

# House of Representatives

# Supplementary Order Paper

Wednesday, 8 December 2010

## Employment Relations (Secret Ballot for Strikes) Amendment Bill

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### *Proposed amendments*

Hon Tau Henare, in Committee, to move the following amendments:

#### *Clause 2*

To insert the following subclause as *subclause (1AA)* (before line 2 on page 2):

(1AA) **Sections 6A and 9** come into force on the day after the date on which this Act receives the Royal assent.

To omit “This Act” (line 2 on page 2) and substitute “The rest of this Act”.

#### *New clause 6A*

To insert the following clause after *clause 6* (after line 20 on page 2):

#### **6A When society entitled to be registered as union**

Section 14(1) is amended by inserting the following paragraph after paragraph (c):

“(ca) the society’s rules contain a provision relating to the process for holding a secret ballot for the purposes of this Act; and”.

#### *New clause 9*

To add the following clause (after line 33 on page 3):

#### **9 Transitional provision**

- (1) This section applies to a society whose rules do not comply with **section 14(1)(ca)** of the principal Act (as inserted by **section 6A** of this Act).
- (2) The society must amend its rules so that the rules comply with **section 14(1)(ca)** of the principal Act.
- (3) The society must amend its rules for the purposes of **subsection (2)**—

- (a) as soon as is reasonably practicable after the commencement of **section 6A** of this Act; but
  - (b) no later than 2 years after the commencement of **section 6A** of this Act.
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### **Explanatory note**

This Supplementary Order Paper amends the Employment Relations (Secret Ballot for Strikes) Amendment Bill (the **Bill**) to insert *new clause 6A*. *New clause 6A* proposes to insert *new section 14(1)(ca)* into the Employment Relations Act 2000 (the **principal Act**) to ensure that the rules of a society seeking to be registered as a union contain a provision relating to the process for holding a secret ballot for the purposes of the principal Act. Secret ballots are required by section 45(2) of the principal Act and *new section 82A(2)* (as proposed to be inserted into principal the Act by *clause 7* of the Bill).

The Supplementary Order Paper also—

- amends the commencement provision of the Bill (*clause 2*) in order to bring the requirement for a society to have rules that contain a provision relating to secret ballots into force on the day after the date on which the Bill receives the Royal assent; and
  - adds a transitional provision to the Bill (*new clause 9*), which provides that a society whose rules do not contain a provision relating to process for holding a secret ballot must, as soon as is reasonably practicable, but no later than 2 years, after the commencement of *clause 6A* of the Bill, amend its rules so that they comply with *new section 14(1)(ca)* of the principal Act.
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