

INDUSTRIES ASSISTANCE.

No. 27 of 1915.

[As amended by Acts :

- No. 52 of 1915,¹ assented to 4th November, 1915 ;
- No. 16 of 1917,² assented to 28th March, 1917 ;
- No. 6 of 1919, assented to 3rd January, 1919 ;
- No. 43 of 1919, assented to 17th December, 1919 ;
- No. 26 of 1924, assented to 31st December, 1924 ;
- No. 20 of 1929, assented to 27th November, 1929 ;
- No. 42 of 1940, assented to 30th December, 1940 ;
- No. 51 of 1944,³ assented to 1st February, 1945 ;
- No. 18 of 1958, assented to 6th October, 1958 ;

and reprinted pursuant to the Amendments Incorporation Act, 1938.4]

AN ACT to enable Seed Wheat and other Commodities to be supplied to Settlers, and Advances to be made or guaranteed by the Government for the assistance of persons engaged in Farming, Mining, and other Industries, and for purposes incidental thereto and consequent thereon.

[Assented to 2nd March, 1915.]

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 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, 1915–1958*.

Short title.
Amended by
No. 18 of 1958,
s. 1.

2. In this Act—

“ Advance ” means an advance made or deemed to be made under this Act.

Interpretation.
Amended by
No. 16 of 1917,
s. 2

¹ By section 14 it is enacted that the amendments made by this Act shall have effect from the commencement of the principal Act.

² By section 16 it is enacted that the amendments made by this Act shall have effect as from the commencement of the principal Act : Provided that no such amendment shall affect the priority of any encumbrance given previous to the coming into operation of this Act.

³ Came into operation on 1st July, 1945. See *Gazette* 29/6/45, p. 603.

⁴ Section 13 of the Industries Assistance Act Amendment Act, 1915, was repealed and re-enacted by Section 15 of the Industries Assistance Act Amendment Act, 1917. The operation of the substituted section was continued by Acts No. 3 of 1918, 6 of 1919, 43 of 1919, 33 of 1920, 2 of 1922, 6 of 1923, 26 of 1923, 26 of 1924, 26 of 1925, 25 of 1926, 12 of 1927, 5 of 1928, 6 of 1929, 4 of 1930, 45 of 1931, 4 of 1932, 10 of 1933, 11 of 1934, 11 of 1935, 23 of 1936, 42 of 1937, 24 of 1938, 7 of 1939, 29 of 1940, 41 of 1941, 30 of 1942, 12 of 1943, 7 of 1944, 29 of 1945, 34 of 1946, 3 of 1947, 17 of 1948 and 4 of 1953 until it was finally repealed by the Industries Assistance Act Amendment Act, 1958. The section was re-numbered Section 29A in the 1931 reprint.

Industries Assistance.

- “ Applicant ” means applicant for assistance under this Act.
- “ Application ” means application under this Act.
- “ Board ” means the Industries Assistance Board appointed under this Act.
- “ Minister ” means the Minister for Industries or other responsible Minister of the Crown appointed to control the administration of this Act.
- “ Prescribed ” means prescribed by this Act.
- “ The State ” means the State of Western Australia.
- “ This Act ” includes regulations made under this Act.

PART 1.—THE INDUSTRIES ASSISTANCE BOARD.

Constitution
and appoint-
ment of Board.

3. (1) A Board to be called “ The Industries Assistance Board ” shall be constituted.

(2) The Board shall consist of three members appointed by the Governor.

(3) The Board shall be constituted upon the publication in the *Government Gazette* of a notice of the appointment of the original three members.

(4) Notice of every appointment of a member shall be published in the *Government Gazette*.

The Board to be
a body corpor-
ate.

4. (1) The Board shall be a body corporate, and shall have perpetual succession and a common seal, and by the name of “ The Industries Assistance Board ” shall be capable of—

- (a) suing and being sued and of submitting to arbitration :
- (b) owning, holding, and disposing of all kinds of property :

- (c) entering into and carrying out such contracts, and doing and suffering all such other acts and things as may be necessary or convenient for the purposes of this Act.

(2) It shall be lawful for the Governor, if and when satisfied that the functions of the Board have been performed and that there is no further need for the existence of the Board, to declare, by proclamation published in the *Gazette*, that the Board shall cease to exist as from the date fixed in that behalf by such proclamation, and the Board shall cease to exist accordingly.

Power to dissolve Board.

5. The Governor shall appoint one of the members to be the chairman of the Board, and may appoint another member to be the deputy-chairman of the Board.

Chairman and deputy-chairman.

