



Australian Capital Territory

# **Holidays Act 1958    No 19**

## **Republication No 4**

Republication date: 14 January 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Holidays Act 1958* as in force on 14 January 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

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

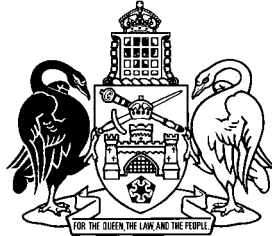
If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

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

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

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Holidays Act 1958

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Amendments incorporated to  
12 September 2001



Australian Capital Territory

## 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 Short title**

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

## **3 Public holidays**

(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;
  - (iii) the third 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 second Monday in June (the day for the observance of the anniversary of the birthday of the Sovereign);
  - (ix) the first 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

- (b) any other day, or a part of any other day, declared by the Minister, in writing, to be a public holiday in the Territory or in a part of the Territory specified in the declaration 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 subsection (1) (a) should not, in a particular year, be observed as a public holiday in the Territory, the Minister may, in writing, declare that that day shall not, in that year, be so observed and that declaration has effect accordingly.
- (3) A declaration under subsection (1) (b) or (2) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A declaration under subsection (2) in relation to a day must be notified under the *Legislation Act 2001* not later than 1 week before the day.
- (5) 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 under 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.
- (6) In subsection (5):

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

*substituted public holiday* means a day that, under subsection (1), is to be observed as a public holiday in the Territory by reason only that another day or date specified in subsection (1) (a) falls on 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 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; and
  - (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, in writing, to be a bank holiday in the Territory or in a part of the Territory specified in the declaration 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 subsection (1) (a) or (b) should not, in a particular year, be a bank holiday, the Minister may, in writing, declare that that day is not, in that year, a bank holiday and that declaration has effect accordingly.
- (3) A declaration under subsection (1) (c) or (2) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) A declaration under subsection (2) in relation to a day must be notified under the *Legislation Act 2001* not later than 1 week before the day.

## **5 Union picnic day**

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 schedule 1.



## Schedule 1 Awards

(see s 5)

column 1 item	column 2
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
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

**Schedule 1        Awards**

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<b>column 1</b>	<b>column 2</b>
<b>item</b>	
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
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
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 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 endnotes.

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.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

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

## Endnotes

3 Legislation history

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### 3 Legislation history

The *Holidays Act 1958* was originally the *Holidays Ordinance 1958*. It became an ACT Act on self-government (11 May 1989).

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 self-government

##### **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 self-government

##### **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 Gaz 2001 No S65)

## 4 Amendment history

### 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

### Bank holidays

s 4 am 1992 No 43; 2001 No 44 amdt 1.2113-1.2116

### Union picnic day

s 5 ins 1997 No 2

### 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.

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

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