

**RURAL ASSISTANCE (AMENDMENT) ACT, 1979,  
No. 149**

**New South Wales**



**ANNO VICESIMO OCTAVO**

**ELIZABETHÆ II REGINÆ**

**Act No. 149, 1979.**

An Act to amend the Farmers' Relief Act, 1932, in relation to the power of the Rural Assistance Board to administer schemes of assistance to farmers and in certain other respects; and to validate certain matters. [Assented to, 10th December, 1979.]

*Rural Assistance (Amendment).*

**BE** it enacted by the Queen'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. This Act may be cited as the "Rural Assistance <sup>Short title.</sup> (Amendment) Act, 1979".

2. The Farmers' Relief Act, 1932, is amended in the manner <sup>Amendment of Act No. 33, 1932.</sup> set forth in Schedule 1.

3. (1) A reference to the Farmers' Relief Act, 1932, or an <sup>Savings.</sup> instrument made under that Act in any Act (other than this Act or the Farmers' Relief Act, 1932) or in any instrument other than an Act (whether made under an Act or not) shall be read as a reference to the Rural Assistance Act, 1932, or an instrument made under that Act, as the case may require.

(2) A regulation in force under the Farmers' Relief Act, 1932, immediately before the date of assent to this Act shall be deemed to be a regulation made under the Rural Assistance Act, 1932.

4. Any act or proceeding of the Rural Assistance Board before <sup>Validation.</sup> the date of assent to this Act shall be deemed not to have been invalid by reason only that the Chief Commissioner who constituted The Water Conservation and Irrigation Commission or the Chief Commissioner who constitutes the Water Resources Commission acted as a member of the Board.

*Rural Assistance (Amendment).*

Sec. 2.

## SCHEDULE 1.

## AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932.

## (1) (a) Section 1 (1)—

Omit “Farmers’ Relief Act, 1932,”, insert instead “Rural Assistance Act, 1932”.

## (b) Section 1 (1)—

From the matter relating to Division 2 of Part II A, omit “34ED”, insert instead “34EE”.

## (c) Section 1 (1)—

After the matter relating to Part II C, insert :—

PART IID.—ADMINISTRATION OF OTHER SCHEMES  
—ss. 34AL-34AP.

## (2) Section 3 (1), definition of “Farmer”—

Omit “is a resident of this State and”.

## (3) (a) Section 7A (1A)—

After section 7A (1), insert :—

(1A) The Board shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

## (b) Section 7A (2) (b) (ii)—

Omit “Chairman of The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912”, insert instead “Chief Commissioner constituting the Water Resources Commission”.

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*Rural Assistance (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.*

(c) Section 7A (12)—

Omit the subsection, insert instead :—

(12) Each appointed member of the Board, other than the Director and the Deputy Director, shall be entitled to receive such remuneration (including travelling and subsistence allowances) as the Minister may, from time to time, determine in respect of him.

(d) Section 7A (13)—

Omit “, expenses and fees”.

(4) Section 7E (4), (4A)—

Omit section 7E (4), insert instead :—

(4) Notwithstanding anything in this Act except subsection (4A), a meeting of the Board shall not be held or continued unless—

(a) the Director; or

(b) where the Director has requested the Deputy Director to act in his place for the purposes of this subsection, the Deputy Director,

is present at the meeting.

(4A) Subsection (4) does not affect the operation of section 7D.

(5) Section 7J (1)—

After “Director”, insert “or an officer of the Board nominated by the Director”.

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*Rural Assistance (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.*

## (6) (a) Section 31 (1) (a)—

Omit “Farmers Relief Agency”, insert instead “Rural Reconstruction Agency”.

## (b) Section 31 (1)—

Omit “a rate not exceeding four per centum per annum”, insert instead “the prescribed rate”.

## (c) Section 31 (2A) (b)—

Omit “Farmers Relief Agency”, insert instead “Rural Reconstruction Agency”.

