



New South Wales

Annual Holidays Regulation 2005

under the

Annual Holidays Act 1944

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Annual Holidays Act 1944*.

JOHN DELLA BOSCA, M.L.C.,
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to remake, without substantial change, the *Annual Holidays Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The *Annual Holidays Act 1944* provides that bonuses paid to workers are to form part of the ordinary pay of a worker for the purposes of payment for annual leave. Section 2 (6) of that Act provides that bonuses received by a worker are not to be taken into account if the ordinary annual pay of the worker (excluding bonuses) exceeds the amount prescribed by the regulations. This Regulation prescribes the annual amount as \$144,000 (the *Annual Holidays Regulation 2000* prescribed the amount as \$120,000).

This Regulation relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

This Regulation is made under the *Annual Holidays Act 1944* including sections 2 (6) and 15 (the general regulation-making power).

2005 No 469

Clause 1 Annual Holidays Regulation 2005

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1 Name of Regulation

This Regulation is the *Annual Holidays Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Annual Holidays Regulation 2000* which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Annual Holidays Act 1944*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Calculation of ordinary pay for payment of leave: bonuses

For the purposes of section 2 (6) of the Act, the prescribed annual amount of a worker's ordinary pay is \$144,000.

Note. The *Annual Holidays Act 1944* provides that bonuses paid to workers are to form part of the ordinary pay of a worker for the purposes of payment for annual leave. Section 2 (6) of that Act provides that bonuses received by a worker are not to be taken into account if the ordinary annual pay of the worker (excluding bonuses) exceeds the amount prescribed by the regulations. This clause prescribes that amount.

5 Saving

The *Annual Holidays Regulation 2000*, as in force immediately before its repeal, continues to have effect in respect of any entitlement to annual leave that arose before the repeal of the regulation.

BY AUTHORITY