



Commonwealth Services Delivery Agency (Consequential Amendments) Act 1997

No. 29, 1997

**An Act to deal with consequential and other
matters arising from the enactment of the
Commonwealth Services Delivery Agency Act 1997,
and for related purposes**

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No. 29, 1997

**An Act to deal with consequential and other
matters arising from the enactment of the
Commonwealth Services Delivery Agency Act 1997,
and for related purposes**

[Assented to 17 April 1997]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Commonwealth Services Delivery
Agency (Consequential Amendments) Act 1997*.

2 Commencement

This Act commences at the commencement of the *Commonwealth Services Delivery Agency Act 1997*.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Social Security Act 1991

1 Section 3 (index)

Insert the following entries in their appropriate alphabetical positions, determined on a letter-by-letter basis:

Agency	23(1)
Agency Act	23(1)
CEO	23(1)
service arrangements	23(1)

2 Section 3 (index)

Omit:

employee	10A(2)
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substitute:

employee	10A(2) and 23(1)
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3 Subsection 23(1)

Insert:

Agency means the Commonwealth Services Delivery Agency established by the Agency Act.

4 Subsection 23(1)

Insert:

Agency Act means the *Commonwealth Services Delivery Agency Act 1997*.

5 Subsection 23(1)

Insert:

CEO means the Chief Executive Officer of the Agency.

6 Subsection 23(1)

Insert:

employee, in relation to the Agency, has the same meaning as in the Agency Act.

7 Subsection 23(1) (paragraphs (a) and (b) of the definition of *protected information*)

After “Department”, insert “or of the Agency”.

8 Section 23(1) (paragraph (b) of the definition of *Secretary*)

Repeal the paragraph, substitute:

(b) in relation to Part 6.3:

- (i) in the review of a decision made by the CEO or an employee of the Agency as a delegate of the Secretary to the Department or of the Secretary to the Employment Department—the CEO; or
- (ii) in the review of a decision under the *Student and Youth Assistance Act 1973*, other than a decision mentioned in subparagraph (i)—the Secretary to the Employment Department; or
- (iii) in the review of any other decision—the Secretary to the Department.

9 Subsection 23(1)

Insert:

service arrangements has the same meaning as in the Agency Act.

10 Subsection 1240(1)

Omit “A person”, substitute “Subject to subsections (1AA) and (2), a person”.

11 After subsection 1240(1)

Insert:

- (1AA) If a decision of the kind referred to in subsection (1) is made by an employee of the Agency in the exercise of a delegated power, a person affected by the decision may apply to the CEO for review of the decision.

12 Paragraph 1240(1A)(c)

Omit “Secretary”, substitute “person to whom the application is made”.

13 At the end of subsection 1240(2)

Add:

; or (e) the CEO, in the exercise of a delegated power.

14 After subsection 1240(3)

Insert:

(3AA) If a person applies under subsection (1AA) for review of a decision, the CEO, or an authorised review officer, may review the decision under section 1243.

15 After subsection 1240(3A)

Insert:

(3AB) If a person applies under subsection (1AA) for the review of a decision made by an employee of the Agency, the reference in subsection (3AA) to an authorised review officer is taken to be a reference to an authorised review officer who is another employee of the Agency.

16 Subsection 1240(3B)

Omit “subsection (3)”, substitute “subsections (3) and (3AA)”.

17 Subsection 1240(3B)

Omit “of the Secretary”.

18 Paragraph 1240(4)(a)

Repeal the paragraph, substitute:

(a) a person who may apply to the Secretary for review of a decision under subsection (1), or to the CEO for review of the decision under subsection (1AA), has not so applied; and

19 Subsection 1240(4)

Omit “taken to apply to the Secretary for review of the decision under subsection (1)”, substitute “is taken to apply to the Secretary or CEO for review of the decision under subsection (1) or (1AA), as the case may be,”.

20 Paragraph 1241(1)(c)

Omit “to the Secretary under subsection 1240(1)”, substitute “to the Secretary or the CEO under subsection 1240(1) or 1240(1AA)”.

21 Subsection 1241(1)

Omit “the Secretary”, substitute “the person to whom the application is made”.

22 Subparagraph 1241(4)(b)(i)

Omit “to the Secretary”.

23 Subparagraphs 1241(4)(b)(ii) and (iii)

Omit “by the Secretary”.