## (d) Section 31 (4) (b)—

Omit “Farmers Relief Agency”, insert instead “Rural Reconstruction Agency”.

## (e) Section 31 (5), (6)—

Omit the subsections, insert instead :—

(5) In subsections (1) and (4) (a), “the prescribed rate” means such rate as may be fixed by the Board, not exceeding the maximum rate which is, at the time of fixing the rate, the maximum rate determined by the Treasurer under subsection (6).

(6) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (5) and may, from time to time, vary the maximum rate so determined.

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*Rural Assistance (Amendment).*

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**SCHEDULE 1—continued.**

**AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—continued.**

(7) (a) Section 34E (3A), (3B)—

Omit the subsections, insert instead :—

(3A) In subsection (3) (b), “the prescribed rate” means such rate as may be fixed by the Board, not exceeding the maximum rate which is, at the time of fixing the rate, the maximum rate determined by the Treasurer under subsection (3B).

(3B) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (3A) and may, from time to time, vary the maximum rate so determined.

(b) Section 34E (4) (b)—

Omit “Farmers Relief Agency”, insert instead “Rural Reconstruction Agency”.

(8) Section 34ED (4), (5)—

Omit the subsections, insert instead :—

(4) In subsection (3) (b), “the prescribed rate” means such rate as may be fixed by the Board, not exceeding the maximum rate which is, at the time of fixing the rate, the maximum rate determined by the Treasurer under subsection (5).

(5) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (4) and may, from time to time, vary the maximum rate so determined.

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*Rural Assistance (Amendment).*

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**SCHEDULE 1—*continued.*****AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.***

## (9) Section 34GG (1) (a), (c), (d)—

Omit “Rural Bank Department” wherever occurring, insert instead “General Bank Department”.

## (10) Section 34H (1)—

Omit “Farmers Relief Agency”, insert instead “Rural Reconstruction Agency”.

## (11) Section 34I—

Omit the section.

## (12) (a) Section 34J (2)—

Omit “Farmers Relief Agency”, insert instead “Rural Reconstruction Agency”.

## (b) Section 34J (4)—

Omit “40C or 40D”, insert instead “34AN”.

## (13) (a) Section 34w (3)—

Omit “an applicant”, insert instead “a farmer”.

## (b) Section 34w (5)—

Omit “this section”, insert instead “subsection (3)”.

*Rural Assistance (Amendment).*

**SCHEDULE 1—continued.**

**AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—continued.**

(c) Section 34w (6), (7), (8)—

After section 34w (5), insert :—

(6) If—

(a) any amount required to be paid by a farmer under this Division has not been paid within 3 months of the date on which it is due to be paid; and

(b) the Board is satisfied that the farmer—

(i) was able to pay the amount on the date on which it was due to be paid; or

(ii) since the date on which it was due to be paid, became able to pay the amount,

the Board may direct that the amount shall bear interest—

(c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

(d) at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (7), as may be fixed by the Board.

(7) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (6) and may, from time to time, vary the maximum rate so determined.

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*Rural Assistance (Amendment).*

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**SCHEDULE 1—*continued.*****AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.***

(8) Any interest the subject of a direction under subsection (6) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions referred to in subsection (2).

**(14) (a) Section 34z (8)—**

Omit “this section”, insert instead “subsection (3)”.

**(b) Section 34z (9), (10), (11)—**

After section 34z (8), insert :—

**(9) If—**

(a) any amount required to be paid by a farmer as a repayment or part of a repayment of an advance made to him under this section has not been paid within 3 months of the date on which it is due to be paid; and

(b) the Board is satisfied that the farmer—

(i) was able to pay the amount on the date on which it was due to be paid; or

(ii) since the date on which it was due to be paid, became able to pay the amount,

the Board may direct that the amount shall bear interest—

(c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and

*Rural Assistance (Amendment).*

**SCHEDULE 1—continued.**

**AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—continued.**

(d) at such rate, not exceeding the maximum rate determined by the Treasurer under subsection (10), as may be fixed by the Board.

