



Rural Adjustment Act 1992

Act No. 240 of 1992 as amended

This compilation was prepared on 28 March 2012
taking into account amendments up to Act No. 46 of 2011

The text of any of these amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

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An Act relating to rural adjustment

Part 1—Preliminary

1 Short title *[see Note 1]*

This Act may be cited as the *Rural Adjustment Act 1992*.

2 Commencement

This Act commences on 1 January 1993.

3 Objectives of this Act

- (1) The objectives of this Act, which are to be pursued on both a national basis and a regional basis, are:
 - (a) to foster the development of a more profitable farm sector that is able to operate competitively in a deregulated financial and market environment; and
 - (b) to improve the competitiveness of the farm sector in a sustainable manner.
- (2) In order to achieve those objectives, this Act is intended:
 - (a) to promote a better financial, technical and management performance from the farm sector; and
 - (b) to provide support, either directly or indirectly, to farmers who have prospects of sustainable long-term profitability with a view to improving the productivity of their farm units; and
 - (c) in the case of direct support to farmers—to provide that support in a way that ensures that the farmers who are supported become financially independent of that support within a reasonable period; and
 - (d) to provide that support through, but not limited to:
 - (i) grants for the purposes of subsidies for interest payable on, and associated costs of, loans, whether the loans are provided by a State or by another person; and
 - (ii) grants for the purposes of farm training, planning, appraisal, support services and rural adjustment research; and

- (e) to support farmers who do not have prospects of sustainable long-term profitability to leave the farm sector; and
- (f) to enable grants of money to be made to persons other than farmers for purposes relating to rural adjustment; and
- (g) to enable loans of money (whether secured or unsecured) to be made to farmers or other persons for purposes relating to rural adjustment.

4 Interpretation

In this Act, unless the contrary intention appears:

Chairperson means the Chairperson of the Council.

Commonwealth member means a member referred to in paragraph 6(3)(b).

Council means the National Rural Advisory Council.

Farm Business Improvement Program means the program (established by the Commonwealth) under which support relating to the improvement of farm business management skills is provided.

member means a member of the Council, and includes the Chairperson.

person includes:

- (a) an association, authority, body, institution or other organisation, whether incorporated or unincorporated; and
- (b) a partnership.

Rural Adjustment Scheme means:

- (a) the State component of the Rural Adjustment Scheme;
- (b) the scheme embodied in Division 1 of Part 3; and
- (c) agreements and memoranda under Division 1 of Part 3.

State includes the Australian Capital Territory and the Northern Territory.

State component of the Rural Adjustment Scheme means the schemes of support relating to rural adjustment that are, from time to time, in force under agreements between the Commonwealth and one or more of the States under Part 3.

Part 2—The National Rural Advisory Council

Division 1—Establishment of the Council

5 Establishment of the Council

A council called the National Rural Advisory Council is established.

6 How the Council is to be constituted

- (1) The Council is to consist of:
 - (a) a Chairperson; and
 - (b) not more than 7 other members.
- (2) The members are to be appointed by the Minister, and are to be appointed on a part-time basis.
- (3) Of the members referred to in paragraph (1)(b):
 - (a) at least one is to be appointed, after consultation with State Ministers, to represent the States; and
 - (b) at least one is to be an officer of the Department appointed to represent the Commonwealth; and
 - (c) one is to be appointed to represent the National Farmers' Federation; and
 - (d) the others are to be appointed because of their expertise in economics, financial administration, banking, sustainable agriculture, regional adjustment, regional development, farm management or training.
- (4) The performance of the function of the Council is not affected by a vacancy in its membership.

7 Period of appointment of members

- (1) A member holds office for the period, not exceeding 3 years, specified in the instrument of appointment.
- (2) A person may be appointed as a member for a maximum of 3 periods.

Division 2—Functions of the Council

8 Function of the Council

The function of the Council is to give the Minister such advice and information as the Minister requests about the following matters:

- (a) rural adjustment generally;
- (b) regional issues, and in particular matters relating to agreements with States under section 20E;
- (c) matters relating to declarations of exceptional circumstances;
- (d) training issues, and in particular the Farm Business Improvement Program;
- (e) any other matter that the Minister requests advice or information about.

9 Committees

The Council may form specialist committees to assist it in the performance of its function.

10 Staff

The Chairperson may make arrangements with the Secretary of the Department for the services of officers or employees of the Department to be made available to the Council.

