

**Reprint
as at 29 November 2007**



**Ministry of Agriculture and
Forestry (Restructuring) Act 1998**

Public Act 1998 No 106
Date of assent 11 November 1998
Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Agriculture and Forestry.

An Act to provide for the transfer of employees from the Ministry of Agriculture and Forestry to 2 State enterprises established under the State-Owned Enterprises Act 1986 with the intention of taking over certain commercial activities of the Ministry

1 Short Title and commencement

- (1) This Act may be cited as the Ministry of Agriculture and Forestry (Restructuring) Act 1998.
- (2) This Act comes into force on 11 November 1998.

2 Interpretation

In this Act, unless the context otherwise requires,—

Ministry means the Ministry of Agriculture and Forestry

new company, or **company**, means, as the case may be,—

- (a) AsureQuality Limited; or
- (b) Asure New Zealand Limited.

Section 2 **new company**, or **company** paragraph (a): amended, on 29 November 2007, by clause 4 of the State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330).

3 Transfer of employees

- (1) Every person—
 - (a) who is employed in the Ministry immediately before the date of commencement of this Act; and
 - (b) who is carrying out duties that on or after that date are to be carried out, in whole or in part, by a new company; and
 - (c) whose transfer to the relevant new company is agreed to by the company and the chief executive of the Ministry—is deemed to have transferred to the relevant new company on the date of commencement of this Act.
- (2) The transfer of any employee by this section is subject to any relevant transfer provisions of the employment contract applying to that employee.
- (3) This section applies notwithstanding section 61A of the State Sector Act 1988.

4 Protection of terms and conditions of employment on transfer

- (1) The employment of any person deemed by section 3 to have been transferred to a new company is to be on terms and conditions no less favourable to the transferred employee than those applying to the employee at the date of transfer.
- (2) Any unexpired collective employment contract which covers transferred employees is deemed, as from the date of transfer, to continue to apply on the same terms—
 - (a) as if it were a contract that had been made in respect of the relevant new company; and
 - (b) as if it were binding both on those employees and on the company.
- (3) Subsections (1) and (2) cease to apply to a transferred employee if the terms and conditions of employment that apply under the employment contract applying to the employee at the date of the transfer are varied by agreement between the employee and the new company.
- (4) Subsection (1) ceases to apply to a transferred employee who, after the transfer, receives any subsequent appointment within the new company.

5 Employment of transferred employees deemed to be continuous

Every employee deemed by section 3 to have been transferred to a new company becomes an employee of the relevant company on the date of the transfer, but, for the purposes of every enactment, law, contract, and agreement relating to the employment of each such employee,—

- (a) the contract of employment of that employee that applied immediately before the transfer in respect of that person's employment in the Ministry is deemed to have been unbroken; and
- (b) the employee's period of service with the Ministry, and every other period of service of that employee that is recognised by the Ministry as continuous service, is deemed to have been a period of service with the relevant company.

6 Membership of Government Superannuation Fund

Where a person deemed by section 3 to have been transferred to a new company was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 immediately before that transfer,—

- (a) that person is deemed for the purposes of that Act to be employed in the Government service for so long as the person continues to be employed by the new company; and
- (b) that Act is deemed to apply to the person in all respects as if the person's service with the Government service were continuous.

7 No compensation for technical redundancy

No person who is deemed by section 3 to have transferred to a new company is entitled to any compensation for redundancy by reason only of the person ceasing to be employed by the Ministry.

8 Saving of appointments of Inspectors under Meat Act 1981

- (1) The appointment of every Inspector appointed under the Meat Act 1981 who is deemed by section 3 of this Act to have transferred to a new company continues, and each such Inspector continues to have all the functions and powers of his or her office, until the earliest of the following occurs:
 - (a) the term of appointment expires;
 - (b) the person ceases employment in the new company;
 - (c) the appointment is revoked.
- (2) No person is to be treated as employed in the State services for the purposes of the State Sector Act 1988 by reason only of that person's continuance in office under subsection (1).
- (3) This section applies notwithstanding anything in section 10 of the Ministries of Agriculture and Forestry (Restructuring) Act 1997.

9 Forests Act 1949 amended in relation to Forestry Officers

- (1), (2) *Amendment(s) incorporated in the Act(s).*

- (3) A person who, immediately before the commencement of this Act, was a Forestry Officer by virtue of paragraph (b) or paragraph (c) of the definition of that term (as in force before its repeal by subsection (1)) ceases to be a Forestry Officer on the commencement of this Act.
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Notes**1 *General***

This is a reprint of the Ministry of Agriculture and Forestry (Restructuring) Act 1998. The reprint incorporates all the amendments to the Act as at 29 November 2007, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

State-Owned Enterprises (AsureQuality Limited) Order 2007 (SR 2007/330):
clause 4
