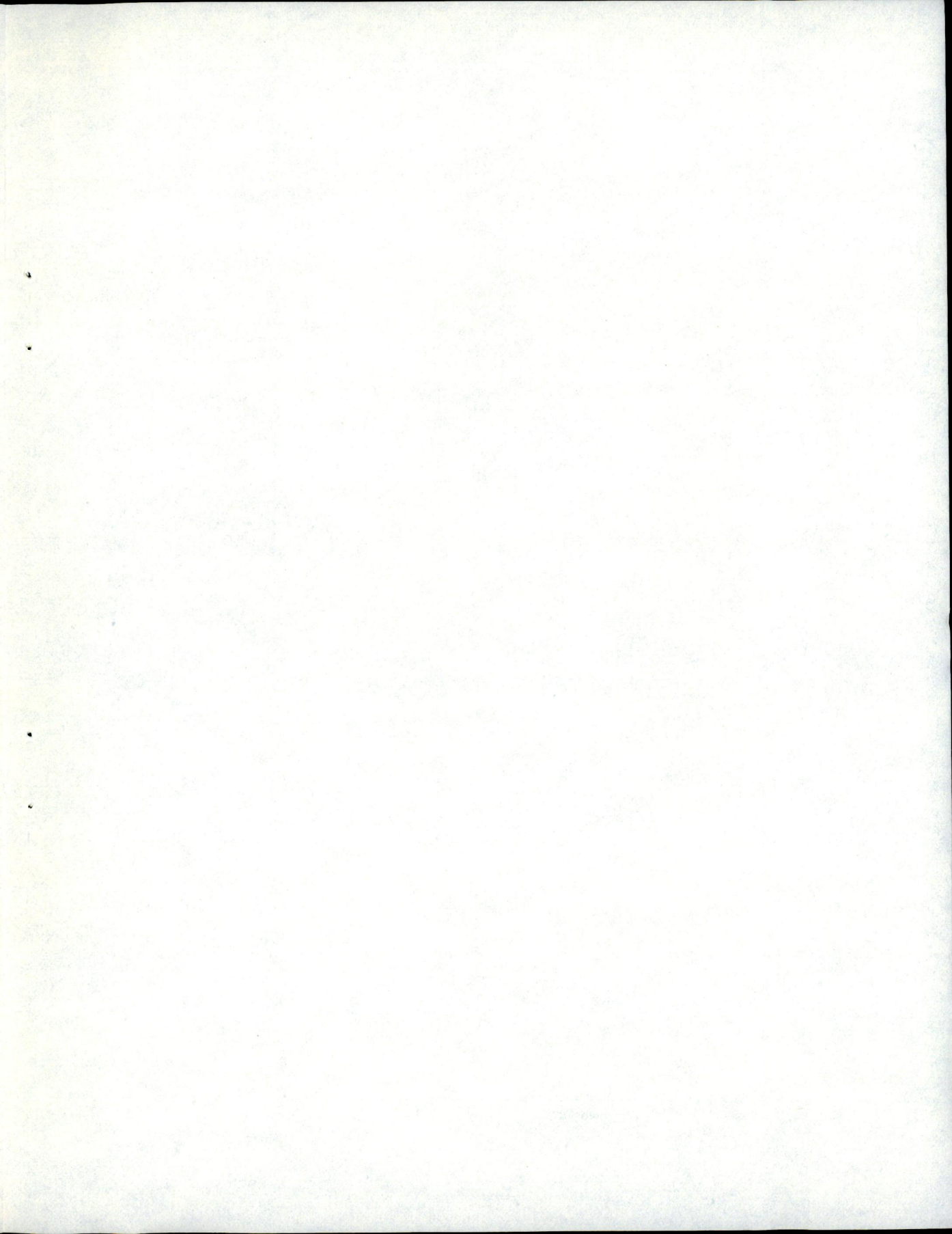
EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to alter the short title of the “Farmers’ Relief Act, 1932,” to the “Rural Assistance Act, 1932” (Schedule 1 (1) (a));
- (b) 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));
- (c) to specify that for the purposes of any Act, the Rural Assistance Board (“the Board”) shall be deemed to be a statutory body representing the Crown (Schedule 1 (3) (a));
- (d) to authorise the payment of remuneration (in addition to expenses and fees) to certain members of the Board (Schedule 1 (3) (c) and (d));
- (e) 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 (4));
- (f) to empower the Board to fix the rates of interest payable in respect of certain advances without reference to the Minister, subject to those rates not exceeding the maximum rate determined by the Treasurer from time to time (Schedule 1 (6) (b) and (e), (7) (a), (8) and (15)—proposed Part IID—section 34AO);
- (g) to allow the Board to charge, in respect of advances for farm build-up or farm improvement, additional interest on arrears in repayments, but only in certain circumstances and subject to the rate of interest not exceeding the maximum rate determined by the Treasurer from time to time (Schedule 1 (13), (14) and (15)—proposed Part IID—section 34AP);
- (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 (15)—proposed Part IID—section 34AM);
- (i) to enact financial provisions applicable to schemes of assistance referred to in paragraph (h), including a provision that advances under those schemes shall be secured by a statutory charge (Schedule 1 (15)—proposed Part IID—sections 34AN and 34AO);

