

FIRST PRINT

## BANKS AND BANK HOLIDAYS (AMENDMENT) BILL 1992

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Banks and Bank Holidays Act 1912 designates certain days as bank holidays—that is, days on which, throughout New South Wales, banking business cannot be transacted. These days are for the most part observed by the wider community as public holidays and are encompassed by agreements between employers and employees. In addition, the Act provides that, by proclamation of the Governor-in-Council, other holidays throughout the State may be declared, or the date for observance of a holiday in a particular year can be changed.

The object of this Bill is to repeal existing provisions prescribing the holidays and replace them with provisions that reflect an approach to holiday dates that accords with custom and community attitudes and that dispense with the need for executive government action. Specifically, the Bill:

- (a) provides that Australia Day and Anzac Day are to be celebrated on the day on which they fall; and
- (b) provides that when Boxing Day falls on a Saturday, the following Monday is to be observed as a holiday, and that when Christmas Day and Boxing Day fall on a Saturday and Sunday, the following Monday and Tuesday are to be observed as holidays; and
- (c) repeals section 20 of the Banks and Bank Holidays Act 1912, under which the Governor-in-Council has power by proclamation to change the day on which, in a particular year, a holiday appointed by that Act is to be observed; and
- (d) establishes Labour Day as a public holiday recognised by the Act.

The Bill does not deal with local holidays, such as country town show days, but only with holidays traditionally observed throughout the State.

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*Banks and Bank Holidays (Amendment) 1992*

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Banks and Bank Holidays Act 1912.

**SCHEDULE 1—AMENDMENTS**

**Australia Day and Anzac Day**

The Act at present provides that Australia Day and Anzac Day are to be celebrated on the Monday following any Sunday on which they happen to fall. Section 15, as substituted by the proposed Act, will not make this provision.

**Christmas and Boxing Day holidays where 26 December is a Saturday or Sunday**

The Act at present specifies that some holidays are to be observed on an alternative date if the date by which they are identified falls on a Sunday. There is no similar specification in case the date falls on a Saturday. The new section 15 will provide that when Boxing Day falls on a Saturday (as, for example, this year) the holiday is to be observed on the following Monday (28 December). When Christmas Day falls on a Saturday (as, for example, next year) the following Monday and Tuesday are designated as holidays.

**Substitution of holidays by proclamation**

Schedule 1 (2) repeals section 20 of the Act, revoking the power of the Governor-in-Council under that section to substitute another day instead of the day appointed by the Act for the observance of a holiday in a particular year. Additional holidays may still be proclaimed under section 19.

**Labour Day**

Labour Day, which is the basis of the October long weekend in New South Wales, is not at present specified in the Act as a bank holiday or public holiday, even though its observance has been customary for many years. The new section 15 provides that it is to be a bank holiday and public holiday every year.

