



ANNO VICESIMO SEXTO

GEORGII V REGIS.

A.D. 1935.

No. 2254.

An Act to amend the Vermin Act, 1931, and the Loans for Fencing and Water Piping Act, 1930.

[*Assented to, 21st December, 1935.*]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the " Vermin Act Amendment Act, 1935 ". Short titles.

(2) The Vermin Act, 1931 (which is hereinafter referred to as " the principal Act ") and this Act may be cited together as the " Vermin Acts, 1931 and 1935 ". No. 2029 of 1931.

2. Sections 3 to 19, both inclusive, are incorporated with the Vermin Act, 1931, and sections 20 to 28, both inclusive, are incorporated with the Loans for Fencing and Water Piping Act, 1930. Incorporation.

3. Section 23 of the principal Act is amended by striking out the words " in two daily and two weekly newspapers published in South Australia " in subsection (3) thereof and by inserting in lieu thereof the words " in two newspapers published in South Australia and circulating in the neighbourhood of the said land ". Amendment of principal Act, s. 23—
Publication of notice.

Vermin Act Amendment Act.—1935.

Amendment of
principal Act,
s. 23—

4. The principal Act is amended by inserting therein after section 23 the following section :—

Provision
where land
is situated
on boundary
of district.
Cf. 2156, 1934,
s. 319 (5).

23A. In any case where any land which is outside the district of a district council, vermin board, or associated board, as the case may be, abuts upon a road which is within such district, the owner or occupier of the land may be required by the district council, vermin board, or associated board, as the case may be, to destroy all vermin upon the half width of the said road and all the provisions of this Division, *mutatis mutandis*, shall apply accordingly.

Amendment of
principal Act,
s. 48—
Contributions
to fences.)

5. Section 48 of the principal Act is amended—

(a) by inserting after the word “ shall ” in the seventh line thereof the words “ if required so to do by the board of the previously existing district ” ; and

(b) by inserting after subsection (1) thereof the following subsection :—

(1A). The board of the previously existing district may at any time before or after the constitution of the board of the new district, declare by resolution that no payment shall be required pursuant to subsection (1) in respect of a fence to which this section applies or any part thereof and any such resolution shall be binding on the first-mentioned board.

Amendment of
principal Act,
s. 56—
Provision on
extinction of
board.

6. Section 56 of the principal Act is amended by adding thereto the following subsection (the preceding part of the said section being read as subsection (1) thereof)—

(2) If all the ratepayers to whom payment is required to be made pursuant to subdivision III. of subsection (1) by notice in writing waive their claims to such payment, payment shall not be required as provided in subdivision II. of subsection (1).

Amendment of
principal Act,
s. 115—
Liability of
adjoining
occupier.

7. Section 115 of the principal Act is amended by adding thereto after subsection (4) thereof the following subsection :—

(5) The board may by resolution declare that no payment shall be required in respect of any such fence or any part thereof and any such resolution shall be binding on the board.

Amendment of
principal Act,
s. 119—
Expenditure
by vermin
board outside
district.

8. Section 119 of the principal Act is amended by inserting therein after paragraph (c) thereof the following paragraph :—

(c1). in making payments to the board of any other district for or towards the maintenance of any vermin fence or dog-proof fence situated in such other district :

*Vermin Act Amendment Act.—1935.***9.** Section 129 of the principal Act is amended:—

- (a) by striking out the words “on or before” and by inserting in lieu thereof the words “before the expiration of three months after”;
- (b) by striking out subsection (2) thereof; and
- (c) by striking out “penalties” in the first line of subsection (3) thereof and by inserting in lieu thereof the word “penalty.”

Amendment of
principal Act,
s. 129—
Penalty rates.

10. The principal Act is amended by inserting therein after section 135 the following section:—

135A. (1) For the temporary accommodation of a board, the board may obtain advances from any bank by overdraft on the credit of its revenues.

