2004-2005

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Farm Household Support Amendment Bill 2005

No. , 2005

(Agriculture, Fisheries and Forestry)

A Bill for an Act to amend the Farm Household Support Act 1992, and for related purposes
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A Bill for an Act to amend the *Farm Household Support Act 1992*, and for related purposes

The Parliament of Australia enacts:

1 **Short title**

   This Act may be cited as the *Farm Household Support Amendment Act 2005*.

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

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1. This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

2. Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3. **Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Amendments relating to farm help income support and re-establishment grant

Part 1—Amendments

Farm Household Support Act 1992

1 Subsection 3(2) (definition of farmer)
Repeal the definition, substitute:

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

2 Subparagraph 8A(1)(b)(i)
Repeal the subparagraph, substitute:

(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
(D) is at least 18; and
(E) is an Australian resident; and
(F) is in Australia; and

3 Paragraph 8B(1)(c)
Repeal the paragraph, substitute:

(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
Schedule 1 Amendments relating to farm help income support and re-establishment grant

Part 1 Amendments

4 After subsection 8B(1)

Insert:

(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.

5 Subsection 41(4)

After “14 days after”, insert “the earlier of”.

6 After section 52AA

Insert:

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.

(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
Amendments relating to farm help income support and re-establishment grant

Schedule

1

Amendments Part 1

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
Schedule 1 Amendments relating to farm help income support and re-establishment grant

Part 1 Amendments

(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 2—Application and saving provisions

7 Definition

In this Part:


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
Schedule 1  Amendments relating to farm help income support and re-establishment grant

Part 2  Application and saving provisions

1 commencement, in relation to a farm help re-establishment grant where
2 the claim for the grant was made before that commencement, as if the
3 amendment and insertion had not been made.