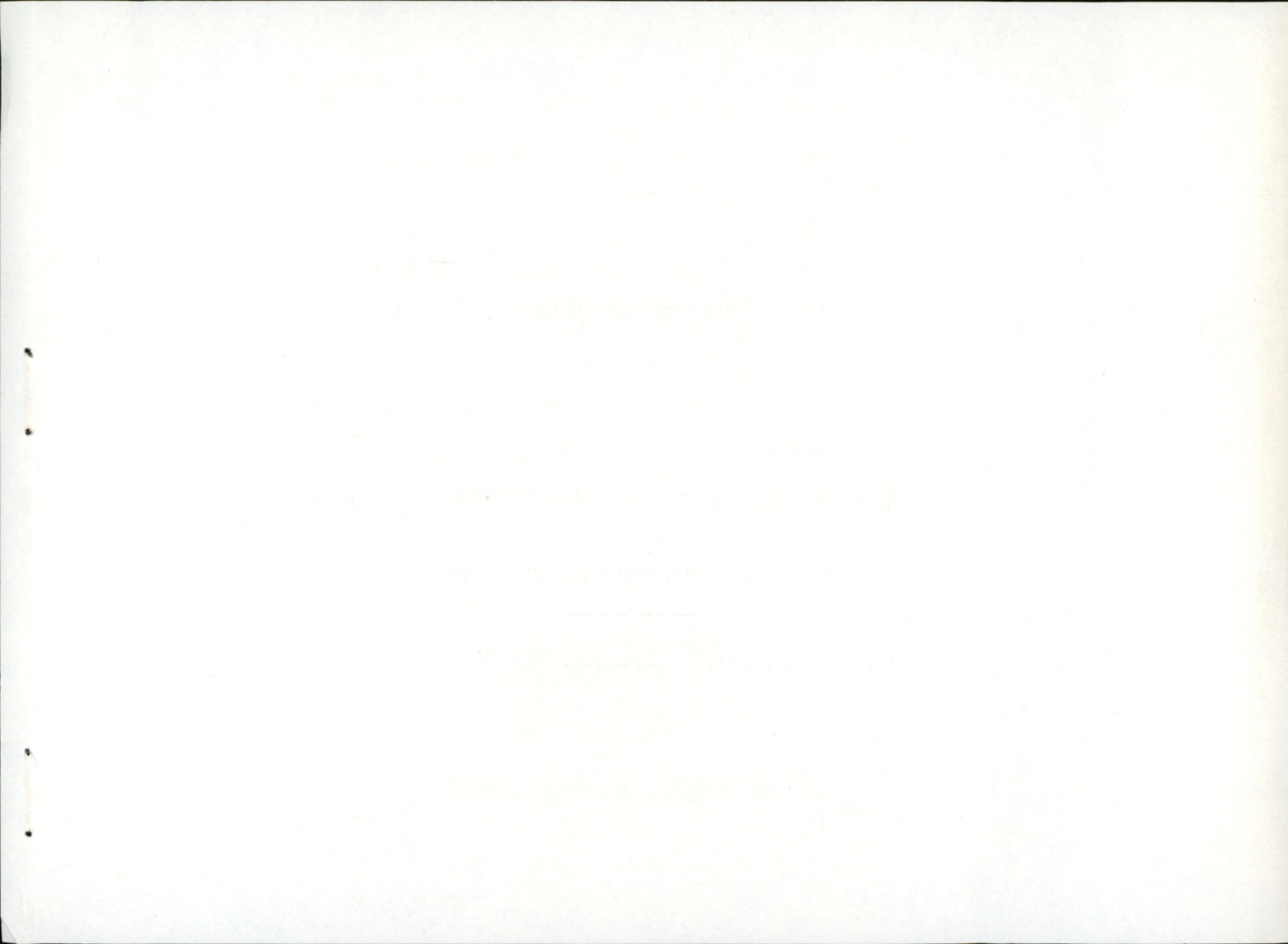


ANNUAL HOLIDAYS (AMENDMENT) BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 30 November, 1966.*

- No. 1.—Page 2, clause 2, lines 15 and 16. *Omit* “or under section 4A”.
- No. 2.—Page 2, clause 2, lines 25 and 26. *Omit* “or under section 4A”.
- No. 3.—Page 3, clause 2, line 16. *Omit* “or section 4A”.
- No. 4.—Page 3, clause 2, line 28. *Omit* “or section 4A”.
- No. 5.—Pages 4 to 7, clause 3. *Omit* the clause.



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 November, 1966.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 30 November, 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1966.

An Act to make further provisions with respect to annual holidays for workers; for this and other purposes to amend the Annual Holidays Act, 1944-1965; 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, 1966".

Short title
and citation.

(2)

Annual Holidays (Amendment).

(2) The Annual Holidays Act, 1944, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1966.

2. The Principal Act is amended—

Amendment
of Act No.
31, 1944.

