



## **Human Services (Centrelink) Regulations 2021**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 30 September 2021

David Hurley  
Governor-General

By His Excellency's Command

Linda Reynolds CSC  
Minister for Government Services

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## Part 1—Preliminary

### 1 Name

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

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	1 October 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

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

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 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:

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- (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.

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## 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;

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- (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: <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>

- (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;



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- (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.

## 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.



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## 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.

## **Schedule 1—Repeals**

### ***Human Services (Centrelink) Regulations 2011***

#### **1 The whole of the instrument**

Repeal the instrument.