

South Australia

Public Sector (Budget 2012) Variation Regulations 2012

under the *Public Sector Act 2009*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Sector (Budget 2012) Variation Regulations 2012*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Public Sector Regulations 2010*

4—Variation of regulation 13—Application of Part 7 of Act (section 41 of Act)

- (1) Regulation 13—after subregulation (1) insert:

- (1aa) However, the provisions of Schedule 1 Part 6 of the Act that provide for an entitlement to skills and experience retention leave under clause 7(1a) of Schedule 1 of the Act will not apply to—

- (a) any person who is bound by the *South Australian Police Enterprise Agreement 2011* (including before clause 34 of that Agreement comes into effect);

- (b) any other person who is entitled under a determination of the Commissioner of Police to leave that corresponds to Police Service Leave under clause 34 of the *South Australian Police Enterprise Agreement 2011* (including a determination made before that clause comes into effect).
- (2) Regulation 13—after subregulation (4) insert:
- (5) Section 51 of the Act to the extent that it provides for an entitlement to skills and experience retention leave under Schedule 1 Part 6 of the Act (and to the extent that it does not apply under subregulation (2a)) applies to all employees of the chief executive of TAFE SA under the *TAFE SA Act 2012*.
- (6) Subregulations (1aa) and (5) will take effect from 1 July 2012.
- (7) For the purposes of Schedule 1 clause 7(4a) of the Act—
- (a) the amount of \$180 (indexed) for each working day of skills and experience retention leave accrued during a particular financial year (which will be reduced on a *pro rata* basis in relation to a part of a working day and in relation to part-time work) is fixed by these regulations; and
- (b) an entitlement to such leave may be converted to the amount fixed under paragraph (a) if an election is made to a public sector agency (or an office or division within a public sector agency) nominated by the Minister, in a manner determined by the Commissioner, by 31 August immediately following the financial year in which the entitlement accrues; and
- (c) an amount payable on account of an election under paragraph (b) will be paid to the employee at a time, and in a manner, determined by the Commissioner for the purposes of this paragraph; and
- (d) an amount payable in relation to a part of a working day or part-time work will be determined in a manner determined by the Commissioner.
- (8) The amount of \$180 (indexed) referred to subregulation (7)(a) is to be adjusted on an annual basis (commencing in relation to days accrued in the 2013/2014 financial year) by multiplying that amount by a proportion obtained by dividing the Consumer Price Index for the March quarter in the immediately preceding financial year by the Consumer Price Index for the March quarter, 2012 (with an adjustment applying according to when a leave entitlement accrues rather than when a payment is made).
- (9) In this regulation—
- Consumer Price Index** means the *Consumer Price Index (All groups index for Adelaide)* published by the Australian Bureau of Statistics;

South Australian Police Enterprise Agreement 2011 means the *South Australian Police Enterprise Agreement 2011* made between the Chief Executive, Department of the Premier and Cabinet and the Police Association of South Australia under the *Fair Work Act 1994* that came into force on 18 May 2011 and includes any successor industrial instrument under the *Fair Work Act 1994*.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 6 December 2012

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