



Australian Capital Territory

# **Holidays Act 1958**

**A1958-19**

**Republication No 5**

**Effective: 11 January 2006 – 2 October 2007**

Republication date: 11 January 2006

Last amendment made by A2005-62

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Holidays Act 1958* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 11 January 2006. It also includes any amendment, repeal or expiry affecting the republished law to 11 January 2006.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### 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](http://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 Act 2001*, part 11.3 authorises 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 Act 2001*, s 115 and s 117). 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.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Holidays Act 1958

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## Holidays Act 1958

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An Act to make provision with respect to public holidays and bank holidays

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**1 Name of Act**

This Act is the *Holidays Act 1958*.

**3 Public holidays**

(1) Subject to subsections (2) and (5)—

(a) in any year each of the following days in that year is a public holiday in the ACT:

- (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;
- (iii) the 3rd Monday in March (Canberra Day);
- (iv) Good Friday;
- (v) the Saturday following Good Friday;
- (vi) the Monday following Good Friday;
- (vii) 25 April (Anzac Day), or, if that day falls on a Sunday, the following Monday;
- (viii) the 2nd Monday in June (the day for the observance of the anniversary of the birthday of the Sovereign);
- (ix) the 1st Monday in October (Labour Day);
- (x) Christmas Day, or, if that day falls on a Saturday or Sunday, the following Monday;
- (xi) 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

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- (b) any other day, or a part of any other day, that the Minister declares to be a public holiday in the ACT, or in a part of the ACT stated in the declaration, is a public holiday in the ACT or that part of the ACT.
- (2) If the Minister considers it is appropriate that a day mentioned in subsection (1) (a) should not, in a particular year, be a public holiday in the ACT, the Minister may declare that the day is not, in that year, a public holiday.
- (3) A declaration under subsection (1) (b) or (2) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

- (4) A declaration under subsection (2) in relation to a day must be notified under the Legislation Act not later than 1 week before the day.
- (5) If a person who is entitled under an award to a holiday on a weekday following a substituted public holiday and the weekday is not a public holiday under this Act, the substituted public holiday is not a public holiday for the person under this Act.
- (6) In subsection (5):

*award*—see the *Workplace Relations Act 1996* (Cwlth), section 4.

*substituted public holiday* means a day that is a public holiday because another day mentioned in subsection (1) (a) is a Saturday or Sunday.

#### 4 Bank holidays

- (1) Subject to subsection (2)—
- (a) any day, or part of a day, that in any year is a public holiday in the ACT or a part of the ACT under section 3 is a bank holiday in the ACT or that part of the ACT; and
- (b) the 1st Monday in August of each year is a bank holiday in the ACT; and

- (c) any other day, or a part of any other day that the Minister declares to be a bank holiday in the ACT, or in a part of the ACT stated in the declaration, is a bank holiday in the ACT or that part of the ACT.
- (2) If the Minister considers it is appropriate that a day mentioned in subsection (1) (a) or (b) should not, in a particular year, be a bank holiday in the ACT, the Minister may declare that the day is not, in that year, a bank holiday.
- (3) A declaration under subsection (1) (c) or (2) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

- (4) A declaration under subsection (2) in relation to a day must be notified under the Legislation Act not later than 1 week before the day.

## **5 Union picnic day**

In any year, the 1st Monday in March is a holiday in the ACT for employees whose terms and conditions of employment are governed by an award mentioned in schedule 1.



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## Schedule 1 Awards

(see s 5)

**column 1**   **column 2**  
**item**

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1	Australian Workers' Union Construction on Site and Civil Engineering (ACT) Award 1981
2	Australian Workers' Union Miscellaneous Workers (ACT) Award 1991
3	Bakers Consolidated (ACT) Award 1985
4	Bread Sales Personnel (ACT) Award 1982
5	Building and Construction Industry (ACT) Award 1991
6	Business Equipment Industry (Technical Service) Award 1978
7	Butchers' Carters (ACT) Award 1982
8	Caretakers, Cleaners and Lift Drivers (ACT) Award 1982
9	Chemists (ACT) Award 1994
10	Child Care Industry (ACT) Award 1992
11	Cleaning (Building and Property Service) Award 1996
12	Clerks (ACT) Award 1985
13	Clothing Trades Award 1982
14	Commercial Travellers (ACT) Consolidated Award 1994
15	Community and Aged Services (ACT) Award 1995
16	Community Pharmacy (Public Holidays) Award 1995
17	Community Services (Home Care) (ACT) Award 1988
18	Concrete Products Factories (ACT) Award 1970
19	Country Printing Award 1959

