

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 October, 1958.*

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. , 1958.

An Act to make provision for increasing the annual holidays provided by the Annual Holidays Act, 1944; for this and other purposes to amend the said Act; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Annual Holidays (Amendment) Act, 1958".

Short title
and
citation.

(2) The Annual Holidays Act, 1944, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1958.

Annual Holidays (Amendment).

2. The Annual Holidays Act, 1944, is amended—

Amendment
of Act
No. 31, 1944.

- (a) (i) by omitting from subsection one of section three the words "of two weeks";

Sec. 3.
(Annual
holidays
with pay.)

- 5 (ii) by inserting at the end of the same subsection the following new paragraph :—

Such annual holiday shall—

- 10 (a) where any such year of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, be of two weeks;

- 15 (b) where any such year of employment ends after the said date and before the thirty-first day of December, one thousand nine hundred and fifty-nine, be of two weeks together with a period which bears the same proportion to one week as that part of such year of employment which is after the
20 thirty-first day of December, one thousand nine hundred and fifty-eight, bears to one year;

- 25 (c) where any such year of employment commences after the thirty-first day of December, one thousand nine hundred and fifty-eight, be of three weeks.

- 30 (iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) An annual holiday of two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in two separate periods and not otherwise.

An

Annual Holidays (Amendment).

An annual holiday of more than two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in either two or three separate periods and not otherwise.

(iv) by omitting from subsection three of the same section the word "either" and by inserting in lieu thereof the word "any";

(b) by omitting from paragraph (b) of subsection three of section four the words "an amount equal to one twenty-fifth of his ordinary pay for that period of employment" and by inserting in lieu thereof the following words : —

Sec. 4.

(Holiday pay where holiday is not taken.)

"an amount—

(i) where that period of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, equal to one twenty-fifth of his ordinary pay for that period of employment;

(ii) where that period of employment having commenced before or upon ends after the said date, equal to—

(a) one twenty-fifth of his ordinary pay for so much of that period of employment as is before or upon the said date; and

(b) three forty-ninths of his ordinary pay for so much of that period of employment as is after the said date;

(iii) where that period of employment commences after the said date, equal to three forty-ninths of his ordinary pay for that period of employment";

(c)

Annual Holidays (Amendment).

- (c) (i) by omitting from subsection one of section five the words "by or under any Act, other than this Act, or";
- (ii) by inserting next after the same subsection the following new subsection :—
- (1A) Where provision is made by or under any Act, other than this Act or the Industrial Arbitration Act, 1940, as amended by subsequent Acts, for annual holidays or annual leave for any worker, sections three and four of this Act shall not apply to such worker.

Sec. 5.
(Special provisions—
Annual holidays
otherwise
than under
this Act)

3. (1) This section shall apply to and in respect of workers who :—

Transitory
provisions.

- (a) by the operation of this Act cease to be entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave and become entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958;
- (b) by the operation of this Act cease to be entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958, and become entitled to annual holidays or annual leave under any provision made by or under any other Act (the Industrial Arbitration Act, 1940, as amended by subsequent Acts, excepted);
- (c) by virtue of paragraph (a) of subsection one of section five of the Annual Holidays Act, 1944-1958, cease to be entitled to the benefits provided by any provision made by section three or four of the said Act, and become entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave.

The

Annual Holidays (Amendment).

The benefits to which a worker ceases to be entitled as aforesaid are hereinafter referred to as the old benefits and the benefits to which a worker becomes entitled as aforesaid are hereinafter referred to as the new benefits.

5 (2) Where a worker to whom this section applies has not, at the time he ceases to be entitled to the old benefits, completed the qualifying period of employment which would have entitled him to an annual holiday or annual leave under the old benefits had he not so ceased to be entitled, he shall
10 upon the expiration of such qualifying period, or in any case where his employment is terminated before such expiration upon such termination, be entitled to receive an annual holiday :—

15 (a) of a period which bears the same proportion to the annual holiday or annual leave to which he would have been entitled under the old benefits had he not so ceased to be entitled as the portion of such qualifying period during which he has been employed before such time bears to the whole of such qualifying period ; and
20

 (b) of a period which bears the same proportion to the annual holiday or annual leave provided by or under the new benefits as the portion of such qualifying period during which he has been employed since
25 such time bears to the whole of such qualifying period,

less any part thereof which he has taken under the old benefits or new benefits.

