

**Reprint
as at 7 August 2020**

State Sector Amendment Act (No 2) 1989

Public Act 1989 No 136
Date of assent 19 December 1989

State Sector Amendment Act (No 2) 1989: repealed, on 07 August 2020, pursuant to section 132(1) of the Public Service Act 2020 (2020 No 40).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

This Act is administered by the State Services Commission

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An Act to amend The State Sector Act 1988

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).

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16 *[Repealed]*

Section 16 was repealed, as from 15 May 1991, by sections 8 and 10 State Sector Amendment Act 1991.

17 *[Repealed]*

Section 17 was repealed, as from 15 May 1991, by sections 8 and 10 State Sector Amendment Act 1991.

18 *[Repealed]*

Section 18 was repealed, as from 15 May 1991, by sections 8 and 10 State Sector Amendment Act 1991.

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23 *[Repealed]*

Section 23 was repealed, as from 15 May 1991, by section 12(2)(a) State Sector Amendment Act 1991 (1991 No 31).

24 *[Repealed]*

Section 24 was repealed, as from 15 May 1991, by section 12(2)(a) State Sector Amendment Act 1991 (1991 No 31).

25 *[Repealed]*

Section 25 was repealed, as from 15 May 1991, by section 12(2)(a) State Sector Amendment Act 1991 (1991 No 31).

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 8 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.

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29 Schedule 2 repealed

- (1) The principal Act is hereby amended by repealing Schedule 2.
- (2) Sections 11, 18, and 24 of The Finance Act (No 2) 1988 are hereby consequentially repealed.

30 *[Repealed]*

Section 30 was repealed, as from 1 January 1991, by section 50(4) Education Amendment Act 1990 (1990 No 60).

31 *[Repealed]*

This section was repealed, as from 3 May 1997, by section 6(3) State Sector Amendment Act 1997 (1997 No 8).

32 Repeals and revocations

- (1) The enactments specified in Schedule 3 to this Act are hereby repealed.
- (2) The regulations and orders specified in Schedule 4 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 Schedules 3, 4, and 5 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 polytechnic; or
 - (c) Principal of a college of education,—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.

Subsections (1)(b) and (1)(c) were amended, as from 23 July 1990, by section 50(1) Education Amendment Act 1990 (1990 No 60), by substituting the words "polytechnic" and "college of education" for the words "technical institute", and "teachers college", respectively.

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 polytechnics and colleges of education

- (1) Notwithstanding anything in this Act, if, immediately before the commencement of this Act, any employee of a polytechnic or college of education 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.

This section was amended, as from 23 July 1990, by section 50(1) Education Amendment Act 1990 (1990 No 60), by substituting the words “polytechnic” and “college of education” for the words “technical institute”, and “teachers college”, respectively.

Schedule 1

New Schedule 1 to principal Act

Section 28(1)

Schedule 2

Amendments to Acts relating to universities

Section 30(1)

Schedule 3

Enactments repealed

Section 32(1)

Schedule 4
Regulations and orders revoked

Section 32(2)

Reprint notes

1 *General*

This is a reprint of the State Sector Amendment Act (No 2) 1989 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this reprint*

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this reprint*

Public Service Act 2020 (2020 No 40): section 132(1)