



# **Farm Household Support Amendment (Debt Waiver) Act 2021**

**No. 75, 2021**

**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 (Debt Waiver) Act 2021

No. 75, 2021

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

[Assented to 23 July 2021]

The Parliament of Australia enacts:

### 1 Short title

This Act is the *Farm Household Support Amendment (Debt Waiver) Act 2021*.

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## 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	24 July 2021

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

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## Schedule 1—Amendments

### *Farm Household Support Act 2014*

#### **1 At the end of subsection 6(1A)**

Add:

Note: See also section 102A (which deals with the waiver of certain debts and treats farm household allowance as being payable to a person on certain days).

#### **2 After section 102**

Insert:

#### **102A Debt waiver—farm household allowance paid for days occurring on or after 1 July 2015 and before 1 July 2020**

*Debts arising before commencement*

- (1) If, before the commencement of this subsection, an amount of farm household allowance paid to a person in relation to days occurring on or after 1 July 2015 and before 1 July 2020:
  - (a) was a debt due to the Commonwealth because of section 70 (as in force immediately before 1 July 2020); or
  - (b) was a debt due to the Commonwealth because of a new determination covered by paragraphs 69(1)(b) and (c) (as in force immediately before 1 July 2020) made before that commencement that the person's rate of farm household allowance for one or more of those days was reduced to nil;then the Secretary may, on behalf of the Commonwealth, waive the Commonwealth's right to recover the whole or a part of the debt (whether or not the debt has already been recovered in whole or in part).
- (2) The Secretary must not give a waiver under subsection (1) unless at the end of the day before the waiver the total number of days for which farm household allowance has been payable to the person, in the 10-year period beginning on 1 July 2014, is less than 1,460 days.

- (3) The Secretary must not give a waiver under subsection (1) if the operation of subsection (4) in relation to the waiver would lead to the total number of days for which farm household allowance is payable to the person, in the 10-year period beginning on 1 July 2014, exceeding 1,460 days.
- (4) If the Secretary gives a waiver under subsection (1), then, for the purposes of subsection 6(1A) and in addition to subsection 6(4), there is taken to be a further number of days for which farm household allowance is payable to the person in the 10-year period beginning on 1 July 2014. That number is worked out in accordance with the following method statement.

*Method statement*

- Step 1. Work out the dollar amount that is waived.
- Step 2. Divide the amount at step 1 by \$45.
- Step 3. Round the result at step 2 down to the nearest whole number.
- Step 4. The result at step 3 is the number of days.

- (5) If:
- (a) before the commencement of this subsection, an amount of farm household allowance was paid to a person in relation to days occurring on or after 1 July 2015 and before 1 July 2020; and
  - (b) before that commencement, a part of that amount was a debt due to the Commonwealth because of a new determination covered by paragraphs 69(1)(b) and (c) (as in force immediately before 1 July 2020) made before that commencement that the person's rate of farm household allowance for one or more of those days was reduced (but not to nil);
- then the Secretary may, on behalf of the Commonwealth, waive the Commonwealth's right to recover the whole or a part of the debt (whether or not the debt has already been recovered in whole or in part).



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*Debts arising after commencement*

(6) If:

- (a) before the commencement of this subsection, an amount of farm household allowance was paid to a person in relation to days occurring on or after 1 July 2015 and before 1 July 2020; and
- (b) on or after that commencement, the whole or a part of that amount becomes a debt due to the Commonwealth because of section 70 (as in force immediately before 1 July 2020);

then:

- (c) the amount of that debt is taken to have been waived; and
- (d) for the purposes of subsection 6(1A) and in addition to subsection 6(4), the days in the period referred to in paragraph 70(1)(c) (as in force immediately before 1 July 2020) are taken to be days for which farm household allowance is payable to the person.

(7) If:

- (a) before the commencement of this subsection, an amount of farm household allowance was paid to a person in relation to days occurring on or after 1 July 2015 and before 1 July 2020; and
- (b) on or after that commencement, the whole or a part of that amount becomes a debt due to the Commonwealth because of a new determination referred to in paragraph 69(1)(b) (as in force immediately before 1 July 2020) made on or after that commencement that the person's rate of farm household allowance for one or more of those days is reduced to nil; and
- (c) the determination is made as a result of information referred to in subparagraph 69(1)(c)(i) (as in force immediately before 1 July 2020) becoming available before 1 July 2023;

then:

- (d) the amount of that debt is taken to have been waived; and
- (e) for the purposes of subsection 6(1A) and in addition to subsection 6(4), the days for which the person's rate of farm household allowance was so reduced to nil are taken to be days for which farm household allowance is payable to the person.

- (8) If:
- (a) before the commencement of this subsection, an amount of farm household allowance was paid to a person in relation to days occurring on or after 1 July 2015 and before 1 July 2020; and
  - (b) on or after that commencement, a part of that amount becomes a debt due to the Commonwealth because of a new determination referred to in paragraph 69(1)(b) (as in force immediately before 1 July 2020) made on or after that commencement that the person's rate of farm household allowance for one or more of those days is reduced (but not to nil); and
  - (c) the determination is made as a result of information referred to in subparagraph 69(1)(c)(i) (as in force immediately before 1 July 2020) becoming available before 1 July 2023;
- then the amount of that debt is taken to have been waived.

*No limit on other waiver provisions*

- (9) This section does not limit the following:
- (a) the application of Chapter 5 of the Social Security Act in connection with debts arising in relation to payments of farm household allowance;
  - (b) rules made under section 92 of this Act to the extent those rules modify that Chapter.

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[Minister's second reading speech made in—  
House of Representatives on 2 June 2021  
Senate on 21 June 2021]

(56/21)

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