- (j) to empower the Board to recover any expenses incurred or losses suffered by reason of a wilfully misleading application (Schedule 1 (17)—proposed section 40c (1) and (2));
 - (k) to provide that the Board may, with the consent of the Minister, require a person who makes repeated or unmeritorious applications to pay its expenses before it considers any further applications by that person (Schedule 1 (17)—proposed section 40c (3)–(5));
 - (l) to empower the Board to call up any advance made to a person if that person has wilfully misled the Board in relation to any matter pertaining to the advance (Schedule 1 (17)—proposed section 40d); and
 - (m) to make other provisions of a minor, consequential or ancillary nature.
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RURAL ASSISTANCE (AMENDMENT) BILL, 1979

No. , 1979.

A BILL FOR

An Act to amend the Farmers' Relief Act, 1932, in relation to the power of the Rural Assistance Board to administer schemes of assistance to farmers and in certain other respects; and to validate certain matters.

[MR RENSHAW—16 October, 1979.]

Rural Assistance (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 :—

5 1. This Act may be cited as the "Rural Assistance Short
(Amendment) Act, 1979". title.

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

3. (1) A reference to the Farmers' Relief Act, 1932, or an Savings.
10 instrument made under that Act in any Act (other than this Act
or the Farmers' Relief Act, 1932) or in any instrument other than
an Act (whether made under an Act or not) shall be read as a
reference to the Rural Assistance Act, 1932, or an instrument
made under that Act, as the case may require.

15 (2) A regulation in force under the Farmers' Relief Act,
1932, immediately before the date of assent to this Act shall be
deemed to be a regulation made under the Rural Assistance Act,
1932.

4. Any act or proceeding of the Rural Assistance Board before Validation.
20 the date of assent to this Act shall be deemed not to have been
invalid by reason only that the Chief Commissioner who constituted
The Water Conservation and Irrigation Commission or the Chief
Commissioner who constitutes the Water Resources Commission
acted as a member of the Board.

Rural Assistance (Amendment).

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932.

(1) (a) Section 1 (1)—

5 Omit "Farmers' Relief Act, 1932," insert instead
"Rural Assistance Act, 1932".

(b) Section 1 (1)—

From the matter relating to Division 2 of Part IIA,
omit "34ED", insert instead "34EE".

(c) Section 1 (1)—

10 After the matter relating to Part IIC, insert :—

PART IID.—ADMINISTRATION OF OTHER SCHEMES
—ss. 34AL–34AP.

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

Omit "is a resident of this State and".

15 (3) (a) Section 7A (1A)—

After section 7A (1), insert :—

(1A) The Board shall, for the purposes of any
Act, be deemed to be a statutory body representing the
Crown.

