



Farm Household Support Act 1992

Act No. 241 of 1992 as amended

This compilation was prepared on 6 July 2010
taking into account amendments up to Act No. 92 of 2010

The text of any of those 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:

- (a) the provision of income support and advice to farmers who may not have a long-term productive, sustainable and profitable future in the sector; and**
- (b) the provision of financial incentives to farmers to leave farming; and**
- (c) the provision of relief payments to farmers who are in exceptional circumstances and to certain small business operators.**

Part 1—Preliminary

1 Short title [*see* Note 1]

This Act may be cited as the *Farm Household Support Act 1992*.

2 Commencement [*see* Note 1]

- (1) Subject to this section, this Act commences on 20 March 1993.
- (2) If this Act receives the Royal Assent after 20 March 1993, it commences on the day on which it receives the Royal Assent.

3 Interpretation

- (1) In this Act, unless the contrary intention appears, the following definitions have the same meaning as in the *Social Security Act 1991*:

armed services widow

armed services widower

asset

Australian resident

austudy payment

Section 3

bank
Commonwealth funded employment program
job search allowance
member of a couple
newstart allowance
officer
partner
partner allowance
prescribed educational scheme
RAS authority
service pension
social security pension
social security benefit
youth allowance.

(2) In this Act, unless the contrary intention appears:

ABN (short for Australian Business Number) has the meaning given by section 41 of the *A New Tax System (Australian Business Number) Act 1999*.

activity plan has the meaning given by subsection 8B(3).

advice on financial outlook has the meaning given by subsection 8B(2).

Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

applicable rate has the meaning given by section 24.

CEO means the Chief Executive Officer of the Agency.

certificate of inability to obtain finance has the meaning given by section 4.

dairy exit payment means a payment under the DEP scheme.

dairy-type grant means a re-establishment grant designated under the farm help re-establishment grant scheme as a dairy-type grant.

decision has the same meaning as in the *Administrative Appeals Tribunal Act 1975*.

Department means the Department of Social Security.

DEP scheme means the scheme referred to in section 52C.

employee, in relation to the Agency, has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

exempt assets means:

- (a) if a person is a farmer:
 - (i) any right or interest of the person in the land used for the purposes of the farm enterprise in relation to which the person is a farmer; and
 - (ii) any farm plant and machinery, farm livestock or other asset essential for the effective running of the farm enterprise; and
 - (iii) any rights of the person under an insurance policy in relation to the person's life or under a superannuation scheme; and
- (b) if a person carries on a small business:
 - (i) any right or interest of the person in land used for the purposes of the business; and
 - (ii) any plant and machinery, stock or other asset essential for the effective running of the business; and
 - (iii) any rights of the person under an insurance policy in relation to the person's life or under a superannuation scheme.

exempt livestock proceeds means proceeds of a forced disposal of farm livestock by a person at a time when an exceptional circumstances certificate referred to in section 8A applies to the person, or during a period in respect of which farm help income support is payable to the person, to the extent to which the proceeds are invested in:

- (a) a deposit under the *Loan (Income Equalization Deposits) Act 1976*; or
- (aa) a farm management deposit (within the meaning of the *Income Tax Assessment Act 1997*); or
- (b) a deposit with a term of at least 3 months with a bank or other institution that receives money on deposit.

Section 3

farm enterprise means an enterprise carried on within any of the agricultural, horticultural, pastoral, apicultural or aquacultural industries.

farm help advice and training scheme means the scheme referred to in section 52B.

farm help re-establishment grant scheme means the scheme referred to in section 52A.

farm help scheme payment commencement day is the day on which item 2 of Schedule 1 to the *Farm Household Support Amendment Act 2000* commenced.

farm help scheme payments means payments of the following kinds:

- (a) payments of farm help income support;
- (b) payments of re-establishment grants;
- (c) payments of farm help advice and training grants.

farmer means a person who has a right or interest in the land used for the purposes of a farm enterprise.

finance institution means:

- (a) a bank; or
- (b) any other prescribed institution, being an institution that makes finance available to farmers.

former RAS (Part C) beneficiary means a person who:

- (a) immediately before the commencement of this Act was receiving Part C assistance by way of loans under a RAS scheme; and
- (b) is, and has continuously been from the commencement of this Act, receiving farm household support.

industry services body has the same meaning as in the *Dairy Produce Act 1986*.

liquid assets, in relation to a person, has the same meaning as in section 198N of the *Social Security Act 1991*.

Note: The expression is defined for the purposes of that section in section 19B of that Act.

off-farm salary and wages has the meaning given by subsection 24A(7).

maximum fortnightly rate, in relation to a person, means the rate determined by the Secretary under Division 1 of Part 4 to be the maximum fortnightly rate at which farm household support may be paid to the person.

RAS scheme means a scheme of assistance established and operated by a State or Territory under the agreement between the Commonwealth and that State or Territory executed on behalf of the Commonwealth under section 4 of the *States Grants (Rural Adjustment) Act 1988*.

re-establishment grant means a grant under the farm help re-establishment grant scheme.

sale of a farm enterprise means a transaction as a result of which the rights or interests of a person in:

- (a) a farm enterprise; and
 - (b) the land used for the purposes of the farm enterprise;
- are transferred to another person.

Secretary means the Secretary to the Department of Social Security.

service arrangements has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

severe financial hardship has the meaning given in section 5.

small business means a business with less than 100 employees.

Note: Subsection (3) sets out how this is to be worked out where there are part-time employees.

youth training allowance means a youth training allowance under Part 8 of the *Student and Youth Assistance Act 1973* as in force before 1 July 1998.

- (3) In counting employees for the purposes of the definition of **small business** in subsection (2), take part-time employees into account as an appropriate fraction of a full-time equivalent.

4 Certificate of inability to obtain finance

- (1) A certificate of inability to obtain finance is a certificate, in a form approved by the relevant Secretary, provided to the Secretary of the Department of Social Security by a finance institution that is a primary lender in respect of a farmer and stating that:
 - (a) the farmer has applied to the institution for a loan; and
 - (b) the institution does not propose to make any loan to the farmer because of the farmer's financial situation.
- (2) A certificate in respect of a farmer has effect for 13 months from the day on which it was issued.
- (3) However, a certificate in respect of a farmer ceases to have effect if:
 - (a) the farmer does not lodge such a claim within a month after the day the certificate is issued; or
 - (b) a finance institution makes a loan available to the farmer; or
 - (c) if the farmer is receiving farm help income support—farm help income support ceases to be payable to the farmer.
- (4) In this section:

primary lender, in relation to a farmer, means:

- (a) if the farmer does not owe a debt to a finance institution—any finance institution; or
- (b) if the farmer owes a debt to only one finance institution—that institution; or
- (c) if the farmer owes a debt to 2 or more finance institutions—the institution to which the greatest debt is owed.

relevant Secretary means:

- (a) in relation to farm household support—the Secretary of the Department of Primary Industries and Energy; and
- (b) in relation to dairy exit payments, farm help income support or re-establishment grants—the Secretary of the Department of Social Security.

5 Severe financial hardship

For the purposes of this Act, a person is in *severe financial hardship* at a particular time if the total value of the liquid assets of the person and the person's partner (if any) at that time is less than or equal to the amount of newstart allowance that would have been payable to the person during the period of 6 weeks immediately preceding that time if, during the whole period:

- (a) the person was entitled to newstart allowance; and
- (b) the person had no other income.

6 Objects of exceptional circumstances relief payment and farm help income support*Object of exceptional circumstances relief payment*

- (1) The object of exceptional circumstances relief payment is:
 - (a) to provide financial assistance to persons who:
 - (i) are farmers; and
 - (ii) are in exceptional circumstances; and
 - (iii) are experiencing difficulty in meeting living expenses; and
 - (b) to provide financial assistance to persons who:
 - (i) carry on a small business, gross income from which has been significantly reduced because of the effect of exceptional circumstances on farm enterprises, or on farmers, farm enterprise workers, or their families; and
 - (ii) are experiencing difficulty in meeting living expenses.

Object of farm help income support

- (2) The object of farm help income support is to provide short term financial assistance to farmers who:
 - (a) are experiencing difficulty in meeting living expenses; and
 - (b) are unlikely to obtain a loan from a finance institution;while they take action to improve their long term financial situation by improving the financial performance of their farm enterprise, finding alternative sources of income or re-establishing themselves outside farming.

6AA Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part 1A—Ending farm household support, farm help income support and exceptional circumstances relief payments for small businesses

6A Ending farm household support

- (1) Farm household support is not payable to a person in respect of a day (the *day in question*) unless farm household support is payable to the person in respect of:
 - (a) the cutoff day; and
 - (b) each day between the cutoff day and the day in question.

For this purpose, *cutoff day* means the day on which this section commenced.

Example 1: Farm household support was not payable to a person in respect of the cutoff day. The person can never again become entitled to be paid farm household support for any period after the cutoff day.

Example 2: Farm household support was payable to a person for a continuous period that started before the cutoff day and ended 3 months after the cutoff day. The person can never again become entitled to be paid farm household support for any period later than 3 months after the cutoff day.

- (2) This section has effect despite anything else in this Act.

6B Ending farm help income support

Farm help income support is not payable to a person:

- (a) in respect of a claim lodged at a time that is after 30 June 2007, or such later day as is prescribed; or
- (b) in respect of any period that is after 30 June 2008, or such later day as is prescribed.

Section 6C

6C Ending exceptional circumstances relief payments for small businesses

- (1) Exceptional circumstances relief payment is not payable to a person who qualifies for the payment under subsection 8A(5) in respect of any period that is after 30 June 2008, or such later day as is prescribed.
- (2) Exceptional circumstances relief payment is not payable to a person who qualifies for the payment under subsection 8A(7) in respect of any period that is after 30 June 2009, or such later day as is prescribed.

Part 2—Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

Division 1—Qualification for farm household support

7 Qualification for farm household support

Subject to this Division, a person is qualified for farm household support in respect of a period if, throughout the period:

- (a) the person:
 - (i) is a farmer; and
 - (iii) is an Australian resident; and
 - (iv) is in Australia; and
- (b) a certificate of inability to obtain finance issued in respect of the person has effect.

8 Persons not qualified if they have received farm household support for 2 years etc.

- (1) A person is not qualified, or ceases to be qualified, for farm household support if the person has received farm household support during a period of 2 years or during periods that add up to 2 years.
- (2) If:
 - (a) farm household support becomes payable, or is payable, to a person; and
 - (b) during a period beginning on or after the commencement of this Act and not earlier than 12 months before the day on which farm household support becomes or became payable to the person, the person, or the person's partner (if any) at that time, was paid youth training allowance, job search allowance, newstart allowance, partner allowance, youth allowance or austudy payment;

Part 2 Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

Division 1 Qualification for farm household support

Section 8

that period is taken, for the purposes of subsection (1), to be a period during which the person received farm household support.

- (3) If farm household support becomes payable, or is payable, to a person who has been, at any time, in receipt of Part C assistance by way of loans under a RAS scheme, any period during which the person received Part C assistance by way of loans under the RAS scheme is taken, for the purposes of subsection (1), to be a period during which the person received farm household support.

Division 1A—Qualification for exceptional circumstances relief payment

8A Qualification for exceptional circumstances relief payment

Qualification—farmers

- (1) A person is qualified for exceptional circumstances relief payment in respect of a period if:
 - (a) the period begins on or after 1 October 1994; and
 - (b) throughout the period:
 - (i) the person:
 - (A) is a farmer; and
 - (B) contributes a significant part of his or her labour and capital to the farm enterprise; and
 - (C) derives a significant part of his or her income from the farm enterprise; and
 - (E) is an Australian resident; and
 - (ii) an exceptional circumstances certificate issued in respect of the person has effect.

Certificate

- (2) For the purposes of this section, an ***exceptional circumstances certificate*** issued in respect of the person is a certificate that:
 - (a) is called an exceptional circumstances certificate; and
 - (b) was issued, for a specified period, to the person by the Secretary; and
 - (c) relates to the farm enterprise, or any of the farm enterprises, in respect of which the person is a farmer.

Period of effect of certificate

- (3) A certificate only has effect for the period specified in it.
- (4) An exceptional circumstances certificate is not a legislative instrument.

Part 2 Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

Division 1A Qualification for exceptional circumstances relief payment

Section 8A

Qualification—small business operators supplying farm enterprises

- (5) A person is qualified for exceptional circumstances relief payment in respect of a period beginning on or after 7 November 2006 (the *relevant period*) if:
- (a) the person is an individual; and
 - (b) throughout the relevant period:
 - (i) the person carries on a small business in respect of which there is an ABN; and
 - (ii) the person has a right or interest in the small business; and
 - (iii) the person contributes a significant part of his or her labour and capital to the business; and
 - (iv) the person derives a significant part of his or her income from the business; and
 - (v) the person is an Australian resident; and
 - (c) during an earlier period of normal turnover, 70% or more of the gross income of the business was derived from the supply of goods or services to farmers for use in relation to farm enterprises; and
 - (d) the farm enterprises were situated wholly or partly within an area that, throughout the relevant period, is covered by a declaration of exceptional circumstances (as referred to in paragraph 8(c) of the *Rural Adjustment Act 1992*); and
 - (e) the gross income of the business has been significantly reduced because of the effect of the exceptional circumstances in relation to which the declaration was made on farm enterprises in that area.

Earlier period of normal turnover

- (6) An earlier period of normal turnover is:
- (a) a continuous period of 2 years within the 7 years immediately preceding the relevant period; or
 - (b) if the business has not been carried on for a continuous period of 2 years within the 7 years immediately preceding the relevant period—the period during which the business has been carried on.

Qualification—small business operators supplying farmers, farm enterprise workers, or their families

- (7) A person is qualified for exceptional circumstances relief payment in respect of a period beginning on or after 25 September 2007 (the *relevant period*) if:
- (a) the person is an individual; and
 - (b) throughout the relevant period:
 - (i) the person carries on a small business in respect of which there is an ABN; and
 - (ii) the person has a right or interest in the small business; and
 - (iii) the person contributes a significant part of his or her labour and capital to the business; and
 - (iv) the person derives a significant part of his or her income from the business; and
 - (v) the person is an Australian resident; and
 - (c) the business is situated wholly or partly within a town or locality that, throughout the relevant period, is covered by a determination made by the Minister under this paragraph; and
 - (d) the town or locality is situated wholly or partly within an area that, throughout the relevant period, is covered by a declaration of exceptional circumstances (as referred to in paragraph 8(c) of the *Rural Adjustment Act 1992*); and
 - (e) the gross income of the business has been significantly reduced because of the effect of the exceptional circumstances in relation to which the declaration was made on farmers, farm enterprise workers, or their families.

Minister's determination

- (8) The Minister must not make a determination under paragraph (7)(c) in relation to a town or locality unless the Minister is satisfied that:
- (a) the population of the town or locality is 10,000 or less; and
 - (b) the town or locality is substantially reliant on income derived from the supply of goods or services to farm enterprises, or to farmers, farm enterprise workers, or their families.

Part 2 Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

Division 1A Qualification for exceptional circumstances relief payment

Section 8A

- (9) A determination made by the Minister under paragraph (7)(c) is not a legislative instrument.

Division 1B—Qualification for farm help income support

8B Qualification for farm help income support

- (1) Subject to this Division, a person is qualified for farm help income support in respect of a period if:
 - (a) the period begins on or after the farm help scheme payment commencement day; and
 - (b) throughout the period, the person:
 - (i) is a farmer; and
 - (ii) is at least 18; and
 - (iii) is an Australian resident; and
 - (iv) is in Australia; and
 - (c) for a continuous period (the *qualifying period*) of at least 2 years immediately before the period, the person:
 - (i) has been a farmer; and
 - (ii) has derived more than 50% of his or her gross income from the farm enterprise; and
 - (iii) has contributed more than 50% of his or her capital to the farm enterprise; and
 - (iv) has spent more than 50% of his or her working hours in work on the farm enterprise; and
 - (d) the person has obtained either of the following:
 - (i) advice from a prescribed adviser that there is no reasonable likelihood, immediately before the period begins, that the person would obtain a loan from a finance institution given the person's financial situation;
 - (ii) a certificate of inability to obtain finance that is in effect for the period; and
 - (e) the person has obtained advice from a prescribed adviser on whether there is a reasonable likelihood of improving the financial performance of the farm enterprise; and
 - (f) the person has developed a plan for the period directed towards assisting the person to do one or more of the following:
 - (i) improve the financial performance of the farm enterprise;

Part 2 Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

Division 1B Qualification for farm help income support

Section 8C

- (ii) secure alternative sources of income;
 - (iii) re-establish himself or herself outside farming.
- (1A) A person is qualified for farm help income support even though the person does not satisfy subparagraph (1)(c)(ii), if the Secretary determines in writing that the person's gross income from the farm enterprise during the qualifying period is significantly diminished because of:
- (a) drought, flood, bushfire or some other natural disaster; or
 - (b) unforeseeable extreme variation in seasonal norms; or
 - (c) market collapse; or
 - (d) illness or disability.
- (2) Advice of the kind mentioned in subparagraph (1)(d)(i) and paragraph (1)(e) is *advice on financial outlook*.
- (3) A plan of the kind mentioned in paragraph (1)(f) is an *activity plan*.

8C Persons not qualified if Secretary determines that they do not effectively control farm enterprises

A person is not qualified, or ceases to be qualified, for farm help income support in respect of a period if the Secretary determines that:

- (a) the person is not effectively in control of the farm enterprise for which the person claims farm help income support; and
- (b) farm help income support should not be payable to the person in respect of the period.

Note: Some examples of cases in which the Secretary may consider that a person is not effectively in control of a farm enterprise are when a mortgagee has taken possession of a farm, when a person is a bankrupt or when an eviction notice has been served on a person in respect of a farm.

8D Persons not qualified if they have received farm help income support for 1 year

- (1) A person is not qualified, or ceases to be qualified, for farm help income support if the person has received farm help income support in respect of a period of 1 year, or in respect of periods that add up to 1 year.

Section 8E

- (2) If a person's partner (if any) during a period was paid farm help income support in respect of the period, that period is taken, for the purposes of subsection (1), to be a period during which the person received farm help income support.

