



ANNO VICESIMO PRIMO

# GEORGII V REGIS.

## A.D. 1931.

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### No. 1996.

An Act to make provision for financing Farmers for the Season 1931-1932 and for purposes incidental thereto.

*[Assented to, April 2nd, 1931.]*

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

1. This Act may be cited as the "Farmers Relief Act, 1931".

Short title.

#### PART I.

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#### PROVISIONS FOR FINANCE OF FARMERS.

2. In this Part—

Interpretation.

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a person who has submitted an application to the Board under this Part and whose application has not been refused or withdrawn :

"Advisory Committee" means the Advisory Committee appointed pursuant to section 3 of this Part :

"Board" means the Board of Management of the State Bank of South Australia established by the State Bank Act, 1925 :

"Certificate" means a certificate issued by the Board under this Part :

"Crop" means crop of wheat, barley, oats, or rye, and any such crop cut for hay, and includes the grain harvested from any such crop, and, in any case to which section 5 applies, includes a portion of any crop :

"Farmer"

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“Farmer” means any person (including the personal representatives of any person) who whether as owner, purchaser under agreement for sale or purchase, or lessee, cultivates land for the production of wheat, barley, oats, or rye, or who is the owner of any land which under a share farming agreement is cultivated for the production of wheat, barley, oats, or rye:

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

## Administration.

3. (1) This Part shall be administered by the Board.

(2) The Governor may appoint an Advisory Committee for the purpose of advising the Board on the general policy to be adopted by the Board in the administration of this Part.

(3) The Advisory Committee shall consist of the following persons, namely:—

(a) A person nominated by the Adelaide Chamber of Commerce Incorporated:

(b) A person nominated by the South Australian Chamber of Manufactures Incorporated:

(c) A person who, in the Governor's opinion, is a suitable representative of the persons engaged in the business of supplying superphosphates and cornsacks:

(d) A person who, in the Governor's opinion, is a suitable representative of the persons engaged in the retail business of supplying food, groceries, and other household commodities:

(e) Two persons who, in the Governor's opinion, are suitable representatives of the farmers.

(4) The members of the Advisory Committee shall hold office during the Governor's pleasure and shall confer with and advise the Board whenever reasonably required by the Board to do so.

## Applications.

4. (1) Any farmer may apply to the Board to arrange for the supply to him in accordance with this Part of superphosphates, cornsacks, household commodities, and any other commodities approved by the Board, whether of the same kind as those above-mentioned or not. No commodities, however, shall be supplied under this Part after the twenty-ninth day of February, nineteen hundred and thirty-two. In the application there may also be included a request that the Board will arrange for an advance of money to pay for any labour required for seeding and harvesting, or to pay the registration fee under the Motor Vehicles Act, 1929, payable on any commercial motor vehicle or motor tractor owned within the meaning of the said Act by the applicant and used by him in connection with the working of his land.

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(2) The application shall—

- (a) be in the form fixed by the Board and contain any particulars relevant to the financial position and prospects of the applicant which the Board requires, and any other information which the Board requires :
- (b) set out the commodities required by the applicant, the persons by whom the applicant desires the commodities to be supplied, an estimate of the amount of money (if any) required for labour and motor registration fee, and any other information required by the Board :
- (c) contain an assignment to the Board in the form fixed by the Board of all crops to be grown by the applicant during the season 1931-32: Provided that if the application is refused or withdrawn the assignment shall be void.

(3) Every assignment shall operate to pass the legal ownership of the crops mentioned therein (whether growing or sown or not yet sown at the time of the assignment) to the Board free from all rights, claims, and remedies of all persons, except claims provided for by this Part, and shall be valid and effectual for all purposes, and no change in or charge on the ownership of the land mentioned in the assignment shall affect the Board's ownership of the said crops.

(4) The Board shall keep at the office at the State Bank of South Australia a record of every application made under this Part showing :—

- (a) the name of the applicant :
- (b) the section and hundred of the land on which his crops are growing or are to be grown :
- (c) the acreage of that land :
- (d) the date of the application and assignment :
- (e) whether the application has been granted or not and if it has been granted, the date on which it was granted :
- (f) the total price (as estimated by the Board) of all the commodities, the supply of which to the applicant is from time to time approved by the Board, and the total of all amounts advanced pursuant to section 15.