 (3) The right of a worker to whom this section applies
30 to any annual holiday or annual leave to which he has become entitled under the old benefits but has not taken before he ceases to be entitled as aforesaid shall not be affected by anything contained in this Act.

Annual Holidays (Amendment)

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(2) Where a worker to whom this section applies has
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 have entitled him to an annual holiday or annual leave under
 the old benefits and he not so ceased to be entitled, he shall
 upon the expiration of such qualifying period, or in any case
 where his employment is terminated before such expiration
 upon such termination be entitled to receive an annual
 holiday:—

(a) of a period which bears the same proportion to the
 annual holiday or annual leave to which he would
 have been entitled under the old benefits had he
 not so ceased to be entitled as the portion of such
 qualifying period during which he has been employed
 before such time bears to the whole of such qualify-
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 to any annual holiday or annual leave to which he has become
 entitled under the old benefits but has not taken before he
 ceases to be entitled as aforesaid shall not be affected by
 anything contained in this Act.

No. . 1958.

A BILL

To make provision for increasing the annual holidays provided by the Annual Holidays Act, 1944; for this and other purposes to amend the said Act; and for purposes connected therewith.

[MR. McMAHON;—23 *October*, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Annual Holidays (Amendment) Act, 1958".

Short title
and
citation.

(2) The Annual Holidays Act, 1944, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1958.

Annual Holidays (Amendment).

2. The Annual Holidays Act, 1944, is amended—

Amendment
of Act
No. 31, 1944.

- (a) (i) by omitting from subsection one of section three the words "of two weeks";

Sec. 3.
(Annual
holidays
with pay.)

- 5 (ii) by inserting at the end of the same subsection the following new paragraph :—

Such annual holiday shall—

- 10 (a) where any such year of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, be of two weeks;

- 15 (b) where any such year of employment ends after the said date and before the thirty-first day of December, one thousand nine hundred and fifty-nine, be of two weeks together with a period which bears the same proportion to one week as that part of such year of employment which is after the
20 thirty-first day of December, one thousand nine hundred and fifty-eight, bears to one year;

- 25 (c) where any such year of employment commences after the thirty-first day of December, one thousand nine hundred and fifty-eight, be of three weeks.

- 30 (iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) An annual holiday of two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in two separate periods and not otherwise.

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Annual Holidays (Amendment).

An annual holiday of more than two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in either two or three separate periods and not otherwise.

(iv) by omitting from subsection three of the same section the word "either" and by inserting in lieu thereof the word "any";

(b) by omitting from paragraph (b) of subsection three of section four the words "an amount equal to one twenty-fifth of his ordinary pay for that period of employment" and by inserting in lieu thereof the following words : —

Sec. 4.
(Holiday pay where holiday is not taken.)

"an amount—

(i) where that period of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, equal to one twenty-fifth of his ordinary pay for that period of employment;

(ii) where that period of employment having commenced before or upon ends after the said date, equal to—

(a) one twenty-fifth of his ordinary pay for so much of that period of employment as is before or upon the said date; and

(b) three forty-ninths of his ordinary pay for so much of that period of employment as is after the said date;

(iii) where that period of employment commences after the said date, equal to three forty-ninths of his ordinary pay for that period of employment";

(c)

Annual Holidays (Amendment).

- (c) (i) by omitting from subsection one of section five the words "by or under any Act, other than this Act, or";
- (ii) by inserting next after the same subsection the following new subsection :—
- (1A) Where provision is made by or under any Act, other than this Act or the Industrial Arbitration Act, 1940, as amended by subsequent Acts, for annual holidays or annual leave for any worker, sections three and four of this Act shall not apply to such worker.

Sec. 5.
(Special provisions—
Annual holidays
otherwise than under
this Act.)

3. (1) This section shall apply to and in respect of workers who :—

Transitory provisions.

- (a) by the operation of this Act cease to be entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave and become entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958;
- (b) by the operation of this Act cease to be entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958, and become entitled to annual holidays or annual leave under any provision made by or under any other Act (the Industrial Arbitration Act, 1940, as amended by subsequent Acts, excepted) ;
- (c) by virtue of paragraph (a) of subsection one of section five of the Annual Holidays Act, 1944-1958, cease to be entitled to the benefits provided by any provision made by section three or four of the said Act, and become entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave.

