

CONCURRENCE COPY

ANNUAL HOLIDAYS (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

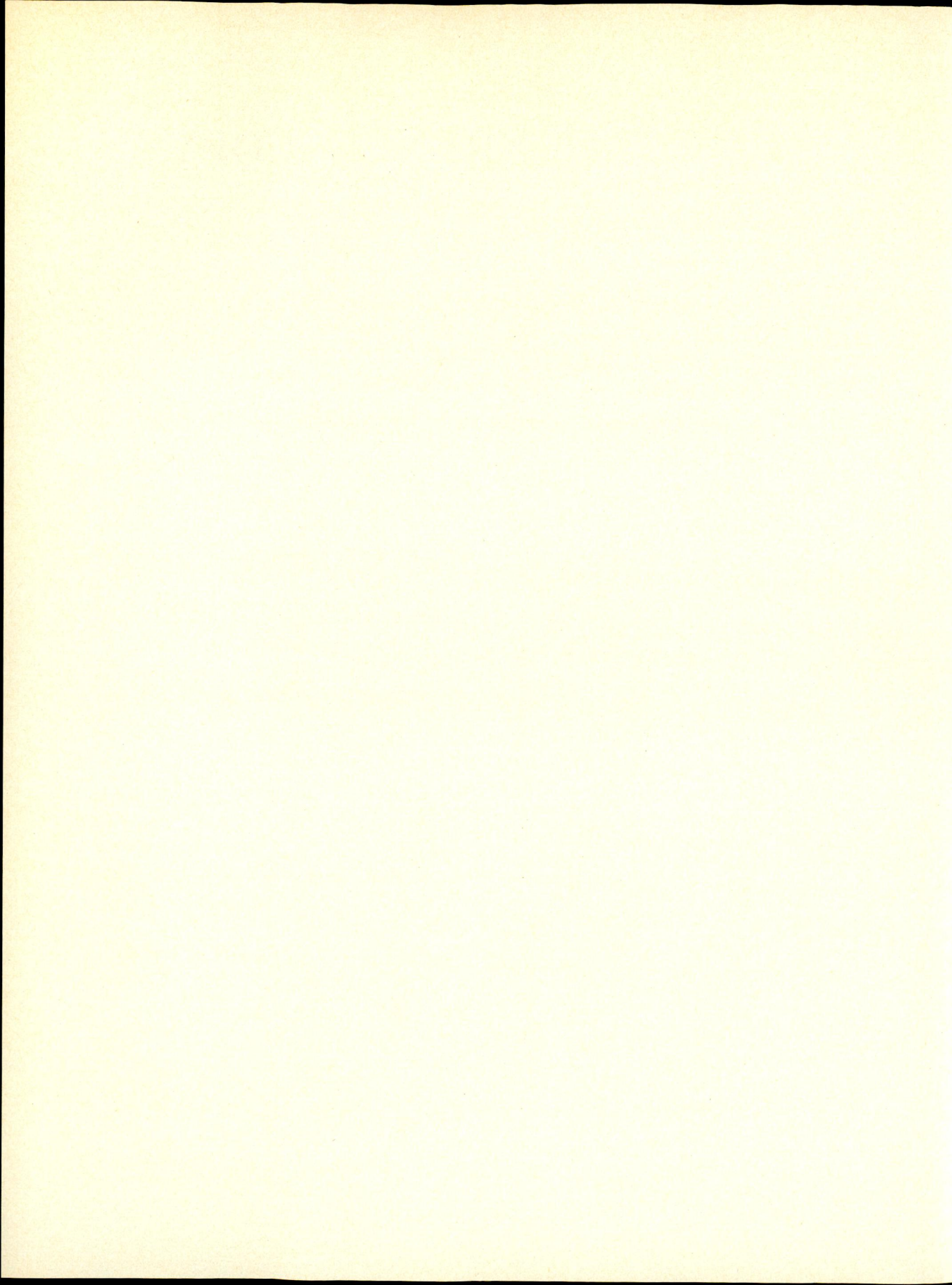
(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Industrial Arbitration (Amendment) Bill, 1983.

