

RURAL ASSISTANCE ACT.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 62, 1971.

An Act to make further provision for the assistance of farmers; to provide for the constitution of a Rural Assistance Board; to confer and impose certain powers, authorities, duties and functions on that Board; to abolish the Rural Reconstruction Board; for these and other purposes to amend the Farmers' Relief Act, 1932, the Closer Settlement Acts and certain other Acts; and for purposes connected therewith. [Assented to, 15th December, 1971.]

BE

Rural Assistance.

BE it enacted by the Queen's Most Excellent Majesty, by No. 62, 1971 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:—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Rural Assistance Act, 1971". Short title, commencement and construction.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
- (3) The Farmers' Relief Act, 1932, is in this Act referred to as the Principal Act.

2. This Act is divided as follows :—

Division into Parts.

PART I.—PRELIMINARY—ss. 1, 2.

PART II.—AMENDMENT OF ACTS—ss. 3–17.

DIVISION 1.—*Amendment of the Farmers' Relief Act, 1932*—ss. 3–9.

DIVISION 2.—*Amendment of other Acts*—ss. 10–17.

PART III.—MISCELLANEOUS—ss. 18–23.

PART

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PART II.

AMENDMENT OF ACTS.

DIVISION 1.—*Amendment of the Farmers' Relief Act, 1932.*

Amendment
of Act No.
33, 1932.
(Part I—
Preliminary.)

3. Part I of the Principal Act is amended—

Sec. 1.
(Short title
and division
into Parts.)

- (a) (i) by omitting from subsection one of section one the matter relating to Part I the figure "7" and by inserting in lieu thereof the figure "3";

- (ii) by inserting next after the same matter the following new matter :—

PART IA.—CONSTITUTION OF THE BOARD
—ss. 7A–7K.

- (iii) by inserting in the same subsection next after the matter relating to Part IIB the following new matter :—

PART IIC.—RECONSTRUCTION OF FARMS
—ss. 34O–34AK.

DIVISION 1.—*Preliminary*—ss. 34O, 34P.

DIVISION 2.—*Acquisition of land by the Board*—ss. 34Q–34U.

DIVISION 3.—*Disposal of land by the Board*—ss. 34V–34X.

DIVISION 4.—*Acquisition of land by farmers otherwise than from the Board*—ss. 34Y–34AA.

DIVISION 5.—*General*—ss. 34AB–34AK.

(b)

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- (b) (i) by inserting next before the definition of "Board" in section three the following new definition :—

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Sec. 3.
(Definitions.)

"Assistant Director" means an Assistant Director appointed under this Act.

- (ii) by omitting from the definition of "Board" in the same section the words "Farmers' Relief Board" and by inserting in lieu thereof the words "Rural Assistance Board";
- (iii) by inserting next after the same definition the following new definition :—
- "Deputy Director" means the Deputy Director appointed under this Act.
- (iv) by omitting from the definition of "Director" in the same section the words "and includes any deputy director";
- (v) by inserting in the definition of "Farmer" in the same section after the word "State" where secondly occurring the words ", or in any other operations in this State being operations which are declared under subsection two of this section to be proclaimed operations for the purposes of this definition,";
- (vi) by inserting next after the definition of "Farm" in the same section the following new definition :—

"Irrigation area" means irrigation area constituted under the Murrumbidgee Irrigation Act, 1910, the Irrigation Act, 1912, the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.

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- (vii) by inserting next after the definition of "Mortgage" in the same section the following new definition :—

"Officer of the Board" means an Assistant Director, an officer or employee whose services the Board has arranged for the use of under section 7K of this Act or any officer whose services are provided to the Board by the Rural Bank through its Rural Reconstruction Agency for the purpose of carrying into effect any direction or decision of the Board.

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

(2) The Governor may, by proclamation published in the Gazette, declare any operations to be proclaimed operations for the purposes of the definition of "Farmer" in subsection one of this section, and may, by a like proclamation, amend or revoke any such declaration.

Sec. 4.
(Director
and
deputies.)

- (c) by omitting section four;

Sec. 5.
(Officers
and
employees.)

- (d) by omitting section five;

Sec. 7.
(Board.)

- (e) by omitting section seven.

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4. The Principal Act is further amended by inserting next after Part I the following new Part :—

Further
amendment
of Act No.
33, 1932.
New Part IA.

PART IA.

CONSTITUTION OF THE BOARD.

7A. (1) There is hereby constituted a corporation under the corporate name of the "Rural Assistance Board", which shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon it by or under this or any other Act.

Constitution
of the
Board.

(2) The Board shall consist of—

- (a) seven members (in this Part referred to as "appointed members") appointed by the Governor upon the nomination of the Minister, of whom—
- (i) one shall be a person so nominated as Chairman of the Board;
 - (ii) one shall be a person who has such special knowledge relating to the financial affairs of farmers generally and the economic aspects of farming as the Minister considers appropriate;
 - (iii) one shall be a person who has such special knowledge relating to the usage, valuation and carrying capacity of land as the Minister considers appropriate;
 - (iv) three shall be persons who have such special knowledge and other qualifications as the Minister considers appropriate and who shall be representative of farmers generally; and

(v)

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- (v) one shall be a person who has such special knowledge and other qualifications as the Minister considers appropriate and who shall be representative of the creditors of farmers generally; and
- (b) two other members (in this Part referred to as "official members"), of whom—
- (i) one shall be the person for the time being holding office or acting as the Western Lands Commissioner appointed under the Western Lands Act of 1901, who shall be entitled to be present and to vote at any meeting of the Board in so far as that meeting is concerned with any matter relating to the Western Division, and not otherwise; and
- (ii) one shall be the person for the time being holding office or acting as the Chairman of The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, who shall be entitled to be present and to vote at any meeting of the Board in so far as that meeting is concerned with any matter relating to an irrigation area, and not otherwise.
- (3) A commissioner of the Rural Bank shall not be eligible to be appointed as or to hold office as a member of the Board.
- (4) There shall be a Director of the Board and a Deputy Director of the Board, each of whom shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon him by or under this or any other Act.

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(5) Of the persons referred to in subparagraphs No. 62, 1971 (ii) and (iii) of paragraph (a) of subsection two of this section—

- (a) one shall, in and by the instrument of his appointment or by another instrument executed by the Governor, be appointed as the Director; and
- (b) one shall, in and by the instrument of his appointment or by another instrument executed by the Governor, be appointed as the Deputy Director.

(6) The Governor may appoint two persons as Assistant Directors, each of whom shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.

(7) Of the Assistant Directors—

- (a) one shall, in and by the instrument of his appointment or by another instrument executed by the Governor, be an assistant to the Director; and
- (b) one shall, in and by the instrument of his appointment or by another instrument executed by the Governor, be an assistant to the Deputy Director.

(8) Subject to this Act—

- (a) the term of office of an appointed member, being the Chairman of the Board, the Director or the Deputy Director, or of an Assistant Director shall be such term as is specified in the instrument of his appointment; or

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(b) the term of office of an appointed member, not being an appointed member referred to in paragraph (a) of this subsection, shall be such term, not exceeding three years, as is specified in the instrument of his appointment.

