

GOJ LEGISLATION PROGRAMME 2012/2013 AS AT JUNE 2012

PASSED IN BOTH HOUSES

		MINISTRY	NAME OF LEGISLATION	PURPOSE
1.		Ministry of Finance and Planning	The Appropriation Act, 2012 (Act 5/2012)	To apply a sum out of the Consolidated Fund to the service of the year ending on the 31 st day of March 2013, and to appropriate the sums granted in this Session of Parliament
2.		Ministry of Industry, Investment and Commerce	Processed Food (Amendment) Act, 2012 (Act 2/2012)	<ul style="list-style-type: none"> i. To increase fines in order to effectively address contraventions identified below to make them more effective in deterring unlawful trends and practices in the industry: <ul style="list-style-type: none"> a. Processors operating illegally, for example without their establishments being registered with the BSJ; b. Manufacturing and exporting of products without codes assigned by the BSJ; c. Trading uncertified products; d. Use of fraudulent labels to trade products both locally and internationally; e. Breaches of the Standards (Labelling of Processed Food) Regulations which govern general standards for labelling of processed food prior to export or sale. ii. To discontinue the use of the continuing offence ii. To empower the Minister to amend monetary penalties in the Act by way of order subject to affirmative resolution of both Houses.
3.		Ministry of Industry, Investment and Commerce	Standards (Amendment) Act, 2012 (Act 3/2012)	<ul style="list-style-type: none"> i. To increase fines in order to effectively address contraventions identified below to make them more effective in deterring unlawful trends and practices in the industry: <ul style="list-style-type: none"> a. Processors operating illegally, for example without their establishments being registered with the BSJ; b. Manufacturing and exporting of products without codes assigned by the BSJ; c. Trading uncertified products; d. Use of fraudulent labels to trade products both locally and internationally;

Categories

- 1 Passed
- 4 Being considered/Approved by LC
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- 2 Tabled
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				<p>e. Breaches of the Standards (Labelling of Processed Food) Regulations which govern general standards for labelling of processed food prior to export or sale.</p> <p>ii. To discontinue the use of the continuing offence</p> <p>ii. To empower the Minister to amend monetary penalties in the Act by way of order subject to affirmative resolution of each House of Parliament.</p>
4.		Ministry of National Security	Road Traffic (Temporary Ticket Amnesty) Act, 2012 (Act 1/2012)	To enhance revenue administration and collection by granting an amnesty on all unpaid or un-adjudicated traffic tickets issued on or before 20 September 2010.
5.		Ministry of Science, Technology, Energy & Mining	Telecommunications (Amendment) Act, 2012 (Act 4/2012)	<p>To:</p> <p>(i) address the sharing of telecommunications facilities and infrastructure, where feasible;</p> <p>(ii) allow the Office of Utilities Regulation (OUR), when determining rates, to take into account all relevant approaches, including cost orientation and local/international benchmarks;</p> <p>(iii) grant the OUR an express power to set interim rates for wholesale and retail services where there was a marked diversity in rates; and without the application of such rates having retroactive effect;</p> <p>(iv) provide for procedures for the use and operation of the spectrum to ensure its efficient use and operation;</p> <p>(v) provide for the expansion of the principle of universal service, beyond physical access through connectivity, to encompass resource access and basic access;</p> <p>(vi) make the quantum of the universal service levy subject to affirmative resolution of the House of Representatives;</p> <p>(vii) provide for the OUR to impose remedies, including, orders for compensation to persons adversely affected by any action by licensees, which contravene the Act, or any rule made thereunder or any spectrum licence,</p>

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				<p>determination, memorandum, order, regulation or directive of the OUR; and (viii) provide for the OUR and the Spectrum Management Authority (SMA) to be given direct enforcement powers, hereby enabling them to:</p> <p>a. issue orders to terminate, modify or nullify agreements, activities or decisions of licensees, found to be in contravention of the Act, any rule made thereunder or any licence, spectrum licence, determination, memorandum, order, regulation or directive of the OUR and the SMA, as the case may be; and</p> <p>b. petition the court for an interim injunction against any licensee whose actions, in the opinion of the OUR and the SMA, may cause irreparable damage; and, in this regard, prevent the OUR and the SMA from having to first provide a financial undertaking.</p>

