



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 42 of 1967

An Act to provide for assistance to primary producers in necessitous circumstances as a result of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, and for other purposes.

[Assented to 12th October, 1967]

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 "Primary Producers Emergency Assistance Act, 1967". Short title.
2. In this Act, "Farmers Assistance Fund" means the Farmers Assistance Fund kept in the Treasury pursuant to section 12 of the Primary Producers Assistance Act, 1943. Interpretation.
3. There shall be paid into the Farmers Assistance Fund the following amounts— Payments to
Farmers
Assistance
Fund.
 - (a) all moneys received from the Commonwealth and authorized by the Commonwealth to be used for the purposes of giving financial assistance to primary producers affected by drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity ;
 - (b) so much of the moneys held in the Marginal Lands Improvements Account kept at the Treasury not exceeding One hundred and fifty thousand dollars as the Treasurer may approve ;

(c) such other moneys as may be provided by Parliament for the purpose of giving financial assistance to primary producers affected by drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity in accordance with section 5 of this Act ;

and

(d) all amounts received in repayment of advances made under section 5 of this Act and in payment of interest on such advances.

Payments out
of Fund.

4. There may be paid out of the Farmers Assistance Fund—

(a) expenditure for the purpose of assisting primary producers in necessitous circumstances caused by drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity in accordance with section 5 of this Act ;

and

(b) such part of the costs of administering any scheme of financial assistance to primary producers under section 5 of this Act as may be approved by the Minister of Lands.

Power to make
advances.

5. (1) Subject to this section, the Minister of Lands, after consideration of such reports and recommendations as may be tendered by any person or persons appointed for the purpose, may make from the Farmers Assistance Fund—

(a) advances to primary producers in necessitous circumstances as a result of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, to enable such persons to continue in the business of primary production ;

(b) payments towards the cost of fodder or water for starving stock including the cost of transport of such fodder or water, or for any other purpose deemed necessary by the Minister for the purposes of this Act ;

and

(c) direct grants of money to primary producers in necessitous circumstances as a result of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, to enable such persons to continue in the business of primary production.

(2) Subject to subsection (3) of this section, any advance made under subsection (1) of this section shall be made subject to the following conditions :—

- (a) The advance shall bear interest at the rate charged by the State Bank of South Australia in respect of overdraft loans made to primary producers at the time of the making of the advance and shall be subject to such other terms and conditions as may be determined by the Minister of Lands :
- (b) No advance shall be made unless the Minister of Lands is satisfied that the primary producer is in necessitous circumstances mainly because of the effect of drought, fire, flood, frost, animal or plant disease, insect pest, or other natural calamity, that the advance is necessary for the primary producer to continue in the business of primary production, that the primary producer has no other source of funds available to him for that purpose and that, given the advance, the primary producer has a reasonable prospect of being able to continue in the business of primary production :
- (c) The Minister of Lands may take security for any advance by mortgage, bill of sale, lien, assignment or such other charge as he thinks fit :
- (d) With the concurrence of the Treasurer and after due inquiry the Minister of Lands may remit part or the whole of any interest on or part or the whole of any advance made under this Act :
- (e) Without in any way affecting the rights of the Minister under any security given for an advance under this Act, where the Minister of Lands is satisfied that any person to whom any advance has been made is not making reasonable efforts in carrying on his business of primary production or has no prospect of ultimate recovery he may demand repayment of the advance and realize on any security taken in respect thereof.
- (3) If any arrangements are made between the Government of the State and the Government of the Commonwealth or between Ministers acting on behalf of those Governments with respect to such advances or other payments, or the conditions under which such advances or payments are to be made, or the class of persons to whom such advances or payments may be made, every such advance or payment shall be made in accordance with those arrangements.
- (4) A person who has received any payment, or the benefit of any payment, referred to in paragraph (b) of subsection (1) of this section shall, at the request in writing of the Minister of Lands, pay to the Minister the whole amount or such part of such payment as the Minister may specify in his request and, if such person fails to pay the same to the Minister within the

time allowed by the Minister, the Minister may recover the same from that person as a debt in any court of competent jurisdiction.

Advances and
payments not
liable for
existing debts.

6. A payment or advance made under section 5 of this Act to any person—

(a) shall not pass to any other person by virtue of any assignment made before such payment ;

(b) shall not be subject to any lien, right of set off or appropriation, or charge, which lien, right or charge exists or is claimed in respect of any debt incurred before such payment is made ;

and

(c) shall not be taken or applied by virtue of any legal process in or towards satisfaction of any debt incurred before such payment.

Exemption
from stamp
duty and
registration
fees.

7. Stamp duty shall not be payable upon any declaration or any other document made or executed by any applicant for assistance under section 5 of this Act in connection with his application or by way of giving security for any advance or the price of any goods ; and no fees shall be payable under any Act for the registration of any such document.

Penalty for
false statement.

8. If any person knowingly makes a false statement in connection with any application for assistance under this Act he shall be guilty of an offence and liable on summary conviction to a penalty of one hundred dollars and in addition any amount advanced pursuant to this Act to such person or paid to him or on his behalf shall forthwith become repayable to and may be recovered by the Minister of Lands.

Appropriation.

9. This Act without any further or other appropriation shall be sufficient authority for the expenditure of any money for any of the purposes of this Act.

Regulations.

10. (1) The Governor may make regulations prescribing and providing for such matters as are necessary to be prescribed or provided for to give effect to or to facilitate the operation of this Act, including penalties not exceeding, in each case, fifty dollars for the breach of any regulation.

(2) Any such regulation may be of general or special application or may be made to meet a particular case or particular cases.

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

EDRIC BASTYAN, Governor.