Division 3—Administrative provisions

11 Remuneration and allowances

- (1) A member is to be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination is in operation, the member is to be paid such remuneration as is prescribed.
- (2) A member is to be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.
- (4) This section does not apply to a Commonwealth member.

12 Terms and conditions of appointment not provided for by Act

A member holds office on such terms and conditions (if any) in relation to matters not provided for by this Act as are determined in writing by the Minister.

13 Leave of absence

- (1) The Minister may grant leave of absence to the Chairperson on such terms and conditions as the Minister considers appropriate.
- (2) The Chairperson may grant leave of absence to another member on such terms and conditions as the Chairperson considers appropriate.

14 Resignation

A member may resign by giving to the Minister a signed notice of resignation.

15 Acting appointments

- (1) If:
 - (a) there is a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or

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- (b) the Chairperson is absent from duty or from Australia or is otherwise unable to perform the duties of the office of Chairperson;

the Minister may appoint another member to act as the Chairperson during the vacancy, absence or inability.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

- (2) The Minister may appoint a person to act in the office of a member (other than the Chairperson):

- (a) during a vacancy in the office, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the occupant of the office is absent from duty or from Australia or is otherwise unable to perform the duties of the office, including a period when the member is acting as the Chairperson.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

- (4) A person acting in an office under this section is entitled to the same remuneration and allowances that are payable to the holder of the office in lieu of his or her own remuneration and allowances.

16 Disclosure of interests

- (1) If:

- (a) a member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Council; and
 - (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter;
- the member must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Council.

- (2) A disclosure under subsection (1) must be recorded in the minutes of the meeting.

17 Termination of appointment

- (1) The Minister may terminate the appointment of a member for:
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- (a) misbehaviour or physical or mental incapacity; or
 - (b) inefficiency or incompetence.
- (2) If:
- (a) a member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; or
 - (b) a member, without reasonable excuse, contravenes section 16; or
 - (c) the Chairperson is absent, except with the leave of the Minister, from 3 consecutive meetings of the Council; or
 - (d) a member is absent, except with the leave of the Chairperson, from 3 consecutive meetings of the Council;
- the Minister may terminate the appointment of the member.

18 Meetings

- (1) Subject to subsection (2), meetings of the Council are to be held at such times and places as the Council from time to time determines.
- (2) The Chairperson may at any time convene a meeting of the Council.
- (3) The Chairperson is to preside at all meetings of the Council at which the Chairperson is present.
- (4) If the Chairperson is not present at a meeting of the Council, the members present are to appoint one of their number to preside at the meeting.
- (5) At a meeting of the Council:
 - (a) 4 members constitute a quorum; and
 - (b) a question is to be decided by a majority of the votes of the members present and voting; and
 - (c) the member presiding has only a deliberative vote.
- (6) The Council must keep minutes of its proceedings.
- (7) The Council may invite a person to attend a meeting for the purpose of advising or informing it on any matter.

19 Resolutions without meetings

If the Council so determines, a resolution is to be taken to have been passed at a meeting of the Council if:

- (a) without meeting, a majority of the number of members indicate agreement with the resolution in accordance with the method determined by the Council; and
- (b) that majority would, if present at a meeting of the Council, have constituted a quorum under subsection 18(5); and
- (c) all members were informed of the proposed resolution, or reasonable efforts had been made to inform all members of the proposed resolution.

20 Annual report

- (1) As soon as practicable after 30 June in each year, the Chairperson must:
 - (a) prepare a report on the Council's operations during the year ending on that 30 June; and
 - (b) give the report to the Minister.

The report must include a report on the operation of the Rural Adjustment Scheme during the year.

- (2) The Minister must cause the report to be tabled in each House of the Parliament within 15 sitting days of that House after the Minister received the report.

Part 3—The Rural Adjustment Scheme

Division 1—Agreements with persons other than States

20A Agreements with persons other than States

Grants of money

- (1) The Minister may, on behalf of the Commonwealth, enter into a written agreement with a person (other than a State) for the Commonwealth to make one or more grants of money to the person for purposes relating to rural adjustment (other than the Farm Business Improvement Program). A grant is subject to such terms and conditions as are set out in the agreement.

Loans of money

- (2) The Minister may, on behalf of the Commonwealth, enter into a written agreement with a person (other than a State) for the Commonwealth to make one or more loans of money (whether secured or unsecured) to the person for purposes relating to rural adjustment (other than the Farm Business Improvement Program). A loan is subject to such terms and conditions as are set out in the agreement.