(10) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (9) and may, from time to time, vary the maximum rate so determined.

(11) Any interest the subject of a direction under subsection (9) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions referred to in subsection (3).

(15) Part II D—

After Part II C, insert :—

**PART II D.**

**ADMINISTRATION OF OTHER SCHEMES.**

34AL. In this Part (except section 34AM)—

Interpre-  
tation.

“advance” includes a loan, a grant and a loan that may be converted to a grant;

“scheme” means a scheme for the assistance of farmers or for the assistance of persons who have disposed of, or are disposing of, their farms, that is administered, or administered to any extent, by the Board, not being a scheme established by or under this Act.

*Rural Assistance (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.*

Administration  
of other  
schemes  
by Board.

34AM. (1) The Minister may, by instrument in writing, appoint the Board as the authority to have the administration, or the administration to the extent specified in the instrument, of any scheme for the assistance of farmers or of persons who have disposed of, or are disposing of, their farms, not being a scheme administered by the Board by virtue of the provisions of this or any other Act, other than this section.

(2) Where the Minister has, under subsection (1), made an appointment in relation to a scheme, the Board may administer the scheme or administer the scheme to the extent specified in the instrument of appointment, as the case may be, and may do and suffer all such acts and things as may be necessary for, or incidental to, the purposes thereof and as are not inconsistent with any of the provisions of sections 34AN and 34AO.

(3) Where an appointment made under subsection (1) relates to a scheme administered, wholly or in part, by the Board before the date of assent to the Rural Assistance (Amendment) Act, 1979, all acts, matters or things done or executed before the date of that appointment which would have been lawful if sections 34AN and 34AO had been in force in respect of that scheme at the time the acts, matters or things were done or executed, are validated.

Financial  
arrange-  
ments.

34AN. (1) Any money held or received by the State of New South Wales for the purposes of a scheme, being money that is required for advances and other expenditure incurred or to be incurred in respect of the scheme, shall from time to time be made available to the Rural Bank for the purposes of its Rural Reconstruction Agency.

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*Rural Assistance (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.*

(2) Notwithstanding anything in Part VIb of the Government Savings Bank Act, 1906—

- (a) except where the Treasurer otherwise determines, the Rural Bank shall, where money is made available to it for the purposes of a scheme or schemes, keep, in respect of the money made available for the purposes of each scheme, a separate account;
- (b) to each separate account shall be credited all such other amounts as the Treasurer may determine either generally or in any particular case or class of cases, those other amounts being amounts paid or payable for the purposes of or in relation to the scheme in respect of which the account is kept; and
- (c) from each separate account shall be paid the advances and expenditure referred to in subsection (1) in relation to the scheme in respect of which that account is kept and such other amounts as the Treasurer may determine either generally or in any particular class of cases, those other amounts being amounts paid or payable for the purposes of or in relation to that scheme.

34AO. (1) The Rural Bank shall make any advance **Advances**, which the Board may direct for the purposes of a scheme.

(2) Any advance referred to in subsection (1) in respect of a scheme shall—

- (a) be made in the name of the Board; and

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*Rural Assistance (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.*

(b) be of such amount, upon such securities and subject to such covenants, conditions and provisions, including a provision for payment of interest at the prescribed rate, as the Board may specify in the direction.

(3) Any moneys advanced under this section by way of a loan (including a loan that may be converted to a grant), together with all interest thereon and costs of recovery thereof, shall be a charge in favour of the Board over any estate or interest beneficially held in any land by the person to whom the moneys have been advanced.

(4) Any charge under subsection (3) shall be of no force or effect unless, in the case of an estate or interest in land under the provisions of the Real Property Act, 1900, the Director has caused to be lodged with the Registrar-General a caveat against any dealings not consistent with the charge or, in the case of an estate or interest in any other land, the Director has caused the charge to be registered in the register of causes, writs and orders affecting land kept in the office of the Registrar-General.

