

Civil Aviation Amendment Act 1993

Public Act 1993 No 90
Date of assent 20 August 1993

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An Act to amend the Civil Aviation Act 1990

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

1 Short title

This Act may be cited as the Civil Aviation Amendment Act 1993, and shall be read together with and deemed part of the Civil Aviation Act 1990 (hereinafter referred to as the principal Act).

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8 Functions of Authority

- (1)
- (2)
- (3) The following enactments are hereby consequentially repealed:
 - (a)
 - (b) Section 45(a) of the Civil Aviation Amendment Act 1992.

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18 Transitional provision relating to employees

- (1) Notwithstanding any other provision of this Act or the principal Act or any provision of the State Sector Act 1988,—
 - (a) Every person employed in the Ministry immediately before the commencement of this Act and engaged principally in duties that relate to functions that are functions of the Aviation Security Service is hereby deemed to be an employee of the Authority; and
 - (b) The terms and conditions of employment of every person who, by virtue of paragraph (a) of this subsection, becomes an employee of the Authority shall, until

varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immediately before the commencement of this Act in respect of that person's employment in the Ministry.

- (2) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a person who, by virtue of subsection (1) of this section, becomes an employee of the Authority,—
 - (a) The contract of employment that applied immediately before the commencement of this Act in respect of that person's employment in the Ministry shall be deemed not to have been broken by that person having so become a person employed by the Authority; and
 - (b) Any period recognised by the Secretary as continuous service in the Ministry shall be deemed to have been a period of continuous service in the Authority.
- (3) No person who becomes, by virtue of subsection (1)(a) of this section, a person employed by the Authority shall be entitled to any payment, benefit, or compensation, whether for redundancy or otherwise, by reason only of that person having ceased to be a person employed in the Ministry.

19 Contributors to Government Superannuation Fund

- (1) Any person who, immediately before the commencement of this Act, was an officer or employee appointed under the State Sector Act 1988 and was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 shall, if the person becomes an employee of the Authority, be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as that person continues in the service of the Authority and the Government Superannuation Fund Act 1956 shall apply to that person in all respects as if the service with the Authority were Government service.
- (2) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (1) of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor.

- (3) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (1) of this section, to a person who is in the service of the Authority and is a contributor to the Government Superannuation Fund, the term **controlling Director**, in relation to that person, means the Authority.

20 National Provident superannuation scheme

Where—

- (a) The contract of service of an officer or employee under the State Sector Act 1988 is transferred to the Authority under this Act; and
- (b) The officer or employee was, immediately before the date on which the transfer takes effect, a member of a superannuation scheme of which the Board of Trustees of the National Provident Fund is trustee; and
- (c) The employer of that officer or employee contributed to that scheme,—

the Authority shall on and from that date be obliged to contribute to that scheme in respect of that employee in accordance with the terms of the scheme.

21 Transfer of assets and liabilities relating to aviation security to Authority

Part 4 of the State-Owned Enterprises Act 1986 (except sections 27 to 27D) shall apply in respect of the Crown's assets and liabilities relating to aviation security services as if—

- (a) The Minister were the shareholding Minister for a State enterprise; and
- (b) The Authority were a State enterprise.

22 Amendment to Civil Aviation Amendment Act 1991

The Civil Aviation Amendment Act 1991 is hereby amended by omitting from sections 13 and 14 the expression “3 years” wherever it occurs, and substituting in each case the expression “5 years”.