





# **Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Act 2022**

**No. 39, 2022**

**An Act to amend the law relating to social security,  
and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**No. 39, 2022**

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## **An Act to amend the law relating to social security, and for related purposes**

*[Assented to 30 September 2022]*

The Parliament of Australia enacts:

### **1 Short title**

This Act is the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Act 2022*.

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No. 39, 2022      *Social Security (Administration) Amendment (Repeal of Cashless Debit  
Card and Other Measures) Act 2022*      1

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## 2 Commencement

- (1) Each provision of this Act 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	30 September 2022
2. Schedule 1, Part 1	The later of: (a) the day after this Act receives the Royal Assent; and (b) 19 September 2022.	1 October 2022 (paragraph (a) applies)
2A. Schedule 1, Part 1A	Immediately after the commencement of the provisions covered by table item 2.	1 October 2022
2B. Schedule 1, Part 1B	Immediately after the commencement of the provisions covered by table item 2.	1 October 2022
3. Schedule 1, Part 2	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
4. Schedules 2 and 2A	The day after this Act receives the Royal Assent.	1 October 2022

Note: This table relates only to the provisions of this Act as originally enacted.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

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

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### **3 Schedules**

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

## Schedule 1—Amendments

### Part 1—Stage 1 amendments

#### *A New Tax System (Family Assistance) (Administration) Act 1999*

##### **1A After paragraph 66(2)(f)**

Insert:

(fa) Part 3AA of the *Social Security (Administration) Act 1999*;  
and

#### *National Emergency Declaration Act 2020*

##### **1B Section 10 (after paragraph (zb) of the definition of national emergency law)**

Insert:

(zba) section 123SJ of the *Social Security (Administration) Act 1999*;

#### *Social Security Act 1991*

##### **1C Subsection 1061EK(1)**

After “Parts”, insert “3AA,”.

##### **1D Paragraph 1222(1)(ba)**

After “Parts”, insert “3AA,”.

##### **1E Subsection 1222(2) (table item 20, column 2)**

After “Parts”, insert “3AA,”.

##### **1F Paragraph 1230(1)(a)**

After “Part”, insert “3AA,”.

##### **1G Subsections 1230C(1) and (2)**

After “Part”, insert “3AA,”.

**1H Paragraph 1234A(1)(a)**

After “Act, Part”, insert “3AA,”.

**1J Subsection 1237AB(1)**

After “Part”, insert “3AA,”.

***Social Security (Administration) Act 1999***

**1K After paragraph 60(2)(a)**

Insert:

(aaa) Part 3AA of this Act; and

**1L After section 70**

Insert:

**70AA Person who is subject to the enhanced income management regime etc.**

*Scope*

- (1) This section applies to a person if:
  - (a) the person is subject to the enhanced income management regime (within the meaning of Part 3AA); or
  - (b) the Secretary is satisfied that it is likely that the person will become subject to the enhanced income management regime (within the meaning of Part 3AA).

*Requirement*

- (2) The Secretary may give the person a notice that requires the person to do either or both of the following:
  - (a) inform the Department if:
    - (i) a specified event or change of circumstances occurs; or
    - (ii) the person becomes aware that a specified event or change of circumstances is likely to occur;
  - (b) give the Department one or more statements about a matter that might affect the operation, or prospective operation, of Part 3AA in relation to the person.

- (3) An event or change of circumstances is not to be specified in a notice under this section unless the occurrence of the event or change of circumstances might affect the operation, or prospective operation, of Part 3AA in relation to the person.

**1M After paragraph 72(3)(d)**

Insert:

- (da) in the case of a notice under section 70AA that requires the giving of information mentioned in paragraph 70AA(2)(a)—  
be the period of 14 days after:
- (i) the day on which the event or change of circumstances occurs; or
  - (ii) the day on which the person becomes aware that the event or change of circumstances is likely to occur;  
as the case may be; or
- (db) in the case of a notice under section 70AA that requires the giving of a statement mentioned in paragraph 70AA(2)(b)—  
end not earlier than 14 days after the day on which the notice is given; or

**1N Paragraph 72(4)(a)**

After “68”, insert “, 70AA”.

**1P Subsections 72(6) and (7)**

After “68”, insert “, 70AA”.

**1Q Subsection 74(1)**

After “70”, insert “, 70AA”.

**1R After Part 3A**

Insert:

## **Part 3AA—Enhanced income management regime**

### **Division 1—Introduction**

#### **123SA Simplified outline of this Part**

- There is an enhanced income management regime for recipients of certain welfare payments.
- A person may become subject to the enhanced income management regime because the Queensland Commission requires the person to be subject to the enhanced income management regime or if the person was a program participant under the Cape York provision in Part 3D immediately before 6 March 2023.
- Certain welfare payments are divided into qualified and unqualified portions, with the qualified portions being credited to a BasicsCard bank account. The amount of each portion may be varied by the Secretary. Recipients are unable to spend the qualified portions of such payments on certain goods or services such as alcohol, tobacco products or gambling.

#### **123SB Definitions**

In this Part:

***balance of the qualified portion***, of a category B welfare payment, means:

- (a) if a deduction is to be made from, or an amount is to be set off against, the payment under:
  - (i) section 61, 61A or 238 of this Act; or
  - (ii) section 1231 of the 1991 Act; or
  - (iii) section 84, 84A, 92, 92A, 225, 226, 227 or 228A of the Family Assistance Administration Act;the amount of the qualified portion of the payment less the amount of the deduction or the amount of the set-off; or

- (b) in any other case—the amount of the qualified portion of the payment.

**BasicsCard bank account** means a bank account of a kind determined by a legislative instrument made under section 123SU.

**cash-like product** includes the following:

- (a) a gift card, store card, voucher or similar article (whether in a physical or electronic form);
- (b) a money order, postal order or similar order (whether in a physical or electronic form);
- (c) digital currency.

**category A welfare payment** means:

- (a) a social security benefit; or
- (b) a social security pension; or
- (c) a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as living allowance.

**category B welfare payment** means:

- (a) a category A welfare payment; or
- (b) double orphan pension; or
- (c) family tax benefit under the Family Assistance Act; or
- (d) family tax benefit advance under the Family Assistance Administration Act; or
- (e) stillborn baby payment under the Family Assistance Act; or
- (f) carer allowance; or
- (g) child disability assistance; or
- (h) carer supplement; or
- (i) mobility allowance; or
- (j) pensioner education supplement; or
- (k) telephone allowance under Part 2.25 of the 1991 Act; or
- (l) utilities allowance under Part 2.25A of the 1991 Act; or
- (m) a distance education payment under the scheme known as the Assistance for Isolated Children Scheme, where the payment relates to a child or children at a Homelands Learning Centre; or

- (n) a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as pensioner education supplement; or
- (o) a social security bereavement payment; or
- (p) an advance payment under Part 2.22 of the 1991 Act; or
- (q) an advance pharmaceutical allowance under Part 2.23 of the 1991 Act; or
- (r) a mobility allowance advance under section 1045 of the 1991 Act.

