Commonwealth of Australia

Farm Household Support Act 1992

Restart Advice Scheme 1997

I, JOHN DUNCAN ANDERSON, Minister for Primary Industries and Energy, formulate this scheme under subsection 52B (1) of the Farm Household Support Act 1992.


JOHN ANDERSON
Minister for Primary Industries and Energy

Note: Parts 9A and 9B of the Farm Household Support Act 1992

Part 9B of the Act (consisting only of section 52B) requires the Minister to formulate a scheme, to be called the restart advice scheme, to provide farmers and their families with assistance to obtain advice to assess their long-term prospects. That scheme is formulated in this instrument.

Part 9A of the Act (consisting only of section 52A) requires the Minister to formulate a scheme, to be called the restart re-establishment grant scheme, to grant financial assistance to people on the sale of farm enterprises, or rights or interests in farm enterprises. Such a grant is to be called a re-establishment grant. That scheme is formulated in another instrument, called the Instrument formulating the restart re-establishment grant scheme, made on the same day as this instrument.
Part 1—Preliminary

1.1 Citation

This Scheme may be cited as the Restart Advice Scheme 1997.

1.2 Commencement

This Scheme commences on 1 December 1997.

1.3. Definitions

In this instrument:

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

**Note: definitions**

The following terms are defined in the Act (see section 3) and have the same meanings in this Scheme:

- Department
- farm enterprise
- partner
- Secretary.
Part 2—Advice generally

2.1 Purpose of Part

This Part sets out the procedures under which farmers and their families can receive assistance for the purpose of obtaining advice to assist them to assess their long-term prospects.

2.2 Who can receive assistance?

A person is eligible to receive assistance under this Scheme if:
(a) the person is receiving restart income support; or
(b) the person has been assessed as qualified for restart income support under Division 1B of Part 2 of the Act.

2.3 How much assistance will be provided?

(1) The total amount of assistance provided to a person and the person’s partner (if any) must not be more than $3,000.

(2) No more than $450 of the assistance may be spent on costs associated with obtaining advice (for example, travelling and child minding expenses).

2.4 What kinds of advice can assistance be provided for?

(1) Assistance can be provided for a person or the person’s partner (if any) to obtain advice needed to:
(a) assist the person to assess the financial viability of the person’s farm enterprise and develop a plan for further advice; or
(b) assist the person to make decisions about the future by obtaining relevant advice (for example, career, financial, personal, legal or business advice).
2.5 **Who can provide the advice?**

The advice must be provided by a person who is a member of a professional association whose members normally provide advice on 1 or more of the following subjects:

(a) financial planning;
(b) business management;
(c) career options;
(d) legal matters;
(e) personal and family issues.

*Examples for paragraph (e):*
1. relationship counselling
2. stress management.

2.6 **How will assistance be provided?**

(1) If the Secretary is satisfied that a person is eligible to receive assistance, the Secretary must give the person a written authorisation to spend up to $3000 to obtain professional advice.

(2) Subject to section 2.3, on presentation of an invoice for the provision of advice by a person who is eligible, under section 2.5, to provide advice to a person who has an authorisation under subsection (1), or for expenses associated with obtaining the advice, the Secretary must pay the amount owed.

(3) Subject to section 2.3, on presentation of a receipt for payment for advice provided by a person who is eligible, under section 2.5, to provide advice to a person who has an authorisation under subsection (1), or for expenses associated with obtaining the advice, the Secretary must reimburse the person who paid for the advice or incurred the expenses.

(4) The Secretary may ask the Secretary of the Department of Primary Industries and Energy to decide whether the person who provided the advice was eligible, under section 2.5, to provide the advice.
Part 3—Directions to obtain advice

3.1 Purpose of Part

Section 13A of the Act and section 2.4 of the Restart Re-establishment Grant Scheme 1997 allow the Secretary to direct a person to obtain advice. This Part sets out guidelines for the giving of directions, provides for assistance to enable a person to obtain the advice and sets out the consequences of a person failing to comply with a direction.

3.2 Guidelines for giving directions—section 13A of the Act

(1) The Secretary may direct a person to whom restart income support is payable to obtain advice under section 13A of the Act at any time while restart income support is payable to the person.

(2) A direction should be in writing.

(3) A direction should require the person to obtain appropriate professional advice as set out in paragraph 2.4 (a) within 3 months of the date the direction is given.

3.3 Guidelines for giving directions—Part 2 of the Restart Re-establishment Grant Scheme 1997

(1) The Secretary may direct a person who has applied for a re-establishment grant to obtain advice under Part 2 of the Restart Re-establishment Grant Scheme 1997 at any time before the grant is paid.

(2) A direction given to a person under Part 2 of the Restart Re-establishment Grant Scheme 1997 should be in writing.

(3) A direction given to a person under Part 2 of the Restart Re-establishment Grant Scheme 1997 should require the person:
   (a) to obtain appropriate professional advice within 3 months of the date the direction is issued, unless the farm enterprise is sold within that time; and
   (b) to obtain further advice if necessary.
3.4 **Financial assistance**

(1) If the Secretary directs a person to obtain advice under this Scheme, the Secretary must provide financial assistance for the person to obtain that advice.

(2) In addition, if the person obtains further advice in addition to what is required by the direction, the Secretary must provide financial assistance for the person to obtain that advice.

(3) However, the amount of financial assistance that can be provided is limited to a maximum of $3,000.

3.5 **Consequences of not complying with a direction**

(1) If a person who has been directed to obtain advice under section 13A of the Act fails to comply with that direction within 3 months of the date of the direction, the Secretary may cancel the person’s restart income support.

(2) If a person who has been directed to obtain advice under the Restart Re-establishment Scheme fails to comply with the direction, the Secretary may disqualify the person from receiving a re-establishment grant under that Scheme.
Part 4—Miscellaneous

4.1 Review of decisions

Chapter 6 of the *Social Security Act 1991* is taken to apply to a decision under this Scheme, as if such a decision were a decision of an officer under the Act.

*Note:* Chapter 6 of the *Social Security Act 1991* provides for review of decisions, first by the Secretary or an authorised review officer, then by the Social Security Appeals Tribunal and finally by the Administrative Appeals Tribunal.

4.2 Delegation

(1) The Secretary may, in accordance with service arrangements, delegate in writing all or any of his or her powers under this Scheme to the CEO or an employee of the Agency.

(2) Section 53A of the Act is taken to apply to a delegation under this Scheme, as if references in that section to the Act were references to this Scheme.