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Annual Holidays (Amendment).

The benefits to which a worker ceases to be entitled as aforesaid are hereinafter referred to as the old benefits and the benefits to which a worker becomes entitled as aforesaid are hereinafter referred to as the new benefits.

5 (2) Where a worker to whom this section applies has not, at the time he ceases to be entitled to the old benefits, completed the qualifying period of employment which would have entitled him to an annual holiday or annual leave under the old benefits had he not so ceased to be entitled, he shall
10 upon the expiration of such qualifying period, or in any case where his employment is terminated before such expiration upon such termination, be entitled to receive an annual holiday : —

15 (a) of a period which bears the same proportion to the annual holiday or annual leave to which he would have been entitled under the old benefits had he not so ceased to be entitled as the portion of such qualifying period during which he has been employed before such time bears to the whole of such qualifying period ; and
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(b) of a period which bears the same proportion to the annual holiday or annual leave provided by or under the new benefits as the portion of such qualifying period during which he has been employed since
25 such time bears to the whole of such qualifying period,

less any part thereof which he has taken under the old benefits or new benefits.

(3) The right of a worker to whom this section applies
30 to any annual holiday or annual leave to which he has become entitled under the old benefits but has not taken before he ceases to be entitled as aforesaid shall not be affected by anything contained in this Act.

Annual Holiday

The purpose of this Act is to provide for the annual holiday of workers in the manufacturing and commercial industries, and to provide for the payment of wages during the holiday.

1. Where a worker is employed in the manufacturing or commercial industry, he shall be entitled to an annual holiday of not less than one week, to be taken during the year in which he is employed.

2. The annual holiday shall be taken during the year in which the worker is employed, and shall be taken at a time to be determined by the employer, subject to the approval of the worker.

3. The annual holiday shall be taken during the year in which the worker is employed, and shall be taken at a time to be determined by the employer, subject to the approval of the worker.

4. The annual holiday shall be taken during the year in which the worker is employed, and shall be taken at a time to be determined by the employer, subject to the approval of the worker.

5. The annual holiday shall be taken during the year in which the worker is employed, and shall be taken at a time to be determined by the employer, subject to the approval of the worker.

ANNUAL HOLIDAYS (AMENDMENT) BILL, 1958.

EXPLANATORY NOTE.

THE objects of this Bill are to amend the Annual Holidays Act, 1944, to provide for the increase—

- (1) from two weeks to three weeks per annum of the holidays to be allowed to workers in respect of employment after the 31st December, 1958; and
- (2) of the holiday payments to be made to workers in respect of periods of employment of less than a year terminating after that date.

ANNUAL HOLIDAYS (AMENDMENT) BILL, 1958

EXPLANATORY NOTE

The object of the Bill is to amend the Annual Holidays Act, 1947, in relation to the working hours of persons employed in the public service of the Government of India, and to provide for the payment of wages to such persons on days which are not public holidays.

PROOF

No. , 1958.

A BILL

To make provision for increasing the annual holidays provided by the Annual Holidays Act, 1944; for this and other purposes to amend the said Act; and for purposes connected therewith.

[MR. MCMAHON;—23 October, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Annual Holidays (Amendment) Act, 1958".

Short title
and
citation.

(2) The Annual Holidays Act, 1944, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1958.

Annual Holidays (Amendment).

2. The Annual Holidays Act, 1944, is amended—

Amendment
of Act
No. 31, 1944.

- (a) (i) by omitting from subsection one of section three the words "of two weeks";

Sec. 3.
(Annual
holidays
with pay.)

- 5 (ii) by inserting at the end of the same subsection the following new paragraph :—

Such annual holiday shall—

- 10 (a) where any such year of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, be of two weeks;

- 15 (b) where any such year of employment ends after the said date and before the thirty-first day of December, one thousand nine hundred and fifty-nine, be of two weeks together with a period which bears the same proportion to one week as that part of such year of employment which is after the
20 thirty-first day of December, one thousand nine hundred and fifty-eight, bears to one year;

- 25 (c) where any such year of employment commences after the thirty-first day of December, one thousand nine hundred and fifty-eight, be of three weeks.

- 30 (iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) An annual holiday of two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in two separate periods and not otherwise.

