

ANNUAL HOLIDAYS (AMENDMENT) ACT, 1984, No. 31

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 31, 1984.

An Act to amend the Annual Holidays Act, 1944, in relation to untaken annual holidays. [Assented to, 13th June, 1984.]

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, 1984".

Amendment of Act No. 31, 1944.

2. The Annual Holidays Act, 1944, is amended by omitting section 4 (1) and (2) and by inserting instead the following subsections:—

(1) Where the employment of a worker who has become entitled to one or more annual holidays provided by this Act is terminated, the employer shall be deemed to have given the holiday or holidays (except so much, if any, as has already been taken) to the worker as from the date of the termination of the employment, and shall forthwith pay to the worker, in addition to all other amounts due to the worker, the worker's ordinary pay for the period of the holiday or holidays.

(2) Subsection (1) applies to and in respect of an annual holiday (except so much, if any, as has already been taken) whether or not the worker concerned continues to be entitled (apart from this section) to take it, and so applies as if the worker's right to take it had accrued immediately before the date of the termination of the worker's employment.

(2A) Nothing in subsection (1) or (2) affects the obligation of an employer to give, or a worker to take, annual holidays in accordance with section 3.

Annual Holidays (Amendment).

Application of amendment.

3. The amendment made by this Act applies to and in respect of a person whose employment was terminated before the date of assent to this Act, as well as to and in respect of a person whose employment is terminated on or after that date, and so applies whether or not any proceedings have been instituted or concluded by any person before that date under or for the purposes of the Annual Holidays Act, 1944.
