

Senate Community Affairs Legislation Committee

ADDITIONAL ESTIMATES – 2 MARCH 2017 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Information release – external advice

Question reference number: 6 (HS 6)

Senator: Siewert

Type of question: Hansard pages 15-16

Date set by the committee for the return of answer: 21 April 2017

Number of pages: 1

Question:

Senator SIEWERT: Did you seek that advice on this specific occasion?

Ms Campbell: We sought and have general advice and then we apply that advice on ongoing circumstances. We did not seek specific external advice on that circumstance.

Senator SIEWERT: Have you ever sought specific external advice on the release of information under section 202, where you were releasing it about an individual?

Ms Musolino: I can take that on notice, but we have general advice, which my in-house legal team relies on and applies day to day and provides legal advice about. But we can take on notice whether—if I understand the question—we have sought advice about the use of 202 on a particular case for disclosure. Is that right?

Senator SIEWERT: Yes.

Answer:

The Department obtained advice from the Chief General Counsel of the Australian Government Solicitor in February 2005 about the circumstances in which legislative provisions, including section 202 of the *Social Security (Administration) Act 1999* authorise the disclosure of protected information ‘for the purposes of’ a relevant law. The Department has since relied on that advice when disclosing protected information about individuals in particular cases.