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Annual Holidays (Amendment).

An annual holiday of more than two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in either two or three separate periods and not otherwise.

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(iv) by omitting from subsection three of the same section the word "either" and by inserting in lieu thereof the word "any";

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(b) by omitting from paragraph (b) of subsection three of section four the words "an amount equal to one twenty-fifth of his ordinary pay for that period of employment" and by inserting in lieu thereof the following words :—

Sec. 4.
(Holiday pay where holiday is not taken.)

"an amount—

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(i) where that period of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, equal to one twenty-fifth of his ordinary pay for that period of employment;

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(ii) where that period of employment having commenced before or upon ends after the said date, equal to—

25

(a) one twenty-fifth of his ordinary pay for so much of that period of employment as is before or upon the said date; and

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(b) three forty-ninths of his ordinary pay for so much of that period of employment as is after the said date;

(iii) where that period of employment commences after the said date, equal to three forty-ninths of his ordinary pay for that period of employment";

(c)

Annual Holidays (Amendment).

- (c) (i) by omitting from subsection one of section five the words "by or under any Act, other than this Act, or";
- (ii) by inserting next after the same subsection the following new subsection :—

Sec. 5.
(Special provisions—
Annual holidays
otherwise
than under
this Act.)

(1A) Where provision is made by or under any Act, other than this Act or the Industrial Arbitration Act, 1940, as amended by subsequent Acts, for annual holidays or annual leave for any worker, sections three and four of this Act shall not apply to such worker.

3. (1) This section shall apply to and in respect of workers who :—

Transitory
provisions.

- (a) by the operation of this Act cease to be entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave and become entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958;
- (b) by the operation of this Act cease to be entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958, and become entitled to annual holidays or annual leave under any provision made by or under any other Act (the Industrial Arbitration Act, 1940, as amended by subsequent Acts, excepted);
- (c) by virtue of paragraph (a) of subsection one of section five of the Annual Holidays Act, 1944-1958, cease to be entitled to the benefits provided by any provision made by section three or four of the said Act, and become entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave.

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Annual Holidays (Amendment).

The benefits to which a worker ceases to be entitled as aforesaid are hereinafter referred to as the old benefits and the benefits to which a worker becomes entitled as aforesaid are hereinafter referred to as the new benefits.

5 (2) Where a worker to whom this section applies has not, at the time he ceases to be entitled to the old benefits, completed the qualifying period of employment which would have entitled him to an annual holiday or annual leave under the old benefits had he not so ceased to be entitled, he shall
10 upon the expiration of such qualifying period, or in any case where his employment is terminated before such expiration upon such termination, be entitled to receive an annual holiday :—

15 (a) of a period which bears the same proportion to the annual holiday or annual leave to which he would have been entitled under the old benefits had he not so ceased to be entitled as the portion of such qualifying period during which he has been employed before such time bears to the whole of such qualifying period ; and
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(b) of a period which bears the same proportion to the annual holiday or annual leave provided by or under the new benefits as the portion of such qualifying period during which he has been employed since
25 such time bears to the whole of such qualifying period,

less any part thereof which he has taken under the old benefits or new benefits.

(3) The right of a worker to whom this section applies
30 to any annual holiday or annual leave to which he has become entitled under the old benefits but has not taken before he ceases to be entitled as aforesaid shall not be affected by anything contained in this Act.

Trans. Hobbs (Amendment)

It is hereby agreed that the above named parties shall be bound by the terms of the above instrument in all respects and shall not be permitted to rescind or modify the same in any manner.

Witness my hand and seal this 1st day of January 1901 at New York City.

Notary Public for the State of New York

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 28, 1958.

An Act to make provision for increasing the annual holidays provided by the Annual Holidays Act, 1944; for this and other purposes to amend the said Act; and for purposes connected therewith. [Assented to, 24th November, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Annual Holidays (Amendment) Act, 1958".

Short title
and
citation.

(2) The Annual Holidays Act, 1944, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1958.

2.

Annual Holidays (Amendment).

Amendment
of Act
No. 31, 1944.

2. The Annual Holidays Act, 1944, is amended—

Sec. 3.
(Annual
holidays
with pay.)

