



State Sector (New Zealand Food Safety Authority) Order 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of June 2007

Present:

His Excellency the Governor-General in Council

Pursuant to sections 30A, 30C, and 30K of the State Sector Act 1988, His 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 (New Zealand Food Safety Authority) Order 2007.

2 Commencement

This order comes into force on 1 July 2007.

3 New Zealand Food Safety Authority inserted in Schedule 1 of State Sector Act 1988

Schedule 1 of the State Sector Act 1988 is amended by inserting the item “New Zealand Food Safety Authority” in its appropriate alphabetical order.

4 Application of employee provisions to transfer of functions from Ministry of Agriculture and Forestry to New Zealand Food Safety Authority

- (1) Sections 30E to 30G of the State Sector Act 1988 apply to the transfer of functions set out in subclause (2).
- (2) The transferred functions are the functions of the Ministry of Agriculture and Forestry which are currently performed by the existing New Zealand Food Safety Authority.

5 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 7 months, beginning on 1 July 2007 and ending on 31 January 2008, after the transfer of functions specified in clause 4.

Rebecca Kitteridge,
for Clerk of the Executive Council.

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 July 2007, does 3 things.

First, the order adds the name of the New Zealand Food Safety Authority to the list of the Departments of the Public Service that is contained in Schedule 1 of the State Sector Act 1988. Currently, the New Zealand Food Safety Authority is part of the Ministry of Agriculture and Forestry. This order establishes it as a Department in its own right.

Secondly, the order applies some of the employee provisions of the State Sector Act 1988 to employees affected by the transfer of some of the functions of the Ministry of Agriculture and Forestry to the New Zealand Food Safety Authority. The provisions applied are—

- section 30E, which relates to the restriction of compensation for technical redundancy. As a result, a Ministry of Agriculture and Forestry employee who is offered equivalent employment with the New Zealand Food Safety Authority, or who accepts other employment with that Authority, is not entitled to receive 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 New Zealand Food Safety Authority is not obliged to comply with some standard obligations, for example, the obligation to notify a vacancy before appointing a Ministry of Agriculture and Forestry employee;
- section 30G, which relates to the application of collective 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.

The functions that are transferred, and to which this order relates, are the functions of the Ministry of Agriculture and Forestry which are currently performed by the existing New Zealand Food Safety Authority.

Thirdly, the order applies sections 30H and 30I of the State Sector Act 1988, which concern consequential changes to references to Departments and chief executives following reorganisations, to things coming into force, entered into, or created during a 7-month

transitional period, beginning on 1 July 2007 and ending on 31 January 2008, after the transfer of functions to the new New Zealand Food Safety Authority.

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

Date of notification in *Gazette*: 21 June 2007.

This order is administered by the State Services Commission.
