



ANALYSIS

- Title
 1. Short Title
 2. Interpretation
 3. New Part I substituted

PART I

STATE SERVICES COMMISSIONER

3. State Services Commissioner

Duties, Functions, and Powers of Commissioner

4. Commissioner to be chief executive of State Services Commission
 5. Duty of Commissioner to act independently
 6. Functions of Commissioner in relation to Public Service
 7. Powers of Commissioner
 8. Power of Commissioner to conduct inspections and investigations
 9. Power to obtain information from Departments
 10. Power to enter premises
 11. Exercise of functions and powers in respect of other State services
 12. Deputy State Services Commissioner
 13. Term of office
 14. Acting Commissioner or acting Deputy Commissioner
 15. Remuneration and expenses of Commissioner and Deputy Commissioner
 16. Removal from office
 17. Vacation of office
 18. Superannuation rights of Commissioner and Deputy Commissioner
 19. Annual report
 20. Power to incorporate annual report of Commission in Commissioner's annual report
 21. Advisory committees

22. Remuneration of advisory committees
 23. Delegation of functions or powers
 24. Revocation of delegations
 25. Power to summon witnesses
 26. Fees and expenses in connection with investigation or inquiry
 4. Annual reports of Departments
 5. Appointment of chief executives
 6. Reappointment of chief executives
 7. Acting chief executive
 8. Delegation of functions or powers
 9. Senior executive service
 10. Limit on members
 11. Application of Labour Relations Act 1987 in respect of senior executive service
 12. Appointments to positions in the senior executive service
 13. Conditions of employment for senior executive service
 14. New sections inserted
 61A. Power to transfer employees
 61B. Protection of conditions of employment upon transfer of duties
 61C. Union coverage where Department ceases to be part of Public Service
 15. Redundancy
 16. Negotiation of conditions of employment
 17. New sections substituted
 74. Negotiation of conditions of employment
 74A. Delegation of State Services Commission's powers
 74B. Negotiation of conditions of employment for employees of universities, technical institutes, and teachers colleges
 18. New sections inserted
 77AA. Offence to attempt to influence employer

77AB. Protection from liability	27. Other service organisations
19. Code of conduct	28. New First Schedule substituted
20. Performance of teachers	29. Second Schedule repealed
21. Obligation to notify vacancies	30. Amendments to Acts relating to universities
22. New sections inserted	31. Amendments to Government Superannuation Fund Act 1956
77IA. Chief executives of institutions	32. Repeals and revocations
77IB. Appointment of chief executive	33. Transitional provisions in relation to State Services Commission
77IC. Reappointment of chief executive	34. Transitional provisions in relation to appointments
77ID. Conditions of employment of chief executive	35. Transitional provisions in relation to chief executives of institutions
77IE. Removal from office	36. Transitional provisions in relation to persons employed by universities
77IF. Acting chief executive	37. Transitional appeal rights of employees of technical institutes and teachers colleges
23. Appointment of senior staff	Schedules
24. Conditions of employment of senior staff in universities or technical institutes	
25. Application of Labour Relations Act 1987 in respect of senior positions	
26. Constitution of New Zealand Public Service Association	

1989, No. 136

An Act to amend the State Sector Act 1988

[19 December 1989

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the State Sector Amendment Act (No. 2) 1989, and shall be read together with and deemed part of the State Sector Act 1988 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “chief executive”, and substituting the following definition:

“‘Chief executive’,—

“(a) In relation to a Department, means, subject to section 44 of this Act, the person holding office under section 31 of this Act, as the chief executive of the Department:

“(b) In relation to a university, technical institute, or teachers college, means, subject to section 77IC of this Act, the person appointed as the chief executive of the institution.”.

(2) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “Commissioner”, and substituting the following definition:

“‘Commissioner’ means the State Services Commissioner appointed under section 3 of this Act.”.

(3) The said section 2 (1) is hereby further amended by inserting, after the definition of the term “coverage clause”, the following definition:

“‘Deputy Commissioner’ means the Deputy State Services Commissioner appointed under section 12 of this Act.”.

(4) The said section 2 (1) is hereby further amended by repealing the definition of the term “Education service” (as substituted by section 2 (1) of the State Sector Amendment Act 1989), and substituting the following definition:

“‘Education service’ means service in the employment of—

“(a) Any State school; or

“(b) Any integrated school within the meaning of the Private Schools Conditional Integration Act 1975; or

“(c) Any kindergarten within the meaning of the Education Act 1964; or

“(d) Any university, technical institute, or teachers college; or

“(e) Any other educational institution for which a separate employer for the purpose of this Act is designated by any enactment or by the Minister.”.

(5) The said section 2 (1) is hereby further amended by repealing the definition of the term “employer” (as inserted by section 2 (2) of the State Sector Amendment Act 1989), and substituting the following definition:

“‘Employer’,—

“(a) In relation to any institution that is subject to Part IX of the Education Act 1989, means—

“(i) The Board of Trustees; or

“(ii) Where a Commissioner has been appointed under Part IX of the Education Act 1989 to act in place of the Board of Trustees, that Commissioner:

“(b) In relation to any kindergarten recognised as a free kindergarten by the Minister of Education, means the free kindergarten association by which that kindergarten is controlled:

“(c) In relation to any university, technical institute, or teachers college, means the chief executive of that institution:

“(d) In relation to any other institution, means—

“(i) The person or body designated by any enactment as the employer for the purposes of this Act in respect of that institution; and

“(ii) Where no such person or body is so designated, means any person or body designated for that purpose by the Minister.”.

(6) The said section 2 (1) is hereby further amended by repealing the definition of the term “State enterprise”.

(7) The said section 2 (1) is hereby further amended by repealing paragraph (b) of the definition of the term “State services”, and substituting the following paragraph:

“(b) Includes the Education Service and the Health Service; but”.

(8) The said section 2 (1) is hereby further amended by adding to subparagraph (v) of paragraph (c) of the definition of the term “State services” the expression “; or”.

(9) The said section 2 (1) is hereby further amended by adding to paragraph (c) of the definition of the term “State services” the following subparagraph:

“(vi) Any university, technical institute, or teachers college:”.

(10) The said section 2 (1) is hereby further amended by inserting, after the definition of the term “strike”, the following definition:

“ ‘Technical institute’ includes a community college:”.

(11) The said section 2 (1) is hereby further amended by adding, after the definition of the term “union party”, the following definition:

“ ‘University’ includes Lincoln College.”

3. New Part I substituted—The principal Act is hereby amended by repealing Part I, and substituting the following Part:

“PART I

“STATE SERVICES COMMISSIONER

“**3. State Services Commissioner**—There shall be an officer to be called the State Services Commissioner, who shall be appointed by the Governor-General in Council on the recommendation of the Prime Minister.

“*Duties, Functions, and Powers of Commissioner*

“**4. Commissioner to be chief executive of State Services Commission**—The Commissioner shall be the chief executive of the department of State known as the State Services Commission.

“5. Duty of Commissioner to act independently— Except as provided in sections 35, 36, 38, and 39 of this Act, in matters relating to decisions on individual employees, the Commissioner shall not be responsible to the Minister but shall act independently.

“6. Functions of Commissioner in relation to Public Service—The principal functions of the Commissioner are—

“(a) To review the machinery of government including—

“(i) The allocation of functions to and between Departments; and

“(ii) The desirability of or need for the creation of new Departments and the amalgamation or abolition of existing Departments; and

“(iii) The co-ordination of the activities of Departments:

“(b) To review the performance of each Department, including the discharge by the chief executive of his or her functions:

“(c) To appoint chief executives of departments and to negotiate their conditions of employment:

“(d) To provide and maintain in association with chief executives a senior executive service for the Public Service:

“(e) To negotiate conditions of employment of employees in the Public Service:

“(f) To promote and develop personnel policies and standards of personnel administration for the Public Service:

“(g) To promote, develop, and monitor equal employment opportunities policies and programmes for the Public Service:

“(h) To furnish advice on the training and career development of staff:

“(i) To provide advice on management systems, structures, and organisations:

“(j) To exercise such other functions with respect to the administration and management of the Public Service as the Prime Minister from time to time directs (not being functions conferred by this Act or any other Act on a chief executive other than the Commissioner).

