



State Sector (New Zealand Food Safety Authority) Order 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 26th day of April 2010

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 2010.
- 2 Commencement**
This order comes into force on 1 July 2010.
- 3 New Zealand Food Safety Authority omitted from Schedule 1 of State Sector Act 1988**
Schedule 1 of the State Sector Act 1988 is amended by omitting the item relating to the New Zealand Food Safety Authority.
- 4 Application of employee provisions**
Sections 30E to 30G of the State Sector Act 1988 apply to the transfer of the functions of the New Zealand Food Safety Authority to the Ministry of Agriculture and Forestry.
- 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 12 months, beginning on 1 July 2010 and ending on 30 June 2011, after the transfer of functions specified in clause 4.
- 6 Revocation**
The State Sector (New Zealand Food Safety Authority) Order 2007 (SR 2007/163) is revoked.

Rebecca Kitteridge,
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 2010, does 3 things.

First, the order removes the New Zealand Food Safety Authority (the **Authority**) from the list of departments of the Public Service in Schedule 1 of the State Sector Act 1988, because the Authority is abolished and its functions are transferred to the Ministry of Agriculture and Forestry (the **Ministry**) by exercise of the Crown's prerogative on 1 July 2010.

Secondly, the order applies some of the employee provisions of the State Sector Act 1988 to employees of the Authority affected by the transfer of the Authority's functions to the Ministry.

The provisions applied are—

- section 30E, which relates to the restriction of compensation for technical redundancy. As a result, an Authority employee who is offered equivalent employment with the Ministry, or who accepts other employment with the Ministry, 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 Ministry is not obliged to comply with some standard obligations, for example, the obligation to notify a vacancy before appointing an Authority 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.

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 in enactments and other things in force at the time of reorganisations, to things coming into force, entered into, or created during a 12-month transitional period after the transfer of the Authority's functions to the Ministry. The period begins on 1 July 2010 and ends on 30 June 2011.

**State Sector (New Zealand Food Safety
Authority) Order 2010**

2010/93

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This order is administered by the State Services Commission.
