

FIRST PRINT

**INDUSTRIAL RELATIONS (SICK LEAVE) AMENDMENT
BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to clarify the circumstances in which accumulated sick leave may be cashed-in in accordance with section 99A of the Industrial Relations Act 1991.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

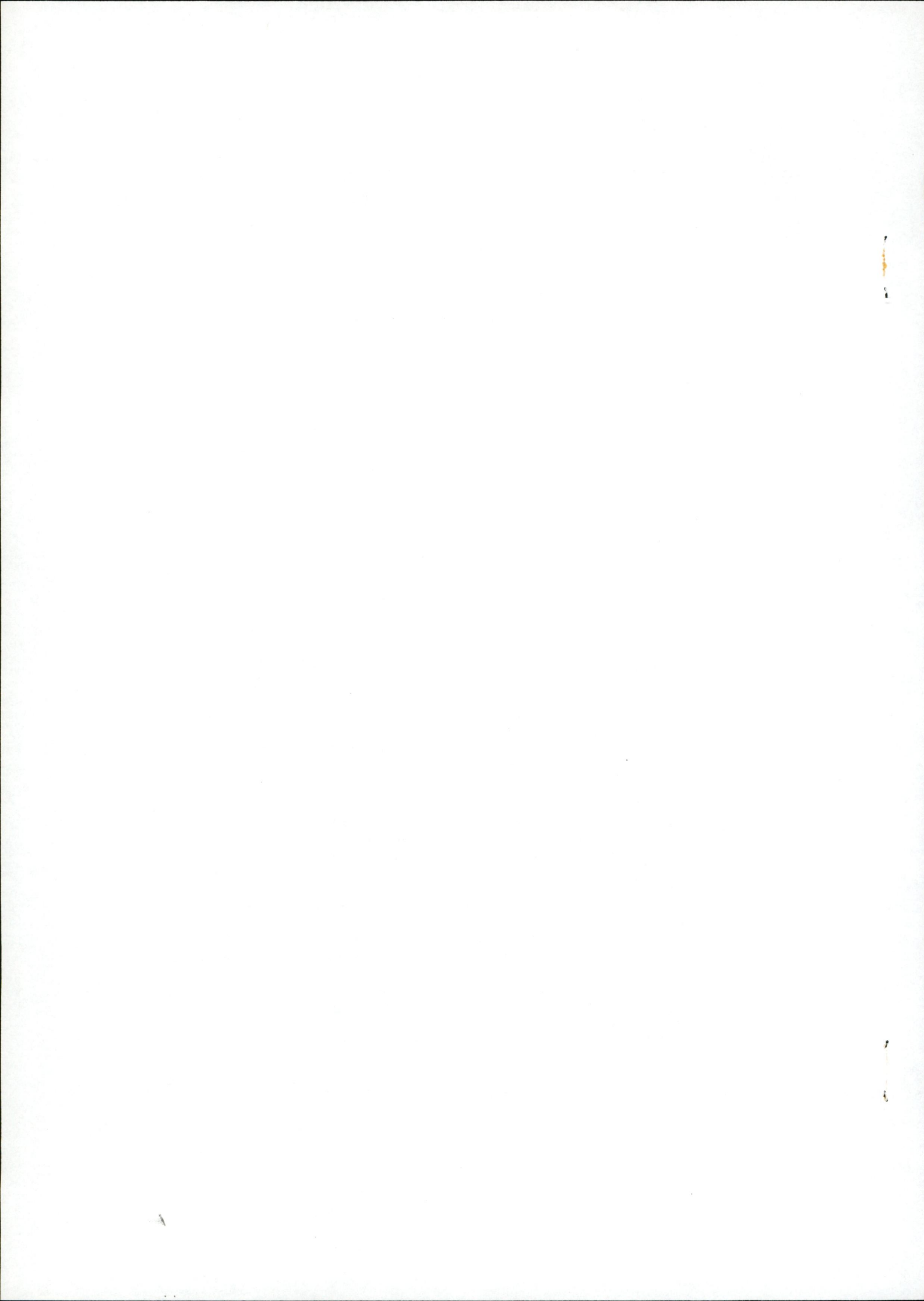
Clause 3 amends section 99A of the Industrial Relations Act 1991 to achieve the object of this Bill.

Section 99A was inserted into the Industrial Relations Act 1991 by the Industrial Relations (Sick Leave) Amendment Act 1992 No. 87. The section commenced on 15 February 1993. Its main purpose was to prohibit industrial awards from granting employees the right to cash-in accumulated sick leave. The prohibition was not intended to apply to sick leave that had accumulated under provisions of awards prior to 15 February 1993.

One of the tests (Step 2 in section 99A (5)) that determined the amount of accumulated sick leave which could be cashed-in was expressed to be the amount of accumulated sick leave, as at 15 February 1993, that the employee could have cashed-in under an award if his or her employment had been terminated immediately before that day.

Doubts have been expressed as to whether any entitlement under this test would apply if, for example, the award required the employee to have reached the age of 55 years or to have served for 20 years before accumulated sick leave could be cashed-in and, as at 15 February 1993, such a requirement had not been (and could not be) satisfied.

The amendment to section 99A removes impediments that may exist because such a condition in the award has not been satisfied.



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**INDUSTRIAL RELATIONS (SICK LEAVE) AMENDMENT
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NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend section 99A of the Industrial Relations Act 1991 with respect to the cashing-in of accumulated sick leave.

Industrial Relations (Sick Leave) Amendment 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Industrial Relations (Sick Leave) Amendment Act 1993.

5 Commencement

2. This Act commences on the date of assent.

**Amendment of Industrial Relations Act 1991 No. 34, s. 99A
(Prohibition on cashing-in of accumulated sick leave)**

10 3. Section 99A of the Industrial Relations Act 1991 is amended by inserting after the words "that commencement" in Step 2 in subsection (5) the words "and all conditions in the existing provision that had to be satisfied before accumulated sick leave could be paid to the employee (as, for example, attaining a specified age or completing a specified period of employment) were satisfied".