“7. Powers of Commissioner—The Commissioner shall have all such powers as are reasonably necessary or expedient

to enable the Commissioner to carry out the functions and duties imposed upon the Commissioner under this Act or any other enactment.

“8. Power of Commissioner to conduct inspections and investigations—The Commissioner may from time to time, in carrying out the functions in respect of the Public Service,—

“(a) Conduct such inspections and investigations; and

“(b) Make and receive such reports,—

as the Commissioner considers necessary or the Minister directs.

“9. Power to obtain information from Departments—(1) The Commissioner may from time to time give a Department notice in writing requiring the Department to supply to the Commissioner information concerning the Department’s activities.

“(2) Every Department shall comply with any notice given to it under subsection (1) of this section and shall keep such records as are necessary to enable it to comply with the notice.

“(3) Nothing in this section derogates from any Act that imposes a prohibition or restriction on the availability of any information.

“10. Power to enter premises—(1) For the purpose of carrying out the functions of the Commissioner, the Commissioner or any person specifically or generally authorised in writing in that behalf by the Commissioner, may from time to time—

“(a) Enter the premises of any Department; or

“(b) Require the production of any information, documents, or files in the custody of any Department, and examine any such information, documents, or files; or

“(c) Require any member of the staff of any Department to answer questions for the purpose of enabling the Commissioner to carry out the functions assigned to the Commissioner.

“(2) Every written authorisation under subsection (1) of this section shall contain—

“(a) A reference to this section; and

“(b) The full name of the authorised person; and

“(c) A statement of the powers conferred on the authorised person by subsection (1) of this section.

“(3) The power to enter premises pursuant to subsection (1) of this section shall be subject to the following conditions:

“(a) Entry shall be made only by the Commissioner or by a person specifically or generally authorised in writing by the Commissioner:

“(b) Reasonable notice of the intention to enter shall be given:

“(c) Entry shall be made at reasonable times:

“(d) The person entering shall carry—

“(i) Evidence of that person’s identity; and

“(ii) Either evidence that that person is the Commissioner or that person’s written authorisation under subsection (1) of this section:

“(e) The person entering shall, on first entering the premises, and, if requested, at any subsequent time, produce to a representative of the Department the evidence referred to in paragraph (d) of this subsection.

“(4) Every person shall have the same privileges in relation to—

“(a) The production of information, documents, and files; and

“(b) The furnishing of any information or particulars; and

“(c) The answering of questions—

under this section as witnesses have in Courts of law.

“(5) No person shall exercise any of the powers conferred by paragraphs (a) to (c) of subsection (1) of this section unless the Commissioner or that person has first given the chief executive of the Department the opportunity of consulting with the Commissioner or that person about the exercise of those powers.

“(6) Nothing in this section derogates from any enactment that imposes a prohibition or restriction on—

“(a) The availability of any information; or

“(b) The production or examination of any information, documents, or files.

“11. **Exercise of functions and powers in respect of other State services**—(1) The Prime Minister may from time to time direct the Commissioner in writing, to carry out, in respect of any part of the State services that does not form part of the Public Service, any of the functions and powers conferred on the Commissioner by any provision of sections 6 to 10 of this Act.

“(2) Sections 6 to 10 of this Act shall apply, for the purposes of any direction under subsection (1) of this section, with all

necessary modifications and as if the part of the State services to which the direction relates were a Department.

“(3) The Commissioner shall comply with that direction and shall have all necessary powers to enable the Commissioner to do so.

“(4) The Commissioner shall, when requested by the head of, or the Minister in charge of or responsible for, any part of the State services, exercise in respect of that part of the State services any of the functions and powers that the Commissioner may exercise in respect of Departments under any provision of sections 6 to 8 of this Act.

“(5) Nothing in this section—

“(a) Limits or affects any provision of any other Act; or

“(b) Affects or prevents the exercise by any part of the State services that does not form part of the Public Service, or by any officer or employee of any such part of the State services, of any function or power conferred on or belonging to any such part of the State services or any such officer or employee.

“**12. Deputy State Services Commissioner**—(1) There shall be an officer to be called the Deputy State Services Commissioner, who shall be appointed by the Governor-General in Council on the recommendation of the Prime Minister.

“(2) Subject to the control of the Commissioner, the Deputy Commissioner shall have and may exercise all the functions, duties, and powers of the Commissioner.

“(3) On the occurrence from any cause of a vacancy in the office of Commissioner (whether by reason of death, resignation, or otherwise), and in the case of absence from duty of the Commissioner (from whatever cause arising), and so long as any such vacancy or absence continues, the Deputy Commissioner shall have and may exercise all the functions, duties, and powers of the Commissioner.

“(4) The fact that the Deputy Commissioner exercises any function, duty, or power of the Commissioner shall, in the absence of proof to the contrary, be conclusive evidence of his or her authority to do so.

“**13. Term of office**—(1) The Commissioner and the Deputy Commissioner shall each be appointed for such term, not exceeding 5 years, as shall be specified in the Order in Council by which the Commissioner or the Deputy Commissioner is appointed.

“(2) The Commissioner and the Deputy Commissioner shall each be eligible for reappointment from time to time.

“(3) Where a person who is employed in the State services is appointed as the Commissioner or as the Deputy Commissioner, that person’s term of office as Commissioner or Deputy Commissioner shall be deemed, for the purposes of—

“(a) The Government Superannuation Fund Act 1956; and

“(b) Appointment to any position in the State services on the termination of that person’s service as Commissioner or Deputy Commissioner; and

“(c) Entitlement to leave of absence,—
to be continuous service in that part of the State services in which that person was employed at the date of that person’s appointment as Commissioner or Deputy Commissioner.

“14. Acting Commissioner or acting Deputy Commissioner—(1) In the event of the incapacity of the Commissioner by reason of illness or absence or any other cause, the Governor-General in Council, on the recommendation of the Prime Minister, may appoint an acting Commissioner to act for the Commissioner during that incapacity.

“(2) In the event of the incapacity of the Deputy Commissioner by reason of illness or absence or any other cause or where the Deputy Commissioner is, pursuant to section 12 (3) of this Act, exercising the functions, duties, and powers of the Commissioner, the Governor-General in Council, on the recommendation of the Prime Minister, may appoint an acting Deputy Commissioner to act for the Deputy Commissioner during that incapacity or while the Deputy Commissioner is exercising those functions, duties, and powers.

“(3) No appointment of an acting Commissioner or acting Deputy Commissioner, and no act done by an acting Commissioner or acting Deputy Commissioner, as such, shall in any proceedings be questioned on the ground that the occasion for his or her appointment had not arisen or had ceased.

“15. Remuneration and expenses of Commissioner and Deputy Commissioner—(1) The Commissioner and the Deputy Commissioner shall be paid—

“(a) Such remuneration as may from time to time be determined in each case by the Higher Salaries Commission; and

“(b) Such additional allowances, being travelling allowances or other incidental or minor allowances, as may be

determined from time to time in each case by the Minister of Finance.

“(2) Subject to the Higher Salaries Commission Act 1977, any determination made under subsection (1) of this section may be made so as to come into force on a date to be specified for that purpose in the determination, being the date of the making of the determination, or any other date, whether before, on, or after the date of the making of the determination.

“(3) Every determination made under subsection (1) of this section in respect of which no date is specified as aforesaid shall come into force on the date of the making of the determination.

“16. **Removal from office**—(1) The Commissioner and the Deputy Commissioner may be suspended or removed from office in accordance with the following provisions of this section and not otherwise.