Amendment of
principal
Act—
Power to
borrow by
means of
overdrafts.
Cf. 2150, 1934,
s. 440.

(2) At no time shall the overdraft or overdrafts exceed one-quarter of the amount derived from rates during the previous financial year of the board.

11. Section 157 of the principal Act is amended by adding at the end thereof the following subsections (the preceding portion of the said section being read as subsection (1) thereof:—

(2) The Commissioner or any person or body authorised as aforesaid may, in addition to providing a gate as aforesaid, erect a ramp or by-path over or through the fence.

(3) If pursuant to section 174 or section 175 a wire netting fence is erected across any road, the Commissioner may by notice in writing authorise the erection of a ramp or by-path over or through the fence: Provided that if the fence is situated within a vermin-fenced district or on the boundary of two vermin-fenced districts, no such authority shall be given by the Commissioner unless the board of the said district or boards of the said districts, as the case may be, consent to the giving thereof.

(4) No ramp or by-path shall be erected pursuant to this section unless it is approved by the Pastoral Board in writing. Any such approval may be given for any particular ramp or by-path, or may be given approving generally of any specified kind of ramp or by-path.

Amendment of
principal Act,
s. 157—
Ramps and
by-paths.

12. Section 166 of the principal Act is amended by inserting therein after subsection (1) the following subsection:—

(1A) Before considering any such petition with respect to any land the council shall give notice in writing to the mortgagee under any registered mortgage of the land, and shall consider any representations made by such mortgagee within one month after the giving of notice to the mortgagee.

Amendment of
principal Act,
2029 of 1931,
s. 166—
Consideration
by council.

Vermin Act Amendment Act.—1935.

Amendment of
principal Act,
s. 178—
Penalty
interest.

13. Section 178 of the principal Act is amended by adding at the end of subsection (2) thereof the following proviso :—

Provided that the bank may remit the whole or any portion of any such interest which is in excess of interest at the fixed rate, whether payable before or after the passing of the Vermin Act Amendment Act, 1935.

Amendment of
principal Act,
s. 200—
Penalty
interest

14. Section 200 of the principal Act is amended by adding at the end of subsection (6) thereof the following proviso :—

Provided that the bank may remit the whole or any portion of any such penalty interest, whether payable before or after the passing of the Vermin Act Amendment Act, 1935.

Amendment of
principal Act
s. 222—

15. Section 222 of the principal Act is amended so as to read as follows :—

Power to
extend time for
repayment.

222. (1) In any case where a loan has before the passing of the Vermin Act Amendment Act, 1935, been made to—

- (a) a vermin board under Division X. of Part III. or Division III. of Part VI. of the Vermin Act, 1914, or Division X. of Part III. or Division III. of Part V. of this Act ; or
- (b) a district council under Division II. of Part VI. of the Vermin Act, 1914, or Division II. of Part V. of this Act ; or
- (c) a lessee under Division IV. of Part VI. of the Vermin Act, 1914, or Division IV. of Part V. of this Act,

the bank may on application in writing made within two years after the passing of the Vermin Act Amendment Act, 1935, by the board, council, or lessee, as the case may be, extend the period for repayment of the said loan for such time as the bank thinks fit, but so that the total time for repayment thereof from the date upon which the loan was originally made (including any period for suspension of repayments granted pursuant to section 223) shall not exceed forty-two years, and, in the case of a loan to a lessee, so that the said time for repayment so extended shall expire on or before the expiration of the term of the lease of the lessee.

(2) Upon any such extension, the balance of the loan shall be repaid by such equal annual instalments spread over the remainder of the term of the loan as are fixed by the bank, together with interest at the fixed rate on the balance of the loan for the time being unpaid, or, in any case in which the bank thinks fit, the balance of

Vermin Act Amendment Act.—1935.

the loan, together with interest at the fixed rate on the balance of the loan for the time being unpaid, shall be repaid by such equal instalments of principal and interest spread over the term of the loan as are fixed by the bank.

