

# HIGHER SALARIES COMMISSION AMENDMENT BILL

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## EXPLANATORY NOTE

THIS Bill amends the Higher Salaries Commission Act 1977 and makes related amendments to the Consumer Council Act 1966, the Human Rights Commission Act 1977, and the Securities Act 1978.

*Clause 1* relates to the Short Title.

*Clause 2* is new—

- (a) To the extent that it authorises the Higher Salaries Commission to delegate to the State Services Commission the right to determine the salary of the highest paid executive officer of each of the following corporations and bodies:
- (i) The Carter Observatory Board;
  - (ii) The Cawthron Institute Trust Board;
  - (iii) Research Associations assisted under section 5 (f) of the Scientific and Industrial Research Act 1974;
  - (iv) The Testing Laboratory Registration Council; and
- (b) To the extent that it authorises the Higher Salaries Commission, with the prior joint consent of the Minister of Labour and the Minister of Local Government, to delegate to the Joint Council for Local Authorities Services the right to determine the salaries of officers of local authorities (other than harbour boards).

Where the State Services Commission exercises the power referred to in *paragraph (a)* above, it must do so in consultation with the Director-General of the Department of Scientific and Industrial Research.

*Clause 3* re-enacts in up-to-date form the First, Second, Third, and Fourth Schedules to the principal Act. The Auckland Hospital Board has been included in Part I of the First Schedule. Regional Councils have been included in Part I of the Third Schedule. Associate members of the Commerce Commission and associate members of the Industries Development Commission have been included in the Fourth Schedule. The other changes are of a tidying-up nature.

*Clause 4* is new to the extent that it specifically provides for the determination by the Higher Salaries Commission of the salary of the Director of the Consumers Institute and to the extent that it repeals, as from the commencement of the Higher Salaries Commission Act 1977, the requirement that the Higher Salaries Commission determine the salary of the Chairman of the Consumer Council.

*Clause 5* is new to the extent that it requires the travelling allowances and travelling expenses of the Human Rights Commissioners to be determined under the Fees and Travelling Allowances Act 1951 and not by the Higher Salaries Commission. The jurisdiction of the Higher Salaries Commission relates primarily to salaries.

*Clause 6* is identical to *clause 5* except that *clause 6* applies to the members and alternate members of the Securities Commission.

*Clause 7* effects consequential repeals.

*Clause 8* effects consequential revocations.

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*Hon. Mr Bolger*

## HIGHER SALARIES COMMISSION AMENDMENT

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### ANALYSIS

Title	13A. Travelling allowances and expenses
1. Short Title	6. Related amendments to Securities Act 1978
2. Delegation of powers by Commission	14. Remuneration of members and alternate members of Commission
3. New Schedules substituted	14A. Travelling allowances and expenses
4. Related amendments to Consumer Council Act 1966	7. Consequential repeals
5. Related amendment to Human Rights Commission Act 1977	8. Consequential revocations Schedules
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### A BILL INTITULED

**An Act to amend the Higher Salaries Commission Act 1977 and to make related amendments to other Acts**

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 Higher Salaries Commission Amendment Act 1980, and shall be read together with and deemed part of the Higher Salaries Commission Act 1977\* (hereinafter referred to as the principal Act).

\*1977, No. 110

No. 48—1

**2. Delegation of powers by Commission**—(1) Section 26 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Delegations under subsection (1) of this section may be made,—

“(a) To the State Services Commission, in respect of the salary of the highest paid executive officer of each of the following corporations and bodies:

“(i) The Carter Observatory Board:

“(ii) The Cawthron Institute Trust Board: 10

“(iii) Research Associations assisted under section 5 (f) of the Scientific and Industrial Research Act 1974:

“(iv) The Testing Laboratory Registration Council: 15

“(b) To the University Grants Committee, in respect of the salary for any position to which section 12 (1) (a) (iii) or section 12 (1) (a) (viii) of this Act applies:

“(c) With the prior joint consent of the Minister of Labour and the Minister of Local Government, to the Joint Council for Local Authorities Services, in respect of the salary for any position (other than the position of any officer of a harbour board) to which section 12 (1) (a) (iv) of this Act applies: 20

“(d) To the State Services Co-ordinating Committee established by section 13 of the State Services Conditions of Employment Act 1977 or to the State Services Commission, in respect of the salary for any position to which section 12 (1) (a) (v) of this Act applies: 25

“(e) To the Hospital Medical Officers’ Advisory Committee, in respect of the salary for any position to which section 12 (1) (a) (vii) of this Act applies.” 30

(2) Section 26 (4) of the principal Act is hereby amended by inserting, after the word “Commission”, the words “or Council”. 35

(3) Section 26 of the principal Act is hereby further amended by inserting, after subsection (4), the following subsection: 40

“(4A) Where any of the powers described in subsection (2) (a) of this section are delegated to the State Services Commission, the State Services Commission shall, subject to subsection (4) of this section, exercise those powers only  
5 in consultation with the Director-General of the Department of Scientific and Industrial Research.

