



ANNO OCTAVO

GEORGI V REGIS.

A.D. 1917.

No. 1312.

An Act to enable Loans to be made by the Government for the Encouragement of Rural Production and of Effective Land Settlement.

[Assented to, November 15th, 1917.]

BE 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 "Loans to Producers Act, 1917." Short title.

2. In this Act, unless inconsistent with the context or subject Interpretation.
matter—

"Cool store" means cool store for the storage or the packing of fruit, or the storage and packing of fruit, and all offices and conveniences in connection therewith, and includes the machinery used in connection with such store, and also includes a packing shed or a grading shed:

"Co-operative society" or "society" means a co-operative society to which a loan has been made under this Act:

"Factory" includes buildings, machinery, and appliances:

"Landholder" means the owner of any freehold estate in land, the holder of land under agreement with the Crown for the sale of such land upon credit, or the lessee of land held under lease from the Crown.

3. (1) A Fund, to be called "The Loans to Producers Fund," is hereby constituted. Loans to Producers Fund.

Loans to Producers Act.—1917.

(2) The Treasurer shall set apart to the credit of the Fund such loan moneys as are from time to time provided by Parliament for that purpose, not exceeding Ten Thousand Pounds in any one financial year.

(3) All moneys received by the Minister in repayment of loans shall be paid to the Treasurer, and be placed to the credit of the Fund and form part thereof. Moneys received by way of interest on loans shall be paid to the Treasurer and be applied in aid of the General Revenue of the State.

(4) The Fund shall be held by the Treasurer and be applied to the purposes of this Act.

Loans to producers.

4. (1) Subject to the provisions of this Act, the Minister may, in his discretion, with the object of encouraging rural production and effective land settlement, make loans out of the Loans to Producers Fund on the prescribed security to any co-operative society registered under the Industrial and Provident Societies Act, 1864, which is engaged, or is about to engage, in rural production for—

- (a) the erection of cool stores, or
- (b) the erection of factories for jam-making and for canning, drying, or otherwise preserving fruit or vegetables, or
- (c) the erection of fruit-packing sheds, or
- (d) the erection or purchase of butter, cheese, or bacon factories, or
- (e) the purchase of fruit-grading machinery, or
- (f) the erection of silos, or
- (g) any other prescribed purpose.

(2) Loans may also be made as mentioned in subsection (1) hereof to any landholder, but only for one or more of the purposes mentioned in paragraphs (e), (f), and (g) of that subsection.

Applications for loan.

5. Every application for a loan shall—

- (a) be made to the Minister, and in the prescribed form, and shall contain such particulars as are prescribed; and
- (b) be supported by such (if any) evidence as is prescribed, or as the Minister requires.

Loans by instalments.

Cf. 1166, 1914, s. 16.

6. (1) Any loan may be made by instalments, subject to anything prescribed in that behalf, as the purpose for which the loan is made is being carried out.

(2) If at any time, in the opinion of the Minister, any money lent under this Act has not been applied for the purpose for which it was lent, or has not been carefully and economically expended,

Loans to Producers Act.—1917.

expended, the Minister may refuse to pay any further instalment of the proposed loan, and may at once call in the whole amount already lent, whereupon the society or landholder to which or to whom such money was lent shall forthwith repay the same, and in default the Minister shall have the same remedies for the recovery of the same as are provided by section 12 of this Act or otherwise by law.

7. No loan shall be made under this Act to a landholder or to a co-operative society except upon the security of a mortgage or mortgages in the prescribed form to the Minister, or a lien or other prescribed security in favour of the Minister over the landholder's estate and interest in his holding, or over the society's estate and interest in any land, or its interest in any goods or chattels, with or without such additional security as to the Minister seems fit.

Loans to be secured by mortgage.

Cf. *ibid.*, s. 18.

8. No loan to a landholder shall be made on any property which is encumbered by any previous mortgage or charge, other than a mortgage or charge in favour of the Crown; but a second mortgage may be taken as collateral security.

Loans only to be made on first mortgage.

Cf. *ibid.*, s. 19.

