

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

**Finance and Administration Portfolio**

**Department of Human Services and agencies**

Supplementary Budget Estimates 2005-2006, 1 November 2005

**Question: HS15**

**Outcome 1, Output 2**

**Topic: Child Support Agency – Exchange of information protocol Centrelink/CSA**

**Hansard Page/Written Question on Notice: F&PA 110**

**SENATOR MOORE** asked on 1/11/05:

Ms Bird—There is a written protocol. It is available to Child Support Agency staff on our intranet.

Senator MOORE—Is that something we could have?

Ms Bird—Yes.

**Answer:**

**Protocol governing the disclosure of information between the Child Support Agency and Centrelink, 1 October 2004 – 30 September 2006**

**Duration of the Protocol**

This Protocol covers the period 1 October 2004 to 30 September 2006 and will be reviewed each two years. Either party may convene a review to address specific issues within the body of the protocol before this Protocol expires.

Attachments A, B and C may be updated at any time on the agreement of both national liaison contacts.

**Purpose of this Protocol**

This Protocol outlines the basis for and extent, by regulation, of disclosure of information between Centrelink and the Child Support Agency (CSA).

From time to time, more detailed arrangements at a program, service and project level may be developed based on these principles.

This Protocol constitutes the entire disclosure of information agreement between the parties and supersedes all prior representations, agreements, statements and understandings, whether oral or in writing.

Any variation to this Protocol will be made in writing and signed by both parties.

**Background**

CSA is responsible for the administration of the child support scheme and related services on behalf of Government and for monitoring its service delivery and that of its providers. Centrelink is

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responsible under the Business Alliance Agreement 2004-2008 with the Department of Family and Community Services for supporting the delivery of some child support services.

Centrelink is responsible for the administration of the maintenance action test and the maintenance income test in the delivery of Family Tax Benefit (FTB) to mutual clients/customers.

The role of the national liaison contact in each organisation is to:

- provide clear and accurate guidance in relation to FTB and child support matters affecting mutual clients/customers;
- ensure consistency of procedures and the sharing of best practice; and
- provide an overall perspective on how a new initiative may link into national arrangements.

Liaison at the local level is through the regional offices of CSA and Centrelink Child Support Units.

**Authority for Disclosure of Information**

Information can be exchanged between Centrelink and CSA only where it is in accordance with the following provisions of the *Privacy Act 1988*, social security law, family assistance law, other relevant legislation and is necessary to allow CSA or Centrelink to fulfill their legislative requirements.

Any exchange of information between Centrelink and CSA is governed by the following legislation:

- *Social Security (Administration) Act 1999* Sections 201(1) and 208(1);
- *A New Tax System (Family Assistance) (Administration) Act 1999* Sections 161(1) and 168;
- Section 16(3)(ba) of the *Child Support (Registration and Collection) Act 1988*;
- Section 150(3)(ba) of the *Child Support (Assessment) Act 1989*;
- Section 14 of the *Privacy Act 1988*; and
- Certificate of Disclosure issued under subparagraphs 208(1)(b)(i) of the *Social Security (Administration) Act 1999* and 168(1)(b)(i) of the *Family Assistance (Administration) Act 1999*.

Sections 201(1) of the *Social Security (Administration) Act 1999* and 161(1) of the *A New Tax System (Family Assistance) (Administration) Act 1999* authorise the disclosure of protected information for administration of Child Support Law. A Certificate of Disclosure issued under Sections 208 of the *Social Security (Administration) Act 1999* and 168 of the *A New Tax System (Family Assistance) (Administration) Act 1999* lists the data items that may be released by Centrelink to Child Support Agency on a regular basis.

CSA may disclose information to Centrelink for the purposes of administering the maintenance income test for FTB as required under Schedule 1, Division 5 of the *A New Tax System (Family Assistance) Act 1999* and maintenance action test for FTB as required under Schedule 1, clause 10 of the *Family Assistance Act 1999*. Authorisation for disclosure is provided under Section 16(3) of

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the *Child Support (Registration and Collection) Act* and under Section 150 of the *Child Support (Assessment) Act*.

Each organisation acknowledges that information sought from the other will be in accordance with this legislation and related policy and that each will comply with requests for information on this basis.

In keeping with the obligations under Information Privacy Principle 4, it is Centrelink policy that personal information must **NOT** be emailed externally.

