

(Reprint No. 2)

SOUTH AUSTRALIA

HOLIDAYS ACT, 1910

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 31 October 1991.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

SUMMARY OF PROVISIONS

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SCHEDULES

HOLIDAYS ACT, 1910

being

Holidays Act, 1910, No. 1010 of 1910 [Assented to 30 November 1910]

as amended by

Holidays Act Amendment Act, 1922, No. 1547 of 1922 [Assented to 21 December 1922] (as amended by Statute Law Revision Act, 1935, No. 2246 of 1935 [Assented to 19 December 1935])
Holidays Act Amendment Act, 1947, No. 6 of 1947 [Assented to 2 October 1947]
Holidays Act Amendment Act, 1958, No. 29 of 1958 [Assented to 13 November 1958]¹ (as amended by Holidays Act Amendment Act, 1959, No. 21 of 1959 [Assented to 26 November 1959] and Statute Law Revision Act, 1975, No. 24 of 1975 [Assented to 27 March 1975])
Holidays Act Amendment Act, 1970, No. 46 of 1970 [Assented to 10 December 1970]
Holidays Act Amendment Act, 1973, No. 60 of 1973 [Assented to 22 November 1973]
Statute Law Revision Act, 1975, No. 24 of 1975 [Assented to 27 March 1975]
Holidays Act Amendment Act, 1980, No. 109 of 1980 [Assented to 18 December 1980]
Holidays Act Amendment Act, 1985, No. 97 of 1985 [Assented to 1 November 1985]
Holidays Act Amendment Act, 1989, No. 10 of 1989 [Assented to 30 March 1989]
Holidays (Labour Day) Amendment Act 1991 No. 36 of 1991 [Assented to 26 September 1991]²

An Act to consolidate and amend the laws constituting public holidays and bank holidays, and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title

1. This Act may be cited as the *Holidays Act, 1910*.

Repeal

2. The enactments mentioned in the first schedule are hereby repealed to the extent stated in such schedule.

Days fixed as holidays

3. After the passing of this Act the several days mentioned in the second schedule shall be public holidays and bank holidays: Provided that—

- I. when any of the several days mentioned in Part II of the second schedule falls upon a Saturday or Sunday; or
- II. when the day mentioned in Part III of the second schedule falls upon any day other than a Monday,

then the following Monday shall be a public holiday and bank holiday in lieu of such day.

¹Came into operation 8 January 1960: *Gaz.* 17 December 1959, p. 1504.

²Came into operation 31 October 1991: *Gaz.* 31 October 1991.

Anzac Day

3a. In addition to the days mentioned in the second schedule to this Act, the twenty-fifth of April shall be a public holiday and a bank holiday: Provided that when the said day falls upon a Sunday, the following Monday shall be a public holiday and a bank holiday in lieu of that day.

Saturdays to be bank holidays

3b. (1) After the passing of the *Holidays Act Amendment Act, 1958*, the several days mentioned in the third schedule shall be bank holidays.

(2) If it appears to the Governor that the arrangements referred to in subsection (2) of section 2 of the *Holidays Act Amendment Act, 1958*, have not been or are not being observed or complied with, the Governor may, by proclamation, declare that on a day to be specified in the proclamation this section and the third schedule shall cease to have effect and this section and that schedule shall cease to have effect accordingly.

Special holidays may be proclaimed

4. (1) The Governor may, from time to time, as he may think fit, by proclamation published in the *Government Gazette*, appoint a special day to be a public holiday or bank holiday in any year either—

(a) throughout the said State, or

(b) within such district or locality as is specified in such proclamation;

and such day shall in such year be a public holiday or bank holiday accordingly.

(2) At any time before a special day referred to in subsection (1) of this section occurs, whether that special day was appointed pursuant to that subsection before, on or after the commencement of the *Holidays Act Amendment Act, 1973*, the Governor may by proclamation published in the *Gazette* revoke the proclamation appointing that day to be a public holiday or bank holiday, and upon the publication of that first mentioned proclamation the day so appointed shall not be, and shall be deemed never to have been appointed as, a public holiday or bank holiday.

