

## FARMERS' RELIEF (AMENDMENT) ACT.

Act No. 42, 1943.

George VI. An Act to amend the Farmers' Relief Act, 1932-  
No. 42, 1943. 1941, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 21st December, 1943.]

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:—

Short title and citation. 1. (1) This Act may be cited as the "Farmers' Relief (Amendment) Act, 1943."

(2) The Farmers' Relief Act, 1932-1941, is in this Act referred to as the Principal Act.

(3) The Farmers' Relief Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the "Farmers' Relief Act, 1932-1943."

Amendment of Act No. 38, 1932.

Sec. 8.  
(Stay  
orders.)

2. The Principal Act is amended—

(a) by omitting from subsection one of section eight the word "forty-three" and by inserting in lieu thereof the word "forty-five";

(b)

(b) by omitting from subsection eleven of section **No. 42, 1943.** nine the words and figures "Farmers' Relief <sup>See. 9.</sup> (Amendment) Act, 1941," and by inserting in (Form and lieu thereof the words and figures "Farmers' <sup>effect of stay order.</sup> Relief (Amendment) Act, 1943."

**3. The Principal Act is further amended—**

Further  
amendment of  
Act No. 33,  
1932.

(a) by inserting at the end of paragraph (a) of subsection four of section **34EB** the following words:—

"or of the amount of one pound in any case where voluntary adjustment not concluded.) where the assessed secured value of the debt and/or liability is nil or does not exceed the sum of one pound";

(b) by inserting in paragraph (a) of subsection five of the same section after the word "direction" where firstly occurring the words "affecting a mortgage, charge or lien over land";

(c) by inserting at the end of subsection six of the same section the following words:—

"or in any case where such amount is nil or does not exceed the sum of one pound, by payment by or on behalf of the farmer of the sum of one pound":

(d) by inserting at the end of the same section the following new subsection:—

(12) Any payments received by a creditor of the farmer pursuant to section twenty-eight or section twenty-nine of this Act subsequent to the date of assessment shall to the extent of such payments be deemed to have been received by such creditor firstly in satisfaction of interest included in any direction in respect of such creditor given before the date upon which such payments were received or which may be given thereafter by the Board under subsection four of this section: secondly, in satisfaction of any amount included in any such direction under subsection six of this section; and any balance in satisfaction of the principal moneys included in any such direction under subsection four of this section.

Where

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Where more than one such direction has been or may be given under subsection four of this section in respect of the same creditor the payments shall be applied in satisfaction of such direction or directions as the Board in its absolute discretion but having regard to the securities in respect of which the payments have been made shall direct.

Further  
amendment of  
Act No. 38,  
1932.  
New ss. 40A,  
40B.

Powers of  
Board in  
respect of  
advances.

4. The Principal Act is further amended by inserting next after section forty the following new sections:—

40A. (1) The Board may at any time and from time to time—

- (a) waive the payment of interest or any part thereof which has accrued or which may accrue in respect of any moneys owing by a farmer to the Board or direct that interest shall not be charged on the whole or any part of such moneys or that the rate at which interest is payable upon such moneys shall be reduced to the rate specified in the direction;
- (b) amend the terms of repayment of such moneys by suspending or allowing further time for payment of such moneys or in any other way;
- (c) settle, adjust, compromise, postpone or consolidate the debts relating to such moneys;
- (d) with the concurrence of the Auditor-General write off either wholly or in part the principal moneys included in such moneys which, in the opinion of the Board, are not recoverable;
- (e) take any other action whatsoever for or towards the recovery of any such moneys, or the better securing the repayment of the same, or the preservation or protection of any security for the payment of the same, whether by way of sale or foreclosure of mortgaged

mortgaged property or the taking of new ~~No. 42, 1943.~~  
or additional security or the postponing of  
any security or otherwise.

(2) The powers conferred by subsection one  
of this section shall be in addition to and not in  
substitution for any other powers conferred upon  
the Board by this Act and may be exercised—

- (a) in respect of moneys which were owing at  
the commencement of the Farmers' Relief  
(Amendment) Act, 1943, or become owing  
after such commencement;
- (b) whether or not at the time action is taken  
under subsection one of this section such  
moneys are presently payable.

40B. Any notice required or authorised by this Act ~~Service~~  
to be served by post shall be sufficiently served if ~~by post.~~  
sent by post in a registered letter addressed to the  
person to be served by name at his place of abode or  
business in or out of New South Wales last known  
to the person giving the notice notwithstanding that  
the person or persons to be served may be deceased,  
lunatic or bankrupt, and the notice shall be deemed  
to have been served at the time when the registered  
letter would in the ordinary course be delivered.

5. (1) Any alteration of the law by this Act shall not, ~~Savings.~~  
unless otherwise expressly provided by this Act, or by ~~cf. Act No.~~  
the Farmers' Relief Act, 1932-1943, affect— ~~53, 1941,~~  
~~s. 10.~~

- (a) any right accrued, or obligation incurred, before  
the commencement of this Act under the law so  
altered;
- (b) the validity or invalidity, or any operation,  
effect or consequence, of any instrument exe-  
cuted or made, or of anything done or suffered  
before the commencement of this Act;
- (c) any action, proceeding or thing pending or un-  
completed at the commencement of this Act.

(2) Every such action, proceeding and thing may be  
carried on and completed as if the law had not been  
altered.

(3)

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(3) The generality of this section shall not be affected by any saving in any other section of this Act, nor shall this section limit any saving in the Interpretation Act of 1897.

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