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APPROVED BY CABINET FOR TBLING

		MINISTRY	NAME OF LEGISLATION	PURPOSE
6.	1	Ministry of Education	National Parenting Support Commission Bill	To provide for the establishment of a National Parenting Support Commission to oversee the implementation and operation of the National Parenting Policy.
7.	2	Ministry of Finance and Planning	Income Tax (Amendment) Bill	To effect legislative changes directed at encouraging businesses to establish their group head offices in Jamaica.
8.	3	Ministry of Justice	Committal Proceedings Bill	To abolish the existing procedure of preliminary examinations in cases of indictable offences and seeks to put in its place a new committal proceedings regime in the Resident Magistrates Court.
9.	4	Ministry of Justice	Judicature (Supreme Court) (Validation and Amendment) Bill	To amend the Judicature (Supreme Court) Act in order to give power to judges of the Supreme Court to make orders for interim payment, and to validate orders for interim payment made by judges of the Supreme Court in the absence of such authority.
10.	5	Ministry of Justice	Legal Profession (Amendment) Bill	To provide for: (i) intervention by the General Legal Council in the practice of an Attorney-at-Law; (ii) mandatory professional development programmes (continuing legal education) and (iii) mandatory maintenance of client's trust accounts and records.
11.	6	Ministry of Agriculture and Fisheries	Protection of Plant Genetic Resources for Food and Agriculture Bill	To provide a framework for the effective functioning of the International Treaty on Plant Genetic Resources for Agriculture in Jamaica; further the conservation and sustainable use of plant genetic resources; and facilitate access to, and use of, plant genetic resources, and promote the equitable sharing of benefits arising out of their use.
12.	7	Ministry of Finance and Planning	Retiring Allowances (Legislative Service) (Amendment) Bill	To: (i) to widen the eligibility criteria for the receipt of a pension and allow for service as a Parish Councillor to be taken into account in determining the eligibility of a Legislator for retiring allowance;

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		MINISTRY	NAME OF LEGISLATION	PURPOSE
				(ii) to provide that where service as a Councillor and as a Legislator were to be combined for the purpose of eligibility for a pension, the period should be an aggregate of not less than eleven years; and (iii) to bring the arrangement into effect from 1 March 2005, the date the Retiring Allowance (Parish Councillors) Act became operational

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BEING CONSIDERED/APPROVED BY LEGISLATION COMMITTEE

		MINISTRY	NAME OF LEGISLATION	PURPOSE
13.	1	Ministry of Finance and Planning	Revenue Administration (Amendment) Bill	To establish a separate tax appeals department to be called the Revenue Appeals Division within the Ministry responsible for finance
14.	2	Ministry of Health	Radiation (Safety & Control) Bill	To regulate safety of radiation to users & unsuspecting public
15.	3	Ministry of Industry, Investment and Commerce	Companies (Transitional Provisions) (Amendment) Bill	i. To improve transitional arrangements for those companies registered under 1965 Act. ii. To de-register companies that fail to file Articles of Continuation.
16.	4	Ministry of Industry, Investment and Commerce	Consumer Protection (Amendment) Bill	(i) To expand the power of the CAC to provide legal representation; (ii) To establish a Hearing Tribunal; (iii) To expand investigative provisions; (iv) To strengthen the provisions on warranties; (v) To strengthen provisions regarding advertisements and the display of prices; (vi) To improve record keeping and reporting requirements.
17.	5	Ministry of Justice	Defamation Bill	To modernize the laws relating to libel and slander.
18.	6	Ministry of Local Government and Community Development	Building Bill	(i) To improve the efficiency of the building approval process and provide a framework for the effective management of the building industry. (ii) To incorporate the Kingston and St. Andrew Building Act and the Parish Council Building Act.
19.	7	Ministry of Local Government and Community Development	National Solid Waste Authority (Amendment) Bill	(i) To amend the Act to increase the number of Board Members from 11 to 13 by the inclusion of two (2) representatives of the Association of Local Government Authorities of Jamaica. (ii) To allow the Minister, by order and subject to affirmative resolution of each House of Parliament, to amend the monetary penalties specified in the Act and any of the Schedules of the Act.
20.	8	Ministry of National Security	Criminal Justice (Suppression of Criminal Gangs and Organised Criminal Groups) Bill	To introduce legislation for the suppression and disruption of criminal gangs criminal gang-related activities and make consequential amendments to existing legislation as necessary.