6. Any two members of the Board shall constitute a quorum thereof.

Quorum.

7. (1) No act or proceeding of the Board shall be invalid or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding.

Defects in appointment not to invalidate proceedings of Board.

(2) All acts and proceedings of the Board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such member had been duly appointed and was qualified and entitled to act, and had acted as a member of the Board, and as if the Board had been properly and fully constituted.

8. In the case of the illness or other incapacity, or absence from the State, of any member of the Board, or of a vacancy in the office of any member, the Governor may appoint some person to be a deputy member of the Board during such illness, incapacity, or absence, or until such vacancy is filled.

Deputy member.

Every person so appointed shall, until his appointment is terminated by notice in the *Gazette*, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Board.

Administration by Board subject to control of Minister. Enacted by No. 16 of 1917, s. 3. Renumbered 8A in 1931 Reprint.

8A. Part 2 of this Act shall be administered by the Industries Assistance Board under and subject to the control of the Minister, and the powers thereby conferred on the Treasurer may, subject as aforesaid, be exercised by the Board.

This Act, except Part 3 thereof, shall have effect as if the words "the Board" were inserted in place of the "Treasurer," and all securities of the Treasurer for advances made or deemed to have been made under this Act, except Part 3 thereof, are hereby vested in and may be enforced by the Board.

PART 2.—ADVANCES TO SETTLERS.

Treasurer may supply commodities and make advances. Amended by No. 52 of 1915, s. 2; union No. 16 of 1917, s. 5.

9. The Treasurer* may, for the purpose of affording assistance to settlers and other persons affected by drought or other adverse conditions—

- (a) supply applicants, or cause them to be supplied, by guarantee or otherwise, upon credit, with seed wheat, or other cereals, fertilisers, hay, chaff, implements, machinery, live stock, flour, and any other commodities, whether of the same kind as any of those hereinbefore specified or not, which the Treasurer thinks necessary for the said purpose ; and
- (b) make advances to applicants to enable them to pay for the agistment of live stock and stud fees, and municipal and road board rates and licenses, veterinary charges, the wages of farm hands, insurance premiums, and medical, surgical, and dental expenses, and generally for any other object or purpose that the Board may approve.

* See Section 8A.

- (c) make advances to applicants to enable them to pay rents due to the Department of Lands and Surveys when in default of payment their holdings would be liable to forfeiture, or to pay any moneys due to any other Government Department or Institution and legally or equitably charged or intended to be charged by Statute, mortgage, or otherwise upon their holdings.

10. Any person holding any land for a freehold estate, or under contract for the purchase of the freehold, or under any conditional purchase or other lease or as a homestead farm under the Land Act, 1898,¹ or its amendments, who is as the result of drought or other adverse conditions, in need of such assistance as is provided for by this Act, may apply for such assistance.

Who may apply for assistance.

11. Every application shall be made to the Board, and shall contain such particulars as are prescribed.

Method of applying.

12. If the Treasurer, on the recommendation and advice of the Board*, is satisfied that an applicant—

Treasurer may grant application.

Amended by No. 52 of 1915, s. 3; No. 16 of 1917, s. 6.

- (a) *bona fide* intends to put the land held by him, or part thereof, under crop, and is unable to do so without assistance under this Act ; or
- (b) requires the commodities applied for to feed his stock, or to maintain himself and his family (if any) on such land ; or
- (c) requires the advance applied for to enable him to pay for the agistment of live stock, or for stud fees or municipal and road board rates and licenses, veterinary charges, the wages of farm hands, insurance premiums, or medical, surgical, and dental expenses, or for any other object or purpose which the Board may approve ; or

¹ Now Land Act, 1933.

* See Section 8A.

- (d) requires the advance to enable him to pay rents due to the Department of Lands and Surveys, when in default of payment his holding would be liable to forfeiture, or to pay any money due to any other Government Department or Institution and charged by statute or otherwise on his holding.

he may from time to time grant to the applicant such assistance under this Act as he thinks fit.

Person supplied to sign an acknowledgment and contract.

First Schedule.

13. Every person upon whose application any commodity is supplied or moneys advanced under this Act shall, upon the supply or advance thereof, sign an acknowledgment and contract in the Form contained in the First Schedule to this Act, or to the effect thereof, or in such form as is prescribed in that behalf.

Caveat to have effect of registered acknowledgment and contract.

Enacted by No. 52 of 1915, s. 7. Renumbered 13A in 1931 Reprint.

See Fourth Schedule of this compilation.

13A. 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,¹ 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 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 Treasurer in accordance with the provisions of the principal Act, as if an acknowledgment and contract had been duly registered.

