



ANNO TRICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1987

No. 61 of 1987

An Act to amend the Education Act, 1972.

[Assented to 22 October 1987]

The Parliament of South Australia enacts as follows:

- Short title.** 1. (1) This Act may be cited as the "Education Act Amendment Act, 1987".
- (2) The Education Act, 1972, is in this Act referred to as "the principal Act".
- Commencement.** 2. This Act will come into operation on a day to be fixed by proclamation.
- Amendment of s. 5—
Interpretation.** 3. Section 5 of the principal Act is amended by striking out from paragraph (a) of subsection (2) "full time".
- Repeal of ss. 19 to 21 and
substitution of
new sections.** 4. Sections 19 to 21 (inclusive) of the principal Act are repealed and the following sections are substituted:
- Long service
leave.** 19. (1) An officer's entitlement to long service leave accrues as follows:
- (a) the officer is entitled to 63 days' leave in respect of the first seven years of effective service;
- (b) the officer is then entitled to 0.75 of a day's leave for each subsequent complete month of effective service until the end of the 15th year of effective service;
- (c) the officer is then entitled to 1.25 days' leave for each subsequent complete month of effective service.
- (2) Where long service leave is taken by an officer, the officer's entitlement to long service leave is reduced accordingly.
- (3) Every day from the commencement to the conclusion of a period of long service leave (whether a working day or not) will be counted as a day of that leave.

(4) This Division—

(a) does not affect an entitlement to long service leave or payment in lieu of long service leave that accrued before the commencement of the Education Act Amendment Act, 1987;

and

(b) does not prejudice an entitlement to pro rata long service leave arising after five years' effective service that would have come into existence if the Education Act Amendment Act, 1987, had not been enacted.

20. (1) Subject to this section, an officer who has completed at least 10 years' effective service is entitled to take long service leave. Taking of long service leave.

(2) The Director-General may permit an officer who has completed at least seven years' effective service to take long service leave.

(3) Long service leave may only be taken in respect of completed years of effective service.

(4) Long service leave may only be taken at times and for periods that are, in the opinion of the Director-General, convenient to the Department.

(5) Subject to this section, the salary to which an officer is entitled during long service leave is—

(a) where the effective service of an officer consists of full-time service—the salary applicable to the officer's substantive classification level during that leave (excluding any additional salary attributable to a higher classification level temporarily assigned to the officer);

(b) where the effective service of an officer consists in whole or in part of part-time service—a salary determined by the Director-General.

(6) An officer may elect to take long service leave on half salary and, in that event, may take two days' leave for each whole day of the officer's entitlement.

(7) Where the effective service of an officer consists in whole or in part of part-time service, the officer may elect to take long service leave on the salary applicable to full-time service and, in that event, the period of the long service leave will be reduced accordingly.

(8) The Director-General may authorize payment to an officer on long service leave of such additional salary or allowances as the Director-General considers appropriate.

21. (1) Where a person ceases to be an officer in the teaching service after not less than seven years' effective service, the person is entitled to payment of the monetary equivalent of the officer's long service leave entitlement as at the date of cessation of service. Payment in lieu of long service leave.

(2) Where an officer dies, the Minister must pay to—

(a) the officer's personal representative;

or

(b) such of the officer's dependants as the Minister considers appropriate,

the monetary equivalent of the officer's long service leave entitlement as at the date of death.

(3) In determining the monetary equivalent of a long service leave entitlement no allowance will be made for an increase in salary that may or would have been made if the officer's service had not ceased.

(4) The Minister may apply any amount payable to or in respect of an officer under this section in satisfaction of a claim against the officer.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor