

Mr Mark Morey
Secretary
Unions NSW
Level 3, Trades Hall
4 – 10 Goulburn Street
SYDNEY NSW 2000

Dear Mr Morey

I am writing to you regarding possible amendments to the Annual Holidays Act 1944 (the Act) which are being considered at officer level by the Employee Relations branch of the NSW Department of Premier and Cabinet.

As you would be aware, the Act was amended in May 2020 to allow local government employees to 'cash out' annual leave and/or take it at half or double pay in certain circumstances.

Employee Relations is now considering an extension of these provisions to also apply to public sector workers in the NSW industrial relations system. The proposal was canvassed amongst union representatives at the most recent meeting of the Public Sector Unions' Consultative Forum where a variety of views were expressed.

It is envisaged that a proposal to amend the Act to permit the cashing out and taking of annual leave at half pay or double pay would include appropriate safeguards broadly comparable to those contained in modern awards and enterprise agreements covered by federal industrial laws. The protections could include ensuring that an arrangement would only be entered into by an agreement between the employer and worker; the worker would be required to retain at least four weeks annual leave balance; and no more than two weeks annual leave would be permitted to be cashed out in any 12-month period.

I look forward to hearing your views about the possibility of implementing more flexible annual leave arrangements in the NSW public sector.

Yours sincerely



Charlie Heuston
Executive Director - Employee Relations

5/11/2021