24 Paragraphs 1242(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a person applies under subsection 1240(1) or 1240(1AA) for review of a decision to which this section applies; and

25 Paragraphs 1242A(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a person applies under subsection 1240(1) or 1240(1AA) for review of a decision to which this section applies; and

26 Subsection 1243(1)

Omit “the Secretary”, substitute “or 1240(1AA), the Secretary, the CEO,”.

27 Paragraph 1243A(1)(d)

Omit “to the Secretary”.

28 Paragraph 1243A(1)(f)

After “the Secretary,”, insert “the CEO,”.

29 Subsection 1247(1)

After “Secretary” (wherever occurring), insert “, the CEO”.

30 Subsection 1247(1A)

After “Secretary” (wherever occurring), insert “, the CEO”.

31 Subparagraph 1253(1)(c)(ii)

After “Secretary”, insert “or the CEO, as the case requires,”.

32 Paragraph 1253(2)(b)

After “Secretary”, insert “or the CEO, as the case requires,”.

33 Paragraph 1254A(b)

After “Secretary”, insert “or the CEO, as the case requires,”.

34 At the end of paragraph 1257(1A)(a)

Add:

- (iii) if the decision was made by the CEO or an employee of the Agency—an office of the Agency; or

35 After paragraph 1260(1)(b)

Insert:

- (ba) if the decision was made by the CEO or an employee of the Agency in the exercise of a delegated power—the CEO; and

36 Paragraph 1261(1)(a)

After “Department”, insert “or of the Agency”.

37 At the end of section 1285

Add:

- (2) If the decision reviewed by the Social Security Appeals Tribunal was made by the CEO or an employee of the Agency, subsection (1) applies as if the reference to the Secretary were a reference to the CEO.

38 Subsection 1291(1)

Omit “were references to the Secretary.”, substitute:

were references to:

- (a) if the original decision was made by the CEO or an employee of the Agency—the CEO; or
- (b) in any other case—the Secretary.

39 At the end of section 1291

Add:

(4) If:

- (a) a person applies to the Administrative Appeals Tribunal under section 1283 for review of a decision; and
- (b) the original decision was made by the CEO or an employee of the Agency;

subsection (2) applies as if references to the Secretary were references to the CEO.

(5) In this section:

original decision means the decision that was reviewed by the Social Security Appeals Tribunal.

40 After subsection 1299(1)

Insert:

- (1A) Subject to subsection (2) but despite subsection (3), the Secretary may, in accordance with service arrangements, by signed instrument, delegate to the CEO or an employee of the Agency all or any of the Secretary's powers under this Act.

41 Subsection 1299(2)

After "delegate", insert "to anyone except the CEO".

42 After subsection 1299(2)

Insert:

- (2A) If the Secretary delegates to the CEO the Secretary's power under subsection 1218A(2) or paragraph 1314(1)(b), the CEO cannot, despite section 33 of the Agency Act, delegate the power to an employee of the Agency.

43 After subsection 1299(3)

Insert:

- (3A) If the Secretary delegates to the CEO the powers referred to in subsection (3), the CEO:

- (a) must delegate those powers under section 33 of the Agency Act to employees of the Agency nominated by the Employment Secretary; and
- (b) cannot delegate those powers to any other such employee.

44 Subsection 1299(4)

Omit “subsection (3)”, substitute “subsections (3) and (3A)”.

45 At the end of section 1299

Add:

- (6) In this section:

officer does not include the CEO or an employee of the Agency.

46 Subsection 1312(1)

After “this Act”, insert “, Part 8 of the *Student and Youth Assistance Act 1973*”.

47 Paragraph 1312(1A)(d)

After “this Act”, insert “, Part 8 of the *Student and Youth Assistance Act 1973*”.

48 Subparagraph 1312A(b)(i)

After “this Act”, insert “, Part 8 of the *Student and Youth Assistance Act 1973*”.

49 Section 1312A (note 2)

After “Act”, insert “, Part 8 of the *Student and Youth Assistance Act 1973*”.

50 Paragraph 1312B(b)

After “this Act”, insert “, Part 8 of the *Student and Youth Assistance Act 1973*”.

51 Section 1313

After “this Act” (wherever occurring), insert “, Part 8 of the *Student and Youth Assistance Act 1973*”.

52 Paragraph 1314(1)(a)

After “this Act”, insert “, Part 8 of the *Student and Youth Assistance Act 1973*”.

