LEGISLATIVE COUNCIL

Read 1° 1 October 1986

(Brought in by the Honourable C. J. Hogg)

A BILL

to amend the Pre-school Teachers and Assistants (Portability of Long Service Leave) Act 1984 and for other purposes.

Pre-school Teachers and Assistants (Sick Leave) Bill

The Parliament of Victoria enacts as follows:

Purpose.

1. The main purpose of this Act is to amend the *Pre-school Teachers* and Assistants (Portability of Long Service Leave) Act 1984 to enable pre-school teachers and pre-school assistants to transfer accumulated sick leave when they move from one pre-school workplace to another.

Commencement.

2. This Act comes into operation on the day on which it receives the Royal Assent.

10 Principal Act.

3. In this Act the *Pre-school Teachers and Assistants (Portability of No. 10135 Long Service Leave) Act* 1984 is called the Principal Act.

5—[244]—750/7.10.1986—2244/86—(Revision No. 3) (922)

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New Definitions.

- 4. In section 3 (1) of the Principal Act—
 - (a) Before the definition of "Pre-school assistant" insert—
 - "Award" means an award—
 - (a) within the meaning of the *Industrial Relations Act* 1979; or
 - (b) made under the Commonwealth Act known as the Conciliation and Arbitration Act 1904.'; and
 - (b) After the definition of "Relevant play centre" insert—
 - "Sick leave" means leave with pay on account of illness or injury which a pre-school teacher or pre-school assistant is entitled to take in accordance with an award, but does not include leave in respect of which a pre-school teacher or pre-school assistant is entitled to receive compensation payments under an Act.'.

Section 4A inserted.

5. After section 4 of the Principal Act insert—

or pre-school assistant.

Sick Leave.

- '4A. (1) In this section—
- 20 "Pre-school worker" means a person who is a pre-school teacher
 - "Pre-school workplace" means a place which is a relevant kindergarten, a relevant play centre or both a relevant kindergarten and a relevant play centre.
- (2) If a pre-school worker—
 - (a) is at the date of commencement of this section working at a pre-school workplace; or
 - (b) after the date of commencement of this section leaves work at a pre-school workplace and starts work at another pre-school workplace—

the worker's employer must credit the worker with sick leave accrued by the worker in respect of periods of employment at pre-school workplaces where the worker has previously worked if the worker's employment at the pre-school workplaces where the worker has previously worked and at the pre-school workplace where the worker is now working is continuous.

(3) Sub-sction (2) does not require an employer to credit a pre-school worker with periods of sick leave which the worker has accumulated but has already taken.

- (4) This section applies to periods of employment whether they occurred before or occur after the commencement of this section.
- (5) Except where an award which applies to a pre-school worker contains express provision to the contrary, for the purposes of this section a pre-school worker's employment is to be treated as continuous despite the absences from or interruptions of work mentioned in paragraphs (a) to (m) of section 5.'.

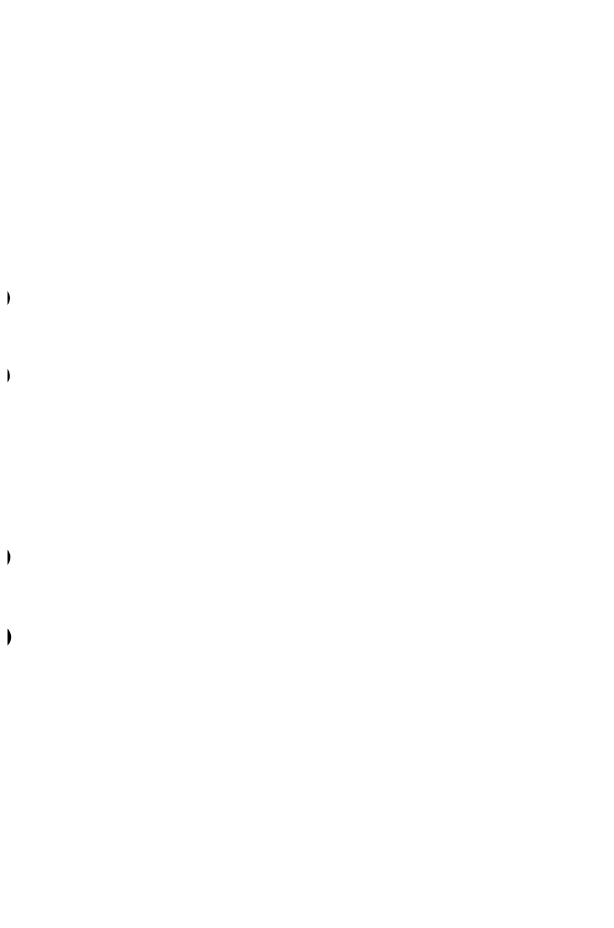
New short title.

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- 6. (1) In section 1 of the Principal Act for "Pre-school Teachers and Assistants (Portability of Long Service Leave) Act 1984" substitute "Pre-school Teachers and Assistants (Leave) Act 1984".
 - (2) In any Act, subordinate instrument or document a reference to the *Pre-school Teachers and Assistants (Portability of Long Service Leave) Act* 1984 is deemed to be a reference to the *Pre-school Teachers and Assistants (Leave) Act* 1984.

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