8E Persons not qualified in relation to later claims for farm help income support in certain circumstances

- (1) A person is not qualified for farm help income support in respect of a particular claim if farm help income support has already been paid to the person in respect of a period of 6 months or more, or periods that add up to 6 months or more, pursuant to an earlier claim, or earlier claims.
- (2) If a person's partner (if any) during a period was paid farm help income support in respect of the period, that period is taken, for the purposes of subsection (1), to be a period in respect of which the person has been paid farm help income support.
- (3) A person is not qualified for farm help income support in respect of a particular claim if farm help income support has already been paid to the person pursuant to 2 earlier claims.
- (4) If, when a claim is lodged, the person who makes the claim is another person's partner, farm help income support paid to the person pursuant to the claim is taken, for the purposes of subsection (3), to be farm help income support paid to both the person and the person's partner pursuant to the claim.

8F Persons not qualified because farm help income support interrupted by exceptional circumstances relief payment

- (1) A person is not qualified for farm help income support in respect of a particular claim if:
- (a) farm help income support has been paid to the person under an earlier claim; and
 - (b) that support ceased to be payable because the person, or the person's partner, received exceptional circumstances relief payment.

Part 2 Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

Division 1B Qualification for farm help income support

Section 8F

- (2) A person is not qualified for farm help income support in respect of a particular claim (the *later claim*) if:
- (a) at the time the later claim is made, the person has a partner; and
 - (b) farm help income support has been paid to the partner under an earlier claim made by the partner; and
 - (c) that support ceased to be payable because the partner, or the person, received exceptional circumstances relief payment.

Division 2—Situations in which farm household support, exceptional circumstances relief payment or farm help income support is not payable

9 Overview of rules about non-payability

- (1) Farm household support is not payable to a person for a period during which the person is qualified for farm household support if during that period:
 - (aa) exceptional circumstances relief payment is payable to the person (see section 9A); or
 - (a) no determination by the Secretary that the value of the person's assets does not exceed the person's assets value limit has effect (see section 10); or
 - (b) the person is a full-time student (see section 11); or
 - (c) another support payment is being paid to the person (see section 12); or
 - (d) the person is receiving income that is paid by a community or group from funds provided under a Commonwealth funded employment program (see section 13).
- (2) Exceptional circumstances relief payment is not payable to a person for a period during which the person is qualified for exceptional circumstances relief payment if, during that period:
 - (a) no determination by the Secretary that the value of the person's assets does not exceed the person's assets value limit has effect (see section 10); or
 - (b) the person is a full-time student (see section 11); or
 - (c) another support payment is being paid to the person (see section 12); or
 - (d) the person is receiving income that is paid by a community or group from funds provided under a Commonwealth funded employment program (see section 13).

Part 2 Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

Division 2 Situations in which farm household support, exceptional circumstances relief payment or farm help income support is not payable

Section 9A

- (3) Farm help income support is not payable to a person for a period during which the person is qualified for farm help income support if, during that period:
- (a) farm household support or exceptional circumstances relief payment is payable to the person (see section 9B); or
 - (b) no determination by the Secretary that the value of the person's assets does not exceed the person's asset value limit has effect (see section 10); or
 - (c) the person is a full-time student (see section 11); or
 - (d) another support payment is being paid to the person (see section 12); or
 - (e) the person is receiving income that is paid by a community or group from funds provided under a Commonwealth fund employment program (see section 13); or
 - (f) a determination is made (in accordance with provisions of the farm help advice and training scheme) that farm help income support is not payable to the person for the period (see section 13A).

9A Farm household support not payable if exceptional circumstances relief payment is payable

Farm household support is not, and is taken never to have been, payable to a person for a period if the person is receiving, or has received, exceptional circumstances relief payment in respect of that period.

9B Farm help income support not payable if farm household support or exceptional circumstances relief payment is payable

Farm help income support is not, and is taken never to have been, payable to a person for a period if the person is receiving, or has received, farm household support or exceptional circumstances relief payment in respect of that period.

Note: See section 50 for automatic termination of farm help income support where exceptional circumstances relief payment is payable.

10 Assets test

- (1) Farm household support, exceptional circumstances relief payment or farm help income support is not payable to a person during a period unless a determination (*favourable determination*) in writing by the Secretary that the value of the person's assets does not exceed the person's assets value limit has effect during that period.
- (2) The Secretary must determine whether the value of a person's assets exceeds the person's assets value limit:
 - (a) if the person claims farm household support, exceptional circumstances relief payment or farm help income support—
at the time when the claim is determined under section 18;
and
 - (b) if the person is receiving farm household support, exceptional circumstances relief payment or farm help income support—within the period of 6 months from the day on which the last favourable determination took effect.
- (3) The value of a person's assets at a particular time is worked out by:
 - (a) working out the person's assets at that time that are not exempt assets for the purposes of this Act:
 - (i) in a case where a person qualifies for exceptional circumstances relief payment under subsection 8A(1) and makes a claim for payment on the basis that the person qualifies under that subsection—because the person is a farmer; and
 - (ii) in a case where a person qualifies for exceptional circumstances relief payment only under subsection 8A(5) or (7) and makes a claim for payment on the basis that the person qualifies under that subsection—because the person carries on a small business; and
 - (iii) in a case where a person qualifies for exceptional circumstances relief payment under subsection 8A(5) or (7) and, but for subparagraph 8A(1)(b)(i)(C), would also qualify under subsection 8A(1) for the payment—because the person carries on a small business and because the person is a farmer; and
 - (iv) in any other case—because the person is a farmer; and

Part 2 Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

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Section 11

- (b) working out the value of those assets in accordance with Parts 3.12 and 3.18 of the *Social Security Act 1991*.
- (4) A person's assets value limit at a particular time for the purposes of this Act is equal to the amount that would be the person's assets value limit at that time for the purposes of Part 2.12 of the *Social Security Act 1991* if at that time the person had made a claim for, or was in receipt of, newstart allowance under that Act (see subsection 611(2) and section 612 of the *Social Security Act 1991*).
- (5) A favourable determination:
 - (a) must specify the day (*operative day*) on which it takes effect; and
 - (b) unless sooner revoked, continues to have effect:
 - (i) if the next determination in respect of the person's assets takes effect less than 6 months after the operative day—until that determination takes effect; or
 - (ii) if subparagraph (i) does not apply—at the end of 6 months from the operative day.

11 Full-time students

- (1) Subject to subsection (2), farm household support, exceptional circumstances relief payment or farm help income support is not payable to a person who is enrolled in a full-time course of education or of vocational training for the period that:
 - (a) starts when the person starts the course; and
 - (b) finishes when the person:
 - (i) completes the course; or
 - (ii) abandons the course; or
 - (iii) gives notice to the provider of the course that the person:
 - (A) wishes to withdraw from the course; or
 - (B) wishes to withdraw from a number of subjects so that the person's course will no longer be a full-time course; and
 - (c) includes periods of vacation.

- (2) Subsection (1) does not prevent farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, from being payable for any period during which the person has deferred a course of education or of vocational training.

12 Multiple entitlement exclusion

- (1) Farm household support, exceptional circumstances relief payment or farm help income support is not payable to a person if the person is receiving a social security benefit, a social security pension or a service pension.
- (1A) If a person is a member of a couple, exceptional circumstances relief payment or farm help income support is not payable to the person for a period if the person's partner is receiving, or has received, any of the following for that period:
- (a) farm household support;
 - (b) exceptional circumstances relief payment;
 - (c) farm help income support.
- (2) If a person is a member of a couple, farm household support, exceptional circumstances relief payment or farm help income support is not payable to the person if the person's partner is receiving a newstart allowance, youth allowance or austudy payment.
- (3) Farm household support, exceptional circumstances relief payment or farm help income support is not payable to a woman if:
- (a) the woman is an armed services widow; and
 - (b) the woman is receiving a pension under Part II or IV of the *Veterans' Entitlements Act 1986* at a rate determined under or by reference to subsection 30(1) of that Act;
- unless:
- (c) the woman has been receiving a payment referred to in paragraph (b) continuously since before 1 November 1986; and
 - (d) before 1 November 1986 the woman was also receiving a social security benefit.

Part 2 Qualification for and payability of farm household support, exceptional circumstances relief payment or farm help income support

Division 2 Situations in which farm household support, exceptional circumstances relief payment or farm help income support is not payable

Section 12

- (4) Farm household support, exceptional circumstances relief payment or farm help income support is not payable to a man if:
- (a) the man is an armed services widower; and
 - (b) the man is receiving a pension under Part II or IV of the *Veterans' Entitlements Act 1986* at a rate determined under or by reference to subsection 30(1) of that Act.
- (4A) Farm household support, exceptional circumstances relief payment or farm help income support is not payable to a person if the person is receiving a weekly amount mentioned in paragraph 234(1)(b) of the *Military Rehabilitation and Compensation Act 2004*, or has received a lump sum mentioned in that paragraph.
- (5) Farm household support, exceptional circumstances relief payment or farm help income support is not payable to a person for a period if a payment has been or may be made in respect of the person for that period under:
- (a) a prescribed educational scheme other than the ABSTUDY Tertiary Scheme to the extent that it applies to part-time students; or
 - (b) the scheme to provide an allowance known as the Maintenance Allowance for Refugees.
- (6) If:
- (a) a person enrolls in a full-time course of education; and
 - (b) a payment under a scheme referred to in subsection (5) may be made in respect of the person;
- the Secretary may decide that, in spite of subsection (5), farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, is payable to the person for a period before the person starts the course.
- (7) Exceptional circumstances relief payment is not payable to a person on the basis that the person qualifies for the payment under subsection 8A(1) if the person is receiving, or has received, the payment on the basis that the person qualifies or qualified for the payment under subsection 8A(5) or (7).
- (8) Exceptional circumstances relief payment is not payable to a person on the basis that the person qualifies for the payment under subsection 8A(5) if the person is receiving, or has received, the

payment on the basis that the person qualifies or qualified for the payment under subsection 8A(1) or (7).

- (9) Exceptional circumstances relief payment is not payable to a person on the basis that the person qualifies for the payment under subsection 8A(7) if the person is receiving, or has received, the payment on the basis that the person qualifies or qualified for the payment under subsection 8A(1) or (5).

13 Commonwealth funded employment program exclusion

Farm household support, exceptional circumstances relief payment or farm help income support is not payable to a person for a period if the person has received, or may receive, income for that period that is paid by a community or group from funds provided under a Commonwealth funded employment program.

13A Obligation to obtain advice

- (1) The Secretary may direct a person to whom farm help income support is payable to obtain advice as specified in the direction. The direction must be consistent with the guidelines contained in the farm help advice and training scheme (see paragraph 52B(3)(a)).
- (2) The Secretary must arrange for the provision of assistance to the person under the farm help advice and training scheme (see paragraph 52B(3)(b)) for the purpose of complying with the direction.
- (3) If the person does not comply with the direction, the consequences for the continued payability of farm help income support to the person are as determined in accordance with the provisions of the farm help advice and training scheme referred to in paragraph 52B(3)(c).

Section 14

**Part 3—Claim for farm household support,
exceptional circumstances relief payment
or farm help income support**

14 Need for a claim

- (1) A person who wants to be granted farm household support, exceptional circumstances relief payment or farm help income support must make a proper claim for that support or for that payment, as the case requires.
- (2) For the purposes of subsection (1), where:
 - (a) a claim for farm household support, exceptional circumstances relief payment or farm help income support is made by or on behalf of a person; and
 - (b) at the time the claim is made, the claim cannot be granted because the person is not qualified for that support or payment;the claim is taken not to have been made.

15 Form of claim

To be a proper claim, a claim must:

- (a) be made in writing; and
- (b) be in accordance with a form approved in writing by:
 - (i) in the case of a claim for farm household support—the Secretary to the Department of Primary Industries and Energy; or
 - (ii) in the case of a claim for exceptional circumstances relief payment or farm help income support—the Secretary.

16 Lodgment of claim

- (1) To be a proper claim, a claim must be lodged:
 - (a) at an office of the Department; or
 - (b) at a place approved for the purpose by the Secretary; or

- (c) with a person approved for the purpose by the Secretary.
- (2) A place or person approved under subsection (1) must be a place or person in Australia.

17 Claimant must be Australian resident and in Australia

A claim by a person is not a proper claim unless the person is:

- (a) an Australian resident; and
 - (b) in Australia;
- on the day on which the claim is lodged.

18 Secretary to determine claim

The Secretary must, in accordance with this Act, determine the claim.

19 Grant of claim

- (1) The Secretary is to determine that the claim is to be granted if the claim is for farm household support and the Secretary is satisfied that:
 - (a) the person is qualified for farm household support; and
 - (b) no provision of this Act makes the support not payable to the person.
- (2) The Secretary is to determine that the claim is to be granted if the claim is for exceptional circumstances relief payment and the Secretary is satisfied that:
 - (a) the person is qualified for exceptional circumstances relief payment; and
 - (b) no provision of this Act makes the payment not payable to the person.
- (3) Subject to subsection (4), the Secretary is to determine that the claim is to be granted if the claim is for farm help income support and the Secretary is satisfied that:
 - (a) the person is qualified for farm help income support; and
 - (b) no provision of this Act makes the support not payable to the person.

Section 20

- (4) If the Secretary is satisfied that a person who has made a claim for farm help income support would suffer severe financial hardship if the person were required to obtain advice on financial outlook or develop an activity plan before accessing that support, the Secretary may grant the claim even if those things have not been done.
- (5) If the Secretary grants the claim in reliance on subsection (4), the Secretary must arrange for the provision of assistance to the person under the farm help advice and training scheme (see paragraphs 52B(3)(d) and (e)) so that the person can obtain advice on financial outlook and develop an activity plan.

Note: If the advice is not obtained and the plan is not developed within 3 months of the claim being granted, farm help income support will cease to be payable under section 51.

- (6) If:
- (a) a person makes a claim for a farm help advice and training grant; and
 - (b) the claim contains information relevant to the question whether the person would qualify for farm help income support, or whether farm help income support would be payable; and
 - (c) within a period of 3 months beginning on the day on which the claim for the farm help advice and training grant is made, the person makes a claim for farm help income support;
- the Secretary may rely on that information in determining the claim for farm help income support.

20 Date of effect of determination

- (1) Subject to subsections (2), (3) and (4), a determination under section 19 takes effect:
- (a) on the day on which the determination is made; or
 - (b) if a later day or earlier day is specified in the determination—on that day.
- (2) If:
- (a) a decision (*previous decision*) is made rejecting a person's claim for farm household support, exceptional circumstances relief payment or farm help income support; and

- (b) a notice is given to the person advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240 of the *Social Security Act 1991*, within 3 months after the notice is given, for review of the previous decision; and
- (d) a determination granting the claim is made as a result of the application for review;

the determination takes effect on the day on which the previous decision took effect.

(3) If:

- (a) a decision (*previous decision*) is made rejecting a person's claim for farm household support, exceptional circumstances relief payment or farm help income support; and
- (b) a notice is given to the person advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240 of the *Social Security Act 1991*, more than 3 months after the notice is given, for review of the previous decision; and
- (d) a determination granting the claim is made as a result of the application for review;

the determination takes effect on the day on which the person sought the review.

(4) If:

- (a) a decision (*previous decision*) is made rejecting a person's claim for farm household support, exceptional circumstances relief payment or farm help income support; and
- (b) no notice is given to the person advising the person of the making of the previous decision; and
- (c) the person applies to the Secretary under section 1240 of the *Social Security Act 1991* for review of the previous decision; and
- (d) a determination granting the claim is made as a result of the application for review;

the determination takes effect on the day on which the previous decision took effect.

Part 4 Rate of farm household support, exceptional circumstances relief payment or farm help income support

Division 1 Rate of farm household support

Section 21

Part 4—Rate of farm household support, exceptional circumstances relief payment or farm help income support

Division 1—Rate of farm household support

Subdivision A—Maximum fortnightly rate

21 Maximum fortnightly rate of farm household support—to be determined by Secretary

- (1) If the Secretary determines that a person's claim for farm household support is to be granted, the Secretary must, at the same time, determine the maximum fortnightly rate at which farm household support may be paid to the person.
- (2) A determination (*maximum rate determination*) by the Secretary of the maximum fortnightly rate at which farm household support may be paid to the person:
 - (a) must be in writing; and
 - (b) must specify the day on which it takes effect; and
 - (c) unless sooner revoked, has effect for a period of 6 months.
- (3) Unless the person has ceased to receive farm household support, the Secretary must, before a maximum rate determination in respect of the person ceases to have effect, make a new maximum rate determination in respect of the person that is specified to take effect on the first day after the current determination ceases to have effect.
- (4) The Secretary may, at any time, on receiving a written request from the person:
 - (a) revoke the maximum rate determination that has effect in respect of a person; and

(b) make a new maximum rate determination in respect of the person specifying a higher maximum fortnightly rate; if the Secretary is satisfied, having regard to the person's changed circumstances, that a higher maximum fortnightly rate in respect of the person may be determined.

Subdivision B—Applicable rate

23 Declaration by applicant or recipient

- (1) Subject to subsection (2), a person:
 - (a) who has made a claim for farm household support; or
 - (b) to whom farm household support is payable;may, at any time, declare in writing the fortnightly rate at which the person wishes to be paid farm household support.
- (2) A person may not declare a rate that is higher than the maximum fortnightly rate in relation to the person.
- (3) A declaration by a person under subsection (1) has effect until:
 - (a) the person revokes the declaration in writing; or
 - (b) the person makes another declaration under subsection (1); or
 - (c) the Secretary determines under section 21 a maximum fortnightly rate in relation to the person that is lower than the rate specified in the declaration; or
 - (d) farm household support ceases to be payable to the person.

24 Applicable rate

The applicable rate in relation to a person is:

- (a) if a declaration made by the person under section 23 has effect—the rate specified in the declaration; or
- (b) if paragraph (a) does not apply—the maximum fortnightly rate in relation to the person.

Part 4 Rate of farm household support, exceptional circumstances relief payment or farm help income support

Division 2 Rate of exceptional circumstances relief payment

Section 24A

Division 2—Rate of exceptional circumstances relief payment

24A Rate of exceptional circumstances relief payment—how worked out for farmers

- (1) The fortnightly rate at which exceptional circumstances relief payment is payable to a person who qualifies for the payment under subsection 8A(1) is the sum of the following rates:
 - (a) the fortnightly rate at which:
 - (i) if the person is of youth allowance age—youth allowance would be payable to the person if he or she were entitled to receive youth allowance; or
 - (ii) if the person is not of youth allowance age—newstart allowance would be payable to the person if he or she were entitled to receive newstart allowance;
 - (b) if the person is a member of a couple and the partner allowance rate in relation to the person's partner exceeds the income support payment rate in relation to the person's partner—the fortnightly rate that is the difference between those rates.