53 Subsection 1318(3)

After “this Act”, insert “, Part 8 of the *Student and Youth Assistance Act 1973*”.

54 After Schedule 1A

Insert:

**Schedule 1AA—Provisions consequential on
the enactment of the Commonwealth
Services Delivery Agency Act 1997**

**1 References to the Secretary and the Department: requirements
etc. by delegate**

- (1) If the Secretary delegates to the CEO or an employee of the Agency a power under this Act to require or request a person to give the Secretary a document or information, the delegate may, in exercising the power, require or request the person to give the document or information to the CEO instead of the Secretary.
- (2) If the Secretary delegates to the CEO or an employee of the Agency a power under this Act to require or request a person to give or send to, or lodge with, the Department a document or information, the delegate may, in exercising the power, require or request the person to give or send the document or information to the Agency, or lodge it with the Agency, instead of the Department.
- (3) A person who:
 - (a) gives a document or information to the CEO; or
 - (b) gives or sends a document or information to the Agency, or lodges it with the Agency;in compliance with a requirement or a request by a delegate of the Secretary is to be treated for all purposes as if the person had:

(c) given the document or information to the Secretary; or
(d) given or sent the document or information to the Department, or lodged it with the Department;
as the case may be, in compliance with a requirement or request by the Secretary.

(4) A person who:

- (a) does not give a document or information to the CEO; or
- (b) does not give or send a document or information to the Agency, or lodge it with the Agency;

in compliance with a requirement or request by a delegate of the Secretary is to be treated for all purposes as if the person:

- (c) had not given the document or information to the Secretary; or
- (d) had not given or sent the document or information to the Department, or lodged it with the Department;

as the case may be, in compliance with a requirement or request by the Secretary.

2 References to the Secretary and the Department: directions by Secretary

(1) If:

- (a) the Secretary delegates to the CEO or an employee of the Agency all or any of the Secretary's powers under this Act; and
- (b) the delegation makes a reference to the Secretary, the Department, or an officer of the Department, in another provision of this Act inappropriate, whether for administrative reasons or any other reason;

the Secretary may direct that the provision is to have effect as if:

- (c) the reference to the Secretary were a reference to the CEO; or
- (d) the reference to the Department were a reference to the Agency; or
- (e) the reference to an officer of the Department were a reference to an employee of the Agency;

as the case requires.

- (2) If the Secretary gives a direction in relation to a provision, the provision has effect in accordance with the direction while the direction is in force.
- (3) A direction comes into force on the day it is notified in the *Gazette*, or on such later day as is specified in it, and remains in force until it is revoked.
- (4) A direction is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Schedule 2—Consequential amendments of other Acts

Child Support (Assessment) Act 1989

1 Subsection 91A(2)

Omit “agreement to the Secretary.”, substitute:

agreement to:

- (a) the Secretary; or
- (b) if the Secretary has delegated his or her powers under this section to the CEO or an employee of the Services Delivery Agency—to the CEO.

2 Subsection 91A(6)

After “Social Security”, insert “or, in accordance with service arrangements, to the CEO or an employee of the Services Delivery Agency”.

3 After subsection 149(1)

Insert:

- (1AA) The Registrar may, in accordance with service arrangements, delegate in writing all or any of his or her powers or functions under this Act to the CEO or an employee of the Services Delivery Agency.

4 Subsection 150(1) (after paragraph (b) of the definition of *person to whom this section applies*)

Insert:

- (ba) the CEO; or

5 Subsection 150(1) (at the end of paragraph (c) of the definition of *person to whom this section applies*)

Add:

- (iii) the Services Delivery Agency; or

6 After paragraph 150(3)(b)

Insert:

- (ba) to the CEO or an employee of the Services Delivery Agency for the purpose of the administration of this Act or of any other law of the Commonwealth relating to pensions, allowances or benefits; or

Child Support (Registration and Collection) Act 1988

7 Subsection 4(1)

Insert:

CEO means the Chief Executive Officer of the Services Delivery Agency.

8 Subsection 4(1) (definition of *employee*)

Repeal the definition, substitute:

employee:

- (a) in relation to the Services Delivery Agency—has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*; or
- (b) in any other case—means an employee within the meaning of Division 2 of Part VI of the *Income Tax Assessment Act 1936*.

