

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 28 September, 1967.*

## New South Wales



ANNO SEXTO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No.           , 1967.**

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.

**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, 1967".

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, 1944-1967.

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. (Interpretation.)

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*Annual Holidays (Amendment).*

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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
- (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)

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*Annual Holidays (Amendment).*

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(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, 1967, 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.)

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967  
[10c]

Annual (1957-1958)

(1) Where payment has been made to a  
another payment to subject a term of the of the  
section he shall be deemed to have made a

(a) to have made a year of employment  
for the purpose of the Act immediately  
before the commencement of the specified  
period;

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

- (c) (i) by inserting in paragraph (a) of section 3  
the words "or section 4" after the words "or section 3";  
and by inserting in that section the words  
"section 4" after the words "section 3";
- (ii) by omitting from paragraph (a) of the same  
section the words "or section 4" and by  
inserting in that section the words "section  
4 or section 3";
- (iii) by inserting in the same paragraph after the  
word "Act" where it occurs the words "and more  
words" in the case of a benefit not more  
favourable than that provided by section three  
of section four of the Act or after the  
expression of the Act and before  
(Amendment Act 1957) in the case of a  
benefit not more favourable than that  
provided by section 4 of the Act.

Sec. 3.  
Annual  
provision  
Annual  
benefits  
otherwise  
than under  
this Act.



No. , 1967.

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## 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—15 *August*, 1967.]

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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 :—

Sec. 2. (Interpretation.)

(3) Notwithstanding anything contained in paragraph (a1) of subsection two of this section, for

*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-  
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(ii) during the period of employment in  
respect of which a right to payment  
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as the case may be,

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

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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";

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

New sec. 4A.

15 4A. (1) (a) In this section—

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"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.

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*Annual Holidays (Amendment).*

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“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

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*Annual Holidays (Amendment).*

(b) he shall, in addition, be paid—

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

15

(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";

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

20

(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";

25

(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, 1967, in the case of a benefit not more favourable than that provided by section 4A of this Act".

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967  
[10c]

Section 1 (Continued)

... shall be deemed to be a violation of this Act...

... shall be deemed to be a violation of this Act...

... shall be deemed to be a violation of this Act...

(b) The following shall constitute a violation of this Act: (1) Any person who... (2) Any person who... (3) Any person who...

... shall be deemed to be a violation of this Act...

... shall be deemed to be a violation of this Act...

... shall be deemed to be a violation of this Act...



# ANNUAL HOLIDAYS (AMENDMENT) BILL, 1967

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## 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.

STATE OF ILLINOIS

LABORATORY REPORT

Case No. 123456789  
Date of Examination: 10/25/2023  
Examiner: J. Doe, M.D.  
Location: Chicago, IL

Specimen: [Faint text describing specimen details]

Findings: [Faint text describing laboratory findings]

Conclusion: [Faint text describing the final conclusion]

Remarks: [Faint text for additional notes]

PROOF

No. , 1967.

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## 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—15 August, 1967.]

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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 :—

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Amendment  
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- (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";
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- (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).*

---

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his employment and based on age or years of  
service and partly in relation to a bonus, incentive  
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may be, at the end of the period of employ-  
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worker each week in respect of the bonus,  
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mencement of his annual holiday;  
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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.

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"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.

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*Annual Holidays (Amendment).*

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“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)

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(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)



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*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”; Sec. 5. (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, 1967, in the case of a
- 25 benefit not more favourable than that provided by section 4A of this Act”.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

Section 2

1. Where payment has been made to...

2. In any case, a person of employment...

3. In any case, a person of employment...

4. In any case, a person of employment...

5. In any case, a person of employment...

6. In any case, a person of employment...

7. In any case, a person of employment...

8. In any case, a person of employment...

9. In any case, a person of employment...

# New South Wales



ANNO SEXTO DECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 50, 1967.

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. [Assented to, 30th October, 1967.]

**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, 1967".

Short title  
and citation.

(2)

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*Annual Holidays (Amendment).*


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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, 1944–1967.

Amendment  
of Act No.  
31, 1944.

Sec. 2.  
(Interpre-  
tation.)

2. The Principal Act is amended—

- (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

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*Annual Holidays (Amendment).*

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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 commencement of the annual holiday or, as the case may be, at the end of 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; 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 commencement 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

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*Annual Holidays (Amendment).*


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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.

Further amendment of Act No. 31, 1944.

3. The Principal Act is further amended—

Sec. 3.  
(Annual holidays with pay.)

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

New sec. 4A.

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

Annual close-down.

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—

- (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

- (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,

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

"Specified

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*Annual Holidays (Amendment).*

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

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

(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.

(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.

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

(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

(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—

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

(b)

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*Annual Holidays (Amendment).*

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(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)



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*Annual Holidays (Amendment).*


