



State Sector (Employee Provisions Applied to Transfer of Functions from Land Transport Safety Authority and Transfund to Ministry of Transport) Order 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 6th day of September 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to section 30D of the State Sector Act 1988, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

1 Title

This order is the State Sector (Employee Provisions Applied to Transfer of Functions from Land Transport Safety Authority and Transfund to Ministry of Transport) Order 2004.

2 Commencement

This order comes into force on 10 September 2004.

3 Interpretation

In this order, unless the context otherwise requires,—

Authority means the Land Transport Safety Authority of New Zealand continued by section 184 of the Land Transport Act 1998

Ministry means the Ministry of Transport

Transfund means Transfund New Zealand continued by section 66 of the Land Transport Management Act 2003.

4 Application of employee provisions to transfer from Authority and Transfund to Ministry

- (1) The provisions set out in subclause (2) apply to the transfer of functions set out in subclause (3).
- (2) The provisions are—
 - (a) sections 30E and 30F of the State Sector Act 1988; and
 - (b) sections 30G to 30I of that Act in so far as—
 - (i) those sections relate to a collective employment agreement that binds the chief executive of the Authority or Transfund before the transfer of the functions; and
 - (ii) that collective employment agreement applies to an employee whose position in the Authority or Transfund ceases to exist as a result of the transfer of functions.
- (3) The transferred functions are as follows:
 - (a) the strategic policy, monitoring, and evaluation functions of the Authority; and
 - (b) the strategic policy function of Transfund.

Martin Bell,
Acting for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 10 September 2004, applies some of the employee provisions of the State Sector Act 1988 to employees of 2 Crown entities.

The employees affected are—

- employees of the Land Transport Safety Authority of New Zealand (the **Authority**) who are affected by a transfer of the Authority's strategic policy, monitoring, and evaluation functions to the Ministry of Transport (the **Ministry**); and
- employees of Transfund New Zealand (**Transfund**) who are affected by a transfer of Transfund's strategic policy function to the Ministry.

The provisions applied are—

- the “restriction on technical redundancy” section. As a result, an Authority or a Transfund employee who is offered equivalent employment with the Ministry, or who accepts other employment with the Ministry, is not entitled to compensation for technical redundancy:
- the section that disapplies some of the State Sector Act 1988 provisions that usually apply to appointments. As a result, the Ministry is not obliged to comply with some standard obligations, for example, the obligation to notify a vacancy before appointing an Authority or a Transfund employee:
- the collective employment agreement provisions. As a result, any collective employment agreement that relates to a transferring employee will continue to apply to the employee after the transfer, but only in so far as it relates to that employee.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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This order is administered in the State Services Commission.
