

EXPLANATORY STATEMENT

Social Security (Assurances of Support) (FaHCSIA) Amendment Determination 2011

Summary

The *Social Security (Assurances of Support) (FaHCSIA) Amendment Determination 2011* (the Amendment Determination) is made under subsection 1061ZZGH(1) of the *Social Security Act 1991* (the Act). Subsection 1061ZZGH(1) of the Act provides that the Minister must, by legislative instrument, make a determination specifying the requirements to be met in relation to persons for them to be permitted by section 1061ZZGB to give assurances of support.

The Amendment Determination amends the *Social Security (Assurance of Support) (FaHCSIA) Determination 2007* (Principal Determination). The Amendment Determination amends subsection 7(1) of the Principal Determination which refers to the definition of 'individual' in the *Acts Interpretation Act 1901* (the Interpretation Act). This is because the *Acts Interpretation Amendment Act 2011* amends the Interpretation Act so that, from 27 December 2011, the definition of 'individual' will be contained in section 2B of the Interpretation Act, not section 22 of the Interpretation Act. The definition of 'individual', which provides that individual means 'a natural person', will remain the same.

Explanation of the Provisions

Sections 1 and 2 of the Amendment Determination are mechanical provisions that provide for the name of the instrument and its commencement, respectively. The commencement is to coincide with the commencement of the amendments to the Interpretation Act.

Section 3 provides that Schedule 1 amends the *Social Security (Assurance of Support) (FaHCSIA) Determination 2007*.

Schedule 1

Clause 1 repeals and substitutes the note at the foot of subsection 7(1) of the Principal Determination. This will update the reference to the Interpretation Act provision containing the definition of 'individual'. This subsection specifies that the requirements in section 7 are for individuals, and not bodies. From 27 December 2011, the Interpretation Act will be amended as outlined in the summary above.

Consultation

Consultation regarding this amendment was undertaken with the Department of Education, Employment and Workplace Relations to ensure a co-ordinated approach to the administration of the assurance of support program in respect of payments under the Act for which they have responsibility.

This amendment is of a minor technical nature and so public consultation was not undertaken.

Regulatory Impact Analysis

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