



## **PUBLIC HOLIDAYS ACT 2010**

### **NEW SOUTH WALES**

The NSW Government introduced two new bills relating to public holidays into parliament.

The *Public Holidays Bill 2010* is now therefore law. In addition there are also amendments to the *Retail Trading Act 2008* (NSW) (previously known as the *Shop Trading Act 2008* (NSW)) to reflect this new legislation.

The *Public Holidays Act 2010* ("the Act") commenced on 31 December 2010. It is important to note that this Act replaces the old Bank and Bank Holidays Act.

#### **What are the important changes?**

For employers in NSW the main changes are:

- From 2011, ANZAC day will be commemorated with a public holiday on 25 April only, unless 25 April falls on a Sunday in future years. Where 25 April (ANZAC Day) falls on a Sunday, there will be a substitute public holiday proclaimed in NSW and that Sunday will be an ordinary day.
- From 2011, Easter Sunday will be recognized as a public holiday in NSW.
- The right for employees to refuse to work if the shop they work in is allowed to open on a public holiday, including a restricted trading day.

Employers should note that a specific modern award may have additional obligations in relation to recognizing different days as public holidays.

## **The effect of the Act on each public holiday**

### New Year's Day - Public holiday on 1 January

When 1 January is a Sunday, there is to be no public holiday on that day and instead the following day (Monday) is to be a public holiday.

### Australia Day – Public holiday on 26 January

When 26 January is a Saturday or Sunday, there is to be no public holiday on that day and instead the following Monday is to be a public holiday.

Good Friday – Public holiday on the Friday publicly observed as Good Friday.

Easter Saturday – Public holiday on the day after Good Friday.

Easter Sunday – Public holiday on the Sunday following Good Friday.

Easter Monday – Public holiday on the Monday following Good Friday.

### ANZAC Day – Public holiday on 25 April

When 25 April is a Sunday, there is to be no public holiday on that day and instead the following day (Monday) is to be a public holiday.

Queen's Birthday – Public holiday on the second Monday in June.

Labour Day – Public holiday on the first Monday in October.

### Christmas Day – Public holiday on 25 December.

When 25 December is a Sunday, there is to be no public holiday on that day and instead the following day (Monday) is to be a public holiday.

### Boxing Day – Public holiday on 26 December.

When 26 December is a Sunday, there is to be no public holiday on that day and instead the following day (Monday) is to be a public holiday.

When 26 December is a Monday, there is to be no public holiday on that day for Boxing Day and instead the following day (Tuesday) is to be a public holiday for Boxing Day.

This means that when 26 December is a Monday, that day is a public holiday for Christmas Day (see above).

**The remaining NSW public holidays for the 2011 calendar year:**

Friday	22 April 2011	Good Friday
Saturday	23 April 2011	Easter Saturday
Sunday	24 April 2011	Easter Sunday
Monday	25 April 2011	ANZAC Day
Tuesday	26 April 2011	Easter Monday
Monday	13 June 2011	Queen's Birthday
Monday	3 October 2011	Labour Day
Monday	26 December 2011	Christmas Day
Tuesday	27 December 2011	Boxing Day