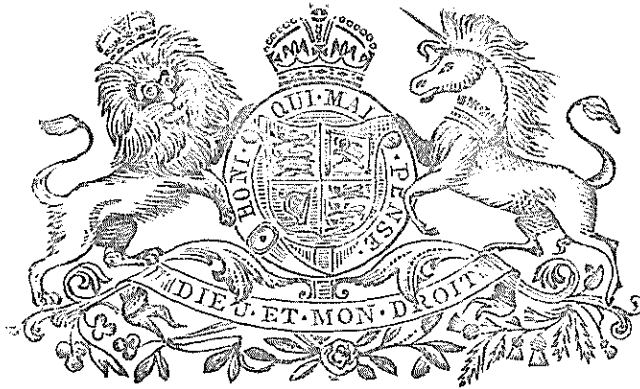


WESTERN AUSTRALIA.



ANNO SEXTO

GEORGII QUINTI REGIS,

XIX.



No. 52 of 1915.

AN ACT to amend the Industries Assistance Act, 1915, and the Land Act, 1898.

[Assented to 4th November, 1915.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Industries Assistance Act Amendment Act, 1915*, and shall be read as one with the Industries Assistance Act, 1915, hereinafter referred to as the principal Act. Short title.

2. Section nine of the principal Act is amended by adding to paragraph (b) the following words "and municipal and road board rates and licenses, veterinary charges, the wages of farm hands, insurance premiums, and medical, surgical, and dental expenses"; and by striking out the proviso. Amendment of Section 9.

3. Section twelve of the principal Act is amended by inserting in paragraph (c), after the word "fees," the following words, "or municipal and road board rates and licenses, veterinary charges, the wages of farm hands, insurance premiums, or medical, surgical, and dental expenses." Amendment of Section 12.

Amendment of  
Section 15.

4. Section fifteen of the principal Act is amended by adding a proviso to subsection (2) thereof, as follows:—

Provided that where advances are made to an applicant for the purposes mentioned in paragraph (c) of section nine, and not for any of the purposes mentioned in paragraph (a) and (b) thereof, the Colonial Treasurer may, in his discretion, exempt from the operation of his security the crops and chattels of the applicant.

The said section fifteen is further amended by inserting after the word “advances,” in the ninth line of the proviso to subsection one thereof, the words “or if such notice as aforesaid shall not have been given,” and by omitting the words “either subject to such mortgage or mortgagee’s or vendor’s lien or on the security of a bill of sale over,” and inserting in place thereof the following words, namely, “subject to such mortgage or mortgages or vendor’s lien as regards the applicant’s land, and on the security of a first charge upon.”

Amendment of  
Section 21.

5. (1.) Section twenty-one of the principal Act is amended by inserting after the word “may,” in line six thereof, the words “notwithstanding any other assignment of or encumbrance upon such crops, except assignments for the benefit of creditors made before the advances by the Colonial Treasurer under this Act,” and by adding to the section the following words:—  
“If such surplus is applied by the Colonial Treasurer as aforesaid, creditors who participate in such distribution shall allow a discount of one and a quarter per centum off their claims, so far as the same are satisfied, and such discount may be applied by the Colonial Treasurer towards the cost of administering this Act.”

(2.) Section twenty-one of the principal Act is further amended by adding a paragraph as follows.—“If the Colonial Treasurer shall, in his discretion, think fit to give effect to this section by applying the surplus proceeds of the assigned crops in or towards the discharge of the other debts and obligations of the applicant, the applicant shall not nor shall any person claiming under him redeem, prior to the distribution of such surplus, the securities in the hands of the Colonial Treasurer, anything contained in this Act to the contrary notwithstanding.”

Amendment of  
Section 23.

6. Section twenty-three of the principal Act is amended by inserting a subsection, as follows:—

5A. (a.) Every purchaser under a contract in respect of which relief is granted under this section, who, before the commencement of this Act, may have contracted for the sale of wheat for future delivery shall, unless the contrary intention is proved, be deemed to have contracted for the sale of wheat bought by him from the farmer who obtained such relief.

(b.) Every sub-purchaser from such purchaser as aforesaid who, before the commencement of this Act, may have contracted for the sale of wheat for future delivery shall, unless the contrary intention is proved, be deemed to have contracted for the sale of wheat bought by him from such purchaser.

(c.) The words "every sub-purchaser" shall extend to and include every person buying any such wheat as aforesaid from any prior sub-purchaser.

And by inserting in subsection (6), after the word "section," in line six, the following words:—"and such relief may be claimed notwithstanding that the relief granted under section (4) may have been granted after the date appointed for the performance of the contract of sale made by them."