“(2) The Governor-General may suspend the Commissioner or the Deputy Commissioner from office for misbehaviour or incompetence, but the Commissioner or the Deputy Commissioner shall not be removed from office except as provided in this section.

“(3) The Governor-General shall cause to be laid before the House of Representatives a full statement of the grounds of any suspension within 7 sitting days after the date of that suspension.

“(4) Unless the House of Representatives, within 21 days from the date on which the statement in respect of the Commissioner or Deputy Commissioner suspended under this section has been laid before it, declares by resolution that the Commissioner or Deputy Commissioner, as the case may be, ought to be removed from office, the Commissioner or Deputy Commissioner, as the case may be, shall be deemed to be restored to office as from the date of his or her suspension; and, if the House of Representatives within the said time does so declare, the Commissioner or Deputy Commissioner, as the case may be, shall be removed by the Governor-General from the date of the suspension.

“(5) Unless the Governor-General in Council otherwise directs, the Commissioner or Deputy Commissioner who has been removed from office under this section shall not be entitled to be reappointed to the State services and shall not be entitled to a retiring allowance under the Government Superannuation Fund Act 1956.

“17. Vacation of office—(1) Any person who holds office as the Commissioner or the Deputy Commissioner shall be deemed to have vacated office if—

“(a) Without the approval of the Governor-General that person—

“(i) Engages during his or her term of office in any paid employment or business other than the duties of his or her office; or

“(ii) Is appointed to and accepts any other office or position in the State services:

“(b) That person becomes bankrupt, compounds with his or her creditors, or makes an assignment of his or her salary for their benefit:

“(c) That person absents himself or herself from duty except with the authority of the Governor-General:

“(d) That person resigns in writing under his or her hand addressed to the Governor-General.

“(2) Notwithstanding anything in this section, the Commissioner or the Deputy Commissioner may act temporarily in any position in any Department or organisation of the State services that is for the time being vacant (including the position of chief executive of a Department or a position in the senior executive service of a Department).

“18. Superannuation rights of Commissioner and Deputy Commissioner—Where any person who is a contributor to the Government Superannuation Fund is appointed as Commissioner or Deputy Commissioner, that person shall, unless—

“(a) He or she is reappointed as Commissioner or Deputy Commissioner or, in the case of a person holding office as Deputy Commissioner, becomes the successor of the Commissioner; or

“(b) He or she is appointed to another office in the Government service (within the meaning of the Government Superannuation Fund Act 1956); or

“(c) He or she has ceased to be a contributor to the Government Superannuation Fund; or

“(d) He or she is not entitled under section 16 (5) of this Act to a retiring allowance,—

be allowed to receive from the Fund an annual retiring allowance for the rest of his or her life computed in the manner prescribed by Part II or Part IIA of the Government Superannuation Fund Act 1956, notwithstanding that the Commissioner or Deputy Commissioner may not have attained

the age or have had the length of service that would entitle him or her in accordance with the terms of that Act to a retiring allowance.

“19. Annual report—(1) The Commissioner shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on the operations of the Commissioner for that year, and on such other matters affecting the State services as the Commissioner thinks fit.

“(2) The Minister shall lay a copy of the report before the House of Representatives in accordance with section 39 of the Public Finance Act 1989.

“20. Power to incorporate annual report of Commissioner in Commissioner’s annual report—The Commissioner may incorporate in his or her report under section 19 of this Act in respect of any financial year the report required by section 30 of this Act on the operations of the Commission for that financial year.

“21. Advisory committees—(1) The Commissioner may from time to time appoint such advisory committees as the Commissioner considers appropriate to assist the Commissioner in carrying out any of the functions of the Commissioner.

“(2) The Commissioner may authorise any advisory committee appointed under this section to make such enquiries or to conduct such research or to make such reports as may assist the efficient carrying out of the functions of the Commissioner.

“(3) In determining the membership of any advisory committee, the Commissioner shall have due regard to the nature of the community interest in the particular matter or matters to be addressed by that advisory committee.

“22. Remuneration of advisory committees—(1) The Commissioner shall pay persons appointed to any advisory committee under section 21 of this Act, for services rendered by them, fees at such rates as the Commissioner thinks fit and may separately reimburse them for expenses reasonably incurred in rendering services for the Commissioner.

“(2) No person shall be deemed to be employed in the service of Her Majesty by reason of appointment to an advisory committee under section 21 of this Act.

“23. Delegation of functions or powers—(1) The Commissioner may from time to time, either generally or particularly, delegate to any person or persons any of the

functions or powers of the Commissioner under this Act or any other Act, including functions or powers delegated to the Commissioner under any Act.

“(2) Every delegation under this section shall be in writing.

“(3) No delegation under this section shall include—

“(a) The power to delegate under this section; or

“(b) The Commissioner’s powers under sections 35 and 36 of this Act (which relate to the appointment and reappointment of chief executives); or

“(c) The Commissioner’s powers under section 39 of this Act (which relates to the removal from office of a chief executive); or

“(d) The Commissioner’s powers under section 52 (4) of this Act (which relates to the provisions that apply upon the termination of the employment of a person who holds a position in the senior executive service); or

“(e) The Commissioner’s powers under section 53 of this Act (which relates to the removal from office of any person employed in the senior executive service).

“(4) In any case where the Commissioner has, pursuant to subsection (1) of this section, delegated any of the functions or powers of the Commissioner to any person, that person may, with the prior approval in writing of the Commissioner, delegate such of those functions or powers as the Commissioner approves to any other person or to the holder for the time being of any specified office in the State services.

“(5) Subject to any general or special directions given or conditions imposed by the Commissioner, the person to whom any functions or powers are delegated under this section may exercise those functions or powers in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.

“(6) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

“(7) Any delegation under this section may be made to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or of specified classes of offices.

“(8) No such delegation shall affect or prevent the exercise of any function or power by the Commissioner nor shall any such delegation affect the responsibility of the Commissioner for the actions of any person acting under the delegation.

“24. Revocation of delegations—(1) Every delegation under section 23 of this Act shall be revocable in writing at will.

“(2) Any such delegation shall, until it is revoked, continue in force according to its tenor, notwithstanding that the Commissioner by whom it was made may have ceased to hold office and shall continue to have effect as if made by the successor in office of that Commissioner.

“25. Power to summon witnesses—(1) For the purposes of carrying out the duties and functions imposed on the Commissioner by this Act or any other Act, the Commissioner shall have the same powers and authority to summon witnesses and receive evidence as are conferred upon Commissions of Inquiry by the Commissions of Inquiry Act 1908, and the provisions of that Act, except sections 11 and 12 (which relate to costs), shall apply accordingly.

“(2) Any investigation or inquiry that the Commissioner is empowered to conduct under this Act or any other Act may be conducted by the Commissioner or by any person specifically appointed by the Commissioner to conduct the investigation or inquiry and to report thereon to the Commissioner; and, for the purposes of any such investigation or inquiry, the powers and authority conferred on the Commissioner by subsection (1) of this section shall attach to and may be exercised by such other persons so appointed.

“26. Fees and expenses in connection with investigation or inquiry—Notwithstanding anything in the Commissions of Inquiry Act 1908, the Commissioner may authorise the payment, out of money appropriated by Parliament for the purpose, of fees and expenses incurred in connection with any such investigation or inquiry.”

4. Annual reports of Departments—(1) Section 30 (1) of the principal Act is hereby amended by inserting, after the words “to the”, the word “appropriate”.

(2) Section 30 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The appropriate Minister shall lay a copy of the report before the House of Representatives in accordance with section 39 of the Public Finance Act 1989.”

5. Appointment of chief executives—Section 35 of the principal Act is hereby amended by repealing subsections (4) to (6), and substituting the following subsections:

“(4) A panel comprising—
“(a) The Commissioner as chairperson; and
“(b) The Deputy Commissioner; and
“(c) One or more persons to be appointed by the Commissioner after consultation with the appropriate Minister or appropriate Ministers,—
shall be established in respect of each vacancy.

