

**80C. Interpretation, construction and application of this Division**

(1) For the purposes of this Division, unless the contrary intention appears —

“**Arbitrator**” means the Commission constituted by a Public Service Arbitrator appointed under this Division;

“**Association**” means the organization registered as the Civil Service Association of Western Australia Incorporated;

“**Board**” means the Commission constituted as a Public Service Appeal Board established under this Division;

“**employer**”—

- (a) in relation to a Government officer who is a public service officer, means the employing authority of that public service officer; and
- (b) in relation to any other Government officer, means the public authority by whom or by which that Government officer is employed;

“**employing authority**” means employing authority within the meaning of the *Public Sector Management Act 1994*;

“**Government officer**” means —

- (a) every public service officer;
- (aa) each member of the Governor’s Establishment within the meaning of the *Governor’s Establishment Act 1992*;
- (ab) each member of a department of the staff of Parliament referred to in, and each electorate officer within the meaning of, the *Parliamentary and Electorate Staff (Employment) Act 1992*;
- (b) every other person employed on the salaried staff of a public authority; and
- (c) any person not referred to in paragraph (a) or (b) who would have been a Government officer within the meaning of section 96 of this Act as enacted before the coming into operation of section 58 of the *Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984*<sup>1</sup>,

but does not include —

- (d) any teacher;
- (e) any railway officer as defined in section 80M; or
- (f) any member of the academic staff of a post-secondary education institution;

“**teacher**” includes —

- (a) any person employed as a member of the teaching staff under section 235(1)(b) of the *School Education Act 1999*;
- (b) any person who is a member of the teaching staff or another person appointed under section 236(2) and who is employed at a community kindergarten registered under Part 5 of the *School Education Act 1999*,

but does not include any public service officer, whether or not that public service officer holds or acts in a position in respect of which a teaching academic qualification is required.

- (2) This Division shall be read in conjunction with the *Public Service Act 1978*  
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- (3) Sections 80E and 80F do not apply to a Government officer if and when he occupies —
- (a) an office for which the remuneration payable is determined or recommended pursuant to the *Salaries and Allowances Act 1975*; or
  - (b) an office for which the remuneration is determined by an Act to be at a fixed rate, or is determined or to be determined by the Governor pursuant to the provisions of any Act.
- (4) Where any industrial matter in relation to a Government officer or group of Government officers is being dealt with under this Act and a question arises between 2 or more organizations as to which of them or whether or not one of them, should be named as a party to an award or order or should become a party to an industrial agreement, regard shall be had, when that question is being determined, to the past coverage of such Government officers by organizations under awards, orders and industrial agreements and under unregistered industrial agreements that the Commission considers to be relevant.

*[Section 80C inserted by No. 94 of 1984 s.47; amended by No. 40 of 1992 s.9(1)<sup>11</sup>; No. 32 of 1994 s.14; No. 103 of 1994 s.18; No. 1 of 1995 s.11; No. 79 of 1995 s.36; No. 36 of 1999 s.247.]*