

2013-2014

The Parliament of the
Commonwealth of Australia

THE SENATE

Business Services Wage Assessment Tool Payment Scheme Bill 2014

(Government)

- (1) Clause 3, page 2 (line 10), omit “1 May 2015”, substitute “1 July 2015”.
[registration deadline]
- (2) Page 3 (after line 6), after clause 3, insert:

3A Constitutional basis
 Without limitation, this Act relies on:
 - (a) the Commonwealth’s legislative powers under paragraphs 51(xxiiiA) and (xxxix) of the Constitution; and
 - (b) any implied legislative powers of the Commonwealth.
[constitutional basis]
- (3) Clause 4, page 4 (line 8), omit “subsection 6(2)”, substitute “subsections 6(2) and (2A)”.
[period of eligibility]
- (4) Clause 6, page 6 (line 19), omit “28 May 2014”, substitute “31 January 2015”.
[period of eligibility]
- (5) Clause 6, page 7 (after line 5), after subclause (2), insert:
 (2A) Despite subsection (2), a person does not meet the condition in that subsection, and there is no **eligible day** for the person, if the day that (apart from this subsection) would have been the earliest eligible day for the person is later than 28 May 2014.
[period of eligibility]
- (6) Clause 12, page 11 (line 7), omit “1 May 2015”, substitute “1 July 2015”.
[registration deadline]
- (7) Clause 13, page 13 (line 5), omit “1 May 2015”, substitute “1 July 2015”.
[registration deadline]
- (8) Clause 13, page 13 (line 15), omit “1 May 2015”, substitute “1 July 2015”.
[registration deadline]

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- (9) Clause 14, page 13 (line 21), omit “1 May 2015”, substitute “1 July 2015”.
[registration deadline]
- (10) Clause 16, page 14 (line 11), omit “1 May 2015”, substitute “1 July 2015”.
[registration deadline]
- (11) Clause 37, page 30 (line 1), omit “or by”, substitute “, the person or”.
[financial counselling]
- (12) Page 64 (after line 23), after clause 98, insert:

98A Certain administrative matters

- (1) The Commonwealth may do any or all of the following:
- (a) inform people about the BSWAT payment scheme;
 - (b) engage one or more persons to undertake activities (whether or not on behalf of the Commonwealth) in relation to informing people about the BSWAT payment scheme and make payments for services provided under such engagements;
 - (c) publish contact details and background information on behalf of legal practitioners who have indicated their availability to provide services in relation to legal advice certificates referred to in section 36;
 - (d) publish contact details and background information on behalf of financial counsellors who have indicated their availability to provide services in relation to financial counselling certificates referred to in section 37;
 - (e) make payments, in accordance with the rules, in discharge of costs, expenses or other obligations incurred by a person in connection with obtaining a legal advice certificate that complies with section 36 or a financial counselling certificate that complies with section 37 or otherwise in connection with a person’s participation in the BSWAT payment scheme.
- (2) A power conferred on the Commonwealth by subsection (1) may be exercised on behalf of the Commonwealth by the Secretary.
- (3) This section does not, by implication, limit the executive power of the Commonwealth.
[certain administrative matters]

- (13) Clause 99, page 64 (line 25), before “The”, insert “(1)”.
[appropriation]
- (14) Clause 99, page 65 (line 3), at the end of the clause, add:
; and (c) payments under subsection 98A(1).
- (2) Paragraph (1)(c) does not extend to payments in relation to the employment of APS employees in the Department.
[appropriation]

PARLIAMENTARY COUNSEL

Business Services Wage Assessment Tool Payment Scheme Bill 2014 EH127

Statement of reasons: why certain amendments should be moved as requests

Section 53 of the Constitution is as follows:

Powers of the Houses in respect of legislation

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

Amendment (14)

The effect of this amendment is to expand the purposes for which payments may be made out of the standing appropriation of the Consolidated Revenue Fund in clause 99 of the Bill. It is covered by section 53 because expanding the purposes for which payments may be made out of the standing appropriation may increase the amount of expenditure out of the Consolidated Revenue Fund under that standing appropriation.

Consequential amendments

Amendments (12) and (13) are consequential on the amendment mentioned above.

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SHEET EH217

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

Amendment (14)

The stated effect of paragraph 99(c) contained in this amendment is to provide for payments to be made, for actions or activities specified in new clause 98A, from the Consolidated Revenue Fund. The increased expenditure would be met directly 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 a standing appropriation. If, as stated, this amendment 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 this amendment be moved as a request.

Amendments (12) and (13)

Amendments (12) and (13) are consequential on the request. It is the practice of the Senate that amendments purely consequential on amendments framed as requests may also be framed as requests.