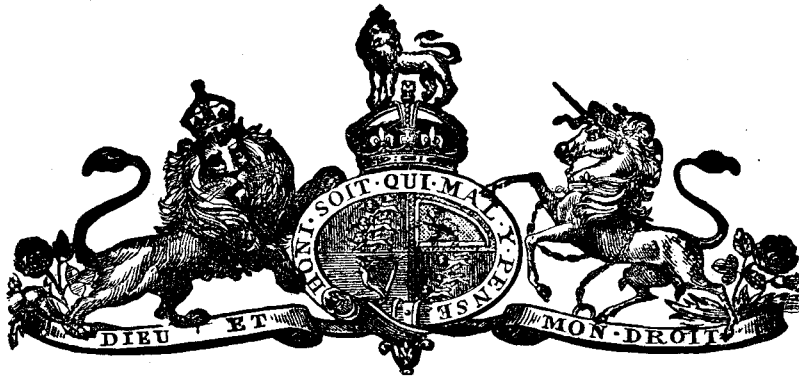


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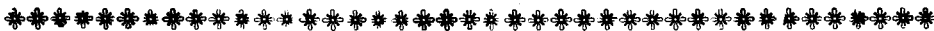
ANNO QUINTO

GEORGII V. REGIS.

No. 43.

ANALYSIS.

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| <ul style="list-style-type: none"> 1. Short title. 2. Interpretation. 3. Minister may supply seed grain to farmers. 4. Who may apply. 5. Method of application. 6. Minister may grant application. 7. Person supplied to sign an acknowledgment and contract. 8. Provision for fixing the cost of seed grain supplied, and the payment thereof. 9. Minister to have a preferable lien on crops. | <ul style="list-style-type: none"> 10. Advance to be first charge on farmer's land. 11. Demand for repayment. 12. False statement punishable. 13. Punishment for selling seed grain supplied. 14. Punishment for misuse of seed grain supplied. 15. How notices, &c., may be given. 16. Regulations. 17. Procedure. 18. How expenses to be provided. |
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AN ACT to enable Seed Grain to be supplied by the Government to Farmers, and for purposes incident thereto and consequent thereon. A.D. 1914.
[6 February, 1915.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as "The Seed Grain Purchase Act, 1914." Short title

6d.]

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Interpretation.

2 In this Act—

“Advance” means an advance under this Act :

“Applicant” means applicant for assistance under this Act :

“Application” means application under this Act :

“Grain” means, wheat, barley, oats, peas, and beans :

“Minister” means the Minister of Agriculture for the time being :

“Seed grain” means grain (as hereinbefore defined) for seed purposes :

“This Act” includes regulations made under this Act.

Minister may supply seed grain to farmers.

3 The Minister may, for the purpose of affording assistance to such farmers as he considers to be seriously affected by the present war or drought, supply, or cause to be supplied upon credit, seed grain to such applicants and in such quantities as the Minister thinks necessary. Provided that no seed grain shall be supplied under this Act after the Thirty-first day of December, One thousand nine hundred and fifteen.

Who may apply.

4 Any person holding any land for a freehold or leasehold estate or under any agreement for purchase upon credit or lease under any Act regulating the sale and disposal of Crown lands, or under any lease under any Act relating to closer settlement, who is, as a result of the present war or drought, in need of such assistance as is provided for by this Act, may apply for such assistance.

Method of application.

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

Minister may grant application.

6 If the Minister is satisfied that an applicant *bond fide* intends forthwith to put the land held by him, or part thereof, under crop, he may supply or cause to be supplied to the applicant such quantity of seed grain as the Minister thinks fit.

Person supplied to sign an acknowledgment and contract.

7 Every person upon whose application any seed grain is supplied under this Act shall, upon the supply thereof, sign an acknowledgment and contract in the form contained in the Schedule to this Act, or in such form as is prescribed in that behalf.

Provision for fixing the cost of seed grain supplied, and the payment thereof.

8 - (1) The cost to the applicant of any seed grain supplied under this Act shall be fixed by the Minister.

(2) Notice of the amount so fixed shall be given to the applicant upon whose application the supply is to be granted, and such amount (hereinafter referred to as an “advance”) shall, upon such supply being granted, be deemed to be an advance made by the Minister to such applicant.

(3) The applicant, to whom any advance is deemed to be made under this Act shall repay such advance, with interest thereon, calculated from the time of advance being made to the date of payment, at the rate of Four Pounds Ten Shillings per centum *per annum*—

i. On demand: or

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- ii. 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 Seven or in any of such lands—

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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.

(4) The Minister, 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 any advance made under this Act.

9—(1) A memorandum of each acknowledgment and contract made and signed in accordance with the provisions of Section Seven shall be entered in the prescribed form and containing the prescribed particulars in a register to be kept by the Minister, which register shall be open to inspection by the public during ordinary office hours.

Minister to have a preferable lien on crops.

(2) Upon such entry the Minister shall have a preferable lien upon, and be entitled to the whole of the grain crops of the applicant, and the whole produce thereof, and possession thereof by the applicant shall be to all intents and purposes in the law the possession of the Minister, and when the advance is repaid with the interest thereon the possession and property of such crop shall revert to and vest in the applicant.

