



**State Sector (Application of Certain Provisions to Transfer of Functions from Ministry of Economic Development to Department of Building and Housing) Order 2006**

Silvia Cartwright, Governor-General

**Order in Council**

At Wellington this 3rd day of July 2006

Present:

Her Excellency the Governor-General in Council

Pursuant to sections 30C and 30K of the State Sector Act 1988, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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## **Order**

### **1 Title**

This order is the State Sector (Application of Certain Provisions to Transfer of Functions from Ministry of Economic Development to Department of Building and Housing) Order 2006.

### **2 Commencement**

This order comes into force on 1 September 2006.

### **3 Application of employee provisions to transfer of functions from Ministry of Economic Development to Department of Building and Housing**

- (1) Sections 30E to 30G of the State Sector Act 1988 apply to the transfer of functions set out in subclause (2) from the Ministry of Economic Development to the Department of Building and Housing.
- (2) The transferred functions are functions in connection with the—
  - (a) registration and licensing of electrical workers, including employer licensing;
  - (b) issuing of electrical codes of practice;
  - (c) administration of Parts 2, 10, 11, 12, and 13, and the offence provisions in Part 14 of the Electricity Act 1992.

### **4 Application of consequential changes to references provisions**

Sections 30H and 30I of the State Sector Act 1988 apply to things coming into force, entered into, or created during the transitional period of 3 months, beginning on 1 September 2006 and ending on 30 November 2006, after the transfer of functions specified in clause 3(2).

Diane Morcom,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 1 September 2006, does 2 things.

First, the order applies some of the employee provisions of the State Sector Act 1988 to employees affected by the transfer of certain functions from the Ministry of Economic Development to the Department of Building and Housing. Those functions relate to—

- registration and licensing of electrical workers, including employer licensing;
- issuing of electrical codes of practice;
- administration of certain Parts of the Electricity Act 1992.

The provisions applied are—

- section 30E, which relates to restriction of compensation for technical redundancy. As a result, a Ministry of Economic Development employee who is offered equivalent employment with the Department of Building and Housing, or who accepts other employment with the Department of Building and Housing, is not entitled to compensation for technical redundancy;
- section 30F, which disapplies some of the State Sector Act 1988 provisions that usually apply to appointments. As a result, the Department of Building and Housing is not obliged to comply with some standard obligations (for example, the obligation to notify a vacancy before appointing a Ministry of Economic Development employee);
- section 30G, which relates to the application of collective employment agreements. As a result, any collective employment agreement that relates to transferring employees will continue to apply to those employees after the transfer, but only in so far as it relates to those employees.

Secondly, the order applies sections 30H and 30I of the State Sector Act 1988, which concern consequential changes to references to

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departments and chief executives following reorganisations, to things coming into force, entered into, or created during a 3-month transitional period, beginning on 1 September 2006 and ending on 30 November 2006, after the transfer of functions to the Department of Building and Housing.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 6 July 2006.

This order is administered by the State Services Commission.

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