

**Reprint
as at 7 August 2020**

State Sector Amendment Act 1989

Public Act 1989 No 67
Date of assent 25 September 1989

State Sector Amendment Act 1989: repealed, on 7 August 2020, pursuant to section 132(1) of the Public Service Act 2020 (2020 No 40).

Contents

	Page
Title	2
1 Short Title and commencement	2
2 Interpretation	2
8 Repeals and revocations	2
Transitional provisions	
9 Transitional provisions in relation to senior officers	3
10 Transitional provisions in respect of appointments to Education service	3
11 Awards and agreements	3
12 Identical conditions of employment in respect of Education service	4
13 Appeal rights of employees of Education service	4
14 Disciplinary action	4
15 Priority rights protected	4
16 Application of Wages Protection Act 1983	5
Schedule 1	
Enactments repealed	

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

This Act is administered by the State Services Commission.

Schedule 2
Regulations revoked

6

An Act to amend the State Sector Act 1988**BE IT ENACTED by the Parliament of New Zealand as follows:****1 Short Title and commencement**

- (1) This Act may be cited as the State Sector Amendment Act 1989, and shall be read together with and deemed part of the State Sector Act 1988 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of October 1989.

2 Interpretation

- (1) *[Repealed]*
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*

Subsection (1) was repealed, as from 19 December 1989, by section 32(1) State Sector Amendment Act (No 2) 1989 (1989 No 136).

Subsection (2) was repealed, as from 19 December 1989, by section 32(1) State Sector Amendment Act (No 2) 1989 (1989 No 136).

Subsection (3) was repealed, as from 15 May 1991, by section 2(2)(a) State Sector Amendment Act 1991 (1991 No 31).

Subsection (4) was repealed, as from 15 May 1991, by section 2(2)(a) State Sector Amendment Act 1991 (1991 No 31).

3

4 *[Repealed]*

Section 4 was repealed, as from 19 December 1989, by section 32(1) State Sector Amendment Act (No 2) 1989 (1989 No 136).

5

6

7 *[Repealed]*

Section 7 was repealed, as from 15 May 1991, by section 174 Employment Contracts Act 1991 (1991 No 22).

8 Repeals and revocations

- (1) The enactments specified in Schedule 1 to this Act are hereby repealed.
- (2) The regulations specified in Schedule 2 to this Act are hereby revoked.

- (3) *[Repealed]*
- (4) The Secondary and Technical Institute Teachers Disciplinary Regulations 1969 are hereby amended by revoking paragraph (a) of regulation 3.
- Subsection (3) was repealed, as from 1 January 1992, by section 35(3)(b) Education Amendment Act (No 4) 1991 (1991 No 136).

Transitional provisions

9 Transitional provisions in relation to senior officers

- (1) Any person who at the commencement of this Act holds any position to which section 77J of the principal Act (as enacted by section 3 of this Act) applies shall be offered employment in that position by the employer as from the date of the commencement of this Act or from the date of designation, as the case may be, on terms and conditions of employment that, except where inconsistent with this Act, are no less favourable than the terms and conditions of employment that, immediately before the commencement of this Act, apply in relation to that person's position in the Education service.
- (2) Nothing in sections 77G and 77J of the principal Act (as enacted by section 3 of this Act) shall apply to an appointment made under this section.
- (3) Until such time as the conditions of employment have been agreed upon, under subsection (1) of this section, between the person appointed and the employer, the person appointed shall continue to be employed on conditions of employment identical to those conditions of employment that applied in relation to that person immediately before the 1st day of October 1989 except to the extent that any such conditions of employment are specifically repealed or revoked by this Act or are inconsistent with any of the provisions of this Act in which case the provisions of this Act shall prevail.

10 Transitional provisions in respect of appointments to Education service

Every person who, at the commencement of this Act, holds any position in the Education service shall continue to hold that position as if that person had been appointed under this Act.

11 Awards and agreements

Every award and every agreement relating to the terms and conditions of employment of employees in the Education service which was in force immediately before the commencement of this Act shall continue in force in accordance with the Labour Relations Act 1987 after the commencement of this Act notwithstanding any of the other provisions of this Act. Any such award or agreement shall have effect according to its tenor.

12 Identical conditions of employment in respect of Education service

- (1) The terms and conditions of employment of every person who, at the commencement of this Act, holds any position in the Education service shall, on the 1st day of October 1989 (and thereafter until varied) be identical with the terms and conditions of that person's employment in the Education service immediately before the 1st day of October 1989.
- (2) The terms and conditions of employment of every person who commences employment in the Education service on or after the 1st day of October 1989 shall, until varied, be identical with the terms and conditions of employment of persons who were employed in the Education service immediately before the 1st day of October 1989.
- (3) Notwithstanding anything in subsection (1) or subsection (2) of this section, the provisions of any repealed Act, or of any regulation that has been revoked by this Act, shall continue to apply for the purposes of this Act only to the extent that they are expressly referred to and expressly applied by this Act or any other Act.

