



Social Security (Administration) (Cashless Welfare Arrangements) (Declinable Transactions and Welfare Restricted Bank Account) Determination 2019

made under subsections 124PP(1) and 124PQ(2) of the
Social Security (Administration) Act 1999

Compilation No. 1

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Social Security (Administration) (Cashless Welfare Arrangements) (Declinable Transactions and Welfare Restricted Bank Account) Determination 2019* that shows the text of the law as amended and in force on 29 October 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Social Security (Administration) (Cashless Welfare Arrangements) (Declinable Transactions and Welfare Restricted Bank Account) Determination 2019*.

3 Authority

This instrument is made under subsections 124PP(1) and 124PQ(2) of the *Social Security (Administration) Act 1999*.

4 Definitions

Note: A number of expressions used in this instrument are defined in Part 3D of the Act, including the following:

- (a) restrictable payment;
- (b) program participant;
- (c) voluntary participant;
- (d) cash-like product.

In this instrument:

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

excluded goods or services means goods or services mentioned in items 5(a), 5(b) and 5(c) of Schedule 5 to this instrument.

Indue Limited means Indue Ltd (ABN 97 087 822 464).

Merchant Category codes means the merchant category codes under ISO 18245:2003 of the International Organisation for Standardisation as in force at the commencement of this instrument.

Australian and New Zealand Standard Industrial Classification codes means the Australian and New Zealand Standard Industrial Classification (ANZSIC) 2006 as in force at the commencement of this instrument.

Traditional Credit Union means Traditional Credit Union Limited (ABN 50 087 650 922)

welfare restricted bank account means a bank account of the kind referred to in section 7 of this instrument.

Part 2—Declinable Transactions

6 Declining of a transaction by a financial institution

For the purposes of subsection 124PQ(2) of the Act, the kinds of businesses specified in Schedule 2, Schedule 3 or Schedule 4 to this instrument are the kinds of businesses in relation to which transactions involving money in a welfare restricted bank account may be declined by a financial institution.

Part 3—Welfare Restricted Bank Account

7 Welfare restricted bank account

For the purposes of subsection 124PP(1) of the Act, the kind of bank account to be maintained by a program participant or voluntary participant for the receipt of restrictable payments is a debit card account established with:

- (a) Indue Limited; or
- (b) **Traditional Credit Union.**

8 Terms and conditions of welfare restricted bank account

For the purposes of subsection 124PP(2) of the Act, the terms and conditions relating to a welfare restricted bank account include the terms and conditions set out in Schedule 5 to this instrument.

Schedule 2—Declared kinds of business pursuant to subsection 124PQ(2)—By description

Item	Description
1	A business which sells alcoholic beverages, gambling services or a cash-like product that could be used to obtain alcoholic beverages or gambling services.
2	A business from which purchases may be made through online transactions or without the need to present a debit card, and the transaction involving money in a welfare restricted bank account is proposed to be made without presenting a welfare restricted bank account debit card.
3	A business which there are reasonable grounds for believing engages or has engaged in transactions with a program participant or voluntary participant that facilitate, or are designed to facilitate, access by the participant to cash or cash-like products.
4	A business that would, if it were operating its business under the correct Merchant Category code or Australian and New Zealand Standard Industrial Classification code, be a kind of business to which Schedule 3 or 4 to this instrument would apply.

Schedule 3—Declared kinds of business pursuant to subsection 124PQ(2)—By Merchant Category codes

Item	MCC Code	Description
1	4829	Quasi Cash – Wire Transfer Money Order
2	5309	Duty Free Stores
3	5813	Drinking Places (Alcoholic Beverages)—Bars, Taverns, Nightclubs, Cocktail Lounges and Discotheques
4	5921	Package Stores—Beer, Wine and Liquor
5	6010	Member Financial Institution—Manual Cash Disbursements
6	6011	Member Financial Institution—Automated Cash Disbursements
7	6012	Quasi Cash—Member Financial Institution—Merchandise and Services
8	6050	Quasi Cash—Member Financial Institution
9	6051	Non-Financial Institutions—Foreign Currency, Money Orders (not wire transfer) and Travelers Cheques
10	6211	Securities—Brokers and Dealers
11	6529	Quasi Cash—Remote Stored Value Load—Financial Institution
12	6530	Quasi Cash—Remote Stored Value Load—Merchant
13	6531	Payment Service Provider
14	6534	Quasi Cash—Money Transfer—Member Financial Institution
15	7511	Quasi Cash—Truck Stop Transactions
16	7778	Citishare Cash Advance
17	7932	Pool and Billiard Establishments
18	7995	Gambling Transactions and Betting, including Lottery Tickets, Casino Gaming Chips, Off-Track Betting, and Wagers at Race Track
19	9754	Quasi Cash—Gambling—Horse Racing, Dog Racing, State Lotteries

