

[Act 2001 No 21]



New South Wales

## **Industrial Relations Amendment (Leave for Victims of Crime) Bill 2001**

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

### **Overview of Bill**

The object of this Bill is to give employees who are the victims of violent crime an entitlement to unpaid leave to attend court proceedings in connection with the offence concerned.

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## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

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

**Clause 3** is a formal provision giving effect to the amendments to the *Industrial Relations Act 1996* set out in Schedule 1.

**Schedule 1 [1]** inserts Part 4B into Chapter 2 of the Act to make provision for leave for the victims of crime.

Proposed section 72AA provides that the Part applies to all employees (including part-time employees and casual employees).

Proposed section 72AB defines expressions used in the proposed Part. The definitions include the following:

- (a) court proceedings (which is defined as criminal proceedings before a court, including committal proceedings, sentencing proceedings and appeal proceedings),
- (b) victim of crime (which is defined as a person who suffers harm as a direct result of an alleged violent crime, a parent or guardian of a child who suffers such harm or a member of the immediate family of a person who dies as a direct result of an alleged violent crime),
- (c) violent crime (which is defined as an indictable offence involving violence, including sexual or indecent assault, that is punishable by imprisonment for life or for 5 years or more).

Proposed section 72AC gives an employee who is the victim of crime an entitlement to unpaid victims leave in connection with court proceedings relating to the violent crime.

Proposed section 72AD sets out the purposes for which victims leave may be granted, namely:

- (a) to attend court proceedings that are scheduled in relation to the violent crime,
- (b) to travel for the purpose of attending any such proceedings (limited to one working day).

Proposed section 72AE requires employees to give the employer at least one week's notice of the intention to take victims leave and enables the employer to request an official certificate confirming that the employee is a victim of crime and the date of the relevant court proceedings.

Explanatory note

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Proposed section 72AF gives employees a right to return to their work after a period of victims leave (similar to the right conferred on employees returning to work after a period of parental leave).

Proposed section 72AG contains miscellaneous provisions relating to victims leave, including preserving continuity of employment, the right to take paid leave in conjunction with or instead of victims leave and ensuring that the Part confers minimum entitlements on employees.

**Schedule 1 [2]** enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.