Farm Household Support Amendment (Exceptional Circumstances Relief Payment) Bill 2005

No. , 2005

(Agriculture, Fisheries and Forestry)

A Bill for an Act to amend the law relating to exceptional circumstances relief payment, and for related purposes
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A Bill for an Act to amend the law relating to exceptional circumstances relief payment, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Farm Household Support Amendment (Exceptional Circumstances Relief Payment) 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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<th>Provision(s)</th>
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<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day on which this Act receives the Royal Assent.</td>
<td></td>
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<td>2. Schedule 1, item 1</td>
<td>The day on which this Act receives the Royal Assent.</td>
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<td>3. Schedule 1, items 2 and 3</td>
<td>1 October 2005.</td>
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<td>4. Schedule 1, item 4</td>
<td>The day on which this Act receives the Royal Assent.</td>
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<td>5. Schedule 1, item 5</td>
<td>1 October 2005.</td>
<td>1 October 2005</td>
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Note: 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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Exceptional circumstances relief payment

Farm Household Support Act 1992

1 Subsection 3(2)
Insert:

off-farm salary and wages has the meaning given by subsection 24A(7).

2 Subsection 8A(2)
Repeal the subsection, substitute:

Certificate

(2) For the purposes of this section, an exceptional circumstances certificate issued in respect of the person is a certificate that:
(a) is called an exceptional circumstances certificate; and
(b) was issued, for a specified period, to the person by the Secretary; and
(c) relates to the farm enterprise, or any of the farm enterprises, in respect of which the person is a farmer.

3 At the end of section 8A
Add:

(4) An exceptional circumstances certificate is not a legislative instrument.

4 At the end of section 24A
Add:

$10,000 in off-farm salary and wages disregarded

(4) For the purposes of calculating a rate referred to in subsection (1) for a person, for a fortnight all or part of which falls during the period:
(a) beginning at the start of 1 July 2005; and
Schedule 1 Exceptional circumstances relief payment

(b) ending at the end of 30 June 2006 or, if a later day is
prescribed, at the end of that later day (the closing day);
disregard the off-farm salary and wages of the person, or if the
person is a member of a couple, the off-farm salary and wages of
the person and the person’s partner, in the amount worked out
under subsections (5) and (6).

(5) Except in a case to which subsection (6) applies, for a fortnight
which falls in whole or in part in a particular financial year,
disregard the lesser of:

(a) the total amount of off-farm salary and wages of the person
or, if the person is a member of a couple, of the person and
the person’s partner, for the fortnight; and
(b) the amount worked out using the following formula:

\[
\frac{10,000 - \text{Amount previously disregarded in that financial year}}{\text{Number of days remaining in that financial year}} \times \text{Number of days in the fortnight that fall within that financial year}
\]

where:

amount previously disregarded in that financial year means
the total amount of off-farm salary and wages of the person
or, if the person is a member of a couple, of the person and
the person’s partner, already disregarded in calculating a rate
referred to in subsection (1) for the person for fortnights that
fall in whole or in part in that financial year, because of a
previous application, or previous applications, of this
subsection and subsection (4).

number of days remaining in that financial year means the
number of days in the period beginning at the start of the
fortnight, and ending at the end of 30 June in that financial
year.

(6) If the closing day is not 30 June, then for a fortnight which falls in
whole or in part in the period beginning at the start of the
immediately preceding 1 July and ending at the end of the closing
day, disregard the lesser of:

(a) the total amount of off-farm salary and wages of the person
or, if the person is a member of a couple, of the person and
the person’s partner, for the fortnight; and
(b) the amount worked out using the following formula:

\[
\frac{\$10,000 \times \text{Total number of days in the period}}{365} - \frac{\text{Amount previously disregarded in the period}}{} \times \frac{\text{Number of days in the fortnight that fall within the period}}{\text{Number of days remaining in the period}}
\]

where:

- \textit{amount previously disregarded in the period} means the total amount of off-farm salary and wages of the person or, if the person is a member of a couple, of the person and the person’s partner, already disregarded in calculating a rate referred to in subsection (1) for the person for fortnights that fall in whole or in part in the period, because of a previous application, or previous applications, of this subsection and subsection (4).
- \textit{number of days remaining in the period} means the number of days in the period beginning at the start of the fortnight, and ending at the end of the closing day.

(7) A person’s \textit{off-farm salary and wages} are salary and wages that are not earned from work that is in any way related to a farm enterprise in respect of which the person or, where the person is a member of a couple, the person’s partner, is a farmer.

### 5 Transitional provision—existing exceptional circumstances certificates

If:

(a) an exceptional circumstances certificate was issued under subsection 8A(2) of the \textit{Farm Household Support Act 1992}, as in force immediately before 1 October 2005; and

(b) the certificate would, but for the amendment made by item 2 of this Schedule, be in effect on and after 1 October 2005; the certificate continues to have effect on and after that day as if it were made under subsection 8A(2) of that Act, as amended by that item.