

First print



New South Wales

Annual Holidays Amendment Bill 1997

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

Part 8 of Chapter 2 of the *Industrial Relations Act 1996* protects workers' entitlements when a business is transferred from one employer to a new employer by providing that the continuity of a worker's contract of employment is taken not to have been broken by the transfer of business. Currently that Part does not apply to entitlements to annual leave under the *Annual Holidays Act 1944*, with the result that, under section 4 of that Act, a worker's employment with the former employer is, for the purposes of determining the worker's annual leave entitlement, to be treated as terminated on transfer of the business to the new employer and the worker's existing annual holiday entitlements are required to be paid out instead of being preserved.

The object of this Bill is to amend the *Annual Holidays Act 1944* (and to amend consequentially the *Industrial Relations Act 1996*) so that the provisions of Part 8 of Chapter 2 of the *Industrial Relations Act 1996* will apply for the purposes of determining annual leave entitlements and a worker's entitlement will be preserved on the transfer of business.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be proclaimed.

Clause 3 is a formal provision giving effect to the amendment to the *Annual Holidays Act 1944* set out in Schedule 1.1.

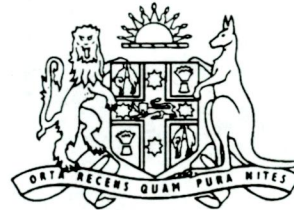
Clause 4 is a formal provision giving effect to the amendment to the *Industrial Relations Act 1996* set out in Schedule 1.2.

Schedule 1 Amendments

Schedule 1.1 inserts proposed section 4B in the *Annual Holidays Act 1944* so that Part 8 of Chapter 2 of the *Industrial Relations Act 1996* will apply for the purposes of determining a worker's annual leave entitlements on the transfer of business.

Schedule 1.2 makes a consequential amendment to the *Industrial Relations Act 1996*.

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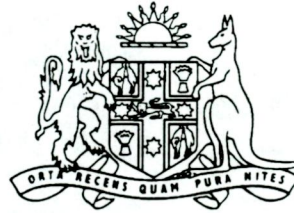


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Annual Holidays Amendment Bill 1997

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New South Wales

Annual Holidays Amendment Bill 1997

No. , 1997

A Bill for

An Act to amend the *Annual Holidays Act 1944* to provide for the preservation of annual holiday entitlements of workers where there is a transfer of ownership of a business; and to make a consequential amendment to the *Industrial Relations Act 1996*.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Annual Holidays Amendment Act 1997*.

2 Commencement

This Act commences on a day to be appointed by proclamation. 5

3 Amendment of Annual Holidays Act 1944 No 31

The *Annual Holidays Act 1944* is amended as set out in Schedule 1.1.

**4 Consequential amendment of Industrial Relations Act 1996
No 17**

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The *Industrial Relations Act 1996* is amended as set out in Schedule 1.2.

Schedule 1 Amendments

(Sections 3 and 4)

1.1 Annual Holidays Act 1944

Section 4B

Insert after section 4A:

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4B Protection of annual holiday entitlements on transfer of business

Part 8 of Chapter 2 of the *Industrial Relations Act 1996* applies for the purposes of determining a worker's entitlements under this Act when the worker is employed by an employer as a result of the transfer of business (within the meaning of that Part) to that employer from another employer on or after the commencement of this section.

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1.2 Industrial Relations Act 1996

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Section 101 Definitions

Omit the definition of *industrial relations legislation* from section 101 (1).



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Annual Holidays Amendment Act 1997 No 26

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New South Wales

Annual Holidays Amendment Act 1997 No 26

Act No 26, 1997

An Act to amend the *Annual Holidays Act 1944* to provide for the preservation of annual holiday entitlements of workers where there is a transfer of ownership of a business; and to make a consequential amendment to the *Industrial Relations Act 1996*. [Assented to 25 June 1997]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Annual Holidays Amendment Act 1997*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Annual Holidays Act 1944 No 31

The *Annual Holidays Act 1944* is amended as set out in Schedule 1.1.

**4 Consequential amendment of Industrial Relations Act 1996
No 17**

The *Industrial Relations Act 1996* is amended as set out in Schedule 1.2.

Schedule 1 Amendments

(Sections 3 and 4)

1.1 Annual Holidays Act 1944

Section 4B

Insert after section 4A:

4B Protection of annual holiday entitlements on transfer of business

Part 8 of Chapter 2 of the *Industrial Relations Act 1996* applies for the purposes of determining a worker's entitlements under this Act when the worker is employed by an employer as a result of the transfer of business (within the meaning of that Part) to that employer from another employer on or after the commencement of this section.

1.2 Industrial Relations Act 1996

Section 101 Definitions

Omit the definition of *industrial relations legislation* from section 101 (1).

[Minister's second reading speech made in—
Legislative Assembly on 7 May 1997
Legislative Council on 16 June 1997]

BY AUTHORITY

