

CEREAL GROWERS DROUGHT RELIEF ACT.

Act No. 33, 1944.

George VI.
No. 33, 1944.

An Act to provide for the application of certain moneys paid to the State by the Commonwealth of Australia and of moneys appropriated by Parliament for the purpose of the alleviation of hardship suffered by cereal growers in consequence of drought; to amend the Farmers' Relief Act, 1932-1943; and for purposes connected therewith. [Assented to, 8th December, 1944.]

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. 1. This Act may be cited as the "Cereal Growers Drought Relief Act, 1944."

Definitions. 2. In this Act, unless the context or subject-matter otherwise indicates or requires—

"Cereal grower" means a grower of crops of wheat, oats or barley or wheaten or oaten hay.

"Commonwealth Act" means the States Grants (Drought Relief) Act 1944 of the Parliament of the Commonwealth of Australia.

"Person" includes any body of persons corporate or unincorporate.

"Prescribed" means prescribed by this Act or by the regulations.

"Regulations" means regulations made under this Act.

"Special account" means the Cereal Growers Drought Relief 1944 Account established under section three of this Act.

3.

3. All moneys paid to the State by the Commonwealth in pursuance of the Commonwealth Act shall be carried to a special account in the Treasury to be called the "Cereal Growers Drought Relief 1944 Account."

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Application of moneys paid by the Commonwealth to the State.

There shall also be carried to that account all moneys appropriated by Parliament for the purpose of supplementing the moneys so paid to the State by the Commonwealth.

All moneys in the special account shall be applied and distributed within the State in accordance with the conditions set out in section five of the Commonwealth Act.

4. (1) Applications for payments out of the special account shall be made to the prescribed authority and shall be in or to the effect of the prescribed form, or where no such form is prescribed, shall be in or to the effect of a form provided by the prescribed authority.

Payment to cereal growers. cf. Act No. 4, 1941, s. 4.

(2) A payment from the special account shall not be made unless the prescribed conditions have been complied with and the applicant has complied with the requirements of any notice given to him under section seven of this Act.

(3) Any amount payable under this Act to a cereal grower shall not be paid to any person other than the cereal grower or the trustee of his estate or, where the cereal grower is dead, to his legal personal representative.

5. The Rural Bank of New South Wales through its Rural Industries Agency shall be the prescribed authority for the purposes of this Act.

Appointment of prescribed authority. *Ibid.* s. 5.

6. Notwithstanding anything in the Census Act, 1901, the Government Statistician may supply to the prescribed authority such information as may be in his possession which may assist in the application and distribution of the moneys in the special account in accordance with this Act.

Government Statistician may supply information. *Ibid.* s. 6.

7. (1) The prescribed authority or any person there-to authorised in writing by the prescribed authority may by notice in writing call upon any person to furnish to the prescribed authority or such authorised person within such time as is specified in the notice, such books and documents

Power to call for information. cf. *Ibid.* s. 7.

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Any such notice may be given to the person to whom it is addressed, personally or by registered letter sent through the post to his last known place of abode or business in New South Wales.

(2) Any person who without reasonable excuse fails, after receipt of a notice under subsection one of this section, to comply with the requirements of the notice shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred pounds.

Offences.
cf. Act No.
4, 1941,
s. 8.

8. (1) Any person who—

- (a) obtains or attempts to obtain payment of any moneys from the special account to which he is not entitled;
- (b) makes any statement in any application under this Act which is false or misleading in any material particular,

shall be guilty of an offence and shall be liable to a penalty not exceeding two hundred pounds.

(2) Where any person has been convicted of an offence against subsection one of this section, he shall be liable to forfeit all moneys which would otherwise be payable to him from the special account.

(3) Where any amount has been paid from the special account to any person who is not entitled thereto, or who has failed to comply with any condition or stipulation attached to the payment of such amount to him, he shall forthwith repay such amount to the prescribed authority and, if he fails so to do, such amount may be recovered by the prescribed authority as a debt in any court of competent jurisdiction.

Penalties.
Ibid. s. 9.

9. (1) Any person contravening any of the provisions of this Act or the regulations where no penalty is expressly provided shall be liable to a penalty not exceeding one hundred pounds.

(2) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary or police magistrate.

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10. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular and without prejudice to the generality of the foregoing power the Governor may—

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Regulations.

- (a) prescribe the manner of making applications under this Act;
- (b) require information to be furnished by applicants in respect of their applications;
- (c) require applications made and information furnished to be verified by statutory declarations;
- (d) prescribe the forms required under this Act;
- (e) prescribe the time within which applications shall be lodged;
- (f) prescribe the basis of payment under this Act to cereal growers who are parties to a share-farming agreement.

(2) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication or from a later date to be specified therein;
- (iii) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

11. The Farmers' Relief Act, 1932-1943, is amended by inserting after section 33F the following new section:—

Amendment
of Act No. 33,
1932.

33G. The property and interest of any farmer in any moneys received by him out of the Cereal Growers Drought Relief 1944 Account in accordance with the Cereal Growers Drought Relief Act, 1944, shall be unaffected by this Act.

New sec. 33G.
Payments
under Cereal
Growers
Drought Relief
Act, 1944,
protected.