

South Australia

Public Sector Management (Extension to Specified Class of Public Sector 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 Specified Class of Public Sector Employees) Proclamation 2005*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Interpretation

In this proclamation—

Act means the *Public Sector Management Act 1995*;

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 public sector employees covered by—

- (a) the *South Australian Metropolitan Fire Service Technical and Building Trades Enterprise Agreement 2003* (or its successor); or
- (b) the *South Australian Metropolitan Fire Service Engineering Workshop Employees Enterprise Agreement 2003* (or its successor).

4—Extension of operation of certain provisions

The operation of the relevant clauses is extended to employees in the specified class, subject to the modifications specified in clause 5.

5—Modification of relevant clauses

For the purposes of applying the relevant clauses to employees in the specified class—

- (a) clause 8 of Schedule 2 of the Act is to be read as if the following subclause were inserted after subclause (1):

(1a) The following provisions apply in relation to a public sector employee covered by the *South Australian Metropolitan Fire Service Technical and Building Trades Enterprise Agreement 2003* (or its successor) or the *South Australian Metropolitan Fire Service Engineering Workshop Employees Enterprise Agreement 2003* (or its successor):

(a) if, immediately prior to the commencement of this subclause, the employee was entitled to any long service leave under the *Long Service Leave Act 1987*, that long service leave entitlement will be taken to be the employee's accrued long service leave entitlement under this clause;

(b) however, despite paragraph (a)—

(i) if the 16th year of effective service, or a subsequent year of effective service, commenced prior to 1 January 2002 but ended on or after that date, the employee is, in respect of that year, entitled (instead of the amount to which he or she would otherwise be entitled under paragraph (a)) to an amount determined in accordance with the following formula:

$$E = \frac{9D}{365} + \frac{15(365 - D)}{365}$$

where—

E is the number of days' leave to which the employee is entitled (any remaining fraction of half or more of one day being regarded as one day)

D is the number of days in the period commencing on (and including) the day on which the 16th or subsequent year of effective service, as the case requires, of the employee commenced and concluding on (and including) 31 December 2001;

(ii) if the employee's 16th year of effective service, or a subsequent year of effective service, commenced or commences on or after 1 January 2002, the employee is entitled—

(A) in respect of that year (instead of the amount to which he or she would otherwise be entitled under paragraph (a)); and

- (B) in respect of each subsequent year of effective service,
to 15 days of long service leave.
- (b) 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 Officer of the South Australian Metropolitan Fire Service 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;
- (c) all references in those clauses to an *employee* are to be read as including reference to employees in the specified class;
- (d) all references in those clauses to the *Chief Executive of the administrative unit in which the employee is employed* or *Chief Executive* are, in relation to employees in the specified class, to be read as references to the Chief Officer of the South Australian Metropolitan Fire Service;
- (e) 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