

1995—No. 241

RURAL ASSISTANCE ACT 1989—REGULATION

(Rural Assistance (General) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Rural Assistance Act 1989, has been pleased to make the Regulation set forth hereunder.

R. S. Amery
Minister for Agriculture.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Rural Assistance (General) Regulation 1995.

Commencement

2. This Regulation commences on 7 June 1995*.

Definitions

3. (1) In this Regulation:

“**the Act**” means the Rural Assistance Act 1989.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

* The regulation (statutory rule) appointed 7 June 1995 as the date of its commencement. Pursuant to section 39 (2A) of the Interpretation Act 1987, the regulation is not invalid merely because the regulation was published in the Gazette after the day on which one or more of its provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which the regulation is published in the Gazette, instead of from the earlier day.

Oyster farming to be a farming operation

4. Oyster farming is a prescribed operation for the purposes of the definition of “farming operation” in section 3 (1) of the Act.

PART 2—PROTECTION ORDERS**Persons who may apply for protection orders**

5. A farmer (within the meaning of the Act) is a person prescribed for the purposes of section 28 of the Act.

Applications for protection orders

6. An application under section 28 of the Act for a protection order:

- (a) must be in writing; and
- (b) must be signed by the applicant; and
- (c) must specify the name of any person or body against whom it is intended that the protection order be granted.

Form of protection order

7. Form 1 is the prescribed form for a protection order for the purposes of section 28 (4) of the Act.

Advertisement of protection orders

8. (1) As soon as practicable after making a protection order, the Authority must advertise that fact in a newspaper circulating generally throughout New South Wales.

(2) The advertisement must contain the following particulars:

- (a) the name and address of the farmer for whose benefit the protection order was made;
- (b) the location of that farmer’s farm;
- (c) the date of the protection order;
- (d) the name and address of the person or body against whom the protection order was granted.

Applications to extend or remove protection orders

9. (1) A protected person may apply to the Authority for an extension of the protection order.

(2) An application under this clause to extend, or under section 30 of the Act to remove, a protection order:

- (a) must be in writing; and
- (b) must be signed by the applicant or by the applicant's attorney or agent; and
- (c) must set out the facts on which the applicant relies as grounds for the extension or removal.

Advertisement of extension or removal of protection orders

10. (1) As soon as practicable after extending or removing a protection order, the Authority must advertise that fact in a newspaper circulating generally throughout New South Wales.

(2) The advertisement must contain the following particulars:

- (a) the name and address of the farmer for whose benefit the protection order was made;
- (b) the name and address of the person or body against whom the protection order was granted;
- (c) a statement as to whether an extension or removal is involved;
- (d) the date of the extension or removal of the protection order.

Record of protection orders

11. The record of protection orders kept by the Authority must be open to public inspection at the office of the Authority between the hours of 8.30 a.m. and 5.00 p.m. on those days on which the office of the Authority is open for public business.

Search of record

12. (1) The prescribed fee for the purposes of section 33 of the Act is \$5, payable by means of duty stamps.

(2) Any person may apply to the Authority for a certified extract of the record of protection orders in relation to a particular farmer.

(3) The application must be in writing and must be accompanied by the prescribed fee referred to in subclause (1).

(4) On receipt of an application made under this clause, the Authority must carry out a search of the record of protection orders against the farmer specified in the application and must provide the applicant with a certificate stating:

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- (a) whether or not a protection order granted to the farmer is in force; and
- (b) if such an order is in force, the details of the order recorded in the register.

PART 3—GENERAL**Particulars to be included in applications for assistance**

13. For the purposes of section 15 (2) (c) of the Act, the particulars to be included in an application for assistance are full particulars of the income, expenditure, assets and liabilities of the applicant.

Repeal

14. (1) The Rural Assistance (General) Regulation 1990 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Rural Assistance (General) Regulation 1990, had effect under that Regulation continues to have effect under this Regulation.

SCHEDULE 1—FORMS**Form 1**

(Cl. 7)

PROTECTION ORDER

(RURAL ASSISTANCE ACT 1989)

(full name of farmer)

of

(postal address)

a farmer within the meaning of the Rural Assistance Act 1989, has applied to the New South Wales Rural Assistance Authority for assistance under that Act and for a protection order in his/her favour against

(name of person or body)

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of.....
(full postal address)

In response to the application, the Authority grants under that Act a protection order
 against.....
(name of person or body)

DATED this day of 199.....

.....
 Chief Executive of the Authority

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PART 3—GENERAL

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SCHEDULE 1—FORMS**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake, with minor changes only, the provisions of the Rural Assistance (General) Regulation 1990. The new Regulation deals with the following matters:

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- (a) prescribing oyster farming as a farming operation for the purposes of the Act (clause 4);
- (b) prescribing various matters relating to interim protection orders (Part 2);
- (c) prescribing the particulars to accompany an application for assistance under the Act (clause 13);
- (d) prescribing other formal matters (clauses 1, 2, 3 and 14).

This Regulation is made under the Rural Assistance Act 1989, including section 57 (the general regulation making power) and sections 3, 15, 28 and 33.

This Regulation comprises or relates to matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