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21.	9	Ministry of Transport, Works and Housing	Road Traffic (Amendment) Bill	To: (i) provide for comprehensive revision of Act ; (ii) repeal and replace the current Road Traffic Act and Regulations (1938) and Companion Acts and Regulations; and (iii) establish Island Traffic Authority as a statutory body.

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22.	1	Ministry of Agriculture and Fisheries	Animal Disease and Importation of (Amendment) Bill	To facilitate importation, distribution, storage of animal products including milk and by-products with regard to disease and safety
23.	2	Ministry of Agriculture and Fisheries	Aquaculture Inland and Marine Products and By-Products (Inspection, Licensing and Export) (Amendment) Bill	To plug loopholes discovered in the Act since the opening of the conch season in 2001 and make provision for imports.
24.	3	Ministry of Agriculture and Fisheries	Fishing Industry (Amendment) Bill	To repeal and replace existing Act for the better management of the fishing industry
25.	4	Ministry of Agriculture and Fisheries	Plants (Quarantine) (Amendment) Bill	To harmonise sanitary and phytosanitary measures with WTO requirements
26.	5	Ministry of Education	Jamaica Teaching Council Bill	To provide for the establishment of the Jamaica Teaching Council, consequential amendments to the provisions of the Education Act dealing with the Teachers Service Commission, and for the introduction of a system of teacher licensing.
27.	6	Ministry of Education	Jamaica Tertiary Education Commission Bill	To provide for the establishment of a national oversight body for tertiary education in Jamaica (J-TEC).
28.	7	Ministry of Finance and Planning	Bank of Jamaica (Amendment) Bill	To designate the Bank of Jamaica with overall responsibility for financial stability
29.	8	Ministry of Finance and Planning	Executive Agencies (Amendment) Bill	(i) To allow Parliament's approval to be given through negative resolution rather than affirmative resolution when prescribing the fees and charges to be imposed by an Executive Agency; (ii) To recognise bodies that have been designated as Executive Agencies and to empower the Minister, through order, to update this list periodically; and (iii) To allow for pensions portability between Executive Agencies and Central Government.
30.	9	Ministry of Foreign Affairs and Foreign Trade	Diving Regulation Bill	To regulate commercial diving activities and diving equipment, safety standards and other pertinent matters

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31.	10	Ministry of Foreign Affairs and Foreign Trade	Geneva Conventions and its Protocols Bill	To provide for implementing the obligations under the Convention and Protocols.
32.	11	Ministry of Foreign Affairs and Foreign Trade	Hague Convention on Civil Aspects of International Child Abduction Bill	To implement obligations under the Convention.
33.	12	Ministry of Health	Chemical Weapons Convention Implementation Bill	To implement the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical weapons and on their destruction.
34.	13	Ministry of Health	Food and Drugs (Amendment) Bill	To include and define over-the-counter products and five new categories of substances for human consumption.
35.	14	Ministry of Health	Mental Health (Amendment) Bill	To provide for treatment of patients by Mental Health Officers without their consent.
36.	15	Ministry of Health	Nurses and Midwives (Amendment) Bill	<ul style="list-style-type: none"> • To establish a Nurse Practitioner Council to regulate control and monitor all categories of Nurse Practitioner. • To provide for the legal recognition of the clinical practice of Family Nurse Practitioners, Nurse Anaesthetists and Mental Health Nurse Practitioners to enable them to prescribe a limited list of drugs set out in their practice protocols.
37.	16	Ministry of Health	Pharmacy (Amendment) Bill	To authorise the prescribing of specified drugs by Nurse Practitioners.
38.	17	Ministry of Health	Professions Supplementary to Medicine (Validation and Indemnity of Functions of Council) Bill	Validating and indemnifying legislation would be required with regard to the tenure of the Council for the period 16 October 2008 to 31 May 2011.
39.	18	Ministry of Health	Registration (Births and Deaths) (Amendment) Bill	To make provision for: <ul style="list-style-type: none"> (i) the compulsory registration of the names of unmarried fathers; (ii) the inclusion of penalties for misrepresentation or refusal of the mother to name the father; (iii) the imposition of fees for the provision of services relating to section 19B (4) of the Act.

