

## **EXPLANATORY STATEMENT**

### ***Human Services (Centrelink) Act 1997***

### ***Human Services (Centrelink) Regulations 2011***

### ***Human Services (Centrelink) Amendment (Protected Symbols) Regulation 2016***

Section 41 of the *Human Services (Centrelink) Act 1997* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 38 of the Act makes it an offence for a person to use a ‘protected name’ or ‘protected symbol’ for the purposes specified in that section, without the written consent of the Secretary of the Department of Human Services.

Under subsection 38(4) of the Act, protected names and protected symbols include names and symbols prescribed by regulations.

The *Human Services (Centrelink) Amendment (Protected Symbols) Regulation 2016* (the Regulation) amends the *Human Services (Centrelink) Regulations 2011* to provide that the name ‘myGov’ is a protected name and that two logos associated with the myGov digital service are protected symbols.

myGov is a website run by the Department of Human Services which provides users with secure access to a range of government services and to a secure digital inbox to receive mail from participating member services.

The branding associated with myGov is widely recognised in the Australian community, particularly by those who are reliant on government services and programs, and the Commonwealth needs to protect this branding against unauthorised use.

The Regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Regulation commences on the day after it is registered.

### **Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

This instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

The instrument does not engage any of the applicable rights or freedoms. It is compatible with human rights as it does not raise any human rights issues.