Farm Help Re-establishment Grant Scheme 1997

as amended

made under subsection 52A (1) of the

Farm Household Support Act 1992

This compilation was prepared on 26 September 2007
taking into account amendments up to Farm Help Re-establishment
Grant Scheme Amendment 2007 (No. 2)

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Part 1 Preliminary

Section 1.1

Note Part 9A of the Act (consisting only of section 52A) requires the Minister to formulate a scheme, to be called the farm help 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.

Part 9B of the Act (consisting only of section 52B) requires the Minister to formulate a scheme, to be called the farm help advice and training scheme, to provide farmers and their families with grants to obtain advice to assess their long-term prospects, develop an activity plan and complete training to improve those prospects.

The Schemes are connected — a person who applies for a benefit under this Scheme will be required to obtain advice under the other Scheme, and will be given a grant under that Scheme to obtain the advice.

1.1 Name of Scheme [see Note 1]

This Scheme is the Farm Help Re-establishment Grant Scheme 1997.

1.2 Commencement

This Scheme commences on 1 December 1997.

1.3 Definitions

In this Scheme:


dairy-type grant means the grant designated as such under subsection 3.2AA (1) immediately before the repeal of that subsection on 1 July 2007.

DEP scheme means the Dairy Exit Program Scheme 2000 formulated under section 52C of the Act.

DSAP scheme has the same meaning as in Schedule 2 to the Dairy Produce Act 1986.

effectively in control has the same meaning as it has in section 8C of the Act.

farm help income support means income support under Division 1B of Part 2 of the Act.

farm owner or operator means:
(a) a farmer; or
(b) a sharefarmer; or
(c) a person who operates a farm enterprise.

Industry services body has the same meaning as in the Dairy Produce Act 1986.
re-entry client has the meaning given by section 2.3A of the Farm Help Advice and Training Scheme 1997.

Note  Section 2.3A of the Farm Help Advice and Training Scheme 1997 states:
A person is a re-entry client, if:
(a) the person is an eligible person; and
(b) the person is qualified for farm help income support and 12 months have lapsed since farm help income support ceased to be payable to the person; and
(c) the person has not received a re-establishment grant.

SDA scheme has the same meaning as in Schedule 2 to the Dairy Produce Act 1986.

sharefarmer means a person who, under the terms of a contract with a farmer, performs work in relation to the farmer’s farm enterprise and who is paid, wholly or partly, by receiving a share of the income, whether in cash or in kind, derived from the enterprise.

value of a person’s assets has the meaning given by section 3.1.

Note  The following expressions are defined in the Act (section 3) and have the same meanings in this Scheme:
• Agency
• asset
• CEO
• farm enterprise
• farm help scheme payment commencement day
• farmer
• partner
• re-establishment grant
• sale of a farm enterprise
• Secretary
• service arrangements.
Part 2 Applying for a re-establishment grant

Division 1 The application

2.1 Eligibility to apply — persons other than re-entry clients

(1) A person (other than a re-entry client) is eligible to apply for a re-establishment grant for a farm enterprise if the person satisfies subsections (2), (3), (4) and (5).

(2) The person must be qualified for farm help income support, and the support must be payable to him or her.

(3) For a continuous period of at least 2 years immediately before the person applies for the grant, the person must have:
   (a) been a farmer; and
   (b) derived more than 50% of his or her gross income from his or her farm enterprise; and
   (c) contributed more than 50% of his or her capital to the farm enterprise; and
   (d) spent more than 50% of his or her working hours in work on the farm enterprise.

Note A person who does not satisfy paragraph (b) may still be eligible to apply for a grant: see subsection (5A).

(4) The person must hold, for a continuous period of 5 years immediately before the person applies for a re-establishment grant, a right or interest (other than as a sharefarmer or leaseholder) that could be sold on the open market in relation to the land used for the farm enterprise.

(5) During the time the person was a farmer in relation to the farm enterprise he or she (or his or her partner) must have contributed capital to the value of $75 000 or more to the enterprise.