Payments to be made out of separate appropriation

- (3) Payments by the Commonwealth under agreements made under this section are to be made out of money appropriated by the Parliament for the purposes of this section.

Performance requirements

- (4) Unless the Minister otherwise determines, an agreement under this section must include provisions relating to the following matters:
 - (a) performance requirements;
 - (b) outcomes and/or targets;
 - (c) performance indicators;

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(d) review and evaluation.

This subsection does not, by implication, limit the generality of subsection (1) or (2).

Compliance with section 20B

(5) This section has effect subject to section 20B.

20B Memorandum of understanding about section 20A powers

- (1) The Commonwealth may enter into a memorandum of understanding with a State about the exercise of the powers conferred on the Minister by section 20A.
- (2) The Minister may enter into an agreement under section 20A that relates, in whole or in part, to an activity carried on, or proposed to be carried on, in a particular State only if a memorandum of understanding with that State is in force under subsection (1).
- (3) In exercising a power conferred on the Minister by section 20A, the Minister must comply with the terms of any applicable memorandum of understanding in force under subsection (1).
- (4) A memorandum of understanding under subsection (1) may be set out in the same document as an agreement under section 20E.

20C Delegation

The Minister may, by writing, delegate all or any of his or her powers under section 20A to an SES employee, or acting SES employee, in the Department.

20D Repayment of grants and loans, payment of interest etc.

An amount payable or repayable by a person to the Commonwealth under an agreement under section 20A is a debt due by the person to the Commonwealth.

Division 2—State component of the Rural Adjustment Scheme

20E Agreements with States

The Commonwealth may enter into an agreement with a State relating to rural adjustment (other than the Farm Business Improvement Program).

21 Payments by the Commonwealth under an agreement with a State

- (1) The payments (including advances) by the Commonwealth to a State provided for in an agreement under this Division between the Commonwealth and that State relating to rural adjustment (other than the Farm Business Improvement Program) may be made to that State, by way of financial assistance, on the terms and conditions contained in the agreement and out of money appropriated by the Parliament for the purpose.
- (2) Subject to subsections (3) and (4), the financial assistance is to be provided on the basis that the Commonwealth contributes 90%, and the State 10%, of the assistance provided to farmers under the State component of the Rural Adjustment Scheme.
- (3) Subject to subsection (4), in a case where interest subsidies are provided to farmers under the State component of the Rural Adjustment Scheme to overcome difficulties due to exceptional circumstances, the Commonwealth and the State are to share equally the costs of so much of those subsidies as exceeds 50% of the interest and associated costs of the loans.
- (4) The Commonwealth and a State may jointly determine that subsection (2) or (3), as the case requires, does not apply in relation to a particular matter arising under an agreement.

21A Performance requirements

- (1) Unless the Minister otherwise determines, an agreement under this Division must include provisions relating to the following matters:
 - (a) performance requirements;

Part 3 The Rural Adjustment Scheme

Division 2 State component of the Rural Adjustment Scheme

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- (b) outcomes and/or targets;
 - (c) performance indicators;
 - (d) review and evaluation.
- (2) The Minister may, by writing, delegate all or any of his or her powers under subsection (1) to an SES employee, or acting SES employee, in the Department.
- (3) This section does not, by implication, limit the generality of section 20E or 21.

21B Repayment of grants etc.

An amount repayable by a State to the Commonwealth under an agreement under this Division is a debt due by the State to the Commonwealth.

Division 3—Support to be inalienable

22 Support under the Rural Adjustment Scheme to be inalienable

Support provided directly to a farmer under the Rural Adjustment Scheme is to be inalienable, whether by way of or in consequence of sale, assignment, execution, charge, bankruptcy or otherwise.

Part 4—The Farm Business Improvement Program

Division 1—Agreements with persons other than States

22AA Agreements with persons other than States

- (1) The Minister may, on behalf of the Commonwealth, enter into a written agreement with a person (other than a State) for the Commonwealth to make one or more grants of money to the person for purposes relating to the Farm Business Improvement Program. A grant is subject to such terms and conditions as are set out in the agreement and this Division.
- (2) Unless the Minister otherwise determines, an agreement under this section must include provisions relating to the following matters:
 - (a) performance requirements;
 - (b) outcomes and/or targets;
 - (c) performance indicators;
 - (d) review and evaluation.