- (a) by omitting from paragraph (a1) of subsection two of section two the words "in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues" and by inserting in lieu thereof the words "of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four ~~or under section 4A~~ of this Act accrues";
- (b) by omitting from paragraph (a2) of the same subsection the words "in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues," and by inserting in lieu thereof the words "of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four ~~or under section 4A~~ of this Act accrues";
- (c) by omitting from paragraph (b) of the same subsection the words "the period in respect of which the right to the annual holiday accrues" and by inserting in lieu thereof the words "the applicable period referred to in paragraph (a1) of this subsection";
- (d) by inserting next after the same subsection the following new subsections :—
 - (3) Notwithstanding anything contained in paragraph (a1) of subsection two of this section, for

Sec. 2.
(Interpre-
tation.)

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35

Annual Holidays (Amendment).

5 for the purposes of the definition of the term
"ordinary pay" in subsection one of this section,
where a worker is remunerated partly in relation to
an ordinary time rate of pay fixed by the terms of
his employment and based on age or years of
service and partly in relation to a bonus, incentive
or other similar scheme, the worker's ordinary pay
shall be deemed to be the sum of—

10 (a) the worker's weekly remuneration at the
ordinary time rate of pay so fixed for his
age or years of service at the commence-
ment of the annual holiday or, as the case
may be, at the end of the period of employ-
ment in respect of which a right to pay-
ment under subsection three of section four
15 ~~of section 4~~ of this Act, accrues; and

(b) the average of the amounts received by the
worker each week in respect of the bonus,
incentive or other similar scheme—

20 (i) during the period actually worked
by him during the twelve months
immediately preceding the com-
mencement of his annual holiday;
or

25 (ii) during the period of employment in
respect of which a right to payment
under subsection three of section
four ~~of section 4~~ of this Act
accrues,

30 as the case may be,

after excluding any amounts paid to him in respect
of shift work, overtime or other penalty rates.

(4) For the purposes of paragraphs (a1) and
35 (b) of subsection two and of subsection three of
this section, in computing the period actually
worked by a worker no regard shall be had to any
period during which, on account of illness or injury,
the

Annual Holidays (Amendment).

5 the worker was temporarily assigned to duties or work entitling him to payment of wages lower than the wages he would have received had he not been assigned to those duties or that work on that account, unless the worker was assigned to those duties or that work during the whole of the period actually worked by him.

3. The Principal Act is further amended—

Further amendment of Act No. 31, 1944.

10 (a) by inserting in subsection five of section three after the words "section four" the words, figure and letter "or section 4A";

Sec 3. (Annual holidays with pay.)

(b) by inserting next after section four the following new section :—

New sec. 4A.

15 4A. (1) (a) In this section—

Annual close-down.

"Period of employment" means the period during which a worker is employed by an employer referred to in subsection two of this section, being a period computed—

20 (a) where the worker has not during the employment with that employer become entitled to any annual holiday under section three of this Act, from the date of commencement of the employment with that employer; or

25 (b) where the worker has during the employment with that employer become entitled to any annual holiday or holidays under section three of this Act, from the date upon which the worker last became entitled to an annual holiday,

30 up to the commencement of the specified period affecting that worker.

"Specified

Annual Holidays (Amendment).

“Specified period” means the period specified by an employer pursuant to subsection two of this section.

5 (b) This section, subsections two and three excepted, shall apply only to a worker to whom notice has been given pursuant to this section.

10 (c) Subsections two and three of section three of this Act shall not apply to a worker to whom notice has been given pursuant to this section.

15 (2) Subject to subsection three of this section, an employer may give notice to a worker employed in any part of his establishment that, during a period specified when giving that notice, that establishment or part will be temporarily closed (or reduced to a nucleus) for the purpose of giving an annual holiday or leave without pay to the workers to whom such notice has been given.

20 (3) Notice pursuant to subsection two of this section—

25 (a) shall be given to a worker not less than one month before the commencement of the specified period or, in the case of a worker who commences his employment less than one month before the commencement of the specified period, on the day he commences his employment; and

30 (b) shall not be given by an employer more than once in any calendar year.

(4) Where, immediately before the commencement of the specified period, a worker is not entitled under section three of this Act to any holiday—

35 (a) he shall be given and shall take leave without pay for the specified period; and

(b)

Annual Holidays (Amendment).

(b) he shall, in addition, be paid—

(i) three forty-ninths of his ordinary pay for his period of employment; and

(ii) his ordinary pay for any special or public holiday, during the period of his leave without pay, for which he would be entitled to payment under any Act, award or agreement or under his contract of employment.

(5) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration less than that of the specified period—

(a) he shall be given and shall take the whole of that holiday during the specified period;

(b) he shall be given and shall take leave without pay for the balance of the specified period; and

(c) he shall, in addition, be paid the amounts referred to in paragraph (b) of subsection four of this section.

(6) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration not less than that of the specified period—

(a) he shall, on and from the commencement of the specified period, be given and shall take the whole of that holiday; or

(b) where the worker and the employer so agree, he shall, on and from the commencement of the specified period, be given and shall take part of his holiday for a period not less than the specified period and postpone the taking of the balance of his holiday until a time to be agreed upon between the worker and the employer.