Where any assignment becomes void, the Board shall make a note thereof on the record accordingly.

(5) The said record shall be open to inspection by the public at all reasonable hours.

(6) The Board shall deal with all crops assigned to it, pursuant to this Part, in accordance with the provisions of this Part.

(7) The

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(7) The Board may on the application of any applicant approve of the supply to the applicant of any services, work, or labour necessary for the production of his crop for the season 1931-32, and if the Board approves of such supply the provisions of this part relating to the issue of orders for the supply of commodities, and to the issue of certificates for the price thereof, and to all other relative matters, shall apply, with the necessary modifications, in relation to the services, work, or labour supplied under this subsection.

**Provisions as to sharefarmers.**

5. (1) Where a person holding land (in this section referred to as "the owner") has entered into an agreement with any other person (in this section referred to as "the sharefarmer") to farm such land, or any part thereof, on shares, the sharefarmer may make an application to the Board under section 4.

(2) Every such application shall contain an assignment to the Board by the owner and the sharefarmer of the share of the crops to be grown under the agreement during the season 1931-32, to which, or to the proceeds of which, the sharefarmer is entitled under the agreement.

(3) The Board shall distribute the proceeds of the sale of the said share of the said crops on behalf of the sharefarmer as provided by this Part.

(4) Subject to this section, all the provisions of this Part shall apply to every such application, assignment, and distribution.

**Consideration of applications.**

6. The Board shall consider every application and may in its discretion grant or refuse any application or may grant an application as to part only.

**Authority to obtain goods applied for by applicant.**

7. (1) The Board shall notify every applicant of its decision as to his application and if an application is approved wholly or in part shall from time to time issue to the applicant orders in the form fixed by the Board authorising the applicant to obtain the goods therein mentioned from the persons therein mentioned.

(2) Every such order shall state the total price (as estimated by the Board) of all the commodities, except cornsacks, the supply of which to the applicant has been approved by the Board, but a mistake in the estimate shall not invalidate any such order or any other transaction or document relating to or arising from the supply of goods under this Act.

(3) This section is subject to section 9.

**Issue of certificates to suppliers of goods.**

8. (1) When the Board is satisfied that any person has supplied goods to an applicant pursuant to an order under section 7, it shall issue to that person a certificate in the form A contained in the Schedule or in a form to the like effect.

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(2) Every certificate shall—

- (a) state the price payable for the commodities in respect of the supply of which it was issued, and, if interest is payable on the price of the commodities, may state the rate of such interest and the date from which it is computed, but shall not include any interest at a rate in excess of seven per centum per annum.
- (b) when endorsed by the issuee be deemed a negotiable instrument :
- (c) confer on the issuee or the holder in due course thereof a first preferential claim to be paid by the Board the amount specified therein for the price of commodities or services with interest computed in accordance therewith out of proceeds of the assigned crops of the applicant to whom the the commodities mentioned therein were supplied ; but if those proceeds are insufficient to pay in full the amounts specified in all the certificates issued in respect of the supply of commodities or services to that applicant, the said amounts shall abate in equal proportions between themselves :
- (d) state the total amount (as estimated by the Board) of all first preferential claims under this Part to the proceeds of the crops mentioned in the certificate ; but shall not be invalid for any purpose by reason of any error in the said estimate : Provided that it shall not be necessary to include in the said amount, the amount of any claims in respect of the supply of cornsacks, services, labour or interest :
- (e) be signed by some person authorised by the Board.

9. (1) Where the Board is satisfied that the applicant's Bank or any other person (in this section referred to as "the lender") is willing to advance money—

Procedure when applicant financed by a bank or other person.

- (a) to pay cash for the commodities or services the supply of which is approved by the Board ; or
- (b) for the purpose of paying, in any case approved by the Board, any registration fee payable pursuant to the Motor Vehicles Act, 1929, in respect of any commercial motor vehicle or motor tractor owned within the meaning of the said Act by the applicant and used by the applicant in connection with the working of the applicant's land ; or
- (c) for the purpose of hiring, in any case approved by the Board, labour for sowing or harvesting a crop upon the applicant's land,

the Board may, in lieu of issuing orders as mentioned in section 7, notify the lender of its approval.

