

House of Representatives
Supplementary Order Paper

Thursday, 15 May 2014

Employment Relations Amendment Bill

Proposed amendments

Hon Simon Bridges, in Committee, to move the following amendments:

Clause 10A

In *clause 10A(2)*, new *section 43(2)(b)(ii)*, after “initiating” (page 10, line 16), insert “the”.

Clause 11

In *clause 11*, new *section 44B(2)(a)*, replace “the employer’s” (page 11, lines 16 and 17) with “its”.

Clause 17

After *clause 17(2)* (page 15, after line 7), insert:

- (2A) In section 63A(1)(g), replace “section 69M or section 69N” with “section 69OJ”.
- (2B) In section 63A(1)(h), replace “section 69I” with “section 69N”.

New clause 20A

After *clause 20* (page 15, after line 27), insert:

20A Section 69AAA amended (Interpretation)

In section 69AAA, repeal the definition of **non-compliance with section 69AAE**.

Clause 28

In *clause 28*, new *section 69A(2)(b)(ii)*, after “conditions” (page 17, line 29), insert “of employment”.

Clause 30

In *clause 30*, new *section 69CC(3)(a)*, replace “employees of person B” (page 22, line 31) with “person B or employees (if any) of person B”.

In *clause 30, new section 69CC(3)(b)*, replace “employees of the subcontractor” (page 22, line 33) with “the subcontractor or employees (if any) of the subcontractor”.

In *clause 30, new section 69CC(3)(c)*, replace “employees of person B and partly by employees of the subcontractor” (page 22, lines 35 and 36) with “person B or employees (if any) of person B and partly by the subcontractor or employees (if any) of the subcontractor”.

In *clause 30, new section 69CC(4)(a)(ii)*, replace “employees of person C” (page 23, line 7) with “person C or employees (if any) of person C”.

In *clause 30, new section 69CC(4)(b)(ii)*, replace “employees of the subcontractor” (page 23, lines 11 and 12) with “the subcontractor or employees (if any) of the subcontractor”.

In *clause 30, new section 69CC(4)(c)(ii)*, replace “the employees of person C” (page 23, line 17) with “person C or the employees (if any) of person C”.

In *clause 30, new section 69CC(4)(d)(ii)*, replace “employees of the subcontractor” (page 23, lines 22 and 23) with “the subcontractor or employees (if any) of the subcontractor”.

In *clause 30*, replace *new section 69CD(8)* (page 24, line 36 to page 25, line 2) with:

- “(8) If the subcontractor provides information under **subsection (7)(b)**, person B must provide the same information and make the same request to the other subcontractor as provided under **subsections (6) and (7)** and those subsections apply with all necessary modifications.

In *clause 30*, heading to *new section 69CE*, delete “**or passed on**” (page 26, line 34).

Clause 32

In *clause 32, new section 69G(3)(c)(i)*, replace “elected” (page 30, line 18) with “had elected”.

In *clause 32, new section 69G(5)*, replace “post, fax, or email” (page 30, line 36) with “post or electronic means”.

In *clause 32, new section 69G(6)*, replace “post, fax, or email” (page 31, line 2) with “post or electronic means”.

Clause 35

In *clause 35, new section 69LA(2)*, replace “statutory” (page 32, line 7) with “legislative”.

In *clause 35, new section 69LC(3)* replace “proceedings, in any court of competent jurisdiction, against that employer for damages” (page 34, lines 24 and 25) with “proceedings for damages, in any court of competent jurisdiction, against that employer”.

Clause 39

In *clause 39*, new *section 69OB(1)*, definition of **individualised employee information**, *paragraph (a)(iv)(B)*, replace “wage” (page 37, line 11) with “wages”.

New clause 40A

After *clause 40* (page 39, after line 20), insert:

40A Section 69OD amended (Provisions of employee transfer costs information by other persons)

In section 69OD(6)(a)(ii) and (b)(ii), replace “section 69OC(5)” with “**section 69OC(3C)**”.

Clause 51

After *clause 51(1)* (page 47, after line 23), insert:

(1A) Replace section 91(3)(d) with:

“(d) the date and time on which the lockout will begin; and”.

Clause 56

In *clause 56*, new *section 95A*, replace “**sections 95B to 95E**” (page 49, line 10) with “this Act”.

In *clause 56*, new *section 95A*, definition of **specified pay deduction**, *paragraph (b)(i)*, replace “**section 95D(1)**” (page 50, line 5) with “**section 95D(1) and (2)**”.

In *clause 56*, new *section 95B(2)(a)*, replace “safety or health” (page 50, line 19) with “lawful strikes and lockouts on grounds of safety or health”.

Clause 61

In *clause 61*, after new *section 174C(1)* (page 58, after line 30), insert:

“(1A) If the Authority reserves its determination of a matter under **subsection (1)**, it may, before providing a written determination of its findings in accordance with **subsection (2)**, require the parties or any other person to provide any further evidence or information that the Authority thinks fit.

Schedule 1

In *Schedule 1*, new *Schedule 1AA*, *clause 2(3)*, replace “**section 13**” (page 63, line 33) with “**section 13(1)**”.

Explanatory note

This Supplementary Order Paper amends the Employment Relations Amendment Bill to—

- insert into *clause 61*, new *section 174C*, a new *subsection (1A)*. The new provision enables the Employment Relations Authority, before providing a written determination in relation to a matter for which it has reserved its

determination, to require the parties or any other person to provide any further evidence or information that the Authority thinks fit:

- correct cross-references, improve the consistency of certain provisions with the principal Act, and make other minor and technical drafting changes.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.
