

# HOLIDAYS ORDINANCE 1974

45

No. 17 of 1974

An Ordinance to amend the  
*Holidays Ordinance 1957* as amended

[Assented to 26 June 1974]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:-

1. This Ordinance may be cited as the *Holidays Ordinance* 1974. Short title

2. The *Holidays Ordinance 1957* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. Section 3 of the Principal Ordinance is repealed and the following section substituted:

“3. This Ordinance does not apply in relation to a person employed in an industry in relation to whom an industrial agreement, award, order or determination is in force under the *Conciliation and Arbitration Act 1904-1973*, being an agreement, award, order or determination that makes provision for or in relation to the observance in that industry of, or performance of work in that industry on, specified public holidays only in the Territory or a holiday that is, by virtue of that agreement, award, order or determination, a holiday in the Territory in that industry.” Application

4.(1) Where, before the commencement of this Ordinance, the effect or purported effect of an industrial agreement, award, order or determination under the *Conciliation and Arbitration Act 1904*, or that Act as amended, was that a day that was a public holiday as provided by the *Holidays Ordinance 1957* or that Ordinance as amended was not to have been observed as a holiday in an industry, an employee in that industry is not entitled— Operation of Principal Ordinance before this Ordinance

(a) to be paid in respect of work performed on that day at a higher rate than the rate of his ordinary pay payable in respect of a day that is not a holiday in the industry; or

(b) to observe, after that commencement, in lieu of that day, an additional day as a holiday.

*Holidays*

(2) In this section, "ordinary pay" means, in relation to an employee, the salary and wages ordinarily payable to the employee, and includes—

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

but does not include payments in respect of overtime, penalty rates of pay or allowances that, by virtue of an award or agreement, are not to be taken into account in determining overtime payments.

---