



Farm Household Support (Waiver of Debts) Minister's Rule 2016

I, Barnaby Joyce, Deputy Prime Minister and Minister for Agriculture and Water Resources, make the following rule for the purposes of section 92 of the *Farm Household Support Act 2014*.

Dated 5 May 2016

Barnaby Joyce
Deputy Prime Minister and Minister for Agriculture and Water Resources

1 Name of rule

This rule is the *Farm Household Support (Waiver of Debts) Minister's Rule 2016*.

2 Commencement

This rule commences on the day after it is registered.

3 Authority

This rule is made under the *Farm Household Support Act 2014*.

4 Modifications of Part 5.4 of the *Social Security Act 1991*

Part 5.4 of the *Social Security Act 1991* has effect for the purposes set out in section 91 of the *Farm Household Support Act 2014* as if the following 2 sections (sections 1238 and 1238A) were inserted.

Note: In the following two sections the 'Administration Act' is the *Social Security (Administration) Act 1999*; the 'Department' is the Department which administers the *Farm Household Support Act 2014*; the 'Secretary' is the Secretary of that Department. The term 'business income' is defined by subsection 68(3) of the *Farm Household Support Act 2014*. These definitions derive from the *Farm Household Support Act 2014* and the *Social Security Act 1991*.

1238 Debts for the 2014-2015 financial year

- (1) The Secretary may waive the right to recover all or part of a debt if:
 - (a) the payments that gave rise to the debt were made in the 2014-2015 financial year; and
 - (b) the rates of those payments were determined, at least in part, on the basis of an estimate of a person's business income in relation to that financial year; and
 - (c) the debt arose, at least in part, as a result of a determination under Subdivision A of Division 7 of Part 3 of the Administration Act; and
 - (d) the reason, or one of the reasons, for making that determination was that the Secretary considered that the person's business income differed from the estimate.
- (2) If the Secretary forms the opinion that the estimate was not reasonable, the Secretary must have regard to that opinion in deciding whether to waive the right to recover any, all or part of the debt.
- (3) The Secretary may form the opinion that the estimate was not reasonable even if he or she had earlier considered the estimate to be reasonable.

1238A Compliance with a notice under section 68 or 69 of the Administration Act

- (1) The Secretary may waive the right to recover all or part of a debt if:

Section 4

- (a) the debt arose, at least in part, as a result of a person not having complied with a notice under section 68 or 69 of the Administration Act, being a notice requiring the person to provide the Department with information or a statement about the person's business income in a particular period; and
 - (b) the Secretary has given the person 1 or more subsequent notices under section 68 or 69 requiring the person to provide the Department with the information or the statement; and
 - (c) the person has complied with 1 of those subsequent notices.
- (2) In deciding whether to waive the right to recover any, all or part of the debt, the Secretary may have regard to the circumstances of:
- (a) the non-compliance to which paragraph (1)(a) refers; and
 - (b) any non-compliance with a subsequent notice under section 68 or 69 in relation to the information or statement.
- (3) Subsection (2) does not limit the matters to which the Secretary may have regard.