(1A) For the purposes of subsection (1):

income support payment rate, in relation to a person's partner, means the fortnightly rate at which that partner is receiving one (if any) of the following payments:

- (a) social security pension;
- (b) a social security benefit (except newstart allowance or youth allowance);
- (d) a pension under Part II, III or IV of the *Veterans' Entitlements Act 1986*.

partner allowance rate, in relation to a person's partner, means the fortnightly rate at which:

- (a) that partner is receiving partner allowance; or
- (b) partner allowance would be payable to that partner if that partner were entitled to receive partner allowance.

Section 24A

- (2) For the purposes of calculating a rate referred to in this section, the value of assets that are exempt assets for the purposes of this Act because the person is a farmer is to be disregarded.
- (3) In calculating a rate referred to in subsection (1), exempt livestock proceeds are to be disregarded.

\$20,000 in off-farm salary and wages disregarded

- (4) For the purposes of calculating a rate referred to in subsection (1) for a person, for a fortnight all or part of which falls during the period:
- (a) beginning at the start of 1 July 2007; and
- (b) ending at the end of 30 June 2009, or, if a later day is prescribed, at the end of that later day (the *closing day*);
- disregard the off-farm salary and wages of the person, or if the person is a member of a couple, the off-farm salary and wages of the person and the person's partner, in the amount worked out under subsections (5) and (6).
- (5) Except in a case to which subsection (6) applies, for a fortnight which falls in whole or in part in a particular financial year, disregard the lesser of:
- (a) the total amount of off-farm salary and wages of the person or, if the person is a member of a couple, of the person and the person's partner, for the fortnight; and
- (b) the amount worked out using the following formula:

$$\frac{\$20,000 - \text{Amount previously disregarded in that financial year}}{\text{Number of days remaining in that financial year}} \times \begin{matrix} \text{Number of days} \\ \text{in the fortnight} \\ \text{that fall within that} \\ \text{financial year} \end{matrix}$$

where:

amount previously disregarded in that financial year means the total amount of off-farm salary and wages of the person or, if the person is a member of a couple, of the person and the person's partner, already disregarded in calculating a rate referred to in subsection (1) for the person for fortnights that fall in whole or in part in that financial year, because of a previous application, or previous applications, of this subsection and subsection (4).

Part 4 Rate of farm household support, exceptional circumstances relief payment or farm help income support

Division 2 Rate of exceptional circumstances relief payment

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number of days remaining in that financial year means the number of days in the period beginning at the start of the fortnight, and ending at the end of 30 June in that financial year.

- (6) If the closing day is not 30 June, then for a fortnight which falls in whole or in part in the period beginning at the start of the immediately preceding 1 July and ending at the end of the closing day, disregard the lesser of:
- (a) the total amount of off-farm salary and wages of the person or, if the person is a member of a couple, of the person and the person's partner, for the fortnight; and
 - (b) the amount worked out using the following formula:

$$\left(\frac{\$20,000 \times \text{Total number of days in the period}}{365} - \text{Amount previously disregarded in the period} \right) \times \frac{\text{Number of days in the fortnight that fall within the period}}{\text{Number of days remaining in the period}}$$

where:

amount previously disregarded in the period means the total amount of off-farm salary and wages of the person or, if the person is a member of a couple, of the person and the person's partner, already disregarded in calculating a rate referred to in subsection (1) for the person for fortnights that fall in whole or in part in the period, because of a previous application, or previous applications, of this subsection and subsection (4).

number of days remaining in the period means the number of days in the period beginning at the start of the fortnight, and ending at the end of the closing day.

- (7) A person's *off-farm salary and wages* are salary and wages that are not earned from work that is in any way related to a farm enterprise in respect of which the person or, where the person is a member of a couple, the person's partner, is a farmer.

Farmers hardship bonus disregarded

- (8) To avoid doubt, in calculating a rate referred to in subsection (1), any farmers hardship bonus under the *Social Security Act 1991* is to be disregarded.

Certain superannuation contributions disregarded

- (9) For the purposes of calculating a rate referred to in subsection (1) for a person who has not reached pension age, disregard contributions made by the person's employer to a superannuation fund or RSA for the person's benefit, other than contributions made by a company or trust if the person is:
- (a) an attributable stakeholder of the company or trust; or
 - (b) an associate under paragraph 1207C(1)(e), (h), (i) or (j) of the *Social Security Act 1991* of a person who is an attributable stakeholder of the company or trust.

Note: Those paragraphs of the *Social Security Act 1991* cover a relative, a business partner, a spouse or child of a business partner and a trustee of a trust (where the person concerned can benefit from the trust).

- (10) In subsection (9):

attributable stakeholder of a company or trust has the meaning given by section 1207X of the *Social Security Act 1991*.

pension age has the meaning given by section 23 of the *Social Security Act 1991*.

RSA has the meaning given by the *Retirement Savings Accounts Act 1997*.

superannuation fund has the meaning given by section 10 of the *Superannuation Industry (Supervision) Act 1993*.

24AA Rate of exceptional circumstances relief payment—how worked out for small business operators

- (1) The fortnightly rate at which exceptional circumstances relief payment is payable to a person who qualifies for the payment under subsection 8A(5) or (7) is the sum of the following rates:
- (a) the fortnightly rate at which:

Part 4 Rate of farm household support, exceptional circumstances relief payment or farm help income support

Division 2 Rate of exceptional circumstances relief payment

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- (i) if the person is of youth allowance age—youth allowance would be payable to the person if he or she were entitled to receive youth allowance; or
 - (ii) if the person is not of youth allowance age—newstart allowance would be payable to the person if he or she were entitled to receive newstart allowance;
 - (b) if the person is a member of a couple and the partner allowance rate in relation to the person's partner exceeds the income support payment rate in relation to the person's partner—the fortnightly rate that is the difference between those rates.
- (2) For the purposes of subsection (1):
- income support payment rate*, in relation to a person's partner, means the fortnightly rate at which that partner is receiving one (if any) of the following payments:
- (a) social security pension;
 - (b) a social security benefit (except newstart allowance or youth allowance);
 - (c) a pension under Part II, III or IV of the *Veterans' Entitlements Act 1986*.
- partner allowance rate*, in relation to a person's partner, means the fortnightly rate at which:
- (a) that partner is receiving partner allowance; or
 - (b) partner allowance would be payable to that partner if that partner were entitled to receive partner allowance.
- (3) For the purposes of calculating a rate referred to in this section, the value of assets that are exempt assets for the purposes of this Act because the person carries on a small business is to be disregarded.
- (4) If, but for subparagraph 8A(1)(b)(i)(C), the person would also qualify for exceptional circumstances relief payment under subsection 8A(1), then, for the purposes of calculating a rate referred to in this section, the value of assets that are exempt assets for the purposes of this Act because the person is a farmer is also to be disregarded.

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*\$20,000 in salary and wages from other sources disregarded—
whole financial years*

- (5) For the purposes of calculating a rate referred to in subsection (1) for a person, for a fortnight all or part of which falls during:
- (b) the 2007-08 financial year; or
 - (ba) the 2008-09 financial year; or
 - (c) if 30 June in a later year is prescribed as the closing day for the purposes of this section, a later financial year that ends at the end of that closing day;
- disregard the salary and wages of the person from other sources or, if the person is a member of a couple, the salary and wages of the person and the person's partner from other sources, in the amount worked out under subsection (6).
- (6) Disregard the lesser of:
- (a) the total amount of salary and wages of the person from other sources or, if the person is a member of a couple, of the person and the person's partner from other sources for the fortnight; and
 - (b) the amount worked out using the following formula:

$$\frac{\$20,000 - \text{Amount previously disregarded in that financial year}}{\text{Number of days remaining in that financial year}} \times \frac{\text{Number of days in the fortnight that fall within that financial year}}{\text{Number of days remaining in that financial year}}$$

where:

amount previously disregarded in that financial year means the total amount of salary and wages of the person from other sources or, if the person is a member of a couple, of the person and the person's partner from other sources already disregarded in calculating a rate referred to in subsection (1) for the person for fortnights that fall in whole or in part in that financial year, because of a previous application, or previous applications, of this subsection and subsection (5).

number of days remaining in that financial year means the number of days in the period beginning at the start of the fortnight, and ending at the end of 30 June in that financial year.

Part 4 Rate of farm household support, exceptional circumstances relief payment or farm help income support

Division 2 Rate of exceptional circumstances relief payment

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\$20,000 in salary and wages from other sources disregarded—part financial years

- (7) If a closing day is prescribed for the purposes of this section that is not 30 June, then, for the purposes of calculating a rate referred to in subsection (1) for a person, for a fortnight all or part of which falls during the period:

(a) beginning at the start of the immediately preceding 1 July; and

(b) ending at the end of the closing day;

disregard the salary and wages of the person from other sources or, if the person is a member of a couple, the salary and wages of the person and the person's partner from other sources, in the amount worked out under subsection (8).

- (8) Disregard the lesser of:

(a) the total amount of salary and wages of the person from other sources or, if the person is a member of a couple, of the person and the person's partner from other sources for the fortnight; and

(b) the amount worked out using the following formula:

$$\left(\frac{\$20,000 \times \text{Total number of days in the period}}{365} - \text{Amount previously disregarded in the period} \right) \times \frac{\text{Number of days in the fortnight that fall within the period}}{\text{Number of days remaining in the period}}$$

where:

amount previously disregarded in the period means the total amount of salary and wages of the person from other sources or, if the person is a member of a couple, of the person and the person's partner from other sources already disregarded in calculating a rate referred to in subsection (1) for the person for fortnights that fall in whole or in part in the period, because of a previous application, or previous applications, of this subsection and subsection (7).

number of days remaining in the period means the number of days in the period beginning at the start of the fortnight, and ending at the end of the closing day.

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- (9) A person's *salary and wages from other sources* are salary and wages that are not earned from work that is in any way related to the small business carried on by the person or, where the person is a member of a couple, the person's partner.

Farmers hardship bonus disregarded

- (10) To avoid doubt, in calculating a rate referred to in subsection (1), any farmers hardship bonus under the *Social Security Act 1991* is to be disregarded.

Certain superannuation contributions disregarded

- (11) For the purposes of calculating a rate referred to in subsection (1) for a person who has not reached pension age (within the meaning of section 23 of the *Social Security Act 1991*), disregard contributions that are disregarded under subsection 24A(9).

Part 4 Rate of farm household support, exceptional circumstances relief payment or farm help income support

Division 3 Rate of farm help income support

Section 24B

Division 3—Rate of farm help income support

24B Rate of farm help income support—how worked out

(1) The fortnightly rate at which farm help income support is payable to a person is the sum of:

(a) the fortnightly rate at which:

(i) if the person is of youth allowance age—youth allowance would be payable to the person if he or she were entitled to receive youth allowance; or

(ii) if the person is not of youth allowance age—newstart allowance would be payable to the person if he or she were entitled to receive newstart allowance; and

(b) if the person is a member of a couple and the partner allowance rate in relation to the person's partner exceeds the income support payment rate in relation to the person's partner—the fortnightly rate that is the difference between those rates.

(2) For the purposes of subsection (1):

income support payment rate, in relation to a person's partner, means the fortnightly rate at which that partner is receiving one (if any) of the following payments:

(a) social security pension;

(b) a social security benefit (except newstart allowance or youth allowance);

(d) a pension under Part II, III or IV of the *Veterans' Entitlements Act 1986*.

partner allowance rate, in relation to a person's partner, means the fortnightly rate at which:

(a) that partner is receiving partner allowance; or

(b) partner allowance would be payable to that partner if that partner were entitled to receive partner allowance.

(3) In calculating a rate referred to in this section, the value of assets that are exempt assets for the purposes of this Act because the person is a farmer is to be disregarded.

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- (4) In calculating a rate referred to in this section, exempt livestock proceeds are to be disregarded.
- (5) To avoid doubt, in calculating a rate referred to in this section, any farmers hardship bonus under the *Social Security Act 1991* is to be disregarded.

Section 25

**Part 5—Payment of farm household support,
exceptional circumstances relief payment
or farm help income support**

25 Commencement of payment

- (1) Farm household support becomes payable to a person on the day on which the Secretary's determination that the person's claim for farm household support is to be granted takes effect (see section 20).
- (2) Exceptional circumstances relief payment becomes payable to a person on the day on which the Secretary's determination that the person's claim for exceptional circumstances relief payment is to be granted takes effect (see section 20).
- (3) Farm help income support becomes payable to a person on the day on which the Secretary's determination that the person's claim for farm help income support is to be granted takes effect (see section 20).

26 Support to be by way of grant

Farm household support is paid to a person by way of grant of financial assistance to the person.

26A Exceptional circumstances relief payment to be by way of grant

Exceptional circumstances relief payment is paid to a person by way of grant of financial assistance to the person.

26B Farm help income support to be by way of grant

Farm help income support is paid to a person by way of grant of financial assistance to the person.

27 Rate at which farm household support payable

Farm household support is payable to a person at the applicable rate in relation to the person.

28 Instalments

- (1) Farm household support, exceptional circumstances relief payment or farm help income support is to be paid by instalments for periods determined by the Secretary.
- (2) The instalments are to be paid at the times determined by the Secretary.

29 Amount of instalments of farm household support

The instalment of farm household support payable for a period to a person is:

$$\text{the person's applicable rate} \times \frac{\text{week days in period}}{10}$$

Note: for the person's applicable rate see section 24.

29A Amount of instalments of exceptional circumstances relief payment

The instalment of exceptional circumstances relief payment payable for a period to a person is worked out using the formula:

$$\frac{\text{The person's rate of exceptional circumstances relief payment}}{\text{relief payment}} \times \frac{\text{Week days in period}}{10}$$

Note 1: For the person's rate, see section 24A.

Note 2: An instalment of exceptional circumstances relief payment may be reduced for the purpose of the recovery of a debt under section 56 of this Act (see section 1231A of the *Social Security Act 1991*).

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29B Amount of instalments of farm help income support

The instalment of farm help income support payable for a period to a person is worked out using the formula:

$$\text{The person's rate of farm help income support} \times \frac{\text{Week days in period}}{10}$$

Note 1: For the person's rate, see section 24B.

Note 2: An instalment of farm help income support may be reduced for the purpose of the recovery of a debt under section 56 of this Act (see section 1231A of the *Social Security Act 1991*).

30 Rounding off instalment

- (1) If the amount of an instalment is:
 - (a) a number of whole dollars and a part of a cent; or
 - (b) a number of whole dollars and cents and a part of a cent;the amount is, subject to subsection (2), to be increased or decreased to the nearest whole cent.
- (2) If the amount of an instalment is:
 - (a) a number of whole dollars and 0.5 cent; or
 - (b) a number of whole dollars and cents and 0.5 cent;the amount is to be increased by 0.5 cent.

31 Instalment to be paid to person or nominee

- (1) Subject to subsection (3), instalments of a person's farm household support, exceptional circumstances relief payment or farm help income support are to be paid to that person.
- (2) The Secretary may direct that the whole or part of any of those instalments is to be paid to someone else on behalf of the person.
- (3) If the Secretary makes a direction under subsection (2), the instalments are to be paid in accordance with the direction.

32 Method of payment

- (1) An amount that is to be paid to a person under section 31 is to be paid at the intervals that the Secretary specifies.

- (2) The person to whom an amount is payable may direct that it be paid to the credit of a nominated bank account maintained by that person (either alone or jointly with another person).
- (3) If the person has not given a direction under subsection (2), the Secretary may direct that the whole or a part of the amount be paid to the person in a way different to those provided for in that subsection.
- (4) If the person gives a direction under subsection (2), or the Secretary gives a direction under subsection (3), the amount is to be paid in accordance with the direction.

33 Where instalment payable on public holiday etc.

If the Secretary is satisfied that an instalment of farm household support, exceptional circumstances relief payment or farm help income support that would normally be paid on a particular day cannot reasonably be paid on that day (because, for example, it is a public holiday or a bank holiday), the Secretary may direct that the amount be paid on an earlier day.

Part 6—Former RAS (Part C) beneficiary

Division 1—General

34 Former RAS (Part C) beneficiary not required to make a claim under Part 3 but may do so

- (1) A person who, immediately before the commencement of this Act, was receiving Part C assistance by way of loans under a RAS scheme is, on the commencement of this Act, entitled to receive farm household support without making a claim under Part 3.
- (2) Farm household support is then payable to the person at the rate, and for the period set out, in Division 2 of this Part.
- (3) If a former RAS (Part C) beneficiary so wishes, he or she may, at any time before farm household support ceases to be payable to him or her, make a claim for farm household support under Part 3.
- (4) If a former RAS (Part C) beneficiary makes such a claim, he or she is subject to all the provisions of this Act regarding qualification for, and payability of, farm household support (Part 2).
- (5) If the Secretary determines that the claim is to be granted, farm household support is payable to the former RAS (Part C) beneficiary under Part 5.

Division 2—Entitlement to farm household support when no claim made under Part 3

35 Application

This Division applies to a former RAS (Part C) beneficiary unless:

- (a) he or she has made a claim for farm household support under Part 3; and
- (b) the Secretary has determined under section 19 that the claim is to be granted.

36 Qualification for farm household support

A former RAS (Part C) beneficiary is qualified for farm household support in respect of a period equal to 2 years less the period during which he or she received Part C assistance by way of loans under the RAS scheme applicable to him or her immediately before the commencement of this Act.

37 Certain provisions of Act not applicable

Parts 2, 3 and 4 and sections 25 and 29, to the extent to which those Parts and sections deal with qualification for, or payments of, farm household support, do not apply to a RAS (Part C) beneficiary.

38 Commencement of farm household support

Farm household support becomes payable to a former RAS (Part C) beneficiary on the day on which this Act commences.

39 Amount of instalment of farm household support

- (1) The instalment of farm household support payable to a former RAS (Part C) beneficiary for a period determined under section 28 is:

$$\text{Applicable RAS rate} \times \frac{\text{week days in period}}{10}$$

Part 6 Former RAS (Part C) beneficiary

Division 2 Entitlement to farm household support when no claim made under Part 3

Section 39

- (2) For the purposes of subsection (1), the applicable RAS rate in relation to a former RAS (Part C) beneficiary is the fortnightly rate that applied for the last payment of Part C assistance made by way of loan to him or her before the commencement of this Act under the RAS scheme applicable to him or her.