(3) The bank may require payment to be made of any arrears of instalments or interest in respect of any such loan or of any part of any such arrears before extending the period in respect of the loan under subsection (1) hereof, or the bank may capitalize the said amount of arrears, or, as the case may be, the part not required to be paid as aforesaid, and any such arrears so capitalized shall be paid to the bank within such time and upon such terms as the bank thinks fit. In every such case, the said arrears shall bear interest at such rate as is determined by the bank.

(4) When the bank has granted an extension under this section to any district council or vermin board with respect to a loan, the obligations on the part of occupiers and other persons as to payments falling due to the council or board in respect of fencing material furnished or offered to be furnished by the council or board to the said occupiers by means of the loan, shall be extended for the same period and subject to the same conditions as to repayment of instalments, interest, and arrears as the obligations of the council or board in respect of the loan are extended.

16. Section 223 of the principal Act is amended so as to read as follows :—

Amendment of
principal Act,
s. 223—

223. (1) In this section—

Power to
suspend
payments.

“ lessee ” means lessee to whom an advance has been made under section 198 or under the corresponding provision of any repealed Act :

“ loan ” includes an amount expended, or an amount advanced under section 198, or under the provisions corresponding thereto of any repealed Act, as well as a loan to a district council or vermin board.

(2) Notwithstanding anything contained in this Act, the Treasurer, on the recommendation of the bank in all cases, and on the additional recommendation of the Pastoral Board in the case of a loan to a vermin board or lessee may, subject as hereinafter provided, suspend the operation of the provisions of this Act requiring the repayment by district councils, vermin boards, and lessees respectively of instalments of loans granted to them prior to the passing of the Vermin Act Amendment Act, 1935,

Vermin Act Amendment Act.—1935.

under this Act or any repealed Act, during such period as he thinks fit; and the Treasurer may, subject as aforesaid, and upon the said recommendation, from time to time extend the suspension for a further period.

(3) Any period of suspension under this section—

(a) may commence from any date not earlier than the first day of February, nineteen hundred and thirty-three:

(b) shall, with all (if any) extensions thereof, expire not later than the thirty-first day of January, nineteen hundred and thirty-nine, and shall not exceed three years.

(4) Any power hereby conferred on the Treasurer, may be exercised in the case of any council, board, or lessee which or who makes application in writing to the Treasurer in that behalf.

(5) When the provisions of this Act mentioned in subsection (2) have been suspended as therein provided in the case of any district council, vermin board, or lessee, the council, board, or lessee shall not be liable, or deemed to have been liable, during the period of suspension, to make any payment on account of principal or interest due in respect of the loan to which the suspension applies.

(6) If any period of suspension is granted to commence from any date prior to the granting thereof any payments made by the council, board, or lessee during the period of suspension shall be credited firstly against any payments accrued due before the period of suspension, and secondly against payments becoming due after the expiration of the period of suspension.

(7) The Treasurer may, if he thinks fit, for the purposes of subsection (2), fix periods of suspension of different lengths in the case of different district councils, vermin boards, or lessees.

(8) A period equal in length to the period of suspension fixed by the Treasurer under this section in the case of any loan shall be added to the period within which the loan is required by this Act to be repaid; and every instalment of the principal moneys payable on account of the loan, and interest on the moneys, which, but for the provisions of this section, would have been payable on some date during the period of suspension, shall be payable upon the corresponding date in the added period; and the suspension shall not alter the dates upon which the other instalments and interest fall due.

Vermin Act Amendment Act.—1935.

17. Section 224 of the principal Act is amended—

Amendment of
principal Act,
s. 224—

(a) by striking out the word “Commissioner” in the first line thereof and by inserting in lieu thereof the word “Treasurer;” and

Extension to
occupier.

