

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 21 November, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

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

BE

Annual Holidays (Amendment).

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
5 follows :—

1. This Act may be cited as the "Annual Holidays Short title.
(Amendment) Act, 1974".

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

Amendment
of Act No.
31, 1944.

- 10 (a) (i) by omitting from section 2 (2) (a) the words
"but does not include any amount payable to
him in respect of shift work, overtime or other
penalty rates" and by inserting instead the
words "including shift allowances relating to
15 ordinary time and weekend penalties relating
to ordinary time the worker would have worked
on days other than public holidays if he had
not been on annual holiday, but does not
include any other amount payable to him in
20 respect of shift work, overtime or penalty
rates";
- (ii) by omitting from section 2 (2) (a1) the
words "after excluding any amount payable to
him in respect of shift work, overtime or other
penalty rates" and by inserting instead the
25 words "including shift allowances relating to
ordinary time and weekend penalties relating
to ordinary time the worker would have
worked on days other than public holidays if
he had not been on annual holiday, and
30 excluding any other amount payable to him in
respect of shift work, overtime or penalty
rates";

(iii)

Annual Holidays (Amendment).

(iii) by omitting from section 2 (3) (a) the word "and";

(iv) by omitting from section 2 (3) the following words :—

5

“as the case may be,

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

10

and by inserting instead the following words :—

“as the case may be; and

15

(c) shift allowances relating to ordinary time and weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday,

20

but excluding any other amounts paid to him in respect of shift work, overtime or penalty rates”;

(v) by inserting after section 2 (4) the following subsection :—

25

(5) Notwithstanding the provisions of subsection (2) (a), (2) (a1) or (3), where by any award or agreement a worker is entitled to shift allowances relating to ordinary time or weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday or to an annual holiday loading, whichever is the greater, the ordinary time rate of pay or the ordinary pay, as the case may be, of that worker shall not, in respect of any annual holiday to which he is entitled under this Act, include those allowances and penalties.

30

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(b)

Annual Holidays (Amendment).

(b) (i) by omitting from section 3 (1) the following words :—
“Such annual holiday shall—

Sec. 3.
(Annual
holidays
with pay.)

5

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

10

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

15

20

25

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

and by inserting instead the following words :—

30

“Such annual holiday shall—

(a) where any such year of employment ends upon or before 30th November, 1974, be of three weeks ;

(b)

Annual Holidays (Amendment).

(b) where any such year of employment ends after 30th November, 1974, be of four weeks."

5 (ii) by omitting section 3 (2) and by inserting instead the following subsection :—

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

(c) by omitting section 4 (3) (b) (i), (ii) and (iii) and by inserting instead the following subparagraphs :— Sec. 4.
(Holiday pay where holiday is not taken.)

15 (i) where that period of employment ends upon or before 30th November, 1974, equal to three forty-ninths of his ordinary pay for that period of employment;

20 (ii) where that period of employment ends after 30th November, 1974, equal to one twelfth of his ordinary pay for that period of employment.

(d) by omitting section 4A (4) (b) (i) and by inserting instead the following subparagraph :— Sec. 4A.
(Annual close-down.)

25 (i) three forty-ninths of his ordinary pay for his period of employment where the specified period commences upon or before 30th November, 1974, and one twelfth of his ordinary pay where the specified period commences after that date; and;

30

(e)

Annual Holidays (Amendment).

(e) by omitting section 5 (2) and by inserting instead the following subsection :—