*eligible recipient* has the same meaning as in Part 3B.

*excluded goods* has the same meaning as in Part 3B.

*excluded service* has the same meaning as in Part 3B.

*Part 3B payment nominee* has the same meaning as in Part 3B.

*qualified portion*, of a category B welfare payment, has the meaning given by section 123SJ.

*Queensland Commission* has the same meaning as in Part 3B.

*subject to the enhanced income management regime* has the meaning given by Division 2.

*unqualified portion*, of a category B welfare payment, has the meaning given by section 123SJ.

## **Division 2—Persons subject to the enhanced income management regime**

### **123SC Persons subject to the enhanced income management regime—Queensland Commission**

- (1) For the purposes of this Part, a person is *subject to the enhanced income management regime* at a particular time (the *test time*) on or after 6 March 2023 if:
  - (a) at the test time, the person, or the person's partner, is an eligible recipient of a category A welfare payment; and

- (b) on or after 6 March 2023, the Queensland Commission gave the Secretary a written notice requiring that the person be subject to the income management regime under Part 3B; and
  - (c) the notice was given under a law of Queensland; and
  - (d) at the test time, the notice had not been withdrawn or revoked and had not expired; and
  - (e) if, at the test time, the person has a Part 3B payment nominee—that nominee is subject to the enhanced income management regime or is subject to the income management regime (within the meaning of Part 3B).
- (2) For the purposes of this Part, a person is ***subject to the enhanced income management regime*** at a particular time (the ***test time***) on or after 6 March 2023 if:
- (a) at the test time, the person, or the person’s partner, is an eligible recipient of a category A welfare payment; and
  - (b) subsection (3) applies in relation to the person; and
  - (c) if, at the test time, the person has a Part 3B payment nominee—that nominee is subject to the enhanced income management regime or is subject to the income management regime (within the meaning of Part 3B).
- (3) This subsection applies in relation to a person if:
- (a) immediately before 6 March 2023, subitem 97(2) or (4) of Schedule 1 to the *Social Security (Administration) Amendment (Continuation of Cashless Welfare) Act 2020* applies in relation to the person and a notice; and
  - (b) immediately before 6 March 2023, the person was a program participant under section 124PGD.
- (4) Subsection (3) ceases to apply in relation to the person if on or after 6 March 2023 the notice referred to in paragraph (3)(a) is withdrawn or revoked by the Queensland Commission or expires.
- (5) This section applies on and after 6 March 2023 despite item 97 of Schedule 1 to the *Social Security (Administration) Amendment (Continuation of Cashless Welfare) Act 2020*.
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### **123SI Relationship with other provisions**

If a person is subject to the enhanced income management regime at a particular time, then the person cannot be subject to the income management regime under Part 3B at that time and cannot be a program participant or a voluntary participant under Part 3D at that time.

## **Division 3—Deductions from welfare payments**

### **Subdivision A—Persons subject to the enhanced income management regime—Queensland Commission**

#### **123SJ Category B welfare payment to be split into qualified and unqualified portions**

##### *Payments by instalments*

- (1) If an instalment of a category B welfare payment is payable to a person who is subject to the enhanced income management regime under section 123SC:
  - (a) the percentage of the gross amount of the payment that is qualified (the ***qualified portion***) is the percentage determined by the Secretary under subsection (2) of this section, after consultation with the Queensland Commission; and
  - (b) the percentage of the gross amount of the payment that is unqualified (the ***unqualified portion***) is the percentage that is equal to 100% minus the percentage applicable under paragraph (a).

Note: The percentage may be varied under subsection (4).

- (2) The Secretary may determine a percentage in relation to a person for the purposes of paragraph (1)(a).

##### *Payments otherwise than by instalments*

- (3) If a category B welfare payment is payable, otherwise than by instalments, to a person who is subject to the enhanced income management regime under section 123SC, 100% of the gross amount of the payment is qualified (the ***qualified portion***).

Note: The percentage may be varied under subsection (4).

*Variation by Secretary*

- (4) For a person who is subject to the enhanced income management regime under section 123SC, the Secretary may make a determination that:
- (a) varies the percentage applicable under paragraph (1)(a) to 0%; and
  - (b) varies the percentage applicable under paragraph (1)(b) to 100%; and
  - (c) varies the percentage applicable under subsection (3) to 0%.
- (5) The Secretary may make a determination under subsection (4) only if:
- (a) the Secretary is satisfied that the person is unable to use the person's debit card that was issued to the person and that is attached to the person's BasicsCard bank account, or is unable to access that account, as a direct result of:
    - (i) a technological fault or malfunction with that card or account; or
    - (ii) a natural disaster; or
    - (iii) if a national emergency declaration (within the meaning of the *National Emergency Declaration Act 2020*) is in force—an emergency to which the declaration relates; or
  - (b) the person's category B welfare payment is payable in instalments and the Secretary is satisfied that any part of the payment is payable:
    - (i) at a time determined under subsection 43(2), where that determination is made because the person is in severe financial hardship as a result of exceptional and unforeseen circumstances; or
    - (ii) under a determination under subsection 51(1).

*When determinations take effect*

- (6) A determination under subsection (2) or (4) takes effect on the day specified in the determination (which must not be earlier than the day on which the determination is made).

*Determinations are not legislative instruments*

- (7) A determination under subsection (2) or (4) is not a legislative instrument.

**123SK Payment of balance of qualified portion of category B welfare payment**

If a category B welfare payment is payable to a person who is subject to the enhanced income management regime under section 123SC, the Secretary must pay the balance of the qualified portion of the payment to the credit of a BasicsCard bank account maintained by the person.

**123SL Recipient's use of funds from category B welfare payments**

A person who receives a category B welfare payment:

- (a) may use the balance of the qualified portion of the payment, as paid under section 123SK, to obtain goods or services, other than:
  - (i) excluded goods or excluded services; or
  - (ii) a cash-like product that could be used to obtain excluded goods or excluded services; and
- (b) may use the unqualified portion of the payment, as paid to the person, at the person's discretion.

