

Act No. 97 of 1989

## RURAL ASSISTANCE BILL 1989

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Miscellaneous Acts (Rural Assistance) Repeal and Amendment Bill 1989 is cognate with this Bill.

The objects of this Bill are—

- (a) to replace the Rural Assistance Board with a new statutory corporation to be known as the New South Wales Rural Assistance Authority; and
- (b) to confer on the Authority the functions presently carried out by the Board and the rural agencies of the State Bank.

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#### PART 1—PRELIMINARY

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act (except clause 3 of Schedule 3) on a proclaimed day or days. Clause 3 of Schedule 3 will commence on assent.

**Clause 3** defines expressions used in the proposed Act.

#### PART 2—NEW SOUTH WALES RURAL ASSISTANCE AUTHORITY

##### Division 1—Constitution of the Authority

**Clause 4** constitutes, as a statutory body representing the Crown, the New South Wales Rural Assistance Authority.

##### Division 2—General functions of the Authority

**Clause 5** confers on the Authority the functions of providing assistance and administering schemes for the provision of assistance to farmers or other persons engaged in rural industries or any other persons eligible to obtain such assistance.

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**Clause 6** confers functions on the Authority in relation to the review of schemes for assistance, the publication of information and the giving of advice to the Minister.

**Clause 7** enables the Authority to authorise a bank to carry out certain functions (other than the determination of applications for assistance) and to appoint agents, and to act as an agent.

**Clause 8** enables the Governor, by order, to appoint the Authority to carry out functions on behalf of the Government or a body constituted by or under an Act.

**Division 3—Management of the Authority**

**Clause 9** constitutes the New South Wales Rural Assistance Authority Board. The Board will consist of the Chief Executive of the Authority and 4 part-time members appointed by the Minister.

**Clause 10** provides that the function of the Board is to determine the policies of the Authority.

**Clause 11** provides for the appointment of a Chief Executive of the Authority by the Governor.

**Clause 12** provides for the affairs of the Authority to be managed and controlled by the Chief Executive in accordance with the policies of the Board.

**Division 4—Staff of the Authority**

**Clause 13** authorises the Authority to employ necessary staff. The staff are to be employed under the Public Sector Management Act 1988.

**Clause 14** enables the Authority to engage consultants.

**PART 3—PROVISION OF ASSISTANCE**

**Division 1—Applications**

**Clause 15** sets out the manner in which applications for assistance may be made to the Authority.

**Clause 16** provides for the determination of applications for assistance by the Authority. The Authority may grant assistance of a kind that is different from the assistance applied for.

**Clause 17** sets out the matters to be considered by the Authority when determining an application for assistance.

**Division 2—State schemes for assistance**

**Clause 18** sets out the general power of the Authority to grant assistance to farmers or other persons engaged in rural industries for the purposes of carrying out permanent improvements and production improvements to farms.

**Clause 19** enables the Authority to grant assistance to farmers or other persons engaged in rural industries for special purposes as determined by the Minister from time to time.

**Clause 20** enables the Authority to grant assistance to a farmer or other person engaged in a rural industry who is in urgent and genuine need of assistance due to losses suffered through natural disaster.

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**Clause 21** provides that the Authority may grant assistance by way of interest subsidies or loans or such other assistance as the Minister may determine for the purposes of the Division.

**Clause 22** enables the Authority to impose such terms and conditions on a grant of assistance as it thinks fit.

**Clause 23** enables the Authority to make a loan on such securities and subject to such terms and conditions as the Minister may determine (including provision for payment of interest at a rate fixed by the Treasurer).

**Clause 24** states that money lent by the Authority under the proposed Act is a charge in favour of the Authority over any estate or interest in land of the person in respect of whom the money is lent.

**Division 3—Administration of Commonwealth and other schemes**

**Clause 25** empowers the Minister to appoint the Authority as the authority to administer schemes (including Commonwealth schemes) for the assistance of farmers or other persons.

**Clause 26** requires money held for the purposes of a scheme which the Authority is appointed to administer to be paid into the Rural Assistance Authority Fund.

**Clause 27** enables the Authority to acquire or dispose of land, if required or permitted to do so for the purposes of a scheme which the Authority is appointed to administer under clause 25.

**Division 4—Protection orders**

**Clause 28** enables the Authority to make a protection order against a person or body at the request of an applicant (being a person specified by the regulations) for assistance under the proposed Act.