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

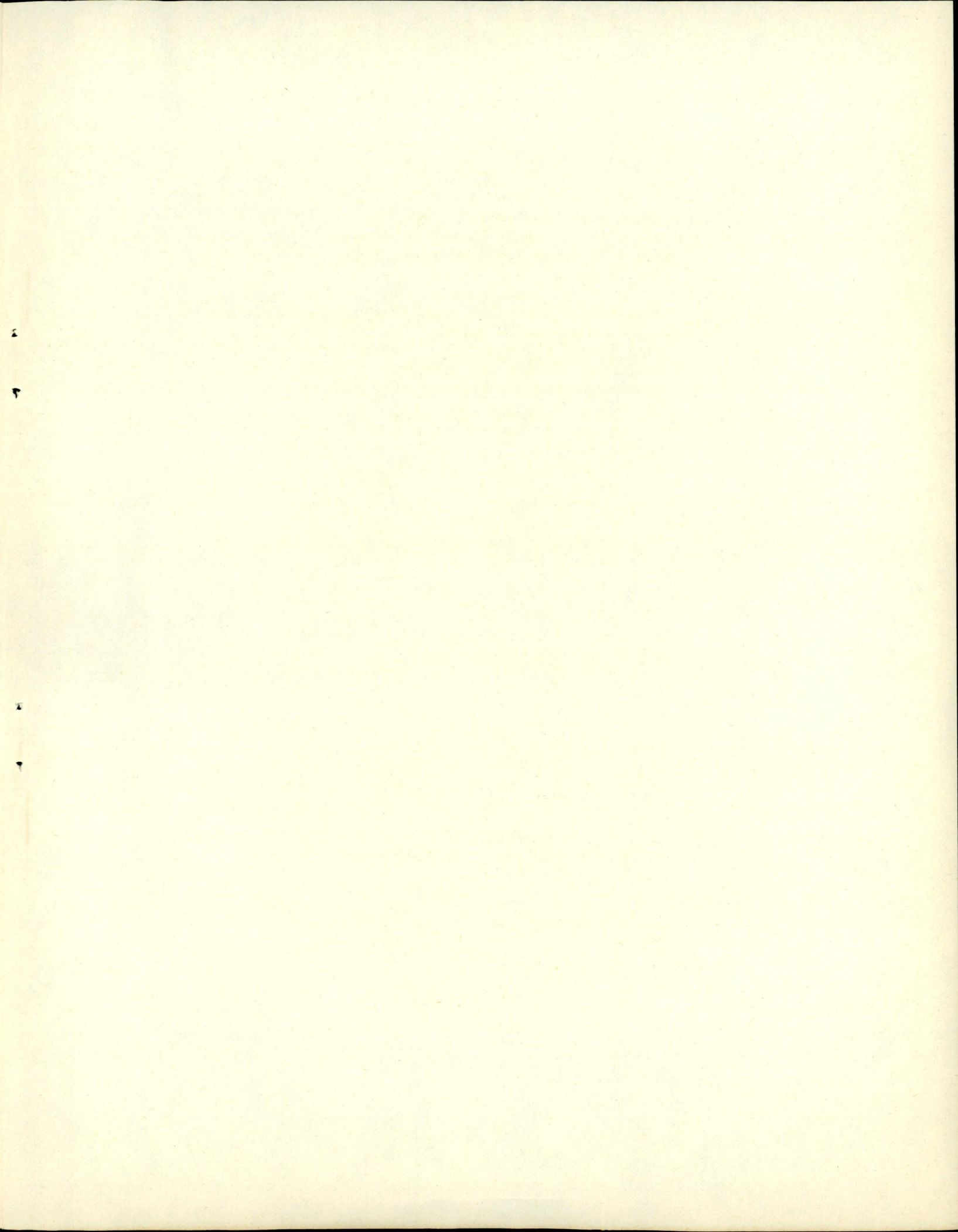
5 (2) Where, under any award or agreement, provision is made for the granting to a worker who is a seven-day shift worker and is required to work regularly on Sundays and public holidays of a holiday in addition to that granted to other workers under such award or agreement or where, under any award or agreement, provision is made for the payment of a sum of money as an annual holiday loading—

15 (a) such additional holiday or such payment, as the case may be, shall not be regarded as a benefit under that award or agreement for the purposes of subsection (1); and

(b) the right of the worker to such additional holiday or such payment, as the case may be, shall not be affected by anything contained in this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[5c]



No. , 1974.

A BILL

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

[MR WILLIS—14 November, 1974.]

BE

Annual Holidays (Amendment).

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
5 follows :—

1. This Act may be cited as the "Annual Holidays Short title.
(Amendment) Act, 1974".

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

Amendment
of Act No.
31, 1944.

10 (a) (i) by omitting from section 2 (2) (a) the words
"but does not include any amount payable to
him in respect of shift work, overtime or other
penalty rates" and by inserting instead the
words "including shift allowances relating to
15 ordinary time and weekend penalties relating
to ordinary time the worker would have worked
on days other than public holidays if he had
not been on annual holiday, but does not
include any other amount payable to him in
20 respect of shift work, overtime or penalty
rates";

(ii) by omitting from section 2 (2) (a1) the
words "after excluding any amount payable to
him in respect of shift work, overtime or other
penalty rates" and by inserting instead the
words "including shift allowances relating to
25 ordinary time and weekend penalties relating
to ordinary time the worker would have
worked on days other than public holidays if
he had not been on annual holiday, and
30 excluding any other amount payable to him in
respect of shift work, overtime or penalty
rates";

(iii)

Annual Holidays (Amendment).

