

South Australia

Public Holidays Act 2023

An Act to provide for public holidays in the State and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Public Holidays Act 2023*.

3—Days fixed as public holidays

- (1) Subject to this section, the following days will be public holidays in each year:
 - (a) 1 January (*New Year's Day*);
 - (b) 26 January (*Australia Day*);
 - (c) the second Monday in March (*Adelaide Cup Day*);
 - (d) the Friday publicly observed as Good Friday (*Good Friday*);
 - (e) the day after Good Friday (*Easter Saturday*);
 - (f) the Sunday following Good Friday (*Easter Sunday*);
 - (g) the Monday following Good Friday (*Easter Monday*);
 - (h) 25 April (*ANZAC Day*);
 - (i) the second Monday in June (the *Sovereign's Birthday*);

- (j) the first Monday in October (*Labour Day*);
 - (k) 25 December (*Christmas Day*);
 - (l) 26 December (*Proclamation Day holiday*).
- (2) If Christmas Day or New Year's Day falls on a Saturday or a Sunday, the following Monday will be a public holiday in addition to that day.
- (3) If Proclamation Day holiday falls on a Saturday, Sunday or Monday, the following rules apply:
- (a) where it falls on a Saturday, the following Monday will be a public holiday in addition to that day;
 - (b) where it falls on a Sunday or a Monday, the following Tuesday will be a public holiday in addition to that day.
- (4) If Australia Day falls on a Saturday or a Sunday, the following Monday will be a public holiday instead of that day.
- (5) The Governor may, by proclamation, declare some other day to be a public holiday in a year instead of a day appointed by this section as a public holiday (and in that case that other day will in that year be substituted as a public holiday for the day appointed by this section).

4—Part-day public holidays

The part of the day from 7pm to 12 o'clock midnight on the following days will be a public holiday (a *part-day public holiday*):

- (a) 24 December (*Christmas Eve*);
- (b) 31 December (*New Year's Eve*).

5—Additional special public holidays may be proclaimed

- (1) The Governor may, by proclamation—
- (a) appoint a day to be an additional public holiday in any year; or
 - (b) appoint a part of a day to be an additional part-day public holiday in any year.
- (2) A proclamation under this section may apply—
- (a) throughout the State; or
 - (b) within a district or locality specified in the proclamation.

6—Public offices to be closed on public holidays

All offices of the Public Service will be closed on public holidays but nothing in this Act—

- (a) authorises the closing on a public holiday of an office of the Public Service that is specially required by law to be kept open on the public holiday; or
- (b) prevents the responsible Minister in charge of an administrative unit from requiring the services of any or all of the officers of the unit during a public holiday in case of an emergency.

7—Bank holidays

- (1) All Sundays and public holidays are taken to be bank holidays.
- (2) The Governor may, by proclamation—
 - (a) declare some other day to be a bank holiday in a year instead of a day referred to in subsection (1) (and in that case that other day will in that year be substituted as a bank holiday for the day appointed by subsection (1)); or
 - (b) appoint a day to be an additional bank holiday in any year; or
 - (c) appoint a part of a day to be a bank half holiday in any year.
- (3) A proclamation under this section may apply—
 - (a) throughout the State; or
 - (b) within a district or locality specified in the proclamation.
- (4) Subject to subsection (5), all ADIs must be closed on bank holidays and during any bank half holiday.
- (5) The Governor may, by proclamation, authorise the opening of ADIs within a specified area on a bank holiday or bank half holiday specified in the proclamation.

8—Payments and other acts on public holidays etc

- (1) No person is compellable to make a payment or do an act on a public holiday, bank holiday or Saturday that the person would not be compellable to make or do on a Sunday before the commencement of this Act.
- (2) When, except for the provisions of this section, a person would be obliged to make a payment or do an act on a public holiday, bank holiday or Saturday, the obligation applies to the next day following that is not a public holiday, bank holiday or Saturday, and payment or performance on that day will be due payment of the money or performance of the act, but nothing in this Act exempts a person from making a payment or doing an act on a public holiday, bank holiday or Saturday that the person is by law specially required to make or do on that day.
- (3) A reference in this section to a public holiday does not include a part-day public holiday.
- (4) If a bank half holiday is proclaimed under section 7(2)(c), this section applies in relation to the day on which that half holiday occurs as if the whole of that day had been proclaimed a bank holiday.

Schedule 1—Transitional provisions

Part 24—Transitional provision

26—References to public holidays

If a provision of an Act that was enacted, or of an instrument that was made, before the commencement of this Act refers to a public holiday within the meaning of the *Holidays Act 1910*, that reference will be taken to include a Sunday unless the contrary intention appears.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation repealed by principal Act

The *Public Holidays Act 2023* repealed the following:

Holidays Act 1910

Legislation amended by principal Act

The *Public Holidays Act 2023* amended the following:

Adelaide Cemeteries Authority Act 2001

Bail Act 1985

Bills of Sale Act 1886

Botanic Gardens and State Herbarium Act 1978

Building Work Contractors Act 1995

Children and Young People (Safety) Act 2017

Classification (Publications, Films and Computer Games) Act 1995

Fair Trading Act 1987

Fire and Emergency Services Act 2005

Land and Business (Sale and Conveyancing) Act 1994

Legislation Interpretation Act 2021

Magistrates Act 1983

Marine Parks Act 2007

Mental Health Act 2009

Mining Act 1971

Parliament (Joint Services) Act 1985

Public Trustee Act 1995

Residential Parks Act 2007

Retail and Commercial Leases Act 1995

Second-hand Vehicle Dealers Act 1995

Shop Trading Hours Act 1977

Stock Mortgages and Wool Liens Act 1924

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2023	39	<i>Public Holidays Act 2023</i>	7.12.2023	1.1.2024: s 2
2024	2	<i>Statutes Amendment (Industrial Relations Portfolio) Act 2024</i>	29.2.2024	Pt 3 (ss 6 & 7)—28.3.2024 (<i>Gazette</i> 28.3.2024 p510)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	28.3.2024
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	28.3.2024
s 3		
s 3(1)	amended by 2/2024 s 6(1)—(9)	28.3.2024
s 3(2)	amended by 2/2024 s 6(10)	28.3.2024
s 3(3)	amended by 2/2024 s 6(11)	28.3.2024
s 3(4)	amended by 2/2024 s 6(12)	28.3.2024
s 4	amended by 2/2024 s 7(1), (2)	28.3.2024
Sch 1		
<i>Pts 1—23</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	28.3.2024