

## 16. Staff

- (1) The power to engage and manage the staff of a port authority is vested in its board.
- (2) The power conferred by subsection (1) —
  - (a) includes powers to determine remuneration and other terms and conditions of service of staff, to remove, suspend and discipline staff and to terminate the employment of staff; and
  - (b) does not preclude the delegation of any matter under section 44.
- (3) The remuneration of and other terms and conditions of employment of staff are not to be less favourable than is provided for in —
  - (a) an applicable award, order or agreement under the *Industrial Relations Act 1979*; or
  - (b) the *Minimum Conditions of Employment Act 1993*.
- (4) There are excluded from the operation of sections 41, 41A and 43 of the *Industrial Relations Act 1979* and of Part 3 of the *Workplace Agreements Act 1993* —
  - (a) any matters dealt with by an instrument issued under section 17, except —
    - (i) rates of remuneration;
    - (ii) leave;
    - (iii) hours of duty; and
    - (iv) matters that are similar to matters prescribed for the purposes of section 99(1)(a)(iv) of the *Public Sector Management Act 1994*;
  - and
  - (b) matters concerning the management of the staff that are similar to matters prescribed for the purposes of section 99(1)(c) of the *Public Sector Management Act 1994*.
- (4a) A matter referred to in subsection (4) cannot be varied or affected by an employer-employee agreement made under Part VID of the *Industrial Relations Act 1979*.
- (5) Nothing in this section other than subsection (4) affects the operation of the *Workplace Agreements Act 1993*.
- (6) Nothing in this section other than subsection (4a) affects the operation of Part VID of the *Industrial Relations Act 1979*.

[Section 16 amended by No. 20 of 2002 s.23.]