

FARMERS' RELIEF (AMENDMENT) ACT.

Act No. 26, 1937.

An Act to amend the Farmers' Relief Act, 1932, George VI,
No. 26, 1937. and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 15th December, 1937.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Farmers' Relief (Amendment) Act, 1937." Short title and citation.

(2) The Farmers' Relief Act, 1932-1936, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Farmers' Relief Act, 1932-1937.

2. (1) The Principal Act is amended by omitting from subsection one of section eight the word "thirty-seven" and by inserting in lieu thereof the word "thirty-eight." Amendment of Act No. 33, 1932. Sec. 8. (Stay orders.)

(2) Subsection one of this section shall be deemed to have commenced on the first day of July, one thousand nine hundred and thirty-seven.

3. (1) The Principal Act is further amended—

(a) by omitting subsection (3c) of section eight and by inserting in lieu thereof the following subsection:— Further amendment of Act No. 33, 1932. Sec. 8. (Stay orders—disclaimer.)

(3c) (a) A farmer who has filed in the office of the Board a notice disclaiming the benefits of this Act (in this subsection referred to as a "notice of disclaimer") may withdraw the same under and in accordance with this subsection.

(b)

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(b) No withdrawal of a notice of disclaimer shall take effect unless and until the consent of the Board to such withdrawal is granted.

(c) Any farmer who desires to withdraw a notice of disclaimer shall lodge, at the office of the board,—

- (i) an instrument in writing withdrawing the notice of disclaimer;
- (ii) an application for the consent of the Board to such withdrawal;
- (iii) a statement, verified by the statutory declaration of the farmer, specifying the names and addresses of all persons to whom the farmer is indebted.

Such documents shall not be lodged before the expiration of one year from the date upon which the notice of disclaimer was filed in the office of the Board.

(d) Where the documents referred to in paragraph (c) of this subsection have been lodged at the office of the Board the Board shall—

- (i) publish in the Gazette, in the Weekly Trade Report, and in a newspaper circulating in the district in which the farmer resides or in which the farm is situated notice of the lodgment of such documents;
- (ii) notify each person or firm specified in the statement referred to in subparagraph (iii) of paragraph (c) of this subsection of the receipt of the instrument and application referred to in subparagraphs (i) and (ii) of that paragraph;
- (iii) indicate in each such notification and in such notice that objections to the granting of consent by the Board may be lodged

lodged at the office of the Board in accordance with paragraph (e) of this subsection.

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(e) Objection to the granting of consent by the Board may be lodged at the office of the Board at any time within three weeks after the date of publication in the Gazette of the notice referred to in subparagraph (i) of paragraph (d) of this subsection by any person to whom the farmer is indebted in respect of moneys advanced, goods supplied or services rendered after the date upon which the notice of disclaimer was filed in the office of the Board.

Any such objection shall be accompanied by evidence that the farmer is indebted to the person lodging the objection in respect of moneys advanced, goods supplied or services rendered after the date upon which the notice of disclaimer was filed in the office of the Board.

Any such objection may be withdrawn at any time by notice in writing lodged in the office of the Board.

(f) When an objection is lodged in the office of the Board in accordance with paragraph (e) of this subsection the Board shall, unless such objection is withdrawn, refuse to grant consent to the withdrawal of the notice of disclaimer.

(g) The Board may grant consent to the withdrawal of the notice of disclaimer, either absolutely or subject to such terms and conditions as it thinks fit.

(h) From the date of publication in the Gazette of the notice referred to in subparagraph (i) of paragraph (d) of this subsection until the Board has granted or refused its consent to the withdrawal of the notice of disclaimer the provisions of subsection two of section nine of this Act shall, mutatis mutandis, apply to and in respect of the farmer as if he were a farmer subject to this Act.

(i)

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(i) The provisions of this subsection shall apply to and in respect of the withdrawal, after the commencement of the Farmers' Relief (Amendment) Act, 1937, of notices of disclaimer whether such notices of disclaimer were filed before or are filed after such commencement.

Sec. 9.
(Term of
stay order.)

(b) (i) by omitting from subsection ten of section nine the words "date of the grant thereof" and by inserting in lieu thereof the words "eighteenth day of April, one thousand nine hundred and thirty-five or from the date of the grant thereof whichever is the later date";

(ii) by inserting at the end of subsection eleven of the same section the words "from the expiration of the period referred to in subsection ten of this section, applicable with respect to that stay order."

**Amendment
of Act No. 18,
1935, s. 2
(1) (c).**
(Consequen-
tial.)

(2) The Farmers' Relief Amendment (Debts Adjustment) Act, 1935, is amended by omitting paragraph (c) of subsection one of section two.

**Parties to
certain
bonds not
to be
released.**

4. (1) No amendment of the Farmers' Relief Act, 1932, made by any subsequent Act (including this Act) shall be held to operate or to have operated so as to release any party or surety to any bond executed and delivered to the Farmers' Relief Board in pursuance of section thirteen of that Act whether as originally enacted or as amended from time to time.

(2) A reference in any such bond executed before the commencement of this Act to the Farmers' Relief Act, 1932, or to the Farmers' Relief Act, 1932-1934, or to the Farmers' Relief Act, 1932-1935, or to the Farmers' Relief Act, 1932-1936, shall as from such commencement be read and construed as a reference to the Farmers' Relief Act, 1932-1937.

**Amendment of
Act No. 13,
1934, s. 8.**
(Consequen-
tial.)

(3) The Farmers' Relief (Amendment) Act, 1934, as amended by subsequent Acts, is amended by omitting section eight.

(4)

Housing (Further Provisions) Act.

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(4) The Farmers' Relief Amendment (Debts Adjustment) Act, 1935, is further amended by omitting paragraph (d) of section six.

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Further amendment of Act No. 18, 1935 s. 6 (d).
(Consequential.)