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40.	19	Ministry of Health	Rotterdam Convention Bill	To provide for prior informed consent for hazardous chemical and to make provision for the protection of human health and the environment from potential harm.
41.	20	Ministry of Industry, Investment and Commerce	Cooperative & Friendly Societies (Amendment) Bill	(i) To place the activities of Credit Unions within the regulatory ambit of BOJ; (ii) To develop Youth Credit Unions, (iii) To register deposit taking businesses, amalgamation, conversion and acquisitions etc.; (iv) To restrict deposit taking activities of the Co-operative Societies.
42.	21	Ministry of Industry, Investment and Commerce	Copyright (Amendment) Bill (No.1)	To ensure Jamaica's accession to the World Intellectual Property Organisation (WIPO) Copyright Treaty. To incorporate provisions of the WIPO Copyright Treaty to protect authors, composers and creators of literature. To allow for: (a) access to copyright works by the print and hearing disabled; (b) establishment of a voluntary deposit system for copyright works to be hosted by the Jamaica Intellectual Property Office; (c) establishment of the duration of copyright for works created by the Crown and corporate bodies; (d) provision for access to "orphan works;" (e) clarification of the rights in adapted works; (f) extension of the rights of libraries and archivists to archive material that was in digital format; and (g) protection of first importers of sound recordings in Jamaica by ensuring them the first right of distribution of same.
43.	22	Ministry of Industry, Investment and Commerce	Fair Competition (Amendment) Bill	To improve efficacy of the FTC in fulfilling its duties, including: (i) Restructuring the FTC to include an independent Tribunal with responsibility to adjudicate matters investigated by the Commission and hear appeals; (ii) Allowing the Act to apply to all markets and industries, except where specifically exempted by another law; and (iii) Generally update the Act to ensure conformity with best practices in the

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				markets with which the FTC is concerned.
44.	23	Ministry of Industry, Investment and Commerce	Holding Company and International Business Company Bill Trusts Bill Trust and Service Provider Bill General and Limited Partnership Bill	To support the suite of services offered by the Jamaica International Financial Services Centre (IFSC).
45.	24	Ministry of Industry, Investment and Commerce	Patents & Industrial Designs Bill	(i) To replace and repeal Patents Act and the Design Act, in order to fulfil all the provisions of the Trade-Related aspects of Intellectual Property Rights (TRIPS) Agreement and the USA/Jamaica Bilateral Treaty on Intellectual Property. (ii) To bring Act into conformity with international standards of protection for inventors and innovators.
46.	25	Ministry of Industry, Investment and Commerce	Trade Marks (Amendment) Bill	(i) To reflect Jamaica's membership in the WTO; (ii) To establish that the registration fees do not include the cost of advertising; (iii) To provide for the suspension of a trademark as a result of disuse for a period of five years without good reason; (iv) To empower the Minister to amend the monetary penalties in the Act by way of order subject to affirmative resolution of each House of Parliament; (v) To introduce the concept of a cooling-off period; and (vi) To provide the basis on which the revocation of a trademark can be effected.
47.	26	Ministry of Justice	Arbitration Bill	Cabinet approved the repeal and replacement of the Arbitration Act (1900), the Arbitration Clauses Act (1931), and the Arbitration (Recognition and Enforcement of Foreign Awards) Act (2001) and consequential implementation of a new comprehensive Arbitration Act to govern the conduct and practice of domestic as well as international arbitration in Jamaica.
48.	27	Ministry of Justice	Evidence (Amendment) Bill (No.1)	To provide for admissibility of evidence in Criminal and Civil proceedings by way of television links and video link; Removal of certain procedural requirements to