(3) No such lien shall be extinguished or otherwise prejudicially affected by the death or bankruptcy of the applicant, nor by any sale or mortgage of, or other incumbrance upon the land on which any such crops are growing. And if such applicant, his executors, administrators, or assigns, when called upon by the Minister to do so, neglects or refuses either to pay off the whole of such advance with interest, or to give up such crops to the Minister, the Minister may enter into possession of such crops and may gather, and carry away and sell the same, and may apply the proceeds in paying himself such advance, with interest as aforesaid, and all expenses of gathering, carrying away, making marketable, and selling any such crops, and shall pay the balance to the applicant, his executors, administrators, or assigns.

(4) Such lien shall operate in priority to any right of a landlord to distrain upon such crops, and in priority to any registered bill of sale, and need not be registered under the provisions of any Act relating to bills of sale.

(5) Immediately upon payment of the whole, or any part of such advance, or upon sale of the whole or any part of the said crops by the Minister, the Minister shall enter full particulars thereof in the register in the prescribed form.

(6) Any such applicant, whether principal or agent, who, by sale or delivery of any crop affected by such lien, or of any part thereof, without the written consent of the Minister, or by any other means defrauds the Minister of such crop or the value thereof, or any part

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thereof, and thus or by any means directly or indirectly defeats, invalidates, or impairs the Minister's right of property in the same, shall be deemed guilty of a misdemeanour, and shall be liable on conviction to a fine not exceeding Three times the amount of the loss thereby sustained, or to imprisonment for any period not exceeding Three years.

Advance to be first charge on farmer's land.

10 Notwithstanding any provision of any Act or law to the contrary, the amount of an advance and interest thereon as provided by Section Eight shall be, and until fully paid shall remain, a first charge upon all lands owned by the applicant, and his interest in all lands held by him at the time when seed grain in respect of which such advance is deemed to have been made, was supplied under this Act.

Demand for repayment.

11—(1) Any demand for repayment by any person of his advance under this Act may be for the whole of the advance, or for any part thereof.

(2) 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.

False statement punishable.

12 Any person who wilfully makes any false statement in any application, 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 for a term not exceeding Four years.

Punishment for selling seed grain supplied.

13 Any person to whom any seed grain has been supplied under this Act, who without the written consent of the Minister barter or sells, or attempts to barter or sell, such seed grain or any quantity thereof, shall be guilty of a misdemeanour, and shall be liable to be imprisoned for a term not exceeding Two years.

Punishment for misuse of seed grain supplied.

14 Any person to whom any seed grain has been supplied under this Act, who—

- I. Uses or attempts to use such seed grain or any quantity thereof, for a purpose other than that for which it was supplied; or
- II. Fails to return to the Minister such seed grain, or any quantity thereof, if he does not intend to use the same for the purpose for which it was supplied; or
- III. Fails upon request of the Minister 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 be imprisoned for a term not exceeding Six months.

How notices, &c., may be given.

15 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—

- I. Given or made personally to or on such person; or

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- ii. Sent by post and directed to his address as stated in any application to him, or to his place of residence so far as the same is known to the Minister. A.D. 1914.

16—(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. Regulations.

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

17 All informations for offences against this Act or any regulation thereunder other than misdemeanours and all penalties imposed and made payable by this Act or any regulation thereunder, may be heard, determined, recovered, and enforced in a summary way by and before any police magistrate or any Two or more justices in the manner prescribed by "The Magistrates Summary Procedure Act." Procedure.

18—(1) The Treasurer of the State may, from time to time, make advances to the Minister for carrying out the purposes of this Act, but the amount of such advances shall not exceed in the whole the sum of Fifteen thousand Pounds. How expenses to be provided.

(2) The Minister may expend in the purchase of seed grain for the purposes of this Act a sum not exceeding the said amount.

(3) Such advances shall be repaid, and the other expenses of administering this Act shall be defrayed, out of the moneys paid to the Minister in repayment of advances; and any deficiency which may arise shall be made good out of moneys provided by Parliament for that purpose.

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SCHEDULE.

“THE SEED GRAIN PURCHASE ACT, 1914.”

I hereby acknowledge that I have received from the Honourable the Minister of Agriculture the seed grain hereunder mentioned, and I hereby agree with the said Minister—

- (1) To pay him the sum fixed by him therefor, with interest on the said sum at the rate of four and a half per centum per annum, calculated from the day of 19 , until payment of the said sum ;
- (2) To pay the said sum and interest, on demand, or upon conveyance or transfer of my interest in the lands hereunder mentioned (or any of them), whichever first happens ; and
- *(3) To use the said seed grain on the lands hereunder mentioned, or on some of such lands.

Description of Seed Grain.	Quantity.	† Lands owned or held by Applicant.

* This passage may be omitted where inapplicable.

† Here state numbers and situations or other sufficient description of all lands owned or held by the applicant.

Dated this day of , 191 .

[Signature].....
[Address]

Witness—

[Signature].....
Address]