

SOUTH AUSTRALIA

**RURAL INDUSTRY ASSISTANCE ACT, 1985**

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## **RURAL INDUSTRY ASSISTANCE ACT, 1985**

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Rural Industry Assistance Act, 1985, No. 102 of 1985  
[Assented to 7 November 1985]<sup>1</sup>

<sup>1</sup> Came into operation 19 December 1985: *Gaz.* 19 December 1985, p. 1882.

**An Act to provide assistance to persons engaged in the rural industry; to repeal the Rural Industry Assistance (Special Provisions) Act, 1971, and the Rural Industry Assistance Act, 1977; and for other purposes.**

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I  
PRELIMINARY

**Short title**

1. This Act may be cited as the *Rural Industry Assistance Act, 1985*.

**Commencement**

2. (1) This Act shall come into operation on a day to be fixed by proclamation.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

**Interpretation**

3. In this Act, unless the contrary intention appears—

"farmer" means a person engaged in the growing of crops or the rearing of animals in this State, and "farm" and "farming" have corresponding meanings:

"protection certificate" means a protection certificate granted under Part II.

**Repeal**

4. The *Rural Industry Assistance (Special Provisions) Act, 1971*, and the *Rural Industry Assistance Act, 1977*, are repealed.

**Act applies to certain agreements**

5. This Act applies to—

(a) the agreement between the Commonwealth and the States relating to rural reconstruction entered into on 4 June, 1971;

(b) the agreement between the Commonwealth and the States relating to rural assistance entered into on 1 January, 1977;

and

(c) any other agreement approved by Act of Parliament and declared by the Act of approval to be an agreement to which this Act applies.

**Funds to be established pursuant to agreements**

6. (1) The Minister may cause separate funds to be established for the purposes of each agreement to which this Act applies.

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(2) Money may be paid into or out of a fund established under subsection (1) for the purposes of the agreement pursuant to which the fund is established or for any other purpose authorized by Act of Parliament.

**Minister to be responsible for carrying out the terms of the agreements**

7. (1) The Minister is authorized and required to carry out the terms of each agreement to which this Act applies.

(2) The Minister may delegate to any person any of the Minister's powers or functions under an agreement to which this Act applies.

(3) A delegation under subsection (2)—

(a) may be made subject to such conditions as the Minister thinks fit;

and

(b) is revocable at will and does not derogate from the power of the Minister to act in any matter personally.

PART II  
PROTECTION CERTIFICATES

**Grant of protection certificate**

8. Subject to subsection (3), the Minister may grant a protection certificate to a farmer.

(2) A protection certificate shall be in a form determined by the Minister and, on granting a certificate, the Minister shall—

(a) cause a copy to be filed with the Registrar-General;

and

(b) published, by notice in the *Gazette*, the name of the person to whom the certificate has been granted.

(3) The Minister shall not grant a protection certificate to a farmer unless satisfied that—

(a) the farmer has applied for assistance under an agreement to which this Act applies;

(b) there is some prospect that the farmer will be eligible for assistance;

(c) there is a substantial risk that unless a protection certificate is granted the farmer will—

(i) be unable to continue farming;

or

(ii) be unable to benefit from assistance under the agreement;

and

(d) it is proper and desirable that a protection certificate should be granted.

**Records of certificates**

9. (1) A list of all protection certificates granted under this Act shall be kept at the office of the Minister.

(2) The list shall be produced, on request, for inspection.

**Effect of protection certificate**

10. (1) Subject to this section, when a protection certificate is in force under this Act in relation to a farmer, no proceedings against the farmer shall be commenced or continued for the recovery of any debt or damages.

(2) A protection certificate does not prevent—

(a) an action for damages for personal injury;

(b) proceedings under the *Workers Compensation Act, 1971*;

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(c) proceedings of a kind authorized by the regulations;

or

(d) proceedings authorized by the Minister.

**Cancellation of certificates**

**11.** (1) A protection certificate shall remain in force until it is cancelled under this section.

(2) The Minister may cancel a protection certificate—

(a) if the farmer in respect of whom the certificate was granted abandons the farm or fails to operate it to the satisfaction of the Minister;

(b) if the farmer contravenes or fails to comply with a condition on which the certificate was granted;

or

(c) if the Minister is satisfied that the farmer's circumstances are such that a protection certificate is no longer warranted.

(3) The Minister shall cause notice of the cancellation of a protection certificate to be published in the *Gazette* and filed with the Registrar-General.

**In proceedings against farmer, no account to be taken of time during which certificate operative**

**12.** (1) In determining whether or not a period of limitation has been exceeded, no account shall be taken of a period during which the defendant has been protected against the proceedings to which the period of limitation applies by a protection certificate.

(2) On the cancellation of a certificate, any proceedings that were suspended by the grant of the certificate may be continued.

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PART III  
MISCELLANEOUS

**Regulations**

**13.** The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.