(5A) A person who does not satisfy paragraph (3) (b) is, nevertheless, taken to satisfy the paragraph if the Secretary determines, in writing, that the person’s gross income from the farm enterprise during the 2-year period mentioned in subsection (3) is significantly diminished because of a circumstance mentioned in paragraph 8B (1A) (a), (b), (c) or (d) of the Act.

(6) For subsection (5), capital includes the following:
   (a) the value of any inheritance that was received by the person (or the person’s partner) and consisted of part or all of the farm enterprise;
   (b) land;
   (c) stock;
   (d) plant or other equipment needed for the farm enterprise;
   (e) payments made by the person for an operating expense of the farm enterprise;
(f) cash.

(7) For subsection (5), labour or foregone wages of a person, or the person’s partner, are taken not to be a contribution of capital to a farm enterprise.

Note Farm enterprise means an enterprise carried on within any of the agricultural, horticultural, pastoral, apicultural or aquacultural industries: see subsection 3 (2) of the Act.

2.1AA Eligibility to apply — re-entry client

A re-entry client is eligible to apply for a re-establishment grant for a farm enterprise if the re-entry client:

(a) satisfies subsections 2.1 (3), (4) and (5); and

(b) completes a claim for farm help income support in accordance with subsection 2.3 (2); and

(c) would otherwise qualify for farm help income support.

2.1A Certain persons not eligible for a grant

(1) A person is not eligible to apply for a re-establishment grant if, in the 2 years immediately before applying for the grant:

(a) the person received a benefit, under a prescribed educational scheme, for the equivalent of 12 months or more; or

(b) the person was ineligible for farm help income support, under any of the following provisions of the Act, for the equivalent of 12 months or more:

(i) subsection 12 (1);

(ii) subsection 12 (3);

(iii) subsection 12 (4);

(iv) paragraph 12 (5) (b).

Note Prescribed educational scheme has the same meaning as in the Social Security Act 1991: see subsection 3 (1) of the Act.

(2) A person is not eligible to apply for a re-establishment grant for a farm enterprise if, in the 2 year period immediately before applying for the grant, the person received income, from a source other than the farm enterprise, that exceeds the amount of newstart allowance that would have been paid to the person during the period if, during the whole period:

(a) the person was entitled to the newstart allowance; and

(b) the person had no other income.

(3) However, the Minister may allow a person who received a benefit or pension mentioned in subsection 12 (1) of the Act to apply for a re-establishment grant if, in the 2 years before applying for the grant:

(a) the person was affected by an unforeseeable event; and

(b) the person applied for the benefit or pension because the event prevented the person engaging in farming work.

Note A sharefarmer, or a leaseholder in relation to land used for a farm enterprise, is not eligible to apply for a re-establishment grant: see subsection 2.1 (4).
2.2 **When must application be made?**

An application cannot be made after 30 June 2019.

*Note*  No application for a dairy-type grant (which was a kind of re-establishment grant) can be made after 30 June 2007. Dairy-type grants ceased to exist on 1 July 2007.

2.3 **How does a person apply for a re-establishment grant?**

1. A person who has claimed farm help income support is also taken to have applied for a re-establishment grant.

2. If a person wants to apply for a re-establishment grant only, the person must still complete a claim for farm help income support.

*Note*  For how to make a claim for farm help income support, see section 16 of the Act.

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**Division 2  Advice direction**

2.4 **When advice is to be obtained (Act s 52A)**

For subsection 52A (3) of the Act, if a person applies for a re-establishment grant the Secretary must direct the person to obtain advice as specified in the direction unless the Secretary has given the person a direction under subsection 13A (1) of the Act.

*Note*  Subsection 52A (3) of the Act provides that a direction for this section must be consistent with the guidelines in the farm help advice and training scheme.
Part 3 The re-establishment grant

Division 1 Introduction

3.1 Calculating the value of a person’s assets

(1) For this Scheme, the value of a person’s assets at a particular time is to be worked out in the same way as the value of those assets would be worked out under Part 3.12 of the Social Security Act 1991.

