



ANNO QUADRAGESIMO

ELIZABETHAE II REGINAE

A.D. 1991

No. 2 of 1991

An Act to amend the Education Act 1972.

[Assented to 14 March 1991]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Education (Part-time Remuneration) Amendment Act 1991*.
- (2) The *Education Act 1972* is referred to in this Act as “the principal Act”.

Insertion of s. 101a

2. The following section is inserted before section 102 in Part X of the principal Act:

Special provisions relating to rate of remuneration for part-time officers and employees

101a. (1) Where an officer is employed on a part-time basis (that is to say, on the basis that he or she will work in any pay period a specified percentage of the time ordinarily expected of an officer employed on a full-time basis) the rate of remuneration applicable to the officer (including any allowances that may be payable) is that same percentage applied to the rate of remuneration that would apply if he or she were employed on a full-time basis.

- (2) Subject to subsection (3), subsection (1)—

- (a) applies in relation to salary, notwithstanding any Act or law (including the provisions of any contract of employment or award) to the contrary;
- (b) applies in relation to an allowance, subject to any express provision of a contract of employment or an award that provides for payment of the full amount of the allowance to the officer;
- (c) applies regardless of the number of working days, and the period of time in any one day, over which the officer performs the required amount of work in any pay period;

and

- (d) applies in relation to any past or present entitlement to remuneration, whether it arose before or arises after the commencement of this section.

(3) Nothing in this section affects the payment in full of any allowance to an officer employed on a part-time basis if—

(a) the payment was made before the commencement of this section;

or

(b) the payment is made after the commencement of this section in respect of an allowance that was being paid in full immediately prior to that commencement.

(4) Nothing in this section affects—

(a) the judgement of the court in Action No. 3580 of 1989 in the Local Court of Adelaide insofar as it determines the rights of the plaintiff in that action;

or

(b) the determination of any other claim made by or on behalf of any person who was at any time or is an employee under this Act, if that claim was lodged with the Department at its Central Office or an Area Office before 5 March 1991.

(5) In this section, “officer” means an officer of the teaching service or any other person employed under this Act.

Regulations

3. Section 107 of the principal Act is amended—

(a) by inserting in paragraph (d) of subsection (2) “or other persons employed under this Act” after “officers of the teaching service”;

and

(b) by inserting in paragraph (e) of subsection (2) “or other persons employed under this Act” after “officers of the teaching service”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor