

1990 - No. 334

RURAL ASSISTANCE ACT 1989 - REGULATION

(Rural Assistance (General) Regulation 1990)

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.

IAN ARMSTRONG

Minister for Agriculture and Rural Affairs

Citation

1. This Regulation may be cited as the Rural Assistance (General) Regulation 1990.

Commencement

2. This Regulation commences on 1 July 1990.

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 in Schedule 1.

Oyster farming to be a farming operation

4. For the purposes of the definition of "farming operation" in section 3 (1) of the Act, oyster farming is a prescribed operation.

Application for assistance: particulars required

5. The particulars to be included in an application for assistance are full particulars of the income, expenditure, assets and liabilities of the applicant.

Persons who may apply for protection orders

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

Application for protection order

7. An application for a protection order must:

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

Form of protection order

8. A protection order is to be in Form 1.

Advertisement of protection

9. The Authority must, as soon as practicable after making a protection order, publish in a newspaper circulating throughout New South Wales an advertisement containing 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 has been granted.

Application to extend or remove protection order

- 10.** An application to extend or remove a protection order must:
- (a) be in writing; and
 - (b) be signed by the applicant or by the applicant's attorney or agent; and
 - (c) set out the facts on which the applicant relies as grounds for the extension or removal.

Advertisement of extension or removal of protection order

11. The Authority must, as soon as practicable after extending or removing a protection order, publish in a newspaper circulating throughout New South Wales an advertisement containing 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.

Register of protection orders

12. The register of protection orders kept by the Authority must be open to public inspection at the office of the Authority between the hours of 9.00 a.m. and 3.30 p.m. on days on which the office of the Authority is open for public business.

Search of register by the Authority

13. If a written request is made by a person to the Authority accompanied by duty stamps to the value of \$5, the Authority is to carry out a search of the register of protection orders against the farmer specified in the request and to provide the person with a certificate stating:

- (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.

False or misleading applications

14. A person must not, in or in relation to an application made to the Authority for assistance or a protection order, make any statement or provide any particulars that is or are false or misleading in a material respect.

Maximum penalty 5 penalty units.

SCHEDULE 1 - FORM

(Cl. 8)

Form 1

RURAL ASSISTANCE ACT 1989

PROTECTION ORDER

..... of
(full name of farmer) (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 of
(name of person or body) (full postal address)

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

DATED this day of 199 ...

.....
Chief Executive of the Authority

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SCHEDULE 1 - FORM

EXPLANATORY NOTE

The object of this Regulation is to provide administrative detail for the purposes of the Rural Assistance Act 1989.

The Regulation makes provision in relation to applications for assistance and for protection orders (which temporarily protect the assets of a farmer from a creditor) and for the extension or removal of protection orders. It also requires advertising in a newspaper of the grant, extension or removal of such orders. Provision is made for obtaining a certificate of the result of a search of the register of protection orders.

Oyster farming is prescribed as a farming operation for the purposes of the Act so that the provisions of the Act may be applied for the benefit of oyster farmers.