(b) by striking out the words “but interest on the loan as provided by subsection (5) of section 223 shall be payable in manner provided by the said subsection” in subsection (1) thereof, and by inserting in lieu thereof the words “If any such payments are made during the period of suspension, they shall be credited by the district council or vermin board, firstly against any payments accrued due before the period of suspension, and secondly against payments becoming due after the expiration of the period of suspension.”

18. The principal Act is amended by inserting therein after section 224 thereof the following section :—

Amendment of
principal Act—

224A. (1) If any loan is made under this Act or a repealed Act to any district council, vermin board, or lessee in respect of any land comprised in a Crown lease or an agreement for sale and purchase with the Crown, and the lease or agreement is cancelled or is otherwise determined, no instalment of principal or interest shall be required to be made in respect of the loan by the district council, vermin board, or lessee which becomes payable during the period from the cancellation or determination of the lease or agreement until the land is again held under lease or agreement as aforesaid.

Provision
where holding
reverts to
the Crown.

(2) Upon the land being again comprised in a Crown lease or agreement for sale and purchase with the Crown, the liability to make payments in respect of the loan shall be revived. A period equal in length to the period mentioned in subsection (1) in the case of any loan shall be added to the period within which the loan is required by this Act to be repaid; and every instalment of principal and interest which would have been payable on some date during the period during which payment is suspended, shall be payable upon the corresponding date in the added period; and the suspension shall not alter the dates upon which the other instalments and interest fall due.

(3) The Treasurer may, on the recommendation of the bank, declare that no interest shall be chargeable during the period during which payment is suspended under this section. If no such declaration is made, interest at the fixed rate during the said period on

Vermin Act Amendment Act.—1935.

the amount of the loan at the time of the cancellation or determination shall be capitalized, and shall be paid to the bank within such time and upon such terms as the bank thinks fit.

(4) Upon the land being again leased or agreed to be sold and purchased as before mentioned, the occupier of the land shall pay to the district council or vermin board, or, as the case may be, the lessee shall pay to the bank the instalments required by this Act or any repealed Act to be paid in respect of the loan in manner provided by this section as if the lease or agreement aforesaid had not been cancelled or determined.

(5) Notwithstanding any other provision of this Act, the bank, on the recommendation of the Land Board, or, in the case of land held under pastoral lease, on the recommendation of the Pastoral Board, may in any case where a lease or agreement aforesaid is cancelled or determined (whether so cancelled or determined before or after the passing of the Vermin Act Amendment Act, 1935), and the land comprised therein is again held under lease or agreement as aforesaid—

- (a) fix the amount which shall be paid by the occupier or lessee in payment of the loan (including any arrears of instalments payable before the said cancellation or determination) at an amount equal to the value of the fence at the time the land is again leased or agreed to be sold :
- (b) if the loan made in respect of the land is repayable to the bank by a district council or vermin board, fix the amount which shall be paid by the district council or vermin board in payment of the loan (including any arrears of instalments payable before the cancellation or determination) at the amount fixed pursuant to paragraph (a) or at such higher amount as the bank thinks fit.

The amount so fixed shall be paid by such equal annual instalments spread over the remainder of the term of the loan as are fixed by the bank, together with interest at the fixed rate on the balance of the said amount for the time being unpaid. The balance (if any) between the amount of the loan and any arrears of instalments and the amount fixed as aforesaid shall cease to be payable by or recoverable from the occupier, lessee, district council, or vermin board, as the case may be.

Vermin Act Amendment Act.—1935.

The powers conferred by this subsection may be exercised in respect of any loan made or instalment payable before or after the passing of the Vermin Act Amendment Act, 1935.

19. The principal Act is amended by inserting therein after section 224A therein the following section :—

Amendment of principal Act—

224B. In any case where—

Provision as to amounts released under the Primary Producers' Debts Act, 1935.

