



# Holidays Act 1983

Current as at 22 October 2015





Queensland

# Holidays Act 1983

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# Holidays Act 1983

## An Act to make provision for holidays and for related purposes

### 1 Short title

This Act may be cited as the *Holidays Act 1983*.

### 2 Public holidays

- (1) A public holiday is to be observed on the days set out in the schedule.
- (2) Subsection (1) applies subject to section 3.

### 3 Minister may change public holidays

The Minister may, by Gazette notice, substitute another day for a public holiday under section 2.

### 3A References to public holidays in industrial instruments under Industrial Relations Act 1999

To remove any doubt, it is declared that—

- (a) a reference in an industrial instrument under the *Industrial Relations Act 1999* to a public holiday is taken to include 2 January, 3 January, 27 December and 28 December when those days are to be observed as public holidays under section 2 or 3; and
- (b) a reference in an industrial instrument under the *Industrial Relations Act 1999* to Labour Day, or to a public holiday for the Birthday of the Sovereign or Labour Day, is taken to mean the day on which the public holiday is to be observed under section 2 or 3.

#### **4 Special holidays**

- (1) Subject to subsections (2) and (3) the Minister may by notification published in the Gazette appoint a day or the forenoon or afternoon of a day to be a holiday either throughout the State or within such district as may be specified.
- (2) A holiday shall not be appointed pursuant to this section in respect of a district unless the Minister has, by a date specified by the Minister, received a notice from the local government for the area in which the district is situated signed by the chief executive officer of that local government requesting that the holiday be appointed.
- (3) The holiday appointed may be the date requested or another date as the Minister thinks fit.
- (4) A holiday appointed pursuant to subsection (1) shall be a bank holiday in the district specified in the notification except where the holiday is in respect of an annual agricultural, horticultural or industrial show when it shall also be a public holiday.
- (5) Subsections (2) and (3) do not apply to—
  - (a) a holiday in the City of Brisbane for the annual agricultural show conducted by the Queensland Royal National Agricultural and Industrial Association; or
  - (b) a holiday for the Coen Amateur Turf Club's Annual Race Meeting in respect of the district where Comalco Limited requests that holiday; or
  - (c) a holiday for a district prescribed by regulation.
- (6) A regulation may appoint a day, or the morning or afternoon of a day, to be a holiday in a district prescribed under subsection (5)(c).
- (7) In this section—

***Comalco Limited*** means each of the following—

  - (a) Comalco Limited ACN 004 502 694;
  - (b) its successors and assigns.

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*Note—*

Since the commencement of this Act, Comalco Limited has changed its name to Rio Tinto Aluminium (Holdings) Limited.

## **5 Bank holidays**

- (1) Subject to subsections (2) and (3) the following days shall be bank holidays—
  - (a) each day or half-day that is a holiday pursuant to this Act;
  - (b) Saturdays.
- (2) Where pursuant to section 3 another day is substituted as a holiday in respect of New Year's Day, Anzac Day or Christmas Day both that day and New Year's Day, Anzac Day or Christmas Day as the case may be shall be bank holidays.
- (3) A regulation may declare that, from a specified day, Saturday ceases to be a bank holiday.

## **6 Regulation making power**

The Governor in Council may make regulations under this Act.

## **7 Reference to Holidays Act 1912**

A reference in an Act or document to the *Holidays Act 1912* is a reference to this Act.

## **8 Transitional provision for Electrical Safety and Other Legislation Amendment Act 2009**

- (1) This section applies if, before the commencement, a notification was published in the industrial gazette as permitted by section 4(1) as in force before the commencement.
- (2) The notification continues to have been published for section 4 after the commencement despite the amendment of

that section by the *Electrical Safety and Other Legislation Amendment Act 2009*.

- (3) In this section—

***commencement*** means the commencement of this section.

***industrial gazette*** means the Queensland Government Industrial Gazette.

## **9 Particular public holidays in 2010**

- (1) Subsection (2) applies despite a gazette notice made by the Minister under section 3 by which the Minister substituted another day for a public holiday for Christmas Day in 2010.

*Note—*

The Minister, by a gazette notice published on 28 August 2009, substituted 28 December 2010 for a public holiday for Christmas Day.