(iii) by omitting from section 2 (3) (a) the word
“and”;

(iv) by omitting from section 2 (3) the following
words :—

5 “as the case may be,
after excluding any amounts paid to him in
respect of shift work, overtime or other penalty
rates”

10 and by inserting instead the following
words :—

 “as the case may be; and
(c) shift allowances relating to ordinary
time and weekend penalties relating to
15 ordinary time the worker would have
worked on days other than public
holidays if he had not been on annual
holiday,

20 but excluding any other amounts paid to him
in respect of shift work, overtime or penalty
rates”;

(v) by inserting after section 2 (4) the following
subsection :—

25 (5) Notwithstanding the provisions of sub-
section (2) (a), (2) (a1) or (3), where by
any award or agreement a worker is entitled
to shift allowances relating to ordinary time
or weekend penalties relating to ordinary time
the worker would have worked on days other
30 than public holidays if he had not been on
annual holiday or to an annual holiday
loading, whichever is the greater, the ordinary
time rate of pay or the ordinary pay, as the
case may be, of that worker shall not, in
35 respect of any annual holiday to which he is
entitled under this Act, include those
allowances and penalties.

(b)

Annual Holidays (Amendment).

(b) (i) by omitting from section 3 (1) the following words :—
“Such annual holiday shall—

Sec. 3.
(Annual
holidays
with pay.)

5

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

10

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

15

20

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

25

and by inserting instead the following words :—

30

“Such annual holiday shall—

(a) where any such year of employment ends upon or before 30th November, 1974, be of three weeks;

(b)

Annual Holidays (Amendment).

(b) where any such year of employment ends after 30th November, 1974, be of four weeks."

5 (ii) by omitting section 3 (2) and by inserting instead the following subsection :—

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

(c) by omitting section 4 (3) (b) (i), (ii) and (iii) and by inserting instead the following subparagraphs :—

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

15 (i) where that period of employment ends upon or before 30th November, 1974, equal to three forty-ninths of his ordinary pay for that period of employment;

20 (ii) where that period of employment ends after 30th November, 1974, equal to one twelfth of his ordinary pay for that period of employment.

(d) by omitting section 4A (4) (b) (i) and by inserting instead the following subparagraph :—

Sec. 4A.
(Annual close-down.)

25 (i) three forty-ninths of his ordinary pay for his period of employment where the specified period commences upon or before 30th November, 1974, and one twelfth of his ordinary pay where the specified period commences after that date; and;

(e)

Annual Holidays (Amendment).

(e) by omitting section 5 (2) and by inserting instead the following subsection :—

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

5 (2) Where, under any award or agreement, provision is made for the granting to a worker who is a seven-day shift worker and is required to work regularly on Sundays and public holidays of a holiday in addition to that granted to other workers under such award or agreement or where, under any award or agreement, provision is made for the payment of a sum of money as an annual holiday loading—

15 (a) such additional holiday or such payment, as the case may be, shall not be regarded as a benefit under that award or agreement for the purposes of subsection (1); and

(b) the right of the worker to such additional holiday or such payment, as the case may be, shall not be affected by anything contained in this Act.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[5c]

