



ANNO QUINTO

# GEORGII V REGIS.

A.D. 1914.

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## No. 1165.

An Act to enable Seed Wheat and other Commodities to be supplied by the Government, and Advances to be made, upon Credit, to Settlers and others affected by the Drought now prevailing in the State, and for purposes incident thereto and consequent thereon.

*[Assented to, November 12th, 1914.]*

**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 Drought Relief Act, 1914." Short title.
2. In this Act— Interpretation.
  - "Advance" means an advance under this Act:
  - "Applicant" means applicant for assistance under this Act:
  - "Application" means application under this Act:
  - "Minister" means the Minister of the Crown to whom the administration of this Act is, for the time being, committed by the Governor:
  - "Prescribed" means prescribed by this Act:
  - "The State" means the State of South Australia:
  - "This Act" includes regulations made under this Act.

3. The

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Minister may supply commodities and make advances to settlers.

**3.** The Minister may, for the purpose of affording assistance to such settlers and other persons as he considers to be affected by the drought now prevailing in the State—

- (a) supply applicants, or cause them to be supplied, upon credit, with seed wheat, or other cereals, manure, hay, chaff, implements, live stock, flour, and any other commodities, whether of the same kind as any of those hereinbefore specified or not, which the Minister thinks necessary for the said purpose ; and
- (b) make advances to applicants to enable them to pay for the agistment of live stock ; and
- (c) make advances to applicants who have fallowed any land held or farmed by them :

Provided that no commodity shall be supplied or money advanced under this Act after the thirty-first day of December, nineteen hundred and fifteen.

Who may apply for assistance.

**4.** Any person holding any land for a freehold estate, or under a lease registered in the Lands Titles Office or the General Registry Office for the Registration of Deeds, or under any lease or agreement under "The Crown Lands Acts, 1903 to 1913," or any other Act providing for the leasing of lands belonging to the Crown, who is, as a result of the drought now prevailing in the State, in need of such assistance as is provided for by this Act, may apply for such assistance.

Provision for share-farmers.

**5.** (1) Any person holding land as mentioned in section 4, who has entered into an agreement with any other person to farm such land, or any part thereof, on shares, may, if such other person is unable to carry into effect the provisions of such agreement without such assistance as is provided for by this Act, apply to the Minister for such assistance to be granted to such other person.

(2) The cost of commodities supplied or any money advanced upon an application pursuant to subsection (1) hereof shall be deemed to be an advance made to the applicant, and shall be repaid to the Minister by such applicant in the same manner as if the advance had been made to the applicant himself ; and all the provisions of this Act relating to advances, to the repayment thereof and the payment of interest thereon, and to the manner of securing the same, shall apply to such cost or money.

(3) Subject to any agreement between the applicant and the other person referred to in subsection (1) hereof, the applicant shall be entitled to be reimbursed by such other person all amounts paid by the applicant pursuant to subsection (2) hereof, except to the extent (if at all) that the advance was made in respect of commodities which, under the agreement between them, were to be provided by the applicant.

Method of applying.

**6.** Every application shall be made to the Minister, and shall contain such particulars as are prescribed.

**7.** If

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7. If the Minister is satisfied that an applicant, or, in such a case as mentioned in section 5, the person on whose behalf the application was made,—

Minister may grant application.

- (a) *bonâ fide* intends forthwith to put the land held or farmed (as the case may be) by him, or part thereof, under crop, and is unable to do so without assistance under this Act, or has fallowed such land or part thereof and *bonâ fide* intends to put such land or part under crop, or
- (b) requires the commodities applied for to feed his stock, or to maintain himself and his family (if any) on such land, or
- (c) requires the advance applied for to enable him to pay for the agistment of live stock,

he may grant to the applicant or to the person on whose behalf the application was made (according to the nature of the case) such assistance under this Act as he thinks fit.

8. Every person upon whose application any commodity is supplied or moneys advanced under this Act shall, upon the supply or advance thereof, sign an acknowledgment and contract in the appropriate form contained in the Schedule to this Act, or in such form as is prescribed in that behalf.

Person supplied to sign an acknowledgment and contract.

9. (1) The cost of any commodity or commodities supplied under this Act shall be fixed by the Minister.

Provisions for fixing the cost of commodities supplied, and the repayment of advances.