(9) Upon the expiration of the term of office—

(a) of an appointed member, being the Chairman of the Board, the Director or the Deputy Director, or of an Assistant Director, he shall, if otherwise qualified, be eligible for reappointment from time to time and any such reappointment shall be for such term as is specified in the instrument of his reappointment; or

(b) of an appointed member, not being an appointed member referred to in paragraph (a) of this subsection, he shall, if otherwise qualified, be eligible for reappointment from time to time and any such reappointment shall be for such term, not exceeding three years, as is specified in the instrument of his reappointment.

(10) A person who is—

(a) of or above the age of sixty-five years shall not be appointed as an appointed member referred to in subparagraph (ii) or (iii) of paragraph (a) of subsection two of this section or as an Assistant Director; or

(b) of or above the age of seventy years shall not be appointed as an appointed member referred to in subparagraph (i), (iv) or (v) of paragraph (a) of subsection two of this section.

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(11) The Director, the Deputy Director and each Assistant Director shall be entitled to receive such annual salary and allowances as the Governor may from time to time determine, and shall devote the whole of their time to the duties of their offices. No. 62, 1971

(12) Each member of the Board shall be entitled to receive such expenses and, if the Minister so approves, such fees for attending meetings and transacting business of the Board as the Minister may from time to time determine.

(13) The annual salaries, allowances, expenses and fees referred to in subsections eleven and twelve of this section, and any other amounts payable consequent upon the appointment of any person as the Director, the Deputy Director or an Assistant Director, shall be payable by the Rural Bank and shall be deemed to be part of the costs of administration of the Rural Reconstruction Agency of that Bank.

(14) Where by or under any other Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, the provision shall not operate to disqualify him from holding that office and also the office of a member of the Board, not being the Director or the Deputy Director.

(15) The office of a member of the Board or of an Assistant Director shall not be deemed to be an office of profit under the Crown for the purposes of the Constitution Act, 1902.

7B. The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment by the Governor of an appointed member or an Assistant Public Service Act, 1902, not to apply.

Director,

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No. 62, 1971 Director, and such a member or an Assistant Director shall not, in his capacity as such a member or an Assistant Director, be subject to the provisions of that Act during his term of office as such.

Vacancies. 7c. (1) An appointed member or an Assistant Director shall be deemed to have vacated his office—

- (a) if, being the Director, the Deputy Director or an Assistant Director, he engages during his term of office in any paid employment outside the duties of his office;
- (b) if he dies;
- (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes any assignment of his salary, remuneration, allowances or estate for their benefit;
- (d) if, being the Director, the Deputy Director or an Assistant Director, he absents himself for a period exceeding fourteen consecutive days, except on leave granted by the Minister (which leave the Minister is hereby authorised to grant) unless his absence is occasioned by illness or other unavoidable cause;
- (e) if, except in the case of the Director, the Deputy Director or an Assistant Director, he is absent from four consecutive ordinary meetings of the Board of which reasonable notice has been given to him either personally or in the ordinary course of post unless on leave granted by the Board, or unless he is, before the expiration of four weeks after the last of those meetings, excused by the Board for his absence from those meetings;

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- (f) if he becomes a mentally ill person, a protected ^{No. 62, 1971} person or an incapable person within the meaning of the Mental Health Act, 1958;
- (g) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour so punishable;
- (h) if he resigns his office by writing under his hand addressed to the Governor, and the Governor accepts the resignation;
- (i) on the day on which—
- (i) in the case of the Director, the Deputy Director or an Assistant Director—he attains the age of sixty-five years; or
 - (ii) in any other case—he attains the age of seventy years; or
- (j) if he is removed from office by the Governor.

(2) The Governor may, for any cause which appears to him sufficient, remove any appointed member or an Assistant Director from office.

(3) On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to hold office for the balance of his predecessor's term of office, being a person nominated by the Minister and qualified in the same manner as that predecessor.

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Illness or
absence of
certain
members.

7D. (1) The Minister may from time to time, by instrument in writing, nominate an Assistant Director to act in the place of the Director or the Deputy Director in the circumstances referred to in subsection two or three, as the case may require, of this section.

(2) During the illness or absence of the Director—

(a) the Deputy Director or, if the Deputy Director is ill or absent and the Minister has, under subsection one of this section, nominated an Assistant Director to act in the place of the Director during that illness or absence of the Director and of the Deputy Director, that Assistant Director—

(i) shall act in the place of the Director and, if not otherwise a member of the Board, shall be deemed to be such a member; and

(ii) while so acting, shall have and may exercise and perform the powers, authorities, duties and functions of the Director, including his powers, authorities, duties and functions as a member of the Board; or

(b) if the Deputy Director is ill or absent and the Minister has not so nominated an Assistant Director, the Assistant Director referred to in paragraph (a) of subsection seven of section 7A of this Act shall be deemed to be a member of the Board and shall be entitled to be present and to vote at any meeting of the Board while he is deemed to be such a member.

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(3) During the illness or absence of the Deputy Director or while he is acting in the place of the Director under paragraph (a) of subsection two of this section—

(a) if the Minister has, under subsection one of this section, nominated an Assistant Director to act in the place of the Deputy Director during that illness or absence or so to act while he is acting in the place of the Director, that Assistant Director—

(i) shall act in the place of the Deputy Director and shall be deemed to be a member of the Board; and

(ii) while so acting, shall have and may exercise and perform the powers, authorities, duties and functions of the Deputy Director, including his powers, authorities, duties and functions as a member of the Board,

but nothing in this paragraph authorises or requires that Assistant Director who is acting in the place of the Deputy Director to act in the place of the Director under paragraph (a) of subsection two of this section; or

(b) if the Minister has not so nominated an Assistant Director, the Assistant Director referred to in paragraph (b) of subsection seven of section 7A of this Act shall be deemed to be a member of the Board and shall be entitled to be present and to vote at any meeting of the Board while he is deemed to be such a member.

(4) Nothing in paragraph (b) of subsection two or paragraph (b) of subsection three of this section authorises or requires an Assistant Director to exercise or perform any of the powers, authorities, duties and

functions

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functions of the Director or the Deputy Director while that Assistant Director is deemed to be a member of the Board under either of those paragraphs.

(5) An official member may from time to time, by instrument in writing, nominate a person to be his deputy to attend any meeting of the Board during the illness or absence of that member and may, by such an instrument, revoke any such nomination.

(6) During the illness or absence of an official member, the person for the time being nominated as his deputy under subsection five of this section—

(a) shall act in the place of that member and, if not otherwise a member of the Board, shall be deemed to be such a member; and

(b) while so acting, shall have and may exercise and perform that member's powers, authorities, duties and functions as a member of the Board.

(7) The Minister may from time to time, by instrument in writing, nominate an officer of the Board (other than an Assistant Director) to act in the place of an Assistant Director in the circumstances referred to in subsection eight of this section.

