



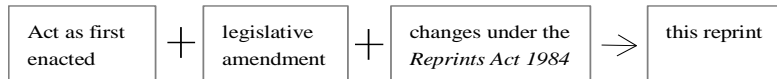
Western Australia

Public and Bank Holidays Act 1972

Reprinted as at 4 January 2002

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Western Australia

Public and Bank Holidays Act 1972

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Western Australia

Reprinted under the
Reprints Act 1984 as
at 4 January 2002

Public and Bank Holidays Act 1972

An Act to rationalise public and bank holidays and for purposes incidental thereto.

1. Short title

This Act may be cited as the *Public and Bank Holidays Act 1972*¹.

2. Commencement

This Act shall come into operation on a date to fixed by proclamation¹.

3. Construction of this Act to be subject to awards, orders, or agreements, made under *Industrial Relations Act 1979*

Unless it is otherwise expressly provided in this Act, any provision of an award, order, or industrial agreement made under the *Industrial Relations Act 1979*, or of a workplace agreement under the *Workplace Agreements Act 1993*, prevails over any provision of or under this Act, to the extent of any inconsistency therewith.

[Section 3 amended by No. 71 of 1987 s. 4; No. 13 of 1993 s. 103.]

[4. Omitted under the Reprints Act 1984 s. 7(4)(f).]

5. Days fixed as public and bank holidays

Subject to this Act, the several days specified, or appointed under the power, in the Second Schedule shall be public holidays and bank holidays throughout the State.

[Section 5 amended by No. 53 of 1983 s. 2.]

6. Saturdays as bank holidays

- (1) Subject to subsections (2) and (3), Saturday shall be a bank holiday throughout the State.
- (2) If the Governor is satisfied that there are no arrangements which operate generally throughout the State for keeping all banks in the State open for business until 5 o'clock in the afternoon of every Friday that is not a bank holiday or that, if there are such arrangements, they are not being carried out, the Governor may by proclamation declare that Saturday shall not be a bank holiday on and from a date specified in the proclamation, and in that case Saturday shall accordingly not be a bank holiday.
- (3) If after a proclamation has been made under subsection (2), the Governor is satisfied that there are such arrangements as are referred to in that subsection and they will be carried out, the Governor may by subsequent proclamation declare that Saturday shall be a bank holiday on and from a date specified in the subsequent proclamation, and in that case Saturday shall accordingly be a bank holiday.

7. Special public or bank holidays and half-holidays

- (1) The Governor may, from time to time, by proclamation —
 - (a) appoint a special day specified in the proclamation to be a public holiday or bank holiday, or both;
 - (b) appoint any part of any special day specified in the proclamation to be a public half-holiday,

in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case the

special day or part thereof shall accordingly be a public holiday or bank holiday, or both, or public half-holiday, as the case may be.

- (2) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the *Government Gazette* at least 3 weeks before the special day specified in the former proclamation.

8. Power of Governor to alter day appointed for a public holiday or bank holiday

- (1) The Governor may, from time to time, by proclamation declare that, instead of a day referred to in section 5, some other day shall be a public holiday or bank holiday, or both, in any year either throughout the State or within such district or locality as is specified in the proclamation, and in that case such other day shall accordingly be a public holiday or bank holiday, or both, as the case may be, instead of the day so referred to in that section.
- (2) A proclamation made under subsection (1) shall be published in the *Government Gazette* at least 3 weeks before the first day to be affected thereby.
- (3) Where a proclamation is made under subsection (1), the Governor may, from time to time, vary or cancel it by subsequent proclamation published in the *Government Gazette* at least 3 weeks before the first day to be affected thereby.

[(4) *Omitted under the Reprints Act 1984 s. 7(4)(e).*]

[Section 8 amended by No. 6 of 1976 s. 2; No. 53 of 1983 s. 3; No. 71 of 1987 s. 5.]

s. 9

9. Effect of proclamation under sections 7 and 8 on awards, orders, or agreements under *Industrial Relations Act 1979*

Any provision of a proclamation made under section 7 or 8 prevails over any provision of an award, order, or industrial agreement made under the *Industrial Relations Act 1979* to the extent of any inconsistency therewith.

[Section 9 amended by No. 71 of 1987 s. 6.]

10. Banks to be closed on bank holidays

- (1) Subject to subsection (2), all banks in the State shall be closed on bank holidays.
- (2) An agency of a savings bank is not required to be closed on Saturday.

[First Schedule omitted under the Reprints Act 1984 s. 7(4)(f).]

Second Schedule

s. 5

New Year's Day (1st January).

Australia Day (26th January or, when that day falls on a Saturday or Sunday, the first Monday following the 26th January).

Labor Day (Monday on or first Monday following the 1st March).

Good Friday.

Easter Monday.

Anzac Day (25th April).

Foundation Day (Monday on or first Monday following the 1st June).

Celebration Day for the Anniversary of the Birthday of the Reigning Sovereign (day to be appointed annually by proclamation published in the *Government Gazette* at least 3 weeks before the day so appointed).

Christmas Day (25th December).

Boxing Day (26th December).

When New Year's Day, Anzac Day, or Christmas Day falls on a Saturday or Sunday the next following Monday is also a public holiday and bank holiday.

When Boxing Day falls on a Saturday the next following Monday is also a public holiday and bank holiday.

When Boxing Day falls on a Sunday or Monday the next following Tuesday is also a public holiday and bank holiday.

[Second Schedule amended by No. 6 of 1976 s. 3; No. 53 of 1983 s. 4; No. 20 of 1992 s. 4.]



Notes

- ¹ This reprint is a compilation as at 4 January 2002 of the *Public and Bank Holidays Act 1972* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Public and Bank Holidays Act 1972</i>	63 of 1972	31 Oct 1972	22 Jun 1973 (see s. 2 and <i>Gazette</i> 22 Jun 1973 p. 2367)
<i>Public and Bank Holidays Act Amendment Act 1976</i>	6 of 1976	25 May 1976	25 May 1976
<i>Public and Bank Holidays Amendment Act 1983</i>	53 of 1983	13 Dec 1983	13 Dec 1983
<i>Public and Bank Holidays Amendment Act 1987</i>	71 of 1987	22 Nov 1987	22 Nov 1987 (see s. 2)
<i>Public and Bank Holidays Amendment Act 1992</i>	20 of 1992	17 Jun 1992	1 Jan 1994 (see s. 2)
<i>Workplace Agreements Act 1993 s. 103</i>	13 of 1993	23 Nov 1993	1 Dec 1993 (see s. 2 and <i>Gazette</i> 30 Nov 1993 p. 6439)