

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

This Bill is cognate with the *Shop Trading Amendment Bill 2010*.

Overview of Bill

The object of this Bill is to replace the *Banks and Bank Holidays Act 1912* with an Act that provides for the following:

- (a) the public holidays that apply in the State (including provision for additional and substituted public holidays to be declared in any year for the whole or part of the State),
- (b) employee entitlements on public holidays,
- (c) the declaring of local event days to signify days of special significance to the local community.

For 2011, the declared standard public holidays will be the same as currently apply under the *Banks and Bank Holidays Act 1912* except that there will be a substitute day on the following Monday when Australia Day falls on a weekend (not just on a Sunday as at present) and Easter Sunday will be a public holiday.

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From 1 January 2012, a revised list of standard public holidays will apply that incorporates the following changes:

- (a) an additional day for Christmas Day, Boxing Day and New Year's Day when they fall on a weekend,
- (b) Anzac Day is to be observed on 25 April no matter which day of the week it falls on.

The existing provisions of the *Banks and Bank Holidays Act 1912* dealing with bank trading days will be transferred to the *Shop Trading Act 2008* (to be renamed the *Retail Trading Act 2008* by the *Shop Trading Amendment Bill 2010*) and the Bank Holiday will be extended to certain other financial institutions.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Public holidays

Clause 4 declares the standard public holidays that apply throughout the State. For 2011, the declared public holidays will be the same as currently apply under the *Banks and Bank Holidays Act 1912* except that Easter Sunday will be a public holiday and there will be a substituted day when Australia Day falls on a Saturday.

From 1 January 2012, a revised list of standard public holidays will apply that incorporates the changes referred to in the Overview.

Clause 5 authorises the Minister to declare additional public holidays in a particular year for the whole or a specified part of the State.

Clause 6 authorises the Minister to change the date of a public holiday in a particular year by substituting another day for a public holiday.

Clause 7 applies as laws of New South Wales provisions of the *Fair Work Act 2009* of the Commonwealth that entitle an employee to be absent from employment on a public holiday and to be paid while absent on a public holiday.

Part 3 Miscellaneous

Clause 8 provides for the Minister to declare a local event day in a local government area at the request of the local council on the basis that the day is and will be observed as a day of special significance to the local community.

Clause 9 provides for the delegation of functions of the Minister under the proposed Act.

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Clause 10 is a general regulation-making power.

Clause 11 repeals the *Banks and Bank Holidays Act 1912*.

Clause 12 provides for a review of the proposed Act 5 years after the date of assent to the proposed Act.

Schedule 1 Savings, transitional and other provisions

Schedule 1 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Schedule 2 Amendment of Acts

Schedule 2 amends the Acts specified in the Schedule. The amendment of the *Public Holidays Act 2010* commences on 31 December 2011 and changes the standard public holidays as referred to in the Overview above.