



Farm Help Advice and Training Scheme Amendment 2004 (No. 1)

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

Dated 16 June 2004

WARREN TRUSS
Minister for Agriculture, Fisheries and Forestry

1 Name of Scheme Amendment

This Scheme Amendment is the *Farm Help Advice and Training Scheme Amendment 2004 (No. 1)*.

2 Commencement

This Scheme Amendment commences on 1 July 2004.

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

before

- Agency

insert

- activity plan
- advice on financial outlook

[2] Section 2.1

substitute

2.1 Purpose of Part 2

This Part sets out the procedures under which farmers and partners of farmers can be granted financial assistance to help them assess and improve their long-term prospects. The grant must be used to obtain advice on financial outlook and, in accordance with an activity plan, may then be used to obtain further advice, undergo training or obtain appropriate computer software.

[3] Section 2.2, definitions of *activity plan* and *commencement day*

omit

[4] Section 2.2, definition of *old scheme*

omit

the commencement day.

insert

1 December 2003.

[5] Section 2.2, after definition of *old scheme*

insert

prescribed adviser has the meaning given by regulation 5 of the *Farm Household Support Regulations 1993*.

[6] **Section 2.3**

substitute

2.3 Who is an eligible person

- (1) A person is an *eligible person* on a day after 30 June 2004 if:
- (a) he or she:
 - (i) is a farmer, and has been a farmer for a continuous period of at least 2 years immediately before the day; and
 - (ii) is at least 18; and
 - (iii) is an Australian resident; and
 - (iv) is in Australia; and
 - (b) on the day:
 - (i) the value of his or her assets, worked out using the method set out in subsection 10 (3) of the Act, does not exceed the assets value limit mentioned in subsection 10 (4) of the Act; and
 - (ii) his or her income is below the farm help income support limit.
- (2) For subparagraph (1) (b) (ii), if:
- (a) farm help income support was payable to the person; and
 - (b) because of the person's income, the fortnightly rate of farm help income support payable to the person under section 24B of the Act would be greater than zero;
- the person's income is *below the farm help income support limit*.
- (3) An eligible person may apply for a grant under this Scheme.

Note 1 A person who applies for a grant must obtain advice on financial outlook and, depending on that advice, may then be directed by the Secretary to develop an activity plan setting out how the person will undertake training or obtain further advice.

Note 2 A person who was eligible to receive assistance under the old scheme is taken to be eligible for a grant under this Scheme: see subitem 35 (3) of Schedule 1 to the *Farm Household Support Amendment Act 2003*.

Note 3 If a grant is to be made under this Scheme to a person who was eligible to receive assistance under the old scheme, the Secretary may direct the person to develop, and act in accordance with, an activity plan: see subitem 35 (5) of Schedule 1 to the *Farm Household Support Amendment Act 2003*.

[7] **Paragraph 2.4 (1) (a)**

substitute

- (a) if farm help income support under Division 1B of Part 2 of the Act is payable to the person, but he or she chooses not to receive that support — 12 months after the day he or she becomes eligible for that support;

[8] Paragraphs 2.4 (1) (c) and (d)*omit*

the commencement day,

insert

1 December 2003,

[9] Section 2.5*substitute***2.5 Amount of grant**

- (1) Despite any other provision of this Scheme, other than this section, the total amount of a grant or grants provided under this Scheme for the use of an eligible person and the person's partner (if any) must not be more than:
 - (a) \$5 500; or
 - (b) if, under subsection (2) or (3), the person is entitled to a lesser amount — that amount.
- (2) If a person or his or her partner (whether or not they are still partners) has previously received:
 - (a) assistance under the old scheme; or
 - (b) before 1 December 2003, a farm help retraining grant under Part 3A of the *Farm Help Re-establishment Grant Scheme 1997*; or
 - (c) any of the following, delivered by Centrelink on behalf of the Department of Agriculture, Fisheries and Forestry:
 - (i) activity plan development assistance, granted under the package known as the Sugar Industry Reform Program 2002 that commenced on 1 October 2002;
 - (ii) business planning support, granted on or after 2 March 2004 under the extension to the Sugar Industry Reform Program 2002;
 - (iii) a grant for training made to canegrowers under the package mentioned in subparagraph (ii);

