

LEGISLATIVE COUNCIL

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL 2008

(Amendments to be proposed in Committee by Mr RICH-PHILLIPS)

1. Clause 4, lines 11 to 18, omit all words and expressions on these lines.
2. Clause 6, page 4, lines 16 and 17, omit "an authorised representative of a registered employee organisation,".
3. Clause 6, page 4, lines 23 to 25, omit "an authorised representative of a registered employee organisation,".
4. Clause 6, page 4, line 33, omit "substantial" and insert "dominant".
5. Clause 6, page 5, lines 1 to 7, omit all words and expressions on these lines.
6. Clause 6, page 5, line 8, omit "**78D**" and insert "**78C**".
7. Clause 6, page 6, lines 3 to 14, omit all words and expressions on these lines.
8. Clause 6, page 6, after line 14, insert—
 - "(4) In fixing an amount of damages under this section, the Court must not fix an amount that exceeds—
 - (a) in the case of an employee, the total of the following amounts—
 - (i) the total amount of remuneration received by the employee or to which the employee was entitled (whichever is greater) for any period of employment with the employer during the period of 6 months immediately before the discriminatory conduct (other than any period of leave without full pay); and
 - (ii) if the employee was on leave without pay or without full pay while so employed during any part of that period, the amount of remuneration taken to have been received by the employee for the relevant period of leave;
 - (b) in the case of a prospective employee, the total amount of 6 months' remuneration that the prospective employee would have received or to which the prospective employee would have reasonably been entitled (whichever is greater) but for the discriminatory conduct."
9. Clause 6, page 6, line 15, omit "(4)" and insert "(5)".
10. Clause 6, page 6, line 16, omit "subsections 2(c) or 3(b)" and insert "this section".
11. Clause 6, page 6, line 22, omit "(5)" and insert "(6)".

12. Clause 6, page 6, line 27, omit "(6)" and insert "(7)".
13. Clause 6, page 7, line 1, omit "**78E**" and insert "**78D**".
14. Clause 6, page 7, line 4, omit "or 78C".
15. Clause 6, page 7, line 5, omit "1 year" and insert "21 days".
16. Clause 6, page 7, line 9, omit "or 78C".
17. Clause 6, page 7, line 17, omit "or 78C".
18. Clause 6, page 7, line 31, omit "78D" and insert "78C".
19. Clause 6, page 8, line 5, omit "78D" and insert "78C".
20. Clause 7, line 11, omit "**or 78C**".
21. Clause 7, line 13, omit "or 78C".