**Division 4—Information**

**123SS Disclosure of information to the Secretary—financial institution**

- (1) Despite any law (whether written or unwritten) in force in a State or Territory, an officer or employee of a financial institution may give the Secretary information about a person if:
- (a) the person is subject to the enhanced income management regime; and
  - (b) the disclosed information is relevant to the operation of this Part.

Note: Subsection 202(8A) allows a person to disclose information about a BasicsCard bank account to a financial institution.

- (2) If information about a person is disclosed as mentioned in subsection (1), the Secretary may disclose information about the person to an officer or employee of the financial institution for the purposes of the performance of the duties, or the exercise of the powers, of the officer or employee.

**123ST Disclosure of information—Queensland Commission**

- (1) Despite any law (whether written or unwritten) in force in Queensland, the Queensland Commission may give the Secretary information about a person if:
- (a) either:
    - (i) the person is subject to the enhanced income management regime under section 123SC; or
    - (ii) the Queensland Commission is considering whether to give a notice of the kind referred to in paragraph 123SC(1)(b) in relation to the person; and
  - (b) the disclosed information is relevant to the operation of this Part.
- (2) If information about a person is disclosed by the Queensland Commission as mentioned in subsection (1), the Secretary may disclose information about the person to the Queensland Commission for the purposes of the performance of the functions, or the exercise of the powers, of the Queensland Commission.
- (3) If:
- (a) a person ceases to be subject to the enhanced income management regime under section 123SC because of the cancellation of a category A welfare payment of the person or the person's partner; and
  - (b) immediately before the cancellation, the relevant notice referred to in paragraph 123SC(1)(b) or (3)(a) had not been withdrawn or revoked and had not expired;
- then, as soon as practicable after the cancellation, the Secretary must give the Queensland Commission written notice of the cancellation.

## **Division 5—Other matters**

### **123SU BasicsCard bank accounts**

- (1) For the purposes of this Part, the Secretary may, by legislative instrument, determine a kind of bank account to be maintained by a person who is subject to the enhanced income management regime for the receipt of payments under this Part.
- (2) A legislative instrument determining a kind of bank account may also prescribe terms and conditions relating to the establishment, ongoing maintenance and closure of the bank account so determined.

### **123SV Exceptions to Part IV of the Competition and Consumer Act 2010**

- (1) For the purposes of subsection 51(1) of the *Competition and Consumer Act 2010*, the declining of a transaction by a financial institution is specified and specifically authorised if the transaction would involve:
  - (a) money in a BasicsCard bank account; and
  - (b) a business of a kind specified in a legislative instrument made under subsection (2).
- (2) The Secretary may, by legislative instrument, declare a kind of business, whether by reference to merchant category codes, terminal identification codes, card accepted identification codes or otherwise, in relation to which transactions involving money in a BasicsCard bank account may be declined by a financial institution.
- (3) For the purposes of subsection 51(1) of the *Competition and Consumer Act 2010*, the declining of a transaction by a supplier of goods or services is specified and specifically authorised if the transaction would involve:
  - (a) money in a BasicsCard bank account; and
  - (b) the obtaining of:
    - (i) excluded goods or excluded services; or

- (ii) a cash-like product that could be used to obtain excluded goods or excluded services.
- (4) To avoid doubt, for the purposes of this section, it does not matter whether money in a BasicsCard bank account represents the qualified portion or unqualified portion of a payment.

**123SW This Part has effect despite other provisions etc.**

This Part has effect despite anything in:

- (a) any other provision of this Act; or
- (b) the 1991 Act; or
- (c) the Family Assistance Act; or
- (d) the Family Assistance Administration Act.

**1 Section 123TC**

Insert:

*closure day* means the day on which Part 1 of Schedule 1 to the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Act 2022* commences.

**1S Section 123TC (before subparagraph (b)(i) of the definition of *excluded Part 3B payment nominee*)**

Insert:

- (ia) is not subject to the enhanced income management regime (within the meaning of Part 3AA); and

**1T Section 123TC**

Insert:

*repeal day* means the day on which Part 2 of Schedule 1 to the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Act 2022* commences.

**7 At the end of section 123UCA**

Add:

- (5) If:

- (a) a person was a program participant under section 124PGE on the day before the closure day; and
  - (b) on or after that day and before the repeal day, the Secretary made a determination under subsection 124PHA(1) or 124PHB(3) in relation to the person;
- then, despite subsection (1) of this section, the person cannot become subject to the income management regime under this section at any time after the making of that determination.

#### **11 At the end of section 123UCB**

Add:

- (6) If:
  - (a) a person was a program participant under section 124PGE on the day before the closure day; and
  - (b) on or after that day and before the repeal day, the Secretary made a determination under subsection 124PHA(1) or 124PHB(3) in relation to the person;then, despite subsections (1) and (2) of this section, the person cannot become subject to the income management regime under this section at any time after the making of that determination.

#### **15 At the end of section 123UCC**

Add:

- (6) If:
  - (a) a person was a program participant under section 124PGE on the day before the closure day; and
  - (b) on or after that day and before the repeal day, the Secretary made a determination under subsection 124PHA(1) or 124PHB(3) in relation to the person;then, despite subsections (1) and (2) of this section, the person cannot become subject to the income management regime under this section at any time after the making of that determination.

#### **17 After subsection 123UD(4)**

Insert:

- (4B) If:

- (a) a person was a program participant under section 124PGE on the day before the closure day; and
  - (b) on or after that day and before the repeal day, the Secretary made a determination under subsection 124PHA(1) or 124PHB(3) in relation to the person;
- then, despite subsections (1) and (4) of this section, the person cannot become subject to the income management regime under this section at any time after the making of that determination.

#### **19 At the end of section 123UE**

Add:

- (6) If:
  - (a) a person was a program participant under section 124PGE on the day before the closure day; and
  - (b) on or after that day and before the repeal day, the Secretary made a determination under subsection 124PHA(1) or 124PHB(3) in relation to the person;then, despite subsections (1) and (4) of this section, the person cannot become subject to the income management regime under this section at any time after the making of that determination.

#### **28 At the end of section 123UFAA**

Add:

- (4) If:
  - (a) a person was a program participant under section 124PGE on the day before the closure day; and
  - (b) on or after that day and before the repeal day, the Secretary made a determination under subsection 124PHA(1) or 124PHB(3) in relation to the person;then, despite subsections (1) and (2) of this section, the person cannot become subject to the income management regime under this section at any time after the making of that determination.

#### **29 Subdivision E of Division 2 of Part 3B**

Repeal the Subdivision.