Where advance made pursuant to application, acknowledgment, and contract not essential.

13B. Notwithstanding anything contained in the principal Act¹ to the contrary, where advances have

¹ See the Industries Assistance Act, 1915. See No. 52 of 1915, s. 1, and No. 16 of 1917, s. 1.

been made or are deemed to have been made or may hereafter be made under Part 2 of the principal Act to an applicant, it shall not be essential for an acknowledgment and contract to be signed by the applicant; but the provisions of section fifteen of the principal Act shall apply, and the charge upon the lands, crops, and chattels of the applicant to secure repayment of all advances with interest shall have effect, and the powers of a mortgagee of such lands, crops, and chattels shall be conferred on the Treasurer and the Board, to all intents and purposes as if an acknowledgment and contract had been signed by the applicant, and a mortgage of the lands and a bill of sale of the crops and chattels of the applicant had been executed by him and duly registered.

Enacted by
No. 16 of
1917, s. 4.

Re-numbered
15B in 1931
Reprint.

Provided that a *caveat* in the Form set out in the Schedule to the Industries Assistance Act Amendment Act, 1915, or to the effect thereof, shall be lodged against any land in respect of which the applicant is registered as lessee or proprietor.

The prescribed
form of caveat
is set out in
the Fourth
Schedule of
this compilation.

14. (1) The cost of any commodity or commodities supplied under this Act shall be fixed by the Board.

Provisions for
fixing the cost
of commodities
supplied, and
the repayment
of advances.

(2) [*Repealed by No 16 of 1917, S. 7.*]

(3) When payment of the cost of any commodity or commodities is guaranteed by the Treasurer, an advance under this Act shall be deemed to have been made to the applicant in respect of all payments made by the Treasurer under such guarantee.

Amended by
No. 16 of 1917,
s. 7; No. 42 of
1940, s. 2.

(4) The applicant, to whom any advance has been made or is deemed to have been made under this Act prior to the commencement of subsection (6) of this section, shall repay such advance, with interest thereon, to the date of payment, at a rate of not less than Six pounds per centum per annum—

(a) on demand; or

(b) upon the alienation (whether voluntary or otherwise) of such applicant's interest in the lands mentioned in the acknowledgment and contract signed by him under section thirteen, or in any of such lands.

whichever first happens : Provided that such applicant may at any time, with the consent of the Board but not otherwise, repay the whole or any part of the advance, with interest to the date of payment on the amount so paid ; and when part only has been so repaid, interest as aforesaid shall be payable on the balance for the time being remaining unpaid.

(5) The Treasurer, notwithstanding any prior demand, may in any case which he considers to be one of special hardship, extend, and from time to time further extend the date of repayment of the whole or any part of the advance made to an applicant.

(6) (a) Every advance and every supply of commodities which is made or deemed to be made under this Act after the commencement of this subsection shall be made to and received by the applicant upon such terms and conditions as to the rate of and times for the payment of interest, the repayment of principal and other matters as are prescribed by the regulations made under this Act.

(b) Notwithstanding anything in the principal Act contained such regulations shall provide that in any case where the Board is of opinion that it is desirable to do so the Board may at any time agree in writing with any applicant or with any creditor of an applicant for the waiver or postponement of any charge arising under the principal Act wholly or in part or to any basis or method of application or division of the proceeds of the realisation of any property the subject of any such charge.

Advances to be a first charge on land, crops, etc., of applicant.

Substituted by No. 16 of 1917, s. 8.

Amended by No. 43 of 1919, s. 5.

15. (1) Notwithstanding any provisions of the Land Act, 1898,¹ the Transfer of Land Act, 1893, or any Act or law to the contrary, the principal and interest of all advances made, or deemed to have been made, under this Part of this Act shall be, and until fully paid shall remain, a first charge in favour of the Board in priority to all other encumbrances—

- (a) upon the estate or interest of the applicant in all lands held or occupied by him for agricultural, farming, or grazing purposes, including

¹ Now Land Act, 1933.

all such lands held by him under lease or contract for the purchase thereof, or as a homestead farm, or otherwise ; and

- (b) upon all crops to be sown in or grown upon such lands and the produce thereof, and the share or interest of the applicant in any other crops wheresoever grown ; and
- (c) upon all implements, live stock, and the progeny thereof, and other chattels supplied to the applicant under this Act ; and
- (d) subject to prior encumbrances, shall be, and, until fully paid shall continue, a charge on all other live stock, implements, machinery, plant, and movable structures of the applicant ; but any proceeds of the charge created by this paragraph shall, if such chattels are realised by the Board, be distributed *pari passu* between the Board and the other creditors of the applicant : Provided that the Board in its discretion may allow the whole or any portion of the proceeds of the sale of dairy produce, pigs, and poultry, to be retained by the settler.