9. (1) The Treasurer may, from time to time, by notice published in the *Government Gazette*, fix the annual rate of interest to be paid on loans, and may, in the same manner, annul any rate so fixed.

Treasurer may fix rate of interest on loans.

Cf. *ibid.*, s. 20.

(2) Any rate so fixed shall come into force on the fourteenth day after the date of the *Government Gazette* in which the same is published, and shall continue in force until the fourteenth day after the date of the *Government Gazette* in which the notice annulling the same is published.

What rate to be in force.

(3) Any rate so fixed shall not be less than the rate payable by the Treasurer in respect of the loan moneys out of which loans are for the time being made.

Minimum rate.

10. (1) For the period for which a loan is made the society or landholder shall pay to the Minister interest on the loan, or on the balance thereof for the time being unpaid, at the fixed rate.

Interest on loans, how payable.

Cf. *ibid.*, s. 21.

(2) Such interest shall be payable half-yearly, the first payment to be made on the first day of the seventh month commencing next after the loan is made.

(3) If any loan is made by instalments, interest shall be calculated on the actual amounts of the several instalments of such loan from the date when such instalments are respectively lent.

11. When a loan has been made to a co-operative society or landholder under this Act, such society or landholder shall repay to the Minister such loan, together with simple interest on the balance thereof for the time being unpaid at the fixed rate, within such time and by such instalments and subject to such conditions as the Minister determines.

Minister to determine mode of repayment of loans.

Cf. *ibid.*, s. 22.

12. (1) In

Loans to Producers Act.—1917.

Remedies for recovery
of instalments from
landholders.

Cf. ibid., s. 26.

12. (1) In the case of a loan under this Act, in addition and without prejudice to any other remedy, if at any time any payment under this Act, or any part thereof, is unpaid for thirty days next after the time appointed for the payment thereof, then, although no legal demand may have been made for the payment thereof, the Minister may enter upon the land charged, or any part thereof, and recover the amount due by distress and sale of any goods and chattels of the person or society making default in payment which are on such land, or such amount may be recovered from such person or society in any Court of competent jurisdiction by action in the name of the Minister.

How land to be sold.

(2) In the case of a loan under this Act, if at any time any payment required by this Act, or any part thereof, is unpaid for three months next after the time appointed for the payment thereof, then, although no legal demand has been made for the payment thereof, the Minister may enter upon and take possession of the land upon the security of which the loan has been made, and may sell the estate and interest of the landholder or society therein, either by private sale or public tender or auction, and subject to any conditions of sale he thinks expedient and after such notice of the time, place, terms, and conditions of sale as he may think just and expedient, and may transfer such land to the purchaser and give a good and valid title thereto.

Application of pro-
ceeds of sale.

(3) The Minister shall apply the proceeds derived from such sale in payment, in the first instance, of all moneys due in respect of such land, and in redemption of any amount charged thereon in favour of the Minister, or of so much thereof as remains unpaid, and of all expenses incurred by the Minister in relation to such sale or otherwise with respect to such land, and shall pay the balance (if any) to the persons or society appearing to the Minister to be entitled to receive the same.

Regulations.

Cf. ibid. s. 35.

13. The Governor may from time to time make regulations for all or any of the following purposes, namely:—

- (a) Prescribing the mode in which applications for loans are to be made:
- (b) Regulating the consideration and granting of applications:
- (c) Prescribing what inquiries and valuations shall be made in relation to applications:
- (d) Adding to or altering the list of purposes for the carrying out of which loans may be made:
- (e) Prescribing the forms of mortgages and securities to be taken by the Minister, and providing for the registration of such mortgages and securities:
- (f) Providing for the receipt and payment of moneys under this Act, and the safe custody of securities:
- (g) Prescribing the fees to be paid in respect of loans:

(h) Prescribing

Loans to Producers Act.—1917.

- (h) Prescribing anything which by this Act is required to be or may be prescribed:
- (i) Generally for carrying out the objects and provisions of this Act.

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

H. L. GALWAY, Governor.