Bank half-holidays

4a. (1) The Governor may from time to time, as he may think fit, by proclamation published in the *Government Gazette*, appoint any part of any specified day to be a bank half-holiday either—

(a) throughout the State; or

(b) within such district or locality as is specified in the proclamation.

(2) When a bank half-holiday is so proclaimed, section 7 of this Act shall apply in relation to the day on which that half-holiday occurs as if the whole of that day had been proclaimed a bank holiday.

Governor may substitute another day for day appointed

5. (1) The Governor may, from time to time, as he may see fit, by proclamation published in the *Government Gazette*, declare some other day to be a public holiday or bank holiday in any year in lieu of a day by this Act appointed a public holiday or bank holiday, and in that case such other day shall in such year be substituted as a public holiday or bank holiday for the said day appointed by this Act.

(2) The Governor may by subsequent proclamation vary or revoke a proclamation made under this section.

Public offices and banks to be closed on holidays

6. (1) Subject to subsection (2), all offices of the Public Service of the said State shall be closed on public holidays, and all banks shall be closed on bank holidays: Provided that nothing in this Act shall—

- (a) authorize the closing on any public holiday of any office of the said Service which is specially required by law to be kept open on such public holiday; or
- (b) prevent the responsible Minister in charge of a Government department from requiring the services of any or all of the officers of such department during any public holiday in case of emergency.

(2) Subsection (1) does not require the closure of a bank on a bank holiday if the opening of the bank on that day is authorized by a proclamation under subsection (3).

(3) The Governor may, by proclamation, authorize the opening of banks within a specified area on any bank holiday or holidays specified in the proclamation.

(4) The Governor may, by subsequent proclamation, vary or revoke a proclamation made under this section.

Payments and other acts on holidays

7. (1) No person shall be compellable to make any payment or do any act upon any public holiday or bank holiday which he would not be compellable to make or do on Sunday.

(2) When, except for the provisions of this section, any person would be obliged to make any payment or do any act upon a public holiday or bank holiday, the obligation shall apply to the next day following which is not a public holiday or bank holiday, and payment or performance on such following day shall be due payment of the money or performance of the act: Provided that nothing in this Act shall exempt any person from making any payment or doing any act on any public holiday or bank holiday which he is by law specially required to make or do on such day.

Holidays Act, 1910

SCHEDULES
THE FIRST SCHEDULE
ENACTMENTS REPEALED

Enactments Repealed	Title	Extent of Repeal
No. 19 of 1873	<i>Bank Holidays Act, 1873</i>	The whole
No. 3 of 1874	<i>Civil Service Act, 1874</i>	Section 31
No. 571 of 1893	<i>The Bank Holidays Amendment Act, 1893</i>	The whole
No. 976 of 1909	<i>The Holidays Act, 1909</i>	The whole

THE SECOND SCHEDULE
HOLIDAYS

PART I

Sunday.
Good Friday.
The day after Good Friday.
Easter Monday.
The third Monday in May.
The second Monday in June.
The first Monday in October.

PART II

The first day of January.
Christmas Day.
The twenty-eighth day of December.

PART III

The twenty-sixth day of January.

THE THIRD SCHEDULE

Saturday

APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 4 of The Public General Acts of South Australia 1837-1975 at page 706.

Section 3:	amended by 109, 1980, s. 2
Section 5:	redesignated as s. 5(1) by 109, 1980, s. 3
Section 5(2):	inserted by 109, 1980, s. 3
Section 6:	amended and redesignated to read as s. 6(1) by 97, 1985, s. 2
Section 6(2) and (3):	inserted by 97, 1985, s. 2(b); substituted by 10, 1989, s. 2
Section 6(4):	inserted by 10, 1989, s. 2
Second schedule	
Part I:	amended by 109, 1980, s. 4; 36, 1991, s. 3