



Social Security (Administration) Amendment (Trial of Cashless Welfare Arrangements) (Declinable Transactions and Welfare Restricted Bank Account) Determination 2021

I, Raymond Griggs, AO, CSC, Secretary of the Department of Social Services, make the following instrument.

Dated 5 October 2021

Raymond Griggs
Secretary
Department of Social Services

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1 Name

This instrument is the *Social Security (Administration) Amendment (Trial of Cashless Welfare Arrangements) (Declinable Transactions and Welfare Restricted Bank Account) Determination 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument.	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

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

1 Section 1

Omit “Trial of”.

2 Section 4 (paragraph (b) of the note)

Omit “trial participant”, substitute “program participant”.

3 Section 4 (definition of *trial period*)

Repeal the definition.

4 Section 4

Add new definition before ‘trial period’:

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

5 Section 7

Repeal the paragraph, substitute:

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.**

6 Section 8

Omit “includes”, substitute “include”.

7 Schedule 2 (at the end of table)

Add:

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.
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8 Schedule 5 (paragraph (b) of item (1))

Repeal the paragraph, substitute:

- (b) operated by the sole holder of the account or their Part 3B payment nominee.

9 Schedule 5 (item (6))

Omit “trial participant” (wherever occurring), substitute “program participant”.

10 Schedule 5 (item (8))

Omit “trial participant”, substitute “program participant”.

11 Schedule 5 (item (10))

Repeal the item, substitute:

- (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.

12 Schedule 5 (item (12))

Omit “trial participant”, substitute “program participant”.

13 At the end of Schedule 5

Add:

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- (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:
- (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.