“(4A) The panel as constituted under subsection (4) of this section may—

“(a) Examine applicants for the position; and

“(b) Seek advice from such other sources as the panel considers relevant; and

“(c) Deliberate on the person to be recommended for appointment.

“(4B) Following the deliberations of the panel, the Commissioner shall decide upon the person to be recommended to the Minister for appointment.

“(5) The Commissioner may invite such other persons as the Commissioner thinks fit to assist in deciding upon the person to be recommended for appointment, and any person so invited may take part in the examination of applicants or in the panel’s deliberations on the matter or in both.

“(6) The Commissioner shall forward to the Minister the name of the person decided upon under subsection (4B) of this section as the person recommended for appointment to the position, together with full particulars of that person’s qualifications.”

6. Reappointment of chief executives—The principal Act is hereby amended by repealing section 36, and substituting the following section:

“36. (1) The Commissioner may recommend under section 35 (6) of this Act that the existing chief executive of a Department be reappointed for a further term.

“(2) The Commissioner may make a recommendation under subsection (1) of this section without first notifying the impending vacancy or examining other applicants or establishing a panel under section 35 (4) of this Act.”

7. Acting chief executive—Section 40 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Where—

“(a) There is a vacancy in the position of a chief executive; or

“(b) A chief executive is absent from duty (from whatever cause arising) and that chief executive is unable to delegate his or her responsibilities under this Act to any other person under section 41 of this Act,— all or any of the functions, powers, and duties of the chief executive or pertaining to the position may be exercised and performed by—

“(c) A chief executive of another Department; or

“(d) A member of the senior executive service; or

“(e) An employee,—

for the time being directed by the Commissioner to exercise and perform them, whether the direction has been given before the absence or vacancy occurs or while it continues.”

8. Delegation of functions or powers—Section 41 (1) of the principal Act is hereby amended by inserting, after the word “being”, the words “a chief executive or”.

9. Senior executive service—The principal Act is hereby amended by repealing section 48, and substituting the following section:

“48. (1) The Commissioner may from time to time, with the concurrence of the chief executive of the appropriate Department,—

“(a) Designate senior positions in a Department as forming a part of the senior executive service:

“(b) Declare persons employed in a Department but not occupying positions designated under paragraph (a) of this subsection to be members of the senior executive service.

“(2) The members of the senior executive service shall comprise—

“(a) Any person appointed to a position designated under subsection (1) (a) of this section; and

“(b) Any person declared to be a member of the senior executive service under subsection (1) (b) of this section.”

10. Limit on members—Section 49 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Except as provided in subsection (2) of this section, the combined total of—

“(a) The number of positions for the time being designated as forming part of the senior executive service; and

“(b) The number of persons for the time being declared under section 48 (1) (b) of this Act to be members of the senior executive service,— shall not exceed 500.”

11. Application of Labour Relations Act 1987 in respect of senior executive service—(1) Section 50 (1) of the principal Act is hereby amended by inserting, after the words “of this Act”, the words “or to any person who is a member of the senior executive service”.

(2) Section 50 (2) of the principal Act is hereby amended by omitting the words “that position”, and substituting the words “or the Commission declares any person to be a member of the senior executive service, that position or that person”.

12. Appointments to positions in the senior executive service—(1) Section 51 (1) of the principal Act is hereby amended by omitting the expression “subsection (2)”, and substituting the expression “subsection (4)”.

(2) Section 51 of the principal Act is hereby amended by adding the following subsection:

“(7) Where a position is occupied at the time of its designation as a position in the senior executive service, the chief executive may, after having regard to the matters referred to in subsection (6) of this section and after consultation with the Commission, appoint the incumbent of that position to the designated position in the senior executive service and the provisions of subsections (2) to (5) of this section shall not apply to any such appointment.”

13. Conditions of employment for senior executive service—Section 52 of the principal Act is hereby amended by adding the following subsection:

“(6) Subsections (1) to (5) of this section and section 54 of this Act shall, with all necessary modifications, apply to any person declared to be a member of the senior executive service under section 48 (1) (b) of this Act as if that person had been appointed to a position in the senior executive service.”

14. New sections inserted—The principal Act is hereby amended by inserting, after section 61, the following sections:

“61A. **Power to transfer employees**—(1) Where the chief executive of a Department at any time finds in respect of any duties being carried out by the Department—

“(a) That those duties are no longer to be carried out by the Department; or

“(b) That a greater number of persons is employed on those duties than is considered by the chief executive to be necessary for the efficient carrying out of those duties,—

all or any of the persons who are carrying out those duties may, subject to the provisions of the relevant award or agreement, either—

“(c) Be appointed by the chief executive to other positions in the same Department; or

“(d) Be appointed by the chief executive of any other Department to positions in that other Department.

“(2) Nothing in sections 60, 61, and 65 of this Act shall apply in relation to any appointment made under this section.

“(3) Before making an appointment under this section, the chief executive responsible for the appointment shall consult with the employee about the proposed appointment.

“61B. Protection of conditions of employment upon transfer of duties—(1) Where, as a result of the transfer of all or any of the duties of one Department to another Department, any employees of the Department that was performing those duties before the transfer are to be transferred to another Department to continue to perform substantially the same duties as they were performing before the transfer, the conditions of employment of such employees shall be no less favourable than those that the transferred employees were entitled to receive under the award or agreement applying to such employees at the date of the transfer.

“(2) Subsection (1) of this section shall continue to apply to the conditions of employment of the transferred employees until such time as any of the conditions of employment that apply under the award or agreement applying to those employees at the date of the transfer are varied. The conditions of employment of the transferred employees shall, from the date of any such variation, be determined in accordance with the award or agreement applying to the employees in the Department in which the transferred employees are then employed.

“(3) Nothing in subsection (1) of this section shall continue to apply to any transferred employee who receives any subsequent appointment, whether within the Department to which that employee was transferred or any other Department.

“61c. Union coverage where Department ceases to be part of Public Service—When any Department or part of any Department ceases (other than as a result of its abolition) to be part of the Public Service, the union coverage arrangements that prevailed immediately before the date on which the Department or the part of the Department ceased to be part of the Public Service shall continue to apply to the employees of the Department, or that part of it, for a period (not exceeding 12 months) to be agreed between—

“(a) The union or unions that had coverage of the employees while that Department was part of the Public Service; and

“(b) The Minister of State Services.”

15. Redundancy—Section 66 of the principal Act is hereby repealed.

16. Negotiation of conditions of employment—Section 68 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Commission shall be responsible for negotiating, under Part VII of the Labour Relations Act 1987, awards or agreements that cover, or that are proposed to cover, any group of employees in the Public Service.”

17. New sections substituted—(1) The principal Act is hereby amended by repealing sections 74 and 74A (as enacted by section 3 of the State Sector Amendment Act 1989), and substituting the following sections:

“74. Negotiation of conditions of employment—
(1) Except as provided in section 74B of this Act, the State Services Commission shall be responsible for negotiating under Part VII of the Labour Relations Act 1987 awards and agreements that cover or that are proposed to cover any group of employees of the Education service.

“(2) The negotiations, which shall be conducted by the State Services Commission with the union party, shall be conducted in consultation with—

“(a) The chief executive of the Ministry of Education; and

“(b) Representatives of the employer or employers who will be bound by the proposed award or agreement, which representatives shall be employers, or organisations of employers, of persons employed in the Education service.

“74A. Delegation of State Services Commission’s powers—(1) The State Services Commission may from time to time delegate, in writing, to—

“(a) An employer; or

“(b) Any organisation of employers of persons employed in the Education service—

any of the Commission’s powers under section 74 of this Act.

“(2) Where the Commission, acting under subsection (1) of this section, delegates to an employer or an organisation of employers the function, under section 74 (1) of this Act, of conducting negotiations with the union party, the employer or organisation of employers shall conduct those negotiations in consultation with—

“(a) The State Services Commission; and

“(b) The chief executive of the Ministry of Education.

