



Family Assistance (Public Interest Certificate Guidelines) Determination 2025

I, Tanya Plibersek, Minister for Social Services, make the following Determination.

Dated 24.09.2025

Tanya Plibersek
Minister for Social Services

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Part 1 Preliminary

1 Name

This instrument is the *Family Assistance (Public Interest Certificate Guidelines) Determination 2025*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
Whole of instrument.	1 October 2025.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under paragraph 169(a) of the *A New Tax System (Family Assistance) (Administration) Act 1999*.

4 Definitions

In this instrument:

Act means the *A New Tax System (Family Assistance) (Administration) Act 1999*.

Code of Conduct has the same meaning as in the *Public Service Act 1999*.

de-identified information means information that is no longer about an identifiable individual or an individual who is reasonably identifiable.

Department means the Department of Social Services.

family member has the same meaning as in the *Social Security Act 1991*.

Family Responsibilities Commission means the Commission established by section 9 of the *Family Responsibilities Commission Act 2008* (Qld).

homeless young person means a person:

- (a) who is under 18 years; and
- (b) who has sought a family assistance payment on the ground of being a homeless person.

official has the same meaning as in section 13 of the *Public Governance, Performance and Accountability Act 2013*.

public interest certificate means a certificate, under paragraph 168(1)(a) of the Act, for the disclosure of information.

service organisation means:

- (a) an agency (within the meaning of the *Public Service Act 1999*); or
- (b) another authority of the Commonwealth; or
- (c) an organisation that performs services for the Commonwealth.

5 Savings provision

The *Family Assistance (Public Interest Certificate Guidelines) Determination 2015* continues in force in relation to public interest certificates made under and in accordance with that instrument.

Note: See section 13 of the *Legislation Act 2003* and section 7 of the *Acts Interpretation Act 1901*.

6 Matters to which Secretary must have regard

In certifying for the purposes of paragraph 168(1)(a) of the Act that a disclosure of information is necessary in the public interest, the Secretary must have regard to whether, on the information available to the Secretary:

- (a) a person to whom the disclosure of information relates is, or may be, in a situation in which the person is subject to physical, psychological or emotional abuse; and
- (b) the person may not be able to report information in relation to that situation or the person's circumstances because of the person's age or disability, or social, cultural, family or other circumstances.

Part 2 Guidelines – General

7 When public interest certificate may be given

- (1) The Secretary may certify for the purposes of paragraph 168(1)(a) of the Act that a disclosure of information is necessary in the public interest if the Secretary is satisfied that:
 - (a) the information cannot reasonably be obtained from a source other than the Department or Services Australia; and
 - (b) the disclosure is covered by a section in this Part; and
 - (c) if the information is not de-identified information—the purpose of the relevant section in this Part could not be achieved by disclosing de-identified information; and
 - (d) the person to whom the information will be disclosed either:
 - (i) has a genuine and legitimate interest in the information; or
 - (ii) is a Minister covered by subsection (2) of this section.
- (2) This subsection covers the following Ministers:
 - (a) the Prime Minister;
 - (b) a Minister administering any part of:
 - (i) the social security law; or
 - (ii) the family assistance law; or
 - (iii) the *Human Services (Centrelink) Act 1997*; or
 - (iv) the *Human Services (Medicare) Act 1973*.

8 Threat to life, health or safety

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purposes of preventing, or lessening, a threat to the life, health or safety of a person.

9 Enforcement of laws

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for one or more of the following purposes:

- (a) investigating, prosecuting or preventing a breach of the criminal law of the Commonwealth or of a State or Territory that relates to an indictable offence punishable by imprisonment for a period of 2 years or more;
- (b) investigating, prosecuting or preventing a breach of a law imposing a pecuniary penalty equivalent to 40 penalty units or more;
- (c) preventing an act that may have a significant adverse effect on the public revenue;
- (d) extraditing one or more persons to or from Australia, including the making of, or the consideration of whether to make or accept, a request for extradition;

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- (e) the provision, or the proposed provision, of international assistance in criminal matters by the Attorney-General, or an officer of the Attorney-General's Department, to a foreign country;
 - (f) obtaining, or the proposed obtaining, of international assistance in criminal matters by the Attorney-General, or an officer of the Attorney-General's Department, from a foreign country.

10 Protecting the Commonwealth

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purposes of investigating, prosecuting or preventing an offence or threatened offence:

- (a) against a Commonwealth official; or
- (b) against property of the Commonwealth; or
- (c) on premises of:
 - (i) the Department; or
 - (ii) Services Australia; or
 - (iii) a service organisation.

