



RURAL INDUSTRY ADJUSTMENT AND DEVELOPMENT ACT, 1985

No. 68 of 1985

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ELIZABETHAE II REGINAE

A.D. 1985

No. 68 of 1985

An Act to establish the Rural Industry Adjustment and Development Fund; to amend the Rural Industry Assistance (Special Provisions) Act, 1971, and the Rural Industry Assistance Act, 1977; and for other purposes.

[Assented to 6 June 1985]

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

1. This Act may be cited as the "Rural Industry Adjustment and Development Act, 1985". Short title.

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

(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.

3. The Acts referred to in the first and second schedules to this Act are amended as shown in those schedules. Amendment of certain Acts.

4. In this Act unless the contrary intention appears— Interpretation.

"declared fund" means the Rural Industry Assistance Fund, the Rural Industry Adjustment Fund and any other fund declared by the Minister, by notice published in the *Gazette*, to be a declared fund:

"the Fund" means the Rural Industry Adjustment and Development Fund, established under this Act:

"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:

5. (1) There shall be a fund at the Treasury entitled the "Rural Industry Adjustment and Development Fund". The Fund.

(2) There shall be paid into the Fund—

(a) any amounts authorized by the Minister under section 6:

and

(b) any amounts received by the Minister in repayment of a loan made under this Act.

(3) There shall be paid out of the Fund—

(a) any amount authorized by the Minister under section 7:

and

(b) any expenses certified by the Treasurer as having been incurred in the administration of this Act.

Minister may authorize payments into Fund.

6. (1) Where the amount standing to the credit of a declared fund exceeds the relevant amount, the Minister may authorize payment from the declared fund into the Fund of all, or part, of the excess.

(2) In this section—

“the relevant amount”, in relation to a declared fund, means an amount standing to the credit of the declared fund that is, in the opinion of the Minister, adequate to meet the obligations of the State under the Act under which the declared fund was established.

Minister may authorize payments out of Fund.

7. The Minister may authorize payment out of the Fund of any amount for the purposes of making a loan under section 8 or a grant under section 9.

Power of Minister to make loans for certain purposes.

8. (1) Subject to subsection (2), the Minister may make a loan, upon terms and conditions determined by the Minister, to assist—

(a) a farmer to—

(i) develop a farm:

or

(ii) make adjustments to the farming methods or practices employed by the farmer.

with a view to improving the efficiency or the management of the farm:

or

(b) any person to undertake a project or research for the benefit of farmers, or any class of farmers.

(2) The making of a loan to a person under subsection (1) is subject to the following provisions:

(a) the Minister must be satisfied—

(i) that the person would not be able to obtain the loan upon reasonable terms and conditions except from the Minister:

and

(ii) in the case of a loan to a farmer—that there are reasonable prospects of the farm being financially viable:

(b) the person must give such security as the Minister requires for repayment of the loan;

(c) where the rate of interest charged on the loan is less than a commercial rate of interest—the Minister must review the rate at least once every 3 years, with a view to increasing it to a commercial rate at the earliest practicable opportunity;

and

(d) the person must comply with, or agree to comply with, any other conditions that the Minister may impose.

9. (1) The Minister may make grants for the purposes of—

Power of Minister to make grants for certain purposes.

(a) funding any project or research for the benefit of farmers, or any class of farmers;

(b) assisting the development of farming, or any class of farming;

or

(c) assisting the development of any part of the State for farming, or any class of farming.

(2) A person receiving a grant under subsection (1) must comply with, or agree to comply with, such conditions as the Minister may impose.

10. (1) An application for a loan or grant under this Act must be made in writing to the Minister.

Applications for loans or grants.

(2) An applicant for a loan or grant must furnish the Minister with all information required by the Minister in relation to the proposal in respect of which the loan or grant is sought.

(3) A person who, in connection with an application for a loan or grant under this Act, furnishes to the Minister any information, knowing it to be false or misleading in a material particular, shall be guilty of an offence and liable to a penalty not exceeding \$1 000.

11. A person who is or has been engaged in the administration of this Act shall not disclose information as to a person's affairs furnished in connection with an application for a loan or grant under this Act except—

Information furnished by applicants to be kept confidential.

(a) in the course of the administration of this Act;

(b) in pursuance of an obligation imposed by law;

or

(c) with the consent of the person to whose affairs the disclosure relates.

Penalty: \$1 000.

12. (1) The Minister may delegate to any person any power or function of the Minister under this Act.

Delegation by the Minister.

(2) A delegation under this section—

(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.

Summary offences.

13. The offences constituted by this Act are summary offences.

Accounts and audit.

14. (1) The Minister shall cause proper accounts to be kept in relation to the Fund.

(2) The Auditor-General may at any time, and shall at least once in every year, audit the accounts of the Fund.

Annual report.

15. (1) The Minister shall, on or before the thirty-first day of October in each year, cause a report to be prepared on the administration of this Act during the year ending on the preceding thirtieth day of June.

(2) The report must incorporate the audited statement of accounts of the Fund for the period to which the report relates.

(3) The Minister shall, within 14 sitting days of receipt of a report under subsection (1), cause copies of the report to be laid before each House of Parliament.

Regulations.

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

THE FIRST SCHEDULE

The Rural Industry Assistance (Special Provisions) Act, 1971, is amended as follows:

Section 10 (3)—

Strike out "and" first occurring. Insert the following word and paragraph after paragraph (b):

and

(c) any amounts authorized to be paid out of the Fund under the Rural Industry Adjustment and Development Act, 1985.

THE SECOND SCHEDULE

The Rural Industry Assistance Act, 1977, is amended as follows:

Section 7 (3)—

Strike out "and" first occurring. Insert the following word and paragraph after paragraph (b):

and

(c) any amounts authorized to be paid out of the Fund under the Rural Industry Adjustment and Development Act, 1985.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor