

Health Service Personnel Amendment Act (No. 2) 1985

Public Act 1985 No 164
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An Act to amend the Health Service Personnel Act 1983

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

This Act may be cited as the Health Service Personnel Amendment Act (No. 2) 1985, and shall be read together with and deemed part of the Health Service Personnel Act 1983 (hereinafter referred to as the principal Act).

2 Interpretation

Section 2 of the principal Act is hereby amended by inserting in paragraph (b) of the definition of the term “occupational class”, after the words “employees of”, the words “area health boards and”.

3 Method of prescribing conditions of employment

Section 11 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

“(1) Subject to subsection (1a) of this section and except as otherwise provided in section 12 of this Act or in the State Services Conditions of Employment Act 1977, but notwithstanding anything to the contrary in any other enactment, the conditions of employment of employees of the Health Service, so far as they are matters to be determined under the State Services Conditions of Employment Act 1977, shall be prescribed by the Commission by determination under that Act and not otherwise.

“(1a) Subsection (1) of this section shall not apply—

“(a) In respect of employees of hospital boards whose remuneration and other terms and conditions of employment are determined in accordance with any award or collective agreement under the Industrial Relations Act 1973; or

“(b) In respect of the remuneration and other terms and conditions of employment relating to positions in the employment of an area health board that, at the date of the commencement of the Health Service Personnel Amendment Act (No. 2) 1985, were covered by any such award or collective agreement listed in the Fifth Schedule to this Act.”

4 Superannuation

(1) Section 13(1) of the principal Act is hereby amended by inserting, after the words “Subject to”, the words “subsection (1a) of this section and to”.

(2) Section 13 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1a) Subsection (1) of this section shall not apply to the holders of positions in the employment of an area health board that, at the date of the commencement of the Health Service Personnel Amendment Act (No. 2) 1985, were covered by any such award or collective agreement under the Industrial Relations Act 1973 listed in the Fifth Schedule to this Act.”

5 Classification and grading of employees

Section 26(3)(a) of the principal Act is hereby amended by inserting, after the words “To employees of”, the words “area health boards and”.

6 Review of grading

Section 27(5) of the principal Act (as substituted by section 19 of the State Services Conditions of Employment Amendment Act (No. 2) 1985) is hereby amended by inserting in paragraph (a), after the words “To employees of”, the words “area health boards and”.

7 Application of Part IV of principal Act to Lake Alice

Section 46 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

- “(2) If, at any time on or after the date on which an area health board is constituted, the Minister of Health transfers to the area health board of that district the real and personal property used for the purposes of the institution known as the Lake Alice Psychiatric Hospital, the provisions of this Part of this Act shall apply as if—
- “(a) That institution were an affected district office; and
- “(b) References in this Part to the date of transfer were references to the date on which the transfer of the property by the Minister to the board takes effect.”

8 Conditions of employment of transferred employees

Section 49 of the principal Act is hereby amended by adding the words “or (in the case of a position that, at the date of the commencement of the Health Service Personnel Amendment Act (No. 2) 1985, was covered by any award or collective agreement under the Industrial Relations Act 1973 listed in the Fifth Schedule to this Act) until a new award or collective agreement covering the position is issued under the Industrial Relations Act 1973”.

9 New Fifth Schedule added

The principal Act is hereby amended by adding the Fifth Schedule set out in the Schedule to this Act.

Schedule**NEW FIFTH SCHEDULE ADDED TO PRINCIPAL ACT****“FIFTH SCHEDULE****Awards and Collective Agreements Under the Industrial Relations Act 1973**

Sections 11(1a)(b), 13(1a), 49

Auckland Hospital Board Gardeners and Labourers—Collective Agreement (Voluntary). (Doc. No. 386)

Auckland, Waikato, Cook, Northland, Tauranga, Taumarunui, Thames, and Bay of Plenty Hospital Boards Laundry Employees’—Collective Agreement (Voluntary). (Doc. No. 417)

New Zealand Ambulance Officers—Award. (Doc. No. 628)

New Zealand (except Canterbury and Westland) Hospital Boards’ Electrical Workers—Award. (Doc. No. 1263)

New Zealand (except Northern Industrial District) Hospital Boards’ Laundry Workers—Award. (Doc. No. 331)

New Zealand (except Hawke’s Bay and Wanganui Districts and Westland, Otago, and Southland Industrial Districts) Hospital Boards’ Painters and Decorators—Award. (Doc. No. 789)

New Zealand Hospital Boards’ Building Tradesmen—Award. (Doc. No. 1482) New Zealand Hospital Boards’ Drivers—Award. (Doc. No. 30)

New Zealand Hospital Boards’ Engine Drivers, Boiler Attendants, Firemen and Greasers—Award. (Doc. No. 1209)

New Zealand Hospital Boards’ Engineering Fitters, Allied Tradesmen and their Assistants—Award. (Doc. No. 614)

New Zealand Hospital Boards’ Gardeners, Labourers, and other Workers—Award. (Doc. No. 969)

New Zealand Hospital Boards’ Plumbers and Gasfitters—Award. (Doc. No. 428)

New Zealand Hospital Boards’ Sewing Room Employees—Award. (Doc. No. 593)

New Zealand Hospital Boards’ Storemen and Packers—Award. (Doc No. 1206)

New Zealand Hospital Domestic Workers—Award. (Doc. No. 362)

Northern, Wellington and Canterbury Hospital Dental Employees—Award. (Doc. No. 156)

Wellington Hospital Board Trade Employees Total Energy Centre—Composite Agreement (Doc. No. 1079).”

This Act is administered in the Department of Health.