



## ANALYSIS

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1998, No. 68

**An Act to amend the Ministry of Energy (Abolition) Act 1989 in relation to levies and also to—**

- (a) Validate previous applications of levy monies; and**  
**(b) Allow for the transfer of certain employees from the Ministry of Commerce to the Department of Labour**

[23 June 1998]

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

**1. Short Title and commencement**—(1) This Act may be cited as the Ministry of Energy (Abolition) Amendment Act 1998, and is part of the Ministry of Energy (Abolition) Act 1989 (“the principal Act”).

(2) This Act comes into force on 1 July 1998.

*Amendments to Ministry of Energy (Abolition) Act 1989*

**2. Purpose of levies**—Section 14 of the principal Act is amended by inserting, after paragraph (a), the following paragraph:

“(aa) The dissemination of information concerning safety in relation to the industries to which the levies relate; and”.

**3. Repeal of certain levies and administration charge—**Sections 15 to 21, 25, and 25A of the principal Act are repealed.

**4. Petroleum fuels monitoring levy—**Section 24 (3) of the principal Act is amended by adding the words “or such lesser amount for each complete litre as may be prescribed”.

**5. Due dates for payment—**Section 27 of the principal Act is amended by omitting the expression “15 to 24”, and substituting the expression “22, 23, and 24”.

**6. Ministry of Energy (Levies) Regulations 1989 amended—**Regulations 2 to 6, 9, and 9A of the Ministry of Energy (Levies) Regulations 1989 (S.R. 1989/381) are revoked.

#### *Validations*

**7. Validation of past expenditure of levy revenues—**Regardless of section 14 of the principal Act, all applications made before 31 October 1997 of levies recovered under Part III of that Act for any purpose are validated and deemed to have been lawfully imposed, recovered, and applied.

**8. Payments into Crown Bank Account—**Regardless of sections 14 and 26 of the principal Act, the payment into the Crown Bank Account of any levies payable before 30 June 1997 under section 24 of that Act is validated and deemed to have been lawfully paid into that account.

#### *Transfer of Employees from Ministry of Commerce to Department of Labour*

**9. Transfer of employees—**(1) Every person employed in the Ministry of Commerce immediately before the date of commencement of this Act who the chief executive of the Department of Labour has agreed to transfer to the Department of Labour is to be treated as having been transferred to the Department of Labour on that date.

(2) This section prevails over section 61A of the State Sector Act 1988.

**10. Protection of terms and conditions of employment—**(1) The employment of a person who is transferred to the Department of Labour under section 9 (1)

must be on terms and conditions no less favourable to the transferred employee than those applying at the date of transfer.

(2) Subsection (1) continues to apply to the terms and conditions of employment of a transferred employee until the terms and conditions of employment of the transferred employee are varied by agreement between the transferred employee and the chief executive of the Department of Labour.

**11. No compensation for technical redundancy**—A person who is transferred to the Department of Labour under section 9 (1) is not entitled to any compensation for redundancy by reason only of the person ceasing to be employed by the Ministry of Commerce.

**12. Saving of appointments, etc**—The appointment of every statutory officer who is transferred to the Department of Labour under section 9 (1) continues until the earliest of the following occurs:

- (a) The term of the appointment expires;
- (b) The person ceases employment in the Department of Labour;
- (c) The appointment is revoked.

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This Act is administered in the Ministry of Commerce.

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