**3. New Schedules substituted**—The principal Act is hereby amended by repealing the First, Second, Third, and Fourth Schedules, and substituting the First, Second, Third, and  
10 Fourth Schedules set out in the First Schedule to this Act.

**4. Related amendments to Consumer Council Act 1966—**

(1) Section 18 of the Consumer Council Act 1966 is hereby amended by inserting, after subsection (3), the following subsection:

15 “(3A) Notwithstanding anything in subsections (2) and (3) of this section, the salary of the Director of the Consumers Institute and the salaries of such other employees of the Council as the Higher Salaries Commission from time to time specifies shall be determined from time to time  
20 by the Higher Salaries Commission.

(2) Section 31 (2) of the Consumer Council Act 1966 (as amended by section 33 (1) of the principal Act) is hereby amended, as from the commencement of the principal Act, by omitting the words “Subject to subsection (3) of this  
25 section.”.

(3) Section 31 of the Consumer Council Act 1966 (as so amended) is hereby amended as from the commencement of the principal Act by repealing subsection (3).

**5. Related amendment to Human Rights Commission Act**

30 **1977**—The Human Rights Commission Act 1977 is hereby amended by repealing section 13 (as amended by section 33 (1) of the principal Act), and substituting the following sections:

35 “**13. Remuneration of Commissioners**—(1) There shall be paid to the Commissioners such remuneration by way of fees, salary, wages, or allowances as may from time to time be fixed, either generally or in respect of any particular Commissioner or Commissioners, by the Higher Salaries Commission.

“(2) Any decision under subsection (1) of this section shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no date is so specified the decision shall take effect on the date thereof. 5

“13A. Travelling allowances and expenses—(1) The Commission is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

“(2) There shall be paid to the Commissioners, travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.” 10

**6. Related amendments to Securities Act 1978—**

(1) The Securities Act 1978 is hereby amended by repealing section 14, and substituting the following sections: 15

“14. Remuneration of members and alternate members of Commission—(1) There shall be paid to the members and alternate members of the Commission such remuneration by way of fees, salary, wages, or allowances as may from time to time be fixed, either generally or in respect of any particular member or members or alternate member or alternate members, by the Higher Salaries Commission. 20

“(2) Any decision under subsection (1) of this section shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no date is so specified the decision shall take effect on the date thereof. 25

“14A. Travelling allowances and expenses—(1) The Commission is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 30

“(2) There shall be paid to the members and alternate members of the Commission travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.” 35

(2) Section 76 of the Securities Act 1978 is hereby repealed.

7. **Consequential repeals**—The following enactments are hereby consequentially repealed, namely:

- 5 (a) So much of the Fifth Schedule to the principal Act as relates to the Consumer Council Act 1966 and to the Human Rights Commission Act 1977:
- (b) So much of the Schedule to the New Zealand Film Commission Act 1978 as relates to the principal Act:
- 10 (c) So much of the Second Schedule to the New Zealand Council for Postgraduate Medical Education Act 1978 as relates to the principal Act.

8. **Consequential revocations**—The Orders in Council specified in the Second Schedule to this Act are hereby consequentially revoked.

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## SCHEDULES

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### FIRST SCHEDULE

Section 3

NEW FIRST, SECOND, THIRD, AND FOURTH SCHEDULES TO  
PRINCIPAL ACT

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### “FIRST SCHEDULE

Section 12 (1) (a) (ii)

CORPORATIONS AND BODIES WHOSE HIGHEST PAID EXECUTIVE OFFICERS’  
SALARIES ARE TO BE DETERMINED BY HIGHER SALARIES COMMISSION

#### *Part I—Corporations and Other Public Bodies*

Air New Zealand Limited.  
The Auckland Hospital Board.  
The Bank of New Zealand.  
The Broadcasting Corporation of New Zealand.  
The Carter Observatory Board.  
The Cawthron Institute Trust Board.  
The Consumer Council.  
The Development Finance Corporation of New Zealand.  
The Education Board of the District of Auckland.  
The Hospital Boards’ Association of New Zealand Incorporated.  
The Joint Council for Local Authorities Services.  
The Medical Research Council of New Zealand.  
The National Council of Adult Education.  
Natural Gas Corporation of New Zealand Limited.  
The New Zealand Council for Educational Research.  
The New Zealand Council for Postgraduate Medical Education.  
The New Zealand Export-Import Corporation.  
The New Zealand Film Commission.  
The New Zealand Industrial Design Council.

The New Zealand Trades Certification Board.  
 Offshore Mining Company Limited.  
 Petroleum Corporation of New Zealand Limited.  
 Petroleum Corporation of New Zealand (Exploration) Limited.  
 The Queen Elizabeth the Second Arts Council of New Zealand.  
 Research Associations assisted under section 5 (f) of the Scientific  
 and Industrial Research Act 1974.  
 The Shipping Corporation of New Zealand Limited.  
 The Standards Council.  
 The Testing Laboratory Registration Council.  
 The Tourist Hotel Corporation of New Zealand.  
 The Vocational Training Council.  
 Waikato Carbonisation Limited.  
 The Waterfront Industry Commission.