(8) During the illness or absence of an Assistant Director or while he is acting in the place of the Director under paragraph (a) of subsection two of this section or in the place of the Deputy Director under paragraph (a) of subsection three of this section, the officer of the Board for the time being nominated under subsection seven of this section to act in his place—

(a) shall act in the place of that Assistant Director;
and

(b)

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- (b) while so acting, shall have and may exercise No. 62, 1971 and perform the Assistant Director's powers, authorities, duties and functions as Assistant Director.

(9) No person shall be concerned to inquire whether or not any occasion has arisen authorising or requiring—

- (a) the Deputy Director or an Assistant Director to act in the place of the Director;
- (b) an Assistant Director to act in the place of the Deputy Director;
- (c) a person to act in the place of an official member; or
- (d) an officer of the Board to act in the place of an Assistant Director.

(10) All things done or omitted by—

- (a) the Deputy Director or an Assistant Director while acting in the place of the Director;
- (b) an Assistant Director while acting in the place of the Deputy Director;
- (c) a person acting in the place of an official member; or
- (d) an officer of the Board while acting in the place of an Assistant Director,

shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director, the Deputy Director, the official member, or the Assistant Director, as the case may require.

(11) Nothing in this section limits the operation of section thirty of the Interpretation Act, 1897.

No. 62, 1971
Proceedings
of the Board.

7E. (1) Meetings of the Board shall be convened by the Director at such times as may be prescribed by the regulations and at such other times as he may determine.

(2) The procedure for the conduct of business at meetings of the Board shall, subject to this Act, be as determined by the Board.

(3) The Chairman of the Board, or in the absence of the Chairman, the member chosen by the members present at the meeting to act as chairman shall preside at any meeting of the Board.

(4) Notwithstanding anything in this Act, a meeting of the Board shall not be held or continued if the Director is not present at the meeting.

(5) Four members of the Board shall form a quorum and any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board and shall have and may exercise and perform all the powers, authorities, duties and functions of the Board.

(6) In so far as any meeting of the Board is concerned with—

- (a) any matter relating to the Western Division—the official member referred to in subparagraph (i) of paragraph (b) of subsection two of section 7A of this Act shall be one of the members present at the meeting; or
- (b) any matter relating to an irrigation area—the official member referred to in subparagraph (ii) of that paragraph shall be one of the members present at the meeting.

(7)

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(7) No person shall be concerned to inquire ^{No. 62, 1971} whether or not any occasion has arisen requiring any official member referred to in paragraph (b) of subsection two of section 7A of this Act to be present at or absent from any meeting of the Board.

(8) The person presiding at any meeting of the Board shall, in the event of an equality of votes, have in addition to a deliberative vote a second or casting vote.

(9) A decision of a majority of the members present at a meeting of the Board at which a quorum is present shall be the decision of the Board.

(10) The Board shall cause full and accurate minutes to be kept of its proceedings at meetings.

(11) No matter or thing done, and no contract entered into by the Board, and no matter or thing done by any member of the Board or by any other person whomsoever acting under the direction of the Board shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject the member, or that person, personally to any action, liability, claim or demand whatsoever.

(12) Nothing in subsection eleven of this section shall exempt any member of the Board from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of or relating to the Board, and which the member authorised or joined in authorising.

7F. (1) The Board may, by instrument in writing ^{Delegation.} under seal, delegate to a member of the Board or an officer of the Board or an officer or employee of the Public Service or a public authority constituted under

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an Act the exercise or performance of such of the powers, authorities, duties and functions conferred or imposed on the Board by or under this or any other Act (other than this power of delegation, the power to approve of any composition or scheme of arrangement under Part IIA of this Act or the power to grant an application under Part IIC of this Act) as may be specified in the instrument of delegation, and may, by such an instrument, revoke any such delegation.

(2) The Director, with the consent of the Board, may, by instrument in writing, delegate to the Deputy Director or an officer of the Board or an officer or employee of the Public Service or a public authority constituted under an Act the exercise or performance of such of the powers, authorities, duties and functions conferred or imposed on the Director by or under this or any other Act (other than this power of delegation, but including any power, authority, duty or function delegated to the Director under subsection one of this section) as may be specified in the instrument of delegation, and may, by such an instrument, revoke any such delegation.

(3) A power, authority, duty or function the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation by the delegate to whom the exercise or performance thereof has been delegated.

(4) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.

(5)

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(5) Notwithstanding any delegation under this No. 62, 1971 section, the Board or the Director, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(6) Any act or thing suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Board or the Director, as the case may be.

(7) An instrument purporting to be signed by a delegate of the Board or the Director, as the case may be, in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Board under seal or the Director in writing, as the case may be, and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Board or the Director, as the case may be, under this section.

7G. (1) Where the Director, the Deputy Director or an Assistant Director was, immediately before his appointment as such, an officer of the Public Service or of the Rural Bank and ceases to be the Director, the Deputy Director or an Assistant Director otherwise than pursuant to subsection one (paragraph (h) excepted) or two of section 7C of this Act, he shall, if he has not attained the age of sixty years, be appointed—

- (a) where he was an officer of the Public Service—
to an office in the Public Service; or
- (b) where he was an officer of the Rural Bank—
to an office in the Rural Bank,

not lower in classification or salary than that which he held immediately before that appointment.

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(2) Where the Director, the Deputy Director or an Assistant Director was, immediately before his appointment as such, an officer of the Public Service or of the Rural Bank or an employee within the meaning of the Superannuation Act, 1916, he shall retain any rights which have accrued or are accruing to him as such an officer or employee and he shall continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he had continued to be such an officer or employee during his service as the Director, the Deputy Director or an Assistant Director, and for the purposes of this subsection his service as the Director, the Deputy Director or an Assistant Director shall be deemed to be service for the purposes of that Act and of the Public Service Act, 1902.

(3) Where the Director, the Deputy Director or an Assistant Director contributes to a fund or account as referred to in subsection two of this section, the Rural Bank shall pay to the State Superannuation Board such amounts as would have been payable to that Board if that person had remained an employee within the meaning of the Superannuation Act, 1916, and had continued to be employed by the employer by whom he was employed immediately before his appointment as the Director, the Deputy Director or an Assistant Director and as if he were receiving from that employer the same salary and allowances as is or are being paid to him under this Act.

(4) Any payments made by the Rural Bank to the State Superannuation Board under subsection three of this section shall be deemed to be part of the costs of administration of the Rural Reconstruction Agency of that Bank.

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7H. The Board shall, when required by the Minister, and may, of its own motion, make reports and recommendations to the Minister on any matter or thing related to this Act. No. 62, 1971
Report to
Minister.

7I. (1) The Board shall, as soon as practicable after the thirtieth day of June, but not later than the thirtieth day of September, in each year, forward to the Minister a report of its work and activities for the year ended on the thirtieth day of June then last past. Annual
report
for
Parliament.

(2) The Minister shall lay that report, or cause it to be laid, before both Houses of Parliament as soon as practicable after the receipt by him of the report.