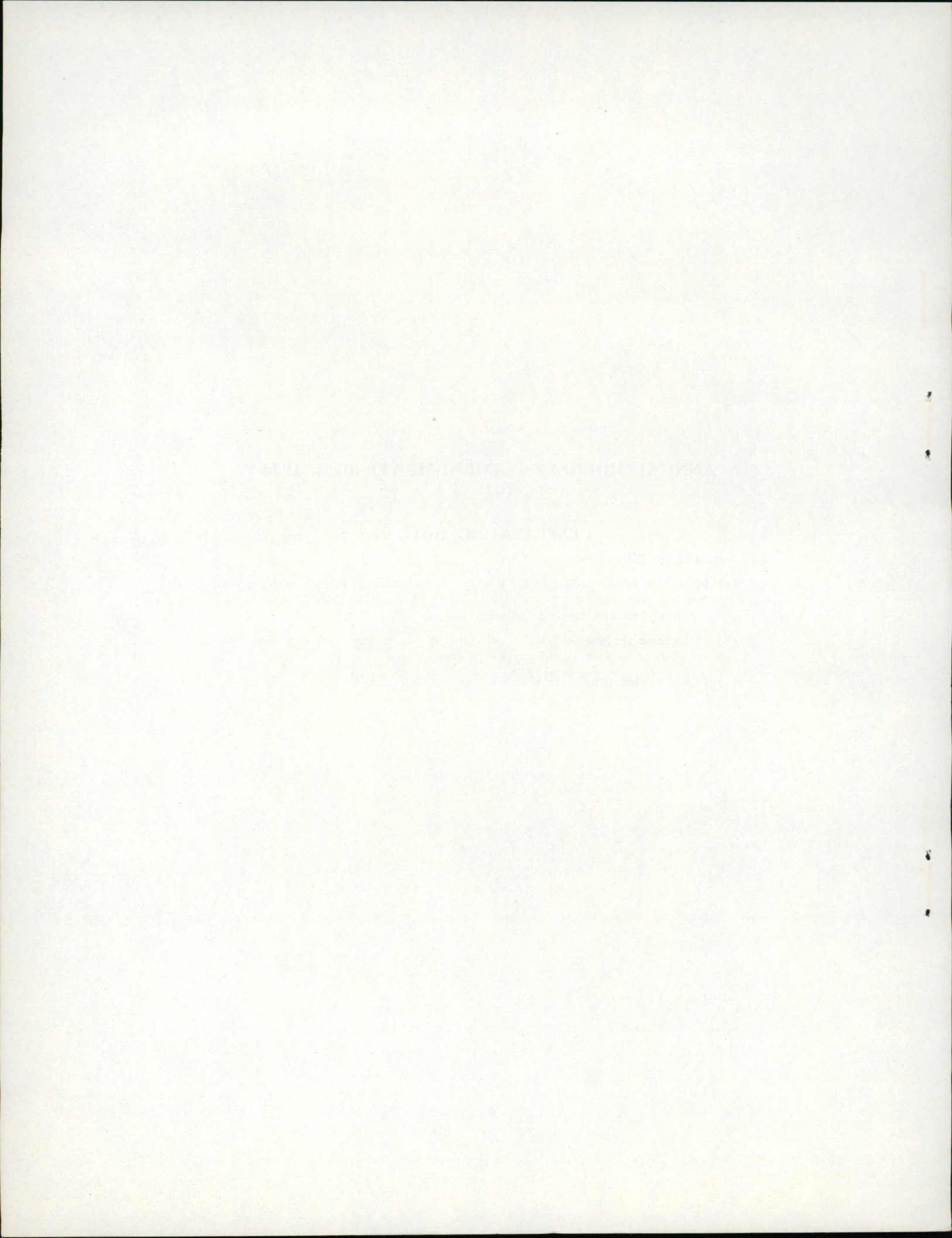
PROOF

ANNUAL HOLIDAYS (AMENDMENT) BILL, 1974

EXPLANATORY NOTE

THE objects of this Bill are:—

- (a) to include in the ordinary pay payable to a worker in respect of his annual holiday provided by the Annual Holidays Act, 1944, shift allowances and weekend penalties relating to ordinary time;
- (b) to increase the annual holiday provided by the Annual Holidays Act, 1944, from three to four weeks a year;
- (c) to make other provisions of a minor or ancillary character.



PROOF

No. , 1974.

A BILL

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

[MR WILLIS—14 *November*, 1974.]

BE

Annual Holidays (Amendment).

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
5 follows : —

1. This Act may be cited as the "Annual Holidays Short title.
(Amendment) Act, 1974".

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

Amendment
of Act No.
31, 1944.

- 10 (a) (i) by omitting from section 2 (2) (a) the words
"but does not include any amount payable to
him in respect of shift work, overtime or other
penalty rates" and by inserting instead the
words "including shift allowances relating to
15 ordinary time and weekend penalties relating
to ordinary time the worker would have worked
on days other than public holidays if he had
not been on annual holiday, but does not
include any other amount payable to him in
20 respect of shift work, overtime or penalty
rates";
- (ii) by omitting from section 2 (2) (a1) the
words "after excluding any amount payable to
him in respect of shift work, overtime or other
penalty rates" and by inserting instead the
25 words "including shift allowances relating to
ordinary time and weekend penalties relating
to ordinary time the worker would have
worked on days other than public holidays if
he had not been on annual holiday, and
30 excluding any other amount payable to him in
respect of shift work, overtime or penalty
rates";

Sec. 2.
(Interpre-
tation.)

(iii)

Annual Holidays (Amendment).

(iii) by omitting from section 2 (3) (a) the word
“and”;

(iv) by omitting from section 2 (3) the following
words :—

5

“as the case may be,

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

10

and by inserting instead the following
words :—

“as the case may be; and

15

(c) shift allowances relating to ordinary
time and weekend penalties relating to
ordinary time the worker would have
worked on days other than public
holidays if he had not been on annual
holiday,

20

but excluding any other amounts paid to him
in respect of shift work, overtime or penalty
rates”;

(v) by inserting after section 2 (4) the following
subsection :—

25

(5) Notwithstanding the provisions of sub-
section (2) (a), (2) (a1) or (3), where by
any award or agreement a worker is entitled
to shift allowances relating to ordinary time
or weekend penalties relating to ordinary time
the worker would have worked on days other
than public holidays if he had not been on
annual holiday or to an annual holiday
loading, whichever is the greater, the ordinary
time rate of pay or the ordinary pay, as the
case may be, of that worker shall not, in
respect of any annual holiday to which he is
entitled under this Act, include those
allowances and penalties.