(2) However, for working out the value of a person’s assets for this Scheme:

(a) section 1118 of the Social Security Act 1991 is modified by omitting paragraphs 1118 (1) (a) and (b); and

(b) if the person has a partner, assets of the partner are taken to be assets of the person; and

(c) personal and household effects up to a maximum value of $10 000 must be disregarded; and

(d) payment rights granted to the person (or the person’s partner) under the DSAP scheme or the SDA scheme must be disregarded.

Division 2 Qualifying for the re-establishment grant

3.2 Who is qualified for a re-establishment grant?

(1) A person is qualified to receive a re-establishment grant if:

(a) the person was eligible to apply for the re-establishment grant when the person applied; and

(b) the person’s farm enterprise has been sold (and completion of the sale has taken place) within 1 year, or such longer period as the Minister, in writing, allows under section 3.2A, after:

(i) if the person, or the person’s partner, has received farm help income support — the person or the partner last received farm help income support; or

(ii) in any other case — the person applied for the re-establishment grant; and

(baa) the sale is completed before 30 June 2020; and

(ba) immediately before the sale the person was effectively in control of the farm enterprise; and

(c) the sale was on commercial terms and at arm’s length; and

(d) the person and, if the person had a partner when the person applied for the re-establishment grant, the partner (whether or not they remain partners):

(i) are not farm owners or operators; and

(ii) do not own any farm plant or machinery, farm livestock or other assets essential for the effective running of a farm enterprise; and
(da) the person, and the person’s partner (if any), gives the Secretary a written acknowledgment of the effect of subsections 3.9 (3) and (4) if the person or partner becomes a farm owner or operator, or a leaseholder, within 5 years after the date of the acknowledgment; and

(e) the person has complied with any direction under Division 2 of Part 2 of this Scheme or section 13A of the Act to obtain advice; and

(f) the value of the person’s assets, at the time when the Secretary considers whether the person qualifies for a grant, is less than $262,500; and

(g) neither the person, nor the person’s partner (if any), has previously received:
   (i) a re-establishment grant under this scheme; or
   (ii) a re-establishment grant under an agreement subject to the *Rural Adjustment Act 1992*; or
   (iii) a grant under the program known as the Pork Producer Exit Program; or
   (iv) a dairy-type grant; or
   (v) a restructuring grant under the Tobacco Grower Adjustment Assistance Package 2006, administered by the Department of Agriculture, Fisheries and Forestry; or
   (vi) an exit grant under either of the following, delivered by Centrelink on behalf of the Department of Agriculture, Fisheries and Forestry:
      (A) the package known as the Sugar Industry Reform Program 2002;
      (B) the package delivered on or after 2 March 2004 and known as the extension to the Sugar Industry Reform Program 2002; and

(h) if the person has applied for a grant of a kind mentioned in any of subparagraphs (g) (ii) to (vi):
   (i) he or she has withdrawn that application; or
   (ii) the application has been rejected; and

(i) if the person had a partner when the person applied for the re-establishment grant (whether or not they remain partners), the partner has not previously received a re-establishment grant; and

(j) if the person had a partner when the person applied for the re-establishment grant (whether or not they remain partners), and the partner has asked to be paid a re-establishment grant:
   (i) the partner has withdrawn the request; or
   (ii) the request has been rejected.

*Note for subparagraph (g) (vi)*

Information about the Sugar Industry Reform Program can be found on the Internet at: www.centrelink.gov.au/internet/internet.nsf/payments/sugar_package.htm, or from:
(1A) For paragraph (1) (ba), and despite section 8C of the Act, a person is taken to have been effectively in control of a farm enterprise immediately before the sale of the enterprise if, after becoming qualified for farm help income support, but before the sale, the person:

(a) entered into a valid and enforceable deed of assignment or arrangement, or a composition, under Part X of the *Bankruptcy Act 1966*; or

(b) allowed a mortgagee to take possession of, or sell, the farm enterprise:
   (i) without having defaulted on the mortgage; or
   (ii) having defaulted on the mortgage, but before the mortgagee had started enforcement action in relation to the default.