The object of this Bill is to amend the Annual Holidays Act, 1944 ("the Act"), so as—

- (a) to require the holiday records relating to employees required to be kept under the Act to be kept for at least 6 years (Schedule 1 (1)); and
- (b) to empower inspectors or specially authorised public servants to obtain by post a copy of any such holiday record and certain other information in order to investigate claims for unpaid annual holiday payments (Schedule 1 (2), (3) and (4)).

The Bill also amends the Act by way of statute law revision (Schedule 2).



ANNUAL HOLIDAYS (AMENDMENT) BILL, 1983

No. . . . , 1983.

A BILL FOR

An Act to amend the Annual Holidays Act, 1944, with respect to the investigation of claims for unpaid annual holiday payments, and in other respects.

[MR HILLS—21 *September*, 1983.]

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:—

5 Short title.

1. This Act may be cited as the "Annual Holidays (Amendment) Act, 1983".

Schedules.

2. This Act contains the following Schedules:—

10 SCHEDULE 1.—AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944.

SCHEDULE 2.—AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944, BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 31, 1944.

15 3. The Annual Holidays Act, 1944, is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944.

20 (1) Section 9—

After "prescribed", insert "for a period of at least 6 years after the last entry therein".

Annual Holidays (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944—*continued.*

(2) Section 10 (3), (4)—

After section 10 (2), insert:—

5 (3) Where a worker claims that an employer has not paid the full amount of any remuneration or payment which has become due to the worker under this Act, an inspector may, by notice in writing served personally or by post, require the employer to deliver or to send by post to the inspector, within such time and to such place
10 as are specified in the notice—

(a) a copy of such specified part of the holiday record required to be kept under this Act; and

(b) such other information of a specified kind relating to that remuneration or payment,

15 as the inspector considers necessary in order to investigate the claim.

(4) A public servant authorised in that behalf by the Under Secretary of the Department of Industrial Relations may exercise the power conferred on an inspector by subsection (3).

(3) Section 10A (1)—

20 After “inspector”, insert “or a public servant authorised under section 10 (4)”.

(4) Section 11 (3)—

After section 11 (2), insert:—

25 (3) In this section, “inspector” includes a public servant authorised under section 10 (4).

Annual Holidays (Amendment).

SCHEDULE 2.

(Sec. 3.)

AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944, BY WAY OF
STATUTE LAW REVISION.

5 (1) (a) Section 2 (1), definitions of "Agreement", "Award"—

Omit the definitions, insert instead:—

"Agreement" means an industrial agreement within the meaning of the
Industrial Arbitration Act, 1940.

10

"Award" means an award within the meaning of the Industrial Arbitra-
tion Act, 1940.

(b) Section 2 (1), definition of "Inspector"—

Omit ", or any Act amending or replacing that Act".

(c) Section 2 (1), definition of "Prescribed"—

Omit the definition.

15 (d) Section 2 (2) (a1), (2) (a2), (3) (a), (3) (b) (ii)—

Omit "subsection (3) of section 4" wherever occurring, insert instead
"section 4 (3)".

20

(e) Section 2 (3)—

Omit "paragraph (a1) or (a2) of subsection (2)", insert instead "sub-
section (2) (a1) or (a2)".

(f) Section 2 (4)—

Omit "paragraphs (a1) and (b) of subsection (2) and of subsection (3)",
insert instead "subsections (2) (a1), (2) (b) and (3)".

(2) Section 3 (4)—

25 Omit ", as amended by subsequent Acts".

(3) Section 4A (5) (c)—

Omit "paragraph (b) of subsection (4)", insert instead "subsection (4) (b)".

Annual Holidays (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944, BY WAY OF STATUTE
LAW REVISION—*continued.*

(4) Section 5 (1A)—

- 5 Omit “as amended by subsequent Acts, or the Apprentices Act, 1969”,
insert instead “or the Apprenticeship Act, 1981”.

