



Social Security (Administration) (Income Management — Crediting of Accounts) Rules 2015¹

Social Security (Administration) Act 1999

I, SCOTT MORRISON, Minister for Social Services, make these Rules under section 123WN of the *Social Security (Administration) Act 1999*.

Dated: 26 May 2015

SCOTT MORRISON
Minister for Social Services

1 Name of Rules

These Rules are the *Social Security (Administration) (Income Management – Crediting of Accounts) Rules 2015*.

2 Commencement

These Rules commence on the day after they are registered.

3 Definition

In these Rules:

Act means the *Social Security (Administration) Act 1999*.

Note 1 The following expressions used in these Rules are defined in section 123TC of the Act and have the same meanings in these Rules as in the Act:

- Part 3B payment nominee
- Income Management Account
- Income Management Record

Section 4

- stored value card
- subject to the income management scheme.

Note 2 **Secretary** is defined in the *Social Security Act 1991* and has the same meaning in these Rules as in that Act.

4 Rules

- (1) For section 123WN of the Act, these Rules specify circumstances in which certain amounts are to be credited to the Income Management Record and a person's (the **affected person's**) income management account.
- (2) The circumstances are:
 - (a) the threshold circumstance mentioned in subsection (3); together with
 - (b) any of the particular circumstances mentioned in an item of the table in subsection (6).
- (3) The threshold circumstance is that the Income Management Record and the affected person's Income Management Account is debited by an amount (the **debited amount**) for any of the following purposes:
 - (a) if the person does not have a Part 3B payment nominee:
 - (i) giving a stored value card to the person; or
 - (ii) increasing the monetary value stored on a stored value card held by the person;
 - (b) if the person has a Part 3B payment nominee:
 - (i) giving a stored value card to the Part 3B payment nominee; or
 - (ii) increasing the monetary value stored on a stored value card held by the Part 3B payment nominee.
- (4) For subsection (3), the debited amount may be made up of:
 - (a) a single transaction for the debited amount; or
 - (b) a series of transactions that, taken together, have the effect of debiting the Income Management Record and the person's Income Management Account by the debited amount.
- (5) The amount that is to be credited to the Income Management Record and an affected person's Income Management Account (the **crediting amount**) in any of the particular circumstances mentioned in an item of the table in subsection (6) is:
 - (a) the amount shown in the item; or
 - (b) if the monetary value stored on the stored value card is a lesser amount — the lesser amount; or
 - (c) if no monetary value is stored on the stored value card — nil.

Note Both the Income Management Record and the account are to be credited by the crediting amount.

(6) This is the table mentioned in subsections (2) and (5).

| Item | Particular circumstances | Crediting amount |
|-------------|---|---|
| 1 | The Secretary agrees to a request to reduce the monetary value stored on the stored value card that is made by: <ul style="list-style-type: none"> (a) the affected person; or (b) if the affected person has a Part 3B payment nominee— the affected person or the Part 3B payment nominee | The amount of the requested reduction <i>Note</i> The monetary value stored on the card could, in some circumstances, be less than the amount of the requested reduction. In that case, the reduction is limited to the stored amount: see paragraph 4(5)(b) |
| 2 | The Secretary becomes aware that the monetary value stored on the stored value card exceeds \$3000 | The lesser of: <ul style="list-style-type: none"> (a) the amount by which the monetary value stored on the card exceeds \$3000; or (b) another amount determined in the particular case by the Secretary |
| 3 | The Secretary forms the view that the affected person is unable, or is likely to be unable, to use the stored value card to acquire goods or services | The monetary value stored on the card |
| 4 | The debited amount was debited in error | An amount equal to the debited amount <i>Note</i> The monetary value stored on the card could, in some circumstances, be less than the debited amount. In that case, the crediting amount is limited to the stored amount: see paragraph 4 (5) (b) |
| 5 | The affected person dies and, at the time of death, an amount was stored on a stored value card issued to the person or the person's Part 3B payment nominee (whether or not the person was subject to the income management scheme at the time of death) | The monetary value stored on the card |

Section 4

| Item | Particular circumstances | Crediting amount |
|------|---|---------------------------------------|
| 6 | The affected person ceases to be subject to the income management scheme otherwise than because of death and a request is made to the Secretary to cancel the stored value card by: (a) the affected person; or (b) if the affected person has a Part 3B payment nominee — the affected person or the Part 3B payment nominee | The monetary value stored on the card |

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>