Part 7—Recipient's obligations

41 Secretary may require notice of the happening of an event or a change in circumstances

- (1) The Secretary may give a person to whom farm household support, exceptional circumstances relief payment or farm help income support is being paid a notice that requires the person to inform the Department if:
 - (a) a specified event or change of circumstances occurs; or
 - (b) the person becomes aware that a specified event or change of circumstances is likely to occur.
- (2) An event or change of circumstances is not to be specified in a notice under subsection (1) unless the occurrence of the event or change of circumstances may affect the payment of farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, to the person.
- (3) A notice under subsection (1):
 - (a) must be in writing; and
 - (b) may be given personally or by post; and
 - (c) must specify how the person is to give the information to the Department; and
 - (d) must specify the period within which the person is to give the information to the Department.
- (4) The period specified under paragraph (3)(d) must end at least 14 days after the earlier of:
 - (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

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- (5) A person must not refuse or fail to comply with a notice under subsection (1).

Penalty: Imprisonment for 6 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court that convicts an individual of an offence to impose a fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on the individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act.

- (5A) Subsection (5) does not apply to the extent that the person is not capable of complying with the notice.

Note: The defendant bears an evidential burden in relation to the matter in subsection (5A). See subsection 13.3(3) of the *Criminal Code*.

- (5B) Subsection (5) does not apply to the extent that the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (5B). See subsection 13.3(3) of the *Criminal Code*.

- (5C) An offence under subsection (5) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (7) This section extends to:

- (a) acts, omissions, matters and things outside Australia whether or not in a foreign country; and
- (b) all persons irrespective of their nationality or citizenship.

42 Secretary may require recipient to give particular information relevant to payment of farm household support, exceptional circumstances relief payment or farm help income support

- (1) The Secretary may give a person to whom farm household support, exceptional circumstances relief payment or farm help income support is being paid a notice that requires the person to give the Department a statement about a matter that might affect the payment of the support or the exceptional circumstances relief payment, as the case requires, to the person.

- (2) A notice under subsection (1):
- (a) must be in writing; and
 - (b) must be given personally or by post; and
 - (c) must specify how the statement is to be given to the Department; and
 - (d) must specify the period within which the person is to give the statement to the Department.
- (3) The period specified under paragraph (2)(d) must end at least 14 days after the day on which the notice is given.
- (4) A statement given in response to a notice under subsection (1) must be in writing and in accordance with a form approved by the Secretary.
- (5) A person must not refuse or fail to comply with a notice under subsection (1).

Penalty: Imprisonment for 6 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court that convicts an individual of an offence to impose a fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on the individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act.

- (5A) Subsection (5) does not apply to the extent that the person is not capable of complying with the notice.

Note: The defendant bears an evidential burden in relation to the matter in subsection (5A). See subsection 13.3(3) of the *Criminal Code*.

- (5B) Subsection (5) does not apply to the extent that the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (5B). See subsection 13.3(3) of the *Criminal Code*.

- (5C) An offence under subsection (5) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (7) This section extends to:
- (a) acts, omissions, matters and things outside Australia whether or not in a foreign country; and
 - (b) all persons irrespective of their nationality or citizenship.

Part 8—Termination of farm household support, exceptional circumstances relief payment or farm help income support

43 Automatic termination—social security benefit etc. payable

- (1) If a person is receiving farm household support, exceptional circumstances relief payment or farm help income support and:
 - (a) a social security benefit, a social security pension or a service pension becomes payable to the person; or
 - (b) newstart allowance, youth allowance or austudy payment becomes payable to the person's partner;farm household support, exceptional circumstances relief payment or farm help income support (as the case requires) ceases to be payable to the person immediately before the day on which:
 - (c) the allowance, pension or benefit becomes payable to the person; or
 - (d) newstart allowance, youth allowance or austudy payment becomes payable to the person's partner.

- (2) If a person is receiving farm household support, exceptional circumstances relief payment or farm help income support, and the person:
 - (a) starts a full-time course of education or of vocational training; or
 - (b) resumes study on a deferred full-time course of education or of vocational training;farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, ceases to be payable to the person immediately before the day on which the person starts, or resumes study on, the course.

**44 Automatic termination—recipient complying with section 41
notification obligations**

If:

- (a) a person who is receiving farm household support, exceptional circumstances relief payment or farm help income support is given a notice under section 41; and
- (b) the notice requires the person to inform the Department of the occurrence of an event or change in circumstances within a specified period (*notification period*); and
- (c) the event or change in circumstances occurs; and
- (d) the person informs the Department of the occurrence of the event or change in circumstances within the notification period in accordance with the notice; and
- (e) because of the occurrence of the event or change in circumstances:
 - (i) the person ceases to be qualified for farm household support, exceptional circumstances relief payment or farm help income support, as the case requires; or
 - (ii) farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, would, apart from this section, cease to be payable to the person; and
- (f) farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, is not cancelled before the end of the notification period;

farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, continues to be payable to the person until the end of the notification period and then ceases to be payable to the person.

**45 Automatic termination—recipient not complying with section 41
notification obligations**

If:

- (a) a person who is receiving farm household support, exceptional circumstances relief payment or farm help income support is given a notice under section 41; and

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- (b) the notice requires the person to inform the Department of the occurrence of an event or change in circumstances within a specified period (*notification period*); and
- (c) the event or change in circumstances occurs; and
- (d) the person does not inform the Department of the occurrence of the event or change in circumstances within the notification period in accordance with the notice; and
- (e) because of the occurrence of the event or change in circumstances:
 - (i) the person ceases to be qualified for farm household support, exceptional circumstances relief payment or farm help income support, as the case requires; or
 - (ii) farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, ceases to be payable to the person;

farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, ceases to be payable to the person immediately after the day on which the event or change in circumstances occurs.

46 Automatic termination—failure to provide section 42 statement

- (1) If:
 - (a) a person who is receiving farm household support, exceptional circumstances relief payment or farm help income support is given a notice under section 42 requiring the person to give the Department a statement; and
 - (b) the notice relates to the payment of that support or that exceptional circumstances relief payment, as the case requires, in respect of a period specified in the notice; and
 - (c) the person does not comply with the notice;the support or the exceptional circumstances relief payment, as the case requires, subject to subsection (2), ceases to be payable to the person as from the first day in that period.
- (2) If the Secretary is satisfied that, in the special circumstances of the case, it is appropriate to do so, the Secretary may determine in writing that subsection (1) does not apply to the person from a day specified in the determination.

- (3) The day specified under subsection (2) may be before or after the making of the determination.

47 Termination—determination by Secretary that recipient no longer in need

If at any time within the period in respect of which a person is qualified for farm household support, exceptional circumstances relief payment or farm help income support, the Secretary is satisfied, and determines in writing, that because of a change in the financial situation of the person, the person is no longer in need of farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, then farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, ceases to be payable to the person immediately before the day on which the determination is made.

48 Termination—at request of recipient or if recipient ceases to be qualified

- (1) Farm household support ceases to be payable to a person if:
- (a) the person asks the Secretary in writing to stop paying instalments of farm household support to him or her; or
 - (b) the person ceases to be qualified for farm household support.
- (2) Exceptional circumstances relief payment ceases to be payable to a person if:
- (a) the person asks the Secretary in writing to stop paying instalments of exceptional circumstances relief payment to him or her; or
 - (b) the person ceases to be qualified for exceptional circumstances relief payment.
- (3) Farm help income support ceases to be payable to a person if:
- (a) the person asks the Secretary in writing to stop paying instalments of farm help income support to him or her; or
 - (b) the person ceases to be qualified for farm help income support.

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49 Termination—death of recipient

If a person who is receiving farm household support, exceptional circumstances relief payment or farm help income support dies:

- (a) the farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, is taken to have ceased to be payable to the person immediately before the commencement of the instalment period (*final instalment period*) current at the time of his or her death; and
- (b) an amount equal to the instalment of farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, that would have been payable to the person in respect of the final instalment period if he or she had not died is to be paid as a grant to the person's estate.

49A Automatic termination—overseas absence

- (1) This section applies if:
 - (a) a person is continuously absent from Australia throughout a period (the *period of absence*); and
 - (b) either:
 - (i) immediately before the period of absence started, the person was receiving exceptional circumstances relief payment; or
 - (ii) during the period of absence, the person's claim for such a payment is granted.
- (2) Exceptional circumstances relief payment ceases to be payable to the person if, were the payment newstart allowance and Part 4.2 of the *Social Security Act 1991* applied, it would not be payable to the person because of that Part.
- (3) Exceptional circumstances relief payment ceases to be payable on the first day that it would not be payable to the person because of that Part.
- (4) For the purposes of this section, the Secretary may exercise any powers in relation to exceptional circumstances relief payment that the Secretary referred to in Part 4.2 of the *Social Security Act 1991* may exercise in relation to that Part in relation to newstart allowance.

- (5) If regulations made under this section specify a purpose for the purposes of paragraph 1212B(c) of the *Social Security Act 1991*, the Secretary is to exercise the powers referred to in subsection (4) as if the purpose specified were a purpose specified in regulations made under that paragraph.

50 Automatic termination—exceptional circumstances relief payment received

Farm help income support ceases, and is taken to have ceased, to be payable to a person at the beginning of a period if the person, or the person's partner, is receiving, or has received, exceptional circumstances relief payment in respect of that period.

51 Automatic termination—failure to obtain advice on financial outlook or develop activity plan

If:

- (a) the Secretary has granted a claim for farm help income support by a person in reliance on subsection 19(4) (severe financial hardship); and
- (b) the person fails to obtain advice on financial outlook or develop an activity plan within a period of 3 months beginning on the day on which the claim is granted;
- farm help income support ceases to be payable immediately after the end of that 3 month period.

52 Termination by the Secretary—failure to comply with an activity plan

- (1) Farm help income support ceases to be payable to a person if the Secretary makes a determination in writing that he or she is satisfied that the person has failed to comply with the person's activity plan.
- (2) Farm help income support ceases to be payable on the day on which the determination is made.

Part 9A—Farm help re-establishment grant scheme

52A Farm help re-establishment grant scheme

- (1) The Minister may, by written instrument:
 - (a) formulate a scheme:
 - (i) to encourage farmers who are unable to meet their living expenses to leave farming; and
 - (ii) to achieve this end by providing payments to those farmers, to be made after 1 December 1997, by way of grant of financial assistance on the sale of farm enterprises; and
 - (b) provide for the implementation and regulation of the scheme.

On and after the farm help scheme payment commencement day, the scheme is to be known as the *farm help re-establishment grant scheme* and a grant is to be known as a *re-establishment grant*.
- (2) Without limiting subsection (1), the scheme may deal with:
 - (a) the circumstances in which people are qualified to apply for re-establishment grants; and
 - (b) the procedure for applying for a grant; and
 - (c) the circumstances in which a grant is payable; and
 - (d) the amount of grant payable; and
 - (e) the method for paying a grant.
- (3) The scheme may provide for the Secretary to direct a person who has applied for a re-establishment grant to obtain advice as specified in the direction. The direction must be consistent with the guidelines contained in the farm help advice and training scheme (see paragraph 52B(3)(a)).
- (4) If the Secretary gives a direction referred to in subsection (3), the Secretary must arrange for the provision of assistance to the person under the farm help advice and training scheme (see paragraph 52B(3)(b)) for the purpose of complying with the direction.
- (5) The consequences for the payability of a re-establishment grant to a person who does not comply with a direction referred to in subsection (3) are as determined in accordance with the provisions

of the farm help advice and training scheme referred to in paragraph 52B(3)(c).

- (5A) The scheme may provide for the disclosure of dairy-type grant information:
- (a) to the Dairy Adjustment Authority in connection with the administration of:
 - (i) the DSAP scheme (within the meaning of Schedule 2 to the *Dairy Produce Act 1986*); or
 - (ii) the SDA scheme (within the meaning of Schedule 2 to the *Dairy Produce Act 1986*); or
 - (iii) a provision of the *Dairy Produce Act 1986* in so far as that provision relates to that scheme; or
 - (b) to the industry services body in connection with the administration of the Dairy Structural Adjustment Fund.
- (5B) In subsection (5A):
- dairy-type grant information* means information disclosed or obtained for the purposes of the administration of dairy-type grants.
- (6) An instrument under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

52AA Where there is a return to farming

If:

- (a) a person has received a farm help re-establishment grant; and
 - (b) the person, or the person's partner, acquires a right or interest in a farm enterprise within 5 years after receiving the grant;
- the Commonwealth may recover an amount equal to the grant as a debt due to the Commonwealth.

52AB Secretary may require re-establishment grant recipient to notify if events or circumstances indicative of a return to farming or a change of address occur

- (1) The Secretary may give a person to whom a farm help re-establishment grant has been paid a notice that requires the person to inform the Department if a specified event or change of circumstances occurs.

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- (2) An event or change of circumstances is not to be specified in a notice under subsection (1) unless:
- (a) the occurrence of the event or change in circumstances would indicate that the person, or the person's partner, has acquired a right or interest in a farm enterprise within 5 years after receiving the grant; or
 - (b) the event or change in circumstances is a change of address within 5 years after receiving the grant.
- (3) A person must not refuse or fail to comply with a notice under subsection (1) to inform the Department of an event or change in circumstances that would indicate that the person, or the person's partner, has acquired a right or interest in a farm enterprise within 5 years after receiving the grant.
- Penalty: 30 penalty units.
- (4) A person must not refuse or fail to comply with a notice under subsection (1) to inform the Department of a change of address within 5 years after receiving the grant.
- Penalty: 20 penalty units.
- (5) A notice under subsection (1):
- (a) must be in writing; and
 - (b) must be given personally or by post; and
 - (c) must specify how the person is to give the information to the Department; and
 - (d) must specify the period within which the person is to give the information to the Department.
- (6) The period must end at least 14 days after the earlier of:
- (a) the day on which the event or change of circumstances occurs; or
 - (b) the day on which the person becomes aware that the event or change of circumstances is likely to occur.

52AC Secretary may require re-establishment grant recipient to give a statement about whether returned to farming

- (1) The Secretary may give a person to whom a farm help re-establishment grant has been paid a notice that requires the

person to give the Department a statement about whether the person, or the person's partner, has acquired a right or interest in a farm enterprise within 5 years after receiving the grant.

- (2) A person must not refuse or fail to comply with a notice under subsection (1).

Penalty: 30 penalty units.

- (3) A notice under subsection (1):
- (a) must be in writing; and
 - (b) must be given personally or by post; and
 - (c) must specify how the statement is to be given to the Department; and
 - (d) must specify the period within which the person is to give the statement to the Department.
- (4) The period must end at least 14 days after the day on which the notice is given.
- (5) A statement given in response to the notice must be in writing and in accordance with a form approved by the Secretary.

Part 9B—Farm help advice and training scheme

52B Farm help advice and training scheme

- (1) The Minister may, by written instrument:
- (a) formulate a scheme under which farmers and their families are provided with assistance for the purpose of doing one or more of the following:
 - (i) obtaining advice to assist farmers to assess their long-term prospects;
 - (ii) obtaining training;
 - (iii) obtaining software needed for the purpose of, or as a result of, advice or training under the scheme;
 - (iv) developing an activity plan; and
 - (b) provide for the implementation and regulation of the scheme.

The scheme is to be known as the *farm help advice and training scheme* and a grant is to be known as the *farm help advice and training grant*.

- (2) Without limiting subsection (1), the scheme may deal with:
- (a) the circumstances in which people are eligible to receive assistance; and
 - (b) the procedure for applying for assistance; and
 - (c) a limit on the amount of assistance to be provided; and
 - (d) the types of advice or training for which assistance may be provided; and
 - (e) the people (including their qualifications or expertise) who may provide the advice or training; and
 - (f) the form in which the assistance is provided.
- (3) The scheme must:
- (a) set out guidelines for the giving of directions under subsection 13A(1), or under the farm help re-establishment grants scheme, requiring people to obtain advice; and
 - (b) provide for assistance to people for the purpose of complying with such directions; and

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- (c) provide a method for determining the consequence, for the payment of farm help scheme payments, of a person not complying with such a direction; and
 - (d) provide for assistance to people for the purpose of obtaining advice on financial outlook; and
 - (e) provide for assistance to people for the purpose of developing an activity plan.
- (4) An instrument under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Part 9C—Dairy exit payments

52C DEP scheme

- (1) The Minister may, by written instrument:
 - (a) formulate a scheme for the provision of payments, to be made after the DSAP payment start day, by way of grant of financial assistance to people on the sale of dairy farm enterprises, or rights or interests in dairy farm enterprises; and
 - (b) provide for the implementation and regulation of the scheme.The scheme is to be known as the *DEP scheme* and a payment is to be known as a *dairy exit payment*.
- (2) Without limiting subsection (1), the scheme may deal with:
 - (a) the circumstances in which people are qualified to apply for dairy exit payments; and
 - (b) the procedure for applying for a payment; and
 - (c) the circumstances in which a payment is payable; and
 - (d) the amount of payment payable; and
 - (e) the method for paying a payment.
- (3) A dairy exit payment is not payable to a person:
 - (a) in respect of an application lodged after 30 June 2002; or
 - (b) in respect of any sale that is completed after 30 June 2003.
- (4) An instrument under subsection (1) is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (5) The DEP scheme may provide for the disclosure of DEP information:
 - (a) to the Dairy Adjustment Authority in connection with the administration of:
 - (i) the DSAP scheme (within the meaning of Schedule 2 to the *Dairy Produce Act 1986*); or
 - (ia) the SDA scheme (within the meaning of Schedule 2 to the *Dairy Produce Act 1986*); or

- (ii) a provision of the *Dairy Produce Act 1986* in so far as that provision relates to that scheme; or
 - (b) to the industry services body in connection with the administration of the Dairy Structural Adjustment Fund.
- (6) Subsection (5) does not, by implication, limit subsection (1).
- (7) In this section:

dairy farm enterprise has the same meaning as in Schedule 2 to the *Dairy Produce Act 1986*.

DEP information means information disclosed or obtained for the purposes of:

- (a) the DEP scheme; or
- (b) a provision of this Act, in so far as that provision relates to the DEP scheme.

DSAP payment start day has the same meaning as in Schedule 2 to the *Dairy Produce Act 1986*.

