



# **Farm Household Support Amendment (Relief Measures) Act (No. 2) 2019**

**No. 117, 2019**

**An Act to amend the *Farm Household Support Act 2014*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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# Farm Household Support Amendment (Relief Measures) Act (No. 2) 2019

No. 117, 2019

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## An Act to amend the *Farm Household Support Act 2014*, and for related purposes

[Assented to 11 December 2019]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Farm Household Support Amendment (Relief Measures) Act (No. 2) 2019*.

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2019

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## 2 Commencement

- (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
Provisions	Commencement	Date/Details
1. The whole of this Act	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	11 June 2020

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Note: The provisions of the *Farm Household Support Minister's Rule 2014* amended by this Act, and any other provisions of that instrument, may be amended or repealed by an instrument made under subsection 106(1) of the *Farm Household Support Act 2014* (see subsection 13(5) of the *Legislation Act 2003*).

## **Schedule 1—Rate of farm household allowance**

### ***Farm Household Support Act 2014***

#### **1 At the end of Subdivision A of Division 8 of Part 2**

Add:

##### **59A Income reduction**

- (1) The following do not apply in relation to the rate of farm household allowance for a person who has turned 22:
  - (a) steps 5 and 6 of the method statement in point 1068-A1 of Benefit Rate Calculator B;
  - (b) Module G of Benefit Rate Calculator B;
  - (c) Subdivisions C and D of this Division.
- (2) Paragraph (a) of step 7 of the method statement in point 1068-A1 of Benefit Rate Calculator B applies in relation to the rate of farm household allowance for a person who has turned 22 as if the provisional fortnightly payment rate were the amount worked out at step 4 of that method statement.
- (3) Subsections (1) and (2) do not apply for the purposes of working out if farm household allowance is payable to a person for any day.

Note: Section 37 provides that farm household allowance is not payable to a person if the person's allowance rate would be nil. The income test in the Social Security Act (as affected by Subdivisions C and D of this Division) applies in working out if the allowance is payable.

#### **2 At the end of Subdivision B of Division 8 of Part 2**

Add:

##### **65A Income reduction**

- (1) The following do not apply in relation to the rate of farm household allowance for a person who has not turned 22:

- (a) steps 12 and 13 of the method statement in point 1067G-A1 of the Youth Allowance Rate Calculator;
  - (b) Module H of the Youth Allowance Rate Calculator;
  - (c) Subdivisions C and D of this Division.
- (2) Paragraph (a) of step 14 of the method statement in point 1067G-A1 of the Youth Allowance Rate Calculator applies in relation to the rate of farm household allowance for a person who has not turned 22 as if the provisional fortnightly payment rate were the amount worked out at step 4 of that method statement.
- (3) Subsections (1) and (2) do not apply for the purposes of working out if farm household allowance is payable to a person for any day.

Note: Section 37 provides that farm household allowance is not payable to a person if the person's allowance rate would be nil. The income test in the Social Security Act (as affected by Subdivisions C and D of this Division) applies in working out if the allowance is payable.

### **3 Application provision**

The amendments made by this Schedule apply in relation to working out whether farm household allowance is payable, or the rate of farm household allowance, for days on or after the commencement of this item.



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## **Schedule 2—Assets test**

### ***Farm Household Support Act 2014***

#### **1 Sections 33 and 34**

Repeal the sections, substitute:

##### **33 Assets value limit**

Farm household allowance is not payable to a person if the sum of the value of the person's farm assets and of the value of the person's non-farm assets exceeds \$5.5 million.

#### **2 At the end of Subdivision A of Division 6 of Part 2**

Add:

##### **36A Valuing a water entitlement right**

If, in working out the value of a person's farm assets, the value of a right or interest in land used wholly or mainly for the purposes of a farm enterprise includes the value of a water entitlement right that is used or held wholly or mainly for the purposes of that farm enterprise, then the value of that water entitlement right is to be disregarded in working out the value of the person's farm assets referred to in paragraph 35(2)(c).

