



ANALYSIS

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1988, No. 26

An Act to amend the Fire Service Act 1975

[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 Fire Service Amendment Act 1988, and shall be read together with and deemed part of the Fire Service Act 1975 (hereinafter referred to as the principal Act).

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

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definitions of the terms “authorised representative”, “service organisation”, and “service organisation membership clause”.

(2) Section 2 of the principal Act is hereby further amended by repealing subsections (2) and (3) (as added by section 2 (4) of the Fire Service Amendment Act 1985).

3. New sections substituted—The principal Act is hereby amended by repealing sections 83 to 83s, and substituting the following sections:

“83. 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 Commission in the same manner that 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 New Zealand Fire Service Commission.

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

“83A. **General principles**—(1) The Commission 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 Commission; 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 Commission shall ensure that all

employees maintain proper standards of integrity, conduct, and concern for the public interest.

“83B. Equal employment opportunities—(1) The Commission—

“(a) Shall in each year develop and publish an equal employment opportunities programme for the Fire Service:

“(b) Shall ensure in each year that the equal opportunities programme for that year is complied with throughout the Fire Service.

“(2) The Commission shall include in the annual report of the Commission—

“(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 Commission 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 83A 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.

“83c. Choice of procedure—Where the circumstances giving rise to a personal grievance by a person employed by the Commission 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.”

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

5. Repeals—The Fire Service Amendment Act 1985 and the Fire Service Amendment Act (No. 2) 1987 are hereby repealed.

This Act is administered in the Department of Internal Affairs.
