

# House of Representatives

# Supplementary Order Paper

Wednesday, 12 August 2015

## Health and Safety Reform Bill

### *Proposed amendments*

Denise Roche, in Committee, to move the following amendments:

#### *Clause 12*

In *clause 12* (page 30, lines 7 to 10), delete the definition of **residential work**.

#### *Clause 13*

Delete *clause 13(1)(b)(iii)* (page 31, lines 21 and 22).

#### *Clause 29E*

After *clause 29E(1)* (page 41, after line 10), insert:

(1A) For the purposes of **subsection (1)**, the PCBUs—

- (a) must deal with each other fairly; and
- (b) without limiting **paragraph (a)**,—
  - (i) must be active and constructive in discharging the duty specified in that subsection; and
  - (ii) must not, whether directly or indirectly, do anything to mislead or deceive each other.

#### *Clause 66*

After *clause 66(4)(a)(ii)* (page 65, after line 5), insert:

- (iii) is agreed to by the workers; and

#### *Schedule 1A*

In *Schedule 1A*, delete *clause 9* (page 200, lines 17 to 34).

### Explanatory note

This Supplementary Order Paper amends *clauses 12 and 13* of the Health and Safety Reform Bill. Its effect is to include within the meaning of “person conducting a business or undertaking” or “PCBU” an occupier of a home in circumstances where the occupier employs or engages another person to do domestic work in the home or to do work in respect of the home.

This Supplementary Order Paper also amends *clause 29E*. Its effect is to require that where more than 1 person conducting a business or undertaking (PCBU) has a duty in relation to the same matter, each PCBU with the duty, in consulting, co-operating with, and co-ordinating activities with other PCBUs who have such a duty, must deal with the other PCBUs fairly, be active and constructive in discharging its duty, and not do anything to mislead or deceive the other PCBUs.

This Supplementary Order Paper also amends *clause 66*. Its effect is to require that when a PCBU determines that there will be more than 1 work group for the purpose of the election of health and safety representatives, the workers are grouped in a manner that has the workers’ agreement.

This Supplementary Order Paper also amends *Schedule 1A* by deleting *clause 9*. *Clause 9* restricts, with exceptions, health and safety representatives to performing their functions and exercising their powers only in relation to their own work group. This restriction may increase the risk of health and safety risks not being addressed or of delays in health and safety risks being addressed. The deletion of *clause 9* of *Schedule 1A* will permit health and safety representatives to perform their functions and exercise their powers across a PCBU irrespective of the work grouping within the PCBU, thereby ensuring health and safety risks identified by health and safety representatives are addressed at the earliest opportunity.