(7)

Annual Holidays (Amendment).

(7) Where payment has been made to a worker pursuant to subsection four or five of this section he shall be deemed—

- 5 (a) to have completed a year of employment for the purposes of this Act immediately before the commencement of the specified period; and
- 10 (b) to have been given the whole of the annual holiday to which he would be entitled for that year of employment.
- (c) (i) by omitting from paragraph (a) of subsection one of section five the words “or section four” and by inserting in lieu thereof the words “, section four or section 4A”;
- 15 (ii) by omitting from paragraph (b) of the same subsection the words “or section four” and by inserting in lieu thereof the words “, section four or section 4A”;
- 20 (iii) by inserting in the same paragraph after the word “Act” where secondly occurring the words “in the case of a benefit not more favourable than that provided by section three or section four of this Act, or after the commencement of the Annual Holidays (Amendment) Act, 1966, in the case of a benefit not more favourable than that
- 25 provided by section 4A of this Act”.

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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

Journal of the Board of Directors

The Board of Directors of the [Company Name] met on the [Date] at [Location] and the following business was transacted:

1. The minutes of the last meeting were read and approved.

2. A report of the [Department Name] was presented and read.

3. The following resolutions were adopted:

Resolved, That the sum of \$[Amount] be appropriated for the purpose of [Purpose]

4. The Board of Directors authorized the [Officer Name] to execute all necessary papers in connection with the above.

5. The meeting adjourned until the next meeting on the [Date] at [Location].

6. The Board of Directors authorized the [Officer Name] to execute all necessary papers in connection with the above.

7. The Board of Directors authorized the [Officer Name] to execute all necessary papers in connection with the above.

8. The Board of Directors authorized the [Officer Name] to execute all necessary papers in connection with the above.

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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 November, 1966.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, , 1966.*

New South Wales



ANNO QUINTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1966.

An Act to make further provisions with respect to annual holidays for workers; for this and other purposes to amend the Annual Holidays Act, 1944-1965; 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, 1966".

Short title and citation.

(2)

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(2) The Annual Holidays Act, 1944, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1966.

2. The Principal Act is amended—

Amendment of Act No. 31, 1944.

- (a) by omitting from paragraph (a1) of subsection two of section two the words "in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues" and by inserting in lieu thereof the words "of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four ~~or under section 4*~~ of this Act accrues";
- (b) by omitting from paragraph (a2) of the same subsection the words "in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues," and by inserting in lieu thereof the words "of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four ~~or under section 4*~~ of this Act accrues";
- (c) by omitting from paragraph (b) of the same subsection the words "the period in respect of which the right to the annual holiday accrues" and by inserting in lieu thereof the words "the applicable period referred to in paragraph (a1) of this subsection";
- (d) by inserting next after the same subsection the following new subsections :—
 - (3) Notwithstanding anything contained in paragraph (a1) of subsection two of this section, for

Sec. 2. (Interpretation.)

Annual Holidays (Amendment).

5 for the purposes of the definition of the term
"ordinary pay" in subsection one of this section,
where a worker is remunerated partly in relation to
an ordinary time rate of pay fixed by the terms of
his employment and based on age or years of
service and partly in relation to a bonus, incentive
or other similar scheme, the worker's ordinary pay
shall be deemed to be the sum of—

10 (a) the worker's weekly remuneration at the
ordinary time rate of pay so fixed for his
age or years of service at the commence-
ment of the annual holiday or, as the case
may be, at the end of the period of employ-
ment in respect of which a right to pay-
ment under subsection three of section four
15 ~~of section 4A~~ of this Act, accrues; and

(b) the average of the amounts received by the
worker each week in respect of the bonus,
incentive or other similar scheme—

20 (i) during the period actually worked
by him during the twelve months
immediately preceding the com-
mencement of his annual holiday;
or

25 (ii) during the period of employment in
respect of which a right to payment
under subsection three of section
four ~~of section 4A~~ of this Act
accrues,

30 as the case may be,

after excluding any amounts paid to him in respect
of shift work, overtime or other penalty rates.

35 (4) For the purposes of paragraphs (a1) and
(b) of subsection two and of subsection three of
this section, in computing the period actually
worked by a worker no regard shall be had to any
period during which, on account of illness or injury,
the

Annual Holidays (Amendment).

5 the worker was temporarily assigned to duties or work entitling him to payment of wages lower than the wages he would have received had he not been assigned to those duties or that work on that account, unless the worker was assigned to those duties or that work during the whole of the period actually worked by him.

3. The Principal Act is further amended—

10 (a) by inserting in subsection five of section three after the words "section four" the words, figure and letter "for section 4A";

Further amendment of Act No. 31, 1944.

Sec. 3. (Annual holidays with pay.)

(b) by inserting next after section four the following new section :—

New sec. 4A.

15 4A. (1) (a) In this section—
"Period of employment" means the period during which a worker is employed by an employer referred to in subsection two of this section, being a period computed—

Annual close down.