(2) For paragraph (1) (c), a divestment under the Retiring Farmer Assistance Scheme is not a sale at arm’s length.

### 3.2A Allowing a longer period for paragraph 3.2 (1) (b)

(1) For paragraph 3.2 (1) (b), the Minister may allow a longer period for the sale of a person’s farm enterprise only if:

(a) the 1 year mentioned in the paragraph for sale of the person’s farm enterprise ended on or after 1 July 2000; and

(b) there are reasonable grounds for believing that the farm enterprise was not sold within the 1 year because of matters beyond the control of the person; and

(c) the person’s farm enterprise has been sold and completion of the sale has taken place.

*Examples of what may be reasonable grounds for paragraph (b)*

1. The person made genuine attempts during the year to sell the farm enterprise, but no offers were made to buy it at or above its market value.

2. The person entered a voluntary foreclosure arrangement for the farm enterprise with another person, but the other person did not sell the farm enterprise.

3. The death or serious illness of the person or a member of the person’s family.

4. Delays by people (other than the person) or processes involved with the sale, for example, delays by a solicitor, bank or buyer.

(2) The period allowed by the Minister must end immediately after completion of the sale of the person’s farm enterprise took place.

(3) If the Minister allows such a longer period for the sale of a person’s farm enterprise:

(a) a decision by the Secretary (made before the longer period is allowed) that the person was not qualified to receive a re-establishment grant for the farm enterprise is taken to be revoked; and
3.3 **Deadline for requesting payment of grant**

For a person who is qualified to receive a re-establishment grant to be paid the grant, the person must, on or before 30 September 2020:

(a) ask the Secretary, in writing, for the grant to be paid; and

(b) give to the Secretary the evidence mentioned in section 3.4.

3.4 **Evidence about qualification**

(1) The person must give the Secretary written evidence, in a form satisfactory to the Secretary, that the sale has been completed.

(2) The Secretary may ask the person, in writing, to provide any other evidence reasonably necessary to allow the Secretary to:

(a) decide whether the person qualifies for a re-establishment grant; or

(b) work out the amount of re-establishment grant payable to the person.

(3) In particular, the Secretary may ask the person, in writing, to provide evidence that the person was in control of the farm enterprise immediately before the sale.

### Division 3 
#### Paying the re-establishment grant

3.5 **Purpose of Division**

(1) This Division sets out how an amount payable as a re-establishment grant is worked out.

(2) The amount payable to a person is up to $75 000, depending:

(a) on the value of the person’s assets; and

(b) on any farm help income support received by the person and the person’s partner (if any); and

(c) until 28 September 2009, on any payment received by the person and the person’s partner (if any) under the DSAP scheme or SDA scheme.

3.6 **Amount payable from 1 July 2007 to 28 September 2009**

(1) The amount of re-establishment grant payable to a person for the period commencing on 1 July 2007 and ending at the end of 28 September 2009 is to be worked out in accordance with this section.

(2) If the value of the person’s assets, at the time when the Secretary determines that the person qualifies for a grant, is $150 000 or less, the amount payable is:

$$75 000 - (FHIS + DSAP + SDA)$$
where:

**FHIS** is the total amount (in dollars) of:
(a) any payments of farm help income support paid to the person; and
(b) any payments of farm help income support paid to the person’s partner.

**DSAP** is the sum of:
(a) the total amount (in dollars) of any DSAP payments paid to the person for units in a payment right:
   (i) granted to the person under the DSAP scheme; and
   (ii) ownership of which has not been transferred before the date when the Secretary decides whether the person qualifies for re-establishment grant (the decision date); and
(b) if, before the decision date, the person has transferred to someone else (including the person’s partner) his or her ownership of any units in a payment right granted to the person under the DSAP scheme — $32 multiplied by the number of those units; and
(c) the total amount (in dollars) of any DSAP payments paid to the person’s partner (if any) for units in a payment right:
   (i) granted to the partner under the DSAP scheme; and
   (ii) ownership of which has not been transferred before the decision date; and
(d) if, before the decision date, the partner has transferred to someone else (including the person) his or her ownership of any units in a payment right granted to the partner under the DSAP scheme — $32 multiplied by the number of those units.