30

35

(b)

Annual Holidays (Amendment).

(b) (i) by omitting from section 3 (1) the following words :—

Sec. 3.
(Annual
holidays
with pay.)

“Such annual holiday shall—

- 5 (a) where any such year of employ-
ment ends upon or before the
thirty-first day of December,
one thousand nine hundred and
fifty-eight, be of two weeks ;
- 10 (b) where any such year of employ-
ment ends after the said date
and before the thirty-first day
of December, one thousand
15 nine hundred and fifty-nine, be
of two weeks together with a
period which bears the same
proportion to one week as that
part of such year of employ-
ment which is after the thirty-
20 first day of December, one
thousand nine hundred and
fifty-eight, bears to one year ;
- 25 (c) where any such year of employ-
ment commences after the
thirty-first day of December,
one thousand nine hundred
and fifty-eight, be of three
weeks.”

and by inserting instead the following
words :—

30 “Such annual holiday shall—

- (a) where any such year of employ-
ment ends upon or before 30th
November, 1974, be of three
weeks ;

(b)

Annual Holidays (Amendment).

(b) where any such year of employment ends after 30th November, 1974, be of four weeks."

5 (ii) by omitting section 3 (2) and by inserting instead the following subsection :—

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

(c) by omitting section 4 (3) (b) (i), (ii) and (iii) and by inserting instead the following subparagraphs :—

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

15 (i) where that period of employment ends upon or before 30th November, 1974, equal to three forty-ninths of his ordinary pay for that period of employment;

20 (ii) where that period of employment ends after 30th November, 1974, equal to one twelfth of his ordinary pay for that period of employment.

(d) by omitting section 4A (4) (b) (i) and by inserting instead the following subparagraph :—

Sec. 4A.
(Annual close-down.)

25 (i) three forty-ninths of his ordinary pay for his period of employment where the specified period commences upon or before 30th November, 1974, and one twelfth of his ordinary pay where the specified period commences after that date; and;

(e)

Annual Holidays (Amendment).

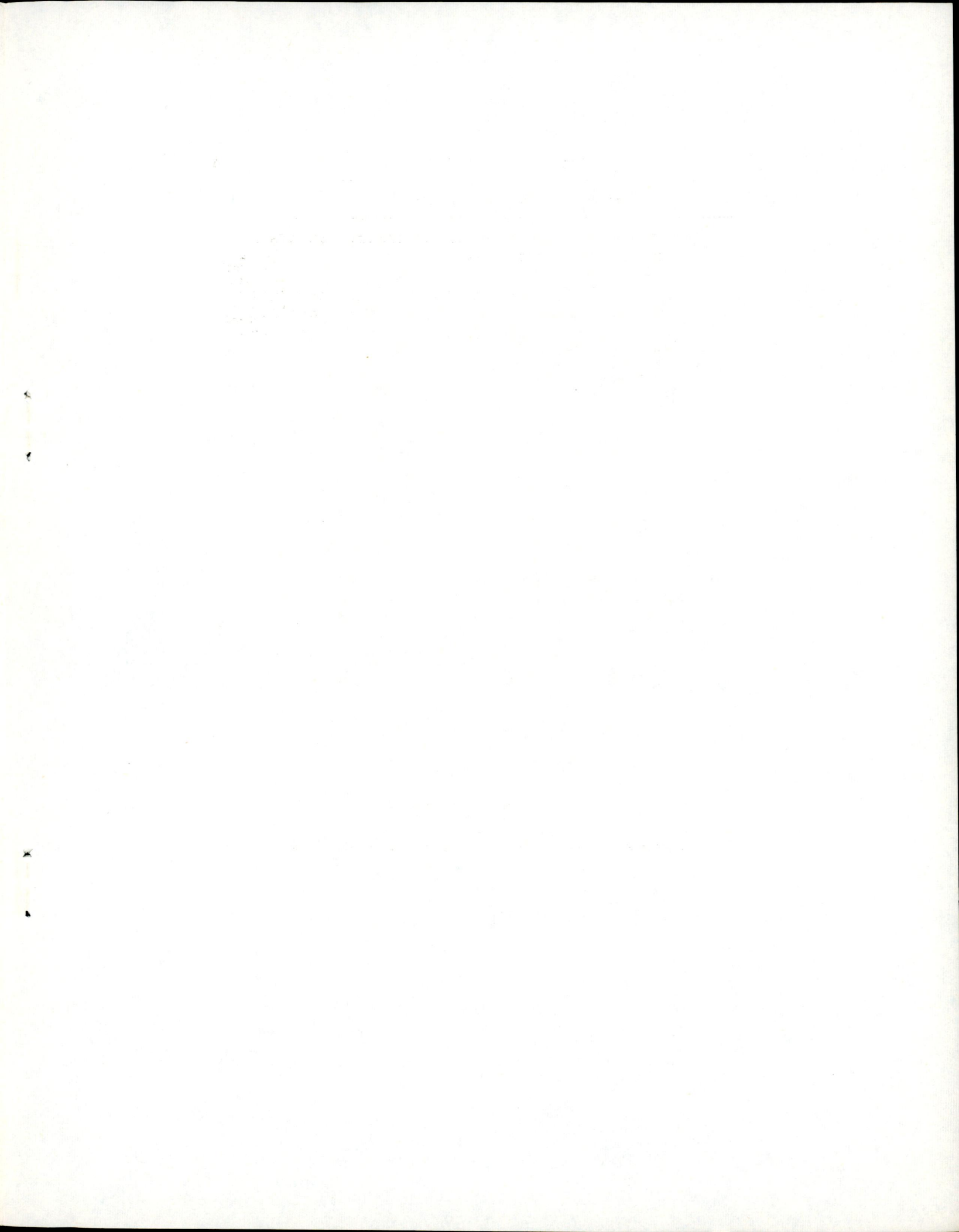
(e) by omitting section 5 (2) and by inserting instead the following subsection :—