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(2) Upon being satisfied that the lender has advanced the money to pay cash for any such commodities, to pay the said registration fee, or to pay the said cost of hiring labour, and that such commodities have been supplied and paid for, or that the said registration fee has been paid, or that the said money for hiring labour has been paid to the persons hired, as the case may be, the Board shall issue to the lender a certificate or certificates in the form B contained in the Schedule.

(3) Every such certificate shall—

(a) state the amount advanced by the lender, the date of the advance and the rate of interest payable thereon, but shall not include any interest at a rate in excess of seven per centum per annum :

(b) when endorsed by the lender be deemed a negotiable instrument :

(c) confer on the lender or the holder in due course a first preferential claim to be paid by the Board the amount of the advance and interest specified in the certificate out of the proceeds of the assigned crops of the applicant, but if those proceeds are insufficient to pay in full the amounts specified in all the certificates issued in respect of advances by the lender to the applicant, the said amounts shall abate in equal proportions between themselves :

(d) state the total amount (as estimated by the Board) of all first preferential claims under this Part to the proceeds of the crops mentioned in the certificate, but shall not be invalid for any purpose by reason of any error in the said estimate : Provided that it shall not be necessary to include in the said amount the amount of any claims in respect of advances for the supply of cornsacks, or services, labour, or interest :

(e) be signed by some person authorised by the Board.

## Liability of Board.

**10.** (1) The liability of the Board under the certificates issued by it in respect of any crop shall be limited to the amount of the proceeds of that crop coming into the hands of the Board under this Part.

(2) The Board shall not incur any liability in respect of the supply of any commodities to any applicant under this Act, except its liability to distribute, pursuant to this Part, the proceeds of the crop of that applicant which may come into its hands.

## Insurance of crop.

**11.** The Board may insure every crop assigned to it under this Act against such risks as it thinks proper and shall deduct the cost of insurance from the proceeds of that crop coming into its hands.

## Duty of applicant to sow and harvest crop.

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

(a) sow,

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- (a) sow, care for, harvest, and render marketable the crops mentioned in his application :
- (b) within one month of harvesting deliver the crop for sale on behalf of the Board to a merchant or pool, nominated by the applicant and approved by the Board : Provided that, with the approval of the Board, the crop may be delivered in portions to different pools or persons : Provided further that the applicant may retain with the approval of the Board a reasonable amount of his crop for seed and fodder for the next ensuing season.
- (2) If any such applicant neglects or refuses to comply with any requirement of this section the Board may—
- (a) itself do the act or carry out the operations in which default has been made :
- (b) reimburse itself for any expenditure incurred in so doing out of the proceeds of the crop coming into its hands :
- (c) for the purposes aforesaid by its servants, agents, or any person authorised by it enter and remain upon any land of the applicant, and if any change has taken place in the ownership or the possession of the land upon which the crop is sown, may, notwithstanding such change, enter and remain upon such land as aforesaid.
- (3) Further, if any such applicant neglects or refuses to comply with any requirement of this section he shall be guilty of an offence.

**13.** (1) If the applicant delivers the crop, or any portion thereof, to a merchant, the applicant shall, on behalf of the Board, sell the crop, or portion so delivered, within three months of such delivery and direct the buyer to pay the proceeds of the sale to the Board : Provided that the Board may in special circumstances extend the said period of three months as regards any applicant. A buyer so directed by the applicant, or though not so directed, when required by the Board, shall pay the proceeds of the sale directly to the Board accordingly. Sale of crop.

(2) If the applicant delivers the crop, or any portion thereof, to a pool the applicant shall forthwith notify the manager, secretary, or the agent of the pool taking delivery, that the crop, or portion thereof, is delivered on behalf of the Board, and shall direct the said manager, secretary, or agent to pay all moneys due by the pool in respect of the crop, or portion thereof, to the Board.

When such a direction has been given by the applicant, or if the Board directs the manager, secretary, or agent of the pool to the same effect, the pool shall pay all the said moneys to the Board accordingly.

(3) If any proceeds of the sale of any crop of an applicant or any portion thereof, or any money due by a pool in respect of any such crop, or any portion thereof, is paid to the applicant, he shall forthwith pay the amount thereof to the Board.

(4) If any person fails to comply with any requirement of this section he shall be guilty of an offence.

**14.** (1) The

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Disposal of proceeds  
of sale of crop.

