

Department of Social Services

ANSWER TO QUESTION ON NOTICE

Senate Community Affairs Legislation Committee

**Inquiry into the Social Security and Other Legislation Amendment
(Technical Changes No. 2) Bill 2025**

Public Hearing – 3 October 2025

Topic: Debt wavier

Question reference number: IQ25-000028

Question asked by: Penny Allman-Payne

Type of Question: Written. **Hansard Page/s:** N/A

Date set by the Committee for the return of answer: 14 October 2025

Question:

Has the Government considered the implications of issues arising from convictions that have occurred as a result of these unlawful debts?

Will these convictions relating to debts incurred as a result of unlawful debts be waived? If not, how might an individual look to get a conviction overturned and how would that be affected by the bill's proposal to retrospectively legalise income apportionment?

Answer:

The Government has closely considered these issues.

The Bill does not extinguish the right of any individual to appeal their conviction and/or sentence related to a debt impacted by income apportionment.

Individuals with a conviction for an offence they think may be impacted by income apportionment affected debt can approach Services Australia to have their debt recalculated to remove the use of income apportionment. These individuals will be able to use the results of that recalculation to inform any next steps they wish to take.

If an individual believes their prosecution was detrimentally impacted by income apportionment, they can appeal their conviction and/or sentence. It is important to note however that most debt amounts were only marginally affected by income apportionment, and many debts were actually smaller than they would otherwise have been.

Information will be available on the websites of Services Australia and the Commonwealth Director of Public Prosecutions and social media to inform individuals who were subject to a prosecution of what the impact may be and what actions they can take. This information will also state that people who wish to pursue an appeal should seek independent legal advice noting that the right to appeal a conviction and/or sentence will be dependent on the laws of the relevant state or territory in which the conviction occurred.