



Australian Capital Territory

Holidays Act 1958

A1958-19

Republication No 3 (RI)

Effective: 28 February 1997 – 14 December 1999

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Last amendment made by A1997-2

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Holidays Act 1958* effective from 28 February 1997 to 14 December 1999.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.



AUSTRALIAN CAPITAL TERRITORY

HOLIDAYS ACT 1958

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Reprinted as at 31 January 1998

TABLE OF PROVISIONS

Section	
1.	Short title
2.	Repeal
3.	Public holidays
4.	Bank holidays
5.	Union Picnic Day

SCHEDULE AWARDS

An Act to make provision with respect to Public Holidays and Bank Holidays

Short title

1. This Act may be cited as the *Holidays Act 1958*.¹

Repeal

2. The *Commonwealth Jubilee Holiday Ordinance 1951*, the *Bank Holidays Ordinance 1952* and the *Royal Visit Holiday Ordinance 1954* are repealed.

Public holidays

3. (1) Subject to subsections (2) and (3)—

- (a) in any year each of the following days in that year shall be observed as a public holiday in the Territory:
 - (i) 1 January (New Year's day), or, if that day falls on a Saturday or Sunday, the following Monday;
 - (ii) 26 January (Australia Day), or, if that day falls on a Saturday or Sunday, the following Monday;
 - (iia) the third Monday in March (Canberra Day);
 - (iii) Good Friday;
 - (iv) the Saturday following Good Friday;
 - (v) the Monday following Good Friday;
 - (vi) 25 April (Anzac Day), or, if that day falls on a Sunday, the following Monday;
 - (via) the second Monday in June (the day for the observance of the anniversary of the birthday of the Sovereign);
 - (vii) the first Monday in October (Labour Day);
 - (viii) Christmas Day, or, if that day falls on a Saturday or Sunday, the following Monday;
 - (ix) 26 December (Boxing Day), or—
 - (A) if that day falls on a Saturday, the following Monday; or
 - (B) if that day falls on a Sunday or Monday, the following Tuesday; and
- (b) any other day, or a part of any other day, declared by the Minister, by notice published in the *Gazette*, to be a public holiday in the Territory or in a part of the Territory specified in the notice shall be observed as such in the Territory or that part of the Territory, as the case may be.

(2) Where, in the opinion of the Minister, it is expedient that a day referred to in paragraph (1) (a) should not, in a particular year, be observed as a public holiday in the Territory, the Minister may, by notice published in the *Gazette* not less than 1 week before that day in that year, declare that that day shall not, in that year, be so observed and that declaration has effect accordingly.

(3) When, but for this subsection, a person would be entitled under an award to observe as a holiday a weekday (being a day that is not to be observed as a public holiday in the Territory pursuant to this Act) following a substituted public holiday, the provisions of this Act by virtue of which that substituted public holiday is to be observed as a public holiday in the Territory do not apply in relation to that person.

(4) In subsection (3)—

“award” has the same meaning as in section 4 of the *Industrial Relations Act 1988* of the Commonwealth;

“substituted public holiday” means a day that, under subsection 3 (1), is to be observed as a public holiday in the Territory by reason only that another day or date specified in paragraph 3 (1) (a) falls on a Saturday or Sunday.

Bank holidays

4. (1) Subject to subsection (2)—

- (a) any day, or part of a day, that in any year is observed as a public holiday in the Territory or a part of the Territory by virtue of section 3 is a bank holiday in the Territory or that part of the Territory, as the case may be;
- (b) the first Monday in August of each year is a bank holiday in the Territory; and
- (c) any other day, or a part of any other day, declared by the Minister, by notice published in the *Gazette*, to be a bank holiday in the Territory or in a part of the Territory specified in the notice is a bank holiday in the Territory or that part of the Territory, as the case may be.

(2) Where, in the opinion of the Minister, it is expedient that a day referred to in paragraph (1) (a) or (b) should not, in a particular year, be a bank holiday, the Minister may, by notice published in the *Gazette* not less than 1 week before that day in that year, declare that that day is not, in that year, a bank holiday and that declaration has effect accordingly.

Union Picnic Day

5. In any year, the first Monday in March shall be observed as a holiday in the Territory by employees whose terms and conditions of employment are governed by an award specified in the Schedule.

