



State Sector (Employee Provisions Applied to Transfer of Functions from Ministry of Fisheries to Ministry of Agriculture and Forestry) Order 2004

Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 11th day of October 2004

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 30C of the State Sector Act 1988, Her Excellency the Administrator of the Government, 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 Ministry of Fisheries to Ministry of Agriculture and Forestry) Order 2004.

2 Commencement

This order comes into force on 1 November 2004.

3 Application of employee provisions to transfer of functions from Ministry of Fisheries to Ministry of Agriculture and Forestry

Sections 30E to 30G of the State Sector Act 1988 apply to the transfer of the biosecurity functions of the Ministry of Fisheries to the Ministry of Agriculture and Forestry.

Diane Morcom,
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 1 November 2004, applies some of the employee provisions of the State Sector Act 1988 to employees in the Ministry of Fisheries who are affected by the transfer of the biosecurity functions of the Ministry of Fisheries to the Ministry of Agriculture and Forestry. The provisions applied are—

- section 30E relating to the restriction of compensation for technical redundancy. As a result, a Ministry of Fisheries employee who is offered equivalent employment with the Ministry of Agriculture and Forestry, or who accepts other employment with the Ministry of Agriculture and Forestry, is not entitled to receive compensation for technical redundancy:
- section 30F, which disapplies some of the State Sector Act 1988 provisions that usually apply to appointments. As a result, the Ministry of Agriculture and Forestry is not obliged to comply with some standard obligations, for example, the obligation to notify a vacancy before appointing a Ministry of Fisheries employee:

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- section 30G, which relates to the application of collective agreements. As a result, any collective employment agreement that relates to transferring employees will continue to apply to those employees after the transfer, but only in so far as it relates to those employees. A collective employment agreement that relates to transferring employees will also apply to Ministry of Agriculture and Forestry employees who are appointed to positions that are established to enable the Ministry of Agriculture and Forestry to perform the transferred functions.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 14 October 2004.

This order is administered in the State Services Commission.