**14.** (1) The Board shall, as soon as may be, after deducting such administration costs as the Board in each case thinks proper (but in no case exceeding one per centum of the aggregate amount of all certificates issued in respect of the applicant) and after deducting the cost of insurance and any expenses incurred under section 12, and any sums advanced pursuant to section 15, apply the balance of the proceeds of the sale of every crop in the following order of priority :—

(a) Firstly, in payment to all holders of certificates in respect of such crop of the full amounts specified therein or due thereunder.

(b) Secondly, in payment of the following amounts specified in this paragraph ranking equally between themselves, namely :—

(i.) One year's simple interest due under any legal or equitable mortgage of the farming land or any interest therein of the applicant, including (if the Board so determines) one year's interest on any advance made by the Crown under any Act relating to drought relief :

(ii.) One year's simple interest due under any registered stock mortgage or bill of sale given by the applicant which comprises any farming machinery or chattel used in the production or harvesting of the crop for the season 1931-32, but if any such stock mortgage or bill of sale comprising any such farming machinery or chattels also comprises any chattels other than those which are hereinbefore described, the amount of interest payable under this subdivision shall be such proportion of the total interest payable as, in the opinion of the Board, the value of the farming machinery and chattels first described bears to the total value of the chattels comprised in the stock mortgage or bill of sale :

(iii.) One year's rent of any farming land of the applicant held under lease or one year's interest on the balance outstanding of the purchase price of any farming land of the applicant held under agreement to purchase :

(iv.) One annual instalment on any farming machinery which is used in the production or harvesting of the crop for the season 1931-32, and is being purchased by the applicant or is held by the applicant under hire-purchase agreement, but if any such annual instalment exceeds one quarter of the total purchase money or of the total money payable under the hire-purchase agreement, then one quarter of the said total only shall be payable :

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(v.) One year's rates and taxes :

(vi.) Any expenses reasonably incurred by the applicant for medical attention for himself and his family during the period between the making of the application and the harvesting of the crop.

(c) Thirdly, the Board shall allow the applicant a reasonable amount to be determined by the Board for sustenance for the season 1932-33 :

(d) Fourthly, in payment of the remaining debts of the applicant other than principal moneys secured by mortgage or by bill of sale or by stock mortgage and other than any part of the balance outstanding of the purchase price of any farming land of the applicant held under agreement to purchase.

(e) Fifthly, the surplus (if any) shall be returned to the applicant.

(2) The debts or payments in each of the classes specified in subsection (1) of this section shall rank equally between themselves and shall be paid in full unless the proceeds of the crop are insufficient to meet them, in which case they shall abate in equal proportions between themselves.

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

(4) For the purpose of ascertaining the amounts payable pursuant to paragraphs (b) and (d) of subsection (1) hereof, in respect of any applicant, the Board may, by notice published in a daily newspaper published in Adelaide, call upon all persons claiming payment of any such amounts to forward particulars of their claims to the Board by a date fixed in the notice. And the Board shall be deemed to have complied with paragraphs (b) and (d) aforesaid if the Board pays duly the amounts claimed the particulars of which are given to the Board on or before the date fixed as aforesaid.

(5) The Board may, in respect of any applicant, by notice published in a daily newspaper published in Adelaide, fix a date after which interest payable under all certificates issued in respect of that applicant shall cease to accrue and be payable, or, if the Board thinks fit, after which interest payable under any specified certificates issued as aforesaid shall cease to accrue and be payable ; and no interest shall be payable in respect of any period after any date fixed as aforesaid under any such certificate to which any such notice applies.

(6) The Board shall not incur any liability with respect to any amount paid to any person pursuant to this section, whether such person was legally entitled to payment or not, unless it is shown that the Board acted negligently or in bad faith.

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Advances by Board for payment of motor registration fees and cost of labour.

**15.** (1) The Board may advance to any applicant who is not being financed by his own bank or some other person as provided in section 9, the amount of any registration fee payable pursuant to the Motor Vehicles Act, 1929, in respect of any commercial motor vehicle or motor tractor owned within the meaning of that Act by the applicant and used by the applicant in connection with the working of the applicant's land, and the Board shall deduct the amount of any such advance from the proceeds of the crops coming into the Board's hands.