Provided that when the holding of any applicant is already mortgaged by a registered instrument or is subject to the knowledge of the Board to a vendor's lien for unpaid purchase money, notice in the prescribed form of the proposed advances shall be given to the mortgagee or vendor, and if within fourteen days after such notice the mortgagee or the vendor, by notice to the Board in writing, objects to the proposed advances, or if such notice as aforesaid shall not have been given, the Board shall only be entitled to make such advances subject to such mortgage or vendor's lien as regards the applicant's land, and on the security of a first charge upon all the crop of the next ensuing harvest and the two succeeding crops to be grown upon such land.

(2) Any advance made or deemed to be made under this Act shall have the effect of a mortgage and bill of sale of the lands, crops, and chattels charged as aforesaid, to secure the repayment of all such advances with

interest, and shall confer on the Board all the powers and remedies of a mortgagee under an instrument of mortgage or bill of sale duly registered.

Provided that the Board may, in its discretion, exempt from the operation of its security the whole or any portion of the crops and chattels of the applicant for such period as it may think fit.

(3) No stamp duty or registration fee shall be payable in respect of any instrument under this Part of this Act.

(4) Notwithstanding the provisions of section thirty-one of the Agricultural Bank Act, 1906,¹ a charge created under this Part of this Act shall not preclude advances under the first-mentioned Act on the security of the land so charged.

Demand for repayment.

16. (1) The Treasurer, before and in making any demand for repayment by any person of his advance under this Act, shall take into consideration the profits made by such person on or from the lands charged with such advance during any season or seasons prior to the making of such demand.

(2) Any such demand may be for the whole of the advance, or for any part thereof.

(3) In any case where part only of the advance has been demanded and has been repaid, interest as provided by this Act shall be payable only on the balance for the time being remaining unpaid.

The Board may examine applicants on oath.

17. (1) The Board may require any applicant to attend in person before them, and may examine the applicant and any other person who may attend on his behalf upon oath in respect of any matters relating to the application, and any member of the Board may administer the oath.

¹ Repealed—see Act No. 45 of 1934.

(2) Any person who wilfully makes any false statement in any application or in his evidence before the Board, or in any acknowledgment and contract, return, statement, or declaration under or for the purposes of this Act, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years.

False statement punishable.

18. In any case in which, before the passing of this Act, any commodity has been supplied by any agency of the Government to any person who has signed an application for assistance in the Form contained in the Second Schedule to this Act, or to the effect thereof—

Provisions of the Act to apply where commodities have already been supplied.

Second Schedule.

- (a) such commodity shall be deemed to have been supplied under this Act ;
- (b) the cost thereof, as fixed by the Board, shall be an advance within the meaning and for the purposes of this Act ;
- (c) all the provisions of this Act shall, *mutatis mutandis*, apply as if the commodity had been supplied under this Act, and the applicant had signed an acknowledgment and contract under this Act.

19. Any person to whom any commodity has been supplied under this Act, who without the written consent of the Treasurer, or an officer acting on his behalf, barter or sells, or attempts to barter or sell, such commodity or any quantity thereof, shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years.

Punishment for selling commodities supplied.

20. Any person to whom any commodity has been supplied under this Act, who—

Punishment for misuse of commodities supplied.

- (a) uses or attempts to use such commodity or any quantity thereof, for a purpose other than that for which it was supplied ; or

- (b) fails to return to the Treasurer such commodity, or any quantity thereof, if he does not intend to use the same for the purpose for which it was supplied ; or
- (c) fails upon request of the Treasurer to furnish him with a statement of such particulars or to make such returns, as are prescribed,

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.

Disposal of surplus proceeds after satisfaction of advances.

Amended by No. 52 of 1915, s. 5; No. 16 of 1917, s. 9.

