

TASMANIA

**STATUTORY HOLIDAYS AMENDMENT BILL
2010**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Long title amended
5. Section 4 amended (Statutory holidays)
6. Section 5 amended (Local statutory holidays)
7. Section 6 substituted
 6. Easter Tuesday to be observed by certain persons
 - 6A. Act does not affect entitlements
8. Section 8 amended (Bank trading)
9. Repeal

**STATUTORY HOLIDAYS AMENDMENT BILL
2010**

*(Brought in by the Minister for Workplace Relations, the
Honourable David James O'Byrne)*

A BILL FOR

An Act to amend the *Statutory Holidays Act 2000*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Statutory Holidays Amendment Act 2010*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Statutory Holidays Act 2000** is referred to as the Principal Act.

*No. 96 of 2000

Statutory Holidays Amendment Act 2010
Act No. of

s. 4

4. Long title amended

The long title of the Principal Act is amended by inserting “that are to be public holidays, to make Easter Tuesday a holiday for certain persons” after “holidays”.

5. Section 4 amended (Statutory holidays)

Section 4 of the Principal Act is amended as follows:

- (a) by inserting “to be observed as public holidays generally” after “holidays”;
- (b) by omitting paragraph (f);
- (c) by omitting paragraph (g) and substituting the following paragraph:
 - (g) Anzac Day (25 April), unless that day falls on a Sunday or Easter Monday, in which case –
 - (i) the Monday following Anzac Day, if that day falls on a Sunday; or
 - (ii) the Tuesday following Easter Monday, if that day falls on Easter Monday;
- (d) by omitting paragraph (i) and substituting the following paragraphs:

Statutory Holidays Amendment Act 2010
Act No. of

s. 6

(i) Christmas Day (25 December), unless that day falls on a Sunday, in which case the Tuesday following Christmas Day;

(ia) if Christmas Day falls on a Saturday, the Monday following Christmas Day;

6. Section 5 amended (Local statutory holidays)

Section 5 of the Principal Act is amended as follows:

(a) by inserting in subsection (1) “to be observed as public holidays” after “holidays”;

(b) by inserting in subsection (2) “to be observed as public holidays” after “holidays”.

7. Section 6 substituted

Section 6 of the Principal Act is repealed and the following sections are substituted:

6. Easter Tuesday to be observed by certain persons

(1) This section applies to a person who is a member of a class of persons referred to in section 6 of the *Industrial Relations (Commonwealth Powers) Act 2009*.

Statutory Holidays Amendment Act 2010
Act No. of

s. 7

- (2) A person to whom this section applies is entitled, without loss of pay, to a holiday on Easter Tuesday.
- (3) A person to whom this section applies who ordinarily does not work on a Tuesday is not entitled to any payment in respect of, or time off in lieu of, Easter Tuesday, unless he or she works on that day.
- (4) Subject to subsection (5), this section applies despite any provision to the contrary made by or under any other Act or by any contract of employment or other agreement relating to employment in relation to a person to whom this section applies.
- (5) Nothing in this section affects a provision made by or under any Act, or contract of employment or other agreement relating to employment, requiring a person who is entitled to a holiday on Easter Tuesday to work on that day on any terms and conditions specified in the provision.

6A. Act does not affect entitlements

- (1) This Act does not affect any existing entitlement of any employee in respect of any Saturday, Sunday, statutory holiday, public holiday, bank holiday, or bank part holiday, under any award or registered agreement under the *Industrial*

Statutory Holidays Amendment Act 2010
Act No. of

s. 8

Relations Act 1984, any other agreement
or any enactment of this State.

- (2) This section is of no effect to the extent that it is inconsistent with –
- (a) the *Fair Work Act 2009* of the Commonwealth; or
 - (b) any instrument given effect to by that Act; or
 - (c) any instrument given continuing effect to by the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* of the Commonwealth.

8. Section 8 amended (Bank trading)

Section 8(a) of the Principal Act is amended by omitting “sections 4 and 5” and substituting “sections 4, 5 and 6”.

9. Repeal

This Act is repealed on the ninetieth day from the day on which it commences.