



Holidays Act 1983

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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) A public holiday is to be observed for the part of the day on 24 December (Christmas Eve) from 6p.m. to midnight.
- (4) However, subsection (3) applies only for working out a person's entitlements under—
 - (a) the *Industrial Relations Act 2016* or an industrial instrument within the meaning of that Act; or
 - (b) the *Fair Work Act 2009* (Cwlth) or a federal industrial instrument; or
 - (c) the *Building and Construction Industry (Portable Long Service Leave) Act 1991*; or
 - (d) the *Contract Cleaning Industry (Portable Long Service Leave) Act 2005*.

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 2016* 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 2016* 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.

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 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*.

13 Particular public holiday in 2020—People’s long weekend

(1) A public holiday is to be observed on 14 August 2020 in a participating district.

(2) To remove any doubt, it is declared that a reference in an industrial instrument under the *Industrial Relations Act 2016* to a public holiday is taken, in a participating district, for 2020, to include 14 August 2020.

(3) In this section—

Bowen area means an area of the Whitsunday local government area shown on map LGB20 edition 2 under the repealed *Local Government (Areas) Regulation 2005* as any of the following divisions of the former Bowen local government area—

- (a) division 1;
- (b) division 2;
- (c) division 3, to the extent it is north of the Bogie River from its confluence with the Burdekin River to its source and then easterly by the Clark Range to the eastern boundary of the former shire.

Editor’s note—

A copy of the map is available for inspection from the department in which the *Local Government Act 2009* is administered.

participating district means—

- (a) each of the following local government areas—
 - (i) Burdekin;
 - (ii) Charters Towers;

- (iii) Cloncurry;
- (iv) Gold Coast;
- (v) Livingstone;
- (vi) Logan;
- (vii) Mackay;
- (viii) Rockhampton; or
- (b) the area of Brisbane under the *City of Brisbane Act 2010*; or
- (c) the area, known as the Weipa Town Area, excluded from the Cook local government area under the agreement made under the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*; or
- (d) the Bowen area.

14 Particular public holiday in 2021

- (1) A public holiday is to be observed on 29 October 2021 in a participating district.
- (2) The Minister may, by notice published on the department's website, substitute another day for the public holiday under subsection (1) for a participating district if the Minister considers it is necessary or desirable to do so having regard to the COVID-19 emergency.
- (3) The notice is a statutory instrument.
- (4) The Minister must, within 14 sitting days after the day the notice is published, table a copy of the notice in the Legislative Assembly.
- (5) To remove any doubt, it is declared that a reference in an industrial instrument under the *Industrial Relations Act 2016* to a public holiday is taken, in a participating district, to include—
 - (a) 29 October 2021; or

(b) if the Minister substitutes another day for the public holiday under subsection (1) for the participating district—the substituted day.

(6) In this section—

COVID-19 emergency see the *COVID-19 Emergency Response Act 2020*, schedule 1.

participating district means—

- (a) the area of Brisbane under the *City of Brisbane Act 2010*; or
- (b) the Moreton Bay local government area; or
- (c) the Scenic Rim local government area.

15 Particular public holiday in 2022

- (1) A public holiday is to be observed on 22 September 2022 for the National Day of Mourning for Her Majesty The Queen.
- (2) To remove any doubt, it is declared that a reference in an industrial instrument under the *Industrial Relations Act 2016* to a public holiday is taken, for 2022, to include the day mentioned in subsection (1).

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 Sunday

A public holiday is to be observed on the Sunday following 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.