Human Services (Centrelink) Regulations 2011

Select Legislative Instrument 2011 No. 121

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Commonwealth Services Delivery Agency Act 1997.

Dated 30 June 2011

QUENTIN BRYCE
Governor-General

By Her Excellency’s Command

TANYA PLIBERSEK
Minister for Human Services
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### Part 2  Prescribed functions of the Chief Executive Centrelink

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### Schedule 1  Specified services

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Part 1 Preliminary

1 Name of Regulations

These Regulations are the Human Services (Centrelink) Regulations 2011.

2 Commencement

These Regulations commence on 1 July 2011.

3 Repeal of Commonwealth Services Delivery Agency Regulations 1997

The following legislative instruments are repealed:

- SR 1997, No. 132
- SLI 2009, No. 196.

4 Definitions

In these Regulations:


Commonwealth body means:

(a) an Agency within the meaning of section 5 of the Financial Management and Accountability Act 1997; or

(b) a Commonwealth authority within the meaning of section 7 of the Commonwealth Authorities and Companies Act 1997; or

(c) a Commonwealth company within the meaning of section 34 of the Commonwealth Authorities and Companies Act 1997.

emergency means an emergency or disaster that occurs in Australia, or that affects one or more Australian citizens or permanent residents, and includes:

(a) an emergency or disaster that has been the subject of a declaration under section 80J or 80K of the Privacy Act 1988; or
Regulation 5

(b) any circumstance in relation to which the Australian Government has decided that a program of special assistance involving the provision of a service, benefit, program or facility is to be implemented.

Examples
1 A natural disaster.
2 A terrorist act.

person affected by an emergency has a meaning affected by regulation 5.

personal information has the meaning given by subsection 6(1) of the Privacy Act 1988.

State or Territory body means:
(a) a State or Territory Minister; or
(b) a Department of a State or Territory; or
(c) a body (whether incorporated or not) established for a public purpose under a law of a State or Territory.

5 Person affected by an emergency
In these Regulations, a reference to a person affected by an emergency includes:
(a) a person who is indirectly affected by the emergency; and
(b) an individual who has a family member who is directly or indirectly affected by the emergency; and
(c) an unincorporated organisation that is directly or indirectly affected by an emergency.

6 Protected names
For paragraph (b) of the definition of protected name in subsection 38(4) of the Act, the following names are prescribed:
(a) Centrelink;
(b) CRS Australia.
7 **Protected symbols**

(1) The following design is a protected symbol for subparagraphs (a) (ii) and (b) (ii) of the definition of *protected symbol* in subsection 38 (4) of the Act.

![Centrelink](image1.png)

(2) The following design is a protected symbol for subparagraphs (a) (ii) and (b) (ii) of the definition of *protected symbol* in subsection 38 (4) of the Act.

![Centrelink](image2.png)
Part 2 Prescribed functions of the Chief Executive Centrelink

8 Prescribed functions
For paragraph 8 (1) (ba) of the Act, this Part prescribes functions of the Chief Executive Centrelink.

9 Delegated functions
(1) A prescribed function is to perform functions delegated to the Chief Executive Centrelink under:
   (a) a law of the Commonwealth; or
   (b) a law of a State or Territory.

(2) Paragraph (1) (b) applies only if the Chief Executive Centrelink is allowed by sections 13 and 14 of the Act to perform the function.

10 Functions related to provision of emergency services
(1) The following are prescribed functions:
   (a) providing a service, benefit, program or facility to a person affected by an emergency (an emergency service);
   (b) participating in disaster policy and planning activities, including activities undertaken by disaster policy and planning committees.

(2) Without limiting subregulation (1), the Chief Executive Centrelink may perform the functions for, or under an arrangement with, a State or Territory body.

(3) The function mentioned in paragraph (1) (a) includes the following:
   (a) establishing and maintaining a register of persons affected by the emergency;
   (b) receiving, processing, investigating, deciding and paying claims for assistance;
   (c) operating a telephone enquiry line;
Prescribed functions of the Chief Executive Centrelink

Part 2

(d) providing call centre assistance;
(e) making arrangements for health assessments and other assistance in relation to health care;
(f) referring a person to another organisation if the person requires assistance provided by that organisation;
(g) working with, and providing information to, other government and non-government bodies in relation to the provision of assistance;
(h) providing information to a State or Territory body about a person affected by the emergency that will assist the State or Territory body to provide a payment, benefit or other assistance to the person;
(i) undertaking action (including starting legal proceedings) to recover payments that should not have been made;
(j) disclosing statistical information (including de-identified information from the register mentioned in paragraph (a)) about assistance provided;
(k) undertaking compliance, audit, review, investigation, enforcement and recovery services ancillary to the emergency service.

(4) Information in subregulation (3) includes personal information.

(5) If the Chief Executive Centrelink provides an emergency service to a person, or the person makes a request for an emergency service, the Chief Executive Centrelink may:
(a) collect information about the person or the person’s family, including personal information; and
(b) maintain records about the emergency service or the request.

11 Function of providing specified services

(1) A prescribed function is to provide a service specified in Schedule 1 (a specified service) to any of the following:
(a) a Commonwealth body;
(b) a State or Territory body;
(c) a local government body;
(d) a non-government organisation.
(2) Without limiting subregulation (1), the prescribed function includes the following:

(a) making the Chief Executive Centrelink or Departmental employees available to perform functions in relation to the provision of a specified service;
(b) determining a person’s eligibility for a specified service, or entitlement to receive or have access to a specified service;
(c) making payments in relation to the provision of a specified service;
(d) maintaining records relating to the provision of a specified service;
(e) charging fees for the provision of a specified service;
(f) disclosing information relating to the provision of a specified service (including personal information about individuals receiving the service);
(g) undertaking education, compliance, investigation and enforcement activities relating to the provision of a specified service;
(h) taking part in teams and taskforces in relation to the provision or future provision of a specified service;
(i) recovering overpayments and other amounts due to the Commonwealth in relation to the provision of a specified service;
(j) conducting litigation or proceedings relating to the provision of a specified service.

(3) The functions in paragraph (2) (a) include functions delegated to the Chief Executive Centrelink or Departmental employees under any law, including a law of a State or Territory.
Schedule 1  Specified services  
(regulation 11)

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<td>1</td>
<td>A service, benefit, program or facility that is intended to facilitate, promote or ensure the efficient and effective delivery of government services to, or relating to, an inmate of a correctional facility</td>
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| 2    | A service (known as Centrepay) of deducting an amount from a benefit payable to an individual and paying the amount directly to another person:  
(a) with the individual’s consent, or as otherwise authorised or permitted by a law of the Commonwealth; and  
(b) consistently with arrangements between the Department and the other person |
| 3    | A service (known as Centrelink confirmation e-service) of giving information about an individual to another person:  
(a) with the individual’s consent or direction; and  
(b) consistently with arrangements between the Department and the other person |

Note