(2) Notice of the amount so fixed shall be given to the applicant upon whose application the supply was granted, and such amount (hereinafter referred to as an "advance") shall be deemed to be an advance made by the Minister to such applicant.

(3) The applicant, to whom any advance is made or is deemed to be made under this Act, shall repay such advance, with interest thereon, calculated from the first day of February, nineteen hundred and sixteen, to the date of payment, at the rate of Four Pounds Ten Shillings per centum per annum,—

- (a) on demand, or
- (b) upon the alienation (whether voluntary or otherwise) of such applicant's interest in the lands mentioned in the acknowledgment and contract signed by him under section 8, or in any of such lands,

whichever first happens: Provided that such applicant may at any time repay the whole or any part of the advance, with interest to the date of payment on the amount so paid; and when part only has been so repaid, interest as aforesaid shall be payable on the balance for the time being remaining unpaid.

(4) The Minister, notwithstanding any prior demand may in any case which he considers to be one of special hardship, extend, and from time to time further extend, the date of repayment of the whole or any part of the advance made to an applicant, and may fix any date later than the first day of February, nineteen hundred and sixteen, as the date from which interest on the advance shall be calculated and paid by the applicant.

10. Notwithstanding

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Advance to be first charge on land of settler.

Cf. Seed Wheat Act, 1896, s. 3.

**10.** Notwithstanding any provision of "The Real Property Act, 1886," or any other Act or law to the contrary, the amount of an advance and interest thereon as provided by section 9 shall be, and until fully paid shall remain, a first charge upon all lands owned by the applicant, and his interest in all lands held by him under lease, at the time when such advance was made, or the commodity in respect of which such advance is deemed to have been made was supplied, under this Act.

Demand for repayment.

**11.** (1) The Minister, before and in making any demand for repayment by any person of his advance under this Act, shall take into consideration the profits made by such person on or from the lands charged with such advance during any season or seasons prior to the making of such demand.

(2) Any such demand may be for the whole of the advance, or for any part thereof.

(3) In any case where part only of the advance has been demanded and has been repaid, interest as provided by this Act shall be payable only on the balance for the time being remaining unpaid.

Provisions of the Act to apply where commodities have already been supplied.

**12.** In any case in which, before the passing of this Act, any commodity has been supplied by the Commissioner of Crown Lands of the State to any person who has signed an acknowledgment and contract in the form No. 1 contained in the Schedule to this Act, or in a similar form—

(a) such commodity shall be deemed to have been supplied under this Act;

(b) the cost thereof, as notified by the said Commissioner, shall be an advance within the meaning and for the purposes of this Act; and

(c) all the provisions of this Act shall, *mutatis mutandis*, apply as if the commodity had been supplied under this Act.

False statement punishable.

**13.** Any person who wilfully makes any false statement in any application, or in any acknowledgment and contract, return, statement, or declaration under or for the purposes of this Act, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labor, for a term not exceeding four years.

Punishment for selling commodities supplied.

Cf. Seed Wheat Act, 1897, s. 4.

**14.** Any person to whom any commodity has been supplied under this Act, who without the written consent of the Minister barter or sells, or attempts to barter or sell, such commodity or any quantity thereof, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labor, for a term not exceeding two years.

Punishment for misuse of commodities supplied.

Cf. Seed Wheat Act, 1897, s. 4.

**15.** Any person to whom any commodity has been supplied under this Act, who—

(a) uses or attempts to use such commodity or any quantity thereof, for a purpose other than that for which it was supplied; or

(b) fails

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- (b) fails to return to the Minister such commodity, or any quantity thereof, if he does not intend to use the same for the purpose for which it was supplied; or
- (c) fails upon request of the Minister to furnish him with a statement of such particulars, or to make such returns, as are prescribed,

shall be guilty of an offence, and shall be liable to a penalty not exceeding Fifty Pounds, or to be imprisoned for a term not exceeding six months.

**16.** Any notice to be given to, or any demand to be made on, any person under this Act, shall be sufficiently given or made if—

How notices and demands may be given or made.

- (a) given or made personally to or on such person, or
- (b) sent by post and directed to his address as stated in any application by him, or to his place of residence so far as the same is known to the Minister.

**17.** (1) The Governor may make all such regulations as may be necessary or convenient for giving effect to this Act, or for carrying out its objects and purposes.

Regulations.

(2) Any regulation so made may impose a penalty not exceeding Twenty Pounds for any breach of the same or any other regulation.