- (a) an occupier is pursuant to this Act or any repealed Act liable to pay to a district council or vermin board any moneys in respect of wire netting furnished or offered to be furnished to the occupier by the council or board; and
- (b) the occupier makes an application for debt adjustment pursuant to the Primary Producers' Debts Act, 1935; and
- (c) the council or board with the consent in writing of the bank and in accordance with such consent votes at any meeting as provided by section 22 of the said Act in respect of the whole or any part of any such payment which has accrued due before the holding of the meeting; and
- (d) in pursuance of any scheme under the said Act the occupier is released from the whole or any part of the said payment so accrued due,

the liability of the council or board to the bank in respect of the loan expended in the purchase of the wire netting furnished or offered to be furnished to the said occupier shall be reduced by an amount similar to that by which the occupier was released as aforesaid.

20. Section 6 of the Loans for Fencing and Water Piping Act, 1930, is amended by inserting after the word "land" in the second line of paragraph (f) of subsection (2) thereof the words "or in or upon any road".

Amendment of 1988, 1930, s. 6—
Petition for loan for water piping.

21. Section 10 of the Loans for Fencing and Water Piping Act, 1930, is amended by inserting therein after subsection (1) thereof the following subsection :—

Amendment of 1988, 1930, s. 10—
Consideration by council.

(1a) Before considering any such petition with respect to any land the council shall give notice in writing to the mortgagee under any registered mortgage of the land, and shall consider any representations made by such mortgagee within one month after the giving of the notice to the mortgagee.

Vermin Act Amendment Act.—1935.

Amendment of
1988, 1930,
s. 10—
Undertaking
to repay.

22. Section 19 of the Loans for Fencing and Water Piping Act, 1930, is amended by striking out the words “of that person” in the fourth line thereof and by inserting in lieu thereof the words “in respect of which the fencing material or water piping is furnished or offered to be furnished”.

Amendment of
1988, 1930,
s. 21—
Penalty
interest.

23. Section 21 of the Loans for Fencing and Water Piping Act, 1930, is amended by adding at the end of subsection (2) thereof the following proviso :—

Provided that the bank may remit the whole or any portion of any such interest which is in excess of interest at the fixed rate, whether payable before or after the passing of the Vermin Act Amendment Act, 1935.

Amendment of
1988, 1930—

24. The Loans for Fencing and Water Piping Act is amended by inserting therein after section 35 thereof the following section :—

Power to
extend time
for certain
repayments.
Cf. 2029, 1931
s. 222.

35A. (1) In any case where a loan for fencing or water piping has, before the passing of the Vermin Act Amendment Act, 1935, been made under this Act or under the Loans for Fencing Act, 1919, to a council or to an occupier within the purview of section 35 of this Act or section 35 of the Loans for Fencing Act, 1919, the bank may, on application in writing made within two years after the passing of the Vermin Act Amendment Act, 1935, by the council or occupier, as the case may be, extend the period for the repayment of the said loan for such time as the bank thinks fit, but so that the total time for repayment thereof from the date upon which the loan was originally made (including any period of suspension granted pursuant to section 36), shall not exceed forty-two years, and in the case of a loan to an occupier holding his land upon lease from the Crown so that the said time for repayment so extended shall expire on or before the expiration of the term of the lease.

(2) Upon any such extension, the balance of the loan, shall be repaid by such equal annual instalments spread over the remainder of the term of the loan as are fixed by the bank, together with interest at the fixed rate on the balance of the loan for the time being unpaid.

(3) The bank may require payment to be made of any arrears of instalments or interest in respect of any such loan or of any part of any such arrears before extending the period in respect of the loan under subsection (1) hereof, or the bank may capitalize the said amount of arrears, or, as the case may be, the part not required to be paid as aforesaid, and any such arrears so capitalized shall be paid

Vermin Act Amendment Act.—1935.

to the bank within such time and upon such terms as the bank thinks fit. In every such case the said arrears shall bear interest at such rate as is determined by the bank.

