



Australian Capital Territory

# **Annual Leave Act 1973**

**A1973-46**

**Republication No 9**

**Effective: 10 July 2004 – 23 November 2005**

Republication date: 10 July 2004

Last amendment made by A2004-41

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Annual Leave Act 1973* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 July 2004. It also includes any amendment, repeal or expiry affecting the republished law to 10 July 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Annual Leave Act 1973

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Australian Capital Territory

# Annual Leave Act 1973

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An Act relating to annual leave of employees

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**1 Short title**

This Act may be cited as the *Annual Leave Act 1973*.

**2 Interpretation for Act**

(1) In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

**agreement** means an industrial agreement made under the *Workplace Relations and Other Legislation Amendment Act 1996* (Cwlth).

**approved training contract**—see the *Vocational Education and Training Act 2003*, dictionary.

**authorised officer** means a person who is an authorised officer under section 14B.

**award** means an award made under the *Workplace Relations Act 1996* (Cwlth).

**award holiday** means a day that is, under an award or agreement, a holiday for persons employed in an industry.

**shiftworker** means—

- (a) a person who is a shiftworker within the meaning of an award; or
- (b) a person who is a shiftworker within the meaning of an industrial agreement made under the *Workplace Relations Act 1988* (Cwlth); or
- (c) a person (not being a person to whom an award or an industrial agreement referred to in paragraph (b) applies) who—
  - (i) is rostered or required to commence work after 8 pm and before 6.30 am; or

- (ii) having commenced work before 8 pm, is required, for the purpose of completing his or her ordinary hours of work, to continue work until after that time.

**trainee** means the person who is obliged under an approved training contract to undertake training.

- (2) For this Act, a person shall be taken to be an employee of a person if—
  - (a) he or she performs work the remuneration for which is paid by that person and consists, either in whole or in part, of salary, wages or commission; or
  - (b) he or she is a bound apprentice to that person or an employee of that person; or
  - (c) he or she is a trainee with that person or an employee of that person.

### **3 Application of Act**

This Act applies in relation to a year of employment that ends on or after the date of commencement of this Act.

### **4 Annual leave**

- (1) Subject to this Act, an employee is entitled to annual leave at the end of every year of his or her employment by a person.
- (2) For the purpose of computing a year of employment—
  - (a) a period during which an employee was absent from his or her employment, being a period in respect of which the employee received compensation under the *Workers Compensation Act 1951*, shall, except to the extent to which the period exceeds 3 months, be taken into account as if the employee had not been absent from his or her employment; and
  - (b) a period during which an employee was absent from his or her employment without the leave of his or her employer or on

leave of absence granted without pay (not being a period referred to in paragraph (a)) shall not be taken into account.

- (3) An employee is not entitled to annual leave for a year of employment if—
  - (a) the employee received a pay loading for the year under an award or agreement; and
  - (b) the pay loading was in addition to the employee's base rate of pay and instead of annual leave for the year; and
  - (c) payment of the pay loading is identifiable in records kept, under section 13 (Annual leave records), by the employee's employer.
- (4) Subsection (3) does not affect any rights of the employee under an award or agreement.

## **5 Period of leave**

- (1) Subject to subsection (2), the duration of the leave to which an employee is entitled under section 4 (1) is 4 weeks.
- (2) Where, during a year of employment, an employee has been a shiftworker, the duration of the leave to which that employee is entitled under section 4 (1) is 5 weeks.
- (3) In this section:  
*week*, in relation to an employee, means the employee's ordinary working week.

## **6 Annual leave pay**

- (1) An employee who takes leave to which he or she is entitled under section 4 (1) is entitled to payment from his or her employer of an amount equal to the ordinary remuneration the employee would have received in respect of the period of leave if the employee had not taken leave.
- (2) If, under an award or agreement, an employee is entitled to—

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- (a) less annual leave than the annual leave to which he or she is entitled under this Act; and
  - (b) payment of an amount (not being salary or wages) in respect of the taking by the employee of that annual leave;

there is payable to that employee, in addition to the amount payable under subsection (1), an amount calculated in accordance with the following formula:

$$AP \times \frac{ALACT}{ALAWAG}$$

where:

*AP* means the amount payable under the award or agreement (not being salary or wages) in respect of the taking of the annual leave.

