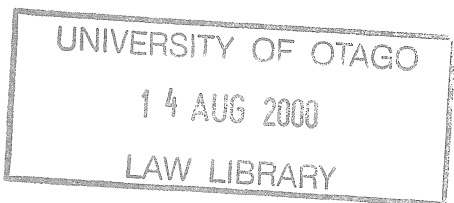


KG  
310

No 46



**House of Representatives**  
**Supplementary Order Paper**

**Wednesday, 9 August 2000**

**Employment Relations Bill**

*Proposed amendments*

Stephen Franks, in Committee, to move the following amendments:

*Part 5*

*Clause 32*

To omit from paragraph (a) the words “the core requirements of”, and substitute the words “for general principles related to”.

To insert in paragraph (b) before the word “codes”, the words “general purpose”.

To omit paragraph (e), and substitute the following paragraph:

- (e) to ensure that the proposed employer parties and all employees who might be affected by a multi-party collective agreement or its effect on their workplace have the opportunity to confirm whether such an agreement should be entered into.

*Clause 33*

To omit subclause (1)(e), and substitute the following paragraph:

- (e) once bargaining arrangements have been agreed and negotiations commenced, the union and employer may be required to supply financial information directly related to claims being made by the parties to a suitably qualified third party. Such information may be supplied by the employer only where that employer states it cannot meet claims being advanced on economic grounds. The third party must not disclose financial information to the union party but must provide a professional opinion in relation to the economic circumstances of the employer and the ability or otherwise to meet a claim.

*Clause 35*

To omit from the heading the word “**information**”, and substitute the word “**advice**”.

To omit from subclause (2)(ba) the word “information”, and substitute the word “advice”.

To omit from subclause (2)(c) the word “information”, and substitute the word “advice”.

To add, after subclause (2)(c), the following paragraphs:

- (d) be requested only after bargaining arrangements have been agreed and negotiations commenced; and
- (e) be directly related to a claim or claims being made; and
- (f) be related to a claim’s rejection on economic grounds.

*Clause 35(3)(a) to (d)*

To omit the word “information” wherever it occurs, and substitute the word “advice”.

*Clause 35(5)*

To omit the word “information” wherever it occurs, and substitute the word “advice”.

*Clause 35(6)*

To omit the word “information” wherever it occurs, and substitute the word “advice”.

*Clause 35(8)*

To add the words “except to the extent that information of a personal nature comes within the privacy principles”.

*Clause 35*

To omit subclause (9).

To add the following subclauses:

- (10) Information must be withheld to—
  - (a) protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) protect information where the making available of the information—
    - (i) would disclose a trade secret; or
    - (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
  - (c) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
    - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
    - (ii) would be likely otherwise to damage the public interest; or

- (d) prevent the disclosure or use of information for improper gain or improper advantage.
- (11) Any person, union, employer, or member of a union who breaches the confidentiality clause attached to any information or any of the conditions applied to its use is in breach of this Act and subject to a claim for damages and penalty against them.

*Clause 36*

To omit from subclause (1) the words “by notice in the *Gazette*”, and substitute the words “by regulation”.

To omit subclause (2) and substitute the following subclause:

- “(2) The regulation promulgated must set out the code of good faith approved and state where a copy of the regulation may be obtained.”

*Clause 40*

To omit subclause (1)(b).

*Clause 48*

To omit from subclause (3)(b) the expression “40 days”, and substitute the expression “60 days”.

To omit from subclause (4)(b)(i) the expression “100 days”, and substitute the expression “120 days”.

To omit from subclause (4)(b)(ii) the expression “40 days”, and substitute the expression “60 days”.

*Clause 51*

To omit the words “(whether or not members of a union concerned)”, and substitute the words “who are known to be members of the union concerned”.

*Clause 54*

To omit from subclause (2) the words “of its members”, and substitute the words “of all employees”.

To omit from subclause (3) the words “the members of the union”, and substitute the words “all employees”.

To omit from subclause (4) the words “of members of the union”, and substitute the words “of all employees”.

To omit from subclause (4) the words “a simple majority” and substitute the expression “66%”.

To omit from subclause (4) the words “who are entitled to vote and do vote”, and substitute the words “who are intended to be covered by the collective agreement”.

To insert in subclause (5) after the words “a decision”, the expression “by 66% of employees”.

To insert in subclause (6)(c), after the word “members”, the words “who are intended to be covered by the collective agreement”.

To add the following new subclause:

- (7) A ballot held in any connection (including in relation to strike action) must be conducted by an independent third party, unless requested by majority of employees affected.

*Clause 67*

To omit subclause (1) and substitute the following new subclause:

“(1) Union fees must be deducted from an employee’s salary or wages and remitted to the union by the employer at that employee’s written request. The employer is entitled to retain an administration fee of not more than 10% of such fees deducted.”

To omit from subclause (2) the words “exclude or”.

---