**SDA** is the sum of:
(a) the total amount (in dollars) of any SDA payments paid to the person for units in a payment right:
   (i) granted to the person under the SDA scheme; and
   (ii) ownership of which has not been transferred before the decision date; and
(b) if, before the decision date, the person has transferred to someone else (including the person’s partner) his or her ownership of any units in a payment right granted to the person under the SDA scheme — $32 multiplied by the number of those units; and
(c) the total amount (in dollars) of any SDA payments paid to the person’s partner for units in a payment right:
   (i) granted to the partner under the SDA scheme; and
   (ii) ownership of which has not been transferred before the decision date; and
(d) if, before the decision date, the partner has transferred to someone else (including the person) his or her ownership of any units in a payment right granted to the partner under the SDA scheme — $32 multiplied by the number of those units.
(3) If the value of the person’s assets, at the time when the Secretary determines that the person qualifies for a grant, is more than $150 000 but less than $262 500, the amount payable is:

$$75 000 - \frac{2}{3} (N - $150 000) - (FHIS + DSAP + SDA)$$

where:

- $N$ is the value (in dollars) of the person’s assets.
- $FHIS$ is the total amount (in dollars) of:
  - (a) any payments of farm help income support paid to the person; and
  - (b) any payments of farm help income support paid to the person’s partner.
- $DSAP$ is the sum of:
  - (a) the total amount (in dollars) of any DSAP payments paid to the person for units in a payment right:
    - (i) granted to the person under the DSAP scheme; and
    - (ii) ownership of which has not been transferred before the decision date; and
  - (b) if, before the decision date the person has transferred to someone else (including the person’s partner) his or her ownership of any units in a payment right granted to the person under the DSAP scheme — $32 multiplied by the number of those units; and
  - (c) the total amount (in dollars) of any DSAP payments paid to the person’s partner (if any) for units in a payment right:
    - (i) granted to the partner under the DSAP scheme; and
    - (ii) ownership of which has not been transferred before the decision date; and
  - (d) if, before the decision date the partner has transferred to someone else (including the person) his or her ownership of any units in a payment right granted to the partner under the DSAP scheme — $32 multiplied by the number of those units.
- $SDA$ is the sum of:
  - (a) the total amount (in dollars) of any SDA payments paid to the person for units in a payment right:
    - (i) granted to the person under the SDA scheme; and
    - (ii) ownership of which has not been transferred before the decision date; and
  - (b) if, before the decision date, the person has transferred to someone else (including the person’s partner) his or her ownership of any units in a payment right granted to the person under the SDA scheme — $32 multiplied by the number of those units; and
  - (c) the total amount (in dollars) of any SDA payments paid to the person’s partner for units in a payment right:
    - (i) granted to the partner under the SDA scheme; and
    - (ii) ownership of which has not been transferred before the decision date; and

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(d) if, before the decision date, the partner has transferred to someone else (including the person) his or her ownership of any units in a payment right granted to the partner under the SDA scheme — $32 multiplied by the number of those units.

(4) The section ceases to have effect at the end of 28 September 2009.

3.6A  **Amount payable on or after 29 September 2009**

(1) The amount of re-establishment grant payable to a person on or after 29 September 2009 is to be worked out in accordance with this section.

(2) If the value of the person’s assets, at the time when the Secretary determines that the person qualifies for a grant, is $150 000 or less, the amount payable is $75 000, less any farm help income support that has been paid to the person or the person’s partner.

(3) If the value of the person’s assets, at the time when the Secretary determines that the person qualifies for a grant, is more than $150 000 but less than $262 500, the amount payable is:

\[
75 000 - \frac{2}{3} (N - 150 000) - FHIS
\]

where:

- \( N \) is the value (in dollars) of the person’s assets.
- \( FHIS \) is the total amount (in dollars) of:
  - any payments of farm help income support paid to the person; and
  - any payments of farm help income support paid to the person’s partner.