*ALACT* means the amount of annual leave to which the employee is entitled under this Act.

*ALAWAG* means the amount of annual leave to which the employee is entitled under the award or agreement.

- (3) In this section:

*ordinary remuneration*, in relation to an employee, means the sum of—

- (a) the salary or wages payable to the employee; and
- (b) any allowances payable to the employee in respect of skill, qualifications, board and lodging; and
- (c) any amounts payable to the employee under a bonus, performance pay or incentive scheme, being amounts that are usually paid to the employee with his or her salary or wages; and
- (d) where the employee is provided with board and lodging by his or her employer, an amount equal to the value of that board and lodging.

*salary or wages* does not include—

- (a) payments in respect of overtime; or
  - (b) payments at penalty rates of pay; or
  - (c) allowances which, under an award or agreement, are not to be taken into account in determining a rate of remuneration in respect of overtime.
- (4) In respect of a year during which an employee has been remunerated partly by salary or wages and partly by commission, subsection (2) applies as if—
- (a) the employee were remunerated wholly by salary or wages throughout that year; and
  - (b) the amount payable for salary or wages to the employee in respect of a week in that year were the amount calculated by dividing the total amount payable to the employee during that year in respect of—
    - (i) salary, wages or commission; or
    - (ii) a combination of salary, wages or commission;
- by 52.
- (5) Where, during the whole or part of a year, an employee has been employed on terms providing for remuneration at a specified rate per hour, the employee shall, for this section, be deemed to have worked during each week of that year the number of hours calculated by dividing the total number of hours worked by the employee during the year by 52.

## **7 Leave to be taken within 6 months**

- (1) Annual leave to which an employee is entitled under section 4 (1) shall be taken in 1 period or, if the employee and his or her employer so agree, in 2 periods.

- (2) Subject to this section, annual leave to which an employee is entitled under section 4 (1) shall be taken before the expiration of the period of 6 months after the date on which the employee becomes entitled to the leave or within such further period as the authorised officer, either before or after the expiration of the period of 6 months, in writing, allows.
- (3) The authorised officer shall not allow a further period for subsection (2) unless he or she is satisfied that the employee concerned has not had a reasonable opportunity of taking his or her leave.
- (4) The Minister may, by instrument in writing, appoint a public servant to be the authorised officer for this section.
- (5) An employer shall, not less than 4 weeks before the date on which an employee becomes entitled under this Act to annual leave, give to that employee a notice in writing setting out particulars of—
  - (a) the date on which the employee will become entitled to that annual leave; and
  - (b) the date on which the period of 6 months specified in subsection (2) will expire.

Maximum penalty: 50 penalty units.

- (6) Subsection (2) does not apply to an employee if his or her employer fails to give notice to the employee in accordance with subsection (5).

## **8 Payment of leave pay**

An amount to which an employee is entitled under section 6 is payable to the employee on the last day on which the employee is required to work before the commencement of the annual leave to which the payment relates.

**9 Public holidays not to count as leave**

Where a public holiday or an award holiday falls during the period of annual leave taken by an employee in accordance with this Act, the period of that annual leave shall be increased by 1 day in respect of each such public holiday or award holiday.

**10 Employer may require employee to take annual leave**

(1) Where—

- (a) an employee is, or will be, at the end of the current year of employment, entitled under section 4 (1) to annual leave; and
- (b) the employer of that employee gives to the employee notice in writing that he or she requires the employee to take that annual leave from a date specified in the notice, being a date not earlier than 6 weeks after the date on which the notice is given to the employee;

the employee is not entitled to take the annual leave except in accordance with the requirement of the notice.

(2) Where—

- (a) an employee gives to his or her employer notice in writing that he or she is desirous of taking annual leave at the expiration of a period specified in the notice, being a period of not less than 6 weeks after the date on which the notice is given; and
- (b) the employee is, or will be, not later than the expiration of the period specified in the notice, entitled to annual leave;

the employee is entitled to take annual leave at the expiration of the period specified in the notice.