9 Subsection 4(1)

Insert:

service arrangements has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

10 Subsection 4(1)

Insert:

Services Delivery Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

11 After subsection 15(1)

Insert:

- (1A) The Registrar may, in accordance with service arrangements, delegate, in writing, all or any of his or her powers or functions under this Act to the CEO or an employee of the Services Delivery Agency.

12 Subsection 16(1) (after paragraph (b) of the definition of *person to whom this section applies*)

Insert:

- (ba) the CEO; or

13 Subsection 16(1) (at the end of paragraph (c) of the definition of *person to whom this section applies*)

Add:

- (iii) the Services Delivery Agency; or

14 After paragraph 16(3)(b)

Insert:

- (ba) to the CEO or an employee of the Services Delivery Agency, for the purpose of the administration of this Act or of any other law of the Commonwealth relating to pensions, allowances or benefits; or

Data-matching Program (Assistance and Tax) Act 1990

15 Subsection 3(1) (at the end of the definition of *assistance agency*)

Add:

- or (e) the Services Delivery Agency.

16 Subsection 3(1)

Insert:

CEO means the Chief Executive Officer of the Services Delivery Agency.

17 Subsection 3(1)

Insert:

employee, in relation to the Services Delivery Agency, has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

18 Subsection 3(1) (definition of *matching agency*)

Repeal the definition, substitute:

matching agency means:

- (a) unless a direction under section 3A is in force—the officers of the Department of Social Security referred to in subsection 4(1); or
- (b) if a direction under section 3A is in force—the employees of the Services Delivery Agency referred to in subsection 4(2).

19 Subsection 3(1) (paragraph (b) of the definition of *personal assistance*)

After “Training”, insert “or by the Services Delivery Agency”.

20 Subsection 3(1) (paragraph (c) of the definition of *personal assistance*)

After “Security”, insert “or by the Services Delivery Agency”.

21 Subsection 3(1)

Insert:

Services Delivery Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

22 After section 3

Insert:

3A Directions by Secretary to the Department of Social Security

- (1) If:
 - (a) the Secretary to the Department of Social Security delegates to the CEO or an employee of the Services Delivery Agency all or any of the Secretary’s powers under an Act; and

- (b) as a result of the delegation it is not appropriate for the Department to be an assistance agency within the meaning of this Act;
the Secretary may direct that despite subsection 3(1), while the direction remains in force, the Department is not taken to be an assistance agency.
- (2) A direction has effect according to its terms.
- (3) A direction comes into force on the day it is notified in the *Gazette*, or on such later day as is specified in it, and remains in force until it is revoked.
- (4) A direction is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

23 At the end of section 4

Add:

- (2) While a direction under section 3A is in force, the CEO is to ensure that there are employees of the Services Delivery Agency who are responsible for the matching of data under this Act.

24 Subsection 10(3A)

After “assistance agency”, insert “that is a Department, the CEO”.

Defence (Re-establishment) Act 1965

25 Section 46A

Insert:

CEO means the Chief Executive Officer of the Services Delivery Agency.

26 Section 46A

Insert:

employee, in relation to the Services Delivery Agency, has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

27 Section 46A

Insert:

service arrangements has the same meaning as in the
Commonwealth Services Delivery Agency Act 1997.

28 Section 46A

Insert:

Services Delivery Agency means the Commonwealth Services
Delivery Agency established by the *Commonwealth Services
Delivery Agency Act 1997*.

29 Paragraph 49(b)

After “Secretary”, insert “or the CEO, as the case requires,”.

30 After section 49

Insert:

49AA Delegation

The Secretary may, in accordance with service arrangements,
delegate in writing his or her powers under this Part to the CEO or
an employee of the Services Delivery Agency.

31 Section 49A

Insert:

CEO means the Chief Executive Officer of the Services Delivery
Agency.

32 Section 49A

Insert:

employee, in relation to the Services Delivery Agency, has the
same meaning as in the *Commonwealth Services Delivery Agency
Act 1997*.

33 Section 49A

Insert:

service arrangements has the same meaning as in the
Commonwealth Services Delivery Agency Act 1997.

34 Section 49A

Insert:

Services Delivery Agency means the Commonwealth Services
Delivery Agency established by the *Commonwealth Services
Delivery Agency Act 1997*.

35 Paragraph 49D(b)

After “Secretary”, insert “or the CEO, as the case requires,”.

36 After section 49D

Insert:

49E Delegation

The Secretary may, in accordance with service arrangements,
delegate in writing his or her powers under this Part to the CEO or
an employee of the Services Delivery Agency.