21. Any surplus of the proceeds of the assigned crops and other securities of an applicant in the hands of the Treasurer after satisfaction of the interest on advances made under this Part of this Act, and also the principal of the advances made under this Act, for the purposes mentioned in paragraphs (a) and (b) of section nine, may, notwithstanding any other assignment of or encumbrance upon such crops, except assignments for the benefit of creditors made before the advances by the Treasurer under this Act, in the discretion of the Treasurer, be applied in or towards the discharge of the other debts and obligations of the applicant. If such surplus is applied by the 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 Treasurer towards the cost of administering this Act. If the 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 Treasurer, anything contained in this Act to the contrary notwithstanding :

Provided that where any land of an applicant is mortgaged in priority to the security of the Treasurer, it shall not be obligatory on the Treasurer to apply the proceeds of the crops of such mortgaged land to

the liquidation of the indebtedness of the applicant, and the Treasurer in the exercise of his discretion to distribute the surplus proceeds as aforesaid may exempt from such distribution the proceeds of crops raised on such mortgaged lands.

22. The Bills of Sale Act, 1899, and the Acts amending the same shall not apply to any acknowledgment and contract under this part of this Act, or to any instrument executed before or after the commencement of this Act, whereby the crops with or without other chattels of any person are assigned to the Treasurer or the Board or the Minister or any officer of the Department of Agriculture for realisation and distribution of the proceeds among the creditors of the assignor, with or without provision for the personal requirements of the assignor; but a register shall be kept at the office of the Board, in Perth, with the names of all persons to whom advances have been made or are deemed to have been made under this Act, or who may have executed assignments as aforesaid, containing such particulars as are prescribed, including the amount advanced for the time being, and such register and index shall be open to public inspection on the payment of such fee (if any) as may be prescribed.

Register to be kept for inspection.

Amended by No. 16 of 1917, s. 10.

22A. The Treasurer may insure against loss or damage by fire the crops of an applicant to whom advances have been or are hereafter made under this Act; and every applicant as aforesaid shall, until such advances have been repaid, effect to the satisfaction of the Treasurer an insurance against liability to his workers under the Workers' Compensation Act, 1912, the Employers' Liability Act, 1894,¹ or at common law, or the Treasurer may, in the name and on behalf of the applicant, effect such insurance. The premiums paid by the Treasurer under any such policy of insurance shall be deemed advances under paragraph (b) of section nine of this Act.

Power to insure. Enacted by No. 52 of 1915, s. 9.

Renumbered 22A in 1931 Reprint.

¹ Repealed by Act No. 29 of 1951.

Interest of settler in mortgaged land, crops, and chattels not to be alienated.

Enacted by No. 16 of 1917, ss. 1 and 11.

Renumbered 22B in 1931 Reprint.

22B. The interest of any settler or other person indebted for advances under the principal Act and its amendments, in the land, crops, and chattels charged as security for such advances, shall not be alienated, either voluntarily or involuntarily, or be subject to distress, execution, or other legal process, without the consent in writing of the Minister, so long as such settler or other person continues indebted for advances made under the said Act.

Powers of a mortgagee vested in Board.

Enacted by No. 16 of 1917, s. 12.

Renumbered 22C in 1931 Reprint.

22C. If an applicant to whom advances have been made or are deemed to have been made shall make default in payment of such advances or any instalment thereof on demand, the Board may, by force of this Act, in respect of the applicant's land, exercise the powers of a mortgagee under the Transfer of Land Act, 1893, by virtue of an instrument of mortgage duly registered, and if in possession may, without the concurrence of the applicant, lease such land and the chattels thereon, pending a sale thereof, for any term not exceeding seven years, and may make advances to the lessee, and such advances shall be a charge on the land, and the crops thereof, and the said chattels.

A lease granted under the powers conferred by this section shall have the same effect as if both the Board and the applicant were parties to it.

Produce of crops, etc., not to be sold without consent of Board.

Enacted by No. 16 of 1917, s. 13.

Renumbered 22D in 1931 Reprint.

22D. It shall be unlawful for any person indebted to the Treasurer or the Board for advances made under the principal Act or its amendments to sell or otherwise dispose of the product of his crops or any chattels charged with the repayment of such advances without the consent in writing of the Board.

Any such person as aforesaid who sells or otherwise disposes of the product of his crops or any such chattels as aforesaid, and any person who receives the same knowing that such person as aforesaid is indebted for advances under the principal Act or its amendments, shall be guilty of an offence.

Penalty : One hundred pounds, or imprisonment for six months.

22E. (1) The Board may cause the accounts of all settlers and other persons to whom advances have been made under Part 2 of the principal Act, to be balanced on a date to be fixed by the Board, and may in its discretion, permit the amount due on any such account to be repaid by instalments extending over a period of five years.

Provision for repayment by instalments.

Enacted by No. 16 of 1917, s. 14.

Amended by No. 43 of 1919, s. 6.

Renumbered 22E in 1931 Reprint.