**11 No payment in lieu of leave**

- (1) Subject to this section, an employer shall not make a payment to an employee in connection with his or her entitlement under this Act to annual leave unless—

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- (a) the employer has given notice to the employee under section 10 (1); or
- (b) the employee has given notice to the employer under section 10 (2).
- (2) Where the employment of a person is terminated at a time at which that person is entitled under this Act to annual leave, that person is entitled to receive from the employer an amount equal to the amount that would have been payable to him or her under this Act if he or she had been taking that annual leave from the date on which his or her employment is terminated.
- (3) Where the employment of a person is terminated at a time at which the person has been employed by his or her employer—
- (a) for a period less than 12 months but not less than 1 month; or
- (b) for a period not less than 1 month during a year of employment;
- the person is entitled to receive from the employer an amount equal to  $\frac{1}{12}$  or, in the case of a shiftworker,  $\frac{5}{47}$ , of the ordinary remuneration paid or payable to the person during the period of his or her employment or during the current year of employment, as the case may be.
- (4) In this section:
- ordinary remuneration***—see section 6.
- (5) An amount payable to a person by under subsection (2) or (3) is payable to that person on the last day on which the person is required to work.

## **12 Close-down**

- (1) Subject to this section, an employer may give to an employee notice in writing that the employer requires that employee, in common with 1 or more other employees, to take his or her annual leave from a date, and during the period, specified in the notice.
- (2) A notice given for subsection (1) is not effective for that subsection if it specifies a period exceeding 4 weeks or, in the case of a notice given to an employee who would be entitled, on the date specified in the notice, to annual leave of 5 weeks, a period of 5 weeks.
- (3) A notice given to an employee for subsection (1) and specifying a date more than 6 months after the date of commencement of this Act is not effective for this section unless the notice is given not less than 3 months before the date specified in the notice.
- (4) Where, on the date specified in a notice given for subsection (1), the employee to whom the notice was given is entitled under this Act to annual leave, that employee shall take that annual leave from the date specified in the notice.
- (5) Where, on the date specified in a notice under subsection (1), the employee to whom the notice was given is not entitled to annual leave under this Act or is entitled to part of an annual leave, the employee—
  - (a) shall absent himself or herself from his or her employment during the period specified in the notice; and
  - (b) is entitled to payment from his or her employer of an amount equal to the ordinary remuneration the employee would have received in respect of that part of the period referred to in paragraph (a) that is equal to the sum of—
    - (i) the part of an annual leave (if any) to which the employee is entitled; and

(ii) a period equal to—

(A)  $\frac{1}{12}$ ; or

(B) in the case of a shiftworker— $\frac{5}{47}$ ;

of the period of the employment of the employee during the current year of employment; and

(iii) any public or award holidays that are observed during the period referred to in paragraph (a); and

(c) is entitled to receive from his or her employer an amount calculated in accordance with the formula—

$$\frac{AP \times SP}{AL}$$

where:

**AP** means the amount payable to the employee under section 6 (2) if the employee had been entitled to annual leave.

**SP** means the period equal to the sum of the periods referred to in paragraph (b) (i) and (ii).

**AL** means the period of the annual leave to which the employee would have been entitled if, immediately before the date specified in the notice, the employee had completed a year of employment.

(6) An amount to which an employee is entitled under subsection (5) is payable to the employee on the last day on which the employee is required to work before the date specified in the notice given to the employee for subsection (1).

- (7) Where—
- (a) an employer gives notice for subsection (1) to an employee; and
  - (b) a payment is made to the employee in accordance with subsection (5); and
  - (c) the employee resumes his or her employment after the expiration of the period specified in the notice;

this Act shall apply to, and in relation to, that employee as if his or her employment by the employer referred to in paragraph (a) had commenced on the date specified in the notice given to the employee for subsection (1).

- (8) In this section:  
*ordinary remuneration*—see section 6.

### **13 Annual leave records**

- (1) An employer shall, in respect of each person he or she employs, keep a record specifying—
- (a) the name, occupation and classification of the employee; and
  - (b) whether the employee is full-time, part-time or casual; and
  - (c) the employee's ordinary remuneration (including the gross and net amounts paid), the base rate of pay and any loading payable to the employee, and the purpose of the loading; and
  - (d) the number of hours worked each week by the employee; and
  - (e) the date on which the employee commenced service; and
  - (f) the period of any annual leave taken by the employee; and
  - (g) each other occasion on which the person has been absent from his or her employment; and

- 
- (h) where the person has ceased to be employed by the employer—the date on which, and manner in which, he or she so ceased to be employed; and
  - (i) the date of birth of the employee as provided by the employee; and
  - (j) the name of each award or agreement under which the employee has entitlements; and
  - (k) if overtime may be paid under the award to the employee—
    - (i) the number of hours worked by the employee during each day; and
    - (ii) when the employee started and ceased work.