Employment Services Act 1994

37 Section 4

Insert:

employee, in relation to the Services Delivery Agency, has the
same meaning as in the *Commonwealth Services Delivery Agency
Act 1997*.

38 Section 4

Insert:

service arrangements has the same meaning as in the
Commonwealth Services Delivery Agency Act 1997.

39 Section 4

Insert:

Services Delivery Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

40 Section 10

After “Department”, insert “or by the Chief Executive Officer or an employee of the Services Delivery Agency”.

41 At the end of subsection 47(1)

Add “or, in accordance with service arrangements, to the Chief Executive Officer or an employee of the Services Delivery Agency”.

42 Section 146

After “Department”, insert “or, in accordance with service arrangements, the Chief Executive Officer or an employee of the Services Delivery Agency”.

43 At the end of paragraph 160(1)(a)

Add:
(iv) an office of the Services Delivery Agency; or

Farm Household Support Act 1992

44 Subsection 3(2)

Insert:

Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

45 Subsection 3(2)

Insert:

CEO means the Chief Executive Officer of the Agency.

46 Subsection 3(2)

Insert:

employee, in relation to the Agency, has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

47 Subsection 3(2)

Insert:

service arrangements has the same meaning as in the
Commonwealth Services Delivery Agency Act 1997.

48 At the end of section 53

Add:

- (3) The Secretary may, in accordance with service arrangements, delegate in writing all or any of his or her powers under this Act to the CEO or an employee of the Agency.

49 After section 53

Insert:

53A Delegation by Secretary: references to the Secretary and the Department

- (1) If the Secretary delegates to the CEO or an employee of the Agency a power under this Act to require a person to produce or give to the Department any document or information, the delegate may, in exercising the power, require the person to produce or give the document or information to the Agency instead of the Department.
- (2) A person who produces or gives a document or information to the Agency in compliance with a requirement by a delegate of the Secretary is to be treated for all purposes as if the person had produced or given the document to the Department in compliance with a requirement by the Secretary.
- (3) A person who does not produce or give a document or information to the Agency in compliance with a requirement by a delegate of the Secretary is to be treated for all purposes as if the person had not produced or given the document or information to the Department in compliance with a requirement by the Secretary.
- (4) If:

- (a) the Secretary delegates to the CEO or an employee of the Agency all or any of the Secretary's powers under this Act; and
 - (b) the delegation makes a reference to the Secretary or the Department in another provision of this Act inappropriate, whether for administrative reasons or any other reason;
- the Secretary may direct that the provision is to have effect as if:
- (c) the reference to the Secretary were a reference to the CEO; or
 - (d) a reference to the Department were a reference to the Agency;
- as the case requires.

- (5) If the Secretary gives a direction in relation to a provision, the provision has effect in accordance with the direction while the direction is in force.
- (6) A direction comes into force on the day it is notified in the *Gazette*, or on such later day as is specified in it, and remains in force until it is revoked.
- (7) A direction is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Gift Duty Assessment Act 1941

50 At the end of paragraphs 10(4)(a) and (b)

Add "and".

51 At the end of subsection 10(4)

Add:

- ; and (e) the Chief Executive Officer or an employee of the Commonwealth Services Delivery Agency for the purpose of the administration of any law of the Commonwealth relating to pensions.

Health Insurance Act 1973

52 Subsection 3(1)

Insert:

CEO means the Chief Executive Officer of the Services Delivery Agency.

53 Subsection 3(1)

Insert:

employee, in relation to the Services Delivery Agency, has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

54 Subsection 3(1)

Insert:

service arrangements has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

55 Subsection 3(1)

Insert:

Services Delivery Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

56 At the end of paragraph 130(6)(c)

Add “or”.

57 After paragraph 130(6)(c)

Insert:

(ca) the CEO or an employee of the Services Delivery Agency; or

58 At the end of paragraph 130(6)(d)

Add “or”.

59 Paragraph 130(7)(e)

After “Social Security”, insert “or to the CEO or an employee of the Services Delivery Agency”.

60 At the end of paragraphs 130(9)(a), (b) and (ba)

Add “or”.

61 After paragraph 130(9)(a)

Insert:

- (aa) in the case of the CEO or an employee of the Services Delivery Agency—in the performance of powers or functions under an Act administered by the Minister for Social Security; or

62 Subsection 130(10)

After “(9)(a),”, insert “(aa),”.

