

House of Representatives

Supplementary Order Paper

Thursday, 13 April 2017

Domestic Violence—Victims’ Protection Bill

Proposed amendments

Jan Logie, in Committee, to move the following amendments:

Part 1

Amendments to Domestic Violence Act 1995

Clause 4

In *clause 4, section 2*, new definition of **domestic violence document**, after *paragraph (h)* (page 3, after line 11), insert:

- (ha) an affidavit from a victim of domestic violence attesting that they have suffered domestic violence; or
- (hb) a statutory declaration from a victim of domestic violence declaring that they have suffered domestic violence; or

Part 2

Amendments to Employment Relations Act 2000

Clause 7

In *clause 7*, replace *new section 69AB(b)* (page 4, lines 5 and 6) with:

- (b) require an employer to deal with a request as soon as possible and no later than 5 working days after receiving it; and

In *clause 7, new section 69AB(c)*, after “be” (page 4, line 7), insert “reasonably”.

In *clause 7, new section 69AB(d)*, delete “to a Labour Inspector, then” (page 4, lines 10 and 11).

In *clause 7, new section 69AB(d)*, after “Authority” (page 4, line 11), insert “; and”.

In *clause 7*, after *new section 69AB(d)* (page 4, after line 11), insert:

- (e) provide a framework whereby requests for variations of working arrangements by victims of domestic violence will be reasonably accommodated by their employers.

In *clause 7*, replace *new section 69ABB(1)* (page 5, lines 2 to 8) with:

- (1) An employee who is a victim of domestic violence may make a request at any time in order to deal with the effects of being a victim of domestic violence.

In *clause 7*, *new section 69ABC(a)*, replace “and not later than 3 months” (page 5, line 31) with “and no later than 5 working days”.

In *clause 7*, replace *new section 69ABC(b)* (page 5, lines 33 and 34) with:

- (b) provide the employee with information about appropriate specialist domestic violence support services; and

In *clause 7*, *new section 69ABC(d)(ii)*, after “applies” (page 6, line 3) insert “; and”.

In *clause 7*, after *new section 69ABC(d)* (page 6, after line 3), insert:

- (e) ensure that the reason for the employee’s request along with their domestic violence document is kept confidential.

In *clause 7*, *new section 69ABD(2)*, after “be” (page 6, line 8), insert “reasonably”.

In *clause 7*, delete *new section 69ABD(3)* (page 6, lines 17 to 23).

In *clause 7*, *new section 69ABE(1)(b)*, after “**section 69ABD(1)**” (page 6, line 27) insert “; and”.

In *clause 7*, after *new section 69ABE(1)(b)* (page 6, after line 27), insert:

- (c) has unreasonably declined a request on 1 or more grounds under **section 69ABD(2)**.

In *clause 7*, delete *new section 69ABE(2)* (page 6, lines 28 to 30).

In *clause 7*, replace *new section 69ABE(3)* (page 6, lines 31 to 33) with:

- (3) The employee may refer the matter to urgent mediation, at which the matter is treated as an employment relationship problem.

In *clause 7*, replace *new section 69ABE(4)(a)* (page 7, lines 1 to 3) with:

- (a) the date on which the employer notifies the employee of the employer’s refusal, if the date is within 5 working days after the employee’s request; or

In *clause 7*, *new section 69ABE(7)*, replace “not exceeding \$2,000, imposed by the Authority” (page 7, line 11) with “under this Act”.

In *clause 7*, delete *new section 69ABF* (page 7, lines 13 to 16).

Part 3 Amendments to Health and Safety at Work Act 2015

Clause 11

Replace *clause 11* (page 8, lines 8 to 16) with:

11 New section 36A inserted (Duty of PCBU in relation to risk of domestic violence in workplace)

After section 36, insert:

36A Duty of PCBU in relation to risk of domestic violence in workplace

- (1) A PCBU must ensure, so far as is reasonably practicable, that the health and safety of persons in the workplace or the immediate vicinity of the workplace is not put at risk by hazards relating to domestic violence.
- (2) In complying with **subsection (1)**, the PCBU must—
 - (a) comply with any prescribed requirements; and
 - (b) take into account any relevant approved code of practice.
- (3) The Minister must make reasonable efforts to recommend regulations to the Governor General regarding the reduction of workplace risks associated with domestic violence within 24 months of the commencement of this section.

Clause 12

In *clause 12*, replace *Schedule 2, new clause 10(1)(da)* (page 8, lines 20 to 22) with:

- (da) take reasonable steps to provide health and safety representatives with training in supporting workers who are victims of domestic violence (and, for the avoidance of doubt, this training entitlement is separate from the entitlement to training under clause 12 of this Schedule); and

Part 4 Amendments to Holidays Act 2003

Clause 14

In *clause 14*, after *new section 72C(4)* (page 9, after line 23), insert:

- (4A) The employer must ensure that the reason for the employee’s request along with their domestic violence document is kept confidential.

Explanatory note

This Supplementary Order Paper sets out amendments to the Domestic Violence—Victims’ Protection Bill.

The amendments, apart from minor and technical amendments, are described below.

Amendments to Domestic Violence Act 1995

Clause 4 is amended to include the provision of an affidavit and statutory declaration to the list of domestic violence documents. This recognises that many victims have not been, and may never be, in contact with a helping agency.

Amendments to Employment Relations Act 2000

Clause 7 is amended to recognise that in cases of domestic violence a more urgent response from the employer is required and that all victims of domestic violence requesting flexible working arrangements can, regardless of length of time in the workplace, expect their employer to accommodate their request if it is reasonable. To clarify, the employer is only required to provide their employee with information rather than refer them, and that the reason for the request and domestic violence document must be kept confidential. If the employee believes their request is unreasonably declined then they may request urgent mediation.

Amendments to Health and Safety at Work Act 2015

Clause 11 is amended to clarify the duty of the PCBU in relation to domestic violence, and set the expectation that the Minister will create regulations to provide guidance on how to reduce workplace risk from domestic violence.

Clause 12 is amended to clarify training should be provided for health and safety representatives in addition to existing training entitlements.

Amendments to Holidays Act 2003

Clause 14 is amended to ensure confidentiality.