Farm Help Advice and Training Scheme Amendment 2005 (No. 1)

I, WARREN ERROL TRUSS, Minister for Agriculture, Fisheries and Forestry, make this Scheme Amendment under subsection 52B (1) of the Farm Household Support Act 1992.

Dated 23 March 2005

WARREN TRUSS
Minister for Agriculture, Fisheries and Forestry

1 Name of Scheme
This Scheme Amendment is the Farm Help Advice and Training Scheme Amendment 2005 (No. 1).

2 Commencement
This Scheme Amendment commences on the day after it is registered.

3 Amendment of Farm Help Advice and Training Scheme 1997
Schedule 1 amends the Farm Help Advice and Training Scheme 1997.
Schedule 1 Amendments
(section 3)

[1] Section 1.3, note

after
- farm enterprise

insert
- farmer
- farm help scheme payment commencement day

[2] Subsection 2.3 (1)

omit everything before paragraph (b), insert

(1) A person is an eligible person on a day (being the day that this subsection commences or a subsequent day), if:
(a) he or she:
   (i) is at least 18; and
   (ii) is an Australian resident; and
   (iii) is in Australia; and
(ab) for a continuous period of at least 2 years immediately before the day, he or she:
   (i) has been a farmer; and
   (ii) has derived more than 50% of his or her gross income from his or her 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

[3] After subsection 2.3 (1)

insert

Note A person who does not satisfy subparagraph (ab) (ii) may still be an eligible person: see subsection (2A).
[4] After subsection 2.3 (2)

insert

(2A) A person who does not satisfy subparagraph (1) (ab) (ii) is taken to satisfy the subparagraph if the Secretary determines, in writing, that the person’s gross income from the farm enterprise during the 2-year period mentioned in paragraph (1) (ab) 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] After section 4.2A

insert

4.2B Transitional — person who was eligible between 1 July 2004 and the commencement day

(1) This Scheme, as in force immediately before the 2005 commencement day, continues to apply to a person who, under this Scheme, was an eligible person and applied for a grant:

(a) on or after 1 July 2004; and
(b) before the 2005 commencement day.

(2) For subsection (1), 2005 commencement day means the day on which this section commences.