
Fact Sheet

Statutory Holidays Amendment Bill 2009

- The Bill proposes an amendment to the *Statutory Holidays Act 2000* (“the Act”) in relation to Anzac Day.
- In December 2000 new legislation replaced the *Bank Holidays Act 1919* with a simple modern *Statutory Holidays Act* that defines the dates of holidays within Tasmania.
- The *Statutory Holidays Amendment Bill 2009* provides for a substitute public holiday for Anzac Day when it falls on a Sunday or Easter Monday.
- The change in the legislation follows a decision by the Council for the Australian Federation (CAF) on 12 September 2008, when all states and territories agreed in principle to take steps to harmonise arrangements across Australia for the provision of the Anzac Day holiday. The recommendations were:
 - A substitute public holiday on the following Monday where Anzac Day falls on a Sunday
 - A substitute public holiday on the Tuesday when Anzac Day falls on Easter Monday in 2011
- Tasmania’s in principle support was noted at that meeting as being subject to consultation with business and industry. Key stakeholders, including the RSL, TCCI, Unions Tasmania, local government and government departments were consulted and saw no major issues with the proposal.
- All other states and territories have now implemented the CAF recommendation in relation to Sunday and are working toward implementation of the substitute holiday for Easter Monday 2011.
- There will be no substitute holiday when Anzac Day falls on a Saturday or a weekday. Arrangements are unchanged and the holiday will be on the day it falls.
- There will be an additional weekday public holiday in Tasmania, on average, every 11 years with the first holiday occurring on Monday 26 April 2010.

- No provision has been made in 2011 for an extra holiday for those employees who would normally receive a Bank Holiday on Easter Tuesday (eg bank employees, state public servants and those covered under some awards).
- Anzac Day is a day of remembrance to honour those who served and particularly those who died serving Australia in times of conflict. It is appropriate that Anzac Day continue to be commemorated on 25 April and not on the substitute holiday.
- Currently the *Shop Trading Hours Act 1984* provides trading restrictions for the major retailers on both Anzac Day and Easter Sunday. The proposal will have no effect on that Act. It lists restrictions for Anzac Day itself and this would stay the same but would not influence the substitute holiday.
- An amendment to the legislation would mean that Sunday 25 April would be a normal Sunday for award purposes (eg double time) and therefore the holiday Monday may attract penalty rates (eg double time and a half). Penalty rates vary between awards and agreements.
- The amendment proposed by this Bill is a positive and practical outcome that increases harmonisation of the Anzac Day holiday and brings Tasmania in line with the rest of Australia.