“(3) Nothing in this section limits the provisions of section 23 of this Act.

“74B. Negotiation of conditions of employment for employees of universities, technical institutes, and teachers colleges—(1) For the period beginning with the commencement of this section and ending with the close of the 31st day of December 1991, the State Services Commission shall be responsible for negotiating under Part VII of the Labour Relations Act 1987 awards and agreements that cover or that are proposed to cover any group of employees in any university, technical institute, or teachers college. The negotiations conducted by the Commission under this subsection shall be conducted in consultation with the representatives of the employer or employers who will be bound by the proposed award or agreement, which representatives shall be employers, or organisations of employers, of persons employed in a university, technical institute, or teachers college.

“(2) On and after the 1st day of January 1992, the chief executive of each university, technical institute, or teachers college shall be responsible either—

“(a) Individually; or

“(b) Jointly through any organisation of employers of persons employed in any university, technical institute, or teachers college—

for negotiating under Part VII of the Labour Relations Act 1987 awards or agreements that cover or that are proposed to cover any group of employees in any university, technical institute, or teachers college and shall, notwithstanding the definition of the

term 'employer party' in section 2(1) of this Act, be the 'employer party' in relation to the proposed award or agreement.

“(3) The chief executive of each university, technical institute, or teachers college, or any organisation of employers representing jointly such chief executives, shall consult with the State Services Commission before entering into negotiations with the union party under subsection (2) of this section.

“(4) The State Services Commission may at any time, either before or during the negotiations, indicate to the chief executive, or to the organisation of employers representing jointly such chief executives, that it wishes to participate in the negotiations or continued negotiations of the conditions of employment, and the chief executive, or the organisation of employers representing such chief executives, shall allow the State Services Commission to so participate in the negotiations.”

18. New sections inserted—The principal Act is hereby amended by inserting in Part VII, after section 77 (as enacted by section 3 of the State Sector Amendment Act 1989), the following sections:

“77AA. Offence to attempt to influence employer—

(1) Every person commits an offence against this section who directly or indirectly solicits or endeavours to influence, with respect to decisions on the matters described in section 77F of this Act, any employer or any other person or persons to whom the employer has, under this Act or any other Act, delegated powers.

“(2) Every person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$2,000.

“(3) Nothing in this section shall apply to any person giving information or advice or making representations to the employer or to any other person or persons acting under delegation from the employer in respect of any matter at the request or invitation of the employer or to any other person or persons acting under delegation.

“(4) Nothing in this section shall be construed so as to prevent any organisation, being an organisation representing employees or any class or classes thereof, from making representations to the employer or to any other person or persons acting under delegation from the employer on any

matter affecting the salaries, wages, or conditions of employment of any employee or class of employees.

“77AB. Protection from liability—No chief executive and no other employee shall be personally liable for any liability of any institution in the Education service or for any act done or omitted by the institution or by the chief executive or any other employee of the institution in good faith in pursuance or intended pursuance of the functions or powers of the institution or of the chief executive.”

19. Code of conduct—Section 77B of the principal Act (as inserted by section 3 of the State Sector Amendment Act 1989) is hereby amended by adding the following subsection:

“(5) Nothing in this section shall apply to any university, technical institute, or teachers college.”

20. Performance of teachers—Section 77C of the principal Act (as inserted by section 3 of the State Sector Amendment Act 1989) is hereby amended by adding the following subsection:

“(4) Nothing in this section shall apply to any teachers employed in any university, technical institute, teachers college, or early childhood institution.”

21. Obligation to notify vacancies—Section 77H of the principal Act (as inserted by section 3 of the State Sector Amendment Act 1989) is hereby amended by omitting the word “practical”, and substituting the word “practicable”.

22. New sections inserted—The principal Act is hereby amended by inserting, before section 77J (as inserted by section 3 of the State Sector Amendment Act 1989), the following sections:

“77IA. Chief executives of institutions—Notwithstanding anything to the contrary in any other enactment, the appointment and conditions of employment of every chief executive of a university, technical institute, or teachers college shall be determined under this Act and not otherwise.

“77IB. Appointment of chief executive—(1) Subject to section 77IC of this Act, each Council of a university, technical institute, or teachers college shall appoint its chief executive in accordance with the provisions of this section.

“(2) Where there is a vacancy or an impending vacancy in the position of chief executive of a university, technical

institute, or teachers college, the Council of the institution shall notify the vacancy or impending vacancy in such manner as it thinks sufficient to enable suitably qualified persons to apply for the position.

“(3) The Council may—

“(a) Examine applicants for the position; and

“(b) Seek advice from such sources as it considers relevant.

“(4) The Council may invite such other persons as it thinks fit to assist it to decide on the person to be appointed and any person so invited may take part in the examination of applicants or in the Council’s deliberations on the matter or in both.

“(5) In deciding upon the person to be appointed as chief executive, the Council shall have regard to the need to appoint a person who—

“(a) Can discharge the specific responsibilities placed on the chief executive; and

“(b) Will imbue the employees with a spirit of service to the institution and to the community; and

“(c) Will promote efficiency; and

“(d) Will manage the institution in a responsible manner that reflects the needs of academic freedom, accountability, and the proper use of resources; and

“(e) Will maintain appropriate standards of integrity and conduct among employees and ensure the wellbeing of students attending the institution; and

“(f) Will ensure that the institution is a good employer; and

“(g) Will promote equal employment opportunities.

“77IC. **Reappointment of chief executive**—A Council may reappoint its existing chief executive for a further term without first notifying the impending vacancy or examining other applicants.

“77ID. **Conditions of employment of chief executive**—
(1) Every chief executive shall be appointed for a term of not more than 5 years.

“(2) Every chief executive shall be eligible for reappointment from time to time.

“(3) Except where specific conditions of employment for a chief executive are provided in this Act, the conditions of employment of a chief executive shall be determined in each case by agreement between the Council of the institution and the chief executive, but the Council shall obtain the written concurrence of the State Services Commission to the conditions

of employment before finalising the conditions of employment with the chief executive.

“77IE. **Removal from office**—The Council, for just cause or excuse, may remove the chief executive from office.

“77IF. **Acting chief executive**—(1) Where—

“(a) There is a vacancy in the position of a chief executive of a university, technical institute, or teachers college; or

“(b) A chief executive of a university, technical institute, or teachers college is absent from duty (from whatever cause arising),—

all or any of the functions, powers, and duties of the chief executive or pertaining to the position may be exercised and performed by an employee, for the time being directed by the Council of the university, technical institute, or teachers college to exercise and perform them, whether the direction has been given before the absence or vacancy occurs or while it continues.

“(2) No such direction and no acts done by any person acting pursuant to any such direction shall in any proceedings be questioned on the ground that the occasion for the direction had not arisen or had ceased, or on the ground that the person had not been appointed to the position of chief executive.

“(3) The Council of the university, technical institute, or teachers college shall determine the conditions of employment that are to apply to any person directed under subsection (1) of this section to exercise and perform any of the functions, powers, and duties of a chief executive.”

23. Appointment of senior staff—Section 77j of the principal Act (as inserted by section 3 of the State Sector Amendment Act 1989) is hereby amended by repealing subsection (1), and substituting the following subsections:

“(1) This section shall apply to—

“(a) The position of principal in every secondary school; and

“(b) Such positions in any secondary school as may from time to time be designated by the State Services Commission, after consultation with the employer, as being senior positions within the secondary school (which positions shall not, without the agreement of the appropriate union, exceed 4 in respect of any one secondary school); and

“(c) Such positions in any university as may from time to time be designated by the Council as being senior positions within the university (which positions shall

not, without the agreement of the appropriate union, exceed 20 in respect of any one university); and

“(d) Such positions in any technical institute as may, subject to subsection (1A) of this section, from time to time be designated by the Commission, with the concurrence of the Council of the technical institute, as being senior positions within the technical institute; and

“(e) Positions designated under subsection (2) of this section.

