



ANALYSIS

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1997, No. 8

An Act to amend the State Sector Act 1988 so that it no longer applies to kindergarten associations or their employees
[2 May 1997]

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

1. Short Title and commencement—(1) This Act may be cited as the State Sector Amendment Act 1997, and is part of the State Sector Act 1988 (“the principal Act”).

(2) This Act comes into force on the day after the date on which it receives the Royal assent.

PART 1

AMENDMENTS TO STATE SECTOR ACT 1988

2. Interpretation (section 2)—Section 2 of the principal Act is amended—

- (a) By repealing paragraph (c) of the definition of the term “Education service”; and
- (b) By repealing paragraph (b) of the definition of the term “employer”.

3. Interpretation (section 84)—(1) Section 84 of the principal Act is amended by repealing paragraph (b) of the definition of the term “employer” (as amended by section 2 (3) of the Education Amendment Act 1992), and substituting the following paragraph:

“(b) In relation to any institution that is subject to Part IX of the Education Act 1989, for the application period (within the meaning of subsection (1) of section 91A of the Education Act 1989) means the chief executive of the Ministry (within the meaning of that subsection).”

(2) Section 2 (3) of the Education Amendment Act 1992 is consequentially repealed.

PART 2

CONSEQUENTIAL AMENDMENTS

Amendment to Crimes Act 1961

4. Interpretation (section 99)—Section 99 of the Crimes Act 1961 is amended by omitting from the definition of the term “official”, the words “Government Superannuation Fund Act 1956”, and substituting the words “State Sector Act 1988”.

Amendment to Electoral Act 1993

5. Interpretation (section 3)—Section 3 (1) of the Electoral Act 1993 is amended by repealing subparagraph (i) of paragraph (b) of the definition of the term “public servant”, and substituting the following subparagraph:

“(i) The Education service as defined in the State Sector Act 1988; or”.

Amendment to Government Superannuation Fund Act 1956

6. Interpretation (section 2)—(1) Section 2 (1) of the Government Superannuation Fund Act 1956 is amended by repealing paragraph (b) of the definition of the term “controlling authority” (as that paragraph was substituted by section 31 (1) of the State Sector Amendment Act (No. 2) 1989), and substituting the following paragraph:

“(b) A contributor employed in the Education service, means—

“(i) The employer as defined in section 2 of the State Sector Act 1988; and

“(ii) In respect of any kindergarten recognised as a free kindergarten by the Minister of Education, the free kindergarten

association by which that kindergarten is controlled.”.

(2) Section 2 (1) of the Government Superannuation Fund Act 1956 is amended by repealing the definition of the term “Education service” (as substituted by section 31 (2) of the State Sector Amendment Act (No. 2) 1989), and substituting the following definition:

“ ‘Education service’ means—

“(a) Education service as defined in section 2 of the State Sector Act 1988; or

“(b) Service in the employment of any kindergarten within the meaning of the Education Act 1964.”.

(3) Section 31 of the State Sector Amendment Act (No. 2) 1989 is consequentially repealed.

This Act is administered in the State Services Commission.
