

*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, 17 September, 1964.*

## New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

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Act No. , 1964.

An Act to make further provisions with respect to annual holidays for workers; for this purpose to amend the Annual Holidays Act, 1944-1958; and for purposes connected therewith.

**B**E 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, 1964".

Short title  
and  
citation.  
(2)



*Annual Holidays (Amendment).*

(2) The Annual Holidays Act, 1944, as amended by subsequent Acts and by this Act, may be cited as the Annual Holidays Act, 1944-1964.

2. The Annual Holidays Act, 1944-1958, is amended—  
Amendment  
of Act No.  
31, 1944.

5 (a) (i) by omitting paragraph (a) of subsection two of section two and by inserting in lieu thereof the following paragraphs : —  
Sec. 2.  
(Interpre-  
tation.)

10 (a) the term "ordinary time rate of pay" in the case of a worker who is remunerated in relation to an ordinary time rate of pay fixed by the terms of his employment means the time rate of pay so fixed for the worker's work under the terms of his employment,  
15 but does not include any amount payable to him in respect of shift work, overtime or other penalty rates, and where two or more time rates of pay are so fixed means the higher or  
20 highest of those rates;

(a1) where a worker is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to any other manner, or where no ordinary time rate of pay is so fixed for a worker's work under the terms of his employment, the worker's ordinary pay shall be deemed to be the average weekly wage earned by him during the period actually worked by him during the period in respect of which the right to the annual holiday, or payment under section four of this Act,  
25 as the case may be, accrues.  
30  
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For







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*Annual Holidays (Amendment).*

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- (b) by omitting from paragraph (a) of subsection six Sec. 3.  
of section three the words "seven days" and by (Annual  
inserting in lieu thereof the words "one month's"; holidays  
with pay.)
- 5 (c) by omitting from section twelve the words "or Sec. 12.  
police" wherever occurring; (Proceed-  
ings for  
recovery of  
penalties.)
- (d) by omitting from subsection one of section thirteen Sec. 13.  
the words "or police". (Recovery  
of holiday  
pay.)

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BY AUTHORITY:V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964  
[4d.]



No. . 1964.

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## A BILL

To make further provisions with respect to annual holidays for workers; for this purpose to amend the Annual Holidays Act, 1944-1958; and for purposes connected therewith.

[MR. MANNIX *on behalf of* MR. LANDA;—16 September, 1964.]

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**B**E 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, 1964".

(2) Short title and citation.



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*Annual Holidays (Amendment).*

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(2) The Annual Holidays Act, 1944, as amended by subsequent Acts and by this Act, may be cited as the Annual Holidays Act, 1944-1964.

2. The Annual Holidays Act, 1944-1958, is amended—

Amendment  
of Act No.  
31, 1944.

- 5 (a) (i) by omitting paragraph (a) of subsection two of section two and by inserting in lieu thereof the following paragraphs :—

Sec. 2.  
(Interpre-  
tation.)

10 (a) the term "ordinary time rate of pay" in the case of a worker who is remunerated in relation to an ordinary time rate of pay fixed by the terms of his employment means the time rate of pay so fixed for the worker's work under the terms of his employment, but does not include any amount payable to him in respect of shift work, overtime or other penalty rates, and where two or more time rates of pay are so fixed means the higher or highest of those rates;

15 (a1) where a worker is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to any other manner, or where no ordinary time rate of pay is so fixed for a worker's work under the terms of his employment, the worker's ordinary pay shall be deemed to be the average weekly wage earned by him during the period actually worked by him during the period in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues.

For



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*Annual Holidays (Amendment).*

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For the purposes of this paragraph the average weekly wage earned by a worker shall be the average of the amounts received by him each week under the terms of his employment after excluding any amount payable to him in respect of shift work, over-time or other penalty rates;

(a2) where during the period in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues, the worker has received under the terms of his employment, any amount under any bonus, incentive or other similar scheme (other than any amount taken into consideration in assessing an average weekly wage in terms of paragraph (a1) of this subsection) his ordinary pay shall be increased by a further sum namely the sum which the worker would have received each week in respect of such bonus, incentive or other similar scheme had such amount been paid by equal weekly payments throughout that period.

(ii) (a) by omitting from paragraph (c) of the same subsection the words "fifteen shillings" and by inserting in lieu thereof the words "thirty shillings, or such greater sum as may be prescribed in lieu thereof,";

(b) by omitting from the same paragraph the words "five shillings" and by inserting in lieu thereof the words "ten shillings, or such greater sum as may be prescribed in lieu thereof,";

(b)



*Annual Holidays (Amendment).*

- (b) by omitting from paragraph (a) of subsection six Sec. 3.  
of section three the words "seven days" and by (Annual  
inserting in lieu thereof the words "one month's"; holidays  
with pay.)
- 5 (c) by omitting from section twelve the words "or Sec. 12.  
police" wherever occurring; (Proceed-  
ings for  
recovery of  
penalties.)
- (d) by omitting from subsection one of section thirteen Sec. 13.  
the words "or police". (Recovery  
of holiday  
pay.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964  
[4d.]