**Clause 29** prevents a person or body against whom a protection order operates from taking action on default or breach of a covenant of a mortgage or other security or from doing certain other things in respect of a protected person.

**Clause 30** provides that the term of a protection order will be 3 months or until an application for assistance is determined or the order is removed. An order may be extended for a total period not exceeding 12 months.

**Clause 31** requires the Authority to register any protection order, and its extension or removal, in the register of causes, writs and orders affecting land kept in the office of the Registrar-General. A protection order will not operate against a person or body unless it is so registered.

**Clause 32** sets out the effect of the removal of a protection order on proceedings pending or being put into operation at the time the order was made.

**Clause 33** requires the Authority to keep a register of protection orders and to make it open for inspection on payment of a fee.

**Clause 34** provides for regulations to be made with respect to the advertisement of protection orders and the extension or removal of protection orders.

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**PART 4—PROVISIONS RELATING TO DEBTORS AND CROWN LANDS**

**Clause 35** sets out the Authority's powers with respect to debts. These include powers to waive certain payments, to amend the terms of repayment and to take action to recover money.

**Clause 36** provides that certain Crown Lands Acts do not affect the powers and remedies of the Authority under the proposed Act or mortgages or transfers given or made to the Authority.

**Clause 37** enables the registration of transfers of Crown lands pursuant to securities given to the Authority despite the provisions of certain Crown Lands Acts.

**Clause 38** makes provision with respect to land sold by the Authority for non-payment of loans.

**Clause 39** vests land forfeited under certain Crown Lands Acts in the Authority for the purpose of enabling the Authority to be repaid.

**Clause 40** confers powers on the Authority in respect of land vested in it under clause 39.

**PART 5—FINANCIAL PROVISIONS**

**Clause 41** establishes the Rural Assistance Authority Fund.

**Clause 42** provides for the payment into the Fund of money received by the Authority, Government grants and other money.

**Clause 43** provides for the payment from the Fund of all payments required to be made by the Authority.

**PART 6—MISCELLANEOUS**

**Clause 44** enables the Authority to recover expenses incurred by it in relation to an application which is false or misleading.

**Clause 45** empowers the Authority to refuse to accept successive applications (with the Minister's consent) except on payment of expenses.

**Clause 46** provides for loans or other money provided as a result of a false or misleading statement to be called up by the Authority.

**Clause 47** makes provision for the custody and use of the seal of the Authority.

**Clause 48** exculpates from personal liability the members of the Board or persons duly acting under direction for any matter or thing done in good faith in the execution of official duties.

**Clause 49** enables the Authority to recover charges etc. due as a debt.

**Clause 50** provides for the delegation of functions by the Authority.

**Clause 51** provides for the service of documents on the Authority or a person under the proposed Act.

**Clause 52** is an evidentiary provision relating to proof of certain formal matters relating to the Authority and the Board.

**Clause 53** provides that offences against the proposed Act or regulations may be dealt with in a summary manner before a Local Court.

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**Clause 54** provides for certain questions arising in the administration of the proposed Act to be referred to the Supreme Court or to the District Court for decision.

**Clause 55** states that the Act binds the Crown.

**Clause 56** makes it an offence to disclose information obtained in connection with the administration or execution of the proposed Act, except in certain circumstances.

**Clause 57** empowers the making of regulations generally for the purposes of the proposed Act.

**Clause 58** is a formal provision that gives effect to the savings, transitional and other provisions in Schedule 3.

**Schedule 1** contains provisions relating to the Board.

**Schedule 2** contains provisions relating to the Chief Executive of the Authority.

**Schedule 3** contains savings, transitional and other provisions consequent on the enactment of the proposed Act and the cognate Act. These include provisions—

- enabling the Board to be appointed before a day is proclaimed for the commencement of the proposed Act; and
  - stating that the Authority is a continuation of, and the same legal entity as, the Rural Assistance Board; and
  - setting out the rights of the former Director, Deputy Director and Assistant Directors of the Rural Assistance Board; and
  - dealing with existing advances and agreements, including agreements and advances made by the State Bank through its rural agencies; and
  - providing for undetermined applications to the Rural Assistance Board or the State Bank; and
  - preserving the rights of certain former State Bank employees.
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