(3) All regulations so made—

- (a) shall be published in the *Government Gazette* :
- (b) from the date of such publication, or from a later date fixed by the order making the same, shall (subject as by subsection (4) hereof provided) be of the same effect as if they were contained in this Act :
- (c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session.

(4) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before it.

(5) Notice of any such resolution shall be published in the *Government Gazette*.

**18.** (1) All proceedings in respect of offences against this Act, not being indictable offences, shall be by information heard and determined in a summary way by a Special Magistrate or any two Justices of the Peace, and shall be regulated by the Ordinance No. 6 of 1850, and any amendments thereof, or any other Act or Acts regulating summary proceedings before Justices of the Peace.

Procedure for offences.

(2) All

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(2) All convictions and orders made by such Magistrate or Justices may be enforced as provided by the said Ordinance, or any other such Acts as aforesaid.

*Appeals.*

**19.** (1) There shall be an appeal from—

- (a) any conviction on an information under this Act heard in a summary way ;
- (b) any order dismissing any such information so heard ; or
- (c) any other order made on any such information so heard.

(2) Such appeal shall be to the Local Court of Adelaide in its Full Jurisdiction.

(3) The proceedings on such appeal shall be regulated by the said Ordinance No. 6 of 1850 and any amendments thereof, or any other Act regulating appeals to Local Courts : Provided that the Court on such appeal may make such order as to costs as it thinks fit, and the amount of costs so ordered may exceed Ten Pounds.

*Special case.*

**20.** (1) The Local Court, upon the hearing of any such appeal, may state a special case or cases for the opinion of the Supreme Court.

(2) The Supreme Court shall hear and decide any such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs, as to the said Court appears just.

(3) The Supreme Court may send the special case back for amendment, or may itself amend the same.

(4) The Magistrate or Justices, or the Local Court, shall make an order in respect of the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court, or of a Judge thereof.

(5) Such order of the Magistrate or Justices, or Local Court, may be enforced in manner provided by section 18 of this Act, or otherwise by law.

*How expenses to be provided.*

**21.** (1) The Treasurer of the State may, from time to time, make advances to the Minister for carrying out the purposes of this Act.

(2) So far as practicable, such advances shall be repaid, and the other expenses of administering this Act shall be defrayed, out of the moneys paid to the Minister in repayment of advances ; and any deficiency which may arise shall be made good out of moneys provided by Parliament for that purpose.

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

H. L. GALWAY, Governor.

THE

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THE SCHEDULE.

FORM No. 1.

Section 8.

The Drought Relief Act, 1914.

I hereby acknowledge that I have (or that of has, on my application,) received from the Honorable the Minister administering "The Drought Relief Act, 1914," the commodities hereunder mentioned, and I hereby agree with the said Minister—

- (1) to pay him the sum to be fixed by him for the said commodities, with interest on the said sum at the rate of four and a half per centum per annum, calculated from the 1st day of February, 1916, until payment of the said sum;
(2) to pay the said sum and interest, on demand, or upon conveyance or transfer of my interest in the lands hereunder mentioned (or any of them), whichever first happens; and
\*(3) to use the said goods on the lands hereunder mentioned, or on some of such lands.

Table with 3 columns: Description of Goods, Quantity of Goods, † Lands owned or held by Applicant.

\* This passage may be omitted where inapplicable.

† Here state numbers and situations of sections or other sufficient description of all lands owned or held by the Applicant.

Dated this day of , 191 . [Signature] [Address]

Witness— [Signature] [Address]

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FORM No. 2.

The Drought Relief Act, 1914.

I hereby acknowledge that I have (or that of has, on my application,) received from the Honorable the Minister administering "The Drought Relief Act, 1914," the sum of , and I hereby agree with the said Minister—

- (1) to repay him the said sum, with interest thereon at the rate of four and a half per centum per annum, calculated from the 1st day of February, 1916, until payment of the said sum ;
(2) to repay the said sum and interest, on demand, or upon conveyance or transfer of my interest in the lands hereunder mentioned (or any of them), whichever first happens.

Lands owned or held by the Applicant.

[ Here state numbers and situations of sections or other sufficient description of all lands owned or held by the applicant ]

Dated this day of , 191 .
[ Signature] .....
[ Address] .....

Witness—
[ Signature] .....
[ Address] .....