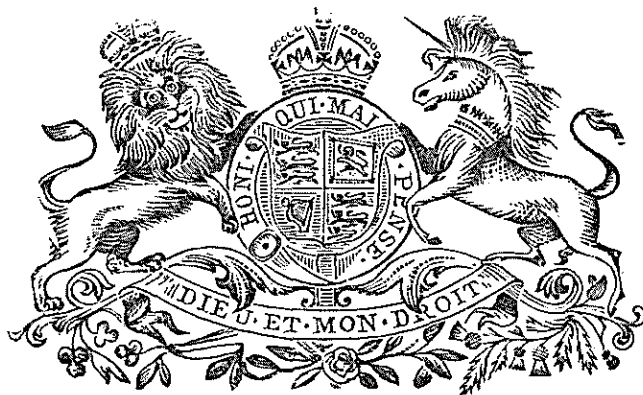


# WESTERN AUSTRALIA.



ANNO QUINTO

## GEORGI QUINTI REGIS,

LIV.

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No. 27 of 1915.

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.]

**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*, Short title. 1915.

2. In this Act—

Interpretation.

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

“Applicant” means applicant for assistance under this Act.

“Application” means application under this Act.

“Board” means the Industries Assistance Board appointed under 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 I.—THE INDUSTRIES ASSISTANCE BOARD.

Constitution and  
appointment 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 corporate.

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.

Power to dissolve  
Board.

(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.

Chairman and  
Deputy-Chairman.

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.

Quorum.

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

Defects in appoint-  
ment not to invali-  
date proceedings of  
Board.

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.

(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 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.

#### PART 2.—ADVANCES TO SETTLERS.

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

- (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 Colonial 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:
- (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.

Provided that no commodity shall be supplied or money advanced under this Act after the thirty-first day of March, 1916.

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, 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 Colonial Treasurer, on the recommendation and advice of the Board, is satisfied that an applicant— Colonial Treasurer may grant application.

- (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
- (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.

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

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

(2.) Notice of the amount so fixed shall be given to the applicant upon whose application the supply was granted, and such amount (hereinafter referred to as an "advance") shall be deemed to be an advance made by the Colonial Treasurer to such applicant.

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

(4.) The applicant to whom any advance is made or is deemed to be made under this Act 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 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 Colonial 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.

15. (1.) Notwithstanding any provision of the Land Act, 1898, the Transfer of Land Act, 1893, or any other Act or law to the contrary, the interest on all advances made under this Part of this Act, and also the principal of all advances made under this Act for the purposes mentioned in paragraphs (a) and (b) of section nine shall be, and until fully paid shall remain, a first charge in priority to all other encumbrances—

Advance to be first charge on land, crops, etc., of settler.

- (a) upon all lands held by the applicant for agricultural, farming, or grazing purposes, and owned by the applicant, and all such lands held by him under contract for the purchase thereof, or under conditional purchase or other lease, or as a homestead farm, at the time when such advance was made, or the commodity in respect of which such advance is deemed to have been made was supplied, under this Act; and
- (b) upon all crops to be sown in or grown upon such lands and the produce thereof; and
- (c) upon all implements, live stock, and the progeny thereof, and other chattels supplied to the applicant under this Act.

Provided that when the holding of an applicant is already mortgaged by a registered instrument or instruments or is subject to the knowledge of the Colonial Treasurer 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 mortgagees or vendor, and if within fourteen days after such notice the mortgagee or mortgagees or one of them or the vendor by notice in writing served on the Colonial Treasurer, objects to the proposed advances, the Colonial Treasurer shall only be entitled to make the advances, either subject to such mortgage or mortgagee's or vendor's lien or on the security of a bill of sale over the crop of the next ensuing harvest sown or grown on or upon the lands of the applicant, and also over each of the two succeeding crops to be sown on or grown upon such lands.

Provided further that the advances under the security of such bill of sale over crops shall be and until fully paid shall remain a first charge, notwithstanding the rights of any mortgagee or encumbrancees in possession under any mortgage or encumbrance over the lands whereon such crops may be growing, in priority to all other encumbrances over such crops.

(2.) An acknowledgment and contract in the prescribed form 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 with respect to the said lands held by the applicant shall confer on the Colonial Treasurer all the powers of a mortgagee under the provisions of the Transfer of Land Act, 1893, and the Registrar of Titles shall, on the application of the Colonial Treasurer, cause any such acknowledgment and contract to be registered as a mortgage in the proper registry.

(3.) No stamp duty or registration fee shall be payable in respect of any such acknowledgment and contract.

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

Demand for repayment.

16. (1.) The Colonial 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.

False statement punishable.

(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.

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

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—

(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 Colonial 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 Colonial 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 Colonial 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.

21. Any surplus of the proceeds of the assigned crops and other securities of an applicant in the hands of the Colonial 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, in the discretion of the Colonial Treasurer, be applied in or towards the discharge of the other debts and obligations of the applicant in the order set out in the Third Schedule to this Act, or in such other order as may from time to time be prescribed by regulations under this Act.

Disposal of surplus proceeds after satisfaction of advances.

Third Schedule.