63 Subsection 130G(1)

After “office of”, insert “CEO,”.

64 Subsection 130G(1)

After “who is or was”, insert “an employee of the Services Delivery Agency or”.

65 Subsection 130G(1)

Omit “or is or was an officer”, substitute “or is or was such an employee or officer”.

66 After subsection 130J(1)

Insert:

- (1A) The Secretary to the Department of Social Security may not delegate a power to the CEO or an employee of the Services Delivery Agency except in accordance with service arrangements.

67 After section 131

Insert:

131A Delegation by Secretary: references to the Secretary, the Department etc.

- (1) If the Secretary delegates to the CEO or an employee of the Services Delivery Agency a power under this Act to require a person to give or return a document or information to the Department, the delegate may, in exercising the power, require the

person to give or return the document or information to the Services Delivery Agency instead of to the Department.

- (2) A person who returns or gives a document or information to the Services Delivery Agency in compliance with a requirement by a delegate of the Secretary is to be treated for all purposes as if the person had returned or given the document or information to the Department in compliance with a requirement by the Secretary.
- (3) A person who does not return or give a document or information to the Services Delivery Agency in compliance with a requirement by a delegate of the Secretary is to be treated for all purposes as if the person had not returned or given the document or information to the Department in compliance with a requirement by the Secretary.
- (4) If:
 - (a) the Secretary delegates to the CEO or an employee of the Services Delivery Agency all or any of the Secretary's powers under this Act; and
 - (b) the delegation makes a reference to the Secretary, the Department, or an officer of the Department, in another provision of this Act inappropriate, whether for administrative reasons or any other reason;the Secretary may direct that the provision is to have effect as if:
 - (c) the reference to the Secretary were a reference to the CEO; or
 - (d) the reference to the Department were a reference to the Services Delivery Agency; or
 - (e) the reference to an officer of the Department were a reference to an employee of the Services Delivery Agency;as the case requires.
- (5) If the Secretary gives a direction in relation to a provision, the provision has effect in accordance with the direction while the direction is in force.
- (6) A direction comes into force on the day it is notified in the *Gazette*, or on such later day as is specified in it, and remains in force until it is revoked.
- (7) A direction is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

(8) In this section:

Department means the Department of Social Security.

Secretary means the Secretary to the Department of Social Security.

Income Tax Assessment Act 1936

68 After paragraph 16(4)(ea)

Insert:

- (eb) the Chief Executive Officer of the Commonwealth Services Delivery Agency, established by the *Commonwealth Services Delivery Agency Act 1997*, for the purpose of the administration of any law of the Commonwealth relating to pensions, allowances or benefits;

69 Subsection 202CB(6)

After “Department of Social Security”, insert “or to the Chief Executive Officer of the Commonwealth Services Delivery Agency, established by the *Commonwealth Services Delivery Agency Act 1997*”.

70 Subsection 202CE(7)

After “Department of Social Security”, insert “or to the Chief Executive Officer of the Commonwealth Services Delivery Agency, established by the *Commonwealth Services Delivery Agency Act 1997*”.

National Health Act 1953

71 At the end of paragraphs 135A(6)(a), (d), (e), (f) and (g)

Add “or”.

72 After subsection 135A(6)(e)

Insert:

- (ea) the CEO or an employee of the Services Delivery Agency; or

73 Paragraph 135A(7)(g)

After “Social Security”, insert “; the CEO or an employee of the Services Delivery Agency”.

74 At the end of paragraphs 135A(9)(a) and (b)

Add “or”.

75 After paragraph 135A(9)(a)

Insert:

- (aa) in the case of the CEO or an employee of the Services Delivery Agency—in the performance of duties, or in the exercise of powers or functions, under an Act administered by the Minister for Social Security; or

76 Subsection 135A(24)

Insert:

CEO means the Chief Executive Officer of the Services Delivery Agency.

77 Subsection 135A(24)

Insert:

employee, in relation to the Services Delivery Agency, has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

78 Subsection 135A(24)

Insert:

Services Delivery Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

Re-establishment and Employment Act 1945

79 Subsection 150(3)

Omit “Community Services”, substitute “Social Security”.

80 Before section 153

Insert:

152A Delegations

- (1) The Secretary to the Department of Social Security may, in accordance with service arrangements, delegate in writing his or her powers under this Act to the Chief Executive Officer or an employee of the Services Delivery Agency.

