The Parliament of the
Commonwealth of Australia

THE SENATE

Fair Work Amendment Bill 2013

(Amendments to be moved by the Leader of the Opposition in the Senate, Senator Abetz in committee of the whole)

(1) Schedule 3, item 1, page 16 (line 6), omit “allows a worker”, substitute “allows a worker or employer”.  

(2) Schedule 3, item 3, page 16 (line 17), omit “Workers bullied at work”, substitute “Workers or employers bullied at work”.

(3) Schedule 3, item 4, page 16 (line 21), omit “workers bullied”, substitute “workers or employers bullied”.

(4) Schedule 3, item 5, page 17 (line 1), omit “workers bullied”, substitute “workers or employers bullied”.

(5) Schedule 3, item 6, page 17 (line 5), omit “Workers bullied”, substitute “Workers or employers bullied”.

(6) Schedule 3, item 6, page 17 (line 8), omit “a worker who”, substitute “a worker or employer who”.

(7) Schedule 3, item 6, page 17 (line 9), omit “stop the bullying”, substitute “stop the bullying after seeking advice from the Fair Work Ombudsman or Safe Work Australia or such other organisation as prescribed by the regulations”.

(8) Schedule 3, item 6, page 17 (line 12), omit “Stopping workers”, substitute “Stopping workers and employers”.

[bullying]
(9) Schedule 3, item 6, page 17 (line 14), omit “A worker who”, substitute “Subject to subsection (1A), a worker or employer who”. [bullying]

(10) Schedule 3, item 6, page 17 (line 15), omit “at work”, substitute “at work by a worker, employer or official of a registered organisation”. [bullying]

(11) Schedule 3, item 6, page 17 (after line 15), after subsection 789FC(1), insert:

(1A) Prior to applying to the FWC for an order under section 789FF, the worker or employer must seek preliminary advice from one of the following organisations confirming that the behaviour in question does, or may, constitute bullying and that alternative remedies have been considered:

(a) the Fair Work Ombudsman;
(b) Safe Work Australia;
(c) an occupational health and safety organisation of a State or Territory prescribed by the regulations pursuant to subsection (1B).

(1B) The Governor-General may make regulations prescribing an occupational health and safety organisation of a State or Territory. However, if the Governor-General makes the regulation, the regulation must include at least one occupational health and safety organisation from each State and Territory. [bullying]

(12) Schedule 3, item 6, page 18 (line 3), omit “worker bullied”, substitute “worker or employer bullied”. [bullying]

(13) Schedule 3, item 6, page 18 (line 4), omit “A worker”, substitute “A worker or employer”. [bullying]

(14) Schedule 3, item 6, page 18 (line 5), omit “the worker”, substitute “the worker or employer”. [bullying]

(15) Schedule 3, item 6, page 18 (line 8), at the end of subparagraph 789FD(1)(a)(ii), add “or”.

(16) Schedule 3, item 6, page 18 (after line 8), after subparagraph 789FD(1)(a)(ii), insert:

(iii) an official of a registered organisation;

(17) Schedule 3, item 6, page 18 (line 9), omit “the worker”, substitute “the worker or employer”. [bullying]

(18) Schedule 3, item 6, page 18 (line 10), omit “group of workers of which the worker is a member”, substitute “group of which the worker or employer is a member”. [bullying]

(19) Schedule 3, item 6, page 19 (line 12), omit “a worker”, substitute “a worker or an employer”. [bullying]
(20) Schedule 3, item 6, page 19 (line 14), omit “the worker”, substitute “the worker or employer”.

(21) Schedule 3, item 6, page 19 (line 16), omit “the worker”, substitute “the worker or employer”.

(22) Schedule 3, item 6, page 19 (line 18), omit “order it considers appropriate”, substitute “order it considers appropriate, including an order revoking a union right of entry permit.”.

(23) Schedule 3, item 6, page 19 (line 20), omit “the worker”, substitute “the worker or employer”.

(24) Schedule 3, item 6, page 19 (line 27), omit “the worker”, substitute “the worker or employer”.

(25) Schedule 3, item 6, page 19 (line 30), omit “the worker”, substitute “the worker or employer”.

(26) Schedule 3, item 6, page 20 (line 7), omit “a worker”, substitute “a worker or employer”.

(27) Schedule 3, item 6, page 20 (line 8), omit “the worker”, substitute “the worker or employer”.

[bullying]