20 (a) where the worker has not during the employment with that employer become entitled to any annual holiday under section three of this Act, from the date of commencement of the employment with that employer; or

25 (b) where the worker has during the employment with that employer become entitled to any annual holiday or holidays under section three of this Act, from the date upon which the worker last became entitled to an annual holiday,

30 up to the commencement of the specified period affecting that worker.

"Specified

Annual Holidays (Amendment).

"Specified period" means the period specified by an employer pursuant to subsection two of this section.

5 (b) This section, subsections two and three excepted, shall apply only to a worker to whom notice has been given pursuant to this section.

10 (c) Subsections two and three of section three of this Act shall not apply to a worker to whom notice has been given pursuant to this section.

15 (2) Subject to subsection three of this section, an employer may give notice to a worker employed in any part of his establishment that, during a period specified when giving that notice, that establishment or part will be temporarily closed (or reduced to a nucleus) for the purpose of giving an annual holiday or leave without pay to the workers to whom such notice has been given.

20 (3) Notice pursuant to subsection two of this section—

25 (a) shall be given to a worker not less than one month before the commencement of the specified period or, in the case of a worker who commences his employment less than one month before the commencement of the specified period, on the day he commences his employment; and

30 (b) shall not be given by an employer more than once in any calendar year.

(4) Where, immediately before the commencement of the specified period, a worker is not entitled under section three of this Act to any holiday—

35 (a) he shall be given and shall take leave without pay for the specified period; and

(b)

Annual Holidays (Amendment).

(b) he shall, in addition, be paid—

(i) three forty-ninths of his ordinary pay for his period of employment; and

5 (ii) his ordinary pay for any special or public holiday, during the period of his leave without pay, for which he would be entitled to payment under any Act, award or agreement or under his contract of employment.

10

(5) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration less than that of the specified period—

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(a) he shall be given and shall take the whole of that holiday during the specified period;

(b) he shall be given and shall take leave without pay for the balance of the specified period; and

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(c) he shall, in addition, be paid the amounts referred to in paragraph (b) of subsection four of this section.

(6) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration not less than that of the specified period—

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(a) he shall, on and from the commencement of the specified period, be given and shall take the whole of that holiday; or

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(b) where the worker and the employer so agree, he shall, on and from the commencement of the specified period, be given and shall take part of his holiday for a period not less than the specified period and postpone the taking of the balance of his holiday until a time to be agreed upon between the worker and the employer.

35

(7)

Annual Holidays (Amendment).

(7) Where payment has been made to a worker pursuant to subsection four or five of this section he shall be deemed—

- 5 (a) to have completed a year of employment for the purposes of this Act immediately before the commencement of the specified period; and
- 10 (b) to have been given the whole of the annual holiday to which he would be entitled for that year of employment.
- (c) (i) by omitting from paragraph (a) of subsection one of section five the words "or section four" and by inserting in lieu thereof the words ", section four or section 4A";
- 15 (ii) by omitting from paragraph (b) of the same subsection the words "or section four" and by inserting in lieu thereof the words ", section four or section 4A";
- 20 (iii) by inserting in the same paragraph after the word "Act" where secondly occurring the words "in the case of a benefit not more favourable than that provided by section three or section four of this Act, or after the commencement of the Annual Holidays (Amendment) Act, 1966, in the case of a benefit not more favourable than that
- 25 provided by section 4A of this Act".

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

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

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 November, 1966.*

New South Wales



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ELIZABETHÆ II REGINÆ

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1. (1) This Act may be cited as the "Annual Holidays (Amendment) Act, 1966". Short title and citation.

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(2) The Annual Holidays Act, 1944, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

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2. The Principal Act is amended—

Amendment
of Act No.
31, 1944.

- (a) by omitting from paragraph (a1) of subsection two of section two the words "in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues" and by inserting in lieu thereof the words "of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four or under section 4A of this Act accrues";
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- (c) by omitting from paragraph (b) of the same subsection the words "the period in respect of which the right to the annual holiday accrues" and by inserting in lieu thereof the words "the applicable period referred to in paragraph (a1) of this subsection";
- (d) by inserting next after the same subsection the following new subsections :—
 - (3) Notwithstanding anything contained in paragraph (a1) of subsection two of this section,
 - for

Sec. 2.
(Interpretation.)

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Annual Holidays (Amendment).

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"ordinary pay" in subsection one of this section,
where a worker is remunerated partly in relation to
an ordinary time rate of pay fixed by the terms of
his employment and based on age or years of
service and partly in relation to a bonus, incentive
or other similar scheme, the worker's ordinary pay
shall be deemed to be the sum of—

10 (a) the worker's weekly remuneration at the
ordinary time rate of pay so fixed for his
age or years of service at the commence-
ment of the annual holiday or, as the case
may be, at the end of the period of employ-
ment in respect of which a right to pay-
ment under subsection three of section four
or section 4A of this Act, accrues; and

15 (b) the average of the amounts received by the
worker each week in respect of the bonus,
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immediately preceding the com-
mencement of his annual holiday;
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25 (ii) during the period of employment in
respect of which a right to payment
under subsection three of section
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accrues,

30 as the case may be,

after excluding any amounts paid to him in respect
of shift work, overtime or other penalty rates.