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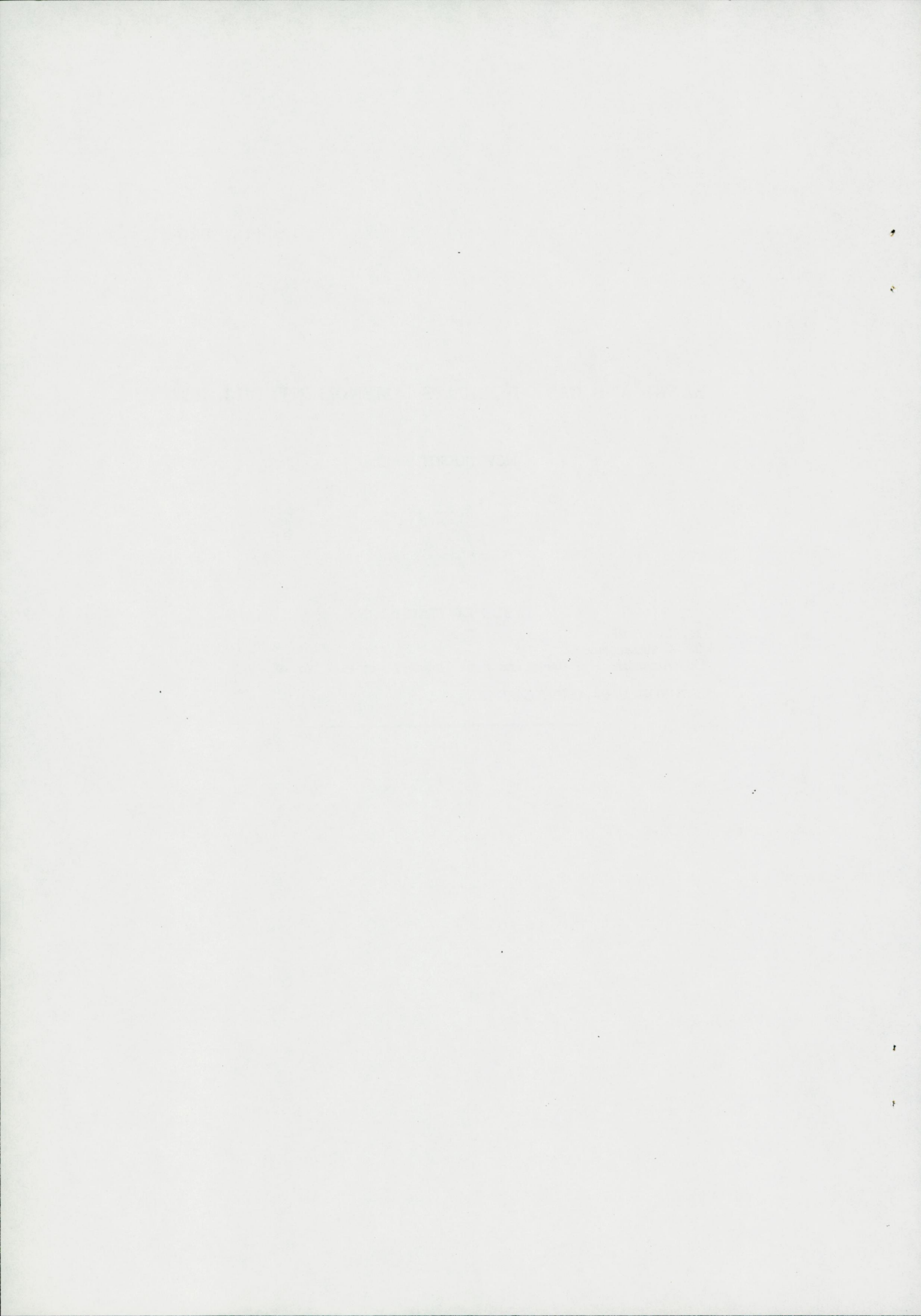


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**SCHEDULE 1—AMENDMENTS**

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**BANKS AND BANK HOLIDAYS (AMENDMENT) BILL 1992**

NEW SOUTH WALES



No. , 1992

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**A BILL FOR**

**An Act to amend the Banks and Bank Holidays Act 1912 with respect to the observance of public or bank holidays.**

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*Banks and Bank Holidays (Amendment) 1992*

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The Legislature of New South Wales enacts:

**Short title**

1. This Act may be cited as the Banks and Bank Holidays (Amendment) Act 1992.

**5 Commencement**

2. This Act commences on the date of assent.

**Amendment of Banks and Bank Holidays Act 1912 No. 43**

3. The Banks and Bank Holidays Act 1912 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Omit section 15, insert instead:

**Public or bank holidays**

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15. (1) The following days are public holidays in New South Wales:

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- 1 January (New Year's Day) or, if that day falls on a Sunday, the following Monday
- 26 January (Australia Day)
- Good Friday
- the Saturday following Good Friday
- Easter Monday
- 25 April (Anzac Day)
- the birthday of the Sovereign or, if that day does not fall on a Monday, the following Monday
- the first Monday in October (Labour Day)
- 25 December (Christmas Day) and, if that day falls on a Saturday or Sunday, the following Monday
- 26 December (Boxing Day) and:
  - (a) if that day falls on a Saturday, the following Monday; or
  - (b) if that day falls on a Sunday or Monday, the following Tuesday.

*Banks and Bank Holidays (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

(2) The days prescribed by subsection (1), and also the first Monday in August, are bank holidays for all banks in New South Wales.

(3) A reference in any award or agreement, or in any document regulating the rights and obligations of employers and employees, to the Fourth Schedule to this Act is to be read as a reference to this section, as in force after the commencement of the Banks and Bank Holidays (Amendment) Act 1992.

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(2) Section 20 (**Day appointed for bank holiday may be vetoed by proclamation**):

Omit the section.

(3) Omit the Fourth Schedule.

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