3.7  **When is a re-establishment grant payable?**

A re-establishment grant is payable to a person when the person becomes qualified to receive it.

3.8  **How the re-establishment grant is paid**

A re-establishment grant must be paid either by cheque, or by direct deposit into an account with a financial institution nominated by the person who is to receive the re-establishment grant.

**Division 4  Provisions relating to grant recipients**

3.9  **Person re-establishing as farm owner or operator**

(1) It is a condition of a re-establishment grant decided by the Secretary before 1 July 2004 that the person who receives it, and the partner of the person, must each undertake not to become a farm owner or operator again within 5 years after receiving the re-establishment grant.
(2) If a person becomes a farm owner or operator again in breach of that undertaking, the amount of the re-establishment grant paid to the person, or the partner of the person, is recoverable by the Commonwealth as a debt due to the Commonwealth.

(3) A person who has been paid an amount of re-establishment grant forfeits that amount if, despite an acknowledgment given under paragraph 3.2 (1) (da), the person, or the person’s partner, becomes a farm owner or operator, or a leaseholder of land used for a farm enterprise, within 5 years after the date of the acknowledgment given under paragraph 3.2 (1) (da).

(4) The amount, mentioned in subsection (3), paid to the person is recoverable by the Commonwealth:
   (a) as a debt due to the Commonwealth; or
   (b) in the case of a dairy-type grant — on behalf of the industry services body as a debt due to that body.

Note In the first 5 years after receiving a farm help re-establishment grant, a person may be required to tell the Department about a change of circumstances, including whether he or she has returned to farming: see sections 52AB and 52AC of the Act.
Part 4 Miscellaneous

4.1 Review of decisions

Application may be made to the Administrative Appeals Tribunal for review of a decision of the Minister under subsection 3.2A (1) not to allow a longer period for the sale of a person’s farm enterprise.

Note Part 4 of the Social Security (Administration) Act 1999 provides for review of all decisions of an officer under the Farm Household Support Act 1992 (including decisions under this Scheme) first by the Secretary, the CEO or an authorised review officer, then by the Social Security Appeals Tribunal and finally by the Administrative Appeals Tribunal. However, Part 4 does not cover review of the Minister’s decisions.

4.2 Delegation

The Minister may, in accordance with service arrangements, delegate in writing his or her powers under subsections 2.1A (3) and 3.2A (1) to the CEO or an employee of the Agency.

Note For provisions about delegation of the Secretary’s powers under this Scheme, see sections 53 and 53A of the Act.

4.2A Disclosure of dairy-type grant information

The Secretary may disclose dairy-type grant information received in relation to a person who applied for a dairy-type grant:

(a) to the Dairy Adjustment Authority, in connection with the administration of:
   (i) the DSAP scheme; or
   (ii) the SDA scheme; or
   (iii) a provision of the Dairy Produce Act 1986, in so far as the provision relates to either of those schemes; and
(b) to the industry services body, in connection with the administration of the Dairy Structural Adjustment Fund established by clause 77 of Schedule 2 to the Dairy Produce Act 1986; and
(c) to the Secretary of the Department of Agriculture, Fisheries and Forestry (DAFF), but only if the information:
   (i) is aggregated with like information, so that it does not reveal the identity of:
      (A) the person; or
      (B) a farm enterprise in which the person has a right or interest; and
   (ii) is relevant to a function of the Secretary of DAFF in monitoring, evaluating or reporting on dairy type grants.
4.3 Transitional — applications before farm help scheme payment commencement day

(1) Subsection (2) applies if, before the farm help scheme payment commencement day, a person applied for a re-establishment grant under the Restart Re-establishment Grant Scheme 1997 as in force immediately before that day.

(2) Paragraph 3.2 (1) (a) applies to the person and the application as if the reference in the paragraph to a person being eligible to apply for a re-establishment grant were a reference to the person being eligible to apply for a re-establishment grant under the Restart Re-establishment Grant Scheme 1997 as in force immediately before the farm help scheme payment commencement day.