*Part II—Corporations and Other Public Bodies*

The Auckland Savings Bank.  
 The Bay of Plenty Savings Bank.  
 The Canterbury Savings Bank.  
 The Eastern and Central Savings Bank.  
 The Egg Marketing Authority.  
 Licensing Trusts.  
 The New Zealand Apple and Pear Marketing Board.  
 The New Zealand Dairy Board.  
 The New Zealand Meat Producers Board.  
 The New Zealand Milk Board.  
 The New Zealand Poultry Board.  
 The New Zealand Racing Authority.  
 The New Zealand Wheat Board.  
 The New Zealand Wool Board.  
 The New Zealand Wool Testing Authority.  
 The Otago Savings Bank.  
 The Pork Industry Council.  
 The Pork Marketing Board.  
 The South Canterbury Savings Bank.  
 The Southland Savings Bank.  
 The Taranaki Savings Bank.  
 The Totalisator Agency Board.  
 The Waikato Savings Bank.  
 The Wanganui Savings Bank.  
 The Wellington District Savings Bank.  
 The Westland Savings Bank.



“SECOND SCHEDULE

Section 12 (1) (a) (iii)

UNIVERSITY POSITIONS THE SALARIES FOR WHICH ARE TO BE DETERMINED  
BY HIGHER SALARIES COMMISSION

The Chairman of the University Grants Committee.  
The Vice-Chancellor of the University of Auckland.  
The Vice-Chancellor and Rector of the University of Canterbury.  
The Vice-Chancellor and Principal of Massey University.  
The Vice-Chancellor of the University of Otago.  
The Vice-Chancellor of the University of Waikato.  
The Vice-Chancellor and Principal of the Victoria University of  
Wellington.  
The Principal of Lincoln College.

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“THIRD SCHEDULE

Section 12 (1) (a) (iv)

LOCAL AUTHORITIES WHOSE HIGHEST PAID ADMINISTRATIVE AND  
PROFESSIONAL OR TECHNICAL OFFICERS' SALARIES ARE TO BE  
DETERMINED BY HIGHER SALARIES COMMISSION

*Part I—Classes of Local Authorities*

Borough Councils (including City Councils).  
Catchment Boards.  
Catchment Commissions.  
County Councils.  
District Councils.  
Electric Power Boards.  
Harbour Boards.  
Land Drainage Boards.  
Nassella Tussock Boards.  
Pest Destruction Boards.  
Regional Councils.  
Regional Water Boards.  
Town Councils.

*Part II—Particular Local Authorities*

The Auckland Harbour Bridge Authority.  
The Auckland Regional Authority.  
The Canterbury Regional Planning Authority.  
The Christchurch Drainage Board.  
The Christchurch Transport Board.  
The Dunedin Regional Planning Authority.  
The Hutt Valley Drainage Board.  
The Northland Regional Planning Authority.  
The North Shore Drainage Board.  
The Rotorua Area Electricity Supply Authority.  
The Selwyn Plantation Board.  
The Waikato Valley Authority.  
The Waimakariri-Ashley Water Supply Board.  
The Wellington Regional Planning Authority.  
The Wellington Regional Water Board.

“FOURTH SCHEDULE

Section 12 (1) (a) (vi)

STATUTORY OFFICERS WHOSE SALARIES ARE TO BE DETERMINED BY  
HIGHER SALARIES COMMISSION

The members of the Accident Compensation Commission.  
 The nominated members of the Arbitration Court.  
 The Controller and Auditor-General and the Deputy Controller and Auditor-General.  
 The Chairman of the Broadcasting Corporation of New Zealand.  
 The members and associate members of the Commerce Commission.  
 The Human Rights Commissioners.  
 The members and associate members of the Industries Development Commission.  
 The members of the New Zealand Fire Service Commission.  
 The Chairman of the New Zealand Planning Council.  
 The Ombudsmen (including the Chief Ombudsman).  
 The Commissioner of Police and the Deputy Commissioner of Police.  
 The Race Relations Conciliator.  
 The Governor of the Reserve Bank of New Zealand and the Deputy Governor of that Bank.  
 The members and alternate members of the Securities Commission.  
 The Director of the Security Intelligence Service.  
 The members of the State Services Commission.”

SECOND SCHEDULE

Section 8

ORDERS IN COUNCIL REVOKED

Title	Statutory Regulations Serial Number
The Higher Salaries Commission (Jurisdiction) Order 1978	1978/115
The Higher Salaries Commission (Jurisdiction) Order (No. 2) 1978	1978/205
The Higher Salaries Commission (Jurisdiction) Order (No. 3) 1978	1978/312
The Higher Salaries Commission (Jurisdiction) Order 1979	1979/265