Holidays Act 1958
A1958-19

Republication No 11
Effective: 1 January 2018

Republication date: 1 January 2018

Last amendment made by A2017-29
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 1 January 2018. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 January 2018.

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 Parliament 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 $U$ 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 $M$ 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).
Holidays Act 1958

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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au
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) 27 May (Reconciliation Day), or, if that day is not a Monday, the following Monday;

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

(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, or in a part of 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:

*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

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.

Abbreviation key

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om = omitted/repealed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

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)
Endnotes

3 Legislation history

**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)

**Holidays (Reconciliation Day) Amendment Act 2017 A2017-29**
notified LR 27 September 2017
s 1, s 2 commenced 27 September 2017 (LA s 75 (1))
remainder commenced 1 January 2018 (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; A2017-29 ss 4-6; pars renum R11 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
(s 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.

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