

LEGISLATIVE COUNCIL

Read 1^o 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 Long Service Leave) Act 1984* is called the Principal Act. No. 10135

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 5(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.’ 10 (15 (**Section 4A inserted.****5. After section 4 of the Principal Act insert—****Sick Leave.**

‘4A. (1) In this section— 20

“Pre-school worker” means a person who is a pre-school teacher or pre-school assistant.**“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. 25 (

(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— 30

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. 35

(3) Sub-section (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. 40

(4) This section applies to periods of employment whether they occurred before or occur after the commencement of this section.

5 (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.

10 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*".

15 (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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