Part 9D—Farm Family Support Scheme

52D Treatment of payments under Farm Family Support Scheme

- (1) The purpose of this section is to set out how other laws apply in relation to:
 - (a) payments under the pilot scheme, known as the Farm Family Support Scheme, to provide support for farmers facing hardship to meet their household expenses and to help them assess the long-term future of their farm enterprises; and
 - (b) things done in connection with that scheme.
- (2) The following provisions apply in relation to a payment of income support under the Farm Family Support Scheme in the same way as they apply in relation to exceptional circumstances relief payment under this Act:
 - (a) sections 54 and 56 of this Act;
 - (b) sections 79A and 160AAA of the *Income Tax Assessment Act 1936*;
 - (c) sections 53-10 and 53-15 of the *Income Tax Assessment Act 1997*;
 - (d) section 64 of the *Small Superannuation Accounts Act 1995*;
 - (e) sections 547B, 573A and 1061ZK, points 1067G-F3 and 1067G-G3 of the Youth Allowance Rate Calculator in Part 3.5, and sections 1130B, 1131, 1227A and 1231A of the *Social Security Act 1991*;
 - (f) section 106B of the *Social Security (Administration) Act 1999*;
 - (g) a provision of any Act, so far as it relates to a provision described in any of paragraphs (a) to (f) (inclusive) of this subsection.

Note: Exceptional circumstances relief payment is a payment made under Part 5 of this Act.

Example: Paragraph (g)—sections 84, 84A, 92 and 92A of the *A New Tax System (Family Assistance) (Administration) Act 1999* are examples of provisions that relate to section 56 of this Act, because they relate to debts created by that section.

- (3) The following provisions apply in relation to the doing of anything in relation to the Farm Family Support Scheme in the same way as they apply in relation to the doing of anything under or in relation to this Act:
- (a) the definition of *officer* in subsection 23(1) of the *Social Security Act 1991*;
 - (b) Parts 4 and 5 of the *Social Security (Administration) Act 1999*.
- (4) Subsection 41(2AA) of the *Age Discrimination Act 2004* applies in relation to anything done under the Farm Family Support Scheme in the same way as it applies to anything done in direct compliance with section 24A of this Act.

Part 10—Miscellaneous

53 Delegation of powers

- (1) The Secretary may by signed instrument delegate to an officer all or any of his or her powers under this Act.
- (2) The Secretary to the Department of Primary Industries and Energy may, by signed writing, delegate to an officer of that Department all or any of his or her powers under this Act.
- (3) The Secretary may, in accordance with service arrangements, delegate in writing all or any of his or her powers under this Act to the CEO or an employee of the Agency.
- (4) In this section:
this Act includes the DEP scheme, the farm help re-establishment grant scheme and the farm help advice and training scheme.

53A Delegation by Secretary: references to the Secretary and the Department

- (1) If the Secretary delegates to the CEO or an employee of the Agency a power under this Act to require a person to produce or give to the Department any document or information, the delegate may, in exercising the power, require the person to produce or give the document or information to the Agency instead of the Department.
- (2) A person who produces or gives a document or information to the Agency in compliance with a requirement by a delegate of the Secretary is to be treated for all purposes as if the person had produced or given the document to the Department in compliance with a requirement by the Secretary.
- (3) A person who does not produce or give a document or information to the Agency in compliance with a requirement by a delegate of the Secretary is to be treated for all purposes as if the person had not produced or given the document or information to the Department in compliance with a requirement by the Secretary.

- (4) If:
- (a) the Secretary delegates to the CEO or an employee of the Agency all or any of the Secretary's powers under this Act; and
 - (b) the delegation makes a reference to the Secretary or the Department in another provision of this Act inappropriate, whether for administrative reasons or any other reason;
- the Secretary may direct that the provision is to have effect as if:
- (c) the reference to the Secretary were a reference to the CEO; or
 - (d) a reference to the Department were a reference to the Agency;
- as the case requires.
- (5) If the Secretary gives a direction in relation to a provision, the provision has effect in accordance with the direction while the direction is in force.
- (6) A direction comes into force on the day it is notified in the *Gazette*, or on such later day as is specified in it, and remains in force until it is revoked.
- (7) A direction is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (8) In this section:
- this Act* includes the DEP scheme, the farm help re-establishment grant scheme and the farm help advice and training scheme.

54 General power to obtain information

- (1) The Secretary may require a person to give information, or produce a document that is in the person's custody or under the person's control, to the Department if the Secretary considers that the information or document may be relevant to:
- (a) the question whether a person who has made a claim for farm household support, exceptional circumstances relief payment or farm help income support under this Act is or was qualified for the support or the payment, as the case requires; or

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- (b) the question whether farm household support, exceptional circumstances relief payment or farm help income support under this Act is payable to a person who is receiving it; or
 - (c) the question whether farm household support, exceptional circumstances relief payment or farm help income support under this Act was payable to a person who has received it; or
 - (d) the maximum fortnightly rate or applicable rate, at any time, in relation to a person to whom farm household support is, or was, payable; or
 - (e) the rate at which exceptional circumstances relief payment is, or was, payable; or
 - (f) the rate at which farm help income support is, or was, payable; or
 - (g) the question whether a person who has applied for a dairy exit payment is or was qualified for the payment; or
 - (h) the question whether a dairy exit payment was payable to a person who has received it.
- (2) A requirement under subsection (1) must be by notice in writing given to the person.
- (3) The notice must specify:
- (a) how the person is to give the information or how the document is to be produced; and
 - (b) the period within which the person is to give the information, or produce the document, to the Department; and
 - (c) the officer (if any) to whom the information is to be given or the document is to be produced; and
 - (d) that the notice is given under this section.
- (4) The period specified under paragraph (3)(b) must end at least 14 days after the notice is given.
- (5) The notice may require the person to give the information by appearing before a specified officer to answer questions.
- (6) If the notice requires the person to appear before an officer, the notice must specify a time and a place for the person to appear, and the time must be at least 14 days after the notice is given.

- (7) A person must not refuse or fail to comply with a notice under this section.

Penalty: Imprisonment for 6 months.

Note 1: Subsection 4B(2) of the *Crimes Act 1914* allows a court that convicts an individual of an offence to impose a fine instead of, or in addition to, a term of imprisonment. The maximum fine that a court can impose on the individual is worked out by multiplying the maximum term of imprisonment (in months) by 5, and then multiplying the resulting number by the amount of a penalty unit. The amount of a penalty unit is stated in section 4AA of that Act.

Note 2: If a body corporate is convicted of the offence, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose a maximum fine of an amount that is 5 times the maximum fine that could be imposed on an individual convicted of the same offence.

- (7A) Subsection (7) does not apply if the person has a reasonable excuse.

Note: The defendant bears an evidential burden in relation to the matter in subsection (7A). See subsection 13.3(3) of the *Criminal Code*.

- (7B) An offence under subsection (7) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (9) This section binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory, of the Northern Territory and of Norfolk Island, but nothing in this section renders the Crown liable to be prosecuted for an offence.

- (10) This section does not require a person to give information or produce a document to the extent that in doing so the person would contravene a law of the Commonwealth (other than a law of a Territory).

- (11) This section extends to:

- (a) acts, omissions, matters and things outside Australia, whether or not in a foreign country; and
- (b) all persons, irrespective of their nationality, who are making or who have made a claim under this Act; and
- (c) all persons, irrespective of their nationality, who are receiving, or have received, a payment under this Act.

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54A Conversion of farm household support payments into grants

- (1) The total amount of farm household support paid to a person by way of loan before the commencement of this section, to the extent that it had not already been repaid to the Commonwealth or converted into a grant before that commencement, is converted into a grant by force of this section.
- (2) This section does not affect the operation of section 56.

55 Farm household support, exceptional circumstances relief payment, dairy exit payments and farm help scheme payments to be inalienable

Farm household support, exceptional circumstances relief payment, dairy exit payments and farm help scheme payments are inalienable, whether by way of, or in consequence of, sale, assignment, execution, charge, bankruptcy or otherwise.

55A Effect of garnishee or attachment order

- (1) If:
 - (a) a person has an account with a financial institution; and
 - (b) instalments of farm household support, exceptional circumstances relief payment or farm help income support (the *relevant payment type*) payable to the person are being paid to the credit of the account; and
 - (c) a court order in the nature of a garnishee order comes into force in respect of the account;the court order does not apply to the saved amount (if any) in the account.
- (2) The saved amount is worked out as follows:

Method statement

- Step 1. Work out the total amount payable to the person in respect of the relevant payment type that has been paid to the credit of the account during the 4 week period immediately before the court order came into force.

Step 2. Subtract from that amount the total amount withdrawn from the account during the same 4 week period: the result is the saved amount.

- (3) This section applies to an account whether it is maintained by a person:
- (a) alone; or
 - (b) jointly with another person; or
 - (c) in common with another person.

- (4) In this section:

financial institution means a bank or other institution that receives money on deposit.

56 Recovery of overpayments

- (1) If an amount purporting to be an amount of farm household support, exceptional circumstances relief payment or farm help income support payable under this Act in respect of a period has been paid to a person and:
- (a) the recipient was not qualified for farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, in respect of that period; or
 - (b) farm household support, exceptional circumstances relief payment or farm help income support, as the case requires, was not payable in respect of that period to the person; or
 - (c) in the case of an amount purporting to be an amount of farm household support—the amount was part of payment made because the farm household support payable to the person in respect of that period was calculated at a rate that was higher than the applicable rate in respect of the person; or

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- (d) in the case of an amount purporting to be an amount of exceptional circumstances relief payment—the amount was part of a payment made because the exceptional circumstances relief payment payable to the person in respect of that period was calculated at a rate higher than the rate at which it should have been calculated; or
 - (e) in the case of an amount purporting to be an amount of farm help income support—the amount was part of a payment made because the farm help income support payable to the person in respect of that period was calculated at a rate higher than the rate at which it should have been calculated;
- the amount so paid may be recovered by the Commonwealth as a debt due to the Commonwealth.
- (2) If:
- (a) an amount purporting to be an amount of re-establishment grant payable under the farm help re-establishment grant scheme (other than a dairy-type grant) has been paid to a person; and
 - (a) some or all of the amount was not payable to the person under the scheme;
- the amount that was not payable may be recovered by the Commonwealth as a debt due to the Commonwealth.
- (2A) If:
- (a) an amount purporting to be an amount of dairy-type grant has been paid to a person; and
 - (b) some or all of the amount was not payable to the person;
- the amount that was not payable may be recovered by the Commonwealth, on behalf of the industry services body, as a debt due to the industry services body.
- (3) If:
- (a) an amount purporting to be an amount of dairy exit payment has been paid to a person; and
 - (b) some or all of the amount was not payable to the person;
- the amount that was not payable may be recovered by the Commonwealth, on behalf of the industry services body, as a debt due to the industry services body.

Note: A debt due to the Commonwealth under this section in respect of an amount of exceptional circumstances relief payment or farm help income support may be recovered in accordance with provisions of the *Social Security Act 1991* (see sections 1227A and 1231A of that Act).

57 Source of funds for payments

- (1) Payments of farm household support payable in the financial year ending 30 June 1993 are to be made out of money appropriated under Item 4 of Subdivision 2 of Division 931 in Schedule 4 to the *Appropriation Act (No. 2) 1992-93* and so much of that money as is required for making those payments is taken to have been appropriated accordingly.
- (2) Payments of farm household support payable in any subsequent financial year are to be made out of money appropriated by the Parliament for that purpose.
- (3) Exceptional circumstances relief payment is to be paid out of the Consolidated Revenue Fund, which is appropriated accordingly.
- (4) Farm help scheme payments (other than dairy-type grants) are to be made out of money appropriated by the Parliament for the purpose of such payments.
- (5) Dairy exit payments and dairy-type grants are to be made out of the Dairy Structural Adjustment Fund.

57A Payments to RAS authorities—reimbursement of costs of issuing drought exceptional circumstances certificates

- (1) This section applies if a RAS authority incurs costs (whether before or after the commencement of this section) in connection with the issue of drought exceptional circumstances certificates.
- (2) The Secretary to the Department of Primary Industries and Energy may authorise payments to the RAS authority by way of reimbursement of those costs.
- (3) A payment under this section is to be made out of money appropriated by the Parliament for the purposes of this section.

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(4) In this section:

drought exceptional circumstances certificate has the same meaning as in section 8A.

58 Regulations

- (1) The Governor-General may make regulations prescribing all matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary and convenient to be prescribed for carrying out or giving effect to this Act.
- (2) A regulation may create an offence punishable by a penalty not exceeding \$500.

Part 11—Amendments of the Social Security Act 1991

60 Amendments of the *Social Security Act 1991*

Note:

The amendments made by this Part are incorporated in the compilation on ComLaw.

For access to the wording of the amendments made by this Part, *see* Act No. 241, 1992.

Table of Acts**Notes to the *Farm Household Support Act 1992*****Note 1**

The *Farm Household Support Act 1992* as shown in this compilation comprises Act No. 241, 1992 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 20 November 1996 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>Farm Household Support Act 1992</i>	241, 1992	24 Dec 1992	20 Mar 1993	
<i>Social Security Legislation Amendment Act (No. 2) 1994</i>	109, 1994	12 July 1994	Part 5 (ss. 58–63): 20 Sept 1994 (a)	—
<i>Drought Relief Payment Act 1994</i>	125, 1994	18 Oct 1994	18 Oct 1994	S. 3 (items 79–83)
<i>Primary Industries and Energy Legislation Amendment Act (No. 2) 1994</i>	129, 1994	21 Oct 1994	S. 3: (b)	—
<i>Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994</i>	164, 1994	16 Dec 1994	Part 4 (s. 60): Royal Assent (c)	—
<i>Student Assistance (Youth Training Allowance—Transitional Provisions and Consequential Amendments) Act 1994</i>	184, 1994	23 Dec 1994	1 Jan 1995 (d)	Ss. 3–8
<i>Primary Industries and Energy Legislation Amendment Act (No. 1) 1995</i>	36, 1995	12 Apr 1995	Schedule (items 20–23): Royal Assent (e)	Sch. (item 23)
<i>Social Security Legislation Amendment (Carer Pension and Other Measures) Act 1995</i>	143, 1995	12 Dec 1995	Schedule 25: Royal Assent (f)	—
<i>Social Security and Veterans' Affairs Legislation Amendment Act 1995</i>	1, 1996	9 Jan 1996	Schedule 14: 20 Sept 1996 (g)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Primary Industries and Energy Legislation Amendment Act (No. 2) 1996</i>	59, 1996	20 Nov 1996	Schedule 5: Royal Assent (<i>h</i>)	Sch. 5 (item 5) [see Table A]
<i>Farm Household Support Amendment Act 1997</i>	21, 1997	7 Apr 1997	5 May 1997	—
<i>Primary Industries and Energy Legislation Amendment Act (No. 1) 1997</i>	22, 1997	7 Apr 1997	Schedule 2: Royal Assent (<i>i</i>)	—
<i>Commonwealth Services Delivery Agency (Consequential Amendments) Act 1997</i>	29, 1997	17 Apr 1997	1 July 1997 (see s. 2)	—
<i>Primary Industries and Energy Legislation Amendment Act (No. 2) 1997</i>	94, 1997	30 June 1997	Schedule 3: 1 Oct 1997 (<i>j</i>)	—
<i>Farm Household Support Amendment (Restart and Exceptional Circumstances) Act 1997</i>	179, 1997	25 Nov 1997	25 Nov 1997	Sch. 3 [see Table A]
<i>Social Security Legislation Amendment (Parenting and Other Measures) Act 1997</i>	197, 1997	11 Dec 1997	Schedule 1 (items 298–300): 20 Mar 1998 (<i>k</i>)	—
<i>Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998</i>	45, 1998	17 June 1998	Schedule 13 (items 12–26): 1 July 1998 (<i>l</i>)	Sch. 13 (item 26) [see Table A]
<i>Financial Sector Reform (Consequential Amendments) Act 1998</i>	48, 1998	29 June 1998	Schedule 1 (item 47): 1 July 1998 (see <i>Gazette</i> 1998, No. S316) (<i>m</i>)	—
<i>Taxation Laws Amendment (Farm Management Deposits) Act 1998</i>	85, 1998	2 July 1998	2 Jan 1999 (see s. 2)	—
<i>Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998</i>	93, 1998	15 July 1998	Schedule 7 (items 12–17): 1 Apr 1998 (<i>n</i>)	—
<i>Primary Industries and Energy Legislation Amendment Act (No. 1) 1998</i>	102, 1998	30 July 1998	30 July 1998	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999</i>	44, 1999	17 June 1999	Schedule 7 (items 32–34): 1 July 1999 (see <i>Gazette</i> 1999, No. S283) (o)	S. 3(2)(e) (am. by 160, 2000, Sch. 4 [item 4])
as amended by				
<i>Financial Sector Legislation Amendment Act (No. 1) 2000</i>	160, 2000	21 Dec 2000	Schedule 1 (item 21): Royal Assent Remainder: 18 Jan 2001	—
<i>A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999</i>	83, 1999	8 July 1999	Schedule 6: 1 July 2000 (p)	—
<i>Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 1999</i>	170, 1999	10 Dec 1999	Schedule 3 (item 1): Royal Assent (q)	—
<i>Farm Household Support Amendment Act 1999</i>	184, 1999	22 Dec 1999	Schedule 1: 1 Dec 1999 Remainder: Royal Assent	—
<i>Dairy Industry Adjustment Act 2000</i>	22, 2000	3 Apr 2000	3 Apr 2000	—
<i>Youth Allowance Consolidation Act 2000</i>	106, 2000	6 July 2000	Schedule 5 (items 6–9): 1 July 1998 (r)	—
<i>Social Security and Veterans' Entitlements Legislation Amendment (Private Trusts and Private Companies—Integrity of Means Testing) Act 2000</i>	132, 2000	13 Nov 2000	13 Nov 2000	—
<i>Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000</i>	137, 2000	24 Nov 2000	Ss. 1–3 and Schedule 1 (items 1, 4, 6, 7, 9–11, 32): Royal Assent Remainder: 24 May 2001	Sch. 2 (items 418, 419) [see Table A]