## **ANNUAL HOLIDAYS (AMENDMENT) BILL, 1964.**

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### **EXPLANATORY NOTE.**

THE object of this Bill is to amend the Annual Holidays Act, 1944-1958, by—

- (a) adopting therein the principles applicable to the determination of “ordinary pay” contained in the Long Service Leave Act, 1955-1963, so as to ensure that a worker shall be paid for annual leave on a similar basis to that on which he is paid for long service leave;
- (b) providing that a worker shall receive one month's, instead of seven days', notice before proceeding on annual leave.



# ANNUAL REPORT OF THE

STATE OF NEW YORK

FOR THE YEAR ENDING DECEMBER 31, 1900

ALBANY: J. B. LIPPINCOTT & CO., PRINTERS, 1901.



No. , 1964.

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## A BILL

To make further provisions with respect to annual holidays for workers; for this purpose to amend the Annual Holidays Act, 1944-1958; and for purposes connected therewith.

[MR. MANNIX *on behalf of* MR. LANDA;—16 September, 1964.]

---

---

**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, 1964".

(2)

Short title  
and  
citation.



---

*Annual Holidays (Amendment).*

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(2) The Annual Holidays Act, 1944, as amended by subsequent Acts and by this Act, may be cited as the Annual Holidays Act, 1944-1964.

2. The Annual Holidays Act, 1944-1958, is amended—  
Amendment  
of Act No.  
31, 1944.

5 (a) (i) by omitting paragraph (a) of subsection two of section two and by inserting in lieu thereof the following paragraphs : —  
Sec. 2.  
(Interpre-  
tation.)

10 (a) the term "ordinary time rate of pay" in the case of a worker who is remunerated in relation to an ordinary time rate of pay fixed by the terms of his employment means the time rate of pay so fixed for the worker's work under the terms of his employment,  
15 but does not include any amount payable to him in respect of shift work, overtime or other penalty rates, and where two or more time rates of pay are so fixed means the higher or  
20 highest of those rates;

(a1) where a worker is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to  
25 any other manner, or where no ordinary time rate of pay is so fixed for a worker's work under the terms of his employment, the worker's ordinary pay shall be deemed to be the average weekly wage earned by him during the period actually worked by him during the period in respect of which the right to the annual holiday, or payment under section four of this Act,  
30 as the case may be, accrues.  
35

For

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*Annual Holidays (Amendment).*

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5 For the purposes of this paragraph the average weekly wage earned by a worker shall be the average of the amounts received by him each week under the terms of his employment after excluding any amount payable to him in respect of shift work, over-time or other penalty rates;

10 (a2) where during the period in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues, the worker has received under the terms of his employment, any amount under  
15 any bonus, incentive or other similar scheme (other than any amount taken into consideration in assessing an average weekly wage in terms of paragraph (a1) of this subsection) his  
20 ordinary pay shall be increased by a further sum namely the sum which the worker would have received each week in respect of such bonus, incentive or other similar scheme had such  
25 amount been paid by equal weekly payments throughout that period.

(ii) (a) by omitting from paragraph (c) of the same subsection the words "fifteen shillings" and by inserting in lieu thereof the  
30 words "thirty shillings, or such greater sum as may be prescribed in lieu thereof,";

(b) by omitting from the same paragraph the words "five shillings" and by inserting in lieu thereof the words "ten shillings, or such greater sum as may be  
35 prescribed in lieu thereof,";

(b)



*Annual Holidays (Amendment).*

- (b) by omitting from paragraph (a) of subsection six Sec. 3.  
of section three the words "seven days" and by (Annual  
inserting in lieu thereof the words "one month's"; holidays  
with pay.)
- 5 (c) by omitting from section twelve the words "or Sec. 12.  
police" wherever occurring; (Proceed-  
ings for  
recovery of  
penalties.)
- (d) by omitting from subsection one of section thirteen Sec. 13.  
the words "or police". (Recovery  
of holiday  
pay.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964



# New South Wales



ANNO TERTIO DECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 31, 1964.

An Act to make further provisions with respect to annual holidays for workers; for this purpose to amend the Annual Holidays Act, 1944-1958; and for purposes connected therewith. [Assented to, 29th September, 1964.]

**B**E 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, 1964".

(2)

Short title  
and  
citation.



---

*Annual Holidays (Amendment).*

---

(2) The Annual Holidays Act, 1944, as amended by subsequent Acts and by this Act, may be cited as the Annual Holidays Act, 1944-1964.

Amendment  
of Act No.  
31, 1944.

2. The Annual Holidays Act, 1944-1958, is amended—

Sec. 2.  
(Interpre-  
tation.)