Categories

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				the admissibility of computer generated evidence in proceedings generally.
49.	28	Ministry of Justice	Offences Against the Person (Amendment) Bill	To repeal and replace certain sections of the Offences Against the Person Act to provide for a myriad of sexual offences. These are consequential from the Sexual Offences Act.
50.	29	Ministry of Labour and Social Security	National Assistance Bill	To incorporate institutional changes under the Social Safety Net Reform (a Unified Benefits Programme) and repeal the Poor Relief Law of 1886.
51.	30	Ministry of Labour and Social Security	National Disabilities Bill	To provide for further protection and legal entrenchment of rights of persons with disabilities
52.	31	Ministry of Labour and Social Security	Occupational Health & Safety Bill	To provide for safety standards at workplace
53.	32	Ministry of Local Government and Community Development	Disaster Risk Management Bill	To provide for a strengthened legislative framework for disaster management. This Bill will replace the Disaster Preparedness and Emergency Management Act.
54.	33	Ministry of National Security	Constabulary Force (Amendment) Bill	To amend section 5 of the Act to provide for a term of enlistment for gazetted officers and to increase applicable fine for contravention.
55.	34	Ministry of National Security	Police Management Authority Bill	The establishment of a Police Authority as an oversight mechanism for policing functions.
56.	35	Ministry of National Security	Private Security Regulations Authority (Amendment) Bill	<ul style="list-style-type: none"> • To increase fees and fines; • To amend Section 12 to widen the circumstances under which licences can be revoked or refused; • To amend Section 17 to provide an exception under the Companies Act for lifting the corporate veil to ascertain the identities of company directors and shareholder
57.	36	Ministry of Transport, Works and Housing	Port Authority of Jamaica Bill	To: (i) Repeal and replace existing Act,

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				(ii) Ensure that the legislation relating to the Authority was in keeping with the Shipping Act, 1998.; (iii) Bring several Acts relating to maritime activities and port operations, repeal a number of existing Acts, viz, the Harbour Fees Act, the Harbour Lights and Lighthouse Act and the Port Authority Act; (iv) Address the weakness in power and functions of the Port Authority of Jamaica.
58.	37	Ministry of Transport, Works and Housing	Rent Restriction (Change of Name & Amendment) Bill	To facilitate the provision of adequate legislation governing the rental of properties in Jamaica and to bring about greater efficiency in the processing of applications & complaints
59.	38	Ministry of Transport, Works and Housing	Road Maintenance Fund (Amendment) Bill	(i) To facilitate the RMF using funds received from the Special Consumption Tax on fuel or any other source except the motor vehicle licensing fees to undertake road construction works inclusive of bridges, retaining walls, sea defence works, river training and any other related infrastructure road works; (ii) To change the name of the RMF to the Jamaica Road Fund; (iii) To amend the definition of the word maintenance to include parochial roads.
60.	39	Ministry of Transport, Works and Housing	Shipping (Pollution Prevention, Response, Liability and Compensation) Bill	To implement several international conventions (including International Convention on Civil Liability for Bunker Oil Damage; International Convention on Oil Pollution Preparedness & Response Cooperation (ICOPP & R); Safety of Life at Sea (SOLAS) to protect shipping & preserve the marine environment from pollution by ships.
61.	40	Ministry of Water, Land, Environment and Climate Change	Crown Property (Vesting) (Amendment) Bill	To establish a National Divestment Committee to advise Minister responsible for Land and Environment; To provide for the Minister making an Order to exempt certain categories of divestment being routed through the Committee.

