

## **588GAAA Safe harbour—temporary relief in response to the coronavirus**

### *Safe harbour*

- (1) Subsection 588G(2) does not apply in relation to a person and a debt incurred by a company if the debt is incurred:
  - (a) in the ordinary course of the company's business; and
  - (b) during:
    - (i) the 6-month period starting on the day this section commences; or
    - (ii) any longer period that starts on the day this section commences and that is prescribed by the regulations for the purposes of this subparagraph; and
  - (c) before any appointment during that period of an administrator, or liquidator, of the company.
- (2) A person who wishes to rely on subsection (1) in a proceeding for, or relating to, a contravention of subsection 588G(2) bears an evidential burden in relation to that matter.

### *When the safe harbour does not apply*

- (3) Subsection (1) is taken never to have applied in relation to a person and a debt in the circumstances prescribed by the regulations for the purposes of this subsection.

### *Definitions*

- (4) In this section:

***evidential burden***, in relation to a matter, means the burden of adducing or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist.