

LEGISLATIVE COUNCIL
BACK TO WORK BILL 2014

(Amendments and New Clause to be proposed in Committee by Mr BARBER)

1. Clause 3, line 2, omit "In" and insert "(1) In".
2. Clause 3, after line 2 insert—

"*asylum seeker*" means—

 - (a) a person who has a valid application before the Commonwealth Department for protection as a refugee but whose application has not been determined; or
 - (b) a person who holds a visa known as a Bridging visa E issued by the Australian Government and who intends to make an application for protection as a refugee;"
3. Clause 3, after line 18 insert—

"*Commonwealth Department*" means the Department or other agency of the Commonwealth that is responsible for determining whether a person is owed protection by Australia under an international human rights instrument;

domestic partner of a person means—

 - (a) a person who is in a registered relationship with the person; or
 - (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);"
4. Clause 3, after line 26 insert—

"*immediate family member*" of a person means a spouse, domestic partner or child of the person;

international human rights instrument means—

 - (a) the Convention relating to the Status of Refugees done at Geneva on 28 July 1951; or
 - (b) the Protocol relating to the Status of Refugees done at New York on 31 January 1967; or

- (c) the International Covenant on Civil and Political Rights done at New York on 16 December 1966; or
 - (d) the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty done at New York on 15 December 1989; or
 - (e) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 10 December 1984;".
- 5. Clause 3, after line 27 insert—

"*refugee* means a person who has been found by the Commonwealth Department to be owed protection by Australia under an international human rights instrument;

spouse of a person means a person to whom the person is married;".
- 6. Clause 3, after line 29 insert—

"(2) For the purposes of the definition of ***domestic partner*** in subsection (1)—

 - (a) ***registered relationship*** has the same meaning as in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
 - (c) a person is not a domestic partner of another person only because they are co-tenants."
- 7. Clause 5, after line 22 insert—

"() The eligibility criteria must be such that—

 - (a) an asylum seeker, a refugee or an immediate family member of an asylum seeker or a refugee is capable of being an eligible employee; and
 - (b) if the criteria impose a waiting period for a person to be an eligible employee, the waiting period for an asylum seeker, a refugee or an immediate family member of an asylum seeker or a refugee is the same as that for a retrenched worker."

NEW CLAUSE

8. Insert the following New Clause to follow clause 53—

"A Back to Work Scheme reports

- (1) At least once every 3 months the Commissioner must publish on the Commissioner's website a report of the operation of the Back to Work Scheme.
- (2) The report must contain the following information in relation to the period covered by it—
 - (a) the total amount paid under the Scheme;
 - (b) the total number of Back to Work payments made;
 - (c) the number of Back to Work payments made in each municipal district;
 - (d) if Back to Work payments were made according to different eligibility criteria, the number of Back to Work payments made according to each of those criteria;
 - (e) the name of any person to whom Back to Work payments in respect of more than 100 eligible employees were made.
- (3) For the purpose of subsection (2)(c), a Back to Work payment is made in the municipal district in which the person entitled to the payment has their usual place of business or, in the case of a body corporate, their registered office.
- (4) In this section—

municipal district has the same meaning as in the **Local Government Act 1989**."