Maximum penalty: 20 penalty units.

- (2) An employer shall retain a record referred to in subsection (1) until the expiration of a period of 2 years after the date on which the person to whom the record relates ceased to be employed by him or her.

Maximum penalty: 20 penalty units.

- (3) Subject to subsection (4), an employer shall, at the request of an authorised officer, make available for inspection by that officer a record kept or retained for this section.

Maximum penalty: 50 penalty units.

- (4) An employer is not required by subsection (3) to make a record available for inspection otherwise than at a place of business of the employer during the hours during which the employer's business is normally conducted at that place.

## **14 No contracting out**

- (1) Subject to subsection (2), this Act has effect notwithstanding any award or agreement to the contrary.

- (2) Nothing in this Act affects the operation of an award or agreement to the extent that the award or agreement confers upon an employee rights that are more advantageous to the employee than the rights conferred upon the employee by this Act.

#### **14A Registrar of Annual Leave**

- (1) There shall be a Registrar of Annual Leave.
- (2) In addition to performing the functions of the registrar under this Act, the registrar shall perform such other functions as the Minister directs.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (3) The chief executive shall create and maintain an office in the public service the duties of which include performing the functions of the Registrar of Annual Leave.
- (4) The registrar shall be the public servant for the time being performing the duties of the public service office referred to in subsection (3).

#### **14B Authorised officers**

- (1) There shall be 1 or more authorised officers for this Act.
- (2) The chief executive may create and maintain 1 or more offices in the public service the duties of which include performing the functions of an authorised officer.
- (3) The following persons shall be authorised officers:
  - (a) any public servant for the time being performing the duties of a public service office referred to in subsection (2);
  - (b) any other person (including an officer of the Australian Public Service constituted under the *Public Service Act 1999* (Cwlth)) appointed, in writing, by the chief executive for the purpose.

**14C Identity cards**

- (1) The chief executive shall issue to the registrar an identity card that specifies the registrar's name and office, and on which appears a recent photograph of the registrar.
- (2) The chief executive shall issue to a delegate of the registrar with any delegated powers of an authorised officer an identity card that specifies the delegate's name and delegated office, and on which appears a recent photograph of the delegate.
- (3) The chief executive shall issue to an authorised officer an identity card that specifies the authorised officer's name and office, and on which appears a recent photograph of the authorised officer.
- (4) On ceasing—
  - (a) to occupy, or to act in, the office of the registrar; or
  - (b) to be a delegate of the registrar with any delegated powers of an authorised officer; or
  - (c) to occupy, or to act in, an office of authorised officer;

a person shall not, without reasonable excuse, fail to return his or her identity card to the chief executive.

Maximum penalty: 1 penalty unit.

**14D Powers of entry of authorised officers**

- (1) Subject to subsection (2), if an authorised officer has reasonable grounds for believing that it is necessary to do so for this Act an authorised officer may, at any time, enter premises of an employer and exercise the powers referred to in subsection (4).
- (2) An authorised officer shall not enter premises under subsection (1) without the consent of the employer.
- (3) An authorised officer who enters premises under subsection (1) is not authorised to remain on the premises, and a person is not required to comply with a requirement made by an authorised

officer under subsection (4), if, on request by the employer, or the person in charge of the premises, the authorised officer does not produce his or her identity card.

- (4) An authorised officer who enters premises under subsection (1) may—
- (a) require the employer to make available for inspection records required to be kept under this Act; and
  - (b) make copies of, or take extracts from records referred to in paragraph (a).

#### **14E Complaints**

- (1) Where a complaint is made to the registrar by an employee, the registrar shall refer the complaint to an authorised officer.

*Note* If a form is approved under s 16 (Approved forms) for a complaint, the form must be used.

