

[Act 2000 No 61]



New South Wales

Industrial Relations Leave Legislation Amendment (Bonuses) Bill 2000

Explanatory note

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

Overview of Bill

The object of this Bill is 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 the bonuses that may be taken into account for the purpose of calculating the ordinary pay of an employee for payment during annual or long service leave or for payment of untaken leave on termination of employment. Under the Bill, bonuses are not to be taken into account if the ordinary annual pay of the employee (excluding bonuses) exceeds an amount prescribed by the regulations under those Acts. The Bill authorises the first such regulation made under each Act after the commencement of the proposed Act to have retrospective effect (including with effect before the commencement of the proposed Act). However, any such regulation will not affect any payment for untaken leave that was made before the publication of the regulation or that is the subject of pending proceedings for recovery on the commencement of the proposed Act.

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 the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *Annual Holidays Act 1944*, the *Long Service Leave Act 1955* and the *Long Service Leave (Metalliferous Mining Industry) Act 1963* set out in Schedules 1–3.

Clause 4 contains the special commencement provision outlined above relating to the making of the first regulation authorised by the proposed Act with respect to bonuses.

Schedules 1–3 contain the amendments to the relevant Acts that will exclude bonuses as outlined above.