35 (4) For the purposes of paragraphs (a1) and
(b) of subsection two and of subsection three of
this section, in computing the period actually
worked by a worker no regard shall be had to any
period during which, on account of illness or injury,
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Annual Holidays (Amendment).

5 the worker was temporarily assigned to duties or work entitling him to payment of wages lower than the wages he would have received had he not been assigned to those duties or that work on that account, unless the worker was assigned to those duties or that work during the whole of the period actually worked by him.

3. The Principal Act is further amended—

Further amendment of Act No. 31, 1944.

10 (a) by inserting in subsection five of section three after the words "section four" the words, figure and letter "or section 4A";

Sec. 3. (Annual holidays with pay.)

(b) by inserting next after section four the following new section :—

New sec. 4A.

15 4A. (1) (a) In this section—

Annual close-down.

"Period of employment" means the period during which a worker is employed by an employer referred to in subsection two of this section, being a period computed—

20 (a) where the worker has not during the employment with that employer become entitled to any annual holiday under section three of this Act, from the date of commencement of the employment with that employer; or

25 (b) where the worker has during the employment with that employer become entitled to any annual holiday or holidays under section three of this Act, from the date upon which the worker last became entitled to an annual holiday,

30 up to the commencement of the specified period affecting that worker.

"Specified

Annual Holidays (Amendment).

“Specified period” means the period specified by an employer pursuant to subsection two of this section.

5 (b) This section, subsections two and three excepted, shall apply only to a worker to whom notice has been given pursuant to this section.

10 (c) Subsections two and three of section three of this Act shall not apply to a worker to whom notice has been given pursuant to this section.

15 (2) Subject to subsection three of this section, an employer may give notice to a worker employed in any part of his establishment that, during a period specified when giving that notice, that establishment or part will be temporarily closed (or reduced to a nucleus) for the purpose of giving an annual holiday or leave without pay to the workers to whom such notice has been given.

20 (3) Notice pursuant to subsection two of this section—

25 (a) shall be given to a worker not less than one month before the commencement of the specified period or, in the case of a worker who commences his employment less than one month before the commencement of the specified period, on the day he commences his employment; and

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(4) Where, immediately before the commencement of the specified period, a worker is not entitled under section three of this Act to any holiday—

35 (a) he shall be given and shall take leave without pay for the specified period; and

(b)

Annual Holidays (Amendment).

(b) he shall, in addition, be paid—

(i) three forty-ninths of his ordinary pay for his period of employment; and

5 (ii) his ordinary pay for any special or public holiday, during the period of his leave without pay, for which he would be entitled to payment under
10 any Act, award or agreement or under his contract of employment.

(5) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration less than that of the specified period—

15 (a) he shall be given and shall take the whole of that holiday during the specified period;

(b) he shall be given and shall take leave without pay for the balance of the specified period; and

20 (c) he shall, in addition, be paid the amounts referred to in paragraph (b) of subsection four of this section.

(6) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration not less than that of the specified period—

25 (a) he shall, on and from the commencement of the specified period, be given and shall take the whole of that holiday; or

30 (b) where the worker and the employer so agree, he shall, on and from the commencement of the specified period, be given and shall take part of his holiday for a period
35 not less than the specified period and postpone the taking of the balance of his holiday until a time to be agreed upon between the worker and the employer.

(7)

Annual Holidays (Amendment).

(7) Where payment has been made to a worker pursuant to subsection four or five of this section he shall be deemed—

5 (a) to have completed a year of employment for the purposes of this Act immediately before the commencement of the specified period; and

10 (b) to have been given the whole of the annual holiday to which he would be entitled for that year of employment.

(c) (i) by omitting from paragraph (a) of subsection one of section five the words "or section four" and by inserting in lieu thereof the words " , section four or section 4A";

15 (ii) by omitting from paragraph (b) of the same subsection the words "or section four" and by inserting in lieu thereof the words " , section four or section 4A";

20 (iii) by inserting in the same paragraph after the word "Act" where secondly occurring the words "in the case of a benefit not more favourable than that provided by section three or section four of this Act, or after the commencement of the Annual Holidays (Amendment) Act, 1966, in the case of a benefit not more favourable than that provided by section 4A of this Act".

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

No. , 1966.

A BILL

To make further provisions with respect to annual holidays for workers; for this and other purposes to amend the Annual Holidays Act, 1944-1965; and for purposes connected therewith.

[MR WILLIS—31 *August*, 1966.]

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, 1966". Short title and citation.

(2)

Annual Holidays (Amendment).

(2) The Annual Holidays Act, 1944, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1966.

2. The Principal Act is amended—

Amendment
of Act No.
31, 1944.

