

2009

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

HOLIDAYS (FAMILY AND COMMUNITY DAY) AMENDMENT BILL 2009

EXPLANATORY STATEMENT

**Presented by
Mr John Hargraves MLA
Minister for Industrial Relations**

Holidays (Family and Community Day) Amendment Bill 2009

Overview

The Government committed to a review of the purpose and future of Family and Community Day following the repeal of the Work Choices industrial relations system and after public consultation.

A six-week public consultation period was undertaken between Friday 17 April and Friday 29 May 2009 using the ACT Community Noticeboard as well as letters to business and employee representative peak bodies seeking their views.

There were in excess of 1,100 submissions received from organizations and members of the public at the conclusion of the public consultative process. Of the 1100 responses, 47% chose to replace Family and Community Day with a permanent new public holiday, possibly on a different date, with a strong ACT connotation.

Of the total responses, nearly 21% indicated a preference for a day focused on Floriade or the commencement of spring. The Holidays (Family and Community Day) Amendment Bill 2009 (the Bill) gives effect to the Government's commitment and responds to the outcomes of the consultation process.

The new National Employment Standards, under the *Fair Work Act 2009* (Cwlth), do not contain public holiday provisions that will include the opportunity for the *Holidays Act 1958* (the Act) to revive a Union Picnic Day (UPD) entitlement.

The Act also provides the UPD holiday for employees whose employment is governed by one of the awards listed in Schedule 1 of the Act. However, the federal Government's award modernisation process has rendered the Schedule 1 awards obsolete. Accordingly, with the permanent establishment of the Family and Community Day public holiday, the Bill takes the opportunity to remove all references to the UPD and the Schedule 1 awards.

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Detail on clauses

Clause 1 Name of Act

This clause names this Act is the *Holidays (Family and Community Day) Amendment Act 2009* (the Act).

Clause 2 Commencement

This clause provides that the Act commences on the day after its notification day.

Clause 3 Legislation amended

This clause provides that this Act amends the *Holidays Act 1958*.

Clause 4 Public holidays

This clause inserts a new section 3 (1) (a) (viiiia) to provide that Family and Community Day is a public holiday of general application in the ACT.

Clause 5 Section 3 (5)

This clause is a technical amendment to update the terms used to reflect the *Fair Work Act 2009* (Cwlth).

Clause 6 Section 3 (6)

This clause substitutes a new clause 6 to explain that *Family and Community Day* occurs on the first Monday after the end of term 3 of the ACT school terms, however, if that Monday is the designated Labour Day public holiday, as will occur in 2011 and 2012, the Family and Community Day public holiday will fall on the second Monday of the term break.

It also provides a further technical amendment to update the terms used to reflect the *Fair Work Act 2009* (Cwlth).

Clause 7 and 8 Union picnic day / Awards

These clauses remove Section 5 and Schedule 1 from the Act thereby removing all references to the redundant Union Picnic Day and associated awards.