**30 Paragraph 123ZN(1)(aa)**

Repeal the paragraph.

**31 Subsection 124PD(1)**

Insert:

*closure day* means the day on which Part 1 of Schedule 1 to the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Act 2022* commences.

**32 Section 124PF**

Repeal the section.

**33 At the end of section 124PG**

Add:

- (7) The Secretary cannot give a notice under subsection (4) on or after the closure day.

*Ceasing to be a program participant*

- (8) A person may make a request to the Secretary to cease to be a program participant under this section. The request cannot be withdrawn or revoked.
- (9) If the person does so, the Secretary must give the person a notice stating that the person ceases to be a program participant under this section. The notice comes into force on a day specified in the notice (which must be no later than 7 days after the day on which the request was made).
- (10) A notice under subsection (9) has effect accordingly.
- (11) A notice under subsection (9) is not a legislative instrument.

**34 At the end of section 124PGA**

Add:

- (7) The Secretary cannot give a notice under subsection (4) on or after the closure day.

*Ceasing to be a program participant*

- (8) A person may make a request to the Secretary to cease to be a program participant under this section. The request cannot be withdrawn or revoked.
- (9) If the person does so, the Secretary must give the person a notice stating that the person ceases to be a program participant under this section. The notice comes into force on a day specified in the notice (which must be no later than 7 days after the day on which the request was made).
- (10) A notice under subsection (9) has effect accordingly.
- (11) A notice under subsection (9) is not a legislative instrument.

**35 At the end of section 124PGB**

Add:

- (7) The Secretary cannot give a notice under subsection (4) on or after the closure day.

*Ceasing to be a program participant*

- (8) A person may make a request to the Secretary to cease to be a program participant under this section. The request cannot be withdrawn or revoked.
- (9) If the person does so, the Secretary must give the person a notice stating that the person ceases to be a program participant under this section. The notice comes into force on a day specified in the notice (which must be no later than 7 days after the day on which the request was made).
- (10) A notice under subsection (9) has effect accordingly.
- (11) A notice under subsection (9) is not a legislative instrument.

**36 At the end of section 124PGC**

Add:

- (7) The Secretary cannot give a notice under subsection (4) on or after the closure day.

*Ceasing to be a program participant*

- (8) A person may make a request to the Secretary to cease to be a program participant under this section. The request cannot be withdrawn or revoked.
- (9) If the person does so, the Secretary must give the person a notice stating that the person ceases to be a program participant under this section. The notice comes into force on a day specified in the notice (which must be no later than 7 days after the day on which the request was made).
- (10) A notice under subsection (9) has effect accordingly.
- (11) A notice under subsection (9) is not a legislative instrument.

**37 After paragraph 124PGD(1)(c)**

Insert:

- (ca) that notice was given before 6 March 2023; and

**39 After subsection 124PGE(7)**

Insert:

- (7A) The Secretary cannot give a notice under subsection (5) on or after the closure day.

**41 After subsection 124PH(1)**

Insert:

- (1A) A person cannot give a notification under subsection (1) on or after 6 March 2023.

**42 At the end of section 124PHA**

Add:

- (6) Despite subsections (3) and (3A), the Secretary cannot, on or after the closure day, revoke a determination made under subsection (1) before, on or after that day.

**43 At the end of section 124PHB**

Add:

*No revocations on or after the closure day*

- (11) Despite subsections (8) to (9A), the Secretary cannot, on or after the closure day, revoke a determination made under subsection (3) before, on or after that day.

**44 Paragraph 127(4)(aa)**

Repeal the paragraph, substitute:

- (aa) a decision to give a notice under subsection 123SE(3); or

**45 After paragraph 127(4)(ac)**

Insert:

- (ad) a decision to give a notice under subsection 124PG(9), 124PGA(9), 124PGB(9), 124PGC(9) or 124PGE(10); or

**46 Paragraph 144(l)**

Repeal the paragraph, substitute:

- (l) a decision to give a notice under subsection 123SE(3);

**47 After paragraph 144(lb)**

Insert:

- (lc) a decision to give a notice under subsection 124PG(9), 124PGA(9), 124PGB(9), 124PGC(9) or 124PGE(10);

**47A After paragraph 192(da)**

Insert:

- (daaa) the operation of Part 3AA;

**47B After paragraph 195(1)(c)**

Insert:

- (caa) to facilitate the administration of Part 3AA;

**47C After subsection 202(8)**

Insert:

*BasicsCard bank accounts*

- (8A) If protected information relates to the establishment or ongoing maintenance of a BasicsCard bank account (within the meaning of section 123SB), a person may do any of the following:
- (a) obtain the information;
  - (b) make a record of the information;
  - (c) disclose the information to a financial institution;
  - (d) otherwise use the information.

***Social Security (Administration) Amendment (Continuation of Cashless Welfare) Act 2020***

**47D At the end of subitem 97(3) of Schedule 1**

Add “before 6 March 2023”.

**47E Paragraph 97(4)(a) of Schedule 1**

After “item”, insert “and before 6 March 2023”.

**47F At the end of subitem 97(5) of Schedule 1**

Add “before 6 March 2023”.

**48 Saving provisions**

- (1) Subsections 123UP(2) and (3) and paragraph 123ZN(1)(aa) of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a person who became a program participant under section 124PGE of that Act before that commencement.
- (2) Paragraphs 127(4)(aa) and 144(1) of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a decision referred to in those paragraphs that was made before that commencement.

## Part 1A—Stage 1A amendments

### *National Emergency Declaration Act 2020*

#### **48A Section 10 (paragraph (zba) of the definition of *national emergency law*)**

After “section 123SJ”, insert “or 123SM”.

### *Social Security (Administration) Act 1999*

#### **48B Section 123SA**

After:

- A person may become subject to the enhanced income management regime because the Queensland Commission requires the person to be subject to the enhanced income management regime or if the person was a program participant under the Cape York provision in Part 3D immediately before 6 March 2023.

insert:

- A person may become subject to the enhanced income management regime because:
  - (a) the person meets the criteria relating to disengaged youth and the person’s usual place of residence is within the Northern Territory; or
  - (b) the person meets the criteria relating to long-term welfare payment recipients and the person’s usual place of residence is within the Northern Territory.

