

## **Relevant Extract from Chapter 6.3.9 of *The Guide to Social Security Law* (accurate as at 9<sup>th</sup> October 2019)**

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Where a recipient advises DHS that they cannot obtain the required information due to exceptional circumstances, DHS should make an assessment as to whether to use the information gathering power under SS(Admin)Act section 192 to obtain the required information directly from third parties, such as banks, financial institutions and employers.

When assessing whether exceptional circumstances exist, DHS should review each case on its own merits, taking the following factors into consideration:

- Whether the recipient has made genuine and reasonable attempts to obtain the required information. For example, the recipient has been unable to obtain the required information because the third party no longer operates, has been uncontactable, or is being uncooperative.
- Whether the cost of obtaining the required information themselves would cause financial hardship to the recipient.
- The nature of the relationship between the recipient and the employer. For example, there was a conflict or breakdown in the employer-employee relationship.
- Whether it would be unreasonable to expect the recipient to obtain the information themselves given the nature of their particular vulnerabilities. Vulnerabilities to be considered include, but are not limited to:
  - disability or illness,
  - homelessness (or risk of),
  - personal crisis, for example, bereavement, recent trauma, family or domestic violence or other issues causing severe emotional distress,
  - language and/or literacy issues,
  - geographically or socially isolated, for example remote Indigenous.
- Other special circumstances considered unusual or exceptional. For example, records were destroyed in a fire, or where the person says they did not work for that employer (e.g. mistaken identity).