**PUBLIC SERVICE ACT AMENDMENT BILL 1977**

**House of Assembly, 16 November 1977, pages 833-4**

Second reading

**The Hon. G. T. VIRGO (Minister of Transport)** obtained leave and introduced a Bill for an Act to amend the Public Service Act, 1967-1975. Read a first time.

The Hon. G. T. VIRGO: I move: That this Bill be now read a second time. I seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

This Bill amends the principal Act, the Public Service Act, 1967, as amended, in the general area of long service leave entitlements. In summary the amendments provide— (a) for an entitlement of 15 days per year for every year of effective service, after 15 years of effective service, where that year occurs after July 1,1975; and (b) for an absolute right to pro rata payment in lieu of long service leave after 7 years of effective service, and, in addition, the Bill proposes other minor and consequential amendments.

To consider the Bill in some detail, clauses 1 and 2 are formal. Clause 3 inserts a definition in section 81 of the principal Act of “effective service”, and is the first of a series of amendments to clarify the conditions upon which officers will qualify for long service leave. This clarification accords with the manner in which the present provisions are administered by the Public Service Board.

In general, all of an officer’s service counts towards the grant of long service leave other than certain periods of leave without pay in excess of one month and certain other leave which does not count as part of the officer’s service for long service leave. However, in the case of officers who are transferred from the Commonwealth, other States or Government instrumentalities, their service with those bodies will in certain circumstances count for an entitlement to long service leave. This “entitlement service” is now grouped under the heading of “effective service”.

Clause 4 amends section 90 of the principal Act and is commended to honourable members’ particular attention. The amendments effected by this clause are—(a) to provide for a clarification of service entitlement; (b) to grant the 15 days’ leave for the sixteenth or subsequent year of effective service occurring after July 1, 1975; (c) to provide an adjustment in entitlements where the relevant year of service “straddles” July 1, 1975; and (d) to provide that all calculations of payment in lieu of long service leave entitlements will be based on years and months of effective service.

Clause 5 amends section 91 of the principal Act which is the present provision relating to payment in respect of pro rata leave after the completion of five years’ effective service. Section 91 in its present form provides for pro rata leave in certain restricted circumstances, and by this clause the restrictions have been somewhat relaxed (as to which see the amendments proposed by paragraph (b) of this clause). However, the application of this section has been now limited to officers who joined the service before the commencement of the amending Act presaged by this Bill.

Clause 6 re-enacts section 92 of the principal Act, making no fundamental changes of principle. It also— (a) enacts a new section 92a of the principal Act which provides pro rata payment in respect of leave after seven years’ effective service unconditionally; and (b) enacts new section 92b of the principal Act which provides for a similar payment on the death of an officer who had seven or more years’ effective service.

Clauses 7, 8 and 9 are consequential amendments. Clause 10 grants a concession to officers, who in the course of their service were “regressed”, that is, who for no fault of their own were reduced in salary by reason of ill-health or by reason of the fact that work in the classification in which they were employed was no longer available. Although proposed new section 97a looks complicated on the face of it, in substance, the principle is quite simple. It will ensure that where any payment is to be made in relation to leave accumulated while the officer was on the higher salary, he will be paid for that leave at that higher salary or its present day equivalent.

Clause 11 amends section 99 of the principal Act to ensure amongst other things that in the case of officers joining the service from the Commonwealth, other States or certain Government instrumentalities a break in service of less than three months will not affect their prospects of having their prior service regarded as effective service for amongst other things the purposes of long service leave entitlements. I point out that this service is only so regarded where the officer has not had a grant of leave in respect of it.

Clause 12 amends section 126 of the principal Act and is a consequential amendment.

Mr. GOLDSWORTHY secured the adjournment of the debate.