- (2) In this section:

employee, in relation to the Services Delivery Agency, has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

service arrangements has the same meaning as in the *Commonwealth Services Delivery Agency Act 1997*.

Services Delivery Agency means the Commonwealth Services Delivery Agency established by the *Commonwealth Services Delivery Agency Act 1997*.

Student and Youth Assistance Act 1973

81 Subsection 3(1)

Insert:

Agency means the Commonwealth Services Delivery Agency established by the Agency Act.

82 Subsection 3(1)

Insert:

Agency Act means the *Commonwealth Services Delivery Agency Act 1997*.

83 Subsection 3(1)

Insert:

CEO means the Chief Executive Officer of the Agency.

84 Subsection 3(1)

Insert:

employee, in relation to the Agency, has the same meaning as in the Agency Act.

85 Subsection 3(1) (definition of *protected information*)

After “Social Security”, insert “or of the Agency”.

86 Subsection 3(1)

Insert:

service arrangements has the same meaning as in the Agency Act.

87 After subsection 338(1)

Insert:

- (1A) Subject to this section, the Secretary to the Department of Social Security may, in accordance with service arrangements, delegate in writing all or any of his or her powers under this Act to the CEO or an employee of the Agency.

88 Paragraph 338(2)(a)

After “Social Security”, insert “or to the CEO”.

89 Paragraph 338(3)(a)

After “Department”, insert “or to employees of the Agency”.

90 At the end of section 338

Add:

- (5) If the Secretary to the Department of Social Security delegates the power referred to in subsection (2) to the CEO, the CEO cannot, despite section 33 of the Agency Act, delegate the power to an employee of the Agency.

91 After section 338

Insert:

338A Delegations by Secretary: references to the Secretary, the Department etc.

- (1) If the Secretary delegates to the CEO or an employee of the Agency a power under this Act to require a person to give, send or produce to the Department a document or information, the delegate may, in exercising the power, require the person to give, send or produce the document or information to the Agency instead of the Department.
- (2) A person who gives, sends or produces a document or information to the Agency in compliance with a requirement by a delegate of the Secretary is to be treated, for all purposes, as if the person had given, sent or produced the document or information to the Department in compliance with a requirement by the Secretary.
- (3) A person who does not give, send or produce a document or information to the Agency in compliance with a requirement by a delegate of the Secretary is to be treated, for all purposes, as if the person had not given, sent or produced the document or information to the Department in compliance with a request by the Secretary.
- (4) If:
 - (a) the Secretary delegates to the CEO or an employee of the Agency all or any of the Secretary's powers under this Act; and
 - (b) the delegation makes a reference to the Secretary, the Department, or an officer of the Department, in a prescribed provision inappropriate, whether for administrative reasons or any other reason;the Secretary may direct that the provision, or the provision in so far as it applies to youth training allowance, is to have effect as if:
 - (c) the reference to the Secretary were a reference to the CEO; or
 - (d) the reference to the Department were a reference to the Agency; or
 - (e) the reference to an officer of the Department were a reference to an employee of the Agency;as the case requires.

- (5) If the Secretary gives a direction in relation to a provision, the provision has effect in accordance with the direction while the direction is in force.
- (6) A direction comes into force on the day it is notified in the *Gazette*, or on such later day as is specified in it, and remains in force until it is revoked.
- (7) A direction is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.
- (8) In this section:

Department means the Department of Social Security.

prescribed provision means a provision of Part 8 of this Act, or of Part 9 or 10 in so far as the provision applies to youth training allowance.

Secretary means the Secretary to the Department of Social Security.

92 Subsection 351(1)

After “Act”, insert “or the Social Security Act”.

93 Paragraph 351(2)(d)

After “Act”, insert “or the Social Security Act”.

94 Subparagraph 352(a)(i)

After “Act”, insert “or the Social Security Act”.

95 Section 352 (note 2)

After “Act”, insert “or the Social Security Act”.

96 Paragraph 353(b)

After “Act”, insert “or the Social Security Act”.

97 Section 354

After “Act” (wherever occurring), insert “or the Social Security Act”.

98 Paragraph 355(1)(a)

After “Act”, insert “or the Social Security Act”.

99 Subsection 359(3)

After “Act”, insert “or the Social Security Act”.

*[Minister’s second reading speech made in—
Senate on 19 March 1997
House of Representatives on 26 March 1997]*

(28/97)