- (2) Where a complaint made by an employee—
- (a) is made to an authorised officer; or
  - (b) is referred to an authorised officer under subsection (1);
- the authorised officer may, by notice in writing, require the complainant and the employer to whom the complaint relates, to attend a conference at a place, date and time specified in the notice to endeavour to resolve the complaint.
- (3) A conference shall be conducted in such a manner as the authorised officer thinks fit.
- (4) Except with the consent of the authorised officer—
- (a) a natural person is not entitled to be represented at a conference by another person; and
  - (b) a body of persons (whether incorporated or unincorporated) is not entitled to be represented at a conference by a person other than a member, officer or employee of the body.

- (5) In this section:

*complaint* means a complaint by an employee concerning his or her entitlements under this Act.

**14F Notice to comply with Act**

An authorised officer may, if satisfied having regard to the relevant circumstances of a particular case that it is necessary to do so, by notice in writing, require an employer, within 28 days after the date of the notice, to comply with the Act.

**14G Review of directions by registrar**

- (1) An employer may apply to the registrar for a review of a requirement made of him or her under section 14F.
- (2) An application shall be in writing.
- (3) The registrar may uphold, revoke or vary the terms of, the requirement.
- (4) Where the registrar makes a decision under subsection (3), the registrar shall give notice in writing of his or her decision to the applicant.

**14H Review of decisions**

- (1) Application may be made to the administrative appeals tribunal for a review of—
  - (a) a decision of an authorised officer under section 7 (2); or
  - (b) a decision of the registrar under section 14G.
- (2) A notice under section 14G (4) shall be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25 (1).

**14J Failing to comply with requirement of authorised officer**

A person shall not, without reasonable excuse, contravene a requirement made under section 14F.

Maximum penalty: 50 penalty units.

**14K Liability**

An action or other proceeding, civil or criminal, does not lie against the registrar or an authorised officer for or in relation to any act done, or omission made, in good faith in connection with his or her powers under this Act.

**14L Delegation by registrar**

The registrar may delegate to any person any of the registrar's powers under this Act, other than the registrar's powers under section 14G.

**15 Offences**

Where, under this Act, money is payable by an employer to a person, the employer shall pay the money to that person on the day on which the money is payable.

Maximum penalty: 50 penalty units.

**16 Approved forms**

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**17 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Annual Holidays Ordinance 1973* No 46 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

The Act was later renamed as the *Annual Leave Act 1973* by the *Annual Leave (Amendment) Act 1997* (see s 5).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

### Legislation before becoming Territory enactment

#### **Annual Leave Act 1973 No 46**

notified 29 November 1973

commenced 29 November 1973

as amended by

#### **Annual Holidays Ordinance (No 2) 1973 No 47**

notified 5 December 1973

commenced 5 December 1973 (but see s 7)

#### **Annual Holidays (Amendment) Ordinance 1976 No 58**

notified 10 November 1976

commenced 10 November 1976

#### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S164)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and Cwlth Gaz 1989 No S164)

### **Legislation after becoming Territory enactment**

#### **Workers' Compensation (Consequential Amendments) Act 1991 No 106 sch**

notified 15 January 1992 (Gaz 1991 No S3)  
s 1, s 2 commenced 15 January 1992 (s 2 (1))  
s 3, sch commenced 22 January 1992 (s 2 (2) and see Gaz 1992  
No S9)

#### **Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 6**

notified 30 June 1994 (Gaz 1994 No S121)  
s 1, s 2 commenced 30 June 1994 (s 2 (1))  
sch 1 pt 6 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

#### **Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2(1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

#### **Annual Leave (Amendment) Act 1997 No 67**

notified 9 October 1997 (Gaz 1997 No S300)  
ss 1-3 commenced 9 October 1997 (s 2 (1))  
ss 4-15 commenced 17 December 1997 (s 2 (2) and Gaz 1997  
No S415)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 20**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 20 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Vocational Education and Training Act 2003 A2003-37 sch 2 pt 2.1**

notified LR 8 September 2003  
s 1, s 2 commenced 8 September 2003 (LA s 75 (1))  
sch 2 pt 2.1 commenced 1 November 2003 (s 2)

#### **Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.5**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.5 commenced 9 April 2004 (s 2 (1))

**Annual Leave Amendment Act 2004 A2004-41**

notified LR 9 July 2004

s 1, s 2 commenced 9 July 2004 (LA s 75 (1))

remainder commenced 10 July 2004 (s 2)