- (a) by omitting from paragraph (a1) of subsection two of section two the words “in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues” and by inserting in lieu thereof the words “of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four or under section 4A of this Act accrues”;
- (b) by omitting from paragraph (a2) of the same subsection the words “in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues,” and by inserting in lieu thereof the words “of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four or under section 4A of this Act accrues”;
- (c) by omitting from paragraph (b) of the same subsection the words “the period in respect of which the right to the annual holiday accrues” and by inserting in lieu thereof the words “the applicable period referred to in paragraph (a1) of this subsection”;
- (d) by inserting next after the same subsection the following new subsections :—
 - (3) Notwithstanding anything contained in paragraph (a1) of subsection two of this section, for

Sec. 2.
(Interpre-
tation.)

Annual Holidays (Amendment).

5 for the purposes of the definition of the term
"ordinary pay" in subsection one of this section,
where a worker is remunerated partly in relation to
an ordinary time rate of pay fixed by the terms of
his employment and based on age or years of
service and partly in relation to a bonus, incentive
or other similar scheme, the worker's ordinary pay
shall be deemed to be the sum of—

10 (a) the worker's weekly remuneration at the
ordinary time rate of pay so fixed for his
age or years of service at the commence-
ment of the annual holiday or, as the case
may be, at the end of the period of employ-
ment in respect of which a right to pay-
ment under subsection three of section four
or section 4A of this Act, accrues; and

15 (b) the average of the amounts received by the
worker each week in respect of the bonus,
incentive or other similar scheme—

20 (i) during the period actually worked
by him during the twelve months
immediately preceding the com-
mencement of his annual holiday;
or

25 (ii) during the period of employment in
respect of which a right to payment
under subsection three of section
four or section 4A of this Act
accrues,

30 as the case may be,

after excluding any amounts paid to him in respect
of shift work, overtime or other penalty rates.

35 (4) For the purposes of paragraphs (a1) and
(b) of subsection two and of subsection three of
this section, in computing the period actually
worked by a worker no regard shall be had to any
period during which, on account of illness or injury,
the

Annual Holidays (Amendment).

5 the worker was temporarily assigned to duties or work entitling him to payment of wages lower than the wages he would have received had he not been assigned to those duties or that work on that account, unless the worker was assigned to those duties or that work during the whole of the period actually worked by him.

3. The Principal Act is further amended—

Further amendment of Act No. 31, 1944.

10 (a) by inserting in subsection five of section three after the words "section four" the words, figure and letter "or section 4A";

Sec. 3. (Annual holidays with pay.)

(b) by inserting next after section four the following new section :—

New sec. 4A.

15 4A. (1) (a) In this section—
"Period of employment" means the period during which a worker is employed by an employer referred to in subsection two of this section, being a period computed—

Annual close-down.

20 (a) where the worker has not during the employment with that employer become entitled to any annual holiday under section three of this Act, from the date of commencement of the employment with that employer; or

25 (b) where the worker has during the employment with that employer become entitled to any annual holiday or holidays under section three of this Act, from the date upon which the worker last became entitled to an annual holiday,

30 up to the commencement of the specified period affecting that worker.

"Specified

Annual Holidays (Amendment).

“Specified period” means the period specified by an employer pursuant to subsection two of this section.

5 (b) This section, subsections two and three excepted, shall apply only to a worker to whom notice has been given pursuant to this section.

10 (c) Subsections two and three of section three of this Act shall not apply to a worker to whom notice has been given pursuant to this section.

15 (2) Subject to subsection three of this section, an employer may give notice to a worker employed in any part of his establishment that, during a period specified when giving that notice, that establishment or part will be temporarily closed (or reduced to a nucleus) for the purpose of giving an annual holiday or leave without pay to the workers to whom such notice has been given.

20 (3) Notice pursuant to subsection two of this section—

25 (a) shall be given to a worker not less than one month before the commencement of the specified period or, in the case of a worker who commences his employment less than one month before the commencement of the specified period, on the day he commences his employment; and

30 (b) shall not be given by an employer more than once in any calendar year.

(4) Where, immediately before the commencement of the specified period, a worker is not entitled under section three of this Act to any holiday—

35 (a) he shall be given and shall take leave without pay for the specified period; and

(b)

Annual Holidays (Amendment).

(b) he shall, in addition, be paid—

(i) three forty-ninths of his ordinary pay for his period of employment; and

5 (ii) his ordinary pay for any special or public holiday, during the period of his leave without pay, for which he would be entitled to payment under any Act, award or agreement or
10 under his contract of employment.

(5) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration less than that of the specified period—

15 (a) he shall be given and shall take the whole of that holiday during the specified period;

(b) he shall be given and shall take leave without pay for the balance of the specified period; and

20 (c) he shall, in addition, be paid the amounts referred to in paragraph (b) of subsection four of this section.

(6) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration not less than that of the specified period—

25 (a) he shall, on and from the commencement of the specified period, be given and shall take the whole of that holiday; or
30

(b) where the worker and the employer so agree, he shall, on and from the commencement of the specified period, be given and shall take part of his holiday for a period
35 not less than the specified period and postpone the taking of the balance of his holiday until a time to be agreed upon between the worker and the employer.