13 Appeal rights of employees of Education service

- (1) Notwithstanding anything in this Act, if, immediately before the commencement of this Act, any person has an appeal pending under the Education Act 1964 or any regulations made under that Act against an appointment to a position as a teacher, or against any disciplinary action in respect of that person, or if there is a right to such an appeal, the provisions of the Act or of the regulations, so far as those provisions are applicable, shall continue to apply to that appeal as if the Education Act 1964 had not been repealed and the regulations had not been revoked.
- (2) The decision on any appeal to which subsection (1) of this section applies shall be binding on both the employee and the employer and shall be implemented as far as practicable in the same manner as if the Education Act 1964 and the regulations made under it were still in force.

14 Disciplinary action

- (1) Any disciplinary proceedings commenced under the Education Act 1964 against any employee shall continue to be dealt with under that Act as if the disciplinary provisions of that Act had not been repealed.
- (2) The decision in any proceedings to which subsection (1) of this section applies shall be binding on both the employee and the employer and shall be implemented as far as practicable in the same manner as if the Education Act 1964 and the regulations made under it were still in force.

15 Priority rights protected

- (1) Where at the date of the commencement of this Act any teacher had become entitled to any priority right under the Education Act 1964 or any regulation

made under that Act, that priority right shall, notwithstanding the repeal of the Act or the revocation of the regulations, be given effect to in the following manner:

- (a) Where the priority right relates to service as a primary school teacher, that priority right shall remain in effect for the same period and on the same conditions as applied immediately before the commencement of this Act:
 - (b) Where the priority right relates to service as a secondary teacher, that priority right shall expire not later than the 30th day of September 1991, but in all other respects shall remain in effect on the same conditions as applied immediately before the commencement of this Act.
- (2) Every employer shall, as far as possible, give effect to any priority right in the same manner and to the same extent as was required immediately before the commencement of this Act.
 - (3) For the purposes of this section,—
 - (a) The term **priority right** includes priority rights, supernumerary positions, preference in appointment rights, and salary protection under the Education Act 1964 or any regulation made under that Act:
 - (b) References in any regulations made under the Education Act 1964 to an Education Board shall be read as references to the employer, and the employer shall have all the rights and duties of an Education Board.

16 Application of Wages Protection Act 1983

For the avoidance of doubt, employment in the Education service is hereby declared to be employment by the Crown for the purposes of the Wages Protection Act 1983.

Schedule 1 Enactments repealed

Section 8(1)

- 1964, No 135—The Education Act 1964: Sections 61(1)(b), 70(d), 137 to 147, 150 to 155, 165AA, 167 to 173, 203(3) and (4). (Reprinted 1975, Vol 3, p 1699.)
- 1968, No 11—The Education Amendment Act 1968: Section 17. (Reprinted 1975, Vol 3, p 1881.)
- 1975, No 129—The Private Schools Conditional Integration Act 1975: Section 61.
- 1975, No 130—The Education Amendment Act (No 2) 1975: (Reprinted 1975, Vol 3, p 1896.)
- 1978, No 79—The Education Amendment Act 1978: Sections 4 and 5.

- 1982, No 155—The Education Amendment Act (No 2) 1982: Sections 9(2), 9(3), 10, 11, and 12.
- 1983, No 57—The Education Amendment Act 1983: Sections 10, 13, and 14.
- 1987, No 177—The Education Amendment Act (No 2) 1987: Sections 14, 15, 16, 17, 18, 19, 20, and 30.

Schedule 2

Regulations revoked

Section 8(2)

Title	Statutory Regulations Serial Number
The Teachers' Leave of Absence Regulations 1951	1951/128
The Teachers' Leave of Absence Regulations 1951, Amendment No 2	1958/173
The Teachers' Leave of Absence Regulations 1951, Amendment No 3	1963/29
The Teachers' Leave of Absence Regulations 1951, Amendment No 4	1967/207
The Teachers' Leave of Absence Regulations 1951, Amendment No 5	1971/191
The Teachers' Leave of Absence Regulations 1951, Amendment No 6	1974/24
The Education (Assessment, Classification, and Appointment) Regulations 1976	1976/287
The Teachers' Leave of Absence Regulations 1951, Amendment No 7	1977/241
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 1	1977/275
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 2	1978/334
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 3	1979/220
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 4	1980/186
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 5	1980/233
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 6	1981/179

The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 7	1981/330
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 8	1982/12
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 9	1982/80
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 10	1982/275
The Kindergarten Appointments Regulations 1983	1983/145
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 11	1983/213
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 12	1984/28
The Education Employment (Personal Grievance) Regulations 1984	1984/40
The Kindergarten Appointments Regulations 1983, Amendment No 1	1984/134
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 13	1984/284
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 14	1985/131
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 15	1986/158
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 16	1986/270
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 17	1987/173
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 18	1987/299
The Kindergarten Appointments Regulations 1983, Amendment No 2	1987/343
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 19	1987/398
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 20	1988/212
The Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No 21	1988/240

Reprint notes**1 *General***

This is a reprint of the State Sector Amendment Act 1989 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this reprint*

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this reprint*

Public Service Act 2020 (2020 No 40): section 132(1)