20 (b) Section 7A (2) (b) (ii)—

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

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(c) Section 7A (12)—

Omit the subsection, insert instead :—

- 5 (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 in respect of him.

10 (d) Section 7A (13)—

Omit “, expenses and fees”.

(4) Section 7E (4), (4A)—

Omit section 7E (4), insert instead :—

- 15 (4) Notwithstanding anything in this Act except subsection (4A), a meeting of the Board shall not be held or continued unless—

(a) the Director; or

- (b) where the Director has requested the Deputy Director to act in his place for the purposes of this subsection, the Deputy Director,

20 is present at the meeting.

(4A) Subsection (4) does not affect the operation of section 7D.

(5) Section 7J (1)—

- 25 After “Director”, insert “or an officer of the Board nominated by the Director”.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(6) (a) Section 31 (1) (a)—

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

(b) Section 31 (1)—

Omit "a rate not exceeding four per centum per annum", insert instead "the prescribed rate".

(c) Section 31 (2A) (b)—

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

(d) Section 31 (4) (b)—

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

15 (e) Section 31 (5), (6)—

Omit the subsections, insert instead :—

20 (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).

25 (6) The Treasurer may, either generally or in a particular 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.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(7) (a) Section 34E (3A), (3B)—

Omit the subsections, insert instead :—

5 (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 subsection (3B).

10 (3B) The Treasurer may, either generally or in a particular 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.

15 (b) Section 34E (4) (b)—

Omit “Farmers Relief Agency”, insert instead “Rural Reconstruction Agency”.

(8) Section 34ED (4), (5)—

Omit the subsections, insert instead :—

20 (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).

25 (5) The Treasurer may, either generally or in a particular 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.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(9) Section 34GG (1) (a), (c), (d)—

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

(10) Section 34H (1)—

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

(11) Section 34I—

10 Omit the section.

(12) (a) Section 34J (2)—

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

(b) Section 34J (4)—

15 Omit "40C or 40D", insert instead "34AN".

(13) (a) Section 34w (3)—

Omit "an applicant", insert instead "a farmer".

(b) Section 34w (5)—

Omit "this section", insert instead "subsection (3)".

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(c) Section 34w (6), (7), (8)—

After section 34w (5), insert :—

5 (6) If—

(a) any amount required to be paid by a farmer under this Division has not been paid within 3 months of the date on which it is due to be paid; and

10 (b) the Board is satisfied that the farmer—

(i) was able to pay the amount on the date on which it was due to be paid; or

15 (ii) since the date on which it was due to be paid, became able to pay the amount,

the Board may direct that the amount shall bear interest—

20 (c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

25 (d) at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (7), as may be fixed by the Board.

30 (7) The Treasurer may, either generally or in a particular 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.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

5 (8) Any interest the subject of a direction under subsection (6) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions referred to in subsection (2).

(14) (a) Section 34z (8)—

Omit "this section", insert instead "subsection (3)".

10 (b) Section 34z (9), (10), (11)—

After section 34z (8), insert :—

(9) If—

15 (a) any amount required to be paid by a farmer as a repayment or part of a repayment of an advance made to him under this section has not been paid within 3 months of the date on which it is due to be paid; and

(b) the Board is satisfied that the farmer—

20 (i) was able to pay the amount on the date on which it was due to be paid; or

(ii) since the date on which it was due to be paid, became able to pay the amount,

25 the Board may direct that the amount shall bear interest—

(c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

Rural Assistance (Amendment).

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

5 (d) at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (10), as may be fixed by the Board.

10 (10) The Treasurer may, either generally or in a particular 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.

15 (11) Any interest the subject of a direction under subsection (9) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions referred to in subsection (3).

(15) Part IIb—

After Part IIc, insert :—

PART IIb.

20 ADMINISTRATION OF OTHER SCHEMES.

34AL. In this Part (except section 34AM)—

Interpre-
tation.

“advance” includes a loan, a grant and a loan that may be converted to a grant;

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

Rural Assistance (Amendment).

