

EXPLANATORY STATEMENT

Social Security (Administration) (Declared relevant Northern Territory areas — Various) Determination 2009 (No. 2)

The *Social Security (Administration) (Declared relevant Northern Territory areas — Various) Determination 2009 (No. 2)* (the Determination) is made under subsections 123TE (1) and (10) of the *Social Security (Administration) Act 1999* (the Act). The Minister for Families, Housing, Community Services and Indigenous Affairs, as well as making the Determination in her own capacity, is also making it on behalf of the Minister for Education and the Minister for Employment and Workplace Relations.

Background

On 21 June 2007, the Australian Government announced a number of measures in response to the national emergency confronting the welfare of Aboriginal children in the Northern Territory.

The income management measure has two primary aims:

- (a) to stem the flow of cash that is expended on substance abuse and gambling; and
- (b) to ensure that funds that are provided for the welfare of children are actually expended in this way.

Purpose

The purpose of the Determination is to revoke the following earlier determinations, made under subsection 123TE (1) of the Act:

- Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 4)) Determination 2008;
- Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 5)) Determination 2008;
- Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 6)) Determination 2008;
- Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 7)) Determination 2008;
- Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 8)) Determination 2008;
- Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 9)) Determination 2008;
- Social Security (Administration) (Declared relevant Northern Territory areas — Various (No. 11)) Determination 2008;
- Social Security (Administration) (Declared relevant Northern Territory area — Mapurru) Determination 2008;
- Social Security (Administration) (Declared relevant Northern Territory area — Pirlangimpi and Putjamirra) Determination 2008.

The Determination also specifies that each area listed in the Schedule to the Determination (Schedule 1) is a 'declared relevant Northern Territory area' for the purposes of Part 3B of the Act. The areas listed in Schedule 1 are a more refined list of the areas (including their aliases) than were covered by the earlier Determinations.

The effect of the Determination is that, once an area is determined to be a 'declared relevant Northern Territory area' for the purposes of Part 3B of the Act, the income management regime (as set out in Part 3B of the Act) will apply to certain individuals within that area.

The Determination commences on 16 March 2009. The Determination will still have operative effect on the day on which it is expressed to expire (ie 8 March 2010). Subsection 123TE (2) of the Act provides that a determination made under subsection 123TE (1) of the Act must specify an expiry date for the determination, in accordance with subsection 123TE (3). Subsection 123TE (8) provides that, unless it is revoked sooner, a determination made under subsection 123TE (1) will cease to be in force on the expiry date of the determination.

The Determination is a legislative instrument. However, section 42 of the *Legislative Instruments Act 2003* (disallowance of legislative instruments) does not apply to the Determination (subsections 123TE (13) and (14) of the Act).

In deciding whether to make the Determination, the Minister has had regard to the matters specified in subsection 123TE (5) of the Act.

Consultation

Consultation on the Determination was undertaken with the Department of Education, Employment and Workplace Relations to ensure a co-ordinated approach in respect of welfare payments, for which that Department has responsibility, which may become subject to the income management regime.

Regulatory Impact Analysis

The Determination does not require a Regulatory Impact Statement or a Business Cost Calculator Figure. The Determination is not regulatory in nature, will not impact on business activity and will have no, or minimal, compliance costs or competition impact. It is not expected that any compliance costs will be incurred by business, as a result of the Determination, against the nine categories listed in the Business Compliance Cost Checklist contained in the Best Practice Regulation Handbook prepared by the Office of Best Practice Regulation.