(2) The Board may advance to any applicant who is not being financed by his own Bank or some other person as provided in section 9, any sums reasonably required for the purpose of hiring labour for seeding and harvesting upon the applicant's land, and the Board shall deduct the amount of any such advance from the proceeds of the crop coming into its hands.

Suspension of certain liabilities of applicant.

**16.** (1) Notwithstanding any Act or law to the contrary, and notwithstanding the provisions of the Real Property Act, 1886, or any term, covenant, or condition of any mortgage, bill of sale or stock mortgage, during the period of twelve months after the granting of an application pursuant to section 6, the following provisions shall, subject to subsections (2), (7), (8), and (9) hereof, apply with respect to the applicant:—

- i. No action shall be commenced in any Court of Law for the recovery of any debt, demand, or damages against the applicant, nor to enforce any security alleged to have been given by him. If any such action is commenced, it shall be, and is hereby declared to be, stayed :
- ii. No proceedings in the nature of an execution of a judgment or order already obtained and no proceeding in the nature of discovery in aid of execution shall be had or taken against the applicant. Every such judgment or order shall be and is hereby declared to be stayed for all purposes whatsoever :
- iii. No steps shall be taken by any mortgagee, grantee of any bill of sale, holder of a lien or any other grantee of any form of security over any property of the applicant to realise his security or put the same into force whether by entry into possession, the exercise of a power of sale, seizure, or otherwise howsoever, but all the remedies available to any such mortgagee, grantee, holder of a lien, or other grantee shall be and the same are declared to be suspended :
- iv. The owner of any chattel which is in the possession of the applicant under a hire purchase agreement shall not take the chattel out of the possession of the applicant nor take any steps to terminate the agreement :
- v. No chattel of the applicant shall be distrained for any purpose.

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(2) The Board may, upon the application of any person, declare in writing that the provisions of this section shall not apply to any specified land, interest in land, or chattels and upon such declaration the provisions of this section shall cease to apply accordingly.

(3) If any proceedings are commenced in contravention of subsection (1) they shall be void, and if any proceedings are continued in contravention of subsection (1) every step in the proceedings taken after the granting of the application shall be void.

(4) If any person takes possession of any chattels contrary to the provisions of subdivision iv. of subsection (1) hereof, he shall, without prejudice to any other liability, be guilty of an offence against this Part.

(5) If any person takes from any farmer possession of any chattel such as referred to in subdivision iv. of subsection (1) hereof before the passing of this Act, and at any time after the seventeenth day of March, nineteen hundred and thirty-one, and the farmer subsequently makes an application under this Part and the application is granted, the provisions of this section shall be deemed to have applied to such chattel, and the applicant shall be entitled to recover the possession of the chattel.

(6) The period during which this section applies to any land, interest in land, or chattels shall not be taken into account in calculating the time as fixed by any statute of limitations within which any action or any remedy in respect to any debt or demand due by or enforceable against the applicant or the said land, interest in land, or chattels may be taken or pursued.

(7) Any creditor of the applicant such as is referred to in this section may apply to a Special Magistrate for leave to proceed. Such application shall be made to a Special Magistrate exercising jurisdiction in the Local Court nearest to the applicant's place of abode. The provisions of this subsection shall be in addition to the provisions of subsection (2) hereof.

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

(9) The Special Magistrate—

(a) shall have an absolute discretion as to granting or refusing any leave:

(b) shall take into consideration the circumstances of the applicant and of the creditor and the objects of this Act.

(10) The provisions of this section shall also operate in favor of an applicant during the period between the receipt of the application and the granting thereof; but if an application is withdrawn or refused the said provisions shall forthwith cease to apply.

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Penalty for false statements.

**17.** Any person who wilfully makes any false statement in any application, declaration, or other document under or for the purposes of this Part shall be guilty of an offence and liable to imprisonment for any term not exceeding two years.

Penalty for selling commodities supplied under this Part.

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

General penalty.

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

Exemptions from stamp duties.

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

Non-application of Bills of Sale Act, 1886.

**21.** The provisions of the Bills of Sale Act, 1886, shall not apply to any assignment under this Part.

Forms of applications, &c.

**22.** (1) Any application or assignment pursuant to this Part may be in any form prescribed or fixed pursuant to this Part with any modifications, additions, or alterations which the Board thinks fit.