**Disclosure of Information Not Specified in this Protocol**

Information not detailed in the Certificate of Disclosure or this Protocol can be requested if it is required for the administration of the child support, social security or family assistance legislation. Such requests for disclosure must specify why the information is needed for a particular client/customer. The disclosing agency must be satisfied of the relevance of the information and that release of the information conforms with privacy and confidentiality legislation before it is disclosed. Vague requests such as 'needed to administer Family Assistance Law' will not be accepted. Both agencies have internal procedures for seeking advice about lawful disclosure. Centrelink staff should consult their Area privacy teams in the first instance. CSA staff should consult their regional privacy officer.

Both agencies acknowledge they are not able to provide tax file numbers.

**Guidelines for Disclosure of Information**

Information should only be manually requested when it is unavailable from other sources within the organisation or is not more appropriately accessed from other sources (eg ATO information available to CSA staff). In some instances, it may be more appropriate for a client/customer to request the information themselves.

Attachment C contains the information that is regularly disclosed between Centrelink and CSA electronically.

**Manual Requests for Information**

**Urgent Requests**

Urgent requests may be made by telephone in the following circumstances: the client/customer is in hardship, the client/customer is about to be in hardship, and/or in response to a ministerial. All phone requests should be followed up with a written request.

All urgent requests must be responded to within 24 hours. Note that the delegation in Centrelink for providing information over the phone is at the C2 above WAB level.

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**Non-Urgent Requests**

Non-urgent requests include general day to day requests for information. All requests must be responded to within five working days.

**CSA requests to Centrelink**

Attachment A contains the information Centrelink can disclose to CSA upon request.

The majority of information required for CSA staff to make a child support assessment is accessible from the automated information exchange via CSA's operating system (Cuba). A manual request for information from Centrelink should only be made where the information is not available through Cuba. CSA staff should request a refresh of client/customer records to verify data before making a request to Centrelink. Centrelink acknowledges information is not available to CSA via Cuba until mutual client/customer matching has occurred.

In general, requests for information must be made by fax on the nationally endorsed pro forma and will only be actioned by Centrelink when all relevant fields have been completed. All requests must be vetted by nominated officers within CSA and forwarded to Centrelink through the appropriate CSU.

Requests for information must contain as much detail as possible i.e. client/customer's full name, date of birth, previous address, payee's name, client/customer reference number. Centrelink will not provide information where only the client/customer's name is provided.

**Centrelink requests to CSA**

Attachment B details the information CSA can disclose to Centrelink upon request.

All requests must be made in writing by fax on the nationally endorsed proforma (when it has been developed) and vetted by the nominated officer from that office to ensure the information is required for the administration of payments under social security and family assistance law prior to forwarding to CSA. Requests must contain as much detail as possible to ensure correct identification of the client/customer.

Before making a request for manual information to CSA, Centrelink staff will confirm the data isn't already available, and request a data refresh where appropriate.

**Other Instances for Disclosure of Information**

**Co-Located Offices**

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In co-located offices, client/customer information exchange is more streamlined, informal and immediate than under general arrangements. Such information exchange may only be for the purposes of administering the child support, social security or family assistance legislation. Requests for information may be verbal and do not require written follow up, however staff of one organisation are not authorised to directly view client/customer records held by the other organisation. A record of the information disclosed must still be kept eg an online document on the client/customer record.

### **Ministerials**

Where required, both organisations will work co-operatively in responding to ministers on matters relating to mutual concerns. It is acknowledged that only client/customer information necessary to assist in responding to the minister should be disclosed.

### **Disclosure of Information to Allow a Determination**

In some circumstances CSA and Centrelink disclose information to enable determinations. The details disclosed must be the minimum to allow the determination. Some such instances are:

- Approval to End: Centrelink approval must be requested if a payee elects to end their child support case (under Section 151A of the *Child Support (Assessment) Act 1989*) where they are receiving more than the base rate of FTB.
- Child Support Agreements where the payee is receiving more than the base rate of FTB
- Social Worker third party carer assessments
- Social Security Appeals Tribunal reviews
- Change of Assessment reviews

### **Tipoffs**

CSA can pass information about suspected fraudulent activity to Centrelink that may affect a client/customer's entitlement to a pension, benefit or allowance. Separate procedures are under development to deal with these cases.

### **Social Workers**

Information may be disclosed to and by social workers as part of their normal duties. Any such disclosure should be the minimum that is required.

### **Review of Manual Information Requests**

The frequency and nature of manual information requests will be reviewed periodically by Centrelink and CSA. When conducting these reviews CSA and Centrelink staff will liaise with appropriate managerial staff in the identified site regarding access. Any visit should be undertaken at a mutually agreeable time in consideration of both organisations' business operations.

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**Notice for Termination**

If CSA or Centrelink wish to terminate this Protocol, a service under it, or part thereof, the party wishing to do so will provide notice in writing to the other party three calendar months in advance of the proposed termination.