- (a) (i) by omitting from subsection one of section three the words “of two weeks”;
- (ii) by inserting at the end of the same subsection the following new paragraph :—

Such annual holiday shall—

(a) where any such year of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, be of two weeks;

(b) where any such year of employment ends after the said date and before the thirty-first day of December, one thousand nine hundred and fifty-nine, be of two weeks together with a period which bears the same proportion to one week as that part of such year of employment which is after the thirty-first day of December, one thousand nine hundred and fifty-eight, bears to one year;

(c) where any such year of employment commences after the thirty-first day of December, one thousand nine hundred and fifty-eight, be of three weeks.

- (iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) An annual holiday of two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in two separate periods and not otherwise.

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- (iv) by omitting from subsection three of the same section the word "either" and by inserting in lieu thereof the word "any";
- (b) by omitting from paragraph (b) of subsection three of section four the words "an amount equal to one twenty-fifth of his ordinary pay for that period of employment" and by inserting in lieu thereof the following words :—

Sec. 4.
(Holiday pay where holiday is not taken.)

"an amount—

- (i) where that period of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, equal to one twenty-fifth of his ordinary pay for that period of employment;
- (ii) where that period of employment having commenced before or upon ends after the said date, equal to—
- (a) one twenty-fifth of his ordinary pay for so much of that period of employment as is before or upon the said date; and
- (b) three forty-ninths of his ordinary pay for so much of that period of employment as is after the said date;
- (iii) where that period of employment commences after the said date, equal to three forty-ninths of his ordinary pay for that period of employment";

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Annual Holidays (Amendment).

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- (c) (i) by omitting from subsection one of section five the words "by or under any Act, other than this Act, or";
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Transitory
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3. (1) This section shall apply to and in respect of workers who :—

- (a) by the operation of this Act cease to be entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave and become entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958;
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- (b) of a period which bears the same proportion to the annual holiday or annual leave provided by or under the new benefits as the portion of such qualifying period during which he has been employed since such time bears to the whole of such qualifying period,

less any part thereof which he has taken under the old benefits or new benefits.

(3) The right of a worker to whom this section applies to any annual holiday or annual leave to which he has become entitled under the old benefits but has not taken before he ceases to be entitled as aforesaid shall not be affected by anything contained in this Act.

By Authority

V C. N. BLIGHT, Government Printer, Sydney, 1958

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 6 November, 1958.*

New South Wales



ANNO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 28, 1958.

An Act to make provision for increasing the annual holidays provided by the Annual Holidays Act, 1944; for this and other purposes to amend the said Act; and for purposes connected therewith.
[Assented to, 24th November, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Annual Holidays (Amendment) Act, 1958".

Short title
and
citation.

(2) The Annual Holidays Act, 1944, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1958.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Annual Holidays (Amendment).

Amendment
of Act
No. 31, 1944.

2. The Annual Holidays Act, 1944, is amended—

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(Annual
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with pay.)

(a) (i) by omitting from subsection one of section three the words “of two weeks”;

(ii) by inserting at the end of the same subsection the following new paragraph :—

Such annual holiday shall—

(a) where any such year of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, be of two weeks;

(b) where any such year of employment ends after the said date and before the thirty-first day of December, one thousand nine hundred and fifty-nine, be of two weeks together with a period which bears the same proportion to one week as that part of such year of employment which is after the thirty-first day of December, one thousand nine hundred and fifty-eight, bears to one year;

(c) where any such year of employment commences after the thirty-first day of December, one thousand nine hundred and fifty-eight, be of three weeks.

(iii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) An annual holiday of two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in two separate periods and not otherwise.

An

Annual Holidays (Amendment).

An annual holiday of more than two weeks shall be given and taken in one consecutive period or, if the worker and the employer so agree, in either two or three separate periods and not otherwise.

- (iv) by omitting from subsection three of the same section the word "either" and by inserting in lieu thereof the word "any";
- (b) by omitting from paragraph (b) of subsection three of section four the words "an amount equal to one twenty-fifth of his ordinary pay for that period of employment" and by inserting in lieu thereof the following words : —

Sec. 4.
(Holiday pay where holiday is not taken.)