(2) During such period the proceeds of the crops of each season of every settler or other person as aforesaid may be distributed by the Board in manner following :—

- (a) In payment of accrued interest and one-fifth of the liability of the settler or other person to the Board, and the cost of bags for his wheat ;
- (b) By retaining and placing to the credit of the ordinary account of such settler or other person so much of such proceeds then remaining as the Board may think fit to apply towards his operations during the then current or next following season, and in payment of his land rents, rates, taxes, and insurance premiums and other obligations mentioned in paragraph (c) of section nine of the principal Act ; and
- (c) By distributing the surplus (if any) among the other creditors of such settler or other person on a *pro rata* basis, and the Board may in its discretion allow interest or claims at a rate not exceeding eight per centum per annum.

(3) If the land of the settler or other person as aforesaid is subject to a mortgage in priority to the Board's security this section shall not apply without the consent of the mortgagee, but if such consent is given interest payable to the mortgagee may, so far as the Board in its discretion thinks fit, be paid under paragraph (a) of subsection two.

(4) The surplus proceeds of the harvest of the season 1915–16 received by the Board after the first

day of March, 1917, or of any subsequent harvest, may be distributed under this subsection.

(5) The indebtedness of settlers and other persons as aforesaid to any Government department for supplies or advances under the Grain and Foodstuff Act, 1914,¹ or otherwise prior to the commencement of the principal Act, shall be deemed a liability to the Board, and may be brought into account in arriving at such balance as aforesaid.

Power to acquire machinery, etc., for the purposes of this Act.

Enacted by No. 43 of 1919, s. 2.

Renumbered 22F in 1931 Reprint.

22F. In the exercise of the power conferred by this Act to supply applicants with implements and machinery, the Board may purchase, and shall be deemed to have had authority to purchase, implements and machinery, including implements and machinery the subject of existing hire or hire-purchase agreements.

Power to acquire debts of settlers.

Enacted by No. 43 of 1919, s. 4.

Renumbered 22G in 1931 Reprint.

22G. The Board may purchase, and shall be deemed to have had authority to purchase, from any creditor of a person to whom assistance is or may have been afforded under Part 2 of the principal Act, the debt due and owing by such person.

Power to write off.^a

Enacted by No. 26 of 1924, s. 2.

Renumbered 22H in 1931 Reprint.

22H. (1) It shall be lawful for the Industries Assistance Board to write off so much of the indebtedness of any debtor to the Board for advances under Part 2 of the Industries Assistance Act, 1915, as, with the approval of the Governor, the Board may think fit, upon the debtor executing in favour of the Board a legal mortgage and bill of sale by way of security of the assets of the debtor to which the statutory charge under the Industries Assistance Act, 1915, for the time being extends (subject only to prior registered encumbrances, if any), to secure the repayment of the reduced amount of such indebtedness, with interest, at such time and on such conditions as, subject to the regulations, the Board may think fit.

¹ Act No. 5 of 1915 — Expired 30/9/15 (by Section 25 of that Act).

^a By section 3 of No. 26 of 1924 it is enacted as follows:—

3. The Governor may, by Order in Council, extend the authority conferred by this Act on the Industries Assistance Board, to the Trustees of the Agricultural Bank in respect to advances made by the Trustees under the provisions of the Discharged Soldiers' Settlement Act, 1918, or otherwise.

(2) The Board may take from any debtor, as aforesaid, in lieu of such statutory charge, a legal mortgage and bill of sale of the assets of the debtor to which the statutory charge for the time being extends, notwithstanding that no portion of the indebtedness is written off under the authority of subsection (1) of this section.

(3) On the registration of such substituted securities under the provisions of this Act, the statutory charge created by the Industries Assistance Act, 1915, shall cease to be operative: Provided that the principal money payable under and secured by such substituted securities shall be deemed a contemporaneous advance within the meaning of the Bills of Sale Act, 1899.

22I. (1) It shall be, and shall be deemed to have been, lawful for the Industries Assistance Board with respect to securities executed in favour of the Board under the provisions of the Industries Assistance Act, 1924¹—

Power to extend time for payment of instalments and to refund temporarily.

Enacted by No. 20 of 1929, s. 2.

Renumbered 22I in 1931 Reprint.

- (a) to extend the time for payment by mortgagors of any instalment of principal or interest, or of principal and interest, which may become, or may before the commencement of this Act have become due and payable by any mortgagor under the provisions of any mortgage security held by the Board; and
- (b) to refund to any mortgagor the whole or any part of any such instalment as aforesaid which may have been paid either before or after the commencement of this Act, but subject to the liability of the mortgagor to repay to the Board such instalment or any part thereof so refunded at a future date as may be required by the Board.