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 Colonial Treasurer or the Board or the Minister or any officer of the

Register to be kept for inspection.

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, with an alphabetical index of the names of such persons, and such register and index shall be open to public inspection on the payment of such fee (if any) as may be prescribed.

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

23. (1.) Every farmer 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 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 obligation, 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.

(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 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.

(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. (1.) It shall be lawful for the Colonial Treasurer to render financial assistance by making advances, or guaranteeing the repayment of advances to be made, to any persons engaged in mining or any other industry, if it is proved to his satisfaction that in the interest of the State such assistance should be given, and that it is not practicable for the applicant to obtain assistance through the ordinary financial channels.

Power to make or guarantee advances to persons engaged in mining and other industries.

(2.) Advances under this section shall be repayable at such times or by such instalments as the Colonial Treasurer may determine, with interest at a rate to be fixed by the Colonial Treasurer, but not less than six per centum per annum, and such interest shall be calculated on the daily balance.

(3.) Before making any advance the Colonial Treasurer shall enter into an agreement with the applicant setting forth the terms of the advance and the industry in respect of which the advance is to be made, and shall take from the applicant such mortgage or other security for the repayment of the advance with interest as to the Colonial Treasurer may seem fit.

(4.) The Colonial Treasurer may, in his discretion, exempt any securities under this Part of this Act from stamp duty or registration fees.

### PART 4.—FINANCIAL.

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

Provision for expenditure.

(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 Colonial 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 Colonial Treasurer are no longer required for the purposes of this Act may in like manner be transferred and applied.

Accounts and  
Audit.

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.

(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.

Financial statement  
and Report to be laid  
before Parliament.

27. In every year the Colonial 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.

#### PART 5.—MISCELLANEOUS PROVISIONS.

How notices and  
demands may be  
given or made.

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—

- (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 Colonial Treasurer.

Regulations.

29. (1.) The Governor may make all such regulations as may be necessary or convenient for giving effect to this Act, or for carrying out its objects and purposes.

(2.) Any regulation so made may impose a penalty not exceeding Twenty pounds for any breach of the same or any other regulation.

(3.) All regulations so made—

- (a) shall be published in the *Government Gazette*;
- (b) shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

(4.) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity, or curing the invalidity, of anything done, or the omission of anything in the meantime. This subsection shall apply notwithstanding that the said fourteen days or some of them do not occur in the same session of Parliament as that in which the regulation is laid before it.

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THE FIRST SCHEDULE.

Section 13.

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INDUSTRIES ASSISTANCE ACT, 1915.

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*Acknowledgment and Contract.*

I, ....., of ....., acknowledge that I am in receipt of advances by the Colonial Treasurer under the provisions of The Industries Assistance Act, 1915, and I undertake and agree to repay to the Colonial Treasurer all moneys advanced or deemed to be advanced to me with interest at the rate of \_\_\_\_\_ per centum per annum in accordance with the provisions of the said Act.

The lands now held by me for agricultural, farming, or grazing purposes are as follows :—

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 1915.  
(Signature)

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THE SECOND SCHEDULE.

Section 18.

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APPLICATIONS FOR ASSISTANCE.

To the Managing Trustee, Agricultural Bank.

Owing to the present abnormal season depriving me of a remunerative crop this year, I am unable to continue my operations without assistance. I hereby apply for the necessary assistance to enable me to crop and develop my holdings.

My holdings are Homestead Farm No...../74.  
 Conditional Purchase Nos.....

My Wife's holdings are C.P. Nos. ....

Making a total acreage of.....  
 I reside on Block No.....  
 I have a family of.....  
 My area under crop this year is.....acres.  
 I propose to crop next season (1915).....acres.  
 My holdings are mortgaged to.....  
 and the interest amounts to £.....per annum.

I am willing to give an assignment of successive seasons' crop until the whole of the money advanced has been paid off; also a mortgage on demand.

I attach hereto Schedule of further details regarding my position.

The Storekeeper I have been dealing with is.....  
 .....and the value of stores required per month is £.....

My stock comprises :—

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

	Hay.	Chaff.	Oats.	Cocky Chaff.	Fowl Feed.
	tons.	tons.	tons.	cwt.	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 horsefeed 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....., 191 .

**THE THIRD SCHEDULE.**

Sec. 21.

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- (1.) One half of one current or past due payment for approved machinery.\*
  - (2.) Current year's rates and taxes.
  - (3.) One year's interest due to other mortgagees or holders of vendors' liens.
  - (4.) Current year's Water Supply rates and charges.
  - (5.) Balance of one current or one past due payment for approved machinery.\*
  - (6.) Rent for not exceeding twelve months due to Department of Lands.
  - (7.) The applicant's cash requirements to not exceeding twenty-five per cent. of the surplus then remaining, and debts incurred in the working expenses of planting and harvesting the crop of the 1913-14 season.
  - (8.) Other debts including rent in arrear or moneys due for advances made to enable an applicant to pay arrears' of rent, etc. (Section 9 (c.))

*\* Except so far as the cost of such machinery is a first charge on the land, crops, etc., under sections 9 and 15.*