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Schedule 1 Awards

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column 1 item	column 2
20	Draughtsmen's, Planners and Technical Officers (ACT) Award 1982
21	Dry Cleaning Industry Award 1966
22	Electrical Contracting Industry Award 1992
23	Engine Drivers' and Firemen's (ACT) Award 1982
24	Family Day Care (ACT) Award 1996
25	Felt Hatting Consolidated Award 1993
26	Footwear—Manufacturing and Components Industries Award 1979
27	Furnishing Trades (ACT) Award 1983
28	Hairdressing and Beauty Industry (ACT) Award 1985
29	Health Services Union of Australia (ACT Health and Community Services) Consolidated Award 1993
30	Hospital Employees (Nursing Staff) (ACT) Award 1980
31	Independent Schools and Colleges (Domestic and Maintenance Staff) (ACT) Award 1993
32	Laundry Employees (ACT) Award 1966
33	Liquor and Allied Industries Catering, Cafe, Restaurant, etc. (ACT) Award 1995
34	Liquor and Allied Industries, Hotels, Hostels, Clubs and Boarding Establishments etc. (ACT) Award 1992
35	Liquor Trades Hotels (ACT) Award 1996
36	Metal Trades (ACT) Award 1982
37	Milk Treatment and Distribution Employees (ACT) Award 1967
38	Mobile Crane Hiring Award 1990

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column 1 item	column 2
39	National Metal and Engineering On site Construction Industry Award 1989
40	Nationwide Facilities Management AIS Consent Award 1995
41	Nurses Private Employment (ACT) Award 1972
42	Parking Stations etc. Employees (ACT) Award 1983
43	Plumbing Industry (ACT) Award 1982
44	Poultry Farm Employees (ACT) Award 1980
45	Printing and Kindred Industries Union (Canberra Times) Award 1985
46	Private Pathology Industry (ACT) Interim Award 1996
47	Red Cross (ACT Blood Bank Administrative Workers) Award 1984
48	Repair and Retail Motor Industry (ACT) Award 1992
49	Retail and Wholesale Industry Shop Employees ACT Award 1995
50	Security Employees (ACT) Award 1986
51	Storemen and Packers (ACT) Award 1973
52	Textile Industry Award 1994
53	The Video Shops (Industrial Agreement) 1992
54	Theatrical Employees (Cinema and Drive-In Industry) Award 1983
55	Theatrical Employees (Recreation Grounds and Raceday Racing Officials—NSW and ACT) Award 1990
56	Transport Workers' (ACT) Award 1982
57	Transport Workers' (Airlines) Award 1988
58	Transport Workers' (Armoured Vehicles) Award 1978
59	Transport Workers' Garbage (ACT) Award 1990
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Schedule 1 Awards

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**column 1**    **column 2**  
**item**

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60	Transport Workers' (Long Distance Drivers) Award 1993
61	Transport Workers' (Oil Agents/Contractors) Award 1981
62	Transport Workers' (Passenger Vehicles) Award 1984

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Holidays Ordinance 1958* No 19 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Holidays Act 1958 No 19**

notified 2 October 1958

commenced 2 October 1958

as amended by

##### **Holidays (Amendment) Ordinance 1980 No 1**

notified 1 February 1980

commenced 1 February 1980

##### **Holidays (Amendment) Ordinance 1982 No 8**

notified 19 March 1982

commenced 19 March 1982

##### **Holidays (Amendment) Ordinance 1988 No 90**

notified 21 December 1988

commenced 21 December 1988

### Legislation after becoming Territory enactment

#### Holidays (Amendment) Act 1992 No 43

notified 8 July 1992 (Gaz 1992 No S103)  
commenced 8 July 1992

#### Holidays (Amendment) Act 1997 No 2

notified 28 February 1997 (Gaz 1997 No S54)  
commenced 28 February 1997 (s 2)

#### Holidays Amendment Act 1999 No 67

notified 15 December 1999 (Gaz 1999 No 50)  
commenced 15 December 1999 (s 2)

#### Legislation (Consequential Amendments) Act 2001 No 44 pt 185

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 185 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### Statute Law Amendment Act 2005 (No 2) A2005-62 sch 3 pt 3.11

notified LR 21 December 2005  
s 1, s 2 commenced 21 December 2005 (LA s 75 (1))  
sch 3 pt 3.11 commenced 11 January 2006 (s 2 (1))

## 4 Amendment history

### Name of Act

s 1 sub A2005-62 amdt 3.120

### Repeal

s 2 om 2001 No 44 amdt 1.2107

### Public holidays

s 3 am 1980 No 1; 1982 No 8; 1988 No 90; 1992 No 43; 1999 No 67 s 4; 2001 No 44 amdts 1.2108-1.2111; R4 LA (see 2001 No 44 amdt 1.2112); subpars renum R4 LA; A2005-62 amdts 3.121–3.124

### Bank holidays

s 4 am 1992 No 43; 2001 No 44 amdt 1.2113-1.2116; A2005-62 amdt 3.125, amdt 3.126

### Union picnic day

s 5 ins 1997 No 2

## Endnotes

5 Earlier republications

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### Schedule 1

sch 1 hdg renum R4 LA  
sch 1 (prev sch) ins 1997 No 2  
am R4 LA

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Ord 1988 No 90	30 June 1991
2	Act 1992 No 43	31 August 1992
3	Act 1997 No 2	31 January 1998
4	A2001-44	14 January 2002

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