“(1A) The total number of positions that may at any one time be designated under subsection (1) (d) of this section shall not, without the agreement of the appropriate unions, exceed 300 in number in respect of all technical institutes.”

24. Conditions of employment of senior staff in universities or technical institutes—The principal Act is hereby amended by inserting, after section 77L (as inserted by section 3 of the State Sector Amendment Act 1989), the following section:

“77LA. Except where specific conditions of employment are provided in this Act, the conditions of employment of every person appointed to a position to which section 77J (1) (c) or section 77J (1) (d) of this Act applies shall be determined in each case by agreement between the employer and the person to be appointed, but the employer shall consult with the State Services Commission before finalising the conditions of employment.”

25. Application of Labour Relations Act 1987 in respect of senior positions—Section 77M (1) of the principal Act (as inserted by section 3 of the State Sector Amendment Act 1989) is hereby amended by omitting the expression “section 77J (1) (a)”, and substituting the expression “section 77IB or section 77J (1) (a) or section 77J (1) (c) or section 77J (1) (d)”.

26. Constitution of New Zealand Public Service Association—(1) Notwithstanding the provisions of the Incorporated Societies Act 1908 and any provisions contained within the rules of the incorporated society known as the New Zealand Public Service Association Incorporated, as from the commencement of this section the New Zealand Public Service Association Incorporated shall cease to be an incorporated society but for all other purposes the organisation shall

continue to exist as a union registered under the Labour Relations Act 1987.

(2) Nothing in subsection (1) of this section shall affect the recognition accorded by Part VIII of the principal Act to the New Zealand Public Service Association Incorporated as a union under the Labour Relations Act 1987.

(3) The following provisions shall have effect as from the commencement of this section:

- (a) All references (express or implied) to the New Zealand Public Service Association Incorporated in any other Act, or in any regulation, order, or notice made or given under any enactment, or in any enactment, or in any instrument, register, records, notice, security, document, or communication, made, given, passed, or executed shall be read and construed as a reference to the New Zealand Public Service Association:
- (b) All contracts, agreements, conveyances, deeds, leases, licences and other instruments (whether in writing or not), entered into by, made with, or given to or by the New Zealand Public Service Association Incorporated shall, to the extent that they were previously binding on and enforceable by, against, or in favour of the New Zealand Public Service Association Incorporated be binding on and enforceable by, against, or in favour of the New Zealand Public Service Association:
- (c) An instrument, order, discretion, mandate or authority given to the New Zealand Public Service Association Incorporated shall be deemed to have been given to the New Zealand Public Service Association:
- (d) All real and personal property vested in the New Zealand Public Service Association Incorporated shall become vested in the New Zealand Public Service Association, subject to all liabilities, charges, and obligations:
- (e) All funds of the New Zealand Public Service Association Incorporated, however held, shall be transferred to the New Zealand Public Service Association:
- (f) All money payable to the New Zealand Public Service Association Incorporated shall be payable to the New Zealand Public Service Association:
- (g) All rights, obligations, and liabilities of the New Zealand Public Service Association Incorporated shall

become the rights, obligations, and liabilities of the New Zealand Public Service Association:

- (h) Any action, arbitration, or proceedings or cause of action which, is pending or existing by, against, or in favour of the New Zealand Public Service Association Incorporated or to which the New Zealand Public Service Association Incorporated is a party, may be prosecuted, and without amendment of any writ, pleading, or other document, continued and enforced by, against, or in favour of the New Zealand Public Service Association.

27. Other service organisations—(1) Where any society incorporated under the Incorporated Societies Act 1908 (other than the New Zealand Public Service Association Incorporated), being a society that, as at the 1st day of April 1988, was deemed by section 100 of the principal Act to be a registered union under the Labour Relations Act 1987, requests by writing addressed to the Minister that section 26 of this Act be applied to it, the Governor-General may, by Order in Council, direct that that section shall apply to that society as from the commencement of a date to be specified in the order.

(2) Where an order made under subsection (1) of this section applies section 26 of this Act to a society, that section shall apply to that society—

- (a) As if its name and not that of the New Zealand Public Service Association Incorporated were specified in that section; and
- (b) As if the date of commencement of that section were the date specified in the order as the date from which that section applies to that society.

(3) Every order made under this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.

28. New First Schedule substituted—(1) The principal Act is hereby amended by repealing the First Schedule, and substituting the First Schedule set out in the First Schedule to this Act.

(2) The External Relations Act 1988 is hereby consequentially amended by repealing so much of the Schedule as relates to the principal Act.

29. Second Schedule repealed—(1) The principal Act is hereby amended by repealing the Second Schedule.

(2) Sections 11, 18, and 24 of the Finance Act (No. 2) 1988 are hereby consequentially repealed.

30. Amendments to Acts relating to universities—

(1) The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) The Otago Provincial Ordinance usually known as the University of Otago Ordinance 1869 is hereby amended by repealing section 7 (as amended by section 2 of the University of Otago Amendment Act 1977), and substituting the following section:

“7. **Management of University**—Subject to the powers given to the Vice-Chancellor, the Council shall have the entire management and superintendence over the affairs, concerns, and property of the said University subject to the University of Otago Amendment Act 1961 and any other Act and the statutes and regulations of the said University.”

31. Amendments to Government Superannuation Fund Act 1956—

(1) Section 2 of the Government Superannuation Fund Act 1956 (as amended by section 87 of the State Sector Act 1988) is hereby amended by repealing paragraphs (b) and (c) of the definition of the term “controlling authority”, and substituting the following paragraph:

“(b) A contributor employed in the Education service, means the employer as defined in section 2 of the State Sector Act 1988:”.

(2) Section 2 of the Government Superannuation Fund Act 1956 is hereby further amended by repealing the definition of the term “Education service” (as substituted by section 2 (2) of the Government Superannuation Fund Amendment Act 1976 and amended by section 2 (3) of the Government Superannuation Fund Amendment Act 1985), and substituting the following definition:

“‘Education service’ has the meaning given to it by section 2 of the State Sector Act 1988:”.

(3) The following enactments are hereby consequentially repealed:

(a) Section 2 (2) of the Government Superannuation Fund Amendment Act 1976:

(b) Section 2 (3) of the Government Superannuation Fund Amendment Act 1985.

32. Repeals and revocations—(1) The enactments specified in the Third Schedule to this Act are hereby repealed.

(2) The regulations and orders specified in the Fourth Schedule to this Act are hereby revoked.

(3) The repeal of the Universities Amendment Act 1988 by subsection (1) of this section does not affect the renumbering effected by section 3 of that Act.

(4) Notwithstanding the revocation of the Education Authorities Employment Regulations 1982 by subsection (2) of this section, the provisions of regulations 42 to 51 of those regulations, and of the Third, Fourth, and Fifth Schedules to those regulations, shall wherever those provisions were specifically referred to in any award or agreement that was in force at the commencement of this Act, continue to have effect for the purposes of that award or agreement until such time as the award or agreement is first varied after the commencement of this Act.

33. Transitional provisions in relation to State Services Commission—(1) Subject to the provisions of this Act, every reference to the State Services Commission which, on the commencement of this Act, appears in any enactment or other document, shall, unless the context otherwise requires, be read as a reference to the State Services Commissioner.

(2) Subject to the provisions of this Act, every reference to the Office of the State Services Commission which on the commencement of this Act appears in any enactment or other document, shall, unless the context otherwise requires, be read as a reference to the State Services Commission.

(3) Subject to the provisions of this Act, every reference to the Chief Commissioner of the State Services Commission which, on the commencement of this Act, appears in any enactment or other document, shall, unless the context otherwise requires, be read as a reference to the State Services Commissioner.

34. Transitional provisions in relation to appointments—(1) Every person who, immediately before the commencement of this Act, held any position in the Office of the State Services Commission shall continue to hold that position as if that person had been appointed to the State Services Commission.