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Farm Household Support Amendment Act 2000</i>	144, 2000	7 Dec 2000	Ss. 1 and 2: Royal Assent Remainder: 18 Dec 2000 (see <i>Gazette</i> 2000, No. S634)	Sch. 3 (items 1–6, 6A) [see Table A]
as amended by				
<i>Farm Household Support Amendment Act 2003</i>	115, 2003	27 Nov 2003	Schedule 2 (item 1): (see 115, 2003 below)	—
<i>Dairy Produce Legislation Amendment (Supplementary Assistance) Act 2001</i>	94, 2001	20 July 2001	20 July 2001	—
<i>Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Act 2001</i>	115, 2001	18 Sept 2001	16 Oct 2001	S. 4 [see Table A]
<i>Dairy Industry Legislation Amendment Act 2002</i>	84, 2002	10 Oct 2002	10 Oct 2002	—
<i>Dairy Industry Service Reform Act 2003</i>	32, 2003	15 Apr 2003	Schedule 1: 1 July 2003 (see <i>Gazette</i> 2003, No. S228) Remainder: Royal Assent	Sch. 1 (items 127–129) [see Table A]
<i>Farm Household Support Amendment Act 2003</i>	115, 2003	27 Nov 2003	Schedule 1 (item 25): 18 Dec 2000 (see s. 2(1) [item 3]) Schedule 2 (item 1): (s) Remainder: Royal Assent	Sch. 1 (items 30–36) [see Table A]
<i>Military Rehabilitation and Compensation (Consequential and Transitional Provisions) Act 2004</i>	52, 2004	27 Apr 2004	Schedule 3 (item 21): 1 July 2004 (see s. 2)	—
<i>Farm Household Support Amendment Act 2004</i>	70, 2004	23 June 2004	Schedule 1: 1 July 2004 Schedule 2: 1 July 2004 (see <i>Gazette</i> 2004, No. S229) Remainder: Royal Assent	Sch. 2 (items 23–29) [see Table A]
<i>Farm Household Support Amendment Act 2005</i>	30, 2005	21 Mar 2005	Schedule 1: 22 Mar 2005 Remainder: Royal Assent	Sch. 1 (items 7–10) [see Table A]

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Act 2005</i>	69, 2005	26 June 2005	Schedule 1 (items 2, 3, 5): 1 Oct 2005 Remainder: Royal Assent	Sch. 1 (item 5) [see Table A]
<i>Farm Household Support Amendment Act 2007</i>	60, 2007	15 Apr 2007	15 Apr 2007	Sch. 1 (items 20–22) [see Table A]
<i>Farm Household Support Amendment (Additional Drought Assistance Measures) Act 2008</i>	39, 2008	24 June 2008	24 June 2008	Sch. 1 (items 20–29) and Sch. 2 (item 4) [see Table A]
<i>Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008</i>	144, 2008	9 Dec 2008	Schedule 1 (items 2, 3): 10 Dec 2008	—
<i>Household Stimulus Package Act (No. 2) 2009</i>	4, 2009	18 Feb 2009	Schedule 4 and Schedule 5 (items 1–3): Royal Assent	Sch. 4 (item 1) [see Table A]
<i>Tax Laws Amendment (2009 Measures No. 1) Act 2009</i>	27, 2009	26 Mar 2009	Schedule 3 (items 92, 93, 102(1)): 27 Mar 2009	Sch. 3 (item 102(1)) [see Table A]
<i>Tax Laws Amendment (Transfer of Provisions) Act 2010</i>	79, 2010	29 June 2010	Schedule 4 (items 8, 51): 1 July 2010	Sch. 4 (item 51) [see Table A]
<i>Farm Household Support Amendment (Ancillary Benefits) Act 2010</i>	92, 2010	29 June 2010	29 June 2010	Sch. 1 (item 2) [see Table A]

Act Notes

- (a) The *Farm Household Support Act 1992* was amended by Part 5 (sections 58–63) only of the *Social Security Legislation Amendment Act (No. 2) 1994*, subsection 2(6) of which provides as follows:
- (6) Subsections 40(2) and 46(1), paragraph 57(a) and Part 5 commence on 20 September 1994, immediately after the commencement of Part 3 of the *Social Security (Home Child Care and Partner Allowances) Legislation Amendment Act 1994*.
- (b) The *Farm Household Support Act 1992* was amended by section 3 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1994*, subsections 2(1) and (4) of which provide as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.
- (4) The amendment made by this Act to section 52 of the *Farm Household Support Act 1992* commences on 20 September 1994.
- (c) The *Farm Household Support Act 1992* was amended by Part 4 (section 60) only of the *Veterans' Affairs (1994-95 Budget Measures) Legislation Amendment Act (No. 2) 1994*, subsection 2(1) of which provides as follows:
- (1) Part 1, Divisions 1 and 11 of Part 2 and Parts 3 and 4 commence on the day on which this Act receives the Royal Assent.
- (d) Subsection 2(2) of the *Student Assistance (Youth Training Allowance—Transitional Provisions and Consequential Amendments) Act 1994* provides as follows:
- (2) This Act commences on 1 January 1995 immediately after the commencement of the *Student Assistance (Youth Training Allowance) Amendment Act 1994*.
- (e) The *Farm Household Support Act 1992* was amended by the Schedule (items 20–23) only of 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.
- (f) The *Farm Household Support Act 1992* was amended by Schedule 25 only of the *Social Security Legislation Amendment (Carer Pension and Other Measures) Act 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.
- (g) The *Farm Household Support Act 1992* was amended by Schedule 14 only of the *Social Security and Veterans' Affairs Legislation Amendment Act 1995*, subsection 2(5)(e) of which provides as follows:
- (5) The following provisions commence, or are taken to have commenced, on 20 September 1996:
- (e) Schedules 12, 13, 14 and 15.
- (h) The *Farm Household Support Act 1992* was amended by Schedule 5 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1996*, 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.
- (i) The *Farm Household Support Act 1992* was amended by Schedule 2 only of the *Primary Industries and Energy Legislation Amendment Act (No. 1) 1997*, 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.

Act Notes

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- (j) Subsection 2(3) of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1997* provides as follows:
- (3) Schedules 3 and 9 commence, or are taken to have commenced, on 1 October 1997, immediately after the commencement of Schedule 18 to the *Social Security Legislation Amendment (Budget and other Measures) Act 1996*.
- (k) The *Farm Household Support Act 1992* was amended by Schedule 1 (items 298–300) only of the *Social Security Legislation Amendment (Parenting and Other Measures) Act 1997*, subsection 2(2) of which provides as follows:
- (2) Part 3 of Schedule 1 commences on 1 July 1998. The remaining items of Schedule 1 commence on 20 March 1998.
- (l) The *Farm Household Support Act 1992* was amended by Schedule 13 (sections 12–25) only of the *Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) to (10), this Act commences on 1 July 1998.
- (m) The *Farm Household Support Act 1992* was amended by Schedule 1 (item 47) only of the *Financial Sector Reform (Consequential Amendments) Act 1998*, subsection 2(2) of which provides as follows:
- (2) Subject to subsections (3) to (14), Schedules 1, 2 and 3 commence on the commencement of the *Australian Prudential Regulation Authority Act 1998*.
- (n) The *Farm Household Support Act 1992* was amended by Schedule 7 (items 12–17) only of the *Social Security and Veterans' Affairs Legislation Amendment (Budget and Other Measures) Act 1998*, subsection 2(9) of which provides as follows:
- (9) Schedule 7 commences, or is taken to have commenced, on 1 April 1998.
- (o) The *Farm Household Support Act 1992* was amended by Schedule 7 (items 32–34) only of the *Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999*, subsections 3(2)(e) and (16) of which provide as follows:
- (2) The following provisions commence on the transfer date:
- (e) subject to subsection (12), Schedule 7, other than items 43, 44, 118, 205 and 207 (the commencement of those items is covered by subsections (10), (11) and (13)).
- (16) The Governor-General may, by Proclamation published in the *Gazette*, specify the date that is to be the transfer date for the purposes of this Act.
- (p) The *Farm Household Support Act 1992* was amended by Schedule 6 only of the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 2) 1999*, subsection 2(2) of which provides as follows:
- (2) Schedule 1 (Parts 1 to 5), Schedules 3 to 6, Schedule 7 (other than item 14), Schedules 8 and 9, Schedule 10 (other than item 63) and Schedule 11 (items 3 and 4 only) commence, or are taken to have commenced, on the commencement of Schedule 1 to the *A New Tax System (Family Assistance) (Consequential and Related Measures) Act (No. 1) 1999*.
- (q) The *Farm Household Support Act 1992* was amended by Schedule 3 (item 1) only of the *Agriculture, Fisheries and Forestry Legislation Amendment Act (No. 2) 1999*, 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.
- (r) The *Farm Household Support Act 1992* was amended by Schedule 5 (items 6–9) only of the *Youth Allowance Consolidation Act 2000*, subsection 2(3) of which provides as follows:
- (3) Items 30 to 35, 45, 46, 47, 49, 50, 59 to 73 and 75 to 79 of Schedule 4 and Part 2 of Schedule 5 are taken to have commenced on 1 July 1998.
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Act Notes

- (s) Subsection 2(1) (item 5) of the *Farm Household Support Amendment Act 2003* provides as follows:
- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
5. Schedule 2, item 1	Immediately after the time specified in the <i>Farm Household Support Amendment Act 2000</i> for the commencement of item 51 of Schedule 1 to that Act.	18 December 2000

Table of Amendments**Table of Amendments**

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

Provision affected	How affected
Title	rs. No. 125, 1994 am. No. 179, 1997; No. 60, 2007
Part 1	
S. 3.....	am. Nos. 109, 125 and 184, 1994; No. 36, 1995; No. 59, 1996; Nos. 22, 29, 179 and 197, 1997; Nos. 45, 48, 85, 93 and 102, 1998; Nos. 44 and 83, 1999; Nos. 22 and 144, 2000; No. 84, 2002; Nos. 32 and 115, 2003; No. 70, 2004; Nos. 30 and 69, 2005; No. 60, 2007; No. 144, 2008; No. 79, 2010
S. 4.....	am. No. 129, 1994; No. 179, 1997; Nos. 22 and 144, 2000; No. 115, 2003
S. 4A	ad. No. 179, 1997 rep. No. 144, 2000
S. 5.....	am. Nos. 109, 129 and 184, 1994; No. 45, 1998 rep. No. 102, 1998 ad. No. 70, 2004
S. 5A	ad. No. 129, 1994 rep. No. 102, 1998
S. 6.....	am. No. 125, 1994; No. 179, 1997; No. 22, 2000 rs. No. 70, 2004 am. No. 60, 2007; No. 39, 2008
S. 6AA.....	ad. No. 115, 2001
Part 1A	
Heading to Part 1A.....	rs. No. 179, 1997; No. 184, 1999; No. 144, 2000; No. 60, 2007
Part 1A	ad. No. 21, 1997
Heading to s. 6A.....	am. No. 179, 1997
S. 6A	ad. No. 21, 1997
Heading to s. 6B.....	am. No. 144, 2000
S. 6B	ad. No. 179, 1997 am. No. 144, 2000; No. 115, 2003; No. 70, 2004
S. 6C	ad. No. 179, 1997 rep. No. 184, 1999 ad. No. 60, 2007 am. No. 39, 2008
Part 2	
Heading to Part 2	am. No. 125, 1994 rs. No. 179, 1997; No. 144, 2000
Division 1	
Heading to Div. 1 of Part 2	am. No. 125, 1994
S. 7.....	am. No. 36, 1995; No. 60, 2007
S. 8.....	am. Nos. 109 and 184, 1994; No. 45, 1998

Table of Amendments

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

Provision affected	How affected
Division 1A	
Heading to Div. 1A of Part 2.....	rs. No. 179, 1997
Div. 1A of Part 2.....	ad. No. 125, 1994
Heading to s. 8A.....	am. No. 179, 1997
Subhead. to s. 8A(1)	am. No. 60, 2007
Subhead. to s. 8A(5)	am. No. 39, 2008
S. 8A	ad. No. 125, 1994 am. No. 59, 1996; No. 179, 1997; Nos. 30 and 69, 2005; No. 60, 2007; No. 39, 2008
Division 1B	
Heading to Div. 1B of Part 2.....	rs. No. 144, 2000
Div. 1B of Part 2.....	ad. No. 179, 1997
Heading to s. 8B.....	am. No. 144, 2000 rs. No. 70, 2004
S. 8B	ad. No. 179, 1997 am. No. 144, 2000 rs. No. 70, 2004 am. No. 30, 2005
Note to s. 8B	am. No. 144, 2000 rep. No. 70, 2004
S. 8C	ad. No. 179, 1997 am. No. 144, 2000
Heading to s. 8D	am. No. 144, 2000
S. 8D	ad. No. 179, 1997 am. No. 144, 2000
Heading to s. 8E.....	am. No. 144, 2000
S. 8E	ad. No. 179, 1997 am. No. 144, 2000; No. 70, 2004
S. 8F.....	ad. No. 70, 2004
Division 2	
Heading to Div. 2 of Part 2.....	am. No. 125, 1994 rs. No. 179, 1997; No. 144, 2000
Heading to s. 9	rs. No. 179, 1997
S. 9.....	am. No. 125, 1994; No. 179, 1997; No. 144, 2000; No. 115, 2003
Heading to s. 9A.....	am. No. 179, 1997
S. 9A	ad. No. 125, 1994 am. No. 179, 1997
Note to s. 9A	rep. No. 70, 2004
Heading to s. 9B.....	am. No. 144, 2000
S. 9B	ad. No. 179, 1997 am. No. 144, 2000
Note to s. 9B	am. No. 144, 2000 rs. No. 70, 2004

Table of Amendments

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

Provision affected	How affected
Heading to s. 10	rs. No. 179, 1997
S. 10	am. No. 125, 1994; No. 1, 1996; No. 179, 1997; Nos. 132 and 144, 2000; No. 60, 2007; No. 39, 2008
S. 11	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
S. 12	am. Nos. 125, 164 and 184, 1994; No. 1, 1996; Nos. 22 and 179, 1997; No. 45, 1998; No. 144, 2000; No. 52, 2004; No. 60, 2007; No. 39, 2008
S. 13	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
S. 13A	ad. No. 179, 1997 am. No. 144, 2000; No. 115, 2003
S. 13B	ad. No. 144, 2000 am. No. 115, 2003 rep. No. 70, 2004
Part 3	
Heading to Part 3	am. No. 125, 1994 rs. No. 179, 1997; No. 144, 2000
Ss. 14, 15	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
S. 19	am. No. 125, 1994; No. 179, 1997; No. 144, 2000; No. 70, 2004
S. 20	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
Part 4	
Heading to Part 4	am. No. 125, 1994 rs. No. 179, 1997; No. 144, 2000
Division 1	
Heading to Div. 1 of Part 4	rs. No. 125, 1994
Subdivision A	
Heading to Subdiv. A of Div. 1 of Part 4	ad. No. 125, 1994
S. 21	am. No. 22, 1997; No. 60, 2007
Heading to s. 21A	am. No. 45, 1998 rep. No. 60, 2007
S. 21A	ad. No. 184, 1994 am. No. 45, 1998 rep. No. 60, 2007
Heading to s. 22	am. No. 45, 1998 rep. No. 60, 2007
S. 22	rs. No. 109, 1994 am. Nos. 125 and 184, 1994; No. 1, 1996; No. 45, 1998 rep. No. 60, 2007
Subdivision B	
Heading to Subdiv. B of Div. 1 of Part 4	ad. No. 125, 1994

Table of Amendments

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

Provision affected	How affected
Division 2	
Heading to Div. 2 of Part 4	rs. No. 125, 1994; No. 179, 1997
Div. 2 of Part 4	ad. No. 125, 1994
Heading to s. 24A.....	am. No. 179, 1997; No. 60, 2007
Subhead. to s. 24A(4)	am. No. 39, 2008
S. 24A	ad. No. 125, 1994 am. Nos. 1 and 59, 1996; Nos. 22, 179 and 197, 1997; No. 93, 1998; No. 83, 1999; No. 106, 2000; No. 69, 2005; No. 60, 2007; No. 39, 2008; Nos. 4 and 27, 2009
Subhead. to s. 24AA(5).....	am. No. 39, 2008
Subhead. to s. 24AA(7).....	am. No. 39, 2008
S. 24AA	ad. No. 60, 2007 am. No. 39, 2008; Nos. 4 and 27, 2009
Division 3	
Heading to Div. 3 of Part 4	rs. No. 144, 2000
Div. 3 of Part 4	ad. No. 179, 1997
Heading to s. 24B.....	am. No. 144, 2000
S. 24B	ad. No. 179, 1997 am. No. 197, 1997; No. 83, 1999; Nos. 106 and 144, 2000; No. 60, 2007; No. 4, 2009
Part 5	
Heading to Part 5	am. No. 125, 1994 rs. No. 179, 1997; No. 144, 2000
Heading to s. 25	rs. No. 179, 1997
S. 25	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
Heading to s. 26	am. No. 179, 1997
S. 26	rs. No. 102, 1998
Heading to s. 26A.....	am. No. 179, 1997
S. 26A	ad. No. 125, 1994 am. No. 179, 1997
Heading to s. 26B.....	am. No. 144, 2000
S. 26B	ad. No. 179, 1997 am. No. 144, 2000
S. 28	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
S. 29	am. No. 125, 1994
Heading to s. 29A.....	am. No. 179, 1997
S. 29A	ad. No. 125, 1994 am. No. 179, 1997
Note 1 to s. 29A	rs. No. 170, 1999
Note 2 to s. 29A	ad. No. 94, 1997
Heading to s. 29B.....	am. No. 144, 2000
S. 29B	ad. No. 179, 1997 am. No. 144, 2000
Note 2 to s. 29B	am. No. 144, 2000
S. 31	am. No. 125, 1994; No. 179, 1997; No. 144, 2000

