

**THE LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY**

EXPLANATORY STATEMENT

Amendments to the Annual Leave Act 1973

**Circulated by authority of the
Minister for Industrial Relations**

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1. Name of Act

This is a formal provision establishing the name of the Act as the Annual Leave Amendment Act 2003.

2. Commencement

This is a formal provision specifying when the Act commences operation.

3. Act amended

This is a formal provision specifying the name of the Act that is amended. This Act amends the *Annual Leave Act 1973*.

4. Section 4(3)

This provision replaces existing subsection 4(3) with a new subsection. The new subsection clarifies that an employee is not entitled to annual leave if the employee received a pay loading under an award or agreement, in addition to their base rate of pay, instead of annual leave. Payment of the loading must be identifiable in annual leave records maintained by the employer.

The amended subsection deletes the requirement for an employee to be engaged for a minimum average number of hours each week before they are entitled to annual leave.

This amendment reflects changes in part time working arrangements. Prior to the passage of amendments to federal laws limiting the number of allowable award matters, it was usual for federal awards to require employers to provide part time workers with minimum hours each week. These minimum weekly engagement provisions have now been removed from awards through Australian Industrial Relations Commission's award simplification exercise.