

South Australia

Public Sector Variation Regulations 2016

under the *Public Sector Act 2009*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Public Sector Regulations 2010*

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

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Sector Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 July 2016.

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 (2ac) insert:

- (2ad) Part 7 of the Act, as modified by subregulation (2ae), applies in relation to—

- (a) an employee of the employing authority under section 12 of the *Children's Services Act 1985* (other than an employee employed in duties that are classified in a classification contained in the *Pre-School (Kindergarten) Teaching Staff Award* (or any award made in substitution for that award)); and

- (b) an employee of the employing authority under section 101B of the *Education Act 1972* (other than an employee employed in duties as an hourly paid instructor or a swimming and aquatics instructor as classified in a classification contained in the *Teachers DECS Award* or the *SA School and Preschool Education Staff Enterprise Agreement 2012* (or any award or enterprise agreement made in substitution for that award or enterprise agreement)).
- (2ae) For the purposes of subregulation (2ad), Part 7 of the Act is modified as follows:
- (a) section 45(3) of the Act does not apply in relation to an employee referred to in that subregulation;
 - (b) Part 7 Division 2 of the Act does not apply in relation to an employee employed under an executive employment contract entered into before the day on which this subregulation commences;
 - (c) a grievance about an employment decision made before the day on which this subregulation commences is to be heard and determined, or to continue to be heard and determined, in accordance with policies and procedures, established by the Department for Education and Child Development for the purpose of dealing with such grievances, in force when the employment decision was made.
- (2) Regulation 13—after subregulation (2e) insert:
- (2f) Part 7 of the Act, as modified by subregulation (2g), applies in relation to an employee of an employing authority under the *Health Care Act 2008* if—
 - (a) the employee is employed in duties that are classified in a classification contained in the *South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014* (or any enterprise agreement made in substitution for that enterprise agreement); or
 - (b) the employee is employed in executive level administrative duties.
 - (2g) For the purposes of subregulation (2f), Part 7 of the Act is modified as follows:
 - (a) section 45(3) of the Act does not apply in relation to an employee referred to in that subregulation;
 - (b) Part 7 Division 2 of the Act does not apply in relation to an employee employed under an executive employment contract entered into before the day on which this subregulation commences;

- (c) a grievance about an employment decision made before the day on which this subregulation commences is to be heard and determined, or to continue to be heard and determined, in accordance with the *SA Health (Health Care Act) Human Resources Manual*.

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 9 June 2016

No 47 of 2016

MPS0002/16CS