**Signatories**

Signed for and on behalf of Centrelink by:

Signed for and on behalf of CSA by:

Keith Bender

Trevor Sutton

A/g National Manager  
Families and Child Care Business Team  
Centrelink

Assistant General Manager  
Business Strategy Branch  
Child Support Agency

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

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**Attachment A**

**Centrelink can disclose the following information to CSA upon request:**

1. **Address:** Centrelink only maintains current address details while customers are in receipt of payment. Centrelink will provide the last known address for customers whose record has been cancelled for less than six months.
2. **Amount of Family Tax Benefit (FTB):** Applies to requests made by CSA to Centrelink in respect of the recovery of an outstanding child support liability/debt under section 72AB of the *Child Support (Registration and Collection) Act 1988*. Where clients/customers are identified by CSA as having an outstanding child support liability/debt and being in receipt of FTB, Centrelink can provide details regarding the amount of FTB entitlement for a designated child support child/ren upon receipt of a request for information notice under section 120 of the *Child Support (Registration and Collection) Act 1988*. Note: CSA has specific procedures for recovery of CSA debts from FTB for designated child support children.
3. **Austudy Details:** Austudy details for recipients are only available since the 98/99 financial year. Centrelink can provide entitlement dates.
4. **Care Arrangement Details/Family Tax Benefit Entitlement/Shared Care Percentages:** Centrelink can provide details about changes of care and dates of change where a child is an FTB child. Once a child ceases to be an FTB child for reasons other than change of care (such as income or going on to Youth Allowance), changes of care are not notified to Centrelink. If a child over 16 years of age is receiving a payment in their own right Centrelink can provide details of that entitlement; however CSA need to request this information using the child's name as the client and not the name of the payee.
5. **Child Support Agreements:** Centrelink approval must be requested via NAT 2295. All details on this form must be completed.
6. **Client/Customer Name:** Centrelink can provide the client/customer's current name for the purposes of recovering a child support liability or debt from a social security or family assistance payment. Where Centrelink advise of a name different to that held by CSA, CSA will be mindful of customers identified as being at risk when using the information.
7. **Customer Reference Numbers (CRN):** If a search for the client/customer's CRN is required the request must contain as much detail as possible, including the client's full name, date of birth, previous address, payee's name. Centrelink cannot provide information where only a name is given.
8. **Deceased customer details:** Details for deceased payees and payers can be provided, including date of death and details of the executor (if known).
9. **Employment Details:** Centrelink only maintains employment details for some of its customers and only while the customer's record status is current. Centrelink can provide the last known employment details for customers whose record has been cancelled for less than six months, if this information is available. In most cases the customer has advised the

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employer when they are on income support and are advising the amount they have earned in a particular fortnight.

10. **Exemption from Reasonable Maintenance Action:** Centrelink can advise whether an exemption from taking reasonable maintenance action has been granted.
11. **Bank Account Details:** Centrelink only maintains current bank account details while customers are in receipt of payment. Centrelink can provide last known bank account details for customers whose record has been cancelled for less than six months. Details of joint accounts that the payer may have had with the payee will not be provided if that account is active on the payee's record. Details of joint accounts with people other than the payee can be provided.
12. **Payment/Benefit Details:** Centrelink can supply details of the periods for which customers received payment for the present and immediate past financial year up until the time this data is available to CSA through ATO.
13. **Prescribed Income Test (PIT):** This applies to Stage 1 cases only and must be requested via NAT 2294. The PIT is applied on the day Centrelink (via the Child Support Unit) receives the request. Centrelink will advise CSA whether the customer meets the PIT and the date benefit payments commenced. Where benefit payments have been continuous, regardless of benefit type, Centrelink will advise the earliest benefit commencement date. The PIT does not allow for backdating to other specified periods.
14. **Relationship details:** Centrelink can provide details of separation and/or reconciliation where CSA provides details of both payee and payer.
15. **Sensitive Record Indicator:** Centrelink can indicate whether or not this exists.
16. **Telephone numbers:** All phone numbers can be provided, including mobile and silent numbers.



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**Attachment B**

**CSA can disclose the following information to Centrelink upon request:**

**Applications for Child Support**

1. Whether CSA has received an application for a child support assessment.
2. Details of ineligible cases and the reason a registration has been rejected as ineligible.
3. Details of duplicate cases for same child and payer (where they have been created in error).
4. Whether customer has lodged an objection.
5. Whether there has been an application for a change of assessment.
6. Additional information required for ineligible cases (for example, country of residence for payer where the rejection reason is 'liable parent is not an Australian resident').
7. Confirmation of receipt of documents by CSA (including proof of parentage).
8. Deceased payer and payee details, including details of the executor (if known).

