

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 3

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Question No. AE15/010

Senator Bilyk asked the following question at the hearing on 24 February 2015:

Ms K Jones: The department seeks advice. It is informed from advice from ASIO and then provides information to the Department of Social Services asking whether those people are in receipt of welfare or not. If they are then the Attorney can issue a security notice, which is provided to the Minister for Social Services, who is the actual decision maker in relation to whether the welfare benefit is cancelled or not.

Senator BILYK: Is the Attorney-General informed when the welfare payments are cancelled?

Ms K Jones: That would be part of the process, yes. But at this point we have not had, under this mechanism, a cancellation yet.

Senator BILYK: How is it proposed that the Attorney-General would be notified?

Ms K Jones: I would have to take that on notice. We have worked with the Department of Social Services in order to be able to have a proper mechanism in place, but I would need to take on notice exactly how that comes about.

The answer to the honourable senator's question is as follows:

The *Counter-Terrorism Legislation Amendment (Foreign Fighters) Act 2014* (Cth) amended the *A New Tax System (Family Assistance) Act 1999*, *Paid Parental Leave Act 2010*, *Social Security Act 1991* and the *Social Security (Administration) Act 1999* to enable certain welfare benefits to be cancelled for individuals of security concern via the Attorney-General issuing a Security Notice.

Where an individual has had their application for an Australian passport refused, had their Australian passport cancelled or had their visa cancelled on security grounds, the Minister for Foreign Affairs or the Minister for Immigration and Border Protection may provide the Attorney-General with a Notice. This Notice alerts the Attorney-General to the fact that an individual has been the subject of a refusal/cancellation on security grounds and may be in receipt of welfare benefits.

The Secretary of AGD then writes to the Secretary of the Department of Human Services (DHS) to request advice on the welfare benefit status of the individual including any information about the individual's dependents (if this information is known).

Upon receipt of advice from the Secretary of DHS, AGD then provides a submission to the Attorney-General which includes the advice provided by DHS, security advice provided by the Australian Security and Intelligence Organisation and any other material that may be relevant.

If the Attorney-General considers it is appropriate that the individual should be ineligible for welfare benefits, then a Security Notice is provided to the Minister for Social Services. Upon

receipt of a Security Notice the Minister for Social Services provides a copy of the Security Notice to the Secretaries of the Department of Social Services (DSS) and DHS. Receipt of a Security Notice then institutes the relevant welfare benefit ineligibility administrative processes within DSS and DHS.

Once welfare benefits have been stopped the Attorney-General is notified by the Minister for Social Services. An individual will remain ineligible for welfare benefits as long as a Security Notice remains in force. The Attorney-General is required to review the appropriateness of the continuation of the Security Notice at least every 12 months.