

South Australia

Public Sector Management (Extension to Fire and Emergency Service Employees) Proclamation 2005

under section 71 of the *Public Sector Management Act 1995*

1—Short title

This proclamation may be cited as the *Public Sector Management (Extension to Fire and Emergency Service Employees) Proclamation 2005*.

2—Commencement

This proclamation will have effect from 1 October 2005 (see section 71(4) of the Act).

3—Interpretation

In this proclamation—

Act means the *Public Sector Management Act 1995*;

emergency services sector comprises—

- (a) the South Australian Fire and Emergency Services Commission (the *Commission*); and
- (b) the South Australian Metropolitan Fire Service (*SAMFS*); and
- (c) the South Australian Country Fire Service (*SACFS*); and
- (d) the South Australian State Emergency Service (*SASES*);

relevant clauses means clauses 8, 9, 10, 11, 12 and 13 of Schedule 2 of the Act;

specified class—the specified class is constituted by persons employed by an organisation within the emergency services sector.

4—Extension of operation of certain provisions

The operation of the relevant clauses is extended to employees in the specified class, subject to—

- (a) the modifications described in clause 5; and
- (b) any inconsistent contract relating to the employee's employment or any award, determination or enterprise agreement in force under the *Fair Work Act 1994*; and
- (c) any inconsistent proclamation under section 71 of the Act.

5—Modification of relevant clauses

For the purposes of applying the relevant clauses to employees in the specified class, the following modifications are prescribed:

- (a) all references in those clauses to *effective service* are to be read as references to—
 - (i) service (within the meaning of the *Long Service Leave Act 1987*) of the employee in a public sector agency, or with another organisation where such service has been previously recognised by the Chief Executive or Chief Officer of an organisation within the emergency services sector for the purpose of determining long service leave entitlements, occurring before this proclamation comes into operation; and
 - (ii) service of the employee in the public sector occurring after this proclamation comes into operation that is recognised, in accordance with directions issued by the Commissioner, as a period of effective service;
- (b) all references in those clauses to an *employee* are to be read as including reference to employees in the specified class;
- (c) all references in those clauses to the *Chief Executive of the administrative unit in which the employee is employed* or *Chief Executive* are to be read as references to—
 - (i) in relation to employees of the Commission—the Chief Executive of the Commission; and
 - (ii) in relation to employees of SAMFS—the Chief Officer of SAMFS; and
 - (iii) in relation to SACFS—the Chief Officer of SACFS; and
 - (iv) in relation to SASES—the Chief Officer of SASES; and
- (d) all references in those clauses to an *executive* are to be read as references to an employee in the specified class recognised, in accordance with directions issued by the Commissioner, as an executive.

Made by the Governor

with the advice and consent of the Executive Council
on 1 December 2005

WFR05/010