11 Proceeds of crime order

- (1) For the purposes of paragraph 7(1)(b), this section covers a disclosure to a law enforcement officer that is necessary for the purposes of:
 - (a) making, or the proposed or possible making of, an order covered by subsection (2) of this section; or
 - (b) supporting or enforcing such an order.
- (2) This subsection covers the following orders:
 - (a) an order under Division 3 of Part XIII (recovery of pecuniary penalties for dealings in narcotic goods) of the *Customs Act 1901*;
 - (b) an order under Part VI (proceeds of crime) of the *Mutual Assistance in Criminal Matters Act 1987*;
 - (c) an order under Part II (confiscation) or III (control of property liable to confiscation) of the *Proceeds of Crime Act 1987*;
 - (d) an order under Chapter 2 (the confiscation scheme) or Division 1 of Part 3-1 of Chapter 3 (examination orders) of the *Proceeds of Crime Act 2002*;
 - (e) an order under a law of a State or Territory corresponding to a law mentioned in paragraph (c) or (d);
 - (f) an unexplained wealth order (within the meaning of the *Proceeds of Crime Act 2002*);
 - (g) a court order (including a declaration or direction) under a law of a State or Territory relating to unexplained wealth.

12 Mistake of fact

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purposes of correcting a mistake of fact in relation to the administration of a program of the Department if:

- (a) the integrity of the program will be at risk if the mistake of fact is not corrected; or
- (b) the mistake of fact relates to a matter that was, or will be, published (whether by, or with or without the consent of, the person to whom the information relates).

13 Ministerial briefing

For the purposes of paragraph 7(1)(b), this section covers a disclosure if the disclosure is necessary for the purposes of briefing a Minister covered by subsection 7(2):

- (a) so that the Minister can:
 - (i) consider a complaint or issue raised by or on behalf of a person with the Minister (in writing or orally); and
 - (ii) respond to that person in relation to the complaint or issue; or
- (b) for a meeting or forum that the Minister is to attend; or
- (c) in relation to issues raised or proposed to be raised publicly by or on behalf of the person to whom the information relates so that the Minister can respond by correcting a mistake of fact, a misleading perception or impression, or a misleading statement; or
- (d) about an error or delay on the part of Services Australia; or
- (e) about an instance of an anomalous or unusual operation of the family assistance law.

14 Missing person

For the purposes of paragraph 7(1)(b), this section covers a disclosure to a court, coronial inquiry, Royal Commission, department or any other authority of the Commonwealth or a State or Territory if:

- (a) the information is about a reported missing person or another relevant person; and
- (b) the disclosure is necessary for the purposes of:
 - (i) helping the court, coronial inquiry, Royal Commission, department or authority in relation to the missing person; or
 - (ii) locating a person (including the missing person); and
- (c) there is no reasonable ground to believe that the missing person would not want the information disclosed.

15 Establishing death of person or place where death is registered

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purposes of establishing:

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- (a) the death of a person; or
 - (b) the place where the death of a person is registered.

16 Deceased person

For the purposes of paragraph 7(1)(b), this section covers a disclosure if:

- (a) the information is about a deceased person or another relevant person; and
- (b) the disclosure is necessary for the purposes of helping:
 - (i) a court, coronial inquiry, Royal Commission, department, or other authority of the Commonwealth or a State or Territory in relation to the death of the person; or
 - (ii) a person to locate a relative or beneficiary of the deceased person; or
 - (iii) an individual or authority responsible for the administration of the estate of the deceased person in relation to the administration of the estate of the deceased person; and
- (c) there is no reasonable ground to believe that the deceased person would not have wanted the information disclosed.

17 School enrolment and attendance

For the purposes of paragraph 7(1)(b), this section covers a disclosure if the disclosure is necessary to ensure a child who:

- (a) is required to be enrolled in a school under a law of a State or Territory is enrolled; or
- (b) is required to be attending a school under a law of a State or Territory is attending.

18 School infrastructure

For the purposes of paragraph 7(1)(b), this section covers a disclosure if the disclosure is necessary to plan for, meet or monitor infrastructure and resource needs in one or more schools.

19 Public housing administration

- (1) For the purposes of paragraph 7(1)(b), this section covers a disclosure to a department or authority of a State or Territory or an agent or contracted service provider of a department or authority of a State or Territory, if:
 - (a) the information is about a resident, an applicant to become a tenant, or a tenant of public housing or other State or Territory managed housing; and
 - (b) subsection (2) of this section applies.
- (2) This subsection applies if the disclosure is necessary for one or more of the following purposes:
 - (a) facilitating rent calculation or rent deduction in relation to public housing, or State or Territory managed housing; or
 - (b) facilitating the administration of an income confirmation service in relation to public housing or State or Territory managed housing to avoid mistakes, underpayments and overpayments of rent, pensions, benefits and allowances; or

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- (c) investigating or taking enforcement action in relation to public housing or State or Territory managed housing, including to assist with an investigation into:
 - (i) the misreporting of income by tenants of public housing or State or Territory managed housing; or
 - (ii) the unauthorised occupation of public housing or State or Territory managed housing by any person.

20 Family Responsibilities Commission

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purposes of assisting in the performance of the functions, or the exercise of the powers, of the Family Responsibilities Commission.

