

SOUTH AUSTRALIA

**HOLIDAYS ACT 1910**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 1 July 1999.*

*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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*Holidays*

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**LEGISLATIVE HISTORY**

# 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]<sup>1</sup> (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]<sup>2</sup>  
Holidays (Proclamation Day, Australia Day and Bank Holidays) Amendment Act 1993 No. 88 of 1993 [Assented to 4 November 1993]<sup>3</sup>  
Statutes Amendment (References to Banks) Act 1997 No. 30 of 1997 [Assented to 12 June 1997]<sup>4</sup>  
**Financial Sector Reform (South Australia) Act 1999 No. 33 of 1999 [Assented to 17 June 1999]<sup>5</sup>**

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

<sup>2</sup> Came into operation 31 October 1991: *Gaz.* 31 October 1991, p. 1198.

<sup>3</sup> Came into operation 4 November 1993: *Gaz.* 4 November 1993, p. 2168.

<sup>4</sup> Part 9 (s. 11) came into operation 3 July 1997: *Gaz.* 3 July 1997, p. 4.

<sup>5</sup> **Schedule (item 28) came into operation 1 July 1999: being the date specified under section 3(16) of the *Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999* of the Commonwealth as the transfer date for the purposes of that Act.**

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix.

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

The Parliament of South Australia enacts as follows:

**Short title**

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

**Repeal**

2. The enactments mentioned in schedule 1 are hereby repealed to the extent stated in such schedule.

\* \* \* \* \*

**Days fixed as holidays**

3. (1) The days mentioned in schedule 2 are public holidays and bank holidays but when a day mentioned in Part 2 of schedule 2 falls on a Saturday or Sunday, the following Monday will be a public holiday and bank holiday instead of that day.

(2) 26 December will be a public holiday and a bank holiday but—

- (a) when 26 December falls on a Saturday, the following Monday will be a public holiday and a bank holiday instead of that day; and
- (b) when 26 December falls on a Sunday or a Monday, the following Tuesday will be a public holiday instead of that day.

**Anzac Day**

3A. In addition to the days mentioned in schedule 2 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.

**Certain Saturdays to be bank holidays**

3B. The days mentioned in Part 2 of schedule 2 and 26 December are bank holidays when they fall on a Saturday.

**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 ADIs 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 ADIs shall be closed on bank holidays: Provided that nothing in this Act shall—

- (a) authorise 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 an ADI on a bank holiday if the opening of the ADI on that day is authorised by a proclamation under subsection (3).

(3) The Governor may, by proclamation, authorise the opening of ADIs 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 or Saturdays**

**7.** (1) No person shall be compellable to make any payment or do any act upon any public holiday, bank holiday or Saturday 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, bank holiday or Saturday, the obligation shall apply to the next day following which is not a public holiday, bank holiday or Saturday, 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, bank holiday or Saturday which he is by law specially required to make or do on such day.

**Holidays Act 1910**

**SCHEDULES**

**SCHEDULE 1**

*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

**SCHEDULE 2**

*Holidays*

**PART 1**

- 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 2**

- 1 January.
- 26 January.
- Christmas Day.

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## Holidays Act 1910

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### 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.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

<b>Section 2A:</b>	inserted by 30, 1997, s. 11; <b>repealed by 33, 1999, Sched. (item 28)</b>
Section 3:	amended by 109, 1980, s. 2; substituted by 88, 1993, s. 3
Section 3B:	substituted by 88, 1993, s. 4
Section 5:	redesignated as s. 5(1) by 109, 1980, s. 3
Section 5(2):	inserted by 109, 1980, s. 3
<b>Section 6(1):</b>	amended and redesignated as s. 6(1) by 97, 1985, s. 2;
(previously section 6)	<b>amended by 33, 1999, Sched. (item 28)</b>
<b>Section 6(2) and (3):</b>	inserted by 97, 1985, s. 2(b); substituted by 10, 1989, s. 2; <b>amended by 33, 1999, Sched. (item 28)</b>
Section 6(4):	inserted by 10, 1989, s. 2
Section 7(1):	amended by 88, 1993, s. 5(a)
Section 7(2):	amended by 88, 1993, s. 5(b)
Schedule 2	
Part 1:	amended by 109, 1980, s. 4; 36, 1991, s. 3
Part 2:	substituted by 88, 1993, s. 6
Part 3:	repealed by 88, 1993, s. 6
Schedule 3:	repealed by 88, 1993, s. 7