This subsection does not, by implication, limit the generality of subsection (1).

- (3) Payments by the Commonwealth under agreements made under this section are to be made out of money appropriated by the Parliament for the purpose.

22AB Delegation

The Minister may, by writing, delegate all or any of his or her powers under section 22AA to an SES employee, or acting SES employee, in the Department.

22AC Repayment of grants etc.

An amount repayable by a person to the Commonwealth under an agreement under section 22AA is a debt due by the person to the Commonwealth.

Division 2—Agreements with the States

22AD Agreements with States

The Commonwealth may enter into an agreement with a State relating to the Farm Business Improvement Program.

22AE Payments by the Commonwealth under an agreement with a State

- (1) The payments (including advances) by the Commonwealth to a State provided for in an agreement under this Division between the Commonwealth and that State relating to the Farm Business Improvement Program may be made to that State, by way of financial assistance, on the terms and conditions contained in the agreement and this Division.
- (2) Subject to subsection (3), the financial assistance is to be provided on the basis that the Commonwealth contributes 50%, and the State 50%, of the assistance provided to farmers or other persons under the schemes of support relating to the Farm Business Improvement Program that are, from time to time, in force under the agreement between the Commonwealth and the State.
- (3) The Commonwealth and the State may jointly determine that subsection (2) does not apply in relation to a particular matter arising under the agreement.
- (4) Payments by the Commonwealth under agreements made under this Division are to be made out of money appropriated by the Parliament for the purpose.

22AF Performance requirements etc.

- (1) Unless the Minister otherwise determines, an agreement under this Division must include provisions relating to the following matters:
 - (a) performance requirements;
 - (b) outcomes and/or targets;
 - (c) performance indicators;
 - (d) review and evaluation.

Part 4 The Farm Business Improvement Program

Division 2 Agreements with the States

Section 22AG

- (2) The Minister may, by writing, delegate all or any of his or her powers under subsection (1) to an SES employee, or acting SES employee, in the Department.
- (3) This section does not, by implication, limit the generality of section 22AD or 22AE.

22AG Repayment of grants etc.

An amount repayable by a State to the Commonwealth under an agreement under this Division is a debt due by the State to the Commonwealth.

Part 5—Other payment powers not limited

22A Other payment powers not limited

This Act does not, by implication, limit the power of the Commonwealth to make payments otherwise than under this Act.

Part 6—Regulations

23 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted to be prescribed by this Act; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Table of Acts**Notes to the *Rural Adjustment Act 1992*****Note 1**

The *Rural Adjustment Act 1992* as shown in this compilation comprises Act No. 240, 1992 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 31 March 1999 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Rural Adjustment Act 1992</i>	240, 1992	24 Dec 1992	1 Jan 1993	
<i>Primary Industries and Energy Legislation Amendment Act 1994</i>	94, 1994	29 June 1994	S. 11: 1 July 1993 (a)	—
<i>Primary Industries and Energy Legislation Amendment Act (No. 1) 1995</i>	36, 1995	12 Apr 1995	S. 3 and Schedule (items 29–50): Royal Assent (b)	S. 3 and Sch. (item 50)
<i>Rural Adjustment Amendment Act 1999</i>	10, 1999	31 Mar 1999	Schedule 1 (items 11, 12): (c) Remainder: Royal Assent	Sch. 1 (item 10) [see Table A]
as amended by				
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (item 800): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (d)	S. 2 (as am. by 146, 1999, Sch. 1 [item 800])
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (items 798, 799): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (e)	—
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 1999</i>	170, 1999	10 Dec 1999	Schedule 6: 1 Apr 1999 (f)	Sch. 6 (item 7) [see Table A]
<i>Rural Adjustment Amendment Act 2009</i>	53, 2009	25 June 2009	25 June 2009	—
<i>Statute Law Revision Act 2011</i>	5, 2011	22 Mar 2011	Schedule 7 (item 120): 19 Apr 2011	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Acts Interpretation Amendment Act 2011</i>	46, 2011	27 June 2011	Schedule 2 (items 995, 996) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11) [see Table A]

