



New South Wales

Industrial Relations Leave Legislation Amendment (Bonuses) Act 2000 No 61

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Industrial Relations Leave Legislation Amendment (Bonuses) Act 2000 No 61

Act No 61, 2000

An Act to amend the *Annual Holidays Act 1944*, the *Long Service Leave Act 1955* and the *Long Service Leave (Metalliferous Mining Industry) Act 1963* with respect to bonuses; and for related purposes. [Assented to 5 July 2000]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Industrial Relations Leave Legislation Amendment (Bonuses) Act 2000*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Acts

Each Act specified in Schedules 1–3 is amended as set out in those Schedules.

4 Special provision with respect to regulations under amended Acts

(1) In this section:

relevant regulation means a regulation made under section 2 (6) of the *Annual Holidays Act 1944*, section 3 (2C) of the *Long Service Leave Act 1955* or section 3 (2C) of the *Long Service Leave (Metalliferous Mining Industry) Act 1963*, being the first regulation made under each such provision after the commencement of this Act.

(2) A relevant regulation may be made with effect on and from a date that is earlier than the date of its publication in the Gazette (including a date that is earlier than the commencement of this Act).

(3) Any such regulation has effect with respect to any payment to which a person is entitled under an Act amended by this Act even though the entitlement arose before the publication of the regulation or the commencement of this Act.

(4) However, any such regulation does not affect:

(a) any payment that was made before the publication of the regulation, or

(b) any entitlement to payment arising before the publication of the regulation that was the subject of proceedings instituted in a court before the commencement of this Act under the industrial relations legislation (within the meaning of the *Industrial Relations Act 1996*).

- (5) Regulations may be made under an Act amended by this Act containing provisions of a savings or transitional nature consequent on the enactment of this Act.

Schedule 1 Amendment of Annual Holidays Act 1944

(Section 3)

Section 2 Interpretation

Insert after section 2 (5):

- (6) Despite anything to the contrary in this section, the ordinary pay of a worker is not to include or be increased by the amounts paid under any bonus, incentive or other similar scheme if the annual amount of the worker's ordinary pay (excluding any amounts so paid) exceeds the amount prescribed by the regulations for the purposes of this subsection.

Schedule 2 Amendment of Long Service Leave Act 1955

(Section 3)

Section 3 Definitions

Insert after section 3 (2B):

- (2C) Despite anything to the contrary in this section, the ordinary pay of a worker is not to include or be increased by the amounts paid under any bonus, incentive or other similar scheme if the annual amount of the worker's ordinary pay (excluding any amounts so paid) exceeds the amount prescribed by the regulations for the purposes of this subsection.

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Schedule 3 Amendment of Long Service Leave (Metalliferous Mining Industry) Act
1963

Schedule 3 Amendment of Long Service Leave (Metalliferous Mining Industry) Act 1963

(Section 3)

Section 3 Definitions

Insert after section 3 (2B):

- (2C) Despite anything to the contrary in this section, the ordinary pay of a worker is not to include or be increased by the amounts paid under any bonus, incentive or other similar scheme if the annual amount of the worker's ordinary pay (excluding any amounts so paid) exceeds the amount prescribed by the regulations for the purposes of this subsection.

[Minister's second reading speech made in—
Legislative Assembly on 21 June 2000
Legislative Council on 29 June 2000]

BY AUTHORITY