(2) Any application or assignment made in any such form which is made before the passing of this Act shall be deemed to be of the same force and effect as if it had been made after the passing of this Act.

Personal liability of applicant.

**23.** (1) No action in any Court shall be commenced or maintained for the recovery of any amounts payable as purchase price of any commodities supplied to an applicant pursuant to this Part until the Board has, pursuant to section 14, distributed the proceeds of the sale of the applicant's crop as in that section provided.

(2) If the amount paid by the Board to the issuee or holder in due course of any certificate is less than the amount payable under the certificate, the applicant shall be liable to pay to the said issuee or holder the amount of such difference.

Summary proceedings for offences.  
Regulations.

**24.** Offences against this Part shall be disposed of summarily.

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

## PART II.

EXTENSION OF THE DROUGHT RELIEF ACTS,  
1928 AND 1929.

- 26.** This Part is incorporated with the Drought Relief Acts, Incorporation.  
1928 and 1929.
- 27.** Commodities may be supplied to farmers in drought-affected areas pursuant to the Drought Relief Acts, 1928 and 1929, at any time not later than the twenty-ninth day of February, nineteen hundred and thirty-two, and the operation of the said Acts is extended accordingly. Assistance under Drought Relief Acts for season 1931-1932.
- 28.** Commodities may also be supplied in accordance with the terms of the Drought Relief Acts, 1928 and 1929, to farmers who, although not in drought-affected areas, are, in the opinion of the Board, in necessitous circumstances and unable to obtain finance for the season 1931-32 under Part I. of this Act or in any other way. Assistance to farmers not in drought-affected areas.
- 29.** Notwithstanding the provisions of subsection (1) of section 4 of the Drought Relief Act, 1928, commodities may also be supplied in accordance with the terms of Drought Relief Acts, 1928 and 1929, at any time not later than the twenty-ninth day of February, nineteen hundred and thirty-two, to any farmer holding land under lease from the Crown under the Irrigation Act, 1922, or the Irrigation Act, 1930, who grows any crop on such land without irrigation pursuant to the said Irrigation Act, 1930. Extension of drought relief to certain irrigation areas.
- 30.** As regards any commodities supplied under the Drought Relief Acts, 1928 and 1929, as extended by this Part, during the years nineteen hundred and thirty-one and nineteen hundred and thirty-two, section 8 of the Drought Relief Act, 1928, shall be read and construed as though the time fixed by paragraph (a) of subsection (2) thereof for repayment of the advance represented by the cost of those commodities were on or before the first day of March, nineteen hundred and thirty-two, or such further time as the Bank approves. Time for repayment of advances.
- 31.** The form contained in the Schedule to the Drought Relief Act, 1928, shall be used for the purposes of this Part with the modifications necessary to give effect to this Part. Amendment of forms.
- 32.** (1) With every application for assistance under the Drought Relief Acts, 1928 and 1929, as extended by this Part there shall be an assignment by the applicant to the said State Bank in the form fixed by the Board of Management thereof of all crops to be grown by the applicant during the season 1931-32: Provided that if the application is refused or withdrawn the assignment shall be void. Assignment of crop when drought relief granted.

(2) The assignment shall operate to pass the legal ownership of the crops mentioned therein (whether growing or sown or not yet sown at the time of the assignment) to the said Board free from the rights, claims, and remedies of all persons, except as provided by this section, and shall be valid and effectual for all purposes, and no change in or charge on the ownership of the land mentioned in the assignment shall affect the said Board's ownership of the said crops.

(3) The said Board shall keep at the office of the State Bank of South Australia a record of all crops assigned pursuant to this Part showing—

- (a) the name of the applicant :
- (b) the section and hundred of the land on which the crops are growing or are to be grown :
- (c) the acreage of that land :
- (d) the date of the application for assistance and of the assignment :
- (e) whether the application has been granted or not, and if it has been granted the date on which it was granted :
- (f) the total price (as estimated by the Board) of all the commodities, the supply of which to the applicant is from time to time approved by the Board, and the total of all amounts advanced pursuant to section 15.

If any assignment becomes void the Board shall make a note thereof in the record accordingly.

The said record may be incorporated with and form part of the record kept under section 4.

(4) The said record shall be open to inspection by the public at all reasonable hours.