the person is entitled to a maximum of \$5 500 less the amount that was provided for the use of the person and his or her partner under a scheme mentioned in paragraph (a), (b) or (c).
- (3) If, before 1 July 2000, the Secretary directed a person to obtain advice under this Scheme:
 - (a) the Secretary must provide financial assistance for the person to obtain that advice; and
 - (b) the total amount of assistance provided to the person must not be more than:

$$\$3\,300 - \frac{\text{payments}}{10}$$

where:

payments is the total (in dollars) of the financial assistance provided to the person under this section for provision of advice before 1 July 2000.

Note for paragraph (2) (c)

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:

Food and Agriculture Group
Field Crops, Horticulture and Wine Branch
Department of Agriculture, Fisheries and Forestry
GPO Box 858
CANBERRA ACT 2601.

[10] Section 2.6

omit

obtaining advice or completing training.

insert

obtaining advice (including advice on financial outlook) or undertaking training.

[11] Division 2, heading

substitute

Division 2 Advice and activity plans

[12] Before section 2.8

insert

2.7A Assistance for advice (Act s 13A)

This Division sets out how the Secretary makes a grant for advice under this Scheme.

[13] Sections 2.8 and 2.9

substitute

2.8 Definition for Division 2

In this Division:

qualified person, for an eligible person (or the partner of an eligible person), means a member of a professional association whose members normally provide advice of a kind that is relevant to the eligible person's (or the partner's) circumstances, including advice on any of the following subjects:

- (a) agronomy;
- (b) business management;
- (c) career options;
- (d) farm analysis;
- (e) farm technical advice;
- (f) financial planning;
- (g) legal matters;
- (h) personal and family issues.

Examples for paragraph (h)

- 1 Relationship counselling.
- 2 Stress management.

2.8A Directions to obtain advice and develop activity plan

- (1) If the Secretary is satisfied that a person who applies for a grant under this Scheme is an eligible person, the Secretary:
 - (a) must give a written direction that the person, or the person's partner, is to obtain advice on financial outlook from a prescribed adviser; and
 - (b) may give a written direction that the person is to develop an activity plan.
- (2) A direction for subsection (1) may specify:
 - (a) a date by which the advice on financial outlook is to be obtained or the activity plan is to be developed; and
 - (b) the maximum amount that is to be paid for the advice on financial outlook.

Note 1 Advice on financial outlook is about the likelihood of a farmer obtaining a loan from a financial institution and of improving the financial performance of the farm enterprise: see subsection 8B (2) of the Act.

Note 2 An activity plan is a plan directed towards assisting a farmer to improve the financial performance of the farm enterprise, secure alternative sources of income or re-establish himself or herself outside farming: see subsection 8B (3) of the Act.

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- (3) An activity plan may provide that the eligible person (or the person's partner) will, before a specified date:
 - (a) receive advice in addition to the advice on financial outlook (*subsequent advice*); and
 - (b) undertake training.
 - (4) The activity plan of an eligible person who has received:
 - (a) exceptional circumstances relief payment mentioned in section 8A of the Act; or
 - (b) another kind of payment that was made under the Act and that was made because of exceptional circumstances affecting the person;
must include a drought management plan for his or her farm — that is, a plan that is intended, when put into effect, to allow the farm enterprise to be better prepared for a drought.
 - (5) An eligible person (or the person's partner) is not entitled to receive a grant for subsequent advice unless the advice is:
 - (a) given by a qualified person for the person receiving the advice; and
 - (b) in accordance with the eligible person's activity plan.
 - (6) If an eligible person (or the person's partner):
 - (a) fails to comply with a direction given by the Secretary under subsection (1); or
 - (b) fails to undertake an activity set out in the person's activity plan;
the Secretary may:
 - (c) disqualify the person (or the partner) from receiving further training or advice; or
 - (d) cancel the person's farm help income support; or
 - (e) if the person has applied for a re-establishment grant under the *Farm Help Re-establishment Grant Scheme 1997*, disqualify the person from receiving the grant.

