

## STATE SERVICES CONDITIONS OF EMPLOYMENT AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the State Services Conditions of Employment Act 1977.

*Clause 1* relates to the Short Title.

*Clause 2* inserts a new subsection (3) in section 7 of the principal Act. The new subsection prevents the making, under the principal Act, of any determination or order that allocates, or restricts, the time that any member of the Education service who is employed as a teacher in—

- (a) An institution established under Part III or Part VIII of the Education Act 1964; or
- (b) A kindergarten; or
- (c) An integrated school within the meaning of the Private Schools Conditional Integration Act 1975,—

may be required to devote, within the member's overall duties, to particular duties (such as duties that involve contact with pupils).

*Clause 3* abrogates any application, made before the commencement of this Act (and not determined), to the extent that that application relates to the making under the principal Act of any determination or order that would contravene the new subsection (3) of section 7.

*Clauses 4 to 7* provide for the appointment of an alternate service member to each of the three single service tribunals. These tribunals are the Government Service Tribunal, the Government Railways Industrial Tribunal, and the Hospital Service Tribunal. The new provisions follow those which already apply to the Public Sector Tribunal.

*Hon. Mr Thomson*

**STATE SERVICES CONDITIONS OF EMPLOYMENT  
AMENDMENT**

**ANALYSIS**

Title	4. Government Service Tribunal
1. Short Title	5. Government Railways Industrial Tribunal
2. Conditions of employment which may be prescribed	6. Hospital Service Tribunal
3. Applications affected	7. Term of office of appointed members, vacancies, and decisions

**A BILL INTITULED**

**An Act to amend the State Services Conditions of Employment Act 1977**

**5** BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**10** **1. Short Title**—This Act may be cited as the State Services Conditions of Employment Amendment Act 1980, and shall be read together with and deemed part of the State Services Conditions of Employment Act 1977\* (hereinafter referred to as the principal Act).

**15** **2. Conditions of employment which may be prescribed**—  
(1) Section 7 (1) (a) of the principal Act is hereby amended by inserting, before the word “annual”, the words “Subject to subsection (3) of this section,”.

\*1977, No. 95

Amendments: 1978, No. 41; 1979, No. 111

(2) Section 7 of the principal Act is hereby further amended by adding the following subsection:

“(3) No determination or order under this Act shall allocate, or restrict, the time that any member of the Education service who is employed as a teacher in— 5

“(a) An institution established under Part III or Part VIII of the Education Act 1964; or

“(b) A kindergarten; or

“(c) An integrated school within the meaning of the Private Schools Conditional Integration Act 1975,— 10

may be required to devote within the member’s overall duties to particular duties (such as duties that involve contact with pupils).”

**3. Applications affected**—Any application, which has been made before the commencement of this Act to an employing authority or a Tribunal and which has not been determined before the commencement of this Act, shall, as from the commencement of this Act, cease to have effect to the extent that the application relates to the making under the principal Act of a determination or order that would contravene section 7 (3) of the principal Act. 15 20

**4. Government Service Tribunal**—(1) Section 49 (2) (c) of the principal Act is hereby amended by omitting the word “person”, and substituting the words “service member and an alternate service member”. 25

(2) Section 49 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

“(3A) The service member and the alternate service member shall not be entitled to sit as members of the Tribunal at the same time. The service member shall sit as a member of the Tribunal, and the alternate service member shall sit in place of the service member only when the service member is unable to sit by reason of illness, absence or other cause (whatever its nature).” 30 35

**5. Government Railways Industrial Tribunal**—(1) Section 50 (2) (c) of the principal Act is hereby amended by omitting the words “person (not being”, and substituting the words “service member and an alternate service member (not being, in the case of either member,”. 40

(2) Section 50 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

5 “(3A) The service member and the alternate service member shall not be entitled to sit as members of the Tribunal at the same time. The service member shall sit as a member of the Tribunal, and the alternate service member shall sit in place of the service member only when the service member is unable to sit by reason of illness, absence or other  
10 cause (whatever its nature).”

**6. Hospital Service Tribunal**—(1) Section 51 (2) (c) of the principal Act is hereby amended by omitting the word “person”, and substituting the words “service member and an alternate service member”.

15 (2) Section 51 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

20 “(3A) The service member and the alternate service member shall not be entitled to sit as members of the Tribunal at the same time. The service member shall sit as a member of the Tribunal, and the alternate service member shall sit in place of the service member only when the service member is unable to sit by reason of illness, absence or other cause (whatever its nature).”

25 **7. Term of office of appointed members, vacancies, and decisions**—Section 52 of the principal Act is hereby amended by adding the following subsection:

30 “(8) The fact that any official member (in the absence of the other official member), or any alternate service member (in the place of the service member), of a Single Service Tribunal attends and acts as a member of the Tribunal at any meeting of the Tribunal shall be conclusive evidence of his authority to do so.”