



Australian Government
Attorney-General's Department
Deputy Secretary
Justice and Communities Group

23 December 2024

Ms Joanna Abhayaratna
Executive Director
Office of Impact Analysis
Department of the Prime Minister and Cabinet
1 National Circuit
BARTON ACT 2600

Email: Helpdesk-OIA@pmc.gov.au

Dear Ms Abhayaratna

Certification of Sunsetting Instrument

I am writing to the Office of Impact Analysis (OIA) regarding the Family Law (Superannuation) Regulations 2001, which, as per the *Legislation Act 2003* and the Legislation (Deferral of Sunsetting—Family Law Instruments) Certificate 2022, had been scheduled to sunset on 1 April 2025. However, the Attorney-General's Department (the department) proposes that the instrument be remade without significant amendment.

The department certifies that the Family Law (Superannuation) Regulations 2001 (FLS Regulations) are operating effectively and efficiently, and therefore an Impact Analysis is not required for this legislation to be remade.

The assessment that the legislation is operating effectively and efficiently has been informed by a consultation process which involved the Treasury, the Australian Government Actuary, the Australian Taxation Office, the Australian Prudential Regulation Authority, the Department of Finance, the Department of Defence, and superannuation trustees, accountants, actuaries and legal practitioners. Public consultation on an exposure draft of the proposed new FLS Regulations was undertaken for the period 14 March to 26 April 2024. The department received 10 submissions during this consultation, which provided helpful, technical suggestions to support improvements to the proposed new regulations. No submissions raised concerns with the overall policy intent of maintaining substantially the same framework set out by the existing FLS Regulations.

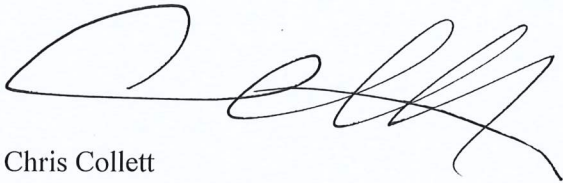
I also note that the regulatory burden to people, business, or community organisations has been quantified using the Australian Government's Regulatory Burden Measurement framework. The annual regulatory costs are provided below.

Average annual regulatory costs (from business as usual)

Change in costs (\$ million)	Business	Community organisations	People	Total change in costs
\$1.087	\$1.087	\$NIL	\$NIL	\$1.087

I acknowledge that the OIA will publish this letter for transparency purposes.

Yours sincerely



Chris Collett
A/g Deputy Secretary
Attorney-General's Department