

Reprint
as at 7 August 2020



State Sector (Employee Provisions Applied to Transfer of Functions from Early Childhood Development Board to Ministry of Education) Order 2003

(SR 2003/208)

State Sector (Employee Provisions Applied to Transfer of Functions from Early Childhood Development Board to Ministry of Education) Order 2003: revoked, on 7 August 2020, by section 134 of the Public Service Act 2020 (2020 No 40).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 25th day of August 2003

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.

Contents

		Page
1	Title	2
2	Commencement	2
3	Interpretation	2

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the State Services Commission.

- 4 Application of employee provisions to transfer from Board to Ministry 2

Order

1 Title

This order is the State Sector (Employee Provisions Applied to Transfer of Functions from Early Childhood Development Board to Ministry of Education) Order 2003.

2 Commencement

This order comes into force on 1 October 2003.

3 Interpretation

In this order, unless the context otherwise requires,—

Board means the Early Childhood Development Board, a Crown entity continued under Part 5 of the Education Act 1989

Ministry means the Ministry of Education.

4 Application of employee provisions to transfer from Board 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 Board before the transfer of the functions; and
 - (ii) that collective employment agreement applies to an employee whose position in the Board ceases to exist as a result of the transfer of functions.
- (3) The transferred functions are as follows:
 - (a) information and advice to government and the early childhood sector; and
 - (b) programmes that support parenting; and
 - (c) the management and delivery of grants and contracts.

Marie Shroff,
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 October 2003, applies some of the employee provisions of the State Sector Act 1988 to employees of the Early Childhood Development Board (the **Board**) who are affected by a transfer of some of its functions to the Ministry of Education (the **Ministry**). The provisions applied are—

- the “restriction on technical redundancy” section. As a result, a Board employee who is offered equivalent employment with the Ministry, or who accepts other employment with the Ministry, is not entitled to 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 a Board 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.

The functions that are transferred, and to which the order relates, are as follows:

- information and advice to government and the early childhood sector; and
- programmes that support parenting; and
- the management and delivery of grants and contracts.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 28 August 2003.

Reprints notes

1 *General*

This is a reprint of the State Sector (Employee Provisions Applied to Transfer of Functions from Early Childhood Development Board to Ministry of Education) Order 2003 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Public Service Act 2020 (2020 No 40): section 134