

Human Services (Centrelink) Regulations 2021

made under the

Human Services (Centrelink) Act 1997

**Compilation No. 1**

**Compilation date:** 30 November 2024

**Includes amendments:** F2024L01223

**About this compilation**

**This compilation**

This is a compilation of the *Human Services (Centrelink) Regulations 2021* that shows the text of the law as amended and in force on 30 November 2024 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

 This instrument is the *Human Services (Centrelink) Regulations 2021*.

3 Authority

 This instrument is made under the *Human Services (Centrelink) Act 1997*.

5 Definitions

 In this instrument:

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

***Commonwealth body*** means a Commonwealth entity, or a Commonwealth company, within the meaning of the *Public Governance, Performance and Accountability Act 2013*.

***de‑identified*** has the meaning given by subsection 6(1) of the *Privacy Act 1988*.

***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*; and

 (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.

Note: Examples of an emergency include the following:

 (a) a natural disaster;

 (b) a terrorist act.

***person affected by an emergency*** has a meaning affected by section 6.

***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.

6 Person affected by an emergency

 In this instrument, a reference to a ***person affected by an emergency*** includes any of the following:

 (a) a person who is indirectly affected by the emergency;

 (b) an individual who has a family member who is directly or indirectly affected by the emergency;

 (c) an unincorporated organisation that is directly or indirectly affected by an emergency.

Part 2—Prescribed functions of the Chief Executive Centrelink

7 Prescribed functions

 This Part prescribes functions of the Chief Executive Centrelink for the purposes of paragraph 8(1)(ba) of the Act.

8 Delegated functions

 (1) A prescribed function of the Chief Executive Centrelink 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) of this section applies only if the Chief Executive Centrelink is permitted by sections 13 and 14 of the Act to perform the function.

9 Provision of emergency services

 (1) The following are prescribed functions of the Chief Executive Centrelink:

 (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 subsection (1), the Chief Executive Centrelink may perform the functions mentioned in that subsection for, or under an arrangement with, a State or Territory body.

 (3) The function mentioned in paragraph (1)(a) in relation to an emergency 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;

 (d) operating an online enquiry service;

 (e) providing call centre assistance;

 (f) providing online assistance;

 (g) making arrangements for health assessments and other assistance in relation to health care;

 (h) referring a person to another organisation if the person requires assistance provided by that organisation;

 (i) working with, and providing information to, other government and non‑government bodies in relation to the provision of assistance;

 (j) 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;

 (k) undertaking action (including starting legal proceedings) to recover payments that should not have been made;

 (l) disclosing statistical information (including de‑identified information from the register mentioned in paragraph (a)) about assistance provided;

 (m) undertaking compliance, audit, review, investigation, enforcement and recovery services ancillary to the emergency service.

 (4) Use or disclosure of personal information under this section is taken to be authorised by law for the purposes of paragraph 6.2(b) of Australian Privacy Principle 6.

 (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.

10 Function of providing specified services

 (1) A prescribed function of the Chief Executive Centrelink is to provide a service specified in the following table (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.

| Specified services |
| --- |
| 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:(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 |

 (2) Without limiting subsection (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 in relation to the provision of a specified service;

 (e) disclosing information in relation to the provision of a specified service (including personal information about individuals receiving the service);

 (f) undertaking education, compliance, investigation and enforcement activities in relation to the provision of a specified service;

 (g) taking part in teams and taskforces in relation to the provision or future provision of a specified service;

 (h) recovering overpayments and other amounts due to the Commonwealth in relation to the provision of a specified service;

 (i) conducting litigation or proceedings in relation 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.

 (4) Use or disclosure of personal information under this section is taken to be authorised by law for the purposes of paragraph 6.2(b) of Australian Privacy Principle 6.

10A Provision of digital ID services

 The following are prescribed functions of the Chief Executive Centrelink:

 (a) to provide the service performed by an attribute service provider (within the meaning of the *Digital ID Act 2024*);

 (b) to provide the service performed by an identity exchange provider (within the meaning of that Act).

Part 3—Protected names and symbols

11 Protected names

 For the purposes of paragraph (b) of the definition of ***protected name*** in subsection 38(4) of the Act, the following names are prescribed:

 (a) Centrelink;

 (b) myGov.

12 Protected symbols

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



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



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



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



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



Part 4—Transitional, savings and application provisions

Division 1—Human Services (Centrelink) Regulations 2021

13 Definitions

 In this Division:

***commencement day*** means the day on which this Division commences.

***old regulations*** means the *Human Services (Centrelink) Regulations 2011*as in force immediately before the commencement day.

14 Things done by, or in relation to, the Chief Executive Centrelink

 If, before the commencement day, a thing was done by, or in relation to, the Chief Executive Centrelink under the old regulations, then the thing is taken, on and after that day, to have been done by, or in relation to, the Chief Executive Centrelink under this instrument.

15 Things started but not finished by the Chief Executive Centrelink

 (1) This section applies if:

 (a) before the commencement day, the Chief Executive Centrelink started doing a thing under the old regulations; and

 (b) immediately before that day, the Chief Executive Centrelink had not finished doing that thing.

 (2) The Chief Executive Centrelink may, on and after the commencement day, finish doing the thing under this instrument.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Human Services (Centrelink) Regulations 2021 | 30 Sept 2021 (F2021L01359) | 1 Oct 2021 (s 2(1) item 1) |  |
| Human Services (Centrelink) Amendment (Functions of the Chief Executive Centrelink) Regulations 2024 | 27 Sept 2024 (F2024L01223) | 30 Nov 2024 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| s 2  | rep LA 48D |
| s 4  | rep LA 48C |
| **Part 2** |  |
| s 10A  | ad F2024L01223 |
| Schedule 1  | rep LA 48C |