2.9 Grants for advice

- (1) If:
 - (a) the Secretary authorises or directs an eligible person (or the person's partner) to obtain advice under this Scheme; and
 - (b) the person, or the partner, obtains that advice;
the Secretary must make an advice grant in accordance with this section.
- (2) On presentation of a receipt or invoice for:
 - (a) the provision of advice to the person or the person's partner; or
 - (b) the person's, or the partner's, incidental expenses;
the Secretary must pay the amount of the receipt or invoice.

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- (3) However, the Secretary must not pay any amount for advice given by:
- (a) a person who is entitled to payment under a Commonwealth government program for providing the advice; or
 - (b) a person who is not:
 - (i) a prescribed adviser; or
 - (ii) a qualified person for the person receiving the advice.
- (4) The Secretary may ask the Secretary of the Department of Agriculture, Fisheries and Forestry to decide whether a person is:
- (a) a prescribed adviser; or
 - (b) a qualified person.

[14] Before section 2.10

insert

2.9C Assistance for training

This Division sets out how the Secretary makes a training grant under this Scheme.

[15] Section 2.10

substitute

2.10 Definitions for Division 3

In this Division:

Australian National Training Authority means the Australian National Training Authority established by the *Australian National Training Authority Act 1992*.

Registered Training Organisation has the same meaning as it has in the document called *Australian Quality Training Framework — Standards for Registered Training Organisations*, published by the Australian National Training Authority in 2001.

relevant course, for a person, means a course, conducted by a university or TAFE institution or a Registered Training Organisation:

- (a) that would help the person improve his or her skills so as to improve the financial performance of the person's farm enterprise; or
- (b) under which a qualification may be attained that would help the person obtain other sources of income or employment.

[16] Subsection 2.12 (1)

omit

to spend up to the amount mentioned in subsection 2.3

[17] Subsections 2.12 (3) and (4)

substitute

- (3) On presentation of a receipt or invoice for:
- (a) the provision of training by a university, TAFE institution or Registered Training Organisation for an eligible person; or
 - (b) the person's, or the partner's, incidental expenses;
- the Secretary must pay the amount of the receipt or invoice.

[18] Before section 2.13

insert

2.12A Assistance for computer software

This Division sets out how the Secretary makes a grant for computer software under this Scheme.

[19] Subsection 2.14 (1)

omit

, subject to section 2.3,

[20] Subsections 2.14 (2) and (3)

omit

Subject to section 2.3, on

insert

On

[21] Part 3, heading

substitute

Part 3 Directions to obtain advice

[22] Subsection 3.1 (3)

omit

[23] Subsection 3.2 (3)

substitute

- (3) A direction should require the person to obtain advice about financial outlook, as set out in paragraph 2.8A (1) (a).

[24] Section 3.3

substitute

3.3 Guidelines for giving directions — section 2.4 of the *Farm Help Re-establishment Grant Scheme 1997*

A direction to obtain advice, given by the Secretary under section 2.4 of the *Farm Help Re-establishment Grant Scheme 1997*:

- (a) must be in writing; and
- (b) must require the person to obtain advice about financial outlook, as set out in paragraph 2.8A (1) (a); and
- (c) may be given at any time before the grant is paid.

[25] Sections 3.3A and 3.4

omit

[26] Subsection 3.5 (3)

omit

[27] Section 4.2

omit each mention of
the commencement day,

insert

1 December 2003,

[28] After section 4.2

insert

4.2A Transitional — activity plan direction given under subsection 13B (1) of Act

- (1) This section applies in relation to a person who, before the repeal of subsection 13B (1) of the Act by Schedule 2 to the *Farm Household Support Amendment Act 2004*, was given an activity plan direction under that subsection.
- (2) If the person fails to comply with the direction within 3 months of the date of the direction, the Secretary may:
 - (a) cancel the person's farm help income support; or
 - (b) if the person has applied for a re-establishment grant under the *Farm Help Re-establishment Grant Scheme 1997*, disqualify the person from receiving the grant.