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

5 34AM. (1) The Minister may, by instrument in writing, Admini-
appoint the Board as the authority to have the stration
administration, or the administration to the extent specified of other
in the instrument, of any scheme for the assistance of schemes
farmers or of persons who have disposed of, or are disposing by Board.
of, their farms, not being a scheme administered by the
Board by virtue of the provisions of this or any other Act,
10 other than this section.

15 (2) Where the Minister has, under subsection
(1), made an appointment in relation to a scheme, the
Board may administer the scheme or administer the scheme
to the extent specified in the instrument of appointment,
as the case may be, 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 sections 34AN and 34AO.

20 (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 Rural
Assistance (Amendment) Act, 1979, all acts, matters or
things done or executed before the date of that appointment
which would have been lawful if sections 34AN and 34AO
25 had been in force in respect of that scheme at the time the
acts, matters or things were done or executed, are
validated.

30 34AN. (1) Any money held or received by the State Financial
of New South Wales for the purposes of a scheme, being arrangements.
money that is required for advances and other expenditure
incurred or to be incurred in respect of the scheme, shall
from time to time be made available to the Rural Bank for
the purposes of its Rural Reconstruction Agency.

Rural Assistance (Amendment).

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

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

- 5 (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 available for the purposes of each scheme, a
10 separate account;
- 15 (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 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
- 20 (c) from each separate account shall be paid the advances and expenditure referred to in subsection (1) 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 class of cases, those
25 other amounts being amounts paid or payable for the purposes of or in relation to that scheme.

34Ao. (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—

- 30 (a) be made in the name of the Board; and

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

5 (b) be of such amount, upon such securities and subject to such covenants, conditions and provisions, including a provision for payment of interest at the prescribed rate, as the Board may specify in the direction.

10 (3) Any moneys advanced under this section by way of a loan (including a loan that may be converted to a grant), together with all interest thereon and costs of recovery thereof, shall be a charge in favour of the Board over any estate or interest beneficially held in any land by the person to whom the moneys have been advanced.

15 (4) Any charge under subsection (3) 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
20 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 (5) Any charge under subsection (3) shall be subject to any security entered into for the purposes of subsection (2) and to any mortgage, charge or lien to which any estate or interest beneficially held in any land by the person to whom moneys have been advanced may be subject as at the date on which the caveat is so lodged
30 or the charge is so registered.

35 (6) In subsection (2), "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 (7).

Rural Assistance (Amendment).

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

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

34AP. (1) If, where the Board administers a scheme which includes a form of assistance for farm improvement—

Interest
on arrears.

10 (a) any amount required to be paid by a farmer as a repayment or part of a repayment of an advance made to him for that form of assistance has not been paid within 3 months of the date on which it is due to be paid; and

15 (b) the Board is satisfied that the farmer—

(i) was able to pay the amount on the date on which it was due to be paid; or

(ii) since the date on which it was due to be paid, became able to pay the amount,

20 the Board may direct that the amount shall bear interest—

(c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

25 (d) at such rate not exceeding the maximum rate determined by the Treasurer under subsection (2), as may be fixed by the Board.

30 (2) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (1) and may, from time to time, vary the maximum rate so determined.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

5 (3) Any interest the subject of a direction under subsection (1) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions to which the advance referred to in subsection (1) (a) is subject pursuant to section 34AO (2).

(16) Section 40A (1) (c)—

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

(17) Sections 40C, 40D—

Omit the sections, insert instead :—

15 40C. (1) Where, in relation to an application made to the Board, a person making an application knowingly makes any false statement or otherwise wilfully misleads the Board, the Board may recover from the person the whole or any part of any expense incurred or loss suffered by it as a result of being misled by the person. Misleading or repetitive applications.

20 (2) Any amount recoverable by the Board in pursuance of subsection (1) may be recovered as a debt in a court of competent jurisdiction.

(3) Where—

25 (a) a person makes an application to the Board which is refused;

(b) that person makes a subsequent application to the Board which is not substantially different from and has no greater merit than the application referred to in paragraph (a); and

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(c) the Minister consents in writing to the Board so doing,

5 the Board may serve by post on the person a notice informing him that the Board will not deal with any further application made to it by him unless he has paid to the Board such expenses with respect to that further application as may be required to be paid by him to the Board.

