Australian Capital Territory

Holidays Act 1958

A1958-19

Republication No 10

Effective: 26 November 2015 – 31 December 2017

Republication date: 26 November 2015

Last amendment made by A2015-51

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 26 November 2015. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 26 November 2015.

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):

- 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, the symbol $\boxed{\text{U}}$ appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

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

Penalties

At the republication date, the value of a penalty unit for an offence against this law is $150 for an individual and $750 for a corporation (see *Legislation Act 2001*, s 133).

Australian Capital Territory

Holidays Act 1958

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Australian Capital Territory

Holidays Act 1958

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

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), and, 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 2nd Monday in March (Canberra Day);

(iv)   Good Friday;

(v)   the Saturday following Good Friday;

(vi)   Easter Sunday;

(vii) the Monday following Good Friday;

(viii) 25 April (Anzac Day), or, if that day falls on a Sunday, the following Monday;

(ix)   the 2nd Monday in June (the day for the observance of the anniversary of the birthday of the Sovereign);

(x)   Family and Community Day;

(xi)   the 1st Monday in October (Labour Day);

(xii) 25 December (Christmas Day) and—

(A) if that day falls on a Saturday—the following Monday; or

(B) if that day falls on a Sunday—the following Tuesday;

(xiii) 26 December (Boxing Day) and—

> (A) if that day falls on a Saturday—the following Monday; or
>
> (B) if that day falls on a Sunday—the following Tuesday; and

(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 a modern 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 this section:

Family and Community Day means—

(a) the Monday after term 3 of the ACT school terms; or

(b) if that Monday is Labour Day—the next Monday.

> *Note*   For the ACT school terms—see www.det.act.gov.au.

modern award—see the *Fair Work Act 2009* (Cwlth), part 2-3.

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.

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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

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

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* A1989-21, 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 A1958-19
notified 2 October 1958
commenced 2 October 1958

as amended by

Holidays (Amendment) Ordinance 1980 Ord1980-1
notified 1 February 1980
commenced 1 February 1980

Holidays (Amendment) Ordinance 1982 Ord1982-8
notified 19 March 1982
commenced 19 March 1982

Holidays (Amendment) Ordinance 1988 Ord1988-90
notified 21 December 1988
commenced 21 December 1988

Legislation after becoming Territory enactment

Holidays (Amendment) Act 1992 A1992-43
notified 8 July 1992 (Gaz 1992 No S103)
commenced 8 July 1992

Holidays (Amendment) Act 1997 A1997-2
notified 28 February 1997 (Gaz 1997 No S54)
commenced 28 February 1997 (s 2)

Holidays Amendment Act 1999 A1999-67
notified 15 December 1999 (Gaz 1999 No 50)
commenced 15 December 1999 (s 2)

Legislation (Consequential Amendments) Act 2001 A2001-44 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))

Holidays (Canberra Day) Amendment Act 2007 A2007-30
notified LR 2 October 2007
s 1, s 2 commenced 2 October 2007 (LA s 75 (1))
remainder commenced 3 October 2007 (s 2)

**Holidays (Family and Community Day) Amendment Act 2009
A2009-46**
notified LR 25 November 2009
s 1, s 2 commenced 25 November 2009 (LA s 75 (1))
remainder commenced 26 November 2009 (s 2)

Holidays Amendment Act 2014 A2014-28
notified LR 18 August 2014
s 1, s 2 commenced 18 August 2014 (LA s 75 (1))
remainder commenced 19 August 2014 (s 2)

Holidays Amendment Act 2015 A2015-51
notified LR 25 November 2015
s 1, s 2 commenced 25 November 2015 (LA s 75 (1))
remainder commenced 26 November 2015 (s 2)

4 Amendment history

Name of Act
s 1   sub A2005-62 amdt 3.120

Repeal
s 2   om A2001-44 amdt 1.2107

Public holidays
s 3   am Ord1980-1; Ord1982-8; Ord1988-90; A1992-43; A1999-67
                        s 4; A2001-44 amdts 1.2108-1.2111; R4 LA (see A2001-44
                        amdt 1.2112); subpars renum R4 LA; A2005-62
                        amdts 3.121-3.124; A2007-30 s 4
                        note to (1) (a) (iii) exp 19 March 2008 (s 6 (3) (LA s 88
                        declaration applies))
                        am A2009-46 ss 4-6; pars renum R8 LA; A2014-28 s 4, s 5;
                        A2015-51 s 4; pars renum R10 LA

Bank holidays
s 4   am A1992-43; A2001-44 amdt 1.2113-1.2116; A2005-62
                        amdt 3.125, amdt 3.126

Union picnic day
s 5   ins A1997-2
                        om A2009-46 s 7

Canberra Day public holiday for 2007
s 6   ins A2007-30 s 5
                        exp 19 March 2008 (s 6 (3) (LA s 88 declaration applies))

Schedule 1
sch 1 hdg   renum R4 LA
sch 1   (prev sch) ins A1997-2
                        am R4 LA
                        om A2009-46 s 8

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 and date	Effective	Last amendment made by	Republication for
R1 30 June 1991	11 May 1989– 7 July 1992	Ord1988-90	initial republication since self-government
R1 (RI) 24 Sept 2013	11 May 1989– 7 July 1992	Ord1988-90	reissue of printed version
R2 31 Aug 1992	8 July 1992– 27 Feb 1997	A1992-43	amendments by A1992-43
R2 (RI) 24 Sept 2013	8 July 1992– 27 Feb 1997	A1992-43	reissue of printed version
R3 31 Jan 1998	28 Feb 1997– 14 Dec 1999	A1997-2	amendments by A1997-2
R3 (RI) 24 Sept 2013	28 Feb 1997– 14 Dec 1999	A1997-2	reissue of printed version
R3A 24 Sept 2013	15 Dec 1999– 11 Sept 2001	A1999-67	amendments by A1999-67
R4 14 Jan 2002	12 Sept 2001– 10 Jan 2006	A2001-44	amendments by A2001-44
R5 11 Jan 2006	11 Jan 2006– 2 Oct 2007	A2005-62	amendments by A2005-62
R6 3 Oct 2007	3 Oct 2007– 19 Mar 2008	A2007-30	amendments by A2007-30
R7 20 Mar 2008	20 Mar 2008– 25 Nov 2009	A2007-30	commenced expiry
R8 26 Nov 2009	26 Nov 2009– 18 Aug 2014	A2009-46	amendments by A2009-46

Republication No and date	Effective	Last amendment made by	Republication for
R9 19 Aug 2014	19 Aug 2014– 25 Nov 2015	A2014-28	amendments by A2014-28

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