1990-91-92

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 3 November 1992

(*Minister for Social Security*)

A BILL

FOR

An Act to amend the *Data-matching Program (Assistance and Tax) Act 1990*

The Parliament of Australia enacts:

Short title

    1.(1) This Act may be cited as the *Data-matching Program (Assistance and Tax) Amendment Act 1992.*

5   **(2)** In this Act, **"Principal Act"** means the *Data-matching Program (Assistance and Tax) Act 1990*[1].

Commencement

    2.(1) Apart from section 6, this Act commences on the day on which it receives the Royal Assent.

10   **(2)** Section 6 commences, or is taken to have commenced, as the case may be, on 22 January 1993.

Steps in data matching cycle

3. Section 7 of the Principal Act is amended by inserting the following paragraph after paragraph 14 in Step 5:

"14A. If the source agency and the matching agency have agreed that this paragraph applies, the following subparagraphs apply:

   (a) if the matching agency thinks that any results of a payment or income matching appear to be results to which paragraph 15 applies, the matching agency gives a sample to the source agency;

   (b) the source agency tests the sample;

   (c) if the source agency thinks the sample may be wrong, and that the error may be corrected by adjusting an algorithm used by the matching agency, the source agency suggests the adjustment;

   (d) the matching agency makes the adjustment and repeats the relevant parts of the matching;

   (e) subject to section 9, these subparagraphs apply as often as necessary until the matching is complete;

   (f) if the source agency is an assistance agency, information exchanged under this paragraph must not include the return of TFN data from the matching agency to the source agency;

   (g) the source agency must destroy the sample as soon as practicable after the matching is complete.".

Length of data matching cycle

4. Section 9 of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

"(2) Step 5 in a data matching cycle is to be completed no later than 7 days after it began.

"(2A) The following times do not count for the purposes of subsection (2):

   (a) any time during which the cycle is interrupted by a computer malfunction;

   (b) any time during which the cycle is interrupted by industrial action.".

Notice of proposed action

5. Section 11 of the Principal Act is amended:

   (a) by omitting from subsection (1) "subsection (4)" and substituting "subsections (1A), (1B) and (4)";

   (b) by inserting after subsection (1) the following subsections:

     "(1A) Subsection (1) does not apply to action that is necessary to correct or avoid a result solely caused by an administrative error on the part of the assistance agency.

"(1B) If the assistance agency takes action referred to in subsection (1A), it must give the person written notice, with particulars of the information and the action:

(a) if practicable—before the action is taken; or

(b) if not—as soon as practicable after the action has been taken.".

Cessation of operation of Act

6. Section 21 of the Principal Act is repealed.

NOTE

1. No. 20, 1991, as amended. For previous amendments *see* Nos. 115, 175 and 194, 1991.