(2) The amount of any such instalment of principal or interest, or of principal and interest, or any part thereof, so refunded subject to the liability of the mortgagor to repay the same to the Board at a future date as may be required by the Board shall, with

¹ Section 22H of this compilation.

interest thereon, continue a charge on the mortgaged property under the security held for the time being by the Board, and such security shall to all intents and purposes have, and continue to have, effect as if the said instalment or the part thereof so refunded had not been paid to and received by the Board.

Purchase money of sales of crop or produce to be paid to the Treasurer.

Enacted by No. 52 of 1915, s. 10.

Renumbered 22J in 1931 Reprint.

22J. 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 Treasurer, and any authority of the Treasurer to the person to whom such advances have been made to sell such crops or produce on behalf of the 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 Treasurer it shall be recoverable from the purchaser by action at the suit of the Treasurer in the name of his office :

Provided that nothing herein contained shall affect the right of the 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 Treasurer.

Interest on arrears of rent when assistance not sought.

Enacted by No. 52 of 1915, s. 11.

Renumbered 22K in 1931 Reprint.

22K. 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.

22L. 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 mis-use of commodities.

Enacted by No. 52 of 1915 s. 12.

Renumbered 22L in 1931 Reprint.

22M. Notwithstanding anything contained in this Act and its amendments to the contrary the following provisions shall have effect :—

Consent of mortgagee to advance.

Enacted by No. 16 of 1917, s. 17.

Renumbered 22M in 1931 Reprint.

(1) No advance shall be made after the commencement of the Industries Assistance Act Amendment Act, 1917, to any settler or other person not already in receipt of assistance from the Board whose land, chattels, or crops are subject to a registered mortgage or charge, without the consent in writing of the mortgagees or encumbrancer.

(2) Any settler or other person indebted to the Board for advances may, subject as hereinafter provided, at any time repay the amount of such advances with interest, and the receipt of the Board for such payment shall operate as a discharge of all charges, liens, and encumbrances created by this Act or its amendments in favour of the Board : Provided that the Board may, as a condition of such discharge, require the consent of all creditors of such settler or other person as aforesaid, so far as such creditors have given notice to the Board of their claims, or the payment by such settler or other person as aforesaid to the Board of such further amount as shall be sufficient to satisfy such claims, and the release of the Board from all guarantees.

Discharge of Securities.

23. (1) Every farmer who, before the commencement of this Act, may have contracted for the sale of

Relief to farmers from contracts for the supply of wheat for future delivery.

Amended by
No. 52 of 1915,
s.6.

wheat for future delivery, shall, unless the contrary intention is proved, be deemed to have contracted for the sale of wheat the proceeds of his own crops.

(2) Every such farmer who is or was unable by reason of the failure of his crop to perform his contract, either wholly or partially, may apply to a Resident Magistrate to be relieved wholly or in part from his obligation under the contract.

(3) The application shall be heard in open Court after such notice to the other party to the contract of the date appointed for the hearing as the Resident Magistrate may deem sufficient to afford such party an opportunity of showing cause against the application.

(4) If the Resident Magistrate is of opinion that in the circumstances the applicant should be wholly or partially relieved of his obligation under the contract, he may give to the applicant a certificate in writing to that effect, and such certificate shall release the applicant wholly or in part, as the case may be, from his obligations, and shall be a sufficient defence to any action or other proceeding for damages for the breach of his contract.

Provided that where an applicant has not suffered a total loss of his crop, and after satisfying the personal requirements of himself, his family and dependants, and his requirements for seed purposes, there remains or remained a surplus available to enable him to partially perform his contract, he shall only be entitled to relief therefrom to such extent as he was unable to perform the contract.

(5) No action or other proceeding shall be brought against a farmer for breach of any contract made before the commencement of this Act, for the sale of wheat for future delivery, unless such action is commenced on or before the thirtieth day of April, one thousand nine hundred and fifteen.

(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.

(6) Every purchaser under a contract in respect of which relief is granted under this section, and every sub-purchaser under him, may claim relief from their obligations under contracts of sale made by them so far as they are unable to perform such contracts in consequence of relief afforded under subsection (4) of this section ; and such relief may be claimed notwithstanding that the relief granted under subsection (4) may have been granted after the date appointed for the performance of the contract of sale made by them, and in any action or other proceeding against any such purchaser or sub-purchaser for the performance or for damages for the non-performance of contracts of sale made by them, the Court shall give effect to this subsection by granting relief to the same extent from the obligations under such contracts. 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) The Clerk of the Court, at the request of the purchaser, may, in the name and on behalf of any farmer who may have contracted as aforesaid and is unable to perform his contract, make an application to the Resident Magistrate for relief from the contract, and the like order may be made on such application as if the application had been made by the farmer himself.