10 (4) Notwithstanding any other provision of this Act, where the Board has served on a person a notice referred to in subsection (3), the Board is not obliged to consider any further application made to it by the person unless the amount required to be paid to the Board under
15 that subsection in respect of that further application has been paid.

(5) Where any such further application is refused and the Board is of the opinion that the further unsuccessful application is substantially different from or has greater merit than the application made by that person and referred
20 to in subsection (3) (a), the Board shall refund to that person the expenses paid by him.

40D. (1) Where the Board is satisfied that a person Board may
25 to whom it has made an advance has knowingly made to the Board a false statement or has otherwise wilfully misled the Board (whether before or after the Board made the advance to him) in relation to the application for the advance, the advance or any matter pertaining to the advance, the Board may by notice served by post on the person call up the advance and exercise its rights under
30 any security relating to the advance, notwithstanding any of the provisions of the Moratorium Act, 1932.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

- 5 (2) Where the Board calls up an advance under subsection (1), the moneys advanced shall become due and payable as from the date specified in the notice calling up the advance.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

[40c]

**RURAL ASSISTANCE (AMENDMENT) ACT, 1979,
No. 149**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 149, 1979.

An Act to amend the Farmers' Relief Act, 1932, in relation to the power of the Rural Assistance Board to administer schemes of assistance to farmers and in certain other respects; and to validate certain matters. [Assented to, 10th December, 1979.]

Rural Assistance (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 :—

Short
title.

1. This Act may be cited as the "Rural Assistance (Amendment) Act, 1979".

Amendment
of Act No.
33, 1932.

2. The Farmers' Relief Act, 1932, is amended in the manner set forth in Schedule 1.

Savings.

3. (1) A reference to the Farmers' Relief Act, 1932, or an instrument made under that Act in any Act (other than this Act or the Farmers' Relief Act, 1932) or in any instrument other than an Act (whether made under an Act or not) shall be read as a reference to the Rural Assistance Act, 1932, or an instrument made under that Act, as the case may require.

(2) A regulation in force under the Farmers' Relief Act, 1932, immediately before the date of assent to this Act shall be deemed to be a regulation made under the Rural Assistance Act, 1932.

Validation.

4. Any act or proceeding of the Rural Assistance Board before the date of assent to this Act shall be deemed not to have been invalid by reason only that the Chief Commissioner who constituted The Water Conservation and Irrigation Commission or the Chief Commissioner who constitutes the Water Resources Commission acted as a member of the Board.

Rural Assistance (Amendment).

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932.

(1) (a) Section 1 (1)—

Omit "Farmers' Relief Act, 1932," insert instead "Rural Assistance Act, 1932".

(b) Section 1 (1)—

From the matter relating to Division 2 of Part II A, omit "34ED", insert instead "34EE".

(c) Section 1 (1)—

After the matter relating to Part II C, insert :—

PART II D.—ADMINISTRATION OF OTHER SCHEMES
—ss. 34AL–34AP.

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

Omit "is a resident of this State and".

(3) (a) Section 7A (1A)—

After section 7A (1), insert :—

(1A) The Board shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

(b) Section 7A (2) (b) (ii)—

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

Rural Assistance (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—continued.**(c) Section 7A (12)—**

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 (including travelling and subsistence allowances) as the Minister may, from time to time, determine in respect of him.

(d) Section 7A (13)—

Omit “, expenses and fees”.

(4) Section 7E (4), (4A)—

Omit section 7E (4), insert instead :—

(4) Notwithstanding anything in this Act except subsection (4A), a meeting of the Board shall not be held or continued unless—

(a) the Director; or

(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.

(4A) Subsection (4) does not affect the operation of section 7D.