(5) Any charge under subsection (3) shall be subject to any security entered into for the purposes of subsection (2) and to any mortgage, charge or lien to which any estate or interest beneficially held in any land by the person to whom moneys have been advanced may be subject as at the date on which the caveat is so lodged or the charge is so registered.

(6) In subsection (2), "the prescribed rate" means such rate as may be fixed by the Board, not exceeding the maximum rate which is, at the time of fixing the rate, the maximum rate determined by the Treasurer under subsection (7).

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*Rural Assistance (Amendment).*

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**SCHEDULE 1—continued.****AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—continued.**

(7) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under this section and may, from time to time, vary the maximum rate so determined.

34AP. (1) If, where the Board administers a scheme Interest which includes a form of assistance for farm improvement—on arrears.

- (a) any amount required to be paid by a farmer as a repayment or part of a repayment of an advance made to him for that form of assistance has not been paid within 3 months of the date on which it is due to be paid; and
- (b) the Board is satisfied that the farmer—
  - (i) was able to pay the amount on the date on which it was due to be paid; or
  - (ii) since the date on which it was due to be paid, became able to pay the amount,

the Board may direct that the amount shall bear interest—

- (c) calculated from the date on which it was due to be paid or such later date as the Board may determine; and
- (d) at such rate not exceeding the maximum rate determined by the Treasurer under subsection (2), as may be fixed by the Board.

(2) The Treasurer may, either generally or in a particular class of cases, determine the maximum rate which may be fixed by the Board under subsection (1) and may, from time to time, vary the maximum rate so determined.

*Rural Assistance (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.*

(3) Any interest the subject of a direction under subsection (1) in relation to a farmer shall be payable in addition to any interest payable by that farmer under the covenants, conditions and provisions to which the advance referred to in subsection (1) (a) is subject pursuant to section 34AO (2).

## (16) Section 40A (1) (c)—

After “compromise,,” insert “compound, effect a composition of,.”

## (17) Sections 40C, 40D—

Omit the sections, insert instead :—

Misleading  
or repeti-  
tive appli-  
cations.

40C. (1) Where, in relation to an application made to the Board, a person making an application knowingly makes any false statement or otherwise wilfully misleads the Board, the Board may recover from the person the whole or any part of any expense incurred or loss suffered by it as a result of being misled by the person.

(2) Any amount recoverable by the Board in pursuance of subsection (1) may be recovered as a debt in a court of competent jurisdiction.

## (3) Where—

- (a) a person makes an application to the Board which is refused;
- (b) that person makes a subsequent application to the Board which is not substantially different from and has no greater merit than the application referred to in paragraph (a); and

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*Rural Assistance (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.*

(c) the Minister consents in writing to the Board so doing,

the Board may serve by post on the person a notice informing him that the Board will not deal with any further application made to it by him unless he has paid to the Board such expenses with respect to that further application as may be required to be paid by him to the Board.

(4) Notwithstanding any other provision of this Act, where the Board has served on a person a notice referred to in subsection (3), the Board is not obliged to consider any further application made to it by the person unless the amount required to be paid to the Board under that subsection in respect of that further application has been paid.

(5) Where any such further application is refused and the Board is of the opinion that the further unsuccessful application is substantially different from or has greater merit than the application made by that person and referred to in subsection (3) (a), the Board shall refund to that person the expenses paid by him.

40D. (1) Where the Board is satisfied that a person to whom it has made an advance has knowingly made to the Board a false statement or has otherwise wilfully misled the Board (whether before or after the Board made the advance to him) in relation to the application for the advance, the advance or any matter pertaining to the advance, the Board may by notice served by post on the person call up the advance and exercise its rights under any security relating to the advance, notwithstanding any of the provisions of the Moratorium Act, 1932.

Board may  
call up  
advance  
obtained  
by false  
statement.

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*Rural Assistance (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE FARMERS' RELIEF ACT, 1932—*continued.*

(2) Where the Board calls up an advance under subsection (1), the moneys advanced shall become due and payable as from the date specified in the notice calling up the advance.