7J. (1) The common seal of the Board shall be kept by the Director. Seal.

(2) Every notice, order, summons or other document requiring authentication by the Board (other than an instrument of delegation under subsection one of section 7F of this Act) may be sufficiently authenticated without the common seal of the Board if signed by the Director.

7K. (1) The Board may, with the approval of the Minister administering any government department and of the Public Service Board, arrange for the use of the services of any officer or employee of the department for the purposes of this Act. Use of
officers
or
employees.

(2) The Board may, with the approval of a public authority constituted by an Act arrange for the use of the services of any officer or employee of the authority for the purposes of this Act, whether or not the provisions of the Public Service Act, 1902, apply to the appointment of the officer or employee.

No. 62, 1971 **5. Part II of the Principal Act is amended—**

Further
amendment
of Act No.
33, 1932.

(Part II.—
Farmers'
Relief.)

Sec. 31.
(Advances
and
guarantees
by Board.)

- (a) by omitting from subparagraph (iv) of paragraph (a) of subsection one of section thirty-one the words "and of any other legal expenses of the farmer";
- (b) by inserting next after the same subparagraph the following new subparagraph :—
 - (iva) for the payment of any legal expenses of the farmer, other than those of the nature referred to in subparagraph (iv) of this paragraph;
- (c) by inserting in paragraph (a) of subsection four of the same section after the word "farmer" where secondly occurring the words "or where the Board has granted an application under Division 3 or 4 of Part IIc of this Act made by a farmer";
- (d) by omitting from the same paragraph the words "(iii) and (v) of" and by inserting in lieu thereof the words "(iii), (iva) and (v) of".

Further
amendment
of Act No.
33, 1932.

(Part IIa.—
Farmers'
Debts
Adjustment.)

Sec. 34E.
(Grant of
assistance.)

6. Part IIa of the Principal Act is amended—

- (a) (i) by omitting from subsection five of section 34E the words "in whole or";
 - (ii) by omitting from the same subsection the words "such debt or liability or so much thereof" and by inserting in lieu thereof the words "so much of such debt or liability":
- (b)

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- (b) by omitting from paragraph (b) of subsection two of section 34G the words "Rural Reconstruction" where firstly occurring; No. 62, 1971
Sec. 34G.
(Waiver by Board of certain payments.)
- (c) by omitting subsection two of section 34H; Sec. 34H.
(Appointment of agents.)
- (d) by inserting next after subsection three of section 34J the following new subsection :— Sec. 34J.
(Moneys payable by the Commonwealth.)
- (4) Nothing in this section applies to or in respect of any moneys referred to in section 40C or 40D of this Act.

7. The Principal Act is further amended by inserting next after Part IIb the following new Part :— Further amendment of Act No. 33, 1912.
New Part IIc.

PART IIc.

RECONSTRUCTION OF FARMS.

DIVISION 1.—*Preliminary.*

- 34o. (1) In this Part— Interpretation.
- "scheme" means a scheme referred to in section 34p of this Act;
- "the prescribed Acts" means the Wentworth Irrigation Act, the Western Lands Act of 1901, the Hay Irrigation Act, 1902, the Closer Settlement Acts, the Crown Lands Consolidation Act, 1913, the Returned Soldiers Settlement Act, 1916, and such other Acts as may be prescribed for the purposes of this definition.

(2)

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(2) In this Part, except in so far as the context or subject-matter otherwise indicates or requires, a reference to land operated as a farm includes a reference to land operated primarily as a farm.

Schemes.

34P. The Board may implement one or more schemes for the purpose of carrying out or giving effect to any of the provisions of this Part.

DIVISION 2.—*Acquisition of land by the Board.*

Application.

34Q. A person may apply in writing to the Board for the acquisition by the Board of any land described in the application from that person.

Nature of land.

34R. The Board shall not grant an application under this Division unless—

- (a) the Board is satisfied that the land that is the subject of the application was, immediately before the application was made, operated as a farm; or
- (b) where the Board is not satisfied that the land was so operated as a farm—the Board is satisfied that there is a reasonable prospect that the land or any part thereof will, within a reasonable time after the acquisition of the land under this Division, be disposed of in pursuance of an application under Division 3 of this Part made by a farmer.

Consents or permissions under other Acts.

34s. Land may be acquired by the Board under this Division notwithstanding—

- (a) that any consent or permission required by or under any of the prescribed Acts has not been obtained or granted; or
- (b) that the Board may not be qualified under any of the prescribed Acts to hold that land.

34T.

Rural Assistance.

34r. (1) Where the Board grants an application ^{No. 62, 1971} made under this Division, it may direct the Rural Bank to pay any amount that becomes payable in respect of ^{Grant of} or by reason of the acquisition of the land that is the ^{application.} subject of the application.

(2) The Rural Bank shall make any payment which the Board directs it to make under subsection one of this section.

(3) Any payment made under subsection two of this section shall be made in the name of the Board through the Rural Reconstruction Agency of the Rural Bank out of funds made available to the Bank for payments through its Rural Reconstruction Agency for the purposes of this Division.

34u. Where any land is acquired by the Board under ^{Improve-} this Division, the Board may dispose, in such manner ^{ments.} as it thinks fit, of any structural improvements thereon which are, in the opinion of the Board, unsuitable or redundant for use in relation to any purpose for which, in the opinion of the Board, the land may be used.

DIVISION 3.—*Disposal of land by the Board.*

34v. A farmer may make application in writing to ^{Application.} the Board for the acquisition by him of any land acquired by the Board under Division 2 of this Part.

34w. (1) Where the Board grants an application ^{Grant of} made under this Division, it may dispose of the land that ^{application.} is the subject of the application.

(2) The disposal of land to an applicant under this Division shall be subject to such covenants, conditions and provisions as the Board thinks fit.

(3) Any outstanding amount payable by an applicant under this Division in respect of the acquisition of land by him under this Division shall be secured

in

Rural Assistance.

No. 62, 1971

in such manner as the Board thinks fit, and the covenants, conditions and provisions referred to in subsection two of this section may provide for the payment of interest on any such amount at the prescribed rate.

(4) In subsection three of this section, "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 five of this section.

(5) The Treasurer may, either generally or in a particular case or 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.

Improvements.

34x. Where any structural improvements on land acquired by the Board under Division 2 of this Part have not been disposed of by the Board under section 34u of this Act and the improvements are, in the opinion of the Board, unsuitable or redundant for use in relation to the purpose for which, in the opinion of the Board, the land may be used, the Board may, for the purposes of the disposition of the land under this Division, write off either wholly or in part the value of the improvements, as determined by the Board.

DIVISION 4.—*Acquisition of land by farmers otherwise than from the Board.*

Application.

34y. A farmer may make application in writing to the Board for an advance of moneys for the purpose of the acquisition by him of additional land (not being land acquired by the Board under Division 2 of this Part) for use with or in connection with his farm.

Grant of application.