(2) The person who, immediately before the commencement of this Act, held office as the Chief Commissioner of the State Services Commission shall be deemed to have been appointed as the State Services Commissioner under section 3 of the principal Act (as substituted by section 3 of this Act).

(3) The person (other than the Chief Commissioner of the State Services Commission) who, immediately before the commencement of this Act, held office as a member of the Commission shall be deemed to have been appointed as the Deputy Commissioner under section 12 of the principal Act (as substituted by section 3 of this Act).

35. Transitional provisions in relation to chief executives of institutions—(1) Except as provided in subsection (2) of this section, every person holding at the commencement of this Act the position of—

- (a) Vice Chancellor of a university; or
- (b) Principal of a technical institute; or
- (c) Principal of a teachers college,—

shall be offered employment as the chief executive of the institution for a period of not less than two years from that date on terms and conditions of employment (other than tenure of office) no less favourable than the terms and conditions of employment applying immediately before the commencement of this Act in relation to the position.

(2) No person shall be entitled to be, but may be, appointed as a chief executive under subsection (1) of this section for any period that would take that person's employment beyond their compulsory date of retirement as determined immediately before the commencement of this Act.

(3) Nothing in section 77J of the principal Act (as amended by section 23 of this Act) shall apply to an appointment made under subsection (1) of this section.

36. Transitional provisions in relation to persons employed by universities—(1) Notwithstanding section 32 of this Act, the determination, dated the 28th day of September 1989 and made by the Higher Salaries Commission in respect of the remuneration of persons covered by subparagraphs (iii) and (vi) of section 12 (1) (a) of the Higher Salaries Commission Act 1977, shall continue in force after the commencement of this Act, except so far as other provision is duly made fixing the terms and conditions of employment to which that determination relates.

(2) The conditions of employment of persons employed at any university at the commencement of this Act shall remain in force until varied either individually or through an award or an agreement.

37. Transitional appeal rights of employees of technical institutes and teachers colleges—

(1) Notwithstanding anything in this Act, if, immediately before the commencement of this Act, any employee of a technical institute or teachers college has an appeal pending under the Education Act 1964 or any regulations made under that Act against any appointment to a position, or against any disciplinary action in respect of that person, or if there is a right to such an appeal, the provisions of the Education Act 1964 or of the regulations, so far as those provisions are applicable, shall continue to apply to that appeal as if the Education Act 1964 had not been repealed and the regulations had not been revoked.

(2) The decision on any appeal to which subsection (1) of this section applies shall be binding on both the employee and the employer and shall be implemented as far as practicable in the same manner as if the Education Act 1964 and the regulations made under it were still in force.

SCHEDULES

Section 28 (1)

FIRST SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL ACT

Sections 2 (1), 27

“FIRST SCHEDULE

“DEPARTMENTS OF THE PUBLIC SERVICE

Ministry of Agriculture and Fisheries.
 Audit Department.
 Ministry of Commerce.
 Department of Conservation.
 Crown Law Office.
 Customs Department.
 Ministry of Defence (excluding the Armed Forces raised and maintained under section 4 of the Defence Act 1971).
 Ministry of Education.
 Education Review Office.
 Ministry of Energy.
 Ministry for the Environment.
 Ministry of External Relations and Trade.
 Ministry of Forestry.
 Government Printing Office.
 Government Superannuation Fund Department.
 Department of Health.
 Housing Corporation of New Zealand.
 Inland Revenue Department.
 Department of Internal Affairs.
 Iwi Transition Agency.
 Department of Justice.
 Department of Labour.
 Department of Survey and Land Information.
 Ministry of Maori Affairs.
 National Library Department.
 National Provident Fund Department.
 Department of the Prime Minister and Cabinet.
 Public Trust Office.
 Ministry of Research, Science, and Technology.
 Department of Scientific and Industrial Research.
 Serious Fraud Office.
 Department of Social Welfare.
 State Insurance Office.
 State Services Commission.
 Department of Statistics.
 Tourist and Publicity Department.
 Ministry of Transport.
 The Treasury.
 Valuation Department.
 Ministry of Women's Affairs.
 Office of Youth Affairs.”

SECOND SCHEDULE
AMENDMENTS TO ACTS RELATING TO UNIVERSITIES

Section 30 (1)

Title of Act	Amendment
<p>1961, No. 48—The University of Otago Amendment Act 1961 (R.S. Vol. 13, p. 858.)</p>	<p>By repealing the definition of the term “The Vice-Chancellor” in section 2, and substituting the following definition: “‘The Vice Chancellor’ means the chief executive of the University appointed under the State Sector Act 1988.”</p> <p>By repealing section 7A (as inserted by section 2 (1) of the University of Otago Amendment Act 1987).</p> <p>By inserting in section 17 (1), after the words “The Council may”, the words “, in accordance with the State Sector Act 1988,”.</p> <p>By repealing subsection (1) of section 17A (as inserted by section 7 of the University of Otago Amendment Act 1977), and substituting the following subsection: “(1) The Vice-Chancellor may from time to time appoint some fit and proper person to be the Pro-Vice-Chancellor of the University of Otago.”</p> <p>By repealing section 18 of the principal Act (as amended by section 8 of the University of Otago Amendment Act 1977).</p>
<p>1961, No. 49—The University of Canterbury Act 1961 (R.S. Vol. 13, p. 819.)</p>	<p>By repealing the definition of the term “The Vice-Chancellor” in section 2, and substituting the following definition: “‘The Vice-Chancellor’ means the chief executive of the University appointed under the State Sector Act 1988.”</p> <p>By inserting in section 17, before the words “The Council shall be”, the words “subject to the powers given to the Vice-Chancellor,”.</p> <p>By repealing paragraphs (b) and (c) of section 18.</p> <p>By repealing section 18A (as inserted by section 2 of the University of Canterbury Amendment Act 1987).</p> <p>By inserting in section 28 (1), after the words “The Council may”, the words “, in accordance with the State Sector Act 1988,”.</p> <p>By repealing section 29.</p>

SECOND SCHEDULE—*continued*AMENDMENTS TO ACTS RELATING TO UNIVERSITIES—*continued*

Title of Act	Amendment
1961, No. 50—The University of Auckland Act 1961 (R.S. Vol. 14, p. 813)	<p>By repealing the definition of the term “The Vice-Chancellor” in section 2, and substituting the following definition:</p> <p>“The Vice-Chancellor’ means the chief executive of the University appointed under the State Sector Act 1988.”</p> <p>By inserting in section 17, before the words “The Council shall be”, the words “Subject to the powers given to the Vice-Chancellor,”.</p> <p>By repealing paragraphs (b) and (c) of section 18.</p> <p>By repealing section 18A (as inserted by section 2 of the University of Auckland Amendment Act 1987).</p> <p>By inserting in section 28 (1), after the words “The Council may”, the words “, in accordance with the State Sector Act 1988,”.</p> <p>By repealing section 29, and substituting the following section:</p> <p>“29. Deputy Vice-Chancellor—</p> <p>(1) The Vice-Chancellor may from time to time appoint a professor as the Deputy Vice-Chancellor of the University of Auckland.</p> <p>“(2) The Deputy Vice-Chancellor shall hold office for such period as may be determined by the Vice-Chancellor.</p> <p>“(3) The Deputy Vice-Chancellor may exercise such of the Vice-Chancellor’s functions, powers, and duties, whether arising under any Act or otherwise, as the Vice-Chancellor may from time to time either specially or generally delegate to the Deputy Vice-Chancellor.”</p>
1961, No. 51—The Victoria University of Wellington Act 1961 (R.S. Vol. 14, p. 889.)	<p>By repealing the definition of the term “The Vice-Chancellor” in section 2, and substituting the following definition:</p> <p>“The Vice-Chancellor’ means the chief executive of the University appointed under the State Sector Act 1988.”</p> <p>By inserting in section 17, before the words “The Council shall be”, the words “Subject to the powers given to the Vice-Chancellor,”.</p>

