



Farm Household Support Amendment (Temporary Measures) Act 2018

No. 87, 2018

An Act to amend the *Farm Household Support Act 2014*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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Farm Household Support Amendment (Temporary Measures) Act 2018

No. 87, 2018

An Act to amend the *Farm Household Support Act 2014*, and for related purposes

[Assented to 24 August 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the *Farm Household Support Amendment (Temporary Measures) Act 2018*.

No. 87, 2018 *Farm Household Support Amendment (Temporary Measures) Act 2018* 1

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		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The earlier of: (a) the day after this Act receives the Royal Assent; and (b) 1 September 2018.	25 August 2018 (paragraph (a) applies)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Farm assets value limit

Farm Household Support Act 2014

1 Section 34

Repeal the section, substitute:

34 Farm assets value limit

(1) Farm household allowance is not payable to a person if the value of the person's farm assets exceeds the farm assets value limit.

(2) Subject to this section, the limit is \$2.6375 million.

Note: This limit is indexed annually each 1 July under Part 3.16 of the Social Security Act, because of Part 5 of this Act.

(3) The farm assets value limit is \$5 million for the period starting on the day prescribed by the Minister's rules and ending on 30 June 2019.

(4) If farm household allowance is payable to a person for one or more days in the period referred to in subsection (3), the farm assets value limit of \$5 million continues to apply after that period in respect of a claim for the allowance made by the person before 1 July 2019.

Note: The \$5 million limit, as it continues to apply because of subsection (4), is not indexed under Part 3.16 of the Social Security Act.

2 Section 95 (table item 3)

Omit "section 34" (wherever occurring), substitute "subsection 34(2)".

3 Section 95 (table item 5)

Omit "section 34", substitute "subsection 34(2)".

4 Section 95 (table item 5)

Omit "1 July 2017", substitute "1 July 2019".

Schedule 2—FHA supplement

Farm Household Support Act 2014

1 Section 4

Omit:

- (c) funding (called the farm financial assessment supplement) to pay for an assessment of the financial position of a person and a relevant farm enterprise.

The rules dealing with how to make claims, how payments are made and review of decisions relating to payments under this Act are found in the Social Security Act and the Social Security Administration Act.

substitute:

- (c) funding (called the farm financial assessment supplement) to pay for an assessment of the financial position of a person and a relevant farm enterprise; and
- (d) additional funding (called the FHA supplement) for persons to whom farm household allowance is payable at any time between 1 September 2018 and 1 June 2019.

The rules dealing with claims, how payments are made and review of decisions relating to payments under this Act are found in the Social Security Act and the Social Security Administration Act.

2 Subsection 5(1)

Insert:

FHA supplement means a supplement payable under Part 4A.

qualifying period has the meaning given by subsection 89B(2).

3 After Part 4

Insert:

Part 4A—FHA supplement

89A Simplified outline of this Part

This Part is about the FHA supplement. There are 2 payments of FHA supplement. A person qualifies for the first payment if farm household allowance is payable to the person at any time between 1 September 2018 and 1 December 2018. A person qualifies for the second payment if farm household allowance is payable to the person at any time between 2 December 2018 and 1 June 2019.

A claim is not required for FHA supplement. The rules dealing with how payments are made and review of decisions relating to the supplement are found in the Social Security Act and the Social Security Administration Act. (This is because Part 5 of this Act applies the Social Security Act and the Social Security Administration Act in relation to the supplement.)

89B Qualification for FHA supplement

- (1) A person is qualified for FHA supplement for a qualifying period if farm household allowance is payable to the person for at least one day in the qualifying period.
- (2) Each of the following periods is a *qualifying period* for the purposes of subsection (1):
 - (a) the period starting on 1 September 2018 and ending on 1 December 2018;
 - (b) the period starting on 2 December 2018 and ending on 1 June 2019.

89C Amount of FHA supplement

- (1) The amount of FHA supplement for a person for a qualifying period is:
 - (a) if the person's rate of farm household allowance at any time in the qualifying period is calculated by reference to the person being a member of a couple—\$3,000; or
 - (b) otherwise—\$3,600.

- (2) If:
- (a) an amount of FHA supplement is paid to a person; and
 - (b) the amount should not have been paid to the person;
- the amount is not a debt due to the Commonwealth.
- (3) Subsection (2) does not apply to an amount of FHA supplement obtained by fraud.

4 Section 90

Omit:

The farm household allowance, the activity supplement and the farm financial assessment supplement are all treated as if they were social security payments. As a result, the general rules in the Social Security Act and Social Security Administration Act relating to how to make claims, how payments are made and review of decisions apply in relation payments under this Act.

substitute:

The farm household allowance, the activity supplement, the farm financial assessment supplement and the FHA supplement are all treated as if they were social security payments. As a result, the general rules in the Social Security Act and Social Security Administration Act relating to claims, how payments are made and review of decisions apply in relation to payments under this Act.

5 Section 91 (example)

Omit “activity supplement and farm financial assessment supplement”, substitute “activity supplement, farm financial assessment supplement and FHA supplement”.

6 Subsection 93(1) (table item 6)

Omit “activity supplement and farm financial assessment supplement”, substitute “activity supplement, farm financial assessment supplement and FHA supplement”.

7 Section 95 (at the end of the table)

Add:

-
- 14 paragraphs 1231(1)(e), (f) and (g) each reference in those paragraphs to social security payments did not include a reference to FHA supplement.

8 Subsection 105(3)

Omit “Part 3 (activity supplement) or Division 3 of Part 4 (farm financial assessment supplement)”, substitute “Part 3 (activity supplement), Division 3 of Part 4 (farm financial assessment supplement) or Part 4A (FHA supplement)”.

Social Security (Administration) Act 1999**9 After section 12K**

Insert:

12L FHA supplement

A claim is not required for FHA supplement.

10 Subsection 47(1) (after paragraph (hw) of the definition of *lump sum benefit*)

Insert:

(hx) FHA supplement; or

11 After section 47CA

Insert:

47CB Payment of FHA supplement

If a person is qualified for FHA supplement for a qualifying period (within the meaning of the *Farm Household Support Act 2014*), the Secretary must pay the supplement to the person:

- (a) on the day the Secretary determines; and
- (b) in such manner as the Secretary considers appropriate.

12 Subclause 1(1) of Schedule 1

Insert:

Schedule 2 FHA supplement

FHA supplement has the meaning given by the *Farm Household Support Act 2014*.

[*Minister's second reading speech made in—
House of Representatives on 16 August 2018
Senate on 22 August 2018*]

(158/18)