34z. (1) Where the Board grants an application made under this Division, it may direct the Rural Bank to make an advance to the applicant.

(2)

Rural Assistance.

(2) The Rural Bank shall make any advance No. 62, 1971 which the Board directs it to make under subsection one of this section.

(3) Any advance under subsection two of this section shall be made in the name of the Board through the Rural Reconstruction Agency of the Rural Bank out of funds made available to the Bank for advances through its Rural Reconstruction Agency for the purposes of this Division, and shall be of such amount, upon such securities and subject to such covenants, conditions and provisions including provision for payment of interest at the prescribed rate as the Board may in the direction specify.

(4) Any moneys advanced under this section 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 by the farmer in any land.

(5) Any charge under subsection four of this section 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.

(6) Any charge under subsection four of this section shall be subject to any security entered into for the purposes of subsection three of this section and to any mortgage, charge or lien to which any estate or interest beneficially held by the farmer in any land may be subject as at the date on which the caveat is so lodged or the charge is so registered.

(7)

Rural Assistance.

No. 62, 1971

(7) In subsection three of this section, "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 eight of this section.

(8) The Treasurer may, either generally or in a particular case or 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.

Improvements.

34AA. Where any structural improvements on land acquired by an applicant under this Division are, in the opinion of the Board, unsuitable or redundant for use in relation to any purpose for which the land is to be used by the applicant, the Board may, for the purposes of the repayment by the applicant of any advance made under this Division in relation to the land, write off either wholly or in part the value of the improvements, as determined by the Board, and for the purposes of this Division, the advance shall be deemed to have been reduced by the amount so written off.

DIVISION 5.—*General.*

Applications generally.

34AB. (1) An applicant under this Part shall, upon a request in writing by the Board in that behalf, furnish such information and such accounts, documents and writings as the Board may require for the purpose of considering his application under this Part.

(2) The Director or the Board may, with the concurrence of the applicant, amend any application under this Part.

(3) The Board may, by ballot or in such other manner as the Board thinks fit, determine the order of priority of conflicting applications made under this Part.

(4)

Rural Assistance.

(4) Nothing in subsection three of this section **No. 62, 1971** affects the power of the Board to refuse any application made under this Part.

(5) Where an application is made under this Part by a person who is or purports to be a farmer, the Board may, in considering the application, take into account the length of the period during which, and the circumstances in which, he has been or purports to have been a farmer.

(6) Where any land that is the subject of an application made under this Part is operated as a farm, the Board may, in considering the application, take into account the length of the period during which, and the circumstances in which, it has been operated as a farm.

(7) The Board may, subject to this Part, grant an application under this Part or may refuse it or defer it for further consideration.

34AC. (1) In this section, "fair market value" means, Price. in relation to any land, the fair market value of the land, as determined by the Board, having regard to productive capacity under fair average seasons, prices and conditions and to such other matters as the Board considers relevant.

(2) The Board shall not grant an application made under this Part if, in the opinion of the Board, the price at which the land that is the subject of the application is to be acquired exceeds—

- (a) the fair market value of the land; or
- (b) the maximum price, as determined by the Board, at which a competent farmer could succeed if the land were acquired by such a farmer under the scheme being implemented at the time of the determination,

whichever is the lesser.

34AD.

Rural Assistance.

No. 62, 1971

**Economic
units.**

34AD. (1) In this section, "economic unit", in relation to a person, means a farm which, in the opinion of the Board having regard to the purpose for which the farm is proposed to be used and to technological development in such industries as the Board considers relevant, would, under efficient management—

- (a) have the continuing capacity to produce a primary product or products at a level of profit which is satisfactory in relation to those industries; and
- (b) provide a reasonable income to that person.

(2) Where the Board is satisfied that the land that is the subject of an application made under Division 2 or 4 of this Part forms part of an area of land that is operated by any person as a farm and is of the opinion that, if the land were acquired as contemplated by the application, the part that is not the subject of the application would not constitute an economic unit in relation to that person, the Board shall not grant the application unless it appears likely to the Board that the part that is not the subject of the application will not be operated as a farm or will be used only or principally for the purposes of a rural home or unless it appears to the Board that special circumstances exist which justify the granting of the application.

(3) Where the Board is satisfied that the land that is the subject of an application made under Division 3 or 4 of this Part would, if the land were acquired as contemplated by the application, form part of an area that would be operated by any person as a farm and is of the opinion that, if the land were acquired as contemplated by the application, that area would substantially exceed the minimum area that would be required to constitute an economic unit in relation to that person, the Board shall not grant the application unless it appears to the Board that special circumstances exist which justify the granting of the application.

(4)

Rural Assistance.

(4) The Board may, for the purposes of this section, treat two separate areas of land as forming a single area of land, if the two areas are, in the opinion of the Board, capable of being operated together as a farm. **No. 62, 1971**

(5) Where land that is the subject of an application referred to in subsection two of this section would, if the land were acquired as contemplated by the application, be so acquired from two or more persons (not being a married man and his wife who are not living apart under an order for judicial separation made by a court of competent jurisdiction), the provisions of that subsection shall apply in respect of each such person.

(6) Where land that is the subject of an application referred to in subsection three of this section would, if land were acquired as contemplated by the application, be so acquired by two or more persons (not being a married man and his wife who are not living apart under an order for judicial separation made by a court of competent jurisdiction), the provisions of that subsection shall apply in respect of each such person.

34AE. (1) Notwithstanding the provisions of any other Act, the Minister for Lands, in the case of any land not within an irrigation area, or The Water Conservation and Irrigation Commission, in the case of any land within an irrigation area, may grant such consent or permission as may be required by or under any of the prescribed Acts as may be necessary for the acquisition of any land that is the subject of an application made under Division 3 or 4 of this Part, or for the disposal of any land under section 34AI of this Act, if the Board recommends to the Minister for Lands or the Commission, as the case may be, that the consent or permission be granted. Consents and permissions under other Acts may be granted.

(2) Subject to any necessary consent or permission as referred to in subsection one of this section being granted, any land may be acquired by an applicant

under

Rural Assistance.

No. 62, 1971

under Division 3 or 4 of this Part, or may be disposed of to a person under section 34AI of this Act, notwithstanding that the applicant or person may not be qualified under any of the prescribed Acts to hold the land.

(3) Where a condition of residence attaches under any of the prescribed Acts to—

- (a) any land acquired under Division 2 of this Part and the condition has not been fulfilled, the condition shall be deemed to be suspended until the Board disposes of the land under Division 3 of this Part or section 34AI of this Act; or
- (b) any land acquired under Division 3 of this Part, or acquired by an applicant under Division 4 of this Part, or disposed of under section 34AI of this Act, and—
 - (i) the condition has not been fulfilled;
 - (ii) the land is held jointly by two or more persons or by a body corporate; and
 - (iii) no provision is made by or under any of those Acts for the performance of the condition on behalf of the joint holders or body corporate,

the condition may be performed by such person as is approved by the Minister for Lands, where the land is not within an irrigation area, or by The Water Conservation and Irrigation Commission, where the land is within an irrigation area.