Act Notes

- (a) The *Rural Adjustment Act 1992* was amended by the *Primary Industries and Energy Legislation Amendment Act 1994*, subsection 2(6) of which provides as follows:
- (6) The amendment of the *Rural Adjustment Act 1992* made by the Schedule is taken to have commenced on 1 July 1993.
- (b) The *Rural Adjustment Act 1992* was amended by the *Primary Industries and Energy Legislation Amendment Act (No. 1) 1995*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (c) The *Rural Adjustment Act 1992* was amended by Schedule 1 (items 11 and 12) only of the *Rural Adjustment Amendment Act 1999*, subsection 2(2) of which provides as follows:
- (2) If the *Public Service Act 1999* commences on or before the commencement of Schedule 1, items 11 and 12 of that Schedule commence immediately after the commencement of that Schedule. In any other case, those items commence immediately after the commencement of that Act.
- The *Public Service Act 1999* commenced on 5 December 1999 (see *Gazette* 1999, No. S584)
- (d) The *Rural Adjustment Amendment Act 1999* was amended by Schedule 1 (item 800) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
- (e) The *Rural Adjustment Act 1992* was amended by Schedule 1 (items 798 and 799) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
- (f) The *Rural Adjustment Act 1992* was amended by Schedule 6 only of the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 1999*, subsection 2(4) of which provides as follows:
- (4) Schedule 6 is taken to have commenced on 1 April 1999.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 10, 1999
Part 1	
S. 3	am. No. 36, 1995
S. 4	am. No. 36, 1995; Nos. 10 and 170, 1999
Part 2	
Heading to Part 2	rs. No. 170, 1999
Division 1	
S. 5	am. No. 170, 1999
S. 6	am. No. 36, 1995; No. 170, 1999
S. 7	am. No. 53, 2009
Division 2	
S. 8	am. No. 36, 1995 rs. No. 170, 1999
S. 9	am. No. 170, 1999
S. 10	am. No. 5, 2011
Division 3	
S. 15	am. No. 46, 2011
Notes to s. 15(1), (2).....	ad. No. 46, 2011
S. 20	rs. No. 94, 1994
Part 3	
Heading to Part 3	rs. No. 36, 1995; No. 10, 1999
Division 1	
Heading to Div. 1 of Part 3.....	ad. No. 36, 1995
S. 20A	ad. No. 36, 1995 am. No. 10, 1999
S. 20B	ad. No. 36, 1995
S. 20C	ad. No. 36, 1995 am. No. 146, 1999
S. 20D	ad. No. 36, 1995
Division 2	
Heading to Div. 2 of Part 3.....	ad. No. 36, 1995
S. 20E	ad. No. 36, 1995 am. No. 10, 1999
S. 21	am. No. 36, 1995; No. 10, 1999
S. 21A	ad. No. 36, 1995 am. No. 146, 1999
S. 21B	ad. No. 36, 1995
Division 3	
Heading to Div. 3 of Part 3.....	ad. No. 10, 1999
S. 22	am. No. 36, 1995

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 4	
Heading to Part 4	ad. No. 36, 1995 rep. No. 10, 1999
Part 4	ad. No. 10, 1999
Division 1	
S. 22AA.....	ad. No. 10, 1999
S. 22AB.....	ad. No. 10, 1999
S. 22AC.....	ad. No. 10, 1999
Division 2	
Ss. 22AD–22AG.....	ad. No. 10, 1999
Part 5	
Part 5	ad. No. 36, 1995
S. 22A	ad. No. 36, 1995
Part 6	
Heading to Part 6	ad. No. 36, 1995

Table A

Application, saving or transitional provisions

Rural Adjustment Amendment Act 1999 (No. 10, 1999)

Schedule 1

10 Transitional—certain agreements between the Commonwealth and the States

An agreement relating to the Farm Business Improvement Program made between the Commonwealth and a State under section 20E of the *Rural Adjustment Act 1992* before the commencement of this item is taken, on and after that commencement:

- (a) to have been made under section 22AD of that Act; and
- (b) not to have been made under section 20E of that Act.

Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 1999
(No. 170, 1999)

Schedule 6

7 Transitional—continuity of Council not affected by amendments

The amendments made by this Schedule do not affect the continuity, after this Schedule commences, of the existence and the membership of the body that is renamed by those amendments as the National Rural Advisory Council.

Table A

Acts Interpretation Amendment Act 2011 (No. 46, 2011)

Schedule 3

10 Saving—appointments

The amendments made by Schedule 2 do not affect the validity of an appointment that was made under an Act before the commencement of this item and that was in force immediately before that commencement.

11 Transitional regulations

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1 and 2.