(5) Sections 12 (1), 13 (1), 13 (3)—

Omit “, or any Act amending or replacing that Act” wherever occurring.

(6) Section 14—

- 10 Omit “, as amended by subsequent Acts”.

(7) Section 15 (3)—

Omit the subsection, insert instead:—

- 15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a
regulation made under this Act as if this Act had been passed after the
commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

(40c)

ANNUAL HOLIDAYS (AMENDMENT) ACT, 1983, No. 91

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 91, 1983.

An Act to amend the Annual Holidays Act, 1944, with respect to the investigation of claims for unpaid annual holiday payments, and in other respects. [Assented to, 9th November, 1983.]

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, 1983".

Schedules.

2. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944.

SCHEDULE 2.—AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944, BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 31, 1944.

3. The Annual Holidays Act, 1944, is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944.

(1) Section 9—

After "prescribed", insert "for a period of at least 6 years after the last entry therein".

Annual Holidays (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944—*continued.*

(2) Section 10 (3), (4)—

After section 10 (2), insert:—

(3) Where a worker claims that an employer has not paid the full amount of any remuneration or payment which has become due to the worker under this Act, an inspector may, by notice in writing served personally or by post, require the employer to deliver or to send by post to the inspector, within such time and to such place as are specified in the notice—

(a) a copy of such specified part of the holiday record required to be kept under this Act; and

(b) such other information of a specified kind relating to that remuneration or payment,

as the inspector considers necessary in order to investigate the claim.

(4) A public servant authorised in that behalf by the Under Secretary of the Department of Industrial Relations may exercise the power conferred on an inspector by subsection (3).

(3) Section 10A (1)—

After “inspector”, insert “or a public servant authorised under section 10 (4)”.

(4) Section 11 (3)—

After section 11 (2), insert:—

(3) In this section, “inspector” includes a public servant authorised under section 10 (4).

Annual Holidays (Amendment).

SCHEDULE 2.

(Sec. 3.)

AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944, BY WAY OF
STATUTE LAW REVISION.

- (1) (a) Section 2 (1), definitions of "Agreement", "Award"—
Omit the definitions, insert instead:—
"Agreement" means an industrial agreement within the meaning of the Industrial Arbitration Act, 1940.
"Award" means an award within the meaning of the Industrial Arbitration Act, 1940.
- (b) Section 2 (1), definition of "Inspector"—
Omit ", or any Act amending or replacing that Act".
- (c) Section 2 (1), definition of "Prescribed"—
Omit the definition.
- (d) Section 2 (2) (a1), (2) (a2), (3) (a), (3) (b) (ii)—
Omit "subsection (3) of section 4" wherever occurring, insert instead "section 4 (3)".
- (e) Section 2 (3)—
Omit "paragraph (a1) or (a2) of subsection (2)", insert instead "subsection (2) (a1) or (a2)".
- (f) Section 2 (4)—
Omit "paragraphs (a1) and (b) of subsection (2) and of subsection (3)", insert instead "subsections (2) (a1), (2) (b) and (3)".
- (2) Section 3 (4)—
Omit ", as amended by subsequent Acts".
- (3) Section 4A (5) (c)—
Omit "paragraph (b) of subsection (4)", insert instead "subsection (4) (b)".

Annual Holidays (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE ANNUAL HOLIDAYS ACT, 1944, BY WAY OF STATUTE
LAW REVISION—*continued.*

(4) Section 5 (1A)—

Omit “as amended by subsequent Acts, or the Apprentices Act, 1969”, insert instead “or the Apprenticeship Act, 1981”.

(5) Sections 12 (1), 13 (1), 13 (3)—

Omit “, or any Act amending or replacing that Act” wherever occurring.

(6) Section 14—

Omit “, as amended by subsequent Acts”.

(7) Section 15 (3)—

Omit the subsection, insert instead:—

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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

J. A. ROWLAND,
Governor.

Government House,
Sydney, 9th November, 1983.