(5) The provisions of sections 11, 12 and 13 of Part I. shall be deemed to be enacted in this Part, and the said sections shall have application to every assignment under this section, to the crops thereby assigned, and to the proceeds of the sale thereof. The proceeds of the sale of the said crops shall be distributed in the manner provided by section 14, but for the purpose of that section the said Board shall be deemed to hold a certificate for the amount of all sums advanced pursuant to the Drought Relief Acts, 1928 and 1929, as extended by this Part.

(6) If the application for assistance as aforesaid is made pursuant to section 5 of the Drought Relief Act, 1928, the assignment as aforesaid shall be of all that share of the crops to be grown under the agreement mentioned in the said section during the season 1931-32 to which, or to the proceeds of which, the person farming the land as mentioned in the said section would be entitled under the said agreement.

The said Board shall, on behalf of the person farming the land, distribute the proceeds of the sale of the said share of the said crops

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crops as provided by subsection (5) hereof, but for the purpose of such distribution the person farming the said land shall be deemed to be the applicant referred to in section 14 of this Act.

(7) The provisions of the Bills of Sale Act, 1886, shall not apply to any assignment made pursuant to this section.

(8) In this section "crop" shall have the meaning given by section 2 of this Act.

**33.** (1) Notwithstanding any Act or law to the contrary, and notwithstanding the provisions of the Real Property Act, 1886, or any term, covenant, or condition of any mortgage, bill of sale, or stock mortgage, during the period of twelve months after the granting of an application pursuant to section 6 of the Drought Relief Act, 1928, as extended by this Part, the following provisions shall, subject to subsection (2) hereof, apply with respect to the applicant:—

Suspension of  
certain liabilities  
of applicant.

- I. No action shall be commenced in any Court of Law for the recovery of any debt, demand, or damages against the applicant, nor to enforce any security alleged to have been given by him. If any such action is commenced, it shall be, and is hereby declared to be, stayed:
- II. No proceedings in the nature of an execution of a judgment or order already obtained and no proceeding in the nature of discovery in aid of execution shall be had or taken against the applicant. Every such judgment or order shall be and is hereby declared to be stayed for all purposes whatsoever:
- III. No steps shall be taken by any mortgagee, grantee of any bill of sale, holder of a lien or any other grantee of any form of security over any property of the applicant to realise his security or put the same into force whether by entry into possession, the exercise of a power of sale, seizure, or otherwise howsoever, but all the remedies available to any such mortgagee, grantee, holder of a lien, or other grantee shall be and the same are declared to be suspended:
- IV. The owner of any chattel which is in the possession of the applicant under a hire purchase agreement shall not take the chattel out of the possession of the applicant, nor take any steps to terminate the agreement:
- V. No chattel of the applicant shall be distrained for any purpose.

(2) The Board may, upon the application of any person, declare in writing that the provisions of this section shall not have application to any specified land, interest in land or chattels, and upon such declaration the provisions of this section shall cease to apply accordingly.

(3) If any proceedings are commenced in contravention of subsection (1) they shall be void, and if any proceedings are continued in contravention of subsection (1) every step in the proceedings taken after the granting of the application shall be void.

(4) If

(4) If any person takes possession of any chattels contrary to the provisions of subdivision iv. of subsection (1) hereof, he shall, without prejudice to any other liability, be guilty of an offence against this Part, and on summary conviction be liable to a penalty not exceeding One Hundred Pounds.

(5) If any person takes from any farmer possession of any chattel such as referred to in subdivision iv. of subsection (1) hereof before the passing of this Act, and at any time after the seventeenth day of March, nineteen hundred and thirty-one, and the farmer subsequently makes an application under this Part, and the application is granted, the provisions of this section shall be deemed to have applied to such chattel, and the applicant shall be entitled to recover the possession of the chattel.

(6) The period during which this section applies to any land, interest in land, or chattels shall not be taken into account in calculating the time as fixed by any statute of limitations within which any action or any remedy in respect to any debt or demand due by or enforceable against the applicant or the said land, interest in land, or chattels may be taken or pursued.

(7) Any creditor of the applicant such as is referred to in this section may apply to a Special Magistrate for leave to proceed. Such application shall be made to a Special Magistrate exercising jurisdiction in the Local Court nearest to the applicant's place of abode. The provisions of this subsection shall be in addition to the provisions of subsection (2) hereof.