(3) For a person who became qualified for restart income support, in relation to a sale mentioned in subsection 3.2 (1A), before the farm help scheme payment commencement day, the reference in that subsection to becoming qualified for farm help income support in relation to the sale is taken to be a reference to becoming qualified for the restart income support.

(4) For this Scheme, a re-establishment grant paid to a person under the Restart Re-establishment Grant Scheme 1997 as in force immediately before the farm help scheme payment commencement day is taken to be a re-establishment grant paid to the person under this Scheme.

(5) For this Scheme, a decision by the Secretary that a person was not qualified to receive a re-establishment grant under the Restart Re-establishment Grant Scheme 1997 as in force immediately before the farm help scheme payment commencement day is taken to be a decision that the person was not qualified for a re-establishment grant under this Scheme.

(6) In this section:

restart income support has the meaning given by the Farm Household Support Act 1992 as in force immediately before the farm help scheme payment commencement day.

Note For the definition of farm help scheme payment commencement day, see subsection 3 (2) of the Act.

4.4 Transitional — applications before 1 July 2004

(1) This section applies in relation to a claim made before 1 July 2004 by a person for a grant under this Scheme.

(2) Despite any other provision of this Scheme:

(a) the maximum amount that may be paid to the person under this Scheme is $45,000; and

(b) if the sale of the person’s farm enterprise is completed within 3 months of the application, the person is not required to obtain advice on financial outlook or develop an activity plan.
(3) For subsection 52A (3) of the Act, if the Secretary gave the person a direction (other than a direction under subsection 13A (1) of the Act) to obtain advice as specified in the direction, the direction must be given no more than 3 months after the day on which the application is approved.

### Section 4.5

**Transitional — person who was eligible between 1 July 2004 and 25 March 2005**

This Scheme, as in force immediately before 25 March 2005, continues to apply to a person who was eligible for, and applied for, a grant under this Scheme:

(a) on or after 1 July 2004; and 
(b) before 25 March 2005.

### Section 4.6

**Transitional — applications by sharefarmers and leaseholders**

(1) This section applies to a sharefarmer or leaseholder if, immediately before the day on which this section commences (the 2007 commencement day):

(a) the sharefarmer or leaseholder was receiving farm help income support; or 
(b) not more than 12 months have lapsed since farm help income support was payable to the sharefarmer or leaseholder; or 
(c) the sharefarmer or leaseholder was receiving a grant under the **Farm Help Advice and Training Scheme 1997**.

(2) Despite the amendments made to this Scheme on the 2007 commencement day, a sharefarmer or leaseholder may apply for a re-establishment grant.

(3) Subject to section 4.7, the qualification of a sharefarmer or leaseholder for re-establishment grant must be decided in accordance with this Scheme as amended on the commencement day.

### Section 4.7

**Transitional — certain applications before 1 July 2008**

(1) This section applies to a person (including a sharefarmer or leaseholder) if:

(a) immediately before the day on which this section commences:

(i) the person was receiving farm help income support; or 
(ii) not more than 12 months have lapsed since farm help income support was payable to the person; or 
(iii) the person was receiving a grant under the **Farm Help Advice and Training Scheme 1997**; and

(b) before 1 July 2008, the person:

(i) completes the sale of his or her farm enterprise; and 
(ii) asks the Secretary, in accordance with section 3.3, for the grant to be paid; and 
(iii) fails to satisfy subsection 2.1 (4) or (5).
Section 4.7

(2) Despite any other provision of this Scheme, in deciding whether a person is qualified for a re-establishment grant, the following modifications apply:

(a) if the person fails to satisfy subsection 2.1 (4), the period mentioned in that subsection must be read as 2 years (instead of 5 years);

(b) if the person fails to satisfy subsection 2.1 (5), the amount mentioned in that subsection must be read as $50 000 (instead of $75 000).
Notes to the *Farm Help Re-establishment Grant Scheme 1997*

**Note 1**

The *Farm Help Re-establishment Grant Scheme 1997* (in force under subsection 52A (1) of the *Farm Household Support Act 1992*) as shown in this compilation is amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments.

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