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The Parliament of the
Commonwealth of Australia

THE SENATE

Business Services Wage Assessment Tool Payment Scheme Bill 2014

*(Amendments and requests for amendments to be moved by Senator Moore, on behalf of the
Opposition, in committee of the whole)*

- (1) Clause 3, page 2 (lines 21 to 27), omit all the words from and including “accepts the offer” to and including “continue unchanged”, substitute “accepts the offer, the Secretary will make the payment to the person”.
[preserving right to legal redress]
- (2) Clause 4, page 3 (line 14), omit “matter referred to in subsection 10(2)”, substitute “possible ground for compensation”.
[preserving right to legal redress]
- (3) Clause 4, page 3 (line 17), omit “matter referred to in subsection 10(2)”, substitute “possible ground for compensation”.
[preserving right to legal redress]
- (4) Clause 4, page 4 (lines 14 and 15), omit the definition of *group member*.
[preserving right to legal redress]
- (5) Clause 4, page 5 (after line 1), after the definition of *payment amount*, insert:
possible ground for compensation has the meaning given by section 10.
[preserving right to legal redress]
- (6) Clause 4, page 5 (lines 9 and 10), omit the definition of *relevant representative proceeding*.
[preserving right to legal redress]
- (7) Clause 4, page 5 (lines 11 and 12), omit the definition of *representative party*.
[preserving right to legal redress]
- (8) Clause 4, page 5 (lines 13 and 14), omit the definition of *representative proceeding*.
[preserving right to legal redress]
- (9) Page 5 (after line 16), at the end of Part 1, add:

4A General principles guiding actions under this Act

- (1) People with disability have the same right as other members of Australian society to respect for their worth and dignity and to live free from abuse, neglect and exploitation.
- (2) People with disability have the same right as other members of Australian society to pursue any grievance.
- (3) People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity.
- (4) People with disability should be supported in all their dealings and communications with the Department so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs.
- (5) People with disability should have their privacy and dignity respected.
- (6) The role of families, carers and other significant persons in the lives of people with disability is to be acknowledged and respected.
- (7) It is the intention of the Parliament that the Minister, the Secretary and any other person or body is to perform functions and exercise powers under this Act in accordance with these principles.

4B General principles guiding actions of people who may do acts or things on behalf of others

It is the intention of the Parliament that, if this Act requires or permits an act or thing to be done by or in relation to a person with disability by another person, the act or thing is to be done, so far as practicable, in accordance with both the general principles set out in section 4A and the following principles:

- (a) people with disability should be involved in decision making processes that affect them, and where possible make decisions for themselves;
- (b) the judgements and decisions that people with disability would have made for themselves should be taken into account;
- (c) the cultural and linguistic circumstances, and the gender, of people with disability should be taken into account;
- (d) the supportive relationships, friendships and connections with others of people with disability should be recognised.

[guiding principles]

- (10) Clause 5, page 6 (line 7), omit “person;”, substitute “person.”.

[preserving right to legal redress]

- (11) Clause 5, page 6 (line 8), omit paragraph (c).

[preserving right to legal redress]

- (12) Clause 9, page 8 (line 23) to page 9 (line 23), **to be opposed.**

[preserving right to legal redress]

- (13) Heading to clause 10, page 9 (line 24), omit the heading, substitute:

10 Possible ground for compensation

[preserving right to legal redress]

- (14) Clause 10, page 9 (lines 25 to 34), omit subclause (1).

[preserving right to legal redress]

- (15) Clause 10, page 10 (lines 1 to 3), omit “(2) The matters are the following, to the extent to which they relate to the use of a BSWAT assessment to work out a minimum wage payable to a person”, substitute “Each of the following matters is a *possible ground for compensation* for a person, to the extent to which it relates to the use of a BSWAT assessment to work out a minimum wage payable to the person”.

[preserving right to legal redress]

- (16) Clause 19, page 17 (line 8), omit “involve;”, substitute “involve.”.

[preserving right to legal redress]

- (17) Clause 19, page 17 (line 9), omit paragraph (2)(j).

[preserving right to legal redress]

- (18) Clause 38, page 30 (line 16), omit “person; and”, substitute “person.”.

[preserving right to legal redress]

- (19) Clause 38, page 30 (lines 17 and 18), omit subparagraph (c)(iii).

[preserving right to legal redress]

- (20) Clause 38, page 30 (lines 19 to 21), omit the note.

[preserving right to legal redress]

- (21) Clause 39, page 30 (line 22) to page 31 (line 3), **to be opposed**.

[preserving right to legal redress]

- (22) Clause 67, page 47 (line 12), omit “where an amount is wrongly paid to a person, the amount”, substitute “an amount”.

[preserving right to legal redress]

- (23) Clause 67, page 47 (line 15), omit “the person”, substitute “a person”.

[preserving right to legal redress]

- (24) Clause 98, page 64 (lines 19 and 20), omit “matter referred to in subsection 10(2)”, substitute “possible ground for compensation”.

[preserving right to legal redress]

Business Services Wage Assessment Tool Payment Scheme Bill 2014

(Amendments and requests for amendments to be moved by Senator Moore on behalf of the Opposition in committee of the whole)

Statement pursuant to the order of
the Senate of 26 June 2000

Amendments (12), (14) and (19)

The effect of these amendments will enable a person to receive payment under the Bill without losing his or her rights to seek compensation in relation to the use of a Business Services Wage Assessment Tool assessment to work out a minimum wage payable to the person. This will allow those who intend to seek such compensation to also receive payments under the Bill, resulting in an increase in expenditure under the standing appropriation in clause 99 of the Bill.

Amendments (12), (14) and (19) should therefore be moved as requests.

Amendments (2) to (8), (10), (11), (13), (15) to (18), (20) and (24)

These amendments are consequential on amendments (12), (14) and (19).

Amendments (2) to (8), (10), (11), (13), (15) to (18), (20) and (24) should therefore be moved as requests.

Amendments (12), (14) and (19)

The stated effect of amendments (12), (14) and (19) is that it would allow an increase in expenditure to be met from the standing appropriation contained in clause 99 of the Bill.

The Senate has long followed the practice that it should treat as requests amendments which would clearly, necessarily and directly result in increased expenditure under an appropriation clause in a bill.

If, as stated, amendments (12), (14) and (19) would result in increased expenditure under the standing appropriation in clause 99 of the Bill, it is in accordance with the precedents of the Senate that those amendments be moved as requests.

Amendments (2) to (8), (10), (11), (13), (15) to (18), (20) and (24)

These amendments are consequential on the requests. It is the practice of the Senate that amendments purely consequential on amendments framed as requests may also be framed as requests.