Acquisition
of land
within
irrigation
area by body
corporate.

34AF. Nothing in this Part authorises a person who is not a natural person (other than the Board) to acquire under this Part any land within an irrigation area.

34AG.

Rural Assistance.

34AG. Without affecting the generality of subsection No. 62, 1971
two of section 34W, or of subsection three of section Covenants,
34Z, of this Act, covenants, conditions and provisions etc.
referred to therein may include—

- (a) covenants, conditions or provisions relating to cultivation, the destruction of vermin and noxious weeds, and insurance against fire; and
- (b) covenants, conditions or provisions which the Board may deem necessary for the satisfactory occupation and development of the land concerned together with other land held by the farmer concerned.

34AH. (1) Where a farmer has acquired land that was the subject of an application made under Division 3 or 4 of this Part and while any moneys due to the Board by the farmer in respect of the acquisition remain unpaid, the land shall not be disposed of by the farmer separately from other land held by the farmer, and that other land shall not be disposed of by the farmer separately from the land so acquired, except with the consent of the Board. Restriction on disposal of certain land.

(2) Nothing in subsection one of this section operates to remove the necessity for any consent or permission to be granted under any of the prescribed Acts in relation to the disposition of any land referred to in that subsection.

34AI. Where the Board is satisfied that there is not a reasonable prospect that a parcel of land acquired under Division 2 of this Part, or any part of that land, will, within a reasonable time after the acquisition of the land under that Division, be disposed of in pursuance of an application under Division 3 of this Part made by a farmer, the Board may dispose of the land, or that part, as the case may be, in such manner as it thinks fit. Disposal of certain land by the Board.

34AJ.

Rural Assistance.

No. 62, 1971

Certain Acts
deemed
to be
amended.

34AJ. For the purposes only of this Part—

(a) the provisions of any of the prescribed Acts
and any regulations under any of those Acts;
and(b) any condition attaching to any land in
pursuance of any of those provisions,shall be deemed to be amended or varied so as to give
full force and effect to any of the provisions of this
Part.Advances
under other
Parts not
to be made
out of
certain
moneys.34AK. Where, under any provision of any other Part
of this Act, an advance is to be made out of funds made
available to the Rural Bank for advances through its
Rural Reconstruction Agency, nothing in that provision
shall be construed as authorising that advance to be
made out of funds made available to the Rural Bank
for payments or advances through its Rural Reconstruc-
tion Agency for the purposes of any Division of this
Part.Further
amendment
of Act No.
33, 1932.
(Part IV.—
General
Provisions.)

8. Part IV of the Principal Act is amended—

New sec.
39A.(a) by inserting next after section thirty-nine the
following new section :—

Secrecy.

39A. A person who is acting or at any time after
the commencement of the Rural Assistance Act,
1971, has acted in the administration of this Act
shall not, either directly or indirectly, except for the
purposes of the administration of this Act or unless
he has been authorised to do so by the Board or the
Director, make a record of or divulge or communi-
cate to any person any information acquired by

him

Rural Assistance.

him in respect of the affairs of any other person No. 62, 1971 disclosed or obtained under the provisions of this Act.

Penalty : Five hundred dollars or imprisonment for twelve months.

- (b) by inserting at the end of section 40B the following new subsection :— Sec. 40B.
(Service.)

(2) Any notice, summons, writ or other proceeding required to be served upon the Director or the Board may be served by being left at the office of the Board, or, in the case of a notice, by post.

- (c) by inserting next after section 40B the following new sections :— New secs.
40c, 40d.

40c. (1) In this section—

“the Agreement” means the Agreement within the meaning of the Ratification Act; State Grants
(Rural Re-
construction)
Agreement.

“the Ratification Act” means the State Grants (Rural Reconstruction) Agreement Ratification Act, 1971.

(2) If the Board is appointed to be the Authority for the purposes of the Ratification Act, this section shall have effect, and not otherwise.

(3) Such of the moneys received by the State of New South Wales from the Treasurer of the Commonwealth under the Agreement as may be required for advances and other expenditure incurred or to be incurred under the Agreement by the Board shall from time to time be made available to the Rural Bank for the purposes of the Rural Reconstruction Agency.

Rural Assistance.

No. 62, 1971

(4) Notwithstanding anything in Part VIB of the Government Savings Bank Act, 1906—

- (a) the Rural Bank shall keep a separate account in respect of all moneys made available to it in pursuance of subsection three of this section;
- (b) to the 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 Agreement; and
- (c) from the separate account shall be paid the advances and expenditure referred to in subsection three of this section and 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 Agreement.

Marginal
Dairy
Farms
Reconstruc-
tion Scheme
Agreement.

40D. (1) In this section—

“the Agreement” means the Agreement within the meaning of the Ratification Act;

“the Ratification Act” means the Marginal Dairy Farms Reconstruction Scheme Agreement Ratification Act, 1971.

(2) If the Board is designated to be the Authority for the purposes of the Ratification Act, this section shall have effect, and not otherwise.

(3)

Rural Assistance.

(3) Such of the moneys received by the No. 62, 1971
State of New South Wales from the Treasurer of
the Commonwealth under the Agreement as may
be required for advances and other expenditure
incurred or to be incurred under the Agreement by
the Board shall from time to time be made available
to the Rural Bank for the purposes of the Rural
Reconstruction Agency.

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

- (a) the Rural Bank shall keep a separate
account in respect of all moneys made
available to it in pursuance of subsection
three of this section;
- (b) to the separate account shall be credited all
such other amounts as the Treasurer may
determine either generally or in any par-
ticular case or class of cases, those other
amounts being amounts paid or payable for
the purposes of or in relation to the
Agreement; and
- (c) from the separate account shall be paid the
advances and expenditure referred to in sub-
section three of this section and 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 Agreement.

Rural Assistance.

<p>No. 62, 1971 Further amendment of Act No. 33, 1932. (Schedule.) Heading. Clause 1. (Vacancy.) Clause 2. (Validity of proceedings and acts.) Clause 3. (Minutes.) Clause 4. (Governor to have reports, etc., from the Board.) Clause 5. (Report.) Clause 6. (Judicial notice of common seal.) Clause 7. (Service of notices and legal proceedings.) Clause 8. (Documents, how authenticated.) Clause 11. (Proof of certain matters not required.)</p>	<p>9. The Schedule to the Principal Act is amended—</p> <p>(a) by omitting the heading appearing next before clause one;</p> <p>(b) by omitting clause one;</p> <p>(c) by omitting clause two;</p> <p>(d) by omitting clause three;</p> <p>(e) by omitting clause four;</p> <p>(f) by omitting clause five;</p> <p>(g) by omitting clause six;</p> <p>(h) by omitting clause seven;</p> <p>(i) by omitting clause eight;</p> <p>(j) by omitting paragraph (g) of subclause one of clause eleven;</p>
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(k)

Rural Assistance.