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

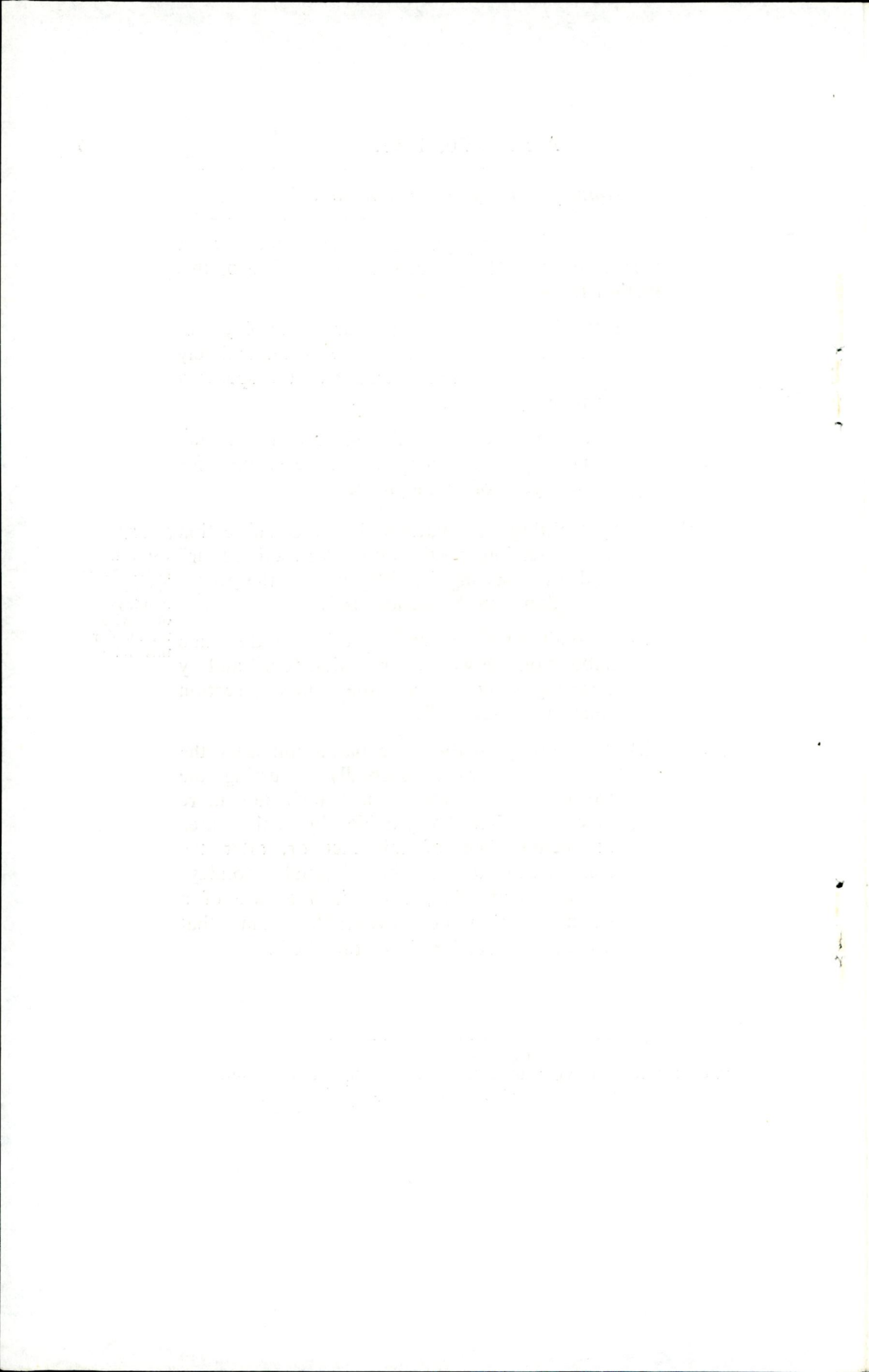
- (a) to have completed a year of employment for the purposes of this Act immediately before the commencement of the specified period; and
  - (b) to have been given the whole of the annual holiday to which he would be entitled for that year of employment.
- (c) (i) by omitting from paragraph (a) of subsection one of section five the words “or section four” and by inserting in lieu thereof the words “, section four or section 4A”;
- (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”;
- (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, 1967, 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.)

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967



*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 24 October, 1967.*

## New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

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**Act No. 50, 1967.**

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. [Assented to, 30th October, 1967.]

**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, 1967".

Short title  
and citation.

(2)

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

G. R. CRAWFORD,  
*Chairman of Committees of the Legislative Assembly.*

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*Annual Holidays (Amendment).*

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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, 1944-1967.

Amendment  
of Act No.  
31, 1944.

Sec. 2.  
(Interpre-  
tation.)

2. The Principal Act is amended—

- (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

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*Annual Holidays (Amendment).*

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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 commencement of the annual holiday or, as the case may be, at the end of 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; 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 commencement 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

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*Annual Holidays (Amendment).*

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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.

Further amendment of Act No. 31, 1944.

Sec. 3.  
(Annual holidays with pay.)

New sec. 4A.

Annual close-down.

3. The Principal Act is further amended—

- (a) by inserting in subsection five of section three after the words "section four" the words, figure and letter "or section 4A";
- (b) by inserting next after section four the following new section :—

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—

- (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
- (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,

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.

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

(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.

(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.

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

(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

(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—

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

(b)

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*Annual Holidays (Amendment).*

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- (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)



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*Annual Holidays (Amendment).*

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

- (a) to have completed a year of employment for the purposes of this Act immediately before the commencement of the specified period; and
  - (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”;
- (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”;
- (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, 1967, 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.)

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 30th October, 1967.*

At 10:30 AM

The first part of the report has been made  
by the Director of the Bureau of  
the Department of the Interior  
and the Secretary of the  
Department of the Interior

The second part of the report  
is a summary of the  
work done during the  
year 1907

The third part of the report  
is a summary of the  
work done during the  
year 1908

The fourth part of the report  
is a summary of the  
work done during the  
year 1909

The fifth part of the report  
is a summary of the  
work done during the  
year 1910

The sixth part of the report  
is a summary of the  
work done during the  
year 1911

The seventh part of the report  
is a summary of the  
work done during the  
year 1912

Government Printing  
Office, Washington, D.C.