(5) Section 7J (1)—

After “Director”, insert “or an officer of the Board nominated by the Director”.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(6) (a) Section 31 (1) (a)—

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

(b) Section 31 (1)—

Omit "a rate not exceeding four per centum per annum", insert instead "the prescribed rate".

(c) Section 31 (2A) (b)—

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

(d) Section 31 (4) (b)—

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

(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 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 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.

Rural Assistance (Amendment).

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

(7) (a) Section 34E (3A), (3B)—

Omit the subsections, insert instead :—

(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 subsection (3B).

(3B) The Treasurer may, either generally or in a particular 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)—

Omit “Farmers Relief Agency”, insert instead “Rural Reconstruction Agency”.

(8) Section 34ED (4), (5)—

Omit the subsections, insert instead :—

(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).

(5) The Treasurer may, either generally or in a particular 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.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(9) Section 34GG (1) (a), (c), (d)—

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

(10) Section 34H (1)—

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

(11) Section 34I—

Omit the section.

(12) (a) Section 34J (2)—

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

(b) Section 34J (4)—

Omit "40C or 40D", insert instead "34AN".

(13) (a) Section 34w (3)—

Omit "an applicant", insert instead "a farmer".

(b) Section 34w (5)—

Omit "this section", insert instead "subsection (3)".

Rural Assistance (Amendment).

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

(c) Section 34w (6), (7), (8)—

After section 34w (5), insert :—

(6) If—

(a) any amount required to be paid by a farmer under this Division has not been paid within 3 months of the date on which it is due to be paid; and

(b) the Board is satisfied that the farmer—

(i) was able to pay the amount on the date on which it was due to be paid; or

(ii) since the date on which it was due to be paid, became able to pay the amount,

the Board may direct that the amount shall bear interest—

(c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

(d) at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (7), as may be fixed by the Board.

(7) The Treasurer may, either generally or in a particular 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.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(8) Any interest the subject of a direction under subsection (6) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions referred to in subsection (2).

(14) (a) Section 34z (8)—

Omit "this section", insert instead "subsection (3)".

(b) Section 34z (9), (10), (11)—

After section 34z (8), insert :—

(9) If—

(a) any amount required to be paid by a farmer as a repayment or part of a repayment of an advance made to him under this section has not been paid within 3 months of the date on which it is due to be paid; and

(b) the Board is satisfied that the farmer—

(i) was able to pay the amount on the date on which it was due to be paid;
or

(ii) since the date on which it was due to be paid, became able to pay the amount,

the Board may direct that the amount shall bear interest—

(c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

Rural Assistance (Amendment).

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

- (d) at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (10), as may be fixed by the Board.

(10) The Treasurer may, either generally or in a particular 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.

(11) Any interest the subject of a direction under subsection (9) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions referred to in subsection (3).

(15) Part IID—

After Part IIC, insert :—

PART IID.

ADMINISTRATION OF OTHER SCHEMES.

34AL. In this Part (except section 34AM)—

Interpre-
tation.

“advance” includes a loan, a grant and a loan that may be converted to a grant;

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

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

34AM. (1) The Minister may, by instrument in writing, appoint the Board as the authority to have the administration, or the administration to the extent 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. Admini-
stration
of other
schemes
by Board.

(2) Where the Minister has, under subsection (1), made an appointment in relation to a scheme, the Board may administer the scheme or administer the scheme to the extent specified in the instrument of appointment, as the case may be, 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 sections 34AN and 34AO.

(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 Rural Assistance (Amendment) Act, 1979, all acts, matters or things done or executed before the date of that appointment which would have been lawful if sections 34AN and 34AO had been in force in respect of that scheme at the time the acts, matters or things were done or executed, are validated.

34AN. (1) 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 the scheme, shall from time to time be made available to the Rural Bank for the purposes of its Rural Reconstruction Agency. Financial
arrange-
ments.

Rural Assistance (Amendment).

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

(2) Notwithstanding anything in Part VIB of the Government Savings Bank Act, 1906—

- (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 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 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
- (c) from each separate account shall be paid the advances and expenditure referred to in subsection (1) 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 class of cases, those other amounts being amounts paid or payable for the purposes of or in relation to that scheme.