And by adding to sub-section (6) paragraphs, as follows:—

"If an agent for the sale of a farmer's wheat, in contracting for the sale thereof has incurred the liability of a principal, such agent shall for the purposes of this subsection be deemed a purchaser from the farmer and the farmer shall be deemed to have sold to the agent, and to have the right to apply under subsection (2) for relief as though he had sold to the agent, and if relief is granted to the farmer, and the agent is unable to perform his contract of sale in consequence of such relief, the agent may claim relief under this subsection from his obligation under the contract of sale made by him."

"Every purchaser or sub-purchaser as aforesaid shall be deemed to be unable to perform his obligations under contracts of sale made by him to the extent of the aggregate relief afforded under subsection (4) of this section to the farmers in respect of the purchasers' contracts with such farmers.

7. Where commodities have been supplied or are deemed to have been supplied or are hereafter supplied, or advances have been made or are hereafter made, under the principal Act, on an application in writing signed by the applicant, a *caveat* in or to the effect of the form in the schedule to this Act, signed by or on behalf of the Colonial Treasurer, and registered in the register book of the Land Titles Office, or the Department of Lands and Surveys, as the case may be, shall have the same effect as an acknowledgment and contract in the form in the first schedule to the principal Act, signed by the applicant and duly registered; and all moneys advanced or deemed to have been advanced pursuant to such application, including advances to which the proviso to subsection (1) of section fifteen applies, with interest at the rate of six pounds per centum per annum, shall be repayable by the applicant and secured to the Colonial Treasurer in accordance with the provisions of the principal Act, as if an acknowledgment and contract had been duly registered.

*Caveat* to have effect of registered acknowledgment and contract.

Amendment of  
Third Schedule.

8. The third schedule to the principal Act is amended by omitting the figures 1913-14, in paragraph (7), and inserting the figures 1914-15 in place thereof, and by adding to paragraph 7 the words —“Without limiting the meaning of the words debts incurred in the working expenses of planting and harvesting the crop in the 1914-15 season, such working expenses shall include seed, fertilisers, wages, jutes, twines, oils, horse-feed, and stores.”

Power to insure.

9. The Colonial Treasurer may insure against loss or damage by fire the crops of an applicant to whom advances have been or are hereafter made under the principal Act; and every applicant as aforesaid shall, until such advances have been repaid, effect to the satisfaction of the Colonial Treasurer an insurance against liability to his workers under the Workers' Compensation Act, 1912, the Employers' Liability Act, 1894, or at common law, or the Colonial Treasurer may, in the name and on behalf of the applicant, effect such insurance. The premiums paid by the Colonial Treasurer under any such policy of insurance shall be deemed advances under paragraph (b) of section nine of the principal Act.

Purchase money of  
sales of crop or pro-  
duce to be paid to  
the Colonial Treas-  
urer.

10. It shall be the duty of any person who purchases the crops, or any product of the crops, of any person to whom advances have been made under the principal Act on the security of such crops, whose name is on the register kept under the provisions of Section twenty-two of the principal Act, to pay the purchase money to the Colonial Treasurer, and any authority of the Colonial Treasurer to the person to whom such advances have been made to sell such crops or produce on behalf of the Colonial Treasurer shall not be deemed to authorise such person to receive the purchase money; and in default of payment of such purchase money to the Colonial Treasurer it shall be recoverable from the purchaser by action at the suit of the Colonial Treasurer in the name of his office:

Provided that nothing herein contained shall affect the right of the Colonial Treasurer to recover from the purchaser the crops or the produce thereof, or the value of such crops or produce, in case such crops or produce shall have been sold without the authority of the Colonial Treasurer.

Interest on arrears  
of rent when as-  
sistance not sought.

11. Every conditional purchase lessee shall, as from the 1st day of April, 1915, be liable to pay to the Minister for Lands interest on his rent in arrear at the rate of six pounds per centum per annum until payment:

Provided that if an application is made by the lessee to the Board for an advance to enable him to pay such arrears, and such application is refused, the liability of the lessee for the payment of interest shall cease as from the date of such application.

**12.** Any person who aids or abets any other person to whom commodities have been supplied under this Act in using or attempting to use such commodities, or any quantity thereof, for a purpose other than that for which such commodities were supplied, shall be guilty of an offence, and shall be liable to a penalty not exceeding fifty pounds, or to be imprisoned for a term not exceeding six months.

Penalty for aiding and abetting misuse of commodities.

**13.** No commodity shall be supplied or money advanced under the principal Act or this Act after the 31st day of March, 1917.

Advances not to be made after 31st March, 1917.

**14.** The amendments made by this Act shall have effect as from the commencement of the principal Act.

Effect of amendments.

