

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 18 June 1997

SOCIAL SECURITY AMENDMENT BILL

Proposed Amendments

Hon ROGER SOWRY, in Committee, to move the following amendments:

New clause 2A: To insert on page 2, after *clause 2*, the following clause:

2A. Disclosure of information between Department of Social Welfare and Department of Labour—Section 131A of the principal Act (as inserted by section 37 of the Social Security Amendment Act 1996) is amended by inserting, after subsection (3), the following subsections:

“(3A) Where, in relation to a person referred to in subsection (2), the chief executive has any information to which paragraph (e) or paragraph (f) of subsection (3) applies, the chief executive must not disclose that information under subsection (3) to the Director-General during either of the following periods:

“(a) The period beginning on the fifth working day immediately before Good Friday and ending with the following Easter Monday:

“(b) The period beginning on the tenth working day immediately before 25 December in any year and ending with 15 January in the following year.

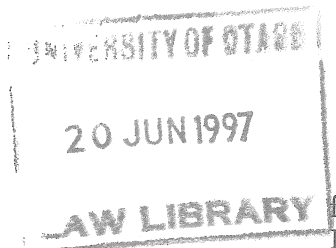
“(3B) Nothing in **subsection (3A)** prevents the chief executive from disclosing any information under subsection (3) to the Director-General after either of the periods referred to in **subsection (3A)**, whether the matter to which the information relates occurred before or during either of those periods.”

Clause 3: To omit from lines 4 and 5 on page 2 the words “inserted by section 37 of the Social Security Amendment Act 1996”, and substitute the words “so inserted”.

EXPLANATORY NOTE

This Supplementary Order Paper proposes to amend the Social Security Amendment Bill.

In the Commentary on the Bill as reported back, the Social Services Committee indicated that the Committee wished that a possible amendment be pursued relating



to the period in which work testing will be undertaken in the 10 working days immediately prior to Christmas and the 5 working days immediately prior to Easter.

This SOP proposes to amend the Bill in the way suggested by the Social Services Committee.

New clause 2A inserts an amendment to section 131A of the principal Act by inserting *new subsections (3A) and (3B)*.

Section 131A authorises the Department of Social Welfare and the Department of Labour to exchange information for the purposes of administering the work test. Where a beneficiary does not comply with a work test requirement, information on that non-compliance is communicated by the Department of Labour to the Department of Social Welfare, and action is then taken to reduce, suspend, or cancel the work-related benefit.

The *new subsection (3A)* would prohibit the chief executive of the Department of Labour from disclosing to the Director-General of Social Welfare information about non-compliance with a work test requirement, during the period beginning 5 working days before Easter and ending on Easter Monday, or the period beginning 10 working days before Christmas Day and ending on 15 January.

The purpose of the amendment is to ensure that notice of action to reduce, suspend, or cancel a work-tested benefit for non-compliance with a work test requirement is not given by the Department of Social Welfare under the *new section 131c (as inserted by clause 3)* in the period immediately before Christmas or Easter. Because of the holiday period, the beneficiary may have inadequate time to respond before the sanction affects his or her benefit, or to undertake a re-compliance activity so as to stop the reduction of benefit.

The *new subsection (3B)* makes it clear that *new subsection (3A)* does not prevent the disclosure of information about non-compliance with a work test requirement after the relevant period has ended, whether or not the matter to which the information relates occurred before or during that period.

A consequential amendment is made to *clause 3*.