



# **Workplace Relations Amendment (Work Choices) (Consequential Amendments) Amendment Regulations 2006 (No. 1)<sup>1</sup>**

**Select Legislative Instrument 2006 No. 119**

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under subitem 2 (1) of Schedule 4 to the *Workplace Relations Amendment (Work Choices) Act 2005* and the *Public Service Act 1999*.

Dated 1 June 2006

P. M. JEFFERY  
Governor-General

By His Excellency's Command

KEVIN ANDREWS  
Minister for Employment and Workplace Relations  
for the Prime Minister

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**1 Name of Regulations**

These Regulations are the *Workplace Relations Amendment (Work Choices) (Consequential Amendments) Amendment Regulations 2006 (No. 1)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 1)***

Schedule 1 to these Regulations amends the *Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 1)*.

*Note* Under item 2 of Schedule 4 to the *Workplace Relations Amendment (Work Choices) Act 2005*, the Governor-General may make regulations amending Acts, being amendments that are consequential on, or that otherwise relate to, amendments made by the Act.

For the purposes of the *Amendments Incorporation Act 1905*, amendments made by regulations for the purposes of that item are to be treated as if they had been made by an Act.

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## Schedule 1 Amendments

(regulation 3)

**[1] Schedule 3, after item [19]**

*insert*

**[19A] Paragraph 42(1)(b)**

*omit*

subsection 507(4)

*insert*

subsections 507(8), 508(6) and 509(4)

**[2] Schedule 9, item [1]**

*substitute*

**[1] Paragraph 3(4)(ga)**

*omit*

**[3] Schedule 31, after item [3]**

*insert*

**[4] Subsection 69B(1)**

*omit*

(other than Part VIIIA or XA)

*insert*

(other than Division 9 of Part 9 or Part 16)

**[5] Subsection 69B(2)**

*omit*

(other than Division 3 of Part VIA)

*insert*

(other than Division 4 of Part 12)

**[4] Schedule 57, item [3]**

*substitute*

**[3] Subregulation 8.1 (3), note**

*substitute*

*Note* A determination by an Agency Head under subsection 24 (1) of the Act is of no effect to the extent that it would reduce the benefit to an APS employee of a condition of employment applicable to the employee under the Australian Fair Pay and Conditions Standard or an award, workplace agreement, pre-reform certified agreement or pre-reform AWA.

**[5] Schedule 57, items [4] and [5]**

*substitute*

**[4] Subregulation 8.1 (4)**

*substitute*

- (4) However, if:
- (a) a determination mentioned in paragraph (3) (b) applies to the APS employee; and
  - (b) an award or workplace agreement:
    - (i) commences on or after the day when the APS employee moves; and

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(ii) applies on its face to the APS employee or a class of APS employees that includes the APS employee; the determination mentioned in paragraph (3) (b) ceases to apply to the APS employee, and the conditions of employment under the award or workplace agreement (as the case may be) apply to the APS employee.

**[6] Schedule 57, item [6]**

*substitute*

**[6] Subregulation 8.2 (2), note**

*substitute*

*Note* A determination by an Agency Head under subsection 24 (1) of the Act is of no effect to the extent that it would reduce the benefit to an APS employee of a condition of employment applicable to the employee under the Australian Fair Pay and Conditions Standard or an award, workplace agreement, pre-reform certified agreement or pre-reform AWA.

**[7] Schedule 57, items [7] and [8]**

*substitute*

**[7] Subregulation 8.2 (3)**

*substitute*

- (3) However, if:
- (a) a determination mentioned in paragraph (2) (b) applies to the APS employee; and
  - (b) an award or workplace agreement:
    - (i) commences on or after the day when the person becomes engaged as an APS employee; and

- (ii) applies on its face to the person as an APS employee or a class of APS employees that includes the person;

the determination mentioned in paragraph (2) (b) ceases to apply to the APS employee, and the conditions of employment under the award or workplace agreement (as the case may be) apply to the APS employee.

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).