PART 3.—ASSISTANCE TO MINING AND OTHER INDUSTRIES.

24. [Repealed by No. 51 of 1944, s. 5.]

PART 4.—FINANCIAL.

Provision for expenditure.

25. (1) All advances under this Act shall be made out of such moneys as Parliament may appropriate to the purposes of this Act.

(2) All moneys received in repayment of advances shall be placed to the credit of a suspense account to be kept at the Treasury, and the moneys for the time being to the credit of such account may be applied in payment of interest and contributions to the sinking fund in respect of loan funds appropriated to the purposes of this Act, and the expenses of administering this Act, and the surplus for the time being to the credit of such account may be applied by the Treasurer in making further advances under this Act.

(3) When the functions of the Board have been performed, and the Governor shall have declared by proclamation that the Board shall cease to exist, all moneys to the credit of the said account, so far as such moneys were derived from revenue, shall be transferred to the Consolidated Revenue Fund, and so far as such

moneys were derived from loan funds, shall be transferred to the General Loan Fund, and in the latter case shall be applicable to such permanent works or purposes as the Parliament may enact; and in the meantime any moneys to the credit of the said account which in the opinion of the Treasurer are no longer required for the purposes of this Act may in like manner be transferred and applied.

26. (1) Accounts shall be kept in the prescribed form of all operations under this Act, and such accounts shall, once at least in every year, and also when directed by the Governor, be audited by the Auditor General.

Accounts and Audit.

(2) The Auditor General shall, in respect of such accounts, have all the powers conferred on him by the Audit Act, 1904, and any other Act for the time being in force relating to the auditing of public accounts.

27. In every year the Treasurer shall cause to be prepared a financial statement and a report upon the operation of this Act, and every such statement and report together with the report of the Auditor General, shall be laid, as soon as practicable, before both Houses of Parliament.

Financial statement and report to be laid before Parliament.

PART 5.—MISCELLANEOUS PROVISIONS.

28. Any notice to be given to, or any demand to be made on, any person under this Act, shall be sufficiently given or made if—

How notices and demands may be given or made.

- (a) given or made personally to or on such person, or
- (b) sent by post and directed to his address as stated in any application by him, or to his place of residence so far as the same is known to the Treasurer.

28A. A report and balance sheet of the operations of the Board shall be laid before both Houses of Parliament, by the Minister in charge of the Department, on or before the thirtieth day of September, 1919.

Report and balance-sheet to be presented to Parliament.

Enacted by No. 6 of 1919, s. 3.

Renumbered 28A in 1931 Reprint.

Industries Assistance.

My stock comprises :—

Horses.....
 Cows.....
 Sheep.....
 Pigs.....
 Poultry.....

| | Hay. | Chaff. | Oats. | Cocky Chaff. | Fowl Feed. |
|---|-------|--------|-------|-----------------|---------------|
| | Tons. | Tons. | Tons. | ewt. | bushels. |
| I have on hand, or expect to obtain from my crop and in addition to the above I estimate to require | | | | | |
| Total | | | | | |

Have you work for all your horses until planting time ?.....

If your horses are taken elsewhere for grazing, when must they be returned ?.....

Are all the horses necessary for working the farm ?.....

Is any horse feed obtainable locally ? If so, give particulars.....

Should you be supplied with fodder, how is it to be consigned ?.....

What are your mail days ?.....

Please supply details as to your water supply.....

Signature.....*Postal Address*.....*Railway Address*.....*Witness*.....*Date*....., 19

THE FOURTH SCHEDULE.

Section 13A.

Enacted by
No. 52 of 1915,
Renamed in
1931 Reprint.

CAVEAT.

To the Registrar of Titles [*or To the Under Secretary for Lands.*]

TAKE NOTICE that I, the Treasurer, claim to have a statutory charge as mortgagee under "The Industries Assistance Act, 1915," for advances under paragraphs (a), (b), and (c) of Section 9 of the said Act, upon.....
standing in the Register Book in the name of.....

And I forbid the registration of any person as transferee or proprietor of and of any instrument affecting the said lease or interest, unless such instrument is expressed to be subject to my claim.

I appoint the Crown Law Offices, Perth, as the place at which notices and proceedings relating to this Caveat may be served.

Dated this.....day of....., 19

Treasurer.

by his Agent.....

Signed in the }
presence of }

=====