SECOND SCHEDULE—*continued*AMENDMENTS TO ACTS RELATING TO UNIVERSITIES—*continued*

Title of Act	Amendment
1961, No. 51—The Victoria University of Wellington Act 1961 (R.S. Vol. 14, p. 889.)— <i>continued</i>	<p>By repealing paragraphs (b) and (c) of section 18.</p> <p>By repealing section 18A (as inserted by section 2 of the Victoria University of Wellington Amendment Act 1987).</p> <p>By inserting in section 28(1), after the words “The Council may”, the words “, in accordance with the State Sector Act 1988,”.</p> <p>By omitting the word “Council” wherever it appears in subsections (1), (2), and (2B) of section 29, and substituting in each case the word “Vice-Chancellor”.</p> <p>By repealing subsection (4) of section 29.</p>
1961, No. 52—The Lincoln College Act 1961 (R.S. Vol. 14, p. 407.)	<p>By repealing the definition of the term “The Principal” in section 2, and substituting the following definition:</p> <p>“The Principal” means the chief executive of the College appointed under the State Sector Act 1988.”</p> <p>By inserting in section 17, before the words “The Council shall be”, the words “Subject to the powers given to the Principal,”.</p> <p>By repealing paragraphs (b) and (c) of section 18.</p> <p>By repealing section 18A (as inserted by section 2 of the Lincoln College Amendment Act 1987).</p> <p>By inserting in section 28(1), after the words “The Council may”, the words “, in accordance with the State Sector Act 1988,”.</p> <p>By repealing section 29, and substituting the following section:</p> <p>“29. Vice-Principal—(1) The Principal may from time to time appoint a member of the Professorial Board to be Vice-Principal of the College. Every person so appointed shall hold office during the pleasure of the Principal.</p> <p>“(2) The Vice-Principal may exercise such of the Principal’s functions, powers, and duties, whether arising by any Act or otherwise, as the Principal either specially or generally may from time to time delegate to the Vice-Principal.”</p>

SECOND SCHEDULE—*continued*AMENDMENTS TO ACTS RELATING TO UNIVERSITIES—*continued*

Title of Act	Amendment
1963, No. 7—The Massey University Act 1963 (R.S. Vol. 14, p. 441.)	<p>By repealing the definition of the term “The Vice-Chancellor” in section 2, and substituting the following definition:</p> <p>“‘The Vice-Chancellor’ means the chief executive of the University appointed under the State Sector Act 1988.”</p> <p>By inserting in section 17, before the words “The Council shall be”, the words “Subject to the powers given to the Vice-Chancellor,”.</p> <p>By repealing paragraphs (b) and (c) of section 18.</p> <p>By repealing section 18A (as inserted by section 2 of the Massey University Amendment Act 1987).</p> <p>By inserting in section 28 (1), after the words “The Council may”, the words “, in accordance with the State Sector Act 1988,”.</p>
1963, No. 8—The University of Waikato Act 1963 (R.S. Vol. 14, p. 849.)	<p>By repealing section 29.</p> <p>By repealing the definition of the term “The Vice-Chancellor” in section 2, and substituting the following definition:</p> <p>“‘The Vice-Chancellor’ means the chief executive of the University appointed under the State Sector Act 1988.”</p> <p>By inserting in section 17, before the words “The Council shall be”, the words “Subject to the powers given to the Vice-Chancellor,”.</p> <p>By repealing paragraphs (b) and (c) of section 18.</p> <p>By repealing section 18A (as inserted by section 2 of the University of Waikato Amendment Act 1987).</p> <p>By inserting in section 28 (1), after the words “The Council may”, the words “, in accordance with the State Sector Act 1988,”.</p> <p>By repealing section 29.</p>

SECOND SCHEDULE—*continued*AMENDMENTS TO ACTS RELATING TO UNIVERSITIES—*continued*

Title of Act	Amendment
1972, No. 30—The University of Albany Act 1972 (R.S. Vol. 14, p. 777.)	<p>By repealing the definition of the term “The Vice-Chancellor” in section 2, and substituting the following definition: “‘The Vice-Chancellor’ means the chief executive of the University appointed under the State Sector Act 1988.”</p> <p>By inserting in section 17, before the words “The Council shall be”, the words “Subject to the powers given to the Vice-Chancellor,”.</p> <p>By repealing paragraphs (b) and (c) of section 18.</p> <p>By inserting in section 28 (1), after the words “The Council may”, the words “, in accordance with the State Sector Act 1988,”.</p> <p>By repealing section 29.</p>

Section 32 (1)

THIRD SCHEDULE

ENACTMENTS REPEALED

- 1961, No. 54—The Universities Act 1961: Sections 11A to 11AF (R.S. Vol. 13, p. 773.)
- 1964, No. 135—The Education Act 1964: Sections 156 to 161A and sections 174 to 182. (Reprinted 1975, Vol. 3, p. 1699.)
- 1974, No. 19—The Housing Corporation Act 1974: Section 6.
- 1977, No. 42—The University of Otago Amendment Act 1977: Sections 2 and 8. (R.S. Vol. 13, p. 889.)
- 1977, No. 110—The Higher Salaries Commission Act 1977: Sections 12 (1) (a) (iii), 12 (1) (a) (vi), and 22 and the Second Schedule. (R.S. Vol. 19, p. 623.)
- 1982, No. 155—The Education Amendment Act (No. 2) 1982: Section 13.
- 1983, No. 57—The Education Amendment Act 1983: Section 15.
- 1987, No. 148—The Lincoln College Amendment Act 1987.
- 1987, No. 150—The Massey University Amendment Act 1987.
- 1987, No. 159—The University of Auckland Amendment Act 1987.
- 1987, No. 160—The University of Canterbury Amendment Act 1987.
- 1987, No. 161—The University of Otago Amendment Act 1987.
- 1987, No. 162—The University of Waikato Amendment Act 1987.
- 1987, No. 163—The Victoria University of Wellington Amendment Act 1987.
- 1987, No. 177—The Education Amendment Act (No. 2) 1987: Sections 21, 23, 24, and 25.
- 1988, No. 24—The Higher Salaries Commission Amendment Act 1988: Section 11.
- 1988, No. 32—The Universities Amendment Act 1988.
- 1989, No. 67—The State Sector Amendment Act 1989: Sections 2 (1), 2 (2), and 4.
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FOURTH SCHEDULE
REGULATIONS AND ORDERS REVOKED

Section 32 (2)

Title or Description	Gazette Reference or Statutory Regulations Serial Number
The Teachers Incorporation and Court of Appeal Regulations 1916	<i>Gazette</i> , 1916, Vol. I, p. 1046
Amending regulations relating to Teachers Incorporation and Court of Appeal	<i>Gazette</i> , 1916, Vol. III, p. 3162
Regulation 6 of, and the Sixth Schedule to, the amended regulations under the Education Act 1914 Part IV of the Technical Institutes Regulations 1968	<i>Gazette</i> , 1935, Vol. I, p. 287
The Secondary and Technical Institute Teachers Disciplinary Regulations 1969	1968/108 1969/271
The Secondary and Technical Institute Teachers Disciplinary Regulations 1969, Amendment No. 1	1973/69
The Secondary and Technical Institute Teachers Disciplinary Regulations 1969, Amendment No. 2	1977/182
The Education Authorities Employment Regulations 1982	1982/276
The Education Authorities Employment Regulations 1982, Amendment No. 1	1987/224
The State Sector Order 1988	1988/222
The Education Authorities Employment Regulations 1982, Amendment No. 2	1988/296
The State Sector Order (No. 2) 1988	1988/299
The State Sector Order 1989	1989/20
The State Sector Order (No. 2) 1989	1989/105
The State Sector Order (No. 3) 1989	1989/238
The State Sector Order (No. 4) 1989	1989/253

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This Act is administered in the State Services Commission.

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