

Appendix C – Explanatory Statement

PUBLIC HOLIDAYS AMENDMENT BILL 2016

SERIAL NO.

LEGISLATIVE ASSEMBLY OF THE
NORTHERN TERRITORY

MINISTER FOR PUBLIC EMPLOYMENT

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Public Holidays Act* and makes a consequential amendment to the *Interpretation Act*.

The purpose of the Bill is to:

1. enable part of a day to be specified or appointed as a public holiday; and
2. to amend Schedule 2 of the *Public Holidays Act* to provide that:
 - (a) 24 December (Christmas Eve) and 31 December (New Year's Eve) from 7.00pm to midnight will be public holidays;
 - (b) 25 December (Christmas Day) and 1 January (New Year's Day), if they fall on a weekend, will be public holidays and also the following Monday; and
3. to amend the definition of **public holiday** under section 17 of the *Interpretation Act* to reflect the above amendments; and
4. to amend section 10 of the *Public Holidays Act* to retain its existing application, with a consequential amendment to section 28(2) of the *Interpretation Act* for consistency.

NOTES ON CLAUSES

Clause 1. Short Title.

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Public Holidays Amendment Act 2016*.

Clause 2. Act amended.

This clause provides for amendments to the *Public Holidays Act*.

Clause 3. Section 4 Interpretation

This clause omits the definition of **public holiday** from section 4 of the *Public Holidays Act* because that term is defined in section 17 of the *Interpretation Act*. The clause also inserts a note referring the reader to the *Interpretation Act*, which is consistent with current legislative drafting practice. The note also refers to the definition of **public holiday** in that Act.

Clause 4. Section 5 Public Holidays

This clause amends section 5 to clarify that parts of days specified in Schedule 2 of the *Public Holidays Act* will be observed as public holidays in the Territory, as well as the full days specified in that Schedule.

Clause 5. Section 6 Additional public holidays

This clause amends section 6 to clarify that the Minister can appoint part of a day to be a public holiday in addition to the public holidays in Schedule 2.

Clause 6. Section 7 Alteration of public holidays

This clause amends section 7 to clarify that the Minister can alter part of a day that would normally be observed as a public holiday and appoint another part of a day to be observed as a public holiday instead.

Clause 7. Section 8 Appointed public holidays

This clause amends section 8 to clarify that part of a day appointed under section 6 and 7 shall be observed as a public holiday in accordance with the terms of the Gazettal notice.

Clause 8. Section 10 Payments and other acts on public holidays

This clause amends section 10 to clarify that this section will not apply to a part day public holiday, retaining the current application of this section.

Clause 9. Schedule 2 Public Holidays

Sub clause (1) ensures that New Year's Day is a public holiday so that, if New Year's Day falls on a Saturday or Sunday, that day and the following Monday will be the public holidays.

Sub clause (2) specifies that part of the day of Christmas Eve from 7.00pm to midnight is a public holiday.

Sub clause (3) ensures that Christmas Day is a public holiday so that, if Christmas Day falls on a Saturday or Sunday, that day and the following Monday will be the public holidays.

Sub clause (4) specifies that part of the day of New Year's Eve from 7.00pm to midnight is a public holiday.

Clause 10. Amendment to *Interpretation Act*

This clause provides for amendments to the *Interpretation Act*.

Clause 11. Section 17 Interpretation

This clause omits the existing definition of **public holiday** and inserts a new definition which refers to a day or part of a day specified or appointed under the *Public Holidays Act*.

Clause 12. Section 28 Reckoning of Time

This clause amends section 28(2) so that it does not apply to a part day public holiday, retaining its current application consistent with section 10 of the *Public Holidays Act*.

Clause 13 Expiry of Act

This clause specifies that the *Public Holidays Amendment Act* will expire on the day after it commences. This is a standard clause in the Territory for amending Bills. As the amendments contained in this Bill operate on commencement, it is not necessary to keep the amending Act on the Statute Book, and so it can expire the day after commencement.