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

(9) The Special Magistrate—

(a) shall have an absolute discretion as to granting or refusing any leave :

(b) shall take into consideration the circumstances of the applicant and of the creditor and the objects of this Act.

(10) The provisions of this section shall also operate in favor of an applicant during the period between the receipt of an application and the granting thereof ; but if an application is withdrawn or refused, the said provisions shall forthwith cease to apply.

Exemption from  
stamp duty.

**34.** Notwithstanding the provisions of the Stamp Duties Act, 1923, no stamp duty shall be payable upon any application, acknowledgment, or assignment made pursuant to the Drought Relief Acts, 1928 and 1929, as extended by this Part.

Application of  
Drought Relief Acts.

**35.** All the provisions of the Drought Relief Acts, 1928 and 1929, except section 9 of the Drought Relief Act, 1928, shall, subject to this Part, apply to every person making application for assistance pursuant



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*Farmers Relief Act.—1931.*

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**PART II.**

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pursuant to this Part, to his application for assistance, to all commodities supplied thereunder, and to all proceedings taken pursuant to the application.

**36.** (1) Any application or assignment pursuant to this Part may be in any form prescribed or fixed pursuant to the Drought Relief Act, 1928, or to this Part with any modifications, additions, or alterations which the Board thinks fit. Forms of applications, &c.

(2) Any application or assignment made in any such form which is made before the passing of this Act shall be deemed to be of the same force and effect as if it had been made after the passing of this Act.

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

G. J. R. MURRAY, Deputy Governor.

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*Farmers Relief Act.—1931.*


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## THE SCHEDULE.

## FORM A.

## FARMERS RELIEF ACT, 1931.—CERTIFICATE CONFERRING RIGHT TO SHARE OF PROCEEDS OF CROP.

This is to certify that.....of.....  
 [*name and description of supplier*] has pursuant to an order of the Board of Management of the State Bank of South Australia supplied to.....  
 of.....Farmer goods to the value of .....£.....s.....d.  
 and is entitled to be paid the said amount in full [*with interest thereon at .....per centum per annum from .....until payment*] by the said Board as a first preference payment out of the proceeds of all crops grown during the season 1931-32 on sections.....hundred.....if the said proceeds are sufficient to pay in full all amounts due under this certificate and the certificates ranking *pari passu* with this certificate. If the said proceeds are not so sufficient the amounts payable under this certificate and all other certificates ranking *pari passu* herewith will be reduced in equal proportions.

The total amount ranking for first preference payment out of the said proceeds is estimated not to exceed £.....

This amount does not include first preference payments due on account of cornsacks, labour, or interest on the price of goods supplied.

The area to be cropped is approximately.....acres.

Dated this.....day of.....1931.

Signed on behalf of the Board of Management of the State Bank of South Australia.

## FORM B.

## FARMERS RELIEF ACT, 1931.—CERTIFICATE CONFERRING RIGHT TO SHARE OF PROCEEDS OF CROP.

This is to certify that.. .....[*name of Bank or name and description of person advancing money for goods, motor registration fee, or labour*]  
 has pursuant to the Farmers Relief Act, 1931, advanced to .....  
 of..... Farmer the sum of .....£.....s.....d. for the price of goods supplied to him or the registration of a commercial motor vehicle or motor tractor owned by him or for the hire of labour, and is entitled to be paid the said amount in full [*with interest thereon at .....per centum per annum from .....until payment*] by the Board of Management of the State Bank of South Australia as a first preference payment out of the proceeds of all crops grown during the season 1931-32 on sections.....hundred.....if the said proceeds are sufficient to pay in full all amounts due under this certificate and the certificates ranking *pari passu* with this certificate. If the said proceeds are not so sufficient the amounts payable under this certificate and all other certificates given to the said.....[*name of Bank or person previously mentioned*], ranking *pari passu* herewith will be reduced in equal proportions.

The total amount ranking for first preference payment out of the said proceeds is estimated not to exceed £.....

This amount does not include first preference payments due on account of advances for the purchase of cornsacks [*labour*], or interest on the price of goods supplied.

The area to be cropped is approximately.....acres.

Dated this.....day of.....1931.

Signed on behalf of the Board of Management of the State Bank of Australia.