

South Australia

TAFE SA Variation Regulations 2017

under the *TAFE SA Act 2012*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *TAFE SA Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which Part 20 of the *Statutes Amendment (South Australian Employment Tribunal) Act 2016* comes into operation.

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 *TAFE SA Regulations 2012*

4—Variation of regulation 4—Interpretation

Regulation 4—delete the definition of *Appeal Board*

5—Variation of regulation 31—Rights of review in respect of administrative acts or decisions

- (1) Regulation 31(4)—delete "appeal in writing to the Appeal Board against the act or decision" and substitute:

apply to SAET under Part 3 Division 1 of the *South Australian Employment Tribunal Act 2014* for a review of the act or decision

- (2) Regulation 31(5)—delete subregulation (5) and substitute:

- (5) An application cannot be made under subregulation (4) in relation to an act or decision that concerns the initial employment of a person as a prescribed employee or the promotion of a prescribed employee.

6—Revocation of regulation 32

Regulation 32—delete the regulation

7—Substitution of regulation 33

Delete regulation 33 and substitute:

33—Selection of panel members for particular SAET proceedings

If the President of SAET determines under section 18(2) of the *Technical and Further Education Act 1975* that SAET is to sit with supplementary panel members for the purposes of particular proceedings, the President must not select a person who took the action or made the decision to which the proceedings relate.

8—Substitution of regulation 34

Delete regulation 34 and substitute:

34—Suspension of further action while proceedings underway

If SAET is hearing review proceedings brought by an employee, the chief executive must take no further action against the employee in respect of the matter until SAET has made a determination in those proceedings.

9—Variation of regulation 35—Suspension of proceedings on commencement of criminal proceedings

Regulation 35(1)—delete ", or appeal to the Appeal Board," and substitute:
or before SAET

10—Insertion of regulation 67

After regulation 66 insert:

67—Election of officers as supplementary panel members

- (1) In this regulation—

AEU means the Australian Education Union (SA Branch).

- (2) Elections must be held in accordance with this regulation whenever there is a vacancy in the membership of a panel of officers under section 18(1)(b) of the *Technical and Further Education Act 1975*.
- (3) The Branch Returning Officer of the AEU must publish in a publication that is circulated to members of the AEU a notice specifying—
 - (a) the number of vacancies to be filled; and
 - (b) the date (being not less than 21 days after the date of the notice) and the hour by which nominations for candidates for election to those vacancies must be received by the Branch Returning Officer; and
 - (c) such other information as the Branch Returning Officer thinks fit.
- (4) If the number of candidates duly nominated is the same as or is less than the number of vacancies to be filled, the Branch Returning Officer of the AEU must declare those candidates to be duly elected.
- (5) If the number of candidates nominated is greater than the number of vacancies to be filled, an election must be held at a meeting of the Branch Council of the AEU.

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 16 May 2017

No 57 of 2017

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