(7)

Annual Holidays (Amendment).

(7) Where payment has been made to a worker pursuant to subsection four or five of this section he shall be deemed—

- 5 (a) to have completed a year of employment for the purposes of this Act immediately before the commencement of the specified period; and
- 10 (b) to have been given the whole of the annual holiday to which he would be entitled for that year of employment.
- (c) (i) by omitting from paragraph (a) of subsection one of section five the words “or section four” and by inserting in lieu thereof the words “, section four or section 4A”; (Special provisions—Annual holidays otherwise than under this Act.)
- 15 (ii) by omitting from paragraph (b) of the same subsection the words “or section four” and by inserting in lieu thereof the words “, section four or section 4A”;
- 20 (iii) by inserting in the same paragraph after the word “Act” where secondly occurring the words “in the case of a benefit not more favourable than that provided by section three or section four of this Act, or after the commencement of the Annual Holidays (Amendment) Act, 1966, in the case of a benefit not more favourable than that
- 25 provided by section 4A of this Act”.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1966

[10c]

1870
The first of the year
was a very successful one
and the business was
very good. The
profits were very
large and the
expenses were very
small. The
year was a very
good one and the
business was very
successful.

The second of the year
was also a very successful
one and the business was
very good. The profits
were very large and the
expenses were very small.
The year was a very
good one and the
business was very
successful.

The third of the year
was also a very successful
one and the business was
very good. The profits
were very large and the
expenses were very small.
The year was a very
good one and the
business was very
successful.

The fourth of the year
was also a very successful
one and the business was
very good. The profits
were very large and the
expenses were very small.
The year was a very
good one and the
business was very
successful.

The fifth of the year
was also a very successful
one and the business was
very good. The profits
were very large and the
expenses were very small.
The year was a very
good one and the
business was very
successful.

The sixth of the year
was also a very successful
one and the business was
very good. The profits
were very large and the
expenses were very small.
The year was a very
good one and the
business was very
successful.

ANNUAL HOLIDAYS (AMENDMENT) BILL, 1966

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide that where an average of a worker's earnings is taken in order to determine his holiday pay, the average is to be taken over the period of twelve months immediately preceding the holiday and not over the period during which the holiday accrues ;
- (b) to provide that time temporarily spent, through illness or injury, on duties attracting a rate of pay lower than that normally received by a worker is not to be taken into account in computing the worker's average earnings for the purposes of holiday pay ;
- (c) to provide for the method of calculating a worker's average earnings for the purposes of holiday pay, where the worker is paid an ordinary time rate of pay based on age or years of service together with a bonus or incentive payment ;
- (d) to regulate the annual "close-down" by certain employers so that workers will have continuity of service ;
- (e) to make other provisions consequential upon and ancillary to the foregoing.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
58 CHEMISTRY BUILDING
CHICAGO, ILLINOIS 60637

TO: [Name]
FROM: [Name]
SUBJECT: [Subject]

[Text]

[Text]

[Text]

[Text]

[Text]

No. , 1966.

A BILL

To make further provisions with respect to annual holidays for workers; for this and other purposes to amend the Annual Holidays Act, 1944-1965; and for purposes connected therewith.

[MR WILLIS—31 *August*, 1966.]

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, 1966". Short title and citation.

(2)

Annual Holidays (Amendment).

(2) The Annual Holidays Act, 1944, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Annual Holidays Act, 1944-1966.

2. The Principal Act is amended—

Amendment
of Act No.
31, 1944.

- (a) by omitting from paragraph (a1) of subsection two of section two the words "in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues" and by inserting in lieu thereof the words "of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four or under section 4A of this Act accrues";
- (b) by omitting from paragraph (a2) of the same subsection the words "in respect of which the right to the annual holiday, or payment under section four of this Act, as the case may be, accrues," and by inserting in lieu thereof the words "of twelve months immediately preceding the annual holiday or, as the case may be, during the period of employment in respect of which a right to payment under subsection three of section four or under section 4A of this Act accrues";
- (c) by omitting from paragraph (b) of the same subsection the words "the period in respect of which the right to the annual holiday accrues" and by inserting in lieu thereof the words "the applicable period referred to in paragraph (a1) of this subsection";
- (d) by inserting next after the same subsection the following new subsections :—
 - (3) Notwithstanding anything contained in paragraph (a1) of subsection two of this section, for

Sec. 2.
(Interpre-
tation.)