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|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| (k) by omitting the heading appearing next after clause fourteen ; | No. 62, 1971
Heading. |
| (l) by omitting clause seventeen ; | Clause 17.
(Director eligible for reappointment in Service.) |
| (m) by omitting clause eighteen ; | Clause 18.
(Rights accruing under Public Service Acts.) |
| (n) by omitting clause nineteen ; | Clause 19.
(Savings of rights, etc.) |
| (o) by omitting the heading appearing next before clause twenty-one ; | Heading. |
| (p) by omitting clause twenty-one ; | Clause 21.
(Officers transferred to Board eligible for reappointment in Service.) |
| (q) by omitting clause twenty-two ; | Clause 22.
(Rights accrued under Act No. 31, 1902, etc.) |
| (r) by omitting clause twenty-three ; | Clause 23.
(Saving of rights.) |
| (s) by omitting clause twenty-four. | Clause 24.
(Disclosure of official matters.) |

DIVISION

No. 62, 1971

DIVISION 2.—Amendment of other Acts.Amendment
of Act No.
48, 1906.**10. The Government Savings Bank Act, 1906, is amended—**Sec. 70UU.
(Farmers
Relief
Agency.)

(a) by omitting from section 70UU the words “–1934, as amended by the Rural Bank (Agency) Act, 1934”;

Sec. 70VV.
(Bank to be
agent of the
board for
certain
purposes.)

(b) by omitting paragraph (b) of section 70VV;

Sec. 70WW.
(Functions
of bank in
respect of
the agency.)

(c) by omitting from section 70WW the symbol and figures “–1934” wherever occurring;

Sec. 70XX.
(Definition
of “Board”.)

(d) by omitting from section 70XX the symbol and figures “–1934”.

Amendment
of Act No.
12, 1907.

Sec. 2.

(Constitu-
tion of
advisory
boards.)**11. The Closer Settlement (Amendment) Act, 1907, is amended by inserting at the end of section two the following new subsections :—**

(5) Without affecting the power of the Governor to constitute or reconstitute an advisory board, nothing in this Act shall be construed as requiring or having required the constitution or reconstitution of an advisory board in the place of an advisory board that has, whether before or after the commencement of the Rural Assistance Act, 1971, been dissolved.

(6) Without affecting the power of the Governor to appoint a Chairman of Closer Settlement Advisory Boards, nothing in this Act shall be construed as requiring the appointment of a Chairman in the place of a person who, on or after the commencement of the Rural Assistance Act, 1971, ceases to hold office as such.

(7)

Rural Assistance.

(7) Notwithstanding anything in this section, the Governor may specify, and shall be deemed always to have been able to specify, a period during which a person appointed as Chairman or as a member of an advisory board shall hold office as such, but nothing in this subsection shall be construed as affecting the power of the Governor to dissolve an advisory board or to remove or suspend that person. No. 62, 1971

12. The Closer Settlement (Amendment) Act, 1909, is amended— Amendment
of Act No.
21, 1909.

- (a) (i) by omitting from subsection five of section twenty-one the words “upon the recommendation of an advisory board”; Sec. 21.
(Setting
apart for
closer
settlement.)
- (ii) by omitting from the same subsection the words “on the like recommendation”;
- (b) by omitting from paragraph (c) of subsection two of section twenty-two the words “an advisory board” and by inserting in lieu thereof the words “the Minister”. Sec. 22.
(Sale of
certain land
for special
purposes.)

13. The Irrigation Act, 1912, is amended— Amendment
of Act No.
73, 1912.

- (a) by inserting next after the definition of “The Construction Act” in section three the following new definition :— Sec. 3.
(Defini-
tions.)
- “Valuer-general” means the valuer-general appointed under the Valuation of Land Act, 1916.
- (b) by inserting at the end of section 5G the following new subsections :— Sec. 5G.
(Power to
acquire
land.)
- (6) During any period during which there is no advisory board constituted under the Closer Settlement (Amendment) Act, 1907, a reference **in**

Rural Assistance.

No. 62, 1971

in subsection two of this section to an advisory board shall be read and construed as a reference to the valuer-general.

(7) All acts, matters and things done or omitted by, or done or suffered in relation to—

(a) an advisory board under or for the purposes of subsection two of this section during any period during which there is an advisory board constituted under the Closer Settlement (Amendment) Act, 1907, shall, during any subsequent period during which there is no advisory board so constituted, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the valuer-general; and

(b) the valuer-general under or for the purposes of that subsection during any period during which there is no advisory board so constituted shall, during any subsequent period during which there is an advisory board so constituted, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, an advisory board.

Sec. 11D.
(Power to
apply for
reappraise-
ment of
rentals.)

(c) by omitting from subsection (1A) of section 11D the words "Rural Reconstruction Board" and by inserting in lieu thereof the words "Rural Assistance Board".

Amendment
of Act No.
7, 1913.

14. The Crown Lands Consolidation Act, 1913, is amended—

Sec. 143A.
(Capital
value.)

(a) by omitting from subsection (4A) of section 143A the words "Rural Reconstruction Board" and by inserting in lieu thereof the words "Rural Assistance Board";

(b)

Rural Assistance.

- (b) by omitting from subsection (3A) of section one hundred and sixty-seven the words "Rural Reconstruction Board" wherever occurring and by inserting in lieu thereof the words "Rural Assistance Board"; No. 62, 1971
Sec. 167.
(Appraisal of capital values.)
- (c) by omitting from subsection (2A) of section 167A the words "Rural Reconstruction Board" wherever occurring and by inserting in lieu thereof the words "Rural Assistance Board". Sec. 167A.
(Appraisal of rents.)
- 15.** The Returned Soldiers Settlement Act, 1916, is amended by omitting from subsection (1C) of section nineteen the words "Rural Reconstruction Board" wherever occurring and by inserting in lieu thereof the words "Rural Assistance Board". Amendment of Act No. 21, 1916.
Sec. 19.
(Appraisal of soldiers' holdings.)
- 16.** The Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927, is amended by omitting from subsection (5A) of section two the words "Rural Reconstruction Board" wherever occurring and by inserting in lieu thereof the words "Rural Assistance Board". Amendment of Act No. 14, 1927.
Sec. 2.
(Amendment of Closer Settlement Acts.
Appraisal of price or value.)
- 17.** The Closer Settlement Amendment (Conversion) Act, 1943, is amended— Amendment of Act No. 38, 1943.
- (a) by inserting in the definition of "Build-up holding" in section 1A after the word "Act" the words ", or the Minister has determined pursuant to subsection (8A) of section 4A of this Act,"; Sec. 1A.
(Interpretation.)