**Schedule 4—Declared kinds of business pursuant to
subsection 124PQ(2)—By Australian and New
Zealand Standard Industrial Classification
(ANZSIC) codes**

Item	ANZSIC code	Description
1	1212	Beer Manufacturing
2	1213	Spirit Manufacturing
3	1214	Wine and Other Alcoholic Beverage Manufacturing
4	3606	Liquor and Tobacco Product Wholesaling
5	4123	Liquor Retailing
6	4520	Pubs, Taverns and Bars
7	9201	Casino Operation
8	9202	Lottery Operation
9	9209	Other Gambling Activities

Schedule 5—Terms and conditions relating to the establishment, ongoing maintenance and closure of welfare restricted bank accounts

- (1) A welfare restricted bank account can only be:
 - (a) opened in a single name; and
 - (b) operated by the sole holder of the account or their Part 3B payment nominee.
- (2) A debit card will be provided to the holder of a welfare restricted bank account.
- (3) Any amount of money can be deposited into a welfare restricted bank account.
- (4) Cash cannot be withdrawn from a welfare restricted bank account, whether through the use of a debit card attached to the account or by other methods of withdrawal.
- (5) Systems are in place which, so far as possible, prevent money in a welfare restricted bank account, and a debit card attached to that account, being used to purchase:
 - (a) alcoholic beverages; or
 - (b) gambling; or
 - (c) a cash-like product that could be used to obtain alcoholic beverages or gambling.
- (6) Systems are in place which, so far as possible, prevent a program participant or voluntary participant transferring money from a welfare restricted bank account to another bank account that is not a welfare restricted bank account unless the money is transferred for a purpose other than enabling the program participant or voluntary participant to access cash or obtain excluded goods or services.
- (7) The debit card attached to the welfare restricted bank account may be used to purchase goods or services over the telephone or internet, or without presenting the debit card.
- (8) Fees may not be charged in relation to depositing money into a welfare restricted bank account, or in relation to providing a debit card attached to a welfare restricted bank account to a program participant or voluntary participant.
- (9) Interest cannot be charged on a balance in a welfare restricted bank account that is less than zero.

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- (10) A welfare restricted bank account may be closed by the financial institution with which the account is held, without the consent of the holder of the account, if:
- (a) the holder of the account ceases to be a program participant or voluntary participant;
 - (b) the holder of the account has died; or
 - (c) the following requirements are satisfied:
 - (i) the holder of the account (*first account*) has given the Secretary notice of their intention to have a welfare restricted bank account administered by another financial institution named in section 7 of this Determination (*second account*), with such notice having been given in the form approved, and in the manner required, by the Secretary; and
 - (ii) the second account has been established; and
 - (iii) the first account has a nil balance.
- (11) A welfare restricted bank account may be used in an arrangement involving automatic drawing or withdrawal of monies by a third party that is based on BSB and account number.
- (12) Limitations may be placed on the amounts a program participant or voluntary participant can spend using a debit card attached to his or her welfare restricted bank account.
- (13) Limitations may be placed on the amounts a particular holder of a welfare restricted bank account can transfer out of his or her welfare restricted bank account.
- (14) Limitations may be placed on a welfare restricted bank account and a debit card attached to that bank account to prevent money in the bank account being used to purchase excluded goods or services.
- (15) Where a welfare restricted bank account is held by a person who has ceased to be a program participant or voluntary participant, the financial institution administering that account may transfer any remaining funds in that account to a bank account that the account holder had previously given notice of to the Secretary.
- (16) Where a welfare restricted bank account was held by a person who has died, the financial institution administering that account may transfer any remaining funds in that account to a bank account nominated by the executor or administrator of the person's estate.
- (17) Where:
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- (a) a program participant or voluntary participant has funds held in a welfare restricted bank account (*first account*); and
 - (b) they have given the Secretary notice of their intention to have a welfare restricted bank account administered by another financial institution named in section 7 of this Determination (*second account*); and
 - (c) the notice was given to the Secretary in the form approved, and in the manner required, by the Secretary; and
 - (d) the second account is established,

the financial institution administering the first account may transfer the funds held in that account to the second account.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Social Security (Administration) (Trial of Cashless Welfare Arrangements) (Declinable Transactions and Welfare Restricted Bank Account) Determination 2019	28 June 2019 (F2019L00911)	29 June 2019 (s 2)	
Social Security (Administration) Amendment (Trial of Cashless Welfare Arrangements) (Declinable Transactions and Welfare Restricted Bank Account) Determination 2021	28 Oct 2021 (F2021L01473)	29 Oct 2021 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 1	am F2021L01473
s 2	rep LA s 48D
s 4	am F2021L01473
s 5	rep LA s 48C
Part 3	
s 7	am F2021L01473
s 8	am F2021L01473
Schedule 1	rep LA s 48C
Schedule 2	
Schedule 2	am F2021L01473
Schedule 5	
Schedule 5	am F2021L01473