APEC Public Holiday Bill 2007

No. , 2007

(Employment and Workplace Relations)

A Bill for an Act relating to the public holiday appointed in metropolitan Sydney to facilitate the holding of an APEC meeting on 7 September 2007, and for other purposes
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A Bill for an Act relating to the public holiday
appointed in metropolitan Sydney to facilitate the
holding of an APEC meeting on 7 September 2007,
and for other purposes

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the APEC Public Holiday Act 2007.

2 Commencement

This Act commences on the day on which it receives the Royal
Assent.
3 Object of Act

The object of this Act is to provide that 7 September 2007 is a public holiday for the purposes of certain federal industrial instruments, but only in respect of employment in the local government areas in which the public holiday is to be observed.

4 Definitions

In this Act:

employee means the following:
(a) an employee within the meaning of subsection 5(1) of the Workplace Relations Act 1996;
(b) an employee within the meaning of subclause 2(1) of Schedule 6 to the Workplace Relations Act 1996.

employment, in relation to a pre-reform industrial instrument, means the following:
(a) employment by an employer, within the meaning of subsection 6(1) of the Workplace Relations Act 1996, who is bound by the pre-reform industrial instrument;
(b) employment by an excluded employer who is bound by the pre-reform industrial instrument.

excluded employer has the same meaning as in Schedule 6 to the Workplace Relations Act 1996.

New South Wales Gazette notice means the notice published under subsection 19(3) of the Banks and Bank Holidays Act 1912 of New South Wales in Gazette No 36 of 2 March 2007 appointing 7 September 2007 as a day to be observed as a public holiday in the local government areas specified in the Schedule to the notice.

pre-reform industrial instrument means any of the following:
(a) a transitional award within the meaning of subclause 2(1) of Schedule 6 to the Workplace Relations Act 1996;
(b) a pre-reform AWA within the meaning of clause 1 of Schedule 7 to the Workplace Relations Act 1996;
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(c) a pre-reform certified agreement within the meaning of clause 1 of Schedule 7 to the Workplace Relations Act 1996;
(d) a section 170MX award within the meaning of clause 1 of Schedule 7 to the Workplace Relations Act 1996;
(e) an old IR agreement within the meaning of clause 1 of Schedule 7 to the Workplace Relations Act 1996, to the extent that it binds an excluded employer;
(f) a preserved State agreement within the meaning of subclause 1(1) of Schedule 8 to the Workplace Relations Act 1996.

The APEC public holiday means 7 September 2007.

5 APEC public holiday

(1) A reference in any pre-reform industrial instrument to a public holiday (whether described as a “holiday”, “public holiday”, “proclaimed”, “gazetted”, “for the State”, “for a special purpose” or otherwise) is taken to include a reference to the APEC public holiday, but only in respect of employment in a local government area specified in the Schedule to the New South Wales Gazette notice as an area in which that holiday is to be observed.

(2) This section has effect in relation to an employee whose employment is subject to a pre-reform industrial instrument only if the employee is not otherwise entitled to a holiday on the APEC public holiday under the Industrial Relations Act 1996 of New South Wales, or an instrument made under that Act, so far as the instrument is of a legislative character.

6 Concurrent operation of New South Wales laws

It is the intention of the Parliament that this Act is not to apply to the exclusion of a law of New South Wales to the extent that that law is capable of operating concurrently with this Act.

7 Regulations concerning APEC public holiday

(1) The regulations may make provision for matters of a transitional, saving or application nature arising out of, or relating to, the provisions of this Act.
(2) Without limiting subsection (1), the regulations may provide that, for the purposes of a specified law of the Commonwealth or an instrument made under such a law, the APEC public holiday:
(a) is taken to be a public holiday; or
(b) is taken not to be a public holiday.

(3) Despite subsection 12(2) of the *Legislative Instruments Act 2003*, regulations made for the purpose of subsection (1):
(a) may be expressed to take effect from a date before the regulations are registered under that Act; and
(b) even if the regulations are made after 7 September 2007, may provide that, for the purposes of the law or instrument concerned, the APEC public holiday is taken always to have been, or not to have been, a public holiday.

(4) Subsection (3) does not apply to regulations that create, modify or otherwise affect a provision that makes a person liable to an offence or civil penalty.

(5) In this section:

*law of the Commonwealth* includes a provision of a law of the Commonwealth.

8 Regulations

The Governor-General may make regulations prescribing matters:
(a) required or permitted by this Act to be prescribed; or
(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.