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

5 (2) Where, under any award or agreement, provision is made for the granting to a worker who is a seven-day shift worker and is required to work regularly on Sundays and public holidays of a holiday in addition to that granted to other workers under such award or agreement or where, under any award or agreement, provision is made for the
10 payment of a sum of money as an annual holiday loading—

15 (a) such additional holiday or such payment, as the case may be, shall not be regarded as a benefit under that award or agreement for the purposes of subsection (1); and

(b) the right of the worker to such additional holiday or such payment, as the case may be, shall not be affected by anything contained in this Act.



New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 97, 1974.

An Act to make provision for increasing the annual holiday provided by the Annual Holidays Act, 1944; for this and other purposes to amend that Act; and for purposes connected therewith. [Assented to, 13th December, 1974.]

BE

Annual Holidays (Amendment).

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:—

Short title. 1. This Act may be cited as the "Annual Holidays (Amendment) Act, 1974".

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

Sec. 2.
(Interpretation.)

- (a) (i) by omitting from section 2 (2) (a) the words "but does not include any amount payable to him in respect of shift work, overtime or other penalty rates" and by inserting instead the words "including shift allowances relating to ordinary time and weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday, but does not include any other amount payable to him in respect of shift work, overtime or penalty rates";
- (ii) by omitting from section 2 (2) (a1) the words "after excluding any amount payable to him in respect of shift work, overtime or other penalty rates" and by inserting instead the words "including shift allowances relating to ordinary time and weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday, and excluding any other amount payable to him in respect of shift work, overtime or penalty rates";

(iii)

Annual Holidays (Amendment).

(iii) by omitting from section 2 (3) (a) the word "and";

(iv) by omitting from section 2 (3) the following words :—

“as the case may be,

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

and by inserting instead the following words :—

“as the case may be; and

(c) shift allowances relating to ordinary time and weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday,

but excluding any other amounts paid to him in respect of shift work, overtime or penalty rates”;

(v) by inserting after section 2 (4) the following subsection :—

(5) Notwithstanding the provisions of subsection (2) (a), (2) (a1) or (3), where by any award or agreement a worker is entitled to shift allowances relating to ordinary time or weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday or to an annual holiday loading, whichever is the greater, the ordinary time rate of pay or the ordinary pay, as the case may be, of that worker shall not, in respect of any annual holiday to which he is entitled under this Act, include those allowances and penalties.

(b)

Annual Holidays (Amendment).

Sec. 3.
(Annual
holidays
with pay.)

(b) (i) by omitting from section 3 (1) the following words :—

“Such annual holiday shall—

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

and by inserting instead the following words :—

“Such annual holiday shall—

- (a) where any such year of employment ends upon or before 30th November, 1974, be of three weeks ;

(b)

Annual Holidays (Amendment).

(b) where any such year of employment ends after 30th November, 1974, be of four weeks.”