(a) (i) by omitting paragraph (a) of subsection two of section two and by inserting in lieu thereof the following paragraphs :—

(a) the term “ordinary time rate of pay” in the case of a worker who is remunerated in relation to an ordinary time rate of pay fixed by the terms of his employment means the time rate of pay so fixed for the worker’s work under the terms of his employment, but does not include any amount payable to him in respect of shift work, overtime or other penalty rates, and where two or more time rates of pay are so fixed means the higher or highest of those rates;

(a1) where a worker is remunerated otherwise than in relation to an ordinary time rate of pay so fixed, or partly in relation to an ordinary time rate of pay so fixed and partly in relation to any other manner, or where no ordinary time rate of pay is so fixed for a worker’s work under the terms of his employment, the worker’s ordinary pay shall be deemed to be the average weekly wage earned by him during the period actually worked by him during the period in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues.

For

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*Annual Holidays (Amendment).*

---

For the purposes of this paragraph the average weekly wage earned by a worker shall be the average of the amounts received by him each week under the terms of his employment after excluding any amount payable to him in respect of shift work, over-time or other penalty rates;

- (a2) where during the period in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues, the worker has received under the terms of his employment, any amount under any bonus, incentive or other similar scheme (other than any amount taken into consideration in assessing an average weekly wage in terms of paragraph (a1) of this subsection) his ordinary pay shall be increased by a further sum namely the sum which the worker would have received each week in respect of such bonus, incentive or other similar scheme had such amount been paid by equal weekly payments throughout that period.
- (ii) (a) by omitting from paragraph (c) of the same subsection the words "fifteen shillings" and by inserting in lieu thereof the words "thirty shillings, or such greater sum as may be prescribed in lieu thereof,";
- (b) by omitting from the same paragraph the words "five shillings" and by inserting in lieu thereof the words "ten shillings, or such greater sum as may be prescribed in lieu thereof,";

(b)



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*Annual Holidays (Amendment).*

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Sec. 3.  
(Annual  
holidays  
with pay.)

- (b) by omitting from paragraph (a) of subsection six of section three the words "seven days" and by inserting in lieu thereof the words "one month's";

Sec. 12.  
(Proceed-  
ings for  
recovery of  
penalties.)

- (c) by omitting from section twelve the words "or police" wherever occurring;

Sec. 13.  
(Recovery  
of holiday  
pay.)

- (d) by omitting from subsection one of section thirteen the words "or police".

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964



*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, 22 September, 1964.*

## New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

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### Act No. 31, 1964.

An Act to make further provisions with respect to annual holidays for workers; for this purpose to amend the Annual Holidays Act, 1944-1958; and for purposes connected therewith. [Assented to, 29th September, 1964.]

**B**E 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, 1964".

(2)

Short title  
and  
citation.

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

HOWARD T. FOWLES,  
*Chairman of Committees of the Legislative Assembly.*



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*Annual Holidays (Amendment).*

---

(2) The Annual Holidays Act, 1944, as amended by subsequent Acts and by this Act, may be cited as the Annual Holidays Act, 1944-1964.

Amendment  
of Act No.  
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Sec. 2.  
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2. The Annual Holidays Act, 1944-1958, is amended—

(a) (i) by omitting paragraph (a) of subsection two of section two and by inserting in lieu thereof the following paragraphs :—

(a) the term “ordinary time rate of pay” in the case of a worker who is remunerated in relation to an ordinary time rate of pay fixed by the terms of his employment means the time rate of pay so fixed for the worker’s work under the terms of his employment, but does not include any amount payable to him in respect of shift work, overtime or other penalty rates, and where two or more time rates of pay are so fixed means the higher or highest of those rates;

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For



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*Annual Holidays (Amendment).*

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For the purposes of this paragraph the average weekly wage earned by a worker shall be the average of the amounts received by him each week under the terms of his employment after excluding any amount payable to him in respect of shift work, overtime or other penalty rates;

- (a2) where during the period in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues, the worker has received under the terms of his employment, any amount under any bonus, incentive or other similar scheme (other than any amount taken into consideration in assessing an average weekly wage in terms of paragraph (a1) of this subsection) his ordinary pay shall be increased by a further sum namely the sum which the worker would have received each week in respect of such bonus, incentive or other similar scheme had such amount been paid by equal weekly payments throughout that period.
  - (ii) (a) by omitting from paragraph (c) of the same subsection the words "fifteen shillings" and by inserting in lieu thereof the words "thirty shillings, or such greater sum as may be prescribed in lieu thereof,";
  - (b) by omitting from the same paragraph the words "five shillings" and by inserting in lieu thereof the words "ten shillings, or such greater sum as may be prescribed in lieu thereof,";
- (b)



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*Annual Holidays (Amendment).*

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- Sec. 3.  
(Annual  
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- (b) by omitting from paragraph (a) of subsection six of section three the words "seven days" and by inserting in lieu thereof the words "one month's";
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ings for  
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- (c) by omitting from section twelve the words "or police" wherever occurring;
- Sec. 13.  
(Recovery  
of holiday  
pay.)
- (d) by omitting from subsection one of section thirteen the words "or police".

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

E. W. WOODWARD,  
Governor.

*Government House,  
Sydney, 29th September, 1964.*