



New South Wales

Industrial and Other Legislation Amendment (APEC Public Holiday) Act 2007 No 15

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Industrial and Other Legislation Amendment (APEC Public Holiday) Act 2007 No 15

Act No 15, 2007

An Act to amend certain Acts to clarify the way in which various references to public holidays are to be interpreted in respect of the public holiday appointed on 7 September 2007 in metropolitan Sydney to facilitate the holding of an APEC meeting on that day; and for other purposes. [Assented to 4 July 2007]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Industrial and Other Legislation Amendment (APEC Public Holiday) Act 2007*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Section 4 and Schedule 2 commence on a day to be appointed by proclamation.

3 Amendment of Industrial Relations Act 1996 No 17

The *Industrial Relations Act 1996* is amended as set out in Schedule 1.

4 Amendment of Shops and Industries Act 1962 No 43

The *Shops and Industries Act 1962* is amended as set out in Schedule 2.

5 Amendment of Long Service Leave Act 1955 No 38

The *Long Service Leave Act 1955* is amended as set out in Schedule 3.

6 Amendment of Banks and Bank Holidays Act 1912 No 43

The *Banks and Bank Holidays Act 1912* is amended as set out in Schedule 4.

7 Repeal of Act

- (1) This Act is repealed at the beginning of 13 September 2007.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of Industrial Relations Act 1996

(Section 3)

Schedule 4 Savings, transitional and other provisions

Insert at the end of the Schedule:

Part 10 Provisions consequent on appointment of APEC public holiday

49 Definition

In this Part, *the APEC public holiday* means 7 September 2007, being the day appointed by the notice published under section 19 (3) of the *Banks and Bank Holidays Act 1912* in Gazette No 36 of 2 March 2007 as a day to be observed as a public holiday in the local government areas specified in the Schedule to the notice.

50 APEC public holiday

A reference in any 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 the local government areas in which that holiday is to be observed.

Schedule 2 Amendment of Shops and Industries Act 1962

(Section 4)

Schedule 2 Savings, transitional and other provisions

Insert after clause 7:

Part 4 Provisions consequent on appointment of APEC public holiday

8 Definition

In this Part, *the APEC public holiday* means 7 September 2007, being the day appointed by the notice published under section 19 (3) of the *Banks and Bank Holidays Act 1912* in Gazette No 36 of 2 March 2007 as a day to be observed as a public holiday in the local government areas specified in the Schedule to the notice.

9 APEC public holiday and this Act

The APEC public holiday is taken to be a public holiday for the purposes of this Act, but only in respect of the local government areas in which that holiday is to be observed.

10 Certain exemptions of no effect on APEC public holiday

- (1) Subject to subclause (2), any exemption from the operation of section 85 (1), in respect of a shop in a local government area in which the APEC public holiday is to be observed, whether granted before or after the commencement of this clause, is of no effect on the APEC public holiday.
- (2) However, subclause (1) does not apply to any suspension, under section 85 (2), of the operation of section 85 (1) in relation to the APEC public holiday.

Schedule 3 Amendment of Long Service Leave Act 1955

(Section 5)

Schedule 1 Savings and transitional provisions

Insert after clause 2:

3 Provision consequent on appointment of APEC public holiday

- (1) Section 4 (4A) applies in relation to the APEC public holiday as if that holiday were appointed under section 4 (4A) (a), but only in respect of employment in the local government areas in which the APEC public holiday is to be observed.
- (2) In this clause, *the APEC public holiday* means 7 September 2007, being the day appointed by the notice published under section 19 (3) of the *Banks and Bank Holidays Act 1912* in Gazette No 36 of 2 March 2007 as the day to be observed as a public holiday in the local government areas specified in the Schedule to the notice.

Schedule 4 Amendment of Banks and Bank Holidays Act 1912

(Section 6)

Schedule 5 Savings, transitional and other provisions

Insert after clause 3:

Part 3 Provisions consequent on appointment of APEC public holiday

4 Definition

In this Part, *the APEC public holiday* means 7 September 2007, being the day appointed by the notice published under section 19 (3) in Gazette No 36 of 2 March 2007 as a day to be observed as a public holiday in the local government areas specified in the Schedule to the notice.

5 Regulations concerning APEC public holiday

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the appointment of the APEC public holiday.
- (2) Without limiting subclause (1), the regulations may provide that, for the purposes of any Act or any statutory instrument (or any provision of any Act or any statutory instrument) specified in the regulations, the APEC public holiday:
 - (a) is taken to be a business day, or
 - (b) is taken not to be a business day, or
 - (c) is taken to be a public holiday, or
 - (d) is taken not to be a public holiday, or
 - (e) is taken to be a working day, or
 - (f) is taken not to be a working day.
- (3) Any such regulation may, if made after 7 September 2007, provide that, for the purposes of the Act, instrument or provision concerned, the APEC public holiday is taken always to have been, or not to have been, a business day, public holiday or working day (as the case may require).

6 Compensation not payable in respect of APEC-related matters

- (1) Compensation is not payable by or on behalf of:
- (a) the State or an authority of the State, or
 - (b) a local council, or
 - (c) an officer, employee or agent of the State, an authority of the State or a local council,
- for an act or omission that is an APEC-related matter or that arises (directly or indirectly) from an APEC-related matter.
- (2) Subclause (1):
- (a) applies only in respect of acts done or omitted to be done in good faith, and
 - (b) does not apply to acts or omissions that cause personal injury to a person or the death of a person.
- (3) In this clause:
- APEC-related matter* means the following:
- (a) the appointment of the APEC public holiday,
 - (b) the holding of any Asia-Pacific Economic Cooperation meeting during the period commencing at the beginning of 30 August 2007 and ending at the end of 12 September 2007,
 - (c) the exercise of functions under the *APEC Meeting (Police Powers) Act 2007*.
- compensation* includes damages and any other form of monetary compensation.

[Agreement in principle speech made in Legislative Assembly on 7 June 2007
Second reading speech made in Legislative Council on 21 June 2007]

BY AUTHORITY