



ANALYSIS

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1981, No. 117

An Act to amend the Vocational Training Council Act 1968
 [23 October 1981]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Vocational Training Council Amendment Act 1981, and shall be read together with and deemed part of the Vocational Training Council Act 1968 (hereinafter referred to as the principal Act).

(2) Except as provided in sections 4 (4), 5 (2), and 6 (2) of this Act, this Act shall come into force on the 1st day of April 1982.

2. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:

“Minister” means the Minister of Labour.”

3. Functions of the Council—Section 12 (3) of the principal Act is hereby amended by inserting, before the words “Director-General of Education”, the words “Secretary of Labour and to the”.

4. Council to appoint certain officers and employees—

(1) The principal Act is hereby amended by repealing section 19 (as amended by section 33 (1) of the Higher Salaries Commission Act 1977 and by section 2 of the Vocational Training Council Amendment Act 1979), and substituting the following section:

“19. (1) Subject to the provisions of this section, the Council may from time to time appoint—

“(a) A chief executive officer; and

“(b) Two Assistant Directors; and

“(c) Such officers and employees, as liaison or advisory staff, as are required to enable the Council to carry out its functions under this Act.

“(2) The chief executive officer shall carry out such duties as may from time to time be assigned to him by the Council, and shall be responsible for the supervision of its officers and employees (including the Assistant Directors) and of the officers and employees appointed pursuant to section 20 of this Act.

“(3) The Council may, subject to any contract of service, at any time remove any of the officers or employees appointed under this section from his office or appointment.

“(4) The number of officers and employees who may be appointed under subsection (1) (c) of this section, whether generally or in respect of any specified duties, shall from time to time be determined by the Council in agreement with the State Services Commission.

“(5) Subject to subsection (6) of this section, officers and employees of the Council shall be employed on such terms and conditions of employment and shall be paid such salaries and allowances as the Council from time to time determines in agreement with the State Services Commission.

“(6) The chief executive officer shall be paid such salary as is determined from time to time by the Higher Salaries Commission.

“(7) Except as provided in section 20A of this Act, no person shall be deemed to be employed in the service of Her Majesty for the purposes of the Government Superannuation Fund Act 1956 by reason of his appointment under this section.

“(8) Any determination under subsection (5) of this section shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no date is so specified the determination shall take effect on the date thereof.”

(2) The Higher Salaries Commission Act 1977 is hereby consequentially amended by repealing so much of the Fifth Schedule as relates to the Vocational Training Council Act 1968.

(3) The Vocational Training Council Amendment Act 1979 is hereby consequentially repealed.

(4) This section shall come into force on the day on which this Act receives the Governor-General's assent.

5. Other officers—(1) Section 20 (1) of the principal Act is hereby amended by inserting, after the word “research,”, the words “advisory, liaison,”.

(2) This section shall come into force on the day on which this Act receives the Governor-General's assent.

6. New sections inserted—(1) The principal Act is hereby amended by inserting, after section 20, the following sections:

“20A. **Superannuation or retiring allowances**—(1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees appointed under section 19 of this Act, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section.

“(2) Notwithstanding anything in this Act, any person who immediately before becoming an officer or employee appointed under section 19 of this Act is a contributor to the Government Superannuation Fund under Part II of the Government Superannuation Fund Act 1956 shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as he continues to be an officer or employee appointed under section 19 of this Act; and that Act shall apply to him in all respects as if his service as such an officer or employee were Government service.

“(3) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (2) of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after he has once ceased to be a contributor.

“(4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (2) of this section, to a person who is an officer or employee

appointed under section 19 of this Act and is a contributor to the Government Superannuation Fund, the term 'controlling authority', in relation to any such person, means the Council.

"20B. **Employment of experts**—The Council may commission any person, who in its opinion possesses expert knowledge or is otherwise able to assist it in connection with the exercise of its functions, to make such inquiries or to conduct such research or to make such reports as may be necessary for the efficient carrying out of any of its functions."

(2) This section shall come into force on the day on which this Act receives the Governor-General's assent.

7. Consequential amendment—The First Schedule to the Labour Department Act 1954 (as substituted by section 2 (2) of the Labour Department Amendment Act 1979) is hereby amended by inserting, in its appropriate alphabetical order, the following item:

"The Vocational Training Council Act 1968."

This Act is administered in the Department of Labour.