21 Reparations

For the purposes of paragraph 7(1)(b), this section covers a disclosure to a department or any other authority of the Commonwealth, a State or Territory if the disclosure is necessary for the purposes of contacting the person in respect of their possible entitlement to compensation or other form of recompense in a reparation process.

22 Child protection agencies

For the purposes of paragraph 7(1)(b), this section covers a disclosure to a child protection agency of a State or Territory if the disclosure is necessary for the purpose of contacting a parent or relative of a child in relation to the child.

23 Administration and enforcement of the National Law

- (1) For the purposes of paragraph 7(1)(b), this section covers a disclosure to a Regulatory Authority or ACECQA for any purpose of the Regulatory Authority or ACECQA under, or in connection with, the National Law.
- (2) In this section:

ACECQA means the Australian Children's Education and Care Quality Authority established under the National Law.

National Law means the laws and regulations mentioned in subsection 161(1A) of the Act.

Regulatory Authority has the same meaning as in the National Law.

24 Matters of relevance

- (1) For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purpose of facilitating the progress or resolution of matters of relevance to a department that is administering any part of the social security law or family assistance law.

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- (2) Without limiting subsection (1), a disclosure covered by that subsection includes a disclosure that is necessary for the purposes of facilitating the progress or resolution of a matter that relates to a program administered, or an activity undertaken, by the department if:
- (a) the program or activity provides assistance or services to a class of persons; and
 - (b) that class of persons includes one or more persons receiving payments or entitlements under the social security law or family assistance law.

25 Research, statistical analysis and policy development – family assistance law and related purposes

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purposes of:

- (a) research into (including evaluation or monitoring of, or reporting on) matters of relevance to a department that is administering any part of the social security law or family assistance law; or
- (b) statistical analysis of those matters; or
- (c) policy development in relation to those matters.

26 Research, statistical analysis and policy development – education and related purposes

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purposes of:

- (a) research into (including evaluation or monitoring of, or reporting on) matters of relevance to a department (other than a department administering any part of the social security law and family assistance law) that is administering early childhood development, or preschool education policies and programs; or
- (b) statistical analysis of those matters; or
- (c) policy development in relation to those matters

27 APS Code of Conduct investigations

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is necessary for the purpose of:

- (a) investigating suspected breaches of the Code of Conduct; and
- (b) making a decision on whether the Code of Conduct has been breached.

28 Work health and safety

For the purposes of paragraph 7(1)(b), this section covers a disclosure that is reasonably necessary to assist a:

- (a) Commonwealth agency (including Services Australia); or
- (b) State agency; or
- (c) Territory agency,

to manage a potential or actual work health and safety risk to that agency at premises where Services Australia is present.

Part 3 Guidelines – homeless young persons

29 Definitions

(1) In this Part:

parent, in relation to a homeless young person, means:

- (a) a natural parent, adoptive parent or relationship parent of the homeless young person with whom the homeless young person normally lived before becoming a homeless young person; or
- (b) if a parent referred to in paragraph (a) is a member of a couple and normally lives with the other member of the couple — the other member of the couple; or
- (c) any other person (other than the homeless young person's partner) on whom the homeless young person was wholly or substantially dependent before becoming a homeless young person.

30 When public interest certificate may be given

Without limiting section 7, the Secretary may also certify for the purposes of paragraph 168(1)(a) of the Act that a disclosure of information is necessary in the public interest if the Secretary is satisfied that:

- (a) the information cannot reasonably be obtained from a source other than the Department or Services Australia; and
- (b) the Secretary is satisfied that the disclosure will not result in harm to the homeless young person; and
- (c) the disclosure is covered by a section in this Part; and
- (d) if the information is not de-identified information—the purpose of the relevant section in this Part could not be achieved by disclosing de-identified information.

31 State or Territory welfare authority

For the purposes of paragraph 30(c), this section covers a disclosure to a welfare authority of a State or Territory where the homeless young person to whom the information relates is:

- (a) in the care of that authority in accordance with the law of the State or Territory; or
- (b) under 15 years of age.

32 Abuse or violence

For the purposes of paragraph 30(c), this section covers a disclosure of information where:

- (a) the information is about a family member of a homeless young person; and
- (b) the Secretary is satisfied that the homeless young person or a family member of the homeless young person has been subjected to abuse or violence.

33 Reconciliation

For the purposes of paragraph 30(c), this section covers a disclosure of information that is necessary to facilitate reconciliation, or possible reconciliation, between a homeless young person and their parent or parents.

34 Assurance

For the purposes of paragraph 30(c), this section covers a disclosure if:

- (a) a parent, or the parents, of a homeless young person has sought assurance that the homeless young person has been in contact with the Department or Services Australia; and
- (b) the disclosure is necessary to inform the parent or parents whether the homeless young person has been in contact with the Department or Services Australia.