



## **Social Security (Administration) (Declinable Transactions and BasicsCard Bank Account) Determination 2023**

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I, Ray Griggs, Secretary of the Department of Social Services, make the following determination.

Dated 1 March 2023

Ray Griggs  
Secretary, Department of Social Services

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# Part 1—Preliminary

## 1 Name

This instrument is the *Social Security (Administration) (Declinable Transactions and BasicsCard Bank Account) Determination 2023*.

## 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. Sections 1 to 8 and anything not elsewhere covered by this table | On the day after this instrument is registered.   |              |
| 2. Schedules 1 to 4   | On the day after this instrument is registered.   |              |
| 3. Schedule 5   | Immediately after the commencement of Part 2 of Schedule 1 of the <i>Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Act 2022</i> . |              |

Note: This table relates only to the provisions of this instrument as originally made.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 123SU(1), 123SU(2) and 123SV(2) of the *Social Security (Administration) Act 1999*.

## 4 Definitions

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

- (a) cash-like product;
- (b) excluded goods;
- (c) excluded services;
- (d) Part 3B payment nominee;
- (e) subject to the enhanced income management regime.

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In this instrument:

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

**BasicsCard bank account** means a bank account of the kind referred to in section 7 of this instrument.

**Indue** 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).

## 5 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.

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## **Part 2—Declinable Transactions**

### **6 Declining of a transaction by a financial institution**

For the purposes of subsection 123SV(2) of the Act, the kinds of businesses specified in Schedule 1, Schedule 2 or Schedule 3 to this instrument are the kinds of businesses in relation to which transactions involving money in a BasicsCard bank account may be declined by a financial institution.

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## **Part 3—BasicsCard Bank Account**

### **7 BasicsCard bank account**

For the purposes of subsection 123SU(1) of the Act, the kind of bank account to be maintained by a person who is subject to the enhanced income management regime for the receipt of payments is a bank account established with:

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

### **8 Terms and conditions of BasicsCard bank account**

For the purposes of subsection 123SU(2) of the Act, the terms and conditions relating to a BasicsCard bank account include the terms and conditions set out in Schedule 4 to this instrument.



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## **Schedule 1—Declared kinds of business pursuant to subsection 123SV(2)—By description**

| <b>Item</b> | <b>Description</b>  |
|-------------|---|
| 1           | A business which sells excluded goods, excluded services or a cash-like product that could be used to obtain excluded goods or excluded services.   |
| 2           | A business from which purchases may be made through online transactions or without the need to present a card, and the transaction involving money in a BasicsCard bank account is proposed to be made without presenting a BasicsCard bank account card.             |
| 3           | A business which there are reasonable grounds for believing engages or has engaged in transactions with a person subject to the enhanced income management regime that facilitate, or are designed to facilitate, access by the person 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 2 or 3 to this instrument would apply.               |

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**Schedule 2—Declared kinds of business pursuant to  
subsection 123SV(2)—By Merchant Category  
codes**

| <b>Item</b> | <b>MCC Code</b> | <b>Description</b>   |
|-------------|-----------------|--|
| 1           | 4829            | Quasi Cash—Wire Transfer Money Order   |
| 2           | 5309            | Duty Free Stores   |
| 3           | 5813            | Drinking Places (Alcoholic Beverages)—Bars, Taverns,<br>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<br>Services  |
| 8           | 6050            | Quasi Cash—Member Financial Institution  |
| 9           | 6051            | Non-Financial Institutions—Foreign Currency, Money Orders<br>(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,<br>Casino Gaming Chips, Off-Track Betting, and Wagers at Race<br>Track |
| 19          | 9754            | Quasi Cash—Gambling—Horse Racing, Dog Racing, State<br>Lotteries   |

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**Schedule 3—Declared kinds of business pursuant to  
subsection 123SV(2)—By Australian and New  
Zealand Standard Industrial Classification  
(ANZSIC) codes**

| <b>Item</b> | <b>ANZSIC code</b> | <b>Description</b>                              |
|-------------|--------------------|---|
| 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                       |
| 10          | 5993               | Cigar Stores and Stands                         |

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## **Schedule 4—Terms and conditions relating to the establishment, ongoing maintenance and closure of BasicsCard bank accounts**

### *Establishment of account*

- (1) A BasicsCard 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 BasicsCard bank account.
- (3) Any amount of money can be deposited into a BasicsCard bank account.

### *Maintenance of a BasicsCard bank account*

- (4) Subject to (13), a person may transfer money from one BasicsCard bank account to another BasicsCard bank account.
- (5) The debit card attached to the BasicsCard bank account may be used to purchase goods or services over the telephone or internet, or without presenting the debit card.
- (6) Subject to (11), a BasicsCard 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.
- (7) Fees may not be charged in relation to depositing money into a BasicsCard bank account, or in relation to providing a debit card attached to a BasicsCard bank account to a person.
- (8) Interest cannot be charged on a balance in a BasicsCard bank account.

### *Restrictions on the use of a BasicsCard bank account*

- (9) Cash cannot be withdrawn from a BasicsCard bank account, whether through the use of a debit card attached to the account or by other methods of withdrawal.
- (10) Systems are in place which, so far as possible, prevent money in a BasicsCard bank account, and a debit card attached to that account, being used to purchase excluded goods, excluded services or a cash-like product that could be used to obtain excluded goods or excluded services.

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- (11) Systems are in place which, so far as possible, prevent a person transferring money from a BasicsCard bank account to another bank account that is not a BasicsCard bank account unless the money is transferred for a purpose other than enabling the person to access cash or obtain cash-like products, excluded goods or excluded services.
  - (12) Limitations may be placed on the amounts a person can spend using a debit card attached to his or her BasicsCard bank account.
  - (13) Limitations may be placed on the amounts a particular holder of a BasicsCard bank account can transfer out of his or her BasicsCard bank account.
  - (14) Limitations may be placed on a BasicsCard 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.

*Closure of a BasicsCard bank account*

- (15) A BasicsCard 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 subject to the enhanced income management regime;
  - (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 BasicsCard 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.
- (16) Where a BasicsCard bank account is held by a person who has ceased to be subject to the enhanced income management regime, the financial institution administering that account may:
  - (a) if the account has a nil balance—close the account within 91 days of the person ceasing to be subject to the enhanced income management regime; or
  - (b) transfer any remaining funds in that account to a bank account that the account holder had previously given notice of to the Secretary with 91 days of the person ceasing to be subject to the enhanced income management regime.

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- (17) Where a BasicsCard bank account was held by a person who has died, the financial institution administering that account may:
- (a) if the account has a nil balance—close the account within 91 days of the person deceasing; or
  - (b) where the account has remaining funds and the deceased person held an account in their sole name that they had previously given notice of to the Secretary—transfer any remaining funds in the BasicsCard bank account into that other account within 91 days of the person deceasing.
- (18) Where:
- (a) a person subject to the enhanced income management regime has funds held in a BasicsCard bank account (*first account*); and
  - (b) they have given the Secretary notice of their intention to have a BasicsCard 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.

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## Schedule 5—Repeals

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

#### **1 The whole of the instrument**

Repeal the instrument