(4) When the bank has granted an extension under this section to any council with respect to a loan, the obligations on the part of occupiers and other persons as to payments falling due to the council in respect of fencing material or water piping furnished or offered to be furnished by the council to the said occupiers by means of the loan, shall be extended for the same period and subject to the same conditions as to repayment of instalments, interest, and arrears as the obligations of the council in respect of the loan are extended.

25. Section 36 of the Loans for Fencing and Water Piping Act, 1930, is amended so as to read as follows :—

Amendment of
1988, 1930,
s. 36—

36. (1) Notwithstanding anything contained in this Act, the Treasurer, on the recommendation of the bank, in all cases and on the additional recommendation of the Pastoral Board in the case of a loan to an occupier holding land under a pastoral lease may, subject as hereinafter provided, suspend the operation of this Act requiring the repayment by councils and by occupiers within the purview of section 35 respectively, of instalments of loans for fencing or water piping granted to them prior to the passing of the Vermin Act Amendment Act, 1935, under this Act or the Loans for Fencing Act, 1919, during such period as he thinks fit ; and the Treasurer may, subject as aforesaid, and upon the said recommendation from time to time extend the suspension for a further period.

Power to
suspend
certain
payments.

(2) Any period of suspension under this section—

(a) may commence from any date not earlier than the first day of February, nineteen hundred and thirty-three.

(b) shall, with all (if any) extensions thereof, expire not later than the thirty-first day of January, nineteen hundred and thirty-nine, and shall not exceed three years.

(3) Any power hereby conferred on the Treasurer may be exercised in the case of any council or occupier which or who makes application in writing to the Treasurer in that behalf.

(4) When the provisions of this Act have been suspended as provided by subsection (1) in the case of any council or occupier, the council or occupier shall not be liable, or deemed to have been liable, during the period of suspen-

Vermin Act Amendment Act.—1935.

sion, to make any payment on account of principal or interest due in respect of the loan to which the suspension applies.

(5) If any period of suspension is granted to commence from any date prior to the granting thereof any payments made by the council or occupier during the period of suspension shall be credited firstly against any payments accrued due before the period of suspension, and secondly against payments becoming due after the expiration of the period of suspension.

(6) The Treasurer may, if he thinks fit, for the purposes of subsection (1), fix periods of suspension of different length in the case of different councils or occupiers.

(7) A period equal in length to the period of suspension fixed by the Treasurer under this section in the case of any loan shall be added to the period within which the loan is required by this Act to be repaid; and every instalment of the principal moneys payable on account of the loan, and interest on the moneys, which, but for the provisions of this section, would have been payable on some date during the period of suspension, shall be payable upon the corresponding date in the added period; and the suspension shall not alter the dates upon which the other instalments and interest fall due.

Amendment of
1988, 1930,
s. 37—
Extension to
occupier.

26. Section 37 of the Loans for Fencing and Water Piping Act, 1930, is amended—

- (a) by striking out the words “Commissioner of Crown Lands” in the first line thereof and by inserting in lieu thereof the word “Treasurer”; and
- (b) by striking out the words “but interest on the loan as provided by subsection (4) of section 36 shall be payable in manner provided by the said subsection” in subsection (1) thereof and by inserting in lieu thereof the words “If any such payments are made during the period of suspension they shall be credited by the council, firstly against any payments accrued due before the period of suspension, and secondly against payments becoming due after the expiration of the period of suspension”.

Amendment of
1988, 1930—

27. The Loans for Fencing and Water Piping Act, 1930, is amended by inserting therein after section 37 thereof, the following section :—

Provision
where holding
reverts to
the Crown.

37A. (1) If any loan is made under this Act or the Loans for Fencing Act, 1919, to any council or occupier within the purview of section 35, in respect of any land

Vermin Act Amendment Act.—1935.

comprised in a Crown lease or an agreement for sale and purchase with the Crown, and the lease or agreement is cancelled or is otherwise determined, no instalment of principal or interest shall be required to be made in respect of the loan by the council or occupier, which became payable during the period from the cancellation or determination of the lease or agreement until the land is again held under lease or agreement as aforesaid.