"an amount—

- (i) where that period of employment ends upon or before the thirty-first day of December, one thousand nine hundred and fifty-eight, equal to one twenty-fifth of his ordinary pay for that period of employment;
- (ii) where that period of employment having commenced before or upon ends after the said date, equal to—
 - (a) one twenty-fifth of his ordinary pay for so much of that period of employment as is before or upon the said date; and
 - (b) three forty-ninths of his ordinary pay for so much of that period of employment as is after the said date;
- (iii) where that period of employment commences after the said date, equal to three forty-ninths of his ordinary pay for that period of employment";

(c)

Annual Holidays (Amendment).

Sec. 5.
(Special
provisions—
Annual
holidays
otherwise
than under
this Act.)

- (c) (i) by omitting from subsection one of section five the words “by or under any Act, other than this Act, or”;
- (ii) by inserting next after the same subsection the following new subsection :—

(1A) Where provision is made by or under any Act, other than this Act or the Industrial Arbitration Act, 1940, as amended by subsequent Acts, for annual holidays or annual leave for any worker, sections three and four of this Act shall not apply to such worker.

Transitory
provisions.

3. (1) This section shall apply to and in respect of workers who :—

- (a) by the operation of this Act cease to be entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave and become entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958;
- (b) by the operation of this Act cease to be entitled to the benefits provided by any provision made by section three or four of the Annual Holidays Act, 1944-1958, and become entitled to annual holidays or annual leave under any provision made by or under any other Act (the Industrial Arbitration Act, 1940, as amended by subsequent Acts, excepted);
- (c) by virtue of paragraph (a) of subsection one of section five of the Annual Holidays Act, 1944-1958, cease to be entitled to the benefits provided by any provision made by section three or four of the said Act, and become entitled to the benefits under any provision made by an award, agreement or contract of employment for annual holidays or annual leave.

The

Annual Holidays (Amendment).

The benefits to which a worker ceases to be entitled as aforesaid are hereinafter referred to as the old benefits and the benefits to which a worker becomes entitled as aforesaid are hereinafter referred to as the new benefits.

(2) Where a worker to whom this section applies has not, at the time he ceases to be entitled to the old benefits, completed the qualifying period of employment which would have entitled him to an annual holiday or annual leave under the old benefits had he not so ceased to be entitled, he shall upon the expiration of such qualifying period, or in any case where his employment is terminated before such expiration upon such termination, be entitled to receive an annual holiday :—

- (a) of a period which bears the same proportion to the annual holiday or annual leave to which he would have been entitled under the old benefits had he not so ceased to be entitled as the portion of such qualifying period during which he has been employed before such time bears to the whole of such qualifying period; and
- (b) of a period which bears the same proportion to the annual holiday or annual leave provided by or under the new benefits as the portion of such qualifying period during which he has been employed since such time bears to the whole of such qualifying period,

less any part thereof which he has taken under the old benefits or new benefits.

(3) The right of a worker to whom this section applies to any annual holiday or annual leave to which he has become entitled under the old benefits but has not taken before he ceases to be entitled as aforesaid shall not be affected by anything contained in this Act.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD.

Governor.

*Government House,
Sydney, 24th November, 1958.*

Annual Holiday (Amendment)

The benefits to which a worker ceases to be entitled as aforesaid are hereinafter referred to as the old benefits, and the benefits to which a worker becomes entitled as aforesaid are hereinafter referred to as the new benefits.

(2) Where a worker to whom this section applies has not at the time he ceases to be entitled to the old benefits completed the qualifying period of employment which would have entitled him to an annual holiday or annual leave under the old benefits had he not so ceased to be entitled, he shall upon the expiration of such qualifying period or in any case where his employment is terminated before such expiration upon such termination, be entitled to receive an annual holiday:

(a) of a period which bears the same proportion to the annual holiday or annual leave to which he would have been entitled under the old benefits had he not so ceased to be entitled as the portion of such qualifying period during which he has been employed before such time bears to the whole of such qualifying period; and

(b) of a period which bears the same proportion to the annual holiday or annual leave provided by or under the new benefits as the portion of such qualifying period during which he has been employed since such time bears to the whole of such qualifying period.

less any part thereof which he has taken under the old benefits or new benefits.

(3) The right of a worker to whom this section applies to any annual holiday or annual leave to which he has become entitled under the old benefits but has not taken before he ceases to be entitled as aforesaid shall not be affected by anything contained in this Act.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD
Governor

Government House
Sydney, 24th November, 1938.

