

FARMERS' RELIEF (AMENDMENT) ACT.

Act No. 42, 1943.

George VI.
No. 42, 1943.

An Act to amend the Farmers' Relief Act, 1932-1941, 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. 34,
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 (Amendment) Act, 1941," and by inserting in lieu thereof the words and figures "Farmers' Relief (Amendment) Act, 1943." Sec. 9. (Form and effect of stay order.)

3. The Principal Act is further amended—

- (a) by inserting at the end of paragraph (a) of subsection four of section 34EB the following words:— Further amendment of Act No. 33, 1932. Sec. 34EB. (Application for assistance where voluntary adjustment not concluded.)

"or of the amount of one pound in any case 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. 33,
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 to be served by post shall be sufficiently served if 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. Service by post.

5. (1) Any alteration of the law by this Act shall not, unless otherwise expressly provided by this Act, or by the Farmers' Relief Act, 1932-1943, affect— Savings. cf. Act No. 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 executed or made, or of anything done or suffered before the commencement of this Act;

(c) any action, proceeding or thing pending or uncompleted 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.
