



Annual Holidays Regulation 2000

under the

Annual Holidays Act 1944

His 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 prescribe the annual amount of pay for the purposes of an amendment relating to bonuses made to the *Annual Holidays Act 1944* by the *Industrial Relations Leave Legislation Amendment (Bonuses) Act 2000*.

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 (inserted by the amending 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. The Regulation prescribes the annual amount as \$120,000.

This Regulation relates to matters of a machinery nature.

This Regulation is made under sections 2 (6) and 15 of the *Annual Holidays Act 1944*.

Annual Holidays Regulation 2000

1 Name of Regulation

This Regulation is the *Annual Holidays Regulation 2000*.

2 Commencement

This Regulation commences on 28 June 2000.

Note. Section 4 of the *Industrial Relations Leave Legislation Amendment (Bonuses) Act 2000* authorises the commencement of this Regulation before the date of its publication in the Gazette. That section also deals with the effect of this Regulation on payments or entitlements to payments made or arising before the publication of this Regulation, namely, the publication of this Regulation will not affect any payment made in respect of annual leave before the publication of this Regulation or any entitlement to payment arising before that publication that was the subject of proceedings instituted in a court before the commencement of that amending Act.

3 Definition

In this Regulation:

the Act means the *Annual Holidays Act 1944*.

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 \$120,000.

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. The above clause prescribes that amount.

5 Notes

The explanatory note and notes in the text of this Regulation do not form part of this Regulation.

BY AUTHORITY