



# Human Services (Centrelink) Regulations 2011<sup>1</sup>

## Select Legislative Instrument 2011 No. 121

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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 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The following legislative instruments are repealed: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:

*Act* means the *Human Services (Centrelink) Act 1997*.

*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

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- (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.

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**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.



- (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.



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## **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;

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- (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.

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- (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.



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## Schedule 1      Specified services

(regulation 11)

Item	Description of service
1	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
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: <ul style="list-style-type: none"><li>(a) with the individual's consent, or as otherwise authorised or permitted by a law of the Commonwealth; and</li><li>(b) consistently with arrangements between the Department and the other person</li></ul>
3	A service (known as Centrelink confirmation e-service) of giving information about an individual to another person: <ul style="list-style-type: none"><li>(a) with the individual's consent or direction; and</li><li>(b) consistently with arrangements between the Department and the other person</li></ul>

### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.