

**To:** <review@oir.commerce.nsw.gov.au>  
**Date:** 19/08/2009 1:01 pm  
**Subject:** Review of Bank and Bank Holidays Act

Dear Professor Riley

I have read the Options paper with much interest and would like to make the following comments:

In relation to Local Public Holidays, I believe that Option A is the preferable option, i.e. return to pre-WorkChoices practice. Option B places the onus on businesses to "make enterprise agreements to deal with the inconvenience of public holidays, or they may lobby the federal government to amend the Fair Work Act to reflect their concerns". This is impractical for general practices that are mostly small businesses that do not have the expertise, resources or time to negotiate enterprise agreements. There is not one general practice within our geographic boundaries that has entered into a collective agreement with staff that I am aware of. Nor are practice principals/owners generally mobilised or active in relation to interactions with employer associations. I would go further to suggest that reliance on awards would be quite standard amongst small businesses in general.

In relation to conferring alternate public holidays, as indicated on page 11 of the paper, national system employees will be entitled to public holidays named in the Fair Work Act as public holidays irrespective of whether an alternate day is proclaimed by NSW. The majority of general practices operate Monday to Saturday. In the event that a named public holiday falls on a Saturday and there is an alternate public holiday conferred on the Monday, employees will become entitled to two public holidays (Saturday and Monday). As indicated above, general practices (and small businesses in general) are unlikely to be negotiating enterprise agreements with their staff to overcome any issues arising from amendments to the Bank and Bank Holidays Act. A similar situation would exist where a named day falls on a Sunday for national system employees working for small businesses that trade 7 days per week.

Whilst additional public holidays would be more equitably applied across jurisdictions and across industries irrespective of size, albeit at a greater cost to business, substitute public holidays have the capacity to create additional access to public holidays and cost to business for national system employees only, particularly small business who do not have enterprise agreements. The review of the Bank and Bank Holidays Act needs to consider the impact on businesses that are not well placed to enter into enterprise agreements with staff. Larger businesses are better resourced and placed to make accommodations through their industrial instruments.

Janelle White  
Manager Employee & Customer Services  
GP Access  
[www.gpaccess.com.au](http://www.gpaccess.com.au)

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