- (2) Both of the following days are to be observed as public holidays for Christmas Day in 2010—
- 25 December 2010
  - 28 December 2010.
- (3) To remove any doubt, it is declared that a reference in the *Industrial Relations Act 1999*, or in an industrial instrument under that Act, to a public holiday for Christmas Day is, for 2010, taken to include both of the following days—
- 25 December 2010
  - 28 December 2010.

## **10 Particular public holidays in 2011**

- (1) Both of the following days are to be observed as public holidays for New Year's Day in 2011—
- 1 January 2011
  - 3 January 2011.
- (2) To remove any doubt, it is declared that a reference in the *Industrial Relations Act 1999*, or in an industrial instrument

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under that Act, to a public holiday for New Year's Day is, for 2011, taken to include both of the following days—

- 1 January 2011
- 3 January 2011.

## **11 Particular public holiday in 2012**

- (1) A public holiday is to be observed on 11 June 2012 for the Queen's Diamond Jubilee.
- (2) To remove any doubt, it is declared that a reference in an industrial instrument under the *Industrial Relations Act 1999* to a public holiday is taken, for 2012, to include the day mentioned in subsection (1).

## **12 Particular public holiday in 2014**

- (1) A public holiday is to be observed on 14 November 2014 in the Brisbane area for the Group of Twenty leaders' summit.
- (2) To remove any doubt, it is declared that a reference in an industrial instrument under the *Industrial Relations Act 1999* to a public holiday is taken, for 2014, to include 14 November 2014.
- (3) In this section—

*Brisbane area* means the area of Brisbane under the *City of Brisbane Act 2010*.

## **Schedule                      Public holidays**

section 2

### **1 January (New Year's Day)**

A public holiday is to be observed on 1 January.

### **2 January**

A public holiday is to be observed on 2 January only if 1 January is a Sunday.

### **3 January**

A public holiday is to be observed on 3 January only if 1 January is a Saturday.

### **26 January (Australia Day)**

A public holiday is to be observed on—

- (a) 26 January; or
- (b) if 26 January is a Saturday or Sunday—the following Monday.

### **Good Friday**

A public holiday is to be observed on the Friday publicly observed as Good Friday.

### **The day after Good Friday**

A public holiday is to be observed on the day after Good Friday.

### **Easter Monday**

A public holiday is to be observed on the Monday following Good Friday.

### **25 April (Anzac Day)**

A public holiday is to be observed on—

- (a) 25 April; or

(b) if 25 April is a Sunday—the following Monday.

**Labour Day**

A public holiday is to be observed on the first Monday in May.

**Birthday of the Sovereign**

A public holiday is to be observed on the first Monday in October.

**25 December (Christmas Day)**

A public holiday is to be observed on 25 December.

**26 December (Boxing Day)**

A public holiday is to be observed on 26 December.

**27 December**

A public holiday is to be observed on 27 December only if 25 December is a Saturday or Sunday.

**28 December**

A public holiday is to be observed on 28 December only if 26 December is a Saturday or Sunday.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations
- 6 Table of renumbered provisions

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised version</b>
<b>d</b>			
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= order in council	<b>sch</b>	= schedule
<b>om</b>	= omitted	<b>sdiv</b>	= subdivision
<b>orig</b>	= original	<b>SIA</b>	= Statutory Instruments Act 1992
<b>p</b>	= page	<b>SIR</b>	= Statutory Instruments Regulation 2012
<b>para</b>	= paragraph	<b>SL</b>	= subordinate legislation
<b>prec</b>	= preceding	<b>sub</b>	= substituted
<b>pres</b>	= present	<b>unnum</b>	= unnumbered
<b>prev</b>	= previous		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1 rv	1995 Act No. 4	3 March 1995	24 April 1995

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1A	2009 Act No. 38	26 October 2009	
1B	2010 Act No. 43	14 October 2010	
1C	2010 Act No. 52	10 December 2010	
1D	2011 Act No. 44	6 December 2011	
1E	2012 Act No. 28	8 November 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
7 November 2013	2013 Act No. 56	
22 October 2015	2015 Act No. 14	

## **4 List of legislation**

### **Holidays Act 1983 No. 18**

date of assent 19 April 1983  
commenced on date of assent  
amending legislation—

