

South Australia

Statutes Amendment (Public Sector Employment) (Transitional Provisions) Regulations 2007

under the *Statutes Amendment (Public Sector Employment) Act 2006*

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1—Short title

These regulations may be cited as the *Statutes Amendment (Public Sector Employment) (Transitional Provisions) Regulations 2007*.

2—Commencement

These regulations will come into operation on the day on which Schedule 1 of the *Statutes Amendment (Public Sector Employment) Act 2006* comes into operation.

3—Interpretation

In these regulations—

Act means the *Statutes Amendment (Public Sector Employment) Act 2006*.

4—Awards and enterprise agreements

For the purposes of subclause (6) of clause 2 of Schedule 1 of the Act, the following bodies are recognised:

- (a) Australian Nursing Federation (S.A. Branch);
- (b) Amalgamated AWU (S.A.) State Union;
- (c) Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union;
- (d) Electrical Trades Union of Australia, South Australia;
- (e) Media, Entertainment and Arts Alliance;
- (f) Musicians Union of Australia, Adelaide Branch;
- (g) United Fire Fighters Union of South Australia Incorporated.

5—Hospitals and health centres

Pursuant to clause 6 of Schedule 1 of the Act—

- (a) a person who, immediately before the commencement of the *Statutes Amendment (Public Sector Employment) Act 2006*, is an officer or employee of a health centre incorporated under Part 4 of the *South Australian Health Commission Act 1976* will be taken to be an officer of the health centre for the purposes of section 50 of the *South Australian Health Commission Act 1976*; and
- (b) any delegation in force under section 29 or 50 of the *South Australian Health Commission Act 1976* immediately before the commencement of the *Statutes Amendment (Public Sector Employment) Act 2006* will continue to have full force and effect unless or until it is varied or revoked by the board of directors of the relevant hospital or health centre (as the case requires).

6—Saving provision relating to pathology services

- (1) In this regulation—

APA employee means a person who, immediately before the commencement of the *Statutes Amendment (Public Sector Employment) Act 2006*—

- (a) was employed by one of the following entities:
 - (i) the Institute of Medical and Veterinary Science;
 - (ii) an incorporated hospital under the *South Australian Health Commission Act 1976* that is an approved pathology authority,
(and accordingly within the operation of clause 2 of Schedule 1 of the Act);
and
- (b) was a person whose duties of employment included—
 - (i) work that brought the person within the ambit of paragraph (c) or (d) of subsection (5AB) of section 16A of the *Health Insurance Act 1973* of the Commonwealth; or
 - (ii) work as a member of the staff of an accredited pathology laboratory or an approved collection centre under the *Health Insurance Act 1973* of the Commonwealth,

not being an approved pathology practitioner under the *Health Insurance Act 1973* of the Commonwealth;

approved pathology authority means an approved pathology authority under the *Health Insurance Act 1973* of the Commonwealth.

- (2) An APA employee will, immediately after the commencement of the *Statutes Amendment (Public Sector Employment) Act 2006*, be taken to be re-employed by the entity that was the employer of the APA employee immediately before that commencement.
- (3) An employment arrangement effected by subregulation (2)—
 - (a) will be taken to provide for continuity of employment without termination of the relevant employee's service; and

- (b) will not affect—
 - (i) existing conditions of employment or existing or accrued rights to leave; or
 - (ii) a process commenced for variation of those conditions or rights.
- (4) For the purposes of subclause (5) of clause 2 of Schedule 1 of the Act, an APA employee is excluded from the operation of that subclause.

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 29 March 2007

No 30 of 2007

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