**Entitlement to Child Support**

9. Whether a Centrelink customer has a current or previous entitlement to child support.
10. Whether there is more than one entitlement.
11. Where there is more than one entitlement, which entitlement applies to which child.
12. Dates of commencement of entitlement (where this has not been transmitted).
13. The start date of a child support period.
14. Whether the customer is a private or CSA collect case.
15. Whether the customer is Stage 1 or Stage 2.
16. Payer details (to include children under their correct groups).
17. Child end cases (terminating event for a child in a child support case) including who advised the change in care, the date the change was advised, whether it was confirmed with the payee, has a letter been sent to the payer/payee about the change, the reason the child has dropped off the assessment if there has been no change in care.
18. Reason entitlement has been ended by CSA.
19. CSA cases cancelled (rather than ended) by CSA including the reason the case was cancelled, the date the cancellation is effective from and the children affected by the cancelled case.
20. Date of effect and process dates for cases that are new, ended, ineligible and cancelled.

**Payment and agreement details**

21. Details of disbursed payments. (At times customers dispute the disbursements on Centrelink's system and their effect on FTB entitlement. When this happens Centrelink needs to be able to confirm the disbursements. There are also instances when CSA changes a disbursement amount on their system at a later date – this change does not transfer to Centrelink electronically.)
22. Details of any arrears discharged, including period that arrears relate to
23. Details of the customer's latest entitlement amount
24. Capitalised maintenance details
25. Details of non-cash maintenance
26. Agreement details
27. Details of Non-Agency Payment (NAP)

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**Attachment C**

**Data Items Electronically Transmitted Between CSA and Centrelink**

Note : Items marked \*\* are not displayed at the CSA user interface

<b>CSA electronically transmits the following data items to Centrelink</b>	<b>Centrelink electronically transmits the following data items to CSA</b>
<p><b>Entitlement File (sent weekly)</b></p> <ul style="list-style-type: none"> <li>○ Registration of child support case</li> <li>○ Case end</li> <li>○ Case entitlement period</li> <li>○ Collection method</li> <li>○ Daily rate of child support entitlement</li> <li>○ Name of payer, payee, child/ren</li> <li>○ Children in the care of payee with the child support entitlement</li> <li>○ Child/ren's care and entitlement % to the annual rate of child support based on the care arrangements and effective date</li> </ul> <p><b>Payment File (3 times a month)</b></p> <ul style="list-style-type: none"> <li>○ Disbursements</li> <li>○ Emergency disbursement</li> <li>○ Non-Agency Payments – amount and date the payee or a third party received the payment</li> </ul> <p><b>Update File (sent daily)</b></p> <ul style="list-style-type: none"> <li>○ New client information for matching with Centrelink</li> <li>○ Deceased mutual client</li> <li>○ Benefit deduction requests – start, vary or end</li> </ul> <p><b>Ineligibles File (sent weekly)</b></p> <ul style="list-style-type: none"> <li>○ CSA region/office/stream/team</li> <li>○ Child's name and date of birth</li> <li>○ Client name, date of birth and CSA ID</li> <li>○ Ineligible reason and process date</li> <li>○ Centrelink region and Centrelink Reference Number</li> </ul>	<p><b>Daily File</b></p> <ul style="list-style-type: none"> <li>○ **Errors associated with data we have received from CSA</li> <li>○ Mutual client change of address, landline phone or state</li> <li>○ Client address and landline phone details when matched</li> <li>○ Centrelink child date and custody percentage</li> <li>○ Client's benefit/pension/allowance details</li> <li>○ Client's relationship data</li> <li>○ Centrelink environment where the record is stored</li> <li>○ **Mutual Customer Switched off</li> <li>○ Confirmation of termination of benefit</li> <li>○ **Response to CSA request to change CIN on Centrelink DB</li> <li>○ **Response to CSA request to match CSA payer</li> <li>○ **Response to CSA request to match CSA payee</li> <li>○ Response to CSA request to send all info about a mutual customer (refresh)</li> <li>○ **Response to CSA request to switch payer/payee on again</li> <li>○ **Correction sent by CLK when switch off transaction is sent as the result of incorrectly recording a Date of Death for mutual customer</li> <li>○ New CRN for client created due to corruption problems</li> <li>○ Deduction Transaction Rejected</li> <li>○ Deduction Instruction Updated Notification</li> <li>○ Deduction Allocation Updated Notification</li> <li>○ Deduction Payment Notification</li> <li>○ Deduction Reconciliation Control Notification</li> <li>○ **Bank Account details (out of date)</li> </ul>