Table of Amendments

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

Provision affected	How affected
S. 32.....	am. No. 44, 1999
S. 33.....	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
Part 6	
Division 2	
S. 37.....	am. No. 125, 1994
Div. 3 of Part 6	rep. No. 102, 1998
S. 40.....	rep. No. 102, 1998
Part 7	
S. 41.....	am. No. 125, 1994; No. 143, 1995; No. 179, 1997; Nos. 137 and 144, 2000; No. 115, 2001; No. 30, 2005
Heading to s. 42.....	am. No. 179, 1997; No. 144, 2000
S. 42.....	am. No. 125, 1994; No. 143, 1995; No. 179, 1997; Nos. 137 and 144, 2000; No. 115, 2001
Part 8	
Heading to Part 8	am. No. 125, 1994 rs. No. 179, 1997; No. 144, 2000
S. 43.....	am. Nos. 125 and 184, 1994; Nos. 1 and 59, 1996; No. 179, 1997; No. 45, 1998; No. 144, 2000
Ss. 44–46.....	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
Heading to s. 47.....	am. No. 179, 1997
S. 47.....	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
Ss. 48, 49.....	am. No. 125, 1994; No. 179, 1997; No. 144, 2000
S. 49A.....	ad. No. 39, 2008
Heading to Part 8A.....	rs. No. 179, 1997; No. 144, 2000 rep. No. 70, 2004
Part 8A.....	ad. No. 125, 1994 rep. No. 70, 2004
Heading to s. 49A.....	rs. No. 179, 1997 am. No. 144, 2000 rep. No. 70, 2004
S. 49A.....	ad. No. 125, 1994 am. No. 179, 1997; No. 144, 2000 rep. No. 70, 2004
Heading to s. 49B.....	am. No. 179, 1997 rep. No. 70, 2004
S. 49B.....	ad. No. 125, 1994 am. No. 179, 1997; No. 102, 1998 rep. No. 70, 2004
Heading to s. 49C.....	am. No. 179, 1997 rep. No. 70, 2004
S. 49C.....	ad. No. 125, 1994 am. No. 179, 1997; No. 102, 1998 rep. No. 70, 2004
Heading to s. 49D.....	am. No. 144, 2000 rep. No. 70, 2004

Table of Amendments

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

Provision affected	How affected
Subhead. to s. 49D(2)	am. No. 144, 2000 rep. No. 70, 2004
S. 49D	ad. No. 179, 1997 am. No. 144, 2000 rep. No. 70, 2004
Heading to Part 9	am. No. 125, 1994 rep. No. 102, 1998
Part 9	rep. No. 102, 1998
S. 50	rep. No. 102, 1998 ad. No. 70, 2004
S. 50A	ad. No. 129, 1994 am. No. 143, 1995 rep. No. 102, 1998
S. 51	rep. No. 102, 1998 ad. No. 70, 2004
S. 52	am. Nos. 109, 129 and 184, 1994 rs. No. 1, 1996 am. No. 45, 1998 rep. No. 102, 1998 ad. No. 70, 2004
Part 9A	
Heading to Part 9A	rs. No. 144, 2000
Part 9A	ad. No. 179, 1997
Heading to s. 52A	am. No. 144, 2000
S. 52A	ad. No. 179, 1997 am. No. 144, 2000 (as am. by No. 115, 2003); No. 84, 2002; Nos. 32 and 115, 2003; No. 70, 2004
Note to s. 52A(2)	rep. No. 184, 1999
S. 52AA	ad. No. 70, 2004
Ss. 52AB, 52AC	ad. No. 30, 2005
Part 9B	
Heading to Part 9B	rs. No. 144, 2000; No. 115, 2003
Part 9B	ad. No. 179, 1997
Heading to s. 52B	am. No. 144, 2000 rs. No. 115, 2003
S. 52B	ad. No. 179, 1997 am. No. 144, 2000; No. 115, 2003; No. 70, 2004
Part 9C	
Part 9C	ad. No. 22, 2000
S. 52C	ad. No. 22, 2000 am. No. 94, 2001; No. 32, 2003
Part 9D	
Part 9D	ad. No. 92, 2010
S. 52D	ad. No. 92, 2010

Table of Amendments

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

Provision affected	How affected
Part 10	
S. 53.....	am. No. 129, 1994; No. 29, 1997; Nos. 22 and 144, 2000; No. 115, 2003
S. 53A.....	ad. No. 29, 1997 am. Nos. 22 and 144, 2000; No. 115, 2003
S. 54.....	am. No. 125, 1994; No. 143, 1995; No. 179, 1997; Nos. 22, 137 and 144, 2000; No. 115, 2001
S. 54A.....	ad. No. 102, 1998
Heading to s. 55.....	am. No. 179, 1997; Nos. 22 and 144, 2000
S. 55.....	am. No. 125, 1994; No. 179, 1997; Nos. 22 and 144, 2000
S. 55A.....	ad. No. 179, 1997 am. No. 44, 1999; No. 144, 2000
S. 56.....	am. No. 125, 1994; No. 179, 1997; Nos. 22 and 144, 2000; No. 84, 2002; No. 32, 2003
Note to s. 56.....	ad. No. 94, 1997 am. No. 179, 1997; No. 144, 2000
Heading to s. 57.....	rs. No. 179, 1997
S. 57.....	am. No. 125, 1994; No. 179, 1997; Nos. 22 and 144, 2000; No. 84, 2002
S. 57A.....	ad. No. 36, 1995
S. 59.....	rep. No. 179, 1997

Table A

Table A

Application, saving or transitional provisions

Primary Industries and Energy Legislation Amendment Act (No. 2) 1996
(No. 59, 1996)

Schedule 5

5 Application

The amendment made by item 4 applies to the proceeds of disposals that occur after the commencement of this Schedule.

Farm Household Support Amendment (Restart and Exceptional Circumstances) Act 1997 (No. 179, 1997)

Schedule 3

1 Definitions

In this Schedule:

amended FHS Act means the *Farm Household Support Act 1992* as amended and in force from time to time after the commencement of this Act.

previous FHS Act means the *Farm Household Support Act 1992* as in force immediately before the commencement of this Act.

2 Continued effect of drought exceptional circumstances certificates and continued payment of relief pursuant to such certificates

- (1) A drought exceptional circumstances certificate referred to in section 8A of the previous FHS Act that was in force immediately before the commencement of this Act has effect, for the remainder of the period specified in it, as if it were an exceptional circumstances certificate referred to in section 8A of the amended FHS Act.

Table A

- (2) Subject to the provisions of the amended FHS Act, exceptional circumstances relief payment is to be paid to the person to whom the certificate was issued for the remainder of the period specified in the certificate as if the person's claim for drought relief payment were a claim for exceptional circumstances relief payment.

3 Treatment of undetermined claims for drought relief

A claim for drought relief payment made, but not determined, before the commencement of this Act is to be treated, after that commencement, as if it were a claim for exceptional circumstances relief payment.

4 References in Acts to exceptional circumstances relief payment also cover drought relief payment

A reference in the amended FHS Act, or in another Act that is amended by this Act, to exceptional circumstances relief payment paid to a person has effect, after the commencement of this Act, as if it included a reference to drought relief payment paid to a person under the *Farm Household Support Act 1992*.

Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998 (No. 45, 1998)

Schedule 13

26 Application

The amendments made by items 24 and 25 apply in relation to the sale of farms on or after the commencement of this item.

Table A

Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000 (No. 137, 2000)

Schedule 2

418 Transitional—pre-commencement offences

- (1) Despite the amendment or repeal of a provision by this Schedule, that provision continues to apply, after the commencement of this item, in relation to:
- (a) an offence committed before the commencement of this item; or
 - (b) proceedings for an offence alleged to have been committed before the commencement of this item; or
 - (c) any matter connected with, or arising out of, such proceedings;
- as if the amendment or repeal had not been made.
- (2) Subitem (1) does not limit the operation of section 8 of the *Acts Interpretation Act 1901*.

419 Transitional—pre-commencement notices

If:

- (a) a provision in force immediately before the commencement of this item required that a notice set out the effect of one or more other provisions; and
 - (b) any or all of those other provisions are repealed by this Schedule; and
 - (c) the first-mentioned provision is amended by this Schedule;
- the amendment of the first-mentioned provision by this Schedule does not affect the validity of such a notice that was given before the commencement of this item.
-

Farm Household Support Amendment Act 2000 (No. 144, 2000)

Schedule 3

1 Restart beneficiaries automatically entitled to farm help

- (1) A person who was receiving restart income support immediately before the farm help scheme payment commencement day is, on and after that day, entitled to receive farm help income support without making a claim under Part 3 of the amended FHS Act.
- (2) Farm help income support is then payable to the person subject to the provisions of the amended FHS Act.

2 Payments of restart income support taken to be farm help income support

A payment of restart income support made before the farm help scheme payment commencement day to a person is taken to be a payment of farm help income support to the person for the following purposes:

- (a) sections 8D and 8E of the amended FHS Act;
- (b) the farm help re-establishment grant scheme;
- (c) the farm help advice scheme;
- (d) the DEP scheme.

3 Effect of directions etc.

If, before the farm help scheme payment commencement day, the Secretary gave a direction to a person under section 13A of the *Farm Household Support Act 1992*, or under the restart re-establishment grant scheme, section 13A and section 52A of the amended FHS Act and the farm help advice scheme apply, after that day, as if the direction had been given to the person under section 13A of the amended FHS Act, or under the farm help re-establishment grant scheme, as the case requires.

Table A

4 Claims made but not determined before farm help scheme payment commencement day

A claim for restart income support, or an application or request for a restart re-establishment grant made, but not determined, before the farm help scheme payment commencement day is to be treated, after the farm help scheme payment commencement day, as if it were a claim for farm help income support, or an application or request for a farm help re-establishment grant, as the case requires.

5 References to decisions in section 20

Section 20 of the amended FHS Act has effect as if a reference in that section to a decision rejecting a person's claim for farm help income support included a reference to a decision made before the farm help scheme payment commencement day rejecting a person's claim for restart income support.

6 Part 10

Part 10 of the amended FHS Act has effect after the farm help scheme payment commencement day as if references in that Part to farm help income support included references to restart income support.

6A Effect of sections 53 and 53A

Subsections 53(4) and 53A(8) of the *Farm Household Support Act 1992* are taken, for all purposes, to have effect as if the definition of *this Act* in each of those subsections had, throughout the period:

- (a) beginning on 1 December 1997; and
- (b) ending on the farm help scheme payment commencement day;

included a reference to the restart advice scheme and the restart re-establishment grant scheme (within the meaning of the *Farm Household Support Act 1992* as in force immediately before the farm help scheme payment commencement day).

Table A

Agriculture, Fisheries and Forestry Legislation Amendment (Application of Criminal Code) Act 2001 (No. 115, 2001)

4 Application of amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

Dairy Industry Service Reform Act 2003 (No. 32, 2003)

Schedule 1

127 Dairy produce

A product that is dairy produce, immediately before the commencement of this item, under paragraph (c) of the definition of *dairy produce* in subsection 3(1) of the *Dairy Produce Act 1986* is taken, after the commencement of this item, to continue to be dairy produce under that paragraph.

128 Continuation of secrecy obligations

Section 119 of the *Dairy Produce Act 1986* as in force before the commencement of this item continues to apply after the commencement of this item to a person who, immediately before the commencement of this item, was a person to whom that section applied as if the amendments to that section made by this Schedule had not been made.

129 Final annual reports

- (1) For the final reporting period, the directors of Dairy Australia Limited must, in relation to the Australian Dairy Corporation and the Dairy Research and Development Corporation, prepare the report referred to in section 9 of the *Commonwealth Authorities and Companies Act 1997*. The report may include such other matters as the directors consider appropriate.

Table A

- (2) For the purposes of this item, the final reporting period is to be treated as a financial year.
- (3) In this item:
final reporting period means the period that:
(a) started on 1 July 2002; and
(b) ends at the commencement of this item.

Farm Household Support Amendment Act 2003 (No. 115, 2003)

Schedule 1

30 Definitions

In this Part:

commencement means the commencement of this item.

Principal Act means the *Farm Household Support Act 1992*.

31 Certificates of inability to obtain finance

- (1) The amendments made by items 4, 5 and 6 apply to certificates of inability to obtain finance issued after commencement.
- (2) If:
(a) a certificate of inability to obtain finance was issued to a farmer before commencement; and
(b) the certificate was in effect immediately before commencement;
then the certificate has effect for 13 months from the day on which it was issued.
- (3) However, the certificate ceases to have effect if:
(a) a finance institution makes a loan available to the farmer; or
(b) if the farmer is receiving farm help income support—farm help income support ceases to be payable to the farmer.

32 Extension of farm help income support

The amendment made by item 8 applies to claims lodged, or taken to have been lodged, before or after commencement.

33 Activity plan directions under section 13B

- (1) The amendments made by items 11, 12, 13 and 15 apply in relation to claims for farm help income support made after commencement.
- (2) Despite the amendments made to section 13B of the Principal Act by items 11, 12, 13 and 15, that section, as in force immediately before commencement, continues in force after commencement, in relation to claims for farm help income support made before commencement, as if the amendments had not been made.
- (3) Despite the amendments made to section 13B of the Principal Act by items 11, 12, 13 and 15, an activity plan direction that:
 - (a) was given, before commencement, under section 13B of the Principal Act; and
 - (b) was in force immediately before commencement;continues in force after commencement, as if the amendments had not been made.

34 Activity plan directions under the farm help re-establishment grant scheme

- (1) The amendments made by items 17, 18, 20 and 26 apply in relation to claims for re-establishment grant made after commencement.
- (2) Despite the repeal of subsections 52A(3A), (3B) and (3C) of the Principal Act made by item 17, those subsections, as in force immediately before commencement, continue in force after commencement in relation to claims for re-establishment grant made before commencement, as if the repeal had not been made.
- (3) Despite the repeal of subsections 52A(3A), (3B) and (3C) of the Principal Act made by item 17, the provisions of the farm help re-establishment grant scheme that:
 - (a) were made under those subsections; and
 - (b) were in force immediately before commencement;continue in force after commencement in relation to claims for re-establishment grant made before commencement, as if the repeal had not been made.

Table A

- (4) Despite the repeal of subsections 52A(3A), (3B) and (3C) of the Principal Act made by item 17, an activity plan direction that:
- (a) was given, before commencement, under a provision of the farm help re-establishment grant scheme that was made under those subsections; and
 - (b) was in force immediately before commencement;
- continues in force after commencement, as if the repeal had not been made.

35 Farm help advice and training scheme

- (1) Despite the repeal of subsection 52B(1) of the Principal Act made by item 23, the farm help advice scheme (the *old scheme*):
- (a) made under that subsection; and
 - (b) as in force immediately before commencement;
- continues in force after commencement as if it were made under that subsection (as substituted by this Act) and called the farm help advice and training scheme (the *new scheme*).
- (2) The amendments made by items 1, 2, 3, 9, 10, 14, 16, 19, 21, 22, 23, 24, 28 and 29 apply in relation to claims for farm help advice and training grant made after commencement.
- (3) A person who, immediately before commencement, was eligible to receive assistance under the old scheme is taken, immediately after commencement, to be eligible to receive farm help advice and training grant under the new scheme, and any payments made to the person under the old scheme are taken to have been made under the new scheme.
- (4) A person who, immediately before commencement, was eligible to receive farm help retraining grant under the farm help re-establishment grant scheme is taken, immediately after commencement, to be eligible to receive farm help advice and training grant under the new scheme, and any payments of farm help retraining grant made to the person under the farm help re-establishment grant scheme are taken to have been made under the new scheme.
- (5) If a payment under the new scheme is to be made to a person covered by subitem (3) or (4), the Secretary may direct the person to develop, and act in accordance with, an individual activity plan as specified in the direction.

Table A

- (6) The Principal Act, and instruments made under the Principal Act, apply to a direction given under subitem (5) as if it were an activity plan direction given under subsection 13B(1) of the Principal Act.

36 Application of item 27

The amendment made by item 27 applies in relation to breaches, made after commencement, of directions given before or after commencement.

Farm Household Support Amendment Act 2004 (No. 70, 2004)

Schedule 2

23 Definition

In this Schedule:

Principal Act means the *Farm Household Support Act 1992*.

24 Farm help income support

- (1) The amendments made by items 1, 2, 3, 6, 7, 8, 9, 11, 12, 13, 20, 21 and 22 of this Schedule apply in relation to farm help income support where the claim for that support is made on or after the commencement of this item.
- (2) The amendment made by item 14 of this Schedule, to the extent that it relates to the insertion of sections 51 and 52 of the Principal Act, applies in relation to farm help income support where the claim for that support is made on or after the commencement of this item.

25 Exceptional circumstances relief payment

The amendment made by item 8 of this Schedule applies in relation to exceptional circumstances relief payment where the claim for that payment is made on or after the commencement of this item.

26 Interaction between exceptional circumstances relief payment and farm help income support

- (1) The amendments made by items 10 and 15 of this Schedule apply where the exceptional circumstances relief payment that resulted in

Table A

farm help income support not being payable to a person was received under a claim made on or after the commencement of this item.

- (2) The amendment made by item 14 of this Schedule, to the extent that it relates to the insertion of section 50 of the Principal Act, applies where the exceptional circumstances relief payment that resulted in farm help income support not being payable to a person was received under a claim made on or after the commencement of this item.

27 Activity plan directions under section 13B

- (1) Despite the repeal of section 13B of the Principal Act by item 11 of this Schedule, that section, as in force immediately before the commencement of that item, continues in force on and after commencement, in relation to farm help income support where a claim for that support was made before commencement, as if the repeal had not occurred.
- (2) Despite the repeal of section 13B of the Principal Act by item 11 of this Schedule, an activity plan direction that:
- (a) was given, before the commencement of that item, under section 13B of the Principal Act; and
 - (b) was in force immediately before that commencement;
- continues in force after that commencement, as if the repeal had not occurred.
- (3) Despite the repeal of section 13B of the Principal Act by item 11 of this Schedule, the consequences of failure to comply with an activity plan direction that:
- (a) was given, before the commencement of that item, under that section; and
 - (b) was in force immediately before that commencement;
- continue to be determined by the method provided under the farm help advice and training scheme as in force immediately before that commencement.

28 Farm help re-establishment scheme

- (1) The amendments made by items 4, 5, 8, 16 and 17 of this Schedule apply in relation to the farm help re-establishment scheme where a claim for a grant under the scheme is made on or after the commencement of this item.

Table A

- (2) Despite:
- (a) the amendments of subsection 3(2) of the Principal Act made by items 4 and 5 of this Schedule; and
 - (b) the amendment of section 52A of the Principal Act made by item 16 of this Schedule; and
 - (c) the insertion of section 52AA of the Principal Act made by item 17 of this Schedule;
- section 52A of the Principal Act and instruments made under that section, as in force immediately before the commencement of those items, continue in force on and after that commencement, in relation to a farm help re-establishment grant where the claim for the grant was made before that commencement, as if the amendments and insertion had not been made.

