

**LABOUR RELATIONS AMENDMENT BILL [B16 – 2012]
CLAUSE SUMMARY**

Justice Related Clauses
Contentious Clauses / Legal Issues
New Department Additional / Transitional Amendments
Policy Decision Required

CLAUSE	A-LIST	DECISION REQUIRED	GENERAL COMMENT
New Clause	Deletion of "section 27" (Interim Constitution reference) from section 1 in the LRA and replacing with "section 23"		Committee obtained permission from the NA for this technical change.
Clause 1	Terminology / grammatical changes Subsection 8D deleted	Policy Decision	Department indicated that subsection 8D was erroneously included as it was originally drafted as an alternative to subsections 8A, B & C. The Department requested the Committee to delete subsection 8D in Clause 1.
	Transitional provision	Policy Decision No Legal Issue	Department to explain need
Clause 2	No changes proposed		
Clause 3	Terminology / grammatical changes		
Clause 4	No changes proposed		
Clause 5	No changes proposed		
Clause 6	No changes proposed		
Clause 7	No changes proposed		
Clause 8	No changes proposed		
Clause 9	No changes proposed		
Clause 10	No changes proposed		
Clause 11	Department to propose additional amendment	Policy Decision No Legal Issue	Department to explain proposed additional amendment
Clause 12	No changes proposed		
Clause 13	No changes proposed		
Clause 14	No changes proposed		
Clause 15	No changes proposed		
Clause 16	No changes proposed		
Clause 17	Administrator reference/context change		
Clause 18	No changes proposed		
Clause 19	No changes proposed		
Clause 20	No changes proposed		
Clause 21	No changes proposed		
Clause 22	Transitional provision	Policy Decision No Legal Issue	Department to explain need
Clause 23	Department to propose additional amendment	Policy Decision No Legal Issue	Department to explain proposed additional amendment

Clause 24	Transitional provision	Policy Decision No Legal Issue	Department to explain need
Clause 25	Correction of a grammatical error		
Clause 26	Correction of a referencing error		
Clause 27	Clause Rejected		Overlap with Superior Courts Bill
Clause 28	Clause Rejected		Overlap with Superior Courts Bill
Clause 29	No changes proposed		
Clause 30	No changes proposed		
Clause 31	Clause 31(a) rejected		Joint Decision taken on 16 April 2013
Clause 32	No changes proposed		
Clause 33	No changes proposed		Joint Decision taken on 16 April 2013
Clause 34	Clause rejected		Overlap with Superior Courts Bill
Clause 35	Terminology / grammatical changes		
Clause 36	No changes proposed		
Clause 37	No changes proposed		
Clause 38	Rejected (Recommendation)	Legal Issue	Alternative amendments to sections 193 & 194 transplants same constitutional unfairness concerns as those identified in original clause 38. Infringement on the section 23 constitutional right to fair labour practices on arbitrary ground (income). Blurs distinction between operational/misconduct/incapacity dismissals. Requires NA permission (Rule 249) and public participation
Clause 39	No changes proposed		
Clause 40	No changes proposed		
Clause 41	No changes proposed		
Clause 42	No changes proposed		
Clause 43	Terminology / grammatical changes		Department to explain proposed additional amendment
	Transitional provision	Policy Decision No Legal Issue	Department to explain need
Clause 44	Time period changes Grammatical changes	Policy Decision	Department to explain proposed additional amendment
	Transitional provision	Policy Decision Legal Issue	Department to explain need
Clause 45	No changes proposed		
Clause 46	No changes proposed		
Clause 47	No changes proposed		
Clause 48	Technical Amendment		
Clause 49	No changes proposed		
New clause	Long title amendment to correct constitutional reference to section 23		Committee obtained permission from the NA for this technical change.
Clause 50	Technical amendment		