

# EXPLANATORY STATEMENT

## **A New Tax System (Family Assistance) (Administration) (Public Interest Certificate Guidelines) (DEEWR) Amendment Determination 2009 (No. 1)**

### **Summary**

The *A New Tax System (Family Assistance) (Administration) (Public Interest Certificate Guidelines) (DEEWR) Amendment Determination 2009 (No. 1)* (the Amendment Determination) is made by the Minister for Education and Minister for Employment and Workplace Relations under paragraph 169 (1) (b) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

The purpose of the Amendment Determination is to amend the *A New Tax System (Family Assistance) (Administration) (Public Interest Certificate Guidelines) (DEEWR) Determination 2009* (the Principal Determination) to incorporate amendments to the family assistance law made by the *Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) Act 2008* (the Same-Sex Act) to eliminate discrimination against same-sex couples and the children of same-sex relationships in Commonwealth legislation.

### **Background**

The Principal Determination specifies guidelines for the exercise of the power of the Secretary of the Department of Education, Employment and Workplace Relations (DEEWR), or the Secretary's delegate, to disclose information acquired for the purposes of the family assistance law if it is in the public interest to do so.

### **Explanation of provisions**

#### ***Amendment Determination***

**Section 1** provides that the name of the Amendment Determination is the *A New Tax System (Family Assistance) (Administration) (Public Interest Certificate Guidelines) (DEEWR) Amendment Determination 2009 (No. 1)*.

**Section 2** states that the Amendment Determination commences on the day after it is registered.

**Section 3** provides that the Principal Determination is amended as set out in Schedule 1 to the Amendment Determination.

#### ***Schedule 1 to the Amendment Determination***

**Item 1** omits the words 'natural or adoptive parent' from paragraph (a) of the definition of *parent* in section 20 of the Principal Determination and inserts the words 'natural parent, adoptive parent or relationship parent'. The Same-Sex Act extends the definition of *parent* to include the additional term, 'relationship parent.' A person is a relationship parent to a child who is not a biological or adopted child of the person and who is the product of a relationship the person has had as a couple with another person, whether of the same sex or a different sex. The child must be the biological

child of at least one of the persons in the relationship or have been born to a woman in the relationship.

## **Formal matters**

### ***Consultation***

The Amendment Determination ensures existing guidelines are consistent with amendments to Commonwealth primary legislation made by the Same-Sex Act, and are consequential to those amendments. No public consultation was considered necessary.

### ***Regulatory Impact Statement***

The Amendment Determination does not require a Regulatory Impact Statement (RIS) nor a Business Cost Calculator Figure. The Amendment Determination is not regulatory in nature, will not impact on business activity and will have no compliance costs or competition impact.

### ***Authority***

Paragraph 169 (1) (b) of the *A New Tax System (Family Assistance) (Administration) Act 1999*. No preconditions need to be satisfied for the making of this instrument.