**4 Amendment history****Title**

title sub 1997 No 67 s 4

**Short title**s 1 sub 1976 No 58  
am 1997 No 67 s 5**Interpretation for Act**s 2 am 1997 No 67 s 6  
def **agreement** am 1991 No 106 sch; 1997 No 67 s 6  
def **approved training agreement** ins 1997 No 67 s 6  
om A2003-37 amdt 2.1  
def **approved training contract** ins A2003-37 amdt 2.2  
def **authorised officer** am 1989 No 38 sch 1  
sub 1997 No 67 s 6  
def **award** am 1973 No 47 s 2; 1991 No 106 sch; 1997 No 67  
s 6  
def **determination** ins 1973 No 47 s 2  
om 1997 No 67 s 6  
def **prescribed officer** om 1994 No 38 sch 1 pt 6  
def **shiftworker** sub 1973 No 47 s 2  
am 1991 No 106 sch  
def **trainee** ins 1997 No 67 s 6  
am A2003-37 amdt 2.3  
def **training agreement** ins 1997 No 67 s 6  
om A2003-37 amdt 2.4**Annual leave**s 4 am 1973 No 47 s 3; 1976 No 58; 1991 No 106 sch; 1997  
No 67 s 7; A2004-41 s 4**Period of leave**s 5 hdg am 1997 No 67 notes  
s 5 am 1997 No 67 sch**Annual leave pay**s 6 am 1973 No 47 s 4  
sub 1997 No 67 s 8**Leave to be taken within 6 months**

s 7 am 1994 No 38 sch 1 pt 6; 1997 No 67 s 9, sch

## Endnotes

4 Amendment history

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### **Payment of leave pay**

s 8 hdg am 1997 No 67 notes  
s 8 am 1997 No 67 sch

### **Public holidays not to count as leave**

s 9 am 1997 No 67 sch

### **Employer may require employee to take annual leave**

s 10 hdg am 1997 No 67 notes  
s 10 am 1997 No 67 sch

### **No payment in lieu of leave**

s 11 hdg am 1997 No 67 notes  
s 11 am 1973 No 47 s 5; 1997 No 67 sch

### **Close-down**

s 12 am 1973 No 47 s 6; 1997 No 67 s 10, sch

### **Annual leave records**

s 13 am 1997 No 67 s 11; pars renum R6 LA

### **Registrar of Annual Leave**

s 14A ins 1997 No 67 s 12  
am 2001 No 44 amdt 1.211, amdt 1.212

### **Authorised officers**

s 14B ins 1997 No 67 s 12

### **Identity cards**

s 14C ins 1997 No 67 s 12

### **Powers of entry of authorised officers**

s 14D ins 1997 No 67 s 12

### **Complaints**

s 14E ins 1997 No 67 s 12  
am 2001 No 44 amdt 1.213-1.215

### **Notice to comply with Act**

s 14F ins 1997 No 67 s 12

### **Review of directions by registrar**

s 14G ins 1997 No 67 s 12

### **Review of decisions**

s 14H ins 1997 No 67 s 12

### **Failing to comply with requirement of authorised officer**

s 14J hdg sub A2004-15 amdt 2.13  
s 14J ins 1997 No 67 s 12  
am A2004-15 amdt 2.14, amdt 2.15

**Liability**

s 14K ins 1997 No 67 s 12  
am 2001 No 44 amdt 1.216

**Delegation by registrar**

s 14L ins 1997 No 67 s 12  
am 2001 No 44 amdt 1.216

**Offences**

s 15 am 1994 No 81 sch; 1997 No 67 s 13; R6 LA

**Approved forms**

s 16 am 1989 No 38 sch 1  
Act 1997 No 67 s 16; 2001 No 44 amdt 1.217

**Regulation-making power**

s 17 ins 2001 No 44 amdt 1.217

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	ord 1989 No 38	30 April 1991
2	Act 1991 No 106	31 January 1993
3	Act 1994 No 81	31 January 1995
4	Act 1994 No 81	31 January 1997
5	Act 1997 No 67	31 January 1998
6	A2001-44	11 January 2002
7	A2003-37	1 November 2003
8	A2004-15	9 April 2004

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