#### **48C Section 123SB**

Insert:

***balance of the qualified portion***, of a category D welfare payment, means:

- (a) if a deduction is to be made from, or an amount is to be set off against, the payment under:
  - (i) section 61, 61A or 238 of this Act; or
  - (ii) section 1231 of the 1991 Act; or
  - (iii) section 84, 84A, 92, 92A, 225, 226, 227 or 228A of the Family Assistance Administration Act;the amount of the qualified portion of the payment less the amount of the deduction or the amount of the set-off; or
- (b) in any other case—the amount of the qualified portion of the payment.

**category C welfare payment** means:

- (a) youth allowance; or
- (b) jobseeker payment; or
- (c) special benefit; or
- (d) pension PP (single); or
- (e) benefit PP (partnered).

**category D welfare payment** means:

- (a) a social security benefit; or
- (b) a disability support pension; or
- (c) a carer payment; or
- (d) a pension PP (single); or
- (e) a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as living allowance; or
- (f) double orphan pension; or
- (g) family tax benefit under the Family Assistance Act; or
- (h) family tax benefit advance under the Family Assistance Administration Act; or
- (i) stillborn baby payment under the Family Assistance Act; or
- (j) carer allowance; or
- (k) child disability assistance; or
- (l) carer supplement; or
- (m) mobility allowance; or
- (n) pensioner education supplement; or
- (o) telephone allowance under Part 2.25 of the 1991 Act; or

- (p) utilities allowance under Part 2.25A of the 1991 Act; or
- (q) a distance education payment under the scheme known as the Assistance for Isolated Children Scheme, where the payment relates to a child or children at a Homelands Learning Centre; or
- (r) a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as pensioner education supplement; or
- (s) a social security bereavement payment; or
- (t) an advance payment under Part 2.22 of the 1991 Act; or
- (u) an advance pharmaceutical allowance under Part 2.23 of the 1991 Act; or
- (v) a mobility allowance advance under section 1045 of the 1991 Act.

*exempt welfare payment recipient* has the same meaning as in Part 3B.

*qualified portion*, of a category D welfare payment, has the meaning given by section 123SM.

*unqualified portion*, of a category D welfare payment, has the meaning given by section 123SM.

#### 48D After section 123SC

Insert:

#### 123SD Persons subject to the enhanced income management regime—Northern Territory

*Disengaged youth*

- (1) For the purposes of this Part, a person is ***subject to the enhanced income management regime*** at a particular time (the ***test time***) on or after 6 March 2023 if:
  - (a) immediately before 6 March 2023:
    - (i) the person was a program participant under Part 3D; and
    - (ii) the person's usual place of residence was within the Northern Territory; and

- (b) at the test time, the person's usual place of residence is within the Northern Territory; and
  - (c) at the test time, the person is an eligible recipient of a category C welfare payment; and
  - (d) at the test time, the person is at least 15 years of age and under 25 years of age; and
  - (e) at the test time, the person is not an exempt welfare payment recipient; and
  - (f) if, at the test time, the person has a Part 3B payment nominee—that nominee is subject to the enhanced income management regime or is subject to the income management regime (within the meaning of Part 3B); and
  - (g) the person was an eligible recipient of a category C welfare payment for at least 13 weeks during the 26-week period ending immediately before the test time.
- (2) If:
- (a) a person is subject to the enhanced income management regime under subsection (1); and
  - (b) paragraph (1)(b) ceases to apply in relation to the person; and
  - (c) at the time of that cessation, paragraphs (1)(c), (d), (e) and (f) apply in relation to the person;
- then the person remains subject to the enhanced income management regime under subsection (1) until the earlier of the following:
- (d) the time paragraph (1)(c), (d), (e) or (f) ceases to apply in relation to the person;
  - (e) the end of the period of 13 weeks beginning on the day that paragraph (1)(b) ceased to apply in relation to the person.

*Long-term welfare payment recipient*

- (3) For the purposes of this Part, a person is ***subject to the enhanced income management regime*** at a particular time (the ***test time***) on or after 6 March 2023 if:
- (a) immediately before 6 March 2023:
    - (i) the person was a program participant under Part 3D; and
    - (ii) the person's usual place of residence was within the Northern Territory; and

- (b) at the test time, the person's usual place of residence is within the Northern Territory; and
  - (c) at the test time, the person is an eligible recipient of a category C welfare payment; and
  - (d) at the test time, the person is at least 25 years of age but has not reached pension age; and
  - (e) at the test time, the person is not an exempt welfare payment recipient; and
  - (f) if, at the test time, the person has a Part 3B payment nominee—that nominee is subject to the enhanced income management regime or is subject to the income management regime (within the meaning of Part 3B); and
  - (g) the person was an eligible recipient of a category C welfare payment for at least 52 weeks during the 104-week period ending immediately before the test time.
- (4) If:
- (a) a person is subject to the enhanced income management regime under subsection (3); and
  - (b) paragraph (3)(b) ceases to apply in relation to the person; and
  - (c) at the time of that cessation, paragraphs (3)(c), (d), (e) and (f) apply in relation to the person;
- then the person remains subject to the enhanced income management regime under subsection (3) until the earlier of the following:
- (d) the time paragraph (3)(c), (d), (e) or (f) ceases to apply in relation to the person;
  - (e) the end of the period of 13 weeks beginning on the day that paragraph (3)(b) ceased to apply in relation to the person.

#### **48E After Subdivision A of Division 3 of Part 3AA**

Insert:

**Subdivision B—Persons subject to the enhanced income  
management regime—Northern Territory**

**123SM Category D welfare payment to be split into qualified and  
unqualified portions**

*Payments by instalments*

- (1) If an instalment of a category D welfare payment is payable to a person who is subject to the enhanced income management regime under section 123SD:
  - (a) the percentage of the gross amount of the payment that is qualified (the *qualified portion*) is 50%; and
  - (b) the percentage of the gross amount of the payment that is unqualified (the *unqualified portion*) is 50%.

Note: The percentage may be varied under subsection (3).

*Payments otherwise than by instalments*

- (2) If a category D welfare payment is payable, otherwise than by instalments, to a person who is subject to the enhanced income management regime under section 123SD, 100% of the gross amount of the payment is qualified (the *qualified portion*).

Note: The percentage may be varied under subsection (3).