29 Farm help advice and training scheme

- (1) The amendments of section 52B of the Principal Act made by items 18 and 19 of this Schedule apply in relation to the farm help advice and training scheme where a claim for a grant under the scheme is made on or after the commencement of this item.
- (2) Despite the amendments of section 52B of the Principal Act made by items 18 and 19 of this Schedule, that section and instruments made under that section, as in force immediately before the commencement of those items, continue in force on and after that commencement, in relation to farm help advice and training grants where the claim for the grant was made before that commencement, as if the amendments had not been made.

Farm Household Support Amendment Act 2005 (No. 30, 2005)

Schedule 1

7 Definition

In this Part:

Principal Act means the *Farm Household Support Act 1992*.

Table A

8 Farm help income support

- (1) The amendments made by items 1, 3 and 4 of this Schedule apply in relation to farm help income support where the claim for that support is made on or after the commencement of this item.
- (2) Despite subitem (1), if:
- (a) a person makes a claim for farm help income support on or after the commencement of this item; and
 - (b) in making the claim, the person relies on advice on financial outlook or an activity plan obtained with the assistance of a farm help advice and training grant; and
 - (c) that grant was made before the commencement of this item but within the period of 3 months ending on the day on which the claim for farm help income support is made;
- the amendments made by items 1, 3 and 4 of this Schedule do not apply for the purposes of determining whether the person is qualified for farm help income support in respect of that claim.

9 Exceptional circumstances relief payment

The amendments made by items 1 and 2 of this Schedule apply in relation to exceptional circumstances relief payment where the claim for that payment is made on or after the commencement of this item.

10 Farm help re-establishment scheme

- (1) The amendment made by item 6 of this Schedule applies in relation to the farm help re-establishment scheme where a claim for a grant under the scheme is made on or after the commencement of this item.
- (2) Despite the insertion of sections 52AB and 52AC of the Principal Act made by item 6 of this Schedule, section 52A of the Principal Act and instruments made under that section, as in force immediately before the commencement of that item, continue in force on and after that commencement, in relation to a farm help re-establishment grant where the claim for the grant was made before that commencement, as if the amendment and insertion had not been made.

Table A

Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Act 2005 (No. 69, 2005)

Schedule 1

5 Transitional provision—existing exceptional circumstances certificates

If:

- (a) an exceptional circumstances certificate was issued under subsection 8A(2) of the *Farm Household Support Act 1992*, as in force immediately before 1 October 2005; and
- (b) the certificate would, but for the amendment made by item 2 of this Schedule, be in effect on and after 1 October 2005;

the certificate continues to have effect on and after that day as if it were made under subsection 8A(2) of that Act, as amended by that item.

Farm Household Support Amendment Act 2007 (No. 60, 2007)

Schedule 1

20 Definition

In this Part:

commencing day means the day on which this Act commences.

Principal Act means the *Farm Household Support Act 1992*.

Secretary has the same meaning as in the Principal Act.

21 Person already receiving payment in the nature of exceptional circumstances relief payment

- (1) This item applies if, immediately before the commencing day, a person is receiving a payment on the basis that the following are satisfied:
 - (a) qualification criteria similar to those in subsection 8A(5) of the Principal Act, inserted by item 10 of this Schedule;
 - (b) payability criteria similar to those in Division 2 of Part 2 of the Principal Act.

Table A

- (2) The following applies:
- (a) the person is taken to have made a proper claim for exceptional circumstances relief payment for the purposes of Part 3 of the Principal Act;
 - (b) the Secretary is taken to have made a determination under subsection 19(2) of the Principal Act, with effect from the start of the commencing day, that the claim is granted at the rate at which payment was received immediately before the commencing day;
 - (c) the Secretary is taken to have made a determination in writing under subsection 10(1) of the Principal Act (the ***assets determination***), with effect from the start of the commencing day, that the value of the person's assets does not exceed the person's asset value limit;
 - (d) unless sooner revoked, the assets determination continues to have effect:
 - (i) if the next determination in respect of the person's assets takes effect less than 6 months after the commencing day—until that determination takes effect; or
 - (ii) if subparagraph (i) does not apply—until the end of 6 months from the commencing day.
- (3) The Secretary may, by determination in writing, revoke or vary a determination that:
- (a) because of paragraph (2)(b), the Secretary is taken to have made under subsection 19(2) of the Principal Act; or
 - (b) because of paragraph (2)(c), the Secretary is taken to have made under subsection 10(1) of the Principal Act;
- in circumstances in which the Secretary could have revoked or varied a determination actually made under those subsections.
- (4) Sections 53 and 53A of the Principal Act apply in relation to a determination under subitem (3) in the same way as they apply in relation to a determination under subsection 19(2) or 10(1) of the Principal Act.
- (5) A determination made under subitem (3) is not a legislative instrument.

22 Person applying for payment in the nature of exceptional circumstances relief before commencement

- (1) This item applies if, before the commencing day, a person applies for a payment on the basis that the following are satisfied:
- (a) qualification criteria similar to those in subsection 8A(5) of the Principal Act, inserted by item 10 of this Schedule;
 - (b) payability criteria similar to those in Division 2 of Part 2 of the Principal Act;
- but is not receiving payment on that basis immediately before the commencing day.
- (2) The person is taken to have made a proper claim for exceptional circumstances relief payment for the purposes of Part 3 of the Principal Act, and to have made the claim on the commencing day.

Farm Household Support Amendment (Additional Drought Assistance Measures) Act 2008 (No. 39, 2008)

Schedule 1

20 Definitions

In this Part:

commencing day means the day on which this Act commences.

Principal Act means the *Farm Household Support Act 1992*.

Secretary has the same meaning as in the Principal Act.

21 Application of items 10 to 17 of this Schedule

The amendments made by items 10 to 17 of this Schedule apply in relation to exceptional circumstances relief payment that is paid on or after the commencing day in relation to periods that occur on or after 25 September 2007.

Table A

22 Transitional—amounts disregarded before commencing day

Amounts that were disregarded for the 2007-08 financial year under subsection 24A(5) or (6) or subsection 24AA(6) or (8) of the Principal Act before the commencing day are to be treated, after the commencing day, as if the amounts had been disregarded for that financial year under that subsection (as amended by this Schedule).

23 Transitional—person already receiving payment in the nature of exceptional circumstances relief payment

- (1) This item applies if, immediately before the commencing day, a person is receiving a payment on the basis that the following are satisfied:
 - (a) qualification criteria that are the same as those in subsection 8A(7) of the Principal Act (as inserted by this Schedule);
 - (b) payability criteria that are the same as those in Division 2 of Part 2 of the Principal Act (as amended by this Schedule).
- (2) The following apply:
 - (a) the person is taken to have made a proper claim for exceptional circumstances relief payment for the purposes of Part 3 of the Principal Act;
 - (b) the Secretary is taken to have made a determination under subsection 19(2) of the Principal Act, with effect from the start of the commencing day, that the claim is granted at the rate at which payment was received immediately before the commencing day;
 - (c) the Secretary is taken to have made a determination in writing under subsection 10(1) of the Principal Act (the *assets determination*), with effect from the start of the commencing day, that the value of the person's assets does not exceed the person's asset value limit;
 - (d) unless sooner revoked, the assets determination continues to have effect:
 - (i) if the next determination in respect of the person's assets takes effect less than 6 months after the commencing day—until that determination takes effect; or
 - (ii) if subparagraph (i) does not apply—until the end of 6 months from the commencing day.

Table A

- (3) The Secretary may, by determination in writing, revoke or vary a determination that:
- (a) because of paragraph (2)(b) of this item, the Secretary is taken to have made under subsection 19(2) of the Principal Act; or
 - (b) because of paragraph (2)(c) of this item, the Secretary is taken to have made under subsection 10(1) of the Principal Act;
- in circumstances in which the Secretary could have revoked or varied a determination actually made under those subsections.
- (4) Sections 53 and 53A of the Principal Act apply in relation to a determination under subitem (3) of this item in the same way as they apply in relation to a determination under subsection 19(2) or 10(1) of the Principal Act.
- (5) A determination made under subitem (3) of this item is not a legislative instrument.

24 Transitional—person applying for payment in the nature of exceptional circumstances relief before commencing day

- (1) This item applies if, on or after 25 September 2007 and before the commencing day, a person applies for a payment on the basis that the following are satisfied:
- (a) qualification criteria that are the same as those in subsection 8A(7) of the Principal Act (as inserted by this Schedule);
 - (b) payability criteria that are the same as those in Division 2 of Part 2 of the Principal Act (as amended by this Schedule);
- but is not receiving payment on that basis immediately before the commencing day.
- (2) On the commencing day, the person is taken to have made a proper claim for exceptional circumstances relief payment for the purposes of Part 3 of the Principal Act.

25 Definitions

In this Part:

commencing day means the day on which this Act commences.

excess amount has the meaning given by subitem 27(1).

Table A

pre-commencement payment has the meaning given by subitem 26(1).

Principal Act means the *Farm Household Support Act 1992*.

26 Past payments in the nature of exceptional circumstances relief payment

- (1) This item applies if, before the commencing day, a person received a payment (a *pre-commencement payment*) on the basis that the following were satisfied in respect of a period starting on or after 25 September 2007 and ending before the commencing day:
 - (a) qualification criteria that are the same as those in subsection 8A(7) of the Principal Act (as inserted by this Schedule);
 - (b) payability criteria that are the same as those in Division 2 of Part 2 of the Principal Act (as amended by this Schedule).
 - (2) A pre-commencement payment may be recovered by the Commonwealth from the person to whom the payment was made as a debt due to the Commonwealth.
 - (3) A person to whom a pre-commencement payment was made is entitled, on the commencement of this item, to be paid by the Commonwealth an amount equal to the amount of the debt due to it by the person under subitem (2).
 - (4) The Commonwealth may set-off the amount of a debt due to it by a person under subitem (2) against an amount that is payable to that person under subitem (3).
 - (5) The Commonwealth may set-off classes of debt under subsection (4).
 - (6) If:
 - (a) a pre-commencement payment has been paid to a person in respect of a period; and
 - (b) the person did not satisfy, in respect of that period:
 - (i) qualification criteria that are the same as those in subsection 8A(7) of the Principal Act (as inserted by this Schedule); and
 - (ii) payability criteria that are the same as those in Division 2 of Part 2 of the Principal Act (as amended by this Schedule);the pre-commencement payment may be recovered by the Commonwealth from the person as a debt due to the Commonwealth.
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Table A

- (7) If:
- (a) a pre-commencement payment has been paid to a person in respect of a period; and
 - (b) the amount of the pre-commencement payment (the *paid amount*) is greater than the amount (the *payable amount*) that would have been payable to the person in respect of that period had the payment been calculated by applying section 24AA of the Principal Act (as amended by this Schedule) to the person as if the person were qualified for exceptional circumstances relief payment under subsection 8A(7) of that Act (as inserted by this Schedule);
- an amount equal to the difference between the paid amount and the payable amount may be recovered by the Commonwealth from the person as a debt due to the Commonwealth.
- (8) A debt that is recoverable under subitem (6) or (7) is, for the purposes of sections 1227A and 1231A of the *Social Security Act 1991*, taken to be a debt that is recoverable under section 56 of the Principal Act in respect of an amount of exceptional circumstances relief payment.
- (9) Subitems (6) and (7) do not, by implication, affect the recovery or set-off of overpayments of exceptional circumstances relief payment under the Principal Act.

27 Rate of past payments of exceptional circumstances relief payment

- (1) This item applies if, before the commencing day:
- (a) a person received a payment on the basis that, in respect of a period starting on or after 25 September 2007 and ending before the commencing day, the person satisfied:
 - (i) the qualification criteria in subsection 8A(1) or (5) of the Principal Act; and
 - (ii) the payability criteria in Division 2 of Part 2 of the Principal Act; and
 - (b) the payment was calculated using a formula that is the same as that in subsection 24A(5) or (6) or subsection 24AA(6) or (8) of the Principal Act as amended by this Schedule; and
 - (c) had the payment been calculated using the formula in that subsection as in force before the commencing day, all or

Table A

some of the payment (the *excess amount*) would not have been payable to the person.

(2) An excess amount may be recovered by the Commonwealth from the person to whom the payment was made as a debt due to the Commonwealth.

(3) A person to whom an excess amount was paid is entitled, on the commencement of this item, to be paid by the Commonwealth an amount equal to the amount of the debt due to it by the person under subitem (2).

(4) The Commonwealth may set-off the amount of a debt due to it by a person under subitem (2) against an amount that is payable to that person under subitem (3).

(5) The Commonwealth may set-off classes of debt under subsection (4).

(6) If:

(a) an excess amount has been paid to a person in respect of a period; and

(b) the person did not satisfy, in respect of that period:

(i) the qualification criteria in subsection 8A(1) or (5) of the Principal Act; and

(ii) the payability criteria in Division 2 of Part 2 of the Principal Act;

the excess amount may be recovered by the Commonwealth from the person as a debt due to the Commonwealth.

(7) If:

(a) an excess amount has been paid to a person as, or as part of, a payment mentioned in subitem (1) in respect of a period; and

(b) an error was made when calculating the payment in respect of that period using a formula that is the same as that in subsection 24A(5) or (6) or subsection 24AA(6) or (8) of the Principal Act as amended by this Schedule; and

(c) the excess amount (the *paid amount*) is greater than the excess amount (the *payable amount*) that would have been paid as, or as part of, the payment in respect of that period had the error not been made;

Table A

an amount equal to the difference between the paid amount and the payable amount may be recovered by the Commonwealth from the person as a debt due to the Commonwealth.

- (8) A debt that is recoverable under subitem (6) or (7) is, for the purposes of sections 1227A and 1231A of the *Social Security Act 1991*, taken to be a debt that is recoverable under section 56 of the Principal Act in respect of an amount of exceptional circumstances relief payment.
- (9) Subitems (6) and (7) do not, by implication, affect the recovery or set-off of overpayments of exceptional circumstances relief payment under the Principal Act.
- (10) Despite subitems (2) and (3), if, before the commencing day, an amount was disregarded for the 2007-08 financial year in a calculation that used a formula that is the same as that in subsection 24A(5) or (6) or subsection 24AA(6) or (8) of the Principal Act as amended by this Schedule, then the amount is to be treated, after the commencing day, as if it had been disregarded for that financial year under that subsection.

28 Ancillary benefits relating to the *Social Security Act 1991* and the *Social Security (Administration) Act 1999*

- (1) If, before the commencing day, a thing (other than the payment of money) was done:
- (a) as if a pre-commencement payment or an excess amount were exceptional circumstances relief payment under the Principal Act; and
 - (b) as if either or both of the *Social Security Act 1991* and the *Social Security (Administration) Act 1999* operated in relation to the payment;

then the thing is, for all purposes, taken to be as valid, and always to have been as valid, as it would have been if the pre-commencement payment or excess amount had been exceptional circumstances relief payment under the Principal Act as amended by this Schedule and the *Social Security Act 1991* and the *Social Security (Administration) Act 1999* had operated.

- (2) If an amount of money has been paid by the Commonwealth because a thing referred to in subitem (1) was done, the amount may be recovered by the Commonwealth from the person to whom the amount was paid as a debt due to the Commonwealth.

Table A

- (3) A person to whom an amount referred to in subitem (2) was paid is entitled, on the commencement of this item, to be paid by the Commonwealth an amount equal to the amount of the debt due to it by the person under subitem (2).
- (4) The Commonwealth may set-off the amount of a debt due to it by a person under subitem (2) against an amount that is payable to that person under subitem (3).
- (5) The Commonwealth may set-off classes of debt under subsection (4).

29 Appropriation

The Consolidated Revenue Fund is appropriated for the purpose of payments under subitems 26(3), 27(3) and 28(3).

Schedule 2

4 Application of amendments

The amendments made by items 1 to 3 of this Schedule apply in relation to absences from Australia that start on or after the commencement of this item.

Household Stimulus Package Act (No. 2) 2009 (No. 4, 2009)

Schedule 4

1 Administrative scheme for household stimulus payments

- (1) Subject to this item, a Minister administering:
 - (a) the *A New Tax System (Family Assistance) Act 1999*; or
 - (b) the *Social Security Act 1991*; or
 - (c) the *Farm Household Support Act 1992*; or
 - (d) the *Veterans' Entitlements Act 1986*;may, by legislative instrument, determine a scheme under which household stimulus payments may be made to persons in particular circumstances. The Minister may, by legislative instrument, vary or revoke the scheme.

Table A

- (2) The circumstances in which the scheme provides for payments must be:
- (a) circumstances:
 - (i) in which the Minister considers that Part 7 of the *A New Tax System (Family Assistance) Act 1999* or Part 2.18 of the *Social Security Act 1991* does not produce appropriate results; and
 - (ii) that occur in the financial year starting on 1 July 2008; or
 - (b) circumstances:
 - (i) in which the Minister considers that Division 14 of Part 2.13A of the *Social Security Act 1991* does not produce appropriate results; and
 - (ii) that occur in the period starting on 1 July 2008 and ending on the day on which that Division ceases to have effect under section 665ZZE of that Act.
- (3) Without limiting the generality of subitem (1), the scheme may deal with the following:
- (a) the circumstances in which payments are to be made;
 - (b) the amount of the payments;
 - (c) what a person has to do to get a payment;
 - (d) debt recovery;
 - (e) administrative matters, such as determination of entitlement and how and when payments will be made.
- (4) Without limiting the generality of subparagraph (2)(a)(i), circumstances in which the provisions referred to in that subparagraph do not produce appropriate results may include the circumstance of an FTB child (within the meaning of the *A New Tax System (Family Assistance) Act 1999*) aged 19 or 20 on 3 February 2009.
- (5) Payments under the scheme are to be made out of the Consolidated Revenue Fund, which is appropriated accordingly.
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Table A

Tax Laws Amendment (2009 Measures No. 1) Act 2009 (No. 27, 2009)

Schedule 3

102 Application

- (1) The amendments made by this Schedule apply in relation to income years starting on or after 1 July 2009.

Tax Laws Amendment (Transfer of Provisions) Act 2010 (No. 79, 2010)

Schedule 4

51 Application of other amendments

The amendments made by Parts 1 and 2 of this Schedule (other than item 2) apply to assessments for:

- (a) the 2010-11 income year; and
- (b) later income years.

Farm Household Support Amendment (Ancillary Benefits) Act 2010
(No. 92, 2010)

Schedule 1

2 Application

Section 52D of the *Farm Household Support Act 1992* applies to the doing of things (including the making of payments) in connection with the Farm Family Support Scheme before, on or after the commencement of that section.