

TASMANIA.



1940.

ANNO QUARTO ET QUINTO
GEORGII VI. REGIS.

No. 68.

ANALYSIS.

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AN ACT to amend the *State Advances Act* 1935. A.D. 1940
[17 December, 1940.]

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 *State Advances Act* (No. Short title.
 2) 1940.

2 Subject to this Act, any person (in this Act referred to as a "borrower")—

Application
for adjust-
ment of
amount owing
to Board.

1. To whom an advance has been made under Part III.
 or Part IV. of the Principal Act: or

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- II. Who has purchased any land from the Board under section nineteen of the Principal Act upon terms providing for the payment of the purchase-money by instalments (whether secured by mortgage or payable under an agreement for sale)—

may apply to the Board for the adjustment of the amount owing by him in respect of the advance or the balance of the purchase-money, as the case may be, as provided by this Act.

Conditions
relating to
application.

3—(1) An application under this Act shall be—

- I. In the prescribed form: and
- II. Made not later than the thirtieth day of June, one thousand nine hundred and forty-one.

(2) An application by a person to whom paragraph I. of section two applies shall not be considered by the Board unless—

- I. The advance in respect of which the application is made is secured by a first mortgage of freehold land or a charge over land comprised in a credit holding: and
- II. The Board is satisfied that the value of the property over which the mortgage or charge was given (together with any additional security required by the Board under the Principal Act) at the date of the application under this Act is less than the amount owing by the borrower to the Board.

(3) An application by a person to whom paragraph II. of section two applies shall not be considered by the Board unless the Board is satisfied that the value of the property at the date of the application under this Act is less than the amount owing by the borrower to the Board in respect thereof.

Application
to be referred
to Farmers'
Debt Adjust-
ment Board.

4 If the Board is satisfied that an application by a borrower under this Act complies with the requirements of section three, it shall refer the application to the Farmers' Debt Adjustment Board for investigation and report, as provided by this Act.

Debt Adjust-
ment Board to
investigate
and report.

5—(1) The Farmers' Debt Adjustment Board shall investigate all applications referred to it by the Board under this Act, and shall report to the Board as to the manner in which, and the extent to which (if at all), the amount owing by the borrower to the Board should, in its opinion, be adjusted as provided by this Act.

(2) In making any investigation under this Act, the Farmers' Debt Adjustment Board shall have all the powers and authority conferred on it by the *Farmers' Debt Adjustment Act 1936* in respect of an application under that Act by a farmer for the adjustment of his debts: Provided that no protection certificate shall be issued in respect of any application under this Act.

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6—(1) The Board, on receiving the report of the Farmers' Debt Adjustment Board, may— A.D. 1940.

- I. Adjust the amount owing by the borrower to the Board in accordance with the report:
- II. For that purpose, cause the amount recommended by the Farmers' Debt Adjustment Board, or such lesser amount as it thinks fit, to be written off the amount so owing:
- III. Fix the terms and conditions of the repayment to the Board by the borrower of the balance of the amount owing by him (together with interest thereon) as it thinks fit, notwithstanding the provisions of any mortgage or agreement: Provided that, except with the consent of the borrower, the Board shall not require the borrower to make yearly or half-yearly payments in excess of those payable by him in respect of the advance, or balance of the purchase-money (as the case may be), before the commencement of this Act.

Board may
adjust amount
accordingly.

(2) When any amount is written off by the Board as provided by this Act, the liability of the borrower to the Board under the Principal Act in respect of the advance, or balance of the purchase-money (as the case may be), shall be reduced to that extent.

(3) The Board may require the borrower to give to the Board such additional security, and to give and execute such mortgages and other documents, as it thinks necessary for securing the repayment by the borrower of the balance owing by him after adjustment as provided by this Act.

(4) The Board may require, as a condition of the adjustment of any amount owing to it as provided by this Act, that the borrower shall make such arrangements as the Board thinks necessary with his creditors (other than the Board) for the payment of the whole or any part of the amounts owing to them.

7—(1) The total of the amounts written off as provided by this Act shall be charged and debited as follows:—

Financial
provisions for
dealing with
losses.

- I. There shall be charged and debited against the reserve for bad and doubtful debts in the accounts of the Board such proportion of such amounts as may be certified by the Board to be revenue losses:
- II. The balance shall be charged to a separate loan account in the books of the Treasury to be called the State Advances Capital Losses Loan Account.

(2) The Treasurer shall pay annually out of the Consolidated Revenue to the credit of the State Advances Capital Losses Account a sum equal to one-tenth of the maximum amount debited thereto, together with such further amount as may be provided by Parliament for that purpose.

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A.D. 1940. — (3) The first payment to be made under subsection (2) hereof shall be made in the financial year ending on the thirtieth day of June, one thousand nine hundred and forty-two, and the payments shall be continued until the whole of the amount debited to the account has been liquidated.

(4) The Treasurer may make such adjustments, transfers, and entries in his books as he may think necessary or desirable for giving effect to the provisions of this Act.

Application
may be made
by farmer
whose debts
have been
adjusted.

1 Edw. VIII.
and 1 Geo. VI.
No. 48.

8 An application may be made to the Board under this Act by a borrower in respect of whose debts a plan of debt adjustment has been confirmed by the Farmers' Debt Adjustment Board under the *Farmers' Debt Adjustment Act 1936*.