*Variation by Secretary*

- (3) For a person who is subject to the enhanced income management regime under section 123SD, the Secretary may make a determination that:
  - (a) varies the percentage applicable under paragraph (1)(a) to 0%; and
  - (b) varies the percentage applicable under paragraph (1)(b) to 100%; and
  - (c) varies the percentage applicable under subsection (2) to 0%.
- (4) The Secretary may make a determination under subsection (3) only if:
  - (a) the Secretary is satisfied that the person is unable to use the person's debit card that was issued to the person and that is

attached to the person's BasicsCard bank account, or is unable to access that account, as a direct result of:

- (i) a technological fault or malfunction with that card or account; or
  - (ii) a natural disaster; or
  - (iii) if a national emergency declaration (within the meaning of the *National Emergency Declaration Act 2020*) is in force—an emergency to which the declaration relates; or
- (b) the person's category D welfare payment is payable in instalments and the Secretary is satisfied that any part of the payment is payable:
- (i) at a time determined under subsection 43(2), where that determination is made because the person is in severe financial hardship as a result of exceptional and unforeseen circumstances; or
  - (ii) under a determination under subsection 51(1).
- (5) A determination under subsection (3) takes effect on the day specified in the determination (which must not be earlier than the day on which the determination is made).
- (6) A determination under subsection (3) is not a legislative instrument.

### **123SN Payment of balance of qualified portion of category D welfare payment**

If a category D welfare payment is payable to a person who is subject to the enhanced income management regime under section 123SD, the Secretary must pay the balance of the qualified portion of the payment to the credit of a BasicsCard bank account maintained by the person.

### **123SO Recipient's use of funds from category D welfare payments**

A person who receives a category D welfare payment:

- (a) may use the balance of the qualified portion of the payment, as paid under section 123SN, to obtain goods or services, other than:

- (i) excluded goods or excluded services; or
- (ii) a cash-like product that could be used to obtain excluded goods or excluded services; and
- (b) may use the unqualified portion of the payment, as paid to the person, at the person's discretion.

**48F Paragraph 127(4)(ad)**

Omit “, 124PGC(9) or 124PGE(10)”, substitute “or 124PGC(9)”.

**48G Paragraph 144(lc)**

Omit “, 124PGC(9) or 124PGE(10)”, substitute “or 124PGC(9)”.

## Part 1B—Stage 1B amendments

### *National Emergency Declaration Act 2020*

#### **48H Section 10 (before paragraph (zc) of the definition of national emergency law)**

Insert:

(zbb) section 123SP of the *Social Security (Administration) Act 1999*;

### *Social Security (Administration) Act 1999*

#### **48J Section 123SA**

Before:

- Certain welfare payments are divided into qualified and unqualified portions, with the qualified portions being credited to a BasicsCard bank account. The amount of each portion may be varied by the Secretary. Recipients are unable to spend the qualified portions of such payments on certain goods or services such as alcohol, tobacco products or gambling.

insert:

- A person may become subject to the enhanced income management regime because the person voluntarily agrees to be subject to the enhanced income management regime.

#### **48K Section 123SB**

Insert:

*balance of the qualified portion*, of a category G welfare payment, means:

- (a) if a deduction is to be made from, or an amount is to be set off against, the payment under:

- (i) section 61, 61A or 238 of this Act; or
  - (ii) section 1231 of the 1991 Act; or
  - (iii) section 84, 84A, 92, 92A, 225, 226, 227 or 228A of the Family Assistance Administration Act;
- the amount of the qualified portion of the payment less the amount of the deduction or the amount of the set-off; or
- (b) in any other case—the amount of the qualified portion of the payment.

***Bundaberg and Hervey Bay area*** means the area within the boundaries of the Division (within the meaning of the *Commonwealth Electoral Act 1918*) of Hinkler, as those boundaries were in force on 31 May 2018.

***category F welfare payment*** means:

- (a) a social security benefit; or
- (b) a disability support pension; or
- (c) a carer payment; or
- (d) a pension PP (single); or
- (e) a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as living allowance.

***category G welfare payment*** means:

- (a) a category F welfare payment; or
- (b) double orphan pension; or
- (c) family tax benefit under the Family Assistance Act; or
- (d) family tax benefit advance under the Family Assistance Administration Act; or
- (e) stillborn baby payment under the Family Assistance Act; or
- (f) carer allowance; or
- (g) child disability assistance; or
- (h) carer supplement; or
- (i) mobility allowance; or
- (j) pensioner education supplement; or
- (k) telephone allowance under Part 2.25 of the 1991 Act; or
- (l) utilities allowance under Part 2.25A of the 1991 Act; or

- (m) a distance education payment under the scheme known as the Assistance for Isolated Children Scheme, where the payment relates to a child or children at a Homelands Learning Centre; or
- (n) a payment under the scheme known as the ABSTUDY scheme that includes an amount identified as pensioner education supplement; or
- (o) a social security bereavement payment; or
- (p) an advance payment under Part 2.22 of the 1991 Act; or
- (q) an advance pharmaceutical allowance under Part 2.23 of the 1991 Act; or
- (r) a mobility allowance advance under section 1045 of the 1991 Act.

**Ceduna area** means Ceduna within the meaning of the *Social Security (Administration) (Trial Area — Ceduna and Surrounding Region) Determination 2015* as in force on 15 March 2016 and includes the Surrounding Region (within the meaning of that determination as so in force).

**East Kimberley area** means East Kimberley within the meaning of the *Social Security (Administration) (Trial Area — East Kimberley) Determination 2016* as in force on 26 April 2016 and includes the areas of each of the Included Communities (within the meaning of that determination as so in force).

**Goldfields area** means the following Local Government Areas as at 7 February 2018:

- (a) the Shire of Leonora;
- (b) the Shire of Laverton;
- (c) the City of Kalgoorlie-Boulder;
- (d) the Shire of Coolgardie;
- (e) the Shire of Menzies.

**Local Government Areas** means areas designated by the Governor of Western Australia to be a city, town or shire, in accordance with the *Local Government Act 1995* (WA).

**qualified portion**, of a category G welfare payment, has the meaning given by section 123SP.

*unqualified portion*, of a category G welfare payment, has the meaning given by section 123SP.

*voluntary enhanced income management agreement* has the meaning given by section 123SF.

#### **48L Before section 123SI**

Insert:

#### **123SE Persons subject to the enhanced income management regime—volunteers**

- (1) For the purposes of this Part, a person is *subject to the enhanced income management regime* at a particular time on or after 6 March 2023 if:
  - (a) at that time, a voluntary enhanced income management agreement is in force in relation to the person; or
  - (b) immediately before 6 March 2023, the person was a voluntary participant under section 124PH.