### **Holidays Act Amendment Act 1985 No. 87**

date of assent 9 December 1985  
commenced on date of assent

### **Holidays Act Amendment Act 1988 No. 63**

date of assent 6 October 1988  
commenced on date of assent

### **Holidays Act Amendment Act 1989 No. 8**

date of assent 30 March 1989  
commenced on date of assent

### **Trading (Allowable Hours) Act 1990 No. 34 ss 1.4(1), 1.5(2)**

date of assent 15 June 1990  
commenced 23 June 1990 (proc pubd Ind Gaz 23 June 1990 p 324)

### **Anzac Day Act 1995 No. 4 s 33 sch**

date of assent 3 March 1995  
commenced on date of assent

### **Electrical Safety and Other Legislation Amendment Act 2009 No. 38 ss 1, 2(2), pt 8**

date of assent 22 September 2009  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 26 October 2009 (2009 SL No. 233)

**Holidays Amendment Act 2010 No. 43**

date of assent 14 October 2010  
 commenced on date of assent

**Natural Resources and Other Legislation Amendment Act (No. 2) 2010 No. 52 pts 1, 6**

date of assent 1 December 2010  
 ss 1–2 commenced on date of assent  
 remaining provisions commenced 10 December 2010 (2010 SL No. 351)

**Holidays and Other Legislation Amendment Act 2011 No. 44 pts 1–2**

date of assent 6 December 2011  
 commenced on date of assent

**Holidays and Other Legislation Amendment Act 2012 No. 28 pts 1–2**

date of assent 8 November 2012  
 commenced on date of assent

**G20 (Safety and Security) Act 2013 No. 56 s 1, pt 15 div 2**

date of assent 7 November 2013  
 commenced on date of assent

**Holidays and Other Legislation Amendment Act 2015 No. 14 pts 1, 3**

date of assent 22 October 2015  
 commenced on date of assent (see s 2)

## 5 List of annotations

**This reprint has been renumbered—see table of renumbered provisions in endnote 6.**

**Public holidays**

s 2 amd 1989 No. 8 s 2  
 sub 2011 No. 44 s 3

**Minister may change public holidays**

s 3 prev s 3 om 1995 No. 4 s 33 sch  
 pres s 3 sub 1995 No. 4 s 33 sch

**References to public holidays in industrial instruments under Industrial Relations Act 1999**

s 3A ins 2011 No. 44 s 4  
 amd 2012 No. 28 s 4

**Special holidays**

s 4 amd 1985 No. 87 s 2; 1995 No. 4 s 33 sch; 2009 No. 38 s 30; 2010 No. 52 s 28

**Bank holidays**

s 5 amd 1988 No. 63 s 2; 1990 No. 34 s 1.4(1); 1995 No. 4 s 33 sch

**Regulation making power**

s 6 sub 1995 No. 4 s 33 sch

**Reference to Holidays Act 1912**

s 7 prev s 7 om 1995 No. 4 s 33 sch

pres s 7 ins 1995 No. 4 s 33 sch

**Transitional provision for Electrical Safety and Other Legislation Amendment Act 2009**

s 8 orig s 8 om 1995 No. 4 s 33 sch

prev s 8 ins 1995 No. 4 s 33 sch

om R1 (see RA s 37)

pres s 8 ins 2009 No. 38 s 31

**Particular public holidays in 2010**

s 9 prev s 9 om 1985 No. 87 s 3

pres s 9 ins 2010 No. 43 s 3

**Particular public holidays in 2011**

s 10 ins 2010 No. 43 s 3

**Particular public holiday in 2012**

s 11 ins 2011 No. 44 s 5

**Particular public holiday 2014**

s 12 ins 2013 No. 56 s 107

**SCHEDULE—PUBLIC HOLIDAYS**

amd 1989 No. 8 s 3

sub 2011 No. 44 s 6

amd 2012 No. 28 s 5; 2015 No. 14 s 12

## 6 Table of renumbered provisions

under the Reprints Act 1992 s 43 as required by the Holidays Act 1983 s 8 [Reprint No. 1]

**Previous Renumbered as**

4 2

5 3

6 4

6(2), 2nd sentence 4(3)

6(3) 4(4)

6(4) 4(5)

**Previous Renumbered as**

6(5) 4(6)

10 5

11 6

12 7

13 8

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