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DRAFTING INSTRUCTIONS ISSUED				
		MINISTRY	NAME OF LEGISLATION	PURPOSE
62.	1	Ministry of Agriculture and Fisheries	Agricultural Credit Board (Repeal) Bill	To repeal the Act to, inter alia, transfer functions of the Agricultural Credit Board to the Registrar of Co-operatives and wind up the operations of the Board.
63.	2	Ministry of Education	Mico University College (Validation and Indemnification) Bill	To provide for the validation and indemnity of all acts by the Mico University College from 2006 to 2010, during which time the College operated without the existence of a valid scheme of management, due to an omission to gazette the order approving its scheme of management.
64.	3	Ministry of Health	Pharmacy (Validation and Indemnity of Functions of the Registration Appeal Tribunal) Bill	To validate and confirm acts done in good faith by the Tribunal in carrying out their functions under the Act and to indemnify persons from liability in respect of such acts for the period 3 August 2011 to 6 November 2011.
65.	4	Ministry of Health	Quarantine (Validation and Indemnity of Functions of the Quarantine Authority) Bill	To validate and confirm acts done in good faith by the Authority in carrying out their functions under the Act and to indemnify persons from liability in respect of such acts for the period 24 February 2011 to 12 June 2011.
66.	5	Ministry of Labour and Social Security	Caribbean Community (Free Movement of Skilled Persons) Bill	To increase fines and penalties, allow for charging of fees for skill certificates, institute One Certificate Regime, and to expand the categories of persons approved for movement under the regime.
67.	6	Ministry of National Security	DNA Evidence Bill	To provide for the taking of DNA samples from persons arrested in relation to specified offences.
68.	7	Ministry of Water, Land, Environment and Climate Change	Real Estate (Dealers and Developers) (Amendment) Bill	To strengthen the Real Estate (Dealers and Developers) Act which governs the practice of Real Estate business in Jamaica.

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CABINET APPROVAL OF DRAFTING INSTRUCTIONS				
		MINISTRY	NAME OF LEGISLATION	PURPOSE
69.	1	Ministry of Foreign Affairs and Foreign Trade	International Convention for the Suppression of Acts of Nuclear Terrorism	To provide for implementing the obligations under the Convention established by Security Council Resolution 1373
70.	2	Ministry of Foreign Affairs and Foreign Trade	Rome Statute Bill	To establish the International Criminal Court under the laws of Jamaica to enable the ratification of the Rome Statute.
71.	3	Ministry of Foreign Affairs and Foreign Trade	Terrorism Prevention (Amendment) Bill Mutual Legal Assistance (Criminal Matters) (Amendment) Bill Extradition (Amendment) Bill	To incorporate into Jamaican law the provisions of: (i) the Amendment to the Convention on the Physical Protection of Nuclear Material, 2005; (ii) the Protocol to the Convention for the Suppression of the Unlawful Acts against the Safety of Maritime Navigation, 2005; and (iii) the Protocol to the Protocol for the Suppression of the Unlawful Acts against the Safety of Fixed Platforms, 2005
72.	4	Ministry of Health	Profession Supplementary to Medicine (Amendment) Bill	To change the name of the legislation; change the name of the Council to "Council for Health and Allied Health Professions;" and to delete proviso to section 15 (1) which allows persons in related professions in the public sector to be exempt from registration.
73.	5	Ministry of Industry, Investment and Commerce	Insolvency Bill	(i) To review the laws relating to personal and corporate insolvencies in Jamaica to aid in the rehabilitation of debtors and the presentation viable businesses; (ii) To ensure procedural clarity in the operation of insolvency laws in Jamaica; (iii) To make recommendations for the appropriate legislative changes, including: a. Temporary protection from creditors; b. Reduction of the need for court proceedings and where necessary simplify the process and reduce delays; c. A system for licencing and regulating private trustees; and d. Similar qualification requirements for all trustees.

Categories

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CABINET APPROVAL OF DRAFTING INSTRUCTIONS

		MINISTRY	NAME OF LEGISLATION	PURPOSE
74.	6	Ministry of Labour and Social Security	<ul style="list-style-type: none"> • Apprenticeship (Amendment) Bill • Holiday (Public General) Amendment Bill • Minimum Wage (Amendment) Bill • Shops and Offices (Amendment) Bill • Women (Employment of) (Amendment) Bill 	To amend existing legislation to facilitate the implementation of Flexible Work Arrangements based on White Paper.
75.	7	Ministry of Water, Land, Environment and Climate Change	Registration (Strata Titles) (Amendment) Bill	To improve the ability of the Strata Corporations to manage, control and administer the common property and resolve disputes in connection with such properties.
76.	8	Ministry of Water, Land, Environment and Climate Change	Water Supply and Sewerage Service Bill	To provide the framework for multiple service providers in the water sector through a licensing regime, and to establish the appropriate institutional framework, responsibilities and roles of the various players in the water sector consistent with the Policy.

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