#### *Cessation—former section 124PH voluntary participants*

- (2) If paragraph (1)(b) applies to a person, the person may make a request to the Secretary to cease to be subject to the enhanced income management regime under this section. The request cannot be withdrawn or revoked.
- (3) If the person does so, the Secretary must give the person a notice stating that the person ceases to be subject to the enhanced income management regime under this section. The notice comes into force on a day specified in the notice (which must be no later than 7 days after the day on which the request was made).
- (4) A notice under subsection (3) has effect accordingly.
- (5) A notice under subsection (3) is not a legislative instrument.
- (6) Subsection (3) does not prevent paragraph (1)(a) applying in relation to the person at a later time.

### **123SF Voluntary enhanced income management agreement**

- (1) A person may enter into a written agreement with the Secretary under which the person agrees voluntarily to be subject to the enhanced income management regime throughout the period when the agreement is in force.
- (2) An agreement under subsection (1) is to be known as a *voluntary enhanced income management agreement*.
- (3) The Secretary must not enter into a voluntary enhanced income management agreement with a person unless:
  - (a) the person is an eligible recipient of a category F welfare payment; and
  - (b) the person's usual place of residence is within the Ceduna area, the East Kimberley area, the Goldfields area or the Bundaberg and Hervey Bay area; and
  - (c) if the person has a Part 3B payment nominee—that nominee is subject to the enhanced income management regime or is subject to the income management regime (within the meaning of Part 3B).
- (4) The Secretary must not enter into a voluntary enhanced income management agreement with a person if:
  - (a) the person is subject to the income management regime under Part 3B; or
  - (b) during the 12-month period ending when the voluntary enhanced income management agreement is to come into force, there were 4 occasions on which previous voluntary enhanced income management agreements relating to the person were terminated under subsection 123SH(3).

### **123SG Duration of voluntary enhanced income management agreement**

- (1) A voluntary enhanced income management agreement in relation to a person:

- (a) comes into force at the time specified in the agreement, so long as:
    - (i) at that time, the person is an eligible recipient of a category F welfare payment; and
    - (ii) at that time, the person's usual place of residence is within the Ceduna area, the East Kimberley area, the Goldfields area or the Bundaberg and Hervey Bay area; and
    - (iii) if, at that time, the person has a Part 3B payment nominee—that nominee is subject to the enhanced income management regime or is subject to the income management regime (within the meaning of Part 3B); and
    - (iv) at that time, the person is not subject to the income management regime under Part 3B; and
  - (b) remains in force until:
    - (i) it is terminated under section 123SH, unless subparagraph (ii) applies; or
    - (ii) if the agreement specifies a period (which must be at least 13 weeks) during which it is to remain in force, and the agreement has not been terminated under section 123SH before the end of that period—the end of that period.
- (2) If a voluntary enhanced income management agreement (the **original agreement**) in relation to a person is in force, subsection (1) does not prevent the Secretary from entering into a new voluntary enhanced income management agreement with the person, so long as the new agreement is expressed to come into force immediately after the original agreement ceases to be in force.
- (3) If a voluntary enhanced income management agreement in relation to a person has ceased to be in force, subsection (1) does not prevent the Secretary from entering into a new voluntary enhanced income management agreement with the person.

### **123SH Termination of voluntary enhanced income management agreement**

#### *Termination by request*

- (1) If a voluntary enhanced income management agreement in relation to a person is in force, the person may, by written notice given to the Secretary, request the Secretary to terminate the agreement.
- (2) However, a person may make a request under subsection (1) only if the agreement has been in force for at least 13 weeks.
- (3) The Secretary must comply with a request made in accordance with subsections (1) and (2) by terminating the agreement as soon as practicable after receiving the request.

#### *Other grounds for termination*

- (4) If:
  - (a) a voluntary enhanced income management agreement in relation to a person is in force; and
  - (b) either of the following events occurs:
    - (i) the person ceases to be an eligible recipient of a category F welfare payment;
    - (ii) in a case where the person has a Part 3B payment nominee—that nominee ceases to be subject to the enhanced income management regime or ceases to be subject to the income management regime (within the meaning of Part 3B);the Secretary must terminate the agreement as soon as practicable after the occurrence of the event.

#### *Limit on new voluntary enhanced income management agreements*

- (5) If a voluntary enhanced income management agreement in relation to a person is terminated under this section, the Secretary must not enter into another voluntary enhanced income management agreement with the person within 21 days after the termination.

### **48M Before Division 4 of Part 3AA**

Insert:

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**Subdivision C—Persons subject to the enhanced income  
management regime—volunteers**

**123SP Category G welfare payment to be split into qualified and  
unqualified portions**

*Payments by instalments*

- (1) If an instalment of a category G welfare payment is payable to a person who is subject to the enhanced income management regime under section 123SE:
  - (a) the percentage of the gross amount of the payment that is qualified (the ***qualified portion***) is 50%; and
  - (b) the percentage of the gross amount of the payment that is unqualified (the ***unqualified portion***) is 50%.

Note: The percentage may be varied under subsection (3).

*Payments otherwise than by instalments*

- (2) If a category G welfare payment is payable, otherwise than by instalments, to a person who is subject to the enhanced income management regime under section 123SE, 100% of the gross amount of the payment is qualified (the ***qualified portion***).

Note: The percentage may be varied under subsection (3).

*Variation by Secretary*

- (3) For a person who is subject to the enhanced income management regime under section 123SE, the Secretary may make a determination that:
  - (a) varies the percentage applicable under paragraph (1)(a) to 0%; and
  - (b) varies the percentage applicable under paragraph (1)(b) to 100%; and
  - (c) varies the percentage applicable under subsection (2) to 0%.
- (4) The Secretary may make a determination under subsection (3) only if:
  - (a) the Secretary is satisfied that the person is unable to use the person's debit card that was issued to the person and that is

attached to the person's BasicsCard bank account, or is unable to access that account, as a direct result of:

- (i) a technological fault or malfunction with that card or account; or
  - (ii) a natural disaster; or
  - (iii) if a national emergency declaration (within the meaning of the *National Emergency Declaration Act 2020*) is in force—an emergency to which the declaration relates; or
- (b) the person's category G welfare payment is payable in instalments and the Secretary is satisfied that any part of the payment is payable:
- (i) at a time determined under subsection 43(2), where that determination is made because the person is in severe financial hardship as a result of exceptional and unforeseen circumstances; or
  - (ii) under a determination under subsection 51(1).
- (5) A determination under subsection (3) takes effect on the day specified in the determination (which must not be earlier than the day on which the determination is made).
- (6) A determination under subsection (3) is not a legislative instrument.

### **123SQ Payment of balance of qualified portion of category G welfare payment**

If a category G welfare payment is payable to a person who is subject to the enhanced income management regime under section 123SE, the Secretary must pay the balance of the qualified portion of the payment to the credit of a BasicsCard bank account maintained by the person.

