

# House of Representatives

## Supplementary Order Paper

Tuesday, 12 October 2004

### Holidays Amendment Bill

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#### *Proposed amendments*

Paul Adams, in Committee, to move the following amendments:

#### *Clause 4*

To insert in section 50, after subsection (2) (after line 10 on page 3), the following subsection:

“(2A) Section 9(1)(b)(i) does not apply for the purposes of calculating relevant daily pay under subsection (1)(a) and (b).”

#### *Clause 8*

To add to section 61A(2)(b) (after line 27 on page 5), the expression “; and”, and add following paragraph:

“(c) section 9(1)(b)(i) does not apply for the purposes of calculating the amount paid for the day under paragraph (b)(i).”

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### Explanatory note

The Bill requires employers to pay time-and-a-half of relevant daily pay to those staff working on a public holiday. Since relevant daily pay includes commission on sales, the legislation would also require employers of salespeople to pay commission at one-and-a-half times the going rate. This amendment excludes productivity-based payments, such as commission, from being subject to the time-and-a-half rate.

Although the Bill aims to ensure that a salesperson is not paid time-and-a-half if they are sick on a public holiday, they will still be paid commission under the definition of **relevant daily pay**. Commission is an additional payment to reward sales actually made, and, since those who are sick on a public holiday

cannot make sales, this amendment excludes such payments in calculating sick pay on a public holiday.

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