

Tightening Social Security Claim Requirements - Remove Intent to Claim

Implementation date: 01 July 2018.

Detail and description: From 01 July 2018, the current deemed date of claim provision will be abolished. Claimants will no longer receive payments or concession cards from the date on which they contacted the department and expressed an intention to make a claim. Instead claimants will receive payments and concession cards from the date they actually submitted their claim. If a claimant contacted the department about making a claim for a payment or concession card before 01 July 2018, then deemed date of claim provisions still apply and they are considered 'grandfathered' as long as they submit a claim within 14 days (no later than 14 July 2018) or 13 weeks where special circumstances have previously been applied. If the claimant has contacted the department about an intention to claim before 01 July 2018 and the customer does not submit a claim within 14 days, the claimant's start date will be the day they submitted their claim. The claim will not be backdated to the first contact the claimant had with the department.

What you need to know and do: Centrelink staff located nationally in Smart Centres and Service Centres will be impacted by the change. Claimants will need to be aware that their payment or concession card will only start (if eligible) from the day their claim is submitted. Advise claimants to submit claims as soon as possible to be assessed from the earliest possible date. Returning claimants in particular may feel strongly about no longer being able to have their payment start date assessed from the date they first contacted the department or started an online claim.

Additional information: Family Assistance payments are not impacted by the change as different claim start date and backdating rules apply. There are no changes to the existing backdating provisions for the Assistance for Isolated Children Scheme or ABSTUDY claims. Staff in Smart Centres, Service Centres and new claim processing teams will receive training prior to the implementation date. All staff will be made aware of this change through the Good Morning Smart Centre Newsletter, Face to Face Support Communication and Operational Message.

Current Changes^[1]
Change Information Hub^[2]

Business Owner
Change Front Door
Date Published
18 April 2018
Feedback
Email the owner of this page^[3]

AustLII

Commonwealth Consolidated Acts

SOCIAL SECURITY (ADMINISTRATION) ACT 1999 - SECT 13 Deemed claim--person contacting Department about a claim for a social security payment

SOCIAL SECURITY (ADMINISTRATION) ACT 1999 - SECT 13

Deemed claim--person contacting Department about a claim for a social security payment

(1) For the purposes of the social security law, if:

(a) the Department is contacted by or on behalf of a person in relation to a claim for a social security payment; and

(b) the person is, on the day on which the Department is contacted, qualified for the social security payment; and

(c) the Secretary gives the person a written notice acknowledging that the Department has been contacted in relation to the making of the claim; and

(d) the person lodges a claim for the social security payment within 14 days after the Department is contacted;

the person is taken to have made a claim for the social security payment on the day on which the Department was contacted.

(2) For the purposes of the social security law, if:

(a) the Department is contacted by or on behalf of a person in relation to a claim for a social security payment, other than crisis payment or special employment advance; and

(b) the person is, on the day on which the Department is contacted, qualified for the social security payment; and

(c) the Secretary gives the person a written notice acknowledging that the Department has been contacted in relation to the making of the claim; and

(d) the person lodges a claim for the payment more than 14 days, but not more than 13 weeks, after the Department is contacted; and

(e) the Secretary is satisfied that:

(i) throughout the period starting on the day on which the Department was contacted and ending on the day on which the person lodged the claim, the person was suffering from a medical condition; and

(ii) that medical condition, or circumstances related to that medical condition, had a significant adverse effect on the person's ability to lodge the claim earlier;

the person is taken to have made a claim for the social security payment on the day on which the Department was contacted.

(3) For the purposes of the social security law, if:

(a) the Department is contacted by or on behalf of a person (the **claimant**) in relation to a claim for a social security payment, other than crisis payment or special employment advance; and

(b) the claimant is, on the day on which the Department is contacted, qualified for the social security payment; and

(c) the Secretary gives the claimant a written notice acknowledging that the Department has been contacted in relation to the making of the claim; and

(d) the claimant lodges a claim for the payment more than 14 days, but not more than 13 weeks, after the Department is contacted; and

(e) the Secretary is satisfied that:

(i) throughout the period starting on the day on which the Department was contacted and ending on the day on which the claimant lodged the claim, the claimant was caring for, or was the partner of, another person; and

(ii) throughout that period, the other person suffered from a medical condition; and

(iii) the medical condition, or circumstances related to the medical condition, from which the other person was suffering had a significant adverse effect on the claimant's ability to lodge the claim earlier;

the claimant is taken to have made a claim for the social security payment on the day on which the Department was contacted.

(3A) For the purposes of the social security law, if:

(a) the Department is contacted by or on behalf of a person in relation to a claim for a social security payment; and

(b) the person is, on the day on which the Department is contacted, qualified for the social security payment; and

(c) the Secretary gives the person a written notice acknowledging that the Department has been contacted in relation to the making of the claim; and

(d) the person lodges a claim for the social security payment more than 14 days, but not more than 13 weeks, after the Department is contacted; and

(e) the Secretary is satisfied that, in the special circumstances of the case, it was not reasonably practicable for the person to lodge the claim earlier;

the person is taken to have made a claim for the social security payment on the day on which the Department was contacted.

(4) A reference in this section to the Department being contacted includes a reference to the Department being contacted by post or telephone or by the transmission of a message by the use of fax, computer equipment or other electronic means.

(5) This section has effect subject to section 18.