(ii) by omitting section 3 (2) and by inserting instead the following subsection :—

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

(c) by omitting section 4 (3) (b) (i), (ii) and (iii) and by inserting instead the following subparagraphs :— **Sec. 4.**
(Holiday pay where holiday is not taken.)

(i) where that period of employment ends upon or before 30th November, 1974, equal to three forty-ninths of his ordinary pay for that period of employment;

(ii) where that period of employment ends after 30th November, 1974, equal to one twelfth of his ordinary pay for that period of employment.

(d) by omitting section 4A (4) (b) (i) and by inserting instead the following subparagraph :— **Sec. 4A.**
(Annual close-down.)

(i) three forty-ninths of his ordinary pay for his period of employment where the specified period commences upon or before 30th November, 1974, and one twelfth of his ordinary pay where the specified period commences after that date; and;

(e)

Annual Holidays (Amendment).

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

(e) by omitting section 5 (2) and by inserting instead the following subsection :—

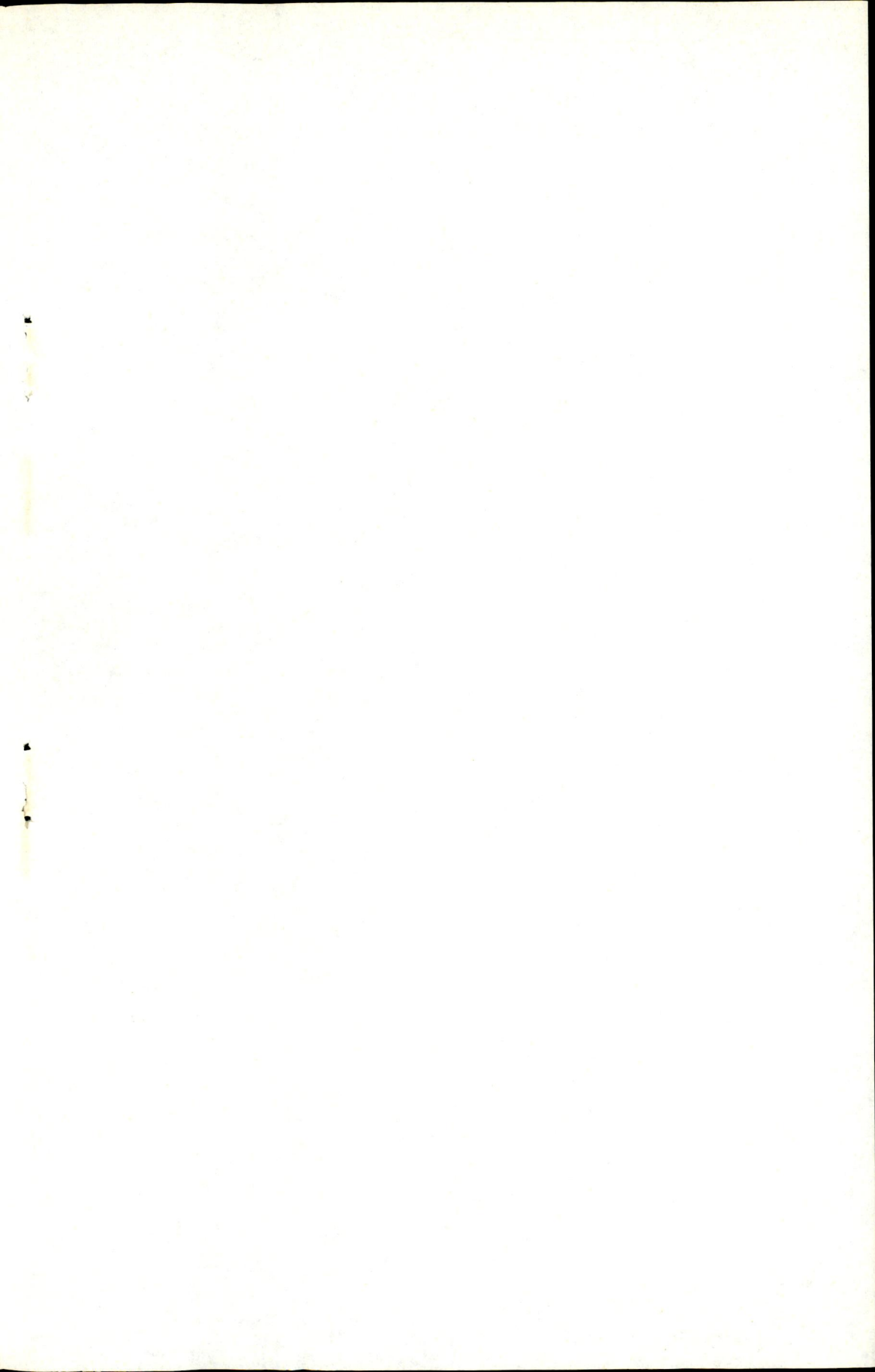
(2) Where, under any award or agreement, provision is made for the granting to a worker who is a seven-day shift worker and is required to work regularly on Sundays and public holidays of a holiday in addition to that granted to other workers under such award or agreement or where, under any award or agreement, provision is made for the payment of a sum of money as an annual holiday loading—