(2) Upon the land being again comprised in a Crown lease or agreement for sale and purchase with the Crown, the liability to make payments in respect of the loan shall be revived. A period equal in length to the period mentioned in subsection (1) in the case of any loan shall be added to the period within which the loan is required by this Act to be repaid; and every instalment of principal and interest on which would have been payable on some date during the period during which payment is suspended, shall be payable upon the corresponding date in the added period; and the suspension shall not alter the dates upon which the other instalments and interest fall due.

(3) The Treasurer may, on the recommendation of the bank, declare that no interest shall be chargeable during the period during which payment is suspended under this section. If no such declaration is made, interest at the fixed rate during the said period on the amount of the loan at the time of the cancellation or determination shall be capitalized and shall be paid to the bank within such time and upon such terms as the bank thinks fit.

(4) Upon the land being again leased or agreed to be sold and purchased as before mentioned, the occupier of the land shall pay to the council or bank, as the case may require, the instalments required by this Act or the Loans for Fencing Act, 1919, to be paid in respect of the loan in manner provided by this section, as if the lease or agreement aforesaid had not been cancelled or determined.

(5) Notwithstanding any other provision of this Act, the bank, on the recommendation of the Land Board, or, in the case of land held under pastoral lease, on the recommendation of the Pastoral Board, may in any case where a lease or agreement aforesaid is cancelled or determined (whether so cancelled or determined before or after the passing of the Vermin Act Amendment Act, 1935), and the land comprised therein is again held under lease or agreement as aforesaid—

(a) fix the amount which shall be paid by the occupier in payment of the loan (including any arrears of instalments payable before the said

Vermin Act Amendment Act.—1935.

cancellation or determination) at an amount equal to the value of the fence or water piping, as the case may be, at the time the land is again leased or agreed to be sold :

- (b) if the loan made in respect of the land is repayable to the bank by a council, fix the amount which shall be paid by the council in payment of the loan (including any arrears of instalments payable before the cancellation or determination) at the amount fixed pursuant to paragraph (a), or at such higher amount as the bank thinks fit.

The amount so fixed shall be paid by such equal annual instalments spread over the remainder of the term of the loan as are fixed by the bank, together with interest at the fixed rate on the balance of the said amount for the time being unpaid. The balance (if any) between the amount of the loan and any arrears of instalments, and the amount fixed as aforesaid, shall cease to be payable or recoverable by or from the occupier or council, as the case may be.

The powers conferred by this subsection may be exercised in respect of any loan made or instalment payable before or after the passing of the Vermin Act Amendment Act, 1935.

Amendment of
1938, 1930—

28. The Loans for Fencing and Water Piping Act, 1930, is amended by inserting therein after section 37A thereof the following section :—

Provision as to
amounts
released
under the
Primary
Producers'
Debts Act,
1935.

37B. In any case where—

- (a) an occupier is pursuant to this Act or the Loans for Fencing Act, 1919, liable to pay to a council any moneys in respect of fencing material or water piping furnished or offered to be furnished to the occupier by the council ; and
- (b) the occupier makes an application for debt adjustment pursuant to the Primary Producers' Debts Act, 1935 ; and
- (c) the council with the consent in writing of the bank and in accordance with such consent votes at any meeting as provided by section 22 of the said Act in respect of the whole or any part of any such payment which has accrued due before the holding of the meeting ; and

Vermin Act Amendment Act.—1935.

(d) in pursuance of any scheme under the said Act the occupier is released from the whole or any part of the said payment so accrued due,

the liability of the council to the bank in respect of the loan expended in the purchase of the fencing material or water piping furnished or offered to be furnished to the said occupier shall be reduced by an amount similar to that by which the occupier was released as aforesaid.

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

W. DUGAN, Governor.