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Annual Holidays (Amendment).

for the purposes of the definition of the term
"ordinary pay" in subsection one of this section,
where a worker is remunerated partly in relation to
an ordinary time rate of pay fixed by the terms of
his employment and based on age or years of
service and partly in relation to a bonus, incentive
or other similar scheme, the worker's ordinary pay
shall be deemed to be the sum of—

(a) the worker's weekly remuneration at the
ordinary time rate of pay so fixed for his
age or years of service at the commence-
ment of the annual holiday or, as the case
may be, at the end of the period of employ-
ment in respect of which a right to pay-
ment under subsection three of section four
or section 4A of this Act, accrues; and

(b) the average of the amounts received by the
worker each week in respect of the bonus,
incentive or other similar scheme—

(i) during the period actually worked
by him during the twelve months
immediately preceding the com-
mencement of his annual holiday;
or

(ii) during the period of employment in
respect of which a right to payment
under subsection three of section
four or section 4A of this Act
accrues,

as the case may be,

after excluding any amounts paid to him in respect
of shift work, overtime or other penalty rates.

(4) For the purposes of paragraphs (a1) and
(b) of subsection two and of subsection three of
this section, in computing the period actually
worked by a worker no regard shall be had to any
period during which, on account of illness or injury,
the

Annual Holidays (Amendment).

5 the worker was temporarily assigned to duties or work entitling him to payment of wages lower than the wages he would have received had he not been assigned to those duties or that work on that account, unless the worker was assigned to those duties or that work during the whole of the period actually worked by him.

3. The Principal Act is further amended—

Further amendment of Act No. 31, 1944.

10 (a) by inserting in subsection five of section three after the words "section four" the words, figure and letter "or section 4A";

Sec. 3. (Annual holidays with pay.)

(b) by inserting next after section four the following new section :—

New sec. 4A.

15 4A. (1) (a) In this section—
"Period of employment" means the period during which a worker is employed by an employer referred to in subsection two of this section, being a period computed—

Annual close-down.

20 (a) where the worker has not during the employment with that employer become entitled to any annual holiday under section three of this Act, from the date of commencement of the employment with that employer; or

25 (b) where the worker has during the employment with that employer become entitled to any annual holiday or holidays under section three of this Act, from the date upon which the worker last became entitled to an annual holiday,

30 up to the commencement of the specified period affecting that worker.

"Specified

Annual Holidays (Amendment).

“Specified period” means the period specified by an employer pursuant to subsection two of this section.

5 (b) This section, subsections two and three excepted, shall apply only to a worker to whom notice has been given pursuant to this section.

10 (c) Subsections two and three of section three of this Act shall not apply to a worker to whom notice has been given pursuant to this section.

15 (2) Subject to subsection three of this section, an employer may give notice to a worker employed in any part of his establishment that, during a period specified when giving that notice, that establishment or part will be temporarily closed (or reduced to a nucleus) for the purpose of giving an annual holiday or leave without pay to the workers to whom such notice has been given.

20 (3) Notice pursuant to subsection two of this section—

25 (a) shall be given to a worker not less than one month before the commencement of the specified period or, in the case of a worker who commences his employment less than one month before the commencement of the specified period, on the day he commences his employment; and

30 (b) shall not be given by an employer more than once in any calendar year.

(4) Where, immediately before the commencement of the specified period, a worker is not entitled under section three of this Act to any holiday—

35 (a) he shall be given and shall take leave without pay for the specified period; and

(b)

Annual Holidays (Amendment).

(b) he shall, in addition, be paid—

(i) three forty-ninths of his ordinary pay for his period of employment; and

5 (ii) his ordinary pay for any special or public holiday, during the period of his leave without pay, for which he would be entitled to payment under any Act, award or agreement or
10 under his contract of employment.

(5) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration less than that of the specified period—

15 (a) he shall be given and shall take the whole of that holiday during the specified period;

(b) he shall be given and shall take leave without pay for the balance of the specified period; and

20 (c) he shall, in addition, be paid the amounts referred to in paragraph (b) of subsection four of this section.

(6) Where, immediately before the commencement of the specified period, a worker is under section three of this Act entitled to a holiday of a duration not less than that of the specified period—

25 (a) he shall, on and from the commencement of the specified period, be given and shall take the whole of that holiday; or
30

(b) where the worker and the employer so agree, he shall, on and from the commencement of the specified period, be given and shall take part of his holiday for a period not less than the specified period and postpone the taking of the balance of his holiday until a time to be agreed upon between the worker and the employer.

35

(7)

Annual Holidays (Amendment).

(7) Where payment has been made to a worker pursuant to subsection four or five of this section he shall be deemed—

5 (a) to have completed a year of employment for the purposes of this Act immediately before the commencement of the specified period; and

10 (b) to have been given the whole of the annual holiday to which he would be entitled for that year of employment.

(c) (i) by omitting from paragraph (a) of subsection one of section five the words “or section four” and by inserting in lieu thereof the words “, section four or section 4A”;

15 (ii) by omitting from paragraph (b) of the same subsection the words “or section four” and by inserting in lieu thereof the words “, section four or section 4A”;

20 (iii) by inserting in the same paragraph after the word “Act” where secondly occurring the words “in the case of a benefit not more favourable than that provided by section three or section four of this Act, or after the commencement of the Annual Holidays (Amendment) Act, 1966, in the case of a benefit not more favourable than that
25 provided by section 4A of this Act”.

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