(a) such additional holiday or such payment, as the case may be, shall not be regarded as a benefit under that award or agreement for the purposes of subsection (1); and

(b) the right of the worker to such additional holiday or such payment, as the case may be, shall not be affected by anything contained in this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975



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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 December, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 97, 1974.

An Act to make provision for increasing the annual holiday provided by the Annual Holidays Act, 1944; for this and other purposes to amend that Act; and for purposes connected therewith. [Assented to, 13th December, 1974.]

BE

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Annual Holidays (Amendment).

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:—

Short title. 1. This Act may be cited as the "Annual Holidays (Amendment) Act, 1974".

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

Sec. 2.
(Interpretation.)

(a) (i) by omitting from section 2 (2) (a) the words "but does not include any amount payable to him in respect of shift work, overtime or other penalty rates" and by inserting instead the words "including shift allowances relating to ordinary time and weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday, but does not include any other amount payable to him in respect of shift work, overtime or penalty rates";

(ii) by omitting from section 2 (2) (a1) the words "after excluding any amount payable to him in respect of shift work, overtime or other penalty rates" and by inserting instead the words "including shift allowances relating to ordinary time and weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday, and excluding any other amount payable to him in respect of shift work, overtime or penalty rates";

(iii)

Annual Holidays (Amendment).

(iii) by omitting from section 2 (3) (a) the word "and";

(iv) by omitting from section 2 (3) the following words :—

“as the case may be,

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

and by inserting instead the following words :—

“as the case may be; and

(c) shift allowances relating to ordinary time and weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday,

but excluding any other amounts paid to him in respect of shift work, overtime or penalty rates”;

(v) by inserting after section 2 (4) the following subsection :—

(5) Notwithstanding the provisions of subsection (2) (a), (2) (a1) or (3), where by any award or agreement a worker is entitled to shift allowances relating to ordinary time or weekend penalties relating to ordinary time the worker would have worked on days other than public holidays if he had not been on annual holiday or to an annual holiday loading, whichever is the greater, the ordinary time rate of pay or the ordinary pay, as the case may be, of that worker shall not, in respect of any annual holiday to which he is entitled under this Act, include those allowances and penalties.

(b)

Annual Holidays (Amendment).

Sec. 3.
(Annual
holidays
with pay.)

(b) (i) by omitting from section 3 (1) the following words :—

“Such annual holiday shall—

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

and by inserting instead the following words :—

“Such annual holiday shall—

- (a) where any such year of employment ends upon or before 30th November, 1974, be of three weeks ;

(b)

Annual Holidays (Amendment).

(b) where any such year of employment ends after 30th November, 1974, be of four weeks."

(ii) by omitting section 3 (2) and by inserting instead the following subsection :—

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

(c) by omitting section 4 (3) (b) (i), (ii) and (iii) and by inserting instead the following subparagraphs :—

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

(i) where that period of employment ends upon or before 30th November, 1974, equal to three forty-ninths of his ordinary pay for that period of employment;

(ii) where that period of employment ends after 30th November, 1974, equal to one twelfth of his ordinary pay for that period of employment.

(d) by omitting section 4A (4) (b) (i) and by inserting instead the following subparagraph :—

Sec. 4A.
(Annual close-down.)

(i) three forty-ninths of his ordinary pay for his period of employment where the specified period commences upon or before 30th November, 1974, and one twelfth of his ordinary pay where the specified period commences after that date; and;

(e)

Annual Holidays (Amendment).

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

(e) by omitting section 5 (2) and by inserting instead the following subsection :—

(2) Where, under any award or agreement, provision is made for the granting to a worker who is a seven-day shift worker and is required to work regularly on Sundays and public holidays of a holiday in addition to that granted to other workers under such award or agreement or where, under any award or agreement, provision is made for the payment of a sum of money as an annual holiday loading—

- (a) such additional holiday or such payment, as the case may be, shall not be regarded as a benefit under that award or agreement for the purposes of subsection (1); and
- (b) the right of the worker to such additional holiday or such payment, as the case may be, shall not be affected by anything contained in this Act.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 13th December, 1974.*