(b)

- No. 62, 1971
 Sec. 4A.
 (Conversion of settlement purchase lease or group purchase lease or closer settlement lease.)
- (b) by inserting next after subsection eight of section 4A the following new subsection :—
 (8A) Where the Minister is required under subsection eight of this section to request an advisory board to make a report and there is no advisory board constituted for the time being, the Minister may determine whether or not the land comprised in the lease at the date of vesting, as referred to in that subsection, was substantially less than a home maintenance area.
- Sec. 7.
 (Setting apart.)
- (c) (i) by omitting from paragraph (a) of subsection two of section seven the words “on the recommendation of an advisory board”;
 (ii) by omitting from the proviso to the same paragraph the words “upon the recommendation of an advisory board”;
 (iii) by omitting from the same proviso the words “on the like recommendation”;
- Sec. 12A.
 (Exchanges of holdings between private persons.)
- (d) by omitting from subsection one of section 12A the words “given on the recommendation of an advisory board,”;
- Sec. 12B.
 (Exchanges and surrenders.)
- (e) by omitting from section 12B the words “, on the recommendation of an advisory board,”.

 PART III.

MISCELLANEOUS.

Interpretation. **18.** In this Part, except in so far as the context or subject-matter otherwise indicates or requires—

“advisory board” means a Closer Settlement Advisory Board constituted under the Closer Settlement (Amendment) Act, 1907;

“Assistant

Rural Assistance.

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- “Assistant Director” has the meaning ascribed to that expression in the Principal Act, as amended by this Act; No. 62, 1971
- “Chairman of Closer Settlement Advisory Boards” means the person appointed under subsection two of section two of the Closer Settlement (Amendment) Act, 1907;
- “Deputy Director” has the meaning ascribed to that expression in the Principal Act, as amended by this Act;
- “Director” has the meaning ascribed to that expression in the Principal Act, as amended by this Act;
- “the former Board” means the body corporate constituted under section seven of the Principal Act;
- “the new Board” means the Rural Assistance Board constituted under section 7A of the Principal Act, as amended by this Act;
- “valuer-general” means the valuer-general appointed under the Valuation of Land Act, 1916.

19. (1) On and from the commencement of this Act— Transfer of assets, liabilities, &c., to the new Board.
- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that commencement, was vested in or belonged to the former Board shall vest in and belong to the new Board;
- (b) all moneys, liquidated and unliquidated claims that, immediately before that commencement, were payable to or recoverable by the former Board shall be moneys, liquidated and unliquidated claims payable to or recoverable by the new Board;

(c)

Rural Assistance.

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- (c) all suits, actions and proceedings pending immediately before that commencement at the suit of the former Board shall be respectively suits, actions and proceedings pending at the suit of the new Board and all suits, actions and proceedings so pending at the suit of any person against the former Board shall be suits, actions and proceedings pending at the suit of that person against the new Board;
- (d) all contracts, agreements and undertakings entered into with, and all securities lawfully given to or by, the former Board and in force immediately before that commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the new Board;
- (e) the new Board may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of moneys and claims referred to in this subsection and for the prosecution of suits, actions and proceedings so referred to as the former Board might have done but for any amendments made by this Act;
- (f) the new Board may enforce and realise any security or charge existing immediately before that commencement in favour of the former Board, and may exercise any powers thereby conferred on the former Board as if the security or charge were a security or charge in favour of the new Board;
- (g) all debts, moneys and claims, liquidated and unliquidated, that, immediately before that commencement, were due or payable by, or recoverable against, the former Board shall be debts due, moneys payable by and claims recoverable against, the new Board; and

(h)

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- (h) all liquidated or unliquidated claims for which the former Board would, but for any amendments made by this Act, have been liable shall be liquidated and unliquidated claims for which the new Board shall be liable. No. 62, 1971

(2) All acts, matters and things done or omitted by, or done or suffered in relation to, the former Board before the commencement of this Act, being acts, matters and things not referred to in subsection one of this section shall, on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the new Board.

(3) A reference in any other Act, or in any regulation, statutory instrument or other document, whether of the same or a different kind, to the Rural Reconstruction Board shall be read and construed as a reference to the Rural Assistance Board constituted under the Principal Act, as amended by this Act.

20. (1) All acts, matters and things done or omitted by, or done or suffered in relation to, the Director holding office for the purposes of the Principal Act before the commencement of this Act shall, on and from that commencement, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Director holding office for the purpose of the Principal Act, as amended by this Act. Acts, matters
and things
done by
former
Director.

(2) Without affecting the generality of subsection one of this section, all protection orders (within the meaning of the Principal Act) in force immediately before the commencement of this Act shall be deemed to have been granted by the Director holding office for the purposes of the Principal Act, as amended by this Act.

21.

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Dissolution
of advisory
boards.

(2) Any person who, immediately before the commencement of this Act, held office as the Chairman of Closer Settlement Advisory Boards or as a member of an advisory board ceases, upon that commencement, to hold office as such.

Rights of
certain
persons.

22. (1) In this section, "prescribed person" means—

- (a) the person who was, immediately before the commencement of this Act, holding office as the Director for the purposes of the Principal Act;
- (b) the person who was, immediately before that commencement, holding office as the Chairman of Closer Settlement Advisory Boards; or
- (c) a person who was, immediately before that commencement, holding office as a member of an advisory board, not being the person referred to in paragraph (b) of this definition.

(2) A prescribed person shall, if otherwise qualified, be entitled to be appointed under section 7A of the Principal Act, as amended by this Act, as a member of the new Board referred to in subparagraph (ii) or (iii) of paragraph (a) of subsection two of that section or as an Assistant Director for a term of office commencing upon the commencement of this Act.

(3) Notwithstanding subsection nine of section 7A of the Principal Act, as amended by this Act, but otherwise subject to the Principal Act, as so amended, the term of office of a prescribed person appointed as a member of the new Board or as an Assistant Director in pursuance of this section shall

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shall be the unexpired portion of the term for which he was, No. 62, 1971 immediately before the commencement of this Act, holding the office referred to in paragraph (a), (b) or (c), as the case may require, of the definition of "prescribed person" in subsection one of this section.

(4) Except as provided by subsection three of this section, the provisions of the Principal Act, as amended by this Act, shall apply to and in respect of a prescribed person holding office as a member of the new Board or as an Assistant Director in pursuance of this section in the same manner as they would have applied to and in respect of that person had he been holding office as such otherwise than in pursuance of this section.

(5) For the purposes of the application of section 7G of the Principal Act, as amended by this Act, to and in respect of a prescribed person who is holding or has held office—

- (a) as a member of the new Board in pursuance of this section; or
- (b) as an Assistant Director in pursuance of this section.

any appointment of that person before the commencement of this Act to an office referred to in paragraph (a), (b) or (c) of the definition of "prescribed person" in subsection one of this section shall have the same force and effect as if the appointment were an appointment of that person as the Director, the Deputy Director or an Assistant Director after that commencement.

23. (1) If the new Board is appointed to be the Authority for the purposes of the State Grants (Rural Reconstruction) Agreement Ratification Act, 1971, nothing in this Act shall be construed as affecting anything contained in that Act. Operation of this Act in relation to certain Agreements.

(2)

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(2) If the new Board is designated to be the Authority for the purposes of the Marginal Dairy Farms Reconstruction Scheme Agreement Ratification Act, 1971, nothing in this Act shall be construed as affecting anything contained in that Act.

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