**RURAL INDUSTRY ASSISTANCE BILL 1985**

**Legislative Council, 17 September 1985, page 915**

Second reading

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for 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. Read a first time.

The Hon. FRANK BLEVINS: Imove:*That this Bill be now read a second time.*

In introducing this Bill to establish the Rural Industry Assistance Act 1985 the Government is again effecting rationalisation of legislation in the interests of efficiency and is also making provisions for ongoing assistance to primary producers in South Australia.

The Bill repeals the Rural Industry Assistance (Special Provisions) Act 1971 and the Rural Industry Assistance Act 1977 and replaces them with a new Act which will cover residual responsibilities under the 1971 and 1977 Commonwealth-States Rural Adjustment Agreement and also will provide State legislation for the operation of the 1985 rural adjustment agreement. The 1985 agreement, and any agreements arising in the future, will be individually formalised by the introduction of a short approving Bill.

This measure will allow transfer of surplus funds, which accumulate from the operation of previous rural adjustment schemes, to the Rural Industry Adjustment and Develop­ment Fund. This fund was established under the Rural Industry Adjustment and Development Act 1985 which is designed to provide State funded assistance to primary pro­ducers in South Australia. This legislation represents a major Government initiative in support of South Australian agriculture and will assist in maintaining agriculture as a major force in the State’s economy. I seek leave to have the detailed explanation of the clauses inserted in Hansard without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 provides for the interpretation of expressions used in the measure: ‘farmer’ means a person engaged in growing crops or rearing animals in this State; and ‘protection certificate’ means a protection certificate granted under this measure.

Clause 4 provides for the repeal of the Rural Industry Assistance (Special Provisions) Act 1971 and the Rural Industry Assistance Act 1977. Clause 5 provides that the measure applies to the two agreements referred to in the repealed Acts, and to any other agreement approved by Act of Parliament and declared by the Act of approval to be an agreement to which this measure applies. Clause 6 provides that the Minister may establish separate funds for the purposes of each agreement to which the measure applies. Money may be paid into or out of a fund for the purposes of the agreement pursuant to which the fund is established or for any other purpose authorised by Act of Parliament.

Clause 7 provides that the Minister is authorised to carry out the terms of each agreement to which the measure applies. The Minister may delegate any power or function conferred on him by an agreement to which the measure applies. Clause 8 provides for the grant of protection certificates by the Minister to farmers. On granting a certificate the Minister must file a copy with the Registrar-General and cause notice to be published in the Gazette. The Minister must not grant a certificate unless the farmer has applied for assistance under an agreement to which the measure applies, there is a prospect that the farmer will be eligible for assistance, that unless the certificate is granted the farmer is unlikely to be able to continue farming or benefit from the assistance, and it is proper and desirable to grant a certificate.

Clause 9 provides that a list of all protection certificates be kept at the office of the Minister available for inspection on request. Clause 10 provides that a protection certificate protects a farmer from the commencement or continuation of proceedings for the recovery of any debt or damages. But the certificate does not prevent an action for damages for personal injury, proceedings under the Workers Compensation Act 1971, proceedings authorised by regulation or proceedings authorised by the Minister.

Clause 11 provides that the protection certificate remains in force until cancelled. The Minister may cancel a certificate by notice in the Gazette if the farmer abandons the farm or fails to operate it to the satisfaction of the Minister; the farmer contravenes or fails to comply with a condition of the certificate; the Minister considers that the farmer’s circumstances do not warrant a certificate.

Clause 12 provides that, in determining a period of limitation, no account is to be taken of the period during which the defendant has been protected by a protection certificate. On the cancellation of a certificate, any proceedings suspended by the grant of the certificate may be continued. Clause 13 is the regulation making provision.

The Hon. PETER DUNN secured the adjournment of the debate.