Advances.

34AO. (1) The Rural Bank shall make any advance 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—

- (a) be made in the name of the Board; and

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(b) be of such amount, upon such securities and subject to such covenants, conditions and provisions, including a provision for payment of interest at the prescribed rate, as the Board may specify in the direction.

(3) Any moneys advanced under this section by way of a loan (including a loan that may be converted to a grant), together with all interest thereon and costs of recovery thereof, shall be a charge in favour of the Board over any estate or interest beneficially held in any land by the person to whom the moneys have been advanced.

(4) Any charge under subsection (3) 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.

(5) Any charge under subsection (3) shall be subject to any security entered into for the purposes of subsection (2) and to any mortgage, charge or lien to which any estate or interest beneficially held in any land by the person to whom moneys have been advanced may be subject as at the date on which the caveat is so lodged or the charge is so registered.

(6) In subsection (2), "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 (7).

Rural Assistance (Amendment).

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

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

Interest
on arrears.

34AP. (1) If, where the Board administers a scheme which includes a form of assistance for farm improvement—

- (a) any amount required to be paid by a farmer as a repayment or part of a repayment of an advance made to him for that form of assistance has not been paid within 3 months of the date on which it is due to be paid; and
- (b) the Board is satisfied that the farmer—
 - (i) was able to pay the amount on the date on which it was due to be paid; or
 - (ii) since the date on which it was due to be paid, became able to pay the amount,

the Board may direct that the amount shall bear interest—

- (c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and
- (d) at such rate not exceeding the maximum rate determined by the Treasurer under subsection (2), as may be fixed by the Board.

(2) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (1) and may, from time to time, vary the maximum rate so determined.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(3) Any interest the subject of a direction under subsection (1) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions to which the advance referred to in subsection (1) (a) is subject pursuant to section 34AO (2).

(16) Section 40A (1) (c)—

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

(17) Sections 40C, 40D—

Omit the sections, insert instead :—

40C. (1) Where, in relation to an application made to the Board, a person making an application knowingly makes any false statement or otherwise wilfully misleads the Board, the Board may recover from the person the whole or any part of any expense incurred or loss suffered by it as a result of being misled by the person.

Misleading or repetitive applications.

(2) Any amount recoverable by the Board in pursuance of subsection (1) may be recovered as a debt in a court of competent jurisdiction.

(3) Where—

- (a) a person makes an application to the Board which is refused;
- (b) that person makes a subsequent application to the Board which is not substantially different from and has no greater merit than the application referred to in paragraph (a); and

Rural Assistance (Amendment).

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

- (c) the Minister consents in writing to the Board so doing,

the Board may serve by post on the person a notice informing him that the Board will not deal with any further application made to it by him unless he has paid to the Board such expenses with respect to that further application as may be required to be paid by him to the Board.

(4) Notwithstanding any other provision of this Act, where the Board has served on a person a notice referred to in subsection (3), the Board is not obliged to consider any further application made to it by the person unless the amount required to be paid to the Board under that subsection in respect of that further application has been paid.

(5) Where any such further application is refused and the Board is of the opinion that the further unsuccessful application is substantially different from or has greater merit than the application made by that person and referred to in subsection (3) (a), the Board shall refund to that person the expenses paid by him.

Board may
call up
advance
obtained
by false
statement.

40D. (1) Where the Board is satisfied that a person to whom it has made an advance has knowingly made to the Board a false statement or has otherwise wilfully misled the Board (whether before or after the Board made the advance to him) in relation to the application for the advance, the advance or any matter pertaining to the advance, the Board may by notice served by post on the person call up the advance and exercise its rights under any security relating to the advance, notwithstanding any of the provisions of the Moratorium Act, 1932.

Rural Assistance (Amendment).

SCHEDULE 1—*continued.*

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

(2) Where the Board calls up an advance under subsection (1), the moneys advanced shall become due and payable as from the date specified in the notice calling up the advance.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 10th December, 1979.*