SCHEDULE

Section 5

AWARDS

Australian Workers' Union Construction on Site and Civil Engineering (ACT) Award 1981

Australian Workers' Union Miscellaneous Workers (ACT) Award 1991

Bakers Consolidated (ACT) Award 1985

Bread Sales Personnel (ACT) Award 1982

Building and Construction Industry (ACT) Award 1991

Business Equipment Industry (Technical Service) Award 1978

Butchers' Carters (ACT) Award 1982

Caretakers, Cleaners and Lift Drivers (ACT) Award 1982

Chemists (ACT) Award 1994

Child Care Industry (ACT) Award 1992

Cleaning (Building and Property Service) Award 1996

Clerks (ACT) Award 1985

Clothing Trades Award 1982

Commercial Travellers (ACT) Consolidated Award 1994

Community and Aged Services (ACT) Award 1995

Community Pharmacy (Public Holidays) Award 1995

Community Services (Home Care) (ACT) Award 1988

Concrete Products Factories (ACT) Award 1970

Country Printing Award 1959

Draughtsmen's, Planners and Technical Officers (ACT) Award 1982

Dry Cleaning Industry Award 1966

Electrical Contracting Industry Award 1992

Engine Drivers' and Firemen's (ACT) Award 1982

Family Day Care (ACT) Award 1996

SCHEDULE-continued

Felt Hatting Consolidated Award 1993

Footwear—Manufacturing and Components Industries Award 1979

Furnishing Trades (ACT) Award 1983

Hairdressing and Beauty Industry (ACT) Award 1985

Health Services Union of Australia (ACT Health and Community Services) Consolidated Award 1993

Hospital Employees (Nursing Staff) (ACT) Award 1980

Independent Schools and Colleges (Domestic and Maintenance Staff) (ACT) Award 1993

Laundry Employees (ACT) Award 1966

Liquor and Allied Industries Catering, Cafe, Restaurant, etc. (ACT) Award 1995

Liquor and Allied Industries, Hotels, Hostels, Clubs and Boarding Establishments etc. (ACT) Award 1992

Liquor Trades Hotels (ACT) Award 1996

Metal Trades (ACT) Award 1982

Milk Treatment and Distribution Employees (ACT) Award 1967

Mobile Crane Hiring Award 1990

National Metal and Engineering On site Construction Industry Award 1989

Nationwide Facilities Management AIS Consent Award 1995

Nurses Private Employment (ACT) Award 1972

Parking Stations etc. Employees (ACT) Award 1983

Plumbing Industry (ACT) Award 1982

Poultry Farm Employees (ACT) Award 1980

Printing and Kindred Industries Union (Canberra Times) Award 1985

Private Pathology Industry (ACT) Interim Award 1996

Red Cross (ACT Blood Bank Administrative Workers) Award 1984

Repair and Retail Motor Industry (ACT) Award 1992

Retail and Wholesale Industry Shop Employees ACT Award 1995
Security Employees (ACT) Award 1986
Storemen and Packers (ACT) Award 1973
Textile Industry Award 1994
The Video Shops (Industrial Agreement) 1992
Theatrical Employees (Cinema and Drive-In Industry) Award 1983
Theatrical Employees (Recreation Grounds and Raceday Racing Officials—
NSW and ACT) Award 1990
Transport Workers' (ACT) Award 1982
Transport Workers' (Airlines) Award 1988
Transport Workers' (Armoured Vehicles) Award 1978
Transport Workers' Garbage (ACT) Award 1990
Transport Workers' (Long Distance Drivers) Award 1993
Transport Workers' (Oil Agents/Contractors) Award 1981
Transport Workers' (Passenger Vehicles) Award 1984

NOTES

1. The *Holidays Act 1958* as shown in this reprint comprises Act No. 19, 1958 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

2. The *Legislation (Republication) Act 1996* (No. 51, 1996) authorises the Parliamentary Counsel in preparing a law for republication, to make certain editorial and other formal amendments in accordance with current legislative drafting practice. Those amendments make no change in the law. Amendments made pursuant to that Act do not appear in the Table of Amendments but details may be obtained on request from the Parliamentary Counsel's Office.

Table 1
Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Holidays Ordinance 1958</i>	19, 1958	2 Oct 1958	2 Oct 1958	
<i>Holidays (Amendment) Ordinance 1980</i>	1, 1980	1 Feb 1980	1 Feb 1980	—
<i>Holidays (Amendment) Ordinance 1982</i>	8, 1982	19 Mar 1982	19 Mar 1982	—
<i>Holidays (Amendment) Ordinance 1988</i>	90, 1988	21 Dec 1988	21 Dec 1988	—

Self-Government day 11 May 1989

Table 2
Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Holidays (Amendment) Act 1992</i>	43, 1992	8 July 1992	8 July 1992	—
(Reprinted as at 31 August 1992)				
<i>Holidays (Amendment) Act 1997</i>	2, 1997	28 Feb 1997	28 Feb 1997	—

NOTE—continued**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 3	am. No. 1, 1980; No. 8, 1982; No. 90, 1988; Act No. 43, 1992
S. 4	am. Act No. 43, 1992
S. 5	ad. Act No. 2, 1997
Schedule.....	ad. Act No. 2, 1997