

**2013-2014**

**THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA**

**SENATE**

**BUSINESS SERVICES WAGE ASSESSMENT TOOL PAYMENT SCHEME  
BILL 2014**

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

**Amendments and requests for amendments to be moved on behalf of  
the Government**

**(Circulated by the authority of the  
Minister for Social Services, the Hon Kevin Andrews MP)**

## **BUSINESS SERVICES WAGE ASSESSMENT TOOL PAYMENT SCHEME BILL 2014**

### **Amendments and requests for amendments to be moved on behalf of the Government**

#### **OUTLINE**

These amendments will authorise general spending for the purpose of administering the Business Services Wage Assessment Tool payment scheme. For example, amendments will ensure, where necessary, that payments can be made to financial counsellors and legal practitioners for services in connection with the requirement to obtain certificates that comply with clauses 36 and 37 of the Bill.

The constitutional power upon which the Bill relies will be clarified by these amendments.

Former and current eligible employees have to register to participate in the Business Services Wage Assessment Tool payment scheme. In light of the delayed passage of the Bill, the registration deadline will be extended from 30 April 2015 to 30 June 2015. Amendments will also set out that a person has to take action before 1 July 2015 to register for the payment scheme.

Amendments will clarify the condition a person must meet for an eligible day. An eligible day must now fall within the period starting on 1 January 2004 and ending on 31 January 2015. However, a person does not meet the eligible day condition if the person's earliest eligible day would have occurred after 28 May 2014.

Lastly, amendments will enable an eligible person (as an alternative to the person's nominee) to sign the financial counselling certificate, which is also signed by the financial counsellor.

#### **Financial impact statement**

These amendments will not alter the financial impact originally stated for the Business Services Wage Assessment Tool Payment Scheme Bill 2014 and the Business Services Wage Assessment Tool Payment Scheme (Consequential Amendments) Bill 2014.

## **BUSINESS SERVICES WAGE ASSESSMENT TOOL PAYMENT SCHEME BILL 2014**

### **Amendments and requests for amendments to be moved on behalf of the Government**

#### **NOTES ON AMENDMENTS**

##### **Amendments 1 and 6 to 10**

Amendments 1 and 6 to 10 amend the date before which a person must register for the Business Services Wage Assessment Tool (BSWAT) payment scheme to 1 July 2015. The Secretary cannot include on the register a person who first contacts the Secretary to register for the BSWAT payment scheme on or after 1 July 2015.

Amendments 1 and 6 to 10 amend references to the registration date to 1 July 2015.

##### **Amendment 2**

Amendment 2 inserts a new clause 3A, which clarifies the constitutional power upon which the Bill relies.

##### **Amendments 3 to 5**

Amendments 3 and 4 amend the eligible day condition under subclause 6(2) of the Bill to include at least one day for the person in the period starting on 1 January 2004 and ending on 31 January 2015.

Amendment 5 inserts a new subclause 6(2A), which limits subclause 6(2). A person does not meet the eligible day condition under subclause 6(2) if the earliest eligible day for the person occurs after 28 May 2014.

##### ***Example***

Anna has been employed by an Australian Disability Enterprise since 1 October 2009. The Australian Disability Enterprise is funded by the Australian Government through the Disability Employment Assistance Program, and the funding has been used to support Anna in her day-to-day work activities. Anna had her first BSWAT assessment to determine her pro-rata wage in March 2010. Anna was on holiday on 28 May 2014. Anna is eligible for the scheme.

### ***Example***

David has an intellectual disability and commenced work with an Australian Disability Enterprise on 5 June 2014. The Australian Disability Enterprise is funded by the Australian Government through the Disability Employment Assistance Program, and the funding has been used to support David in his day-to-day work activities. The Australian Disability Enterprise previously used the BSWAT to assess wages. David is not eligible for the scheme.

### **Amendment 11**

Amendment 11 amends clause 37, relating to the signatories for financial counselling certificates, to include as a signatory the eligible person as an alternative to the person's nominee.

### **Amendment 12**

Amendment 12 inserts a new clause 98A, which sets out the actions and activities which can be undertaken in the administration of the Bill. These include:

- inform people about the BSWAT payment scheme;
- engage people to undertake activities informing people about the BSWAT Payment Scheme and to pay for these costs. For example, through information sessions, preparation of Easy English documentation for people with an intellectual impairment, a telephone hotline, and/or activities to meet the communication needs of people with disability who may be eligible for the BSWAT Scheme, their families and carers;
- make available contact details and background information on behalf of legal practitioners and financial counsellors who have indicated their availability to provide services under the BSWAT payment scheme;
- make payments to financial counsellors and legal practitioners for services in connection with the requirement to obtain a legal advice certificate that complies with clause 36 or a financial counselling certificate that complies with clause 37.

### **Amendments 13 and 14**

Amendments 13 and 14 amend the standing appropriation provision in clause 99.

Amendment 14 inserts a new paragraph 99(1)(c) and a new subclause 99(2) at the end of clause 99. New paragraph 99(1)(c) provides that payments for actions or activities specified under the new clause 98A are to be made from the Consolidated Revenue Fund.

The expenditures anticipated include preparation of Easy English documentation for people with intellectual impairment, the retention of people who are skilled in providing information and conducting information sessions for people with intellectual disability, and for making payments to financial counsellors and legal practitioners who advise eligible applicants during the acceptance period.

New subclause 99(2) clarifies that the standing appropriation is not to be used for paying the salaries of any APS employee of the Department

Amendment 13 is consequential upon amendment 14.