

South Australia

Public Sector Management (Incorporation of Public Sector Employees into DFC) Proclamation 2006

under section 7 and Schedule 1 of the *Public Sector Management Act 1995*

1—Short title

This proclamation may be cited as the *Public Sector Management (Incorporation of Public Sector Employees into DFC) Proclamation 2006*.

2—Commencement

This proclamation will come into operation on 1 July 2006.

3—Incorporation of employees

The public sector employees referred to in Schedule 1 are incorporated into the Department for Families and Communities.

4—Exclusion from Public Service

The public sector employees referred to in Schedule 1 clause 2 are excluded from the Public Service immediately after incorporation under clause 3.

5—Conditions of employment

- (1) For the purposes of determining entitlements with respect to recreation leave, sick leave and long service leave—
 - (a) the service of a public sector employee incorporated into the Department for Families and Communities under clause 3 and referred to in Schedule 1 clause 1 with the Independent Living Centre of South Australia Inc or the Intellectual Disability Services Council Incorporated will be taken to have been service under the *Public Sector Management Act 1995*; and
 - (b) a public sector employee incorporated into the Department for Families and Communities under clause 3 will be taken to have continuity of employment without termination of the employee's service.
- (2) If, under the *Public Sector Management Act 1995*, the conditions of employment of a public sector employee incorporated into the Department for Families and Communities under clause 3 and referred to in Schedule 1 clause 1 are inconsistent with the award or industrial agreement covering the employee's employment, the award or industrial agreement will apply to the extent that the award or industrial agreement is more favourable to the employee.
- (3) The conditions of employment of a public sector employee incorporated into the Department for Families and Communities under clause 3 but excluded from the Public Service under clause 4 are to be determined by—
 - (a) the award or industrial agreement covering the employee's employment; and

- (b) the *Department of Health (SAHC Act and IMVS Act) Human Resources Manual* (as amended from time to time).
- (4) Subject to a preceding subclause, each public sector employee referred to in Schedule 1 clause 1 who was, immediately before incorporation, employed under a contract on a temporary or casual basis, or for a fixed term, will be taken to be appointed to the Department for Families and Communities subject to a contract under section 34 or 40 of the *Public Sector Management Act 1995* (as the case may require) on the same conditions and, if applicable, for the balance of the term of the contract in existence immediately before incorporation.

Schedule 1—Employees being incorporated into Department for Families and Communities

- 1 All persons employed by the Independent Living Centre of South Australia Inc or the Intellectual Disability Services Council Incorporated—
 - (a) in an executive position; or
 - (b) covered by 1 of the following:
 - (i) South Australian Public Sector Salaried Employees Interim Award;
 - (ii) SA Government (Public Sector Salaried Employees) Arbitrated Enterprise Bargaining Award 2004;
 - (iii) South Australian Medical Officers Award;
 - (iv) Department of Health Visiting Medical Specialists Agreement 2006.
- 2 All persons employed by the Independent Living Centre of South Australia Inc or the Intellectual Disability Services Council Incorporated—
 - (a) remunerated at weekly rates of payment and covered by 1 of the following:
 - (i) Intellectual Disability Services (SA Health Commission) Award;
 - (ii) South Australian Government Health Etc Ancillary Employees Award;
 - (iii) Government Stores Employees Interim Award;
 - (iv) South Australian Government Building Trades Award;
 - (v) Plumbers and Gasfitters (South Australia) Award;
 - (vi) South Australian Government Departments and Instrumentalities (Metal Trades) Award 1999; or
 - (b) covered by the Nurses (South Australia Public Sector) Award 2002.

Made by the Governor

with the advice and consent of the Executive Council
on 29 June 2006

DFCCS/06/033