#### **3 Subsection 93(1) (table item 26)**

Omit "sections 33 and 34", substitute "Subdivision A of Division 6 of Part 2".

#### **4 Subsection 93(1) (table item 28)**

Omit "tests in sections 33 and 34", substitute "test in section 33".

#### **5 Subsection 93(1) (table item 29)**

Repeal the item.

## **6 Application provision**

The amendments made by this Schedule apply in relation to working out whether farm household allowance is payable for days on or after the commencement of this item.

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## Schedule 3—Farm financial assessments

### *Farm Household Support Act 2014*

#### **1 Subsection 5(1) (definition of *prescribed adviser*)**

Repeal the definition.

#### **2 Section 84**

Omit “prescribed adviser”, substitute “person who has appropriate qualifications or expertise to conduct the assessment”.

#### **3 Section 84**

Omit “the adviser”, substitute “the person who conducted the assessment”.

#### **4 Section 86 (heading)**

Omit “prescribed adviser”, substitute “person who has appropriate qualifications or expertise”.

#### **5 Section 86**

Omit “prescribed adviser”, substitute “person”.

#### **6 At the end of section 86**

Add:

; and (c) has appropriate qualifications or expertise to conduct the assessment.

#### **7 After paragraph 87(c)**

Insert:

(ca) the cost of the assessment is greater than nil; and

#### **8 Subparagraph 87(e)(ii)**

Omit “prescribed adviser”, substitute “person”.

#### **9 Paragraph 88(1)(b)**

Omit “prescribed adviser”, substitute “person”.

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**10 At the end of paragraph 89(b)**

Add “, being the cost specified in the invoice mentioned in paragraph 87(d)”.

***Farm Household Support Minister’s Rule 2014***

**11 Section 4 (definition of *professional body*)**

Repeal the definition.

**12 Section 5**

Repeal the section.

**13 Application provision**

The amendments made by this Schedule apply in relation to notices given under subsection 85(2) of the *Farm Household Support Act 2014* on or after the commencement of this item.

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## **Schedule 4—Activity supplement**

### ***Farm Household Support Act 2014***

#### **1 Paragraph 82(1)(b)**

Repeal the paragraph, substitute:

(b) the sum of:

- (i) the cost of the activity, being the cost specified in the invoice mentioned in paragraph 80(1)(g) or (2)(f); and
- (ii) the costs of travel or accommodation or both that are incurred in connection with the activity, to the extent that the Secretary considers those costs to be reasonable;

#### **2 Application provision**

Subparagraph 82(1)(b)(ii) of the *Farm Household Support Act 2014*, as substituted by this Schedule, applies in relation to costs of travel or accommodation that are incurred on or after the commencement of this item.

### ***Farm Household Support Minister's Rule 2014***

#### **3 Section 8**

Repeal the section, substitute:

#### **8 Maximum amount of activity supplement**

For the purposes of paragraph 82(1)(a) of the Act, the maximum amount of activity supplement is \$10,000.

- Note: Subsection 82(1) of the Act provides that the amount of activity supplement payable to a person for an activity is the lowest of the following amounts:
- (a) the maximum amount prescribed by this rule;
  - (b) the sum of the cost of the activity and the reasonable costs of travel or accommodation or both that are incurred in connection with the activity;
  - (c) the remaining balance of the person's activity supplement.

#### 4 Application provision

The amendment of the *Farm Household Support Minister's Rule 2014* made by this Schedule applies in relation to working out the amount of activity supplement payable to a person for an activity begun on or after the commencement of this item.

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[Minister's second reading speech made in—  
*House of Representatives on 27 November 2019*  
*Senate on 5 December 2019*]

(213/19)

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10      *Farm Household Support Amendment (Relief Measures) Act (No. 2)*      No. 117, 2019  
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