### **123SR Recipient's use of funds from category G welfare payments**

A person who receives a category G welfare payment:

- (a) may use the balance of the qualified portion of the payment, as paid under section 123SQ, to obtain goods or services, other than:

- (i) excluded goods or excluded services; or
- (ii) a cash-like product that could be used to obtain excluded goods or excluded services; and
- (b) may use the unqualified portion of the payment, as paid to the person, at the person's discretion.

## Part 2—Stage 2 amendments

### *A New Tax System (Family Assistance) (Administration) Act 1999*

#### **49 Paragraph 66(2)(g)**

Omit “Parts 3B and 3D”, substitute “Part 3B”.

### *National Emergency Declaration Act 2020*

#### **50 Section 10 (paragraph (zc) of the definition of *national emergency law*)**

Repeal the paragraph.

### *Social Security Act 1991*

#### **51 Subsection 1061EK(1)**

Omit “Parts 3AA, 3B and 3D”, substitute “Parts 3AA and 3B”.

#### **52 Paragraph 1222(1)(ba)**

Omit “Parts 3AA, 3B and 3D”, substitute “Parts 3AA and 3B”.

#### **53 Subsection 1222(2) (table item 20, column 2)**

Omit “Parts 3AA, 3B and 3D”, substitute “Parts 3AA and 3B”.

#### **54 Paragraph 1230(1)(a)**

Omit “Part 3AA, 3B or 3D”, substitute “Part 3AA or 3B”.

#### **55 Subsections 1230C(1) and (2)**

Omit “Part 3AA, 3B or 3D”, substitute “Part 3AA or 3B”.

#### **56 Paragraph 1234A(1)(a)**

Omit “Part 3AA, 3B or 3D”, substitute “Part 3AA or 3B”.

**57 Subsection 1237AB(1)**

Omit “Part 3AA, 3B or 3D”, substitute “Part 3AA or 3B”.

**58 Saving provision**

Chapter 5 of the *Social Security Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a debt owed to the Commonwealth under Part 3D of the *Social Security (Administration) Act 1999* before that commencement.

***Social Security (Administration) Act 1999***

**59 Paragraph 60(2)(aa)**

Omit “Parts 3B and 3D”, substitute “Part 3B”.

**60 Section 70B**

Repeal the section.

**60A Section 123SI**

Omit “and cannot be a program participant or a voluntary participant under Part 3D at that time”.

**61 Section 123TC (paragraph (b) of the definition of *excluded Part 3B payment nominee*)**

Repeal the paragraph, substitute:

- (b) a Part 3B payment nominee who:
  - (i) is not subject to the enhanced income management regime (within the meaning of Part 3AA); and
  - (ii) is not subject to the income management regime.

**62 Paragraph 123UC(1)(h)**

Repeal the paragraph.

**64 Part 3D**

Repeal the Part.

**65 Paragraphs 127(4)(ab), (ac) and (ad)**

Repeal the paragraphs.

**66 Paragraphs 144(la), (lb) and (lc)**

Repeal the paragraphs.

**67 Paragraph 192(db)**

Omit “or 3D”.

**68 Paragraph 195(1)(cc)**

Repeal the paragraph.

**69 Subsection 202(9)**

After “section 124PD”, insert “as in force immediately before the day on which Part 2 of Schedule 1 to the *Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Act 2022* commences”.

**70 Saving provisions**

- (1) Paragraphs 127(4)(ab), (ac) and (ad) and 144(la), (lb) and (lc) of the *Social Security (Administration) Act 1999*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a decision referred to in those paragraphs that was made before that commencement.
- (2) A legislative instrument in force under subsections 124PP(1) and 124PQ(2) of the *Social Security (Administration) Act 1999* immediately before the commencement of this item continues in force on and after that commencement to the extent that the instrument deals with the closure of welfare restricted bank accounts and the transfer of remaining funds in those accounts.

**71 Transitional rules**

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Part.

- (2) To avoid doubt, the rules may not do the following:
- (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax;
  - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
  - (e) directly amend the text of this Act.

## Schedule 2—Obligations of Minister: Local services plan

### 1 Definitions

(1) In this Schedule:

**plan area** means any of the following:

- (a) the Ceduna area;
- (b) the East Kimberley area;
- (c) the Goldfields area;
- (d) the Bundaberg and Hervey Bay area.

**publication deadline** means the day that is 6 months after the day that this Schedule commences.

(2) An expression that is used in Part 3D of the *Social Security (Administration) Act 1999* as in force immediately before this item commences, has the same meaning, when used in this Schedule, as in that Part.

### 2 Local services plans

(1) The Minister must, for each plan area, prepare a written plan (a **local services plan**) for:

- (a) improving community services in the area; and
- (b) addressing social issues in the area.

(2) In preparing a local services plan for a plan area, the Minister must:

- (a) have regard to the principle that the plan should prioritise evidence-based local investments; and
- (b) cause consultation to occur with the following:
  - (i) community organisations, including First Nations organisations, that operate in the area;
  - (ii) health services that operate in the area;
  - (iii) businesses that operate in the area;
  - (iv) the State in which the area is located;
  - (v) each relevant local council.

(3) The Minister must cause the local services plan for each plan area to be:

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- (a) published on the Department's website on or before the publication deadline; and
  - (b) tabled in each House of the Parliament within 7 sitting days of that House after the plan is published under paragraph (a).
- (4) A local services plan:
  - (a) is not a legislative instrument; and
  - (b) does not affect any legal rights, liabilities or duties.

## Schedule 2A—Obligations of Minister: Cost of scheme

### 1 Definitions

- (1) In this Schedule:
- cashless debit card scheme* means the cashless welfare arrangements established by Part 3D of the *Social Security (Administration) Act 1999*.
- publication deadline* means the day that is 6 months after the day that this Schedule commences.
- (2) An expression that is used in Part 3D of the *Social Security (Administration) Act 1999* as in force immediately before this item commences, has the same meaning, when used in this Schedule, as in that Part.

### 2 Cost of cashless debit card scheme

- (1) The Minister must prepare a written estimate of the full cost to the Commonwealth of the operation of the cashless debit card scheme.
- (2) The Minister must cause the estimate to be:
- (a) published on the Department's website on or before the publication deadline; and
  - (b) tabled in each House of the Parliament within 7 sitting days of that House after the estimate is published under paragraph (a).

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[Minister's second reading speech made in—  
House of Representatives on 27 July 2022  
Senate on 3 August 2022]

(62/22)

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