



## ANALYSIS

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1988, No. 25

**An Act to amend the Broadcasting Act 1976**

[30 March 1988]

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

**1. Short Title and commencement**—(1) This Act may be cited as the Broadcasting Amendment Act 1988, and shall be read together with and deemed part of the Broadcasting Act 1976 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1988.

**2. New sections substituted**—The principal Act is hereby amended by repealing section 40 (as amended by section 330 of the Labour Relations Act 1987), and substituting the following sections:

**“40. Application of State Sector Act 1988**—(1) Part VI of the State Sector Act 1988, with any necessary modifications, and subject to this section, shall apply in relation to the Corporation in the same manner as that Part applies in relation to the Public Service.

“(2) For the purposes of the application of the State Sector Act 1988, every reference to the Commission shall be read as a reference to the Corporation.

“(3) Before entering into any negotiations under Part VI of the State Sector Act 1988 in respect of the conditions of employment of the employees of the Corporation, the Corporation shall consult with the State Services Commission

over the conditions of employment to be negotiated. The Commission may at any time, either before or during the negotiations, indicate to the Corporation that it wishes to participate with the Corporation in the negotiation or continued negotiation of the conditions of employment of employees of the Corporation, and the Corporation shall allow the Commission to so participate in the negotiations.

“(4) Except as otherwise provided in this Act, this section shall not apply to employees appointed under section 27 (3) or section 37 of this Act or engaged under section 39 (3) of this Act.

**“40A. General principles—**(1) The Corporation shall operate a personnel policy that complies with the principle of being a good employer.

“(2) For the purposes of this section a ‘good employer’ is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—

“(a) Good and safe working conditions; and

“(b) An equal employment opportunities programme; and

“(c) The impartial selection of suitably qualified persons for appointment; and

“(d) Recognition of—

“(i) The aims and aspirations of the Maori people; and

“(ii) The employment requirements of the Maori people; and

“(iii) The need for greater involvement of the Maori people as employees of the Corporation; and

“(e) Opportunities for the enhancement of the abilities of individual employees; and

“(f) Recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and

“(g) Recognition of the employment requirements of women; and

“(h) Recognition of the employment requirements of persons with disabilities.

“(3) In addition to the requirements specified in subsections (1) and (2) of this section, the Corporation shall ensure that all employees maintain proper standards of integrity, conduct, and concern for the public interest.

**"40B. Equal employment opportunities—**(1) The Corporation—

- “(a) Shall in each year develop and publish an equal employment opportunities programme for the Corporation;
- “(b) Shall ensure in each year that the equal opportunities programme for that year is complied with.
- “(2) The Corporation shall include in the annual report of the Corporation—
  - “(a) A summary of the equal employment opportunities programme for the year to which the report relates; and
  - “(b) An account of the extent to which the Corporation was able to meet, during the year to which the report relates, the equal employment opportunities programme for that year.

“(3) For the purposes of this section and section 40A of this Act, an equal employment opportunities programme means a programme that is aimed at the identification and elimination of all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect to the employment of any persons or group of persons.

**"40c. Choice of procedure—**Where the circumstances giving rise to a personal grievance by a person employed by the Corporation are also such that that person would be entitled to make a complaint under the Human Rights Commission Act 1977 or the Race Relations Act 1971 or to exercise a right of review or appeal, that person may take one but not more than one of the following steps:

- “(a) The person may invoke, in relation to those circumstances, the procedures applicable in relation to personal grievances under the Labour Relations Act 1987 or the relevant award or agreement;
- “(b) The person may make, in relation to those circumstances, a complaint under the Human Rights Commission Act 1977 or the Race Relations Act 1971;
- “(c) The person may exercise the right of review or appeal.”

**3. Transitional provisions—**Sections 94 to 104 of the State Sector Act 1988 shall apply for the purposes of this Act with all necessary modifications.

**4. Repeal—**Section 330 of the Labour Relations Act 1987 is hereby consequentially repealed.