



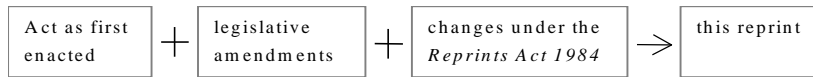
Western Australia

# **Public and Bank Holidays Act 1972**

**Reprint 2: The Act as at 18 April 2008**

## 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  - removed (because it was repealed or deleted from the law); or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.

### *Reprint numbering and date*

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3<sup>rd</sup> reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

## Public and Bank Holidays Act 1972

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 18 April 2008

## 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*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a date to fixed by proclamation<sup>1</sup>.

**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 an employer-employee agreement under Part VID of the *Industrial Relations Act 1979*, 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; No. 20 of 2002 s. 24; amended in Gazette 15 Aug 2003 p. 3690.]*

[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 to be bank holidays**

Saturday shall be a bank holiday throughout the State.

*[Section 6 inserted by No. 32 of 2004 s. 4.]*

**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.

*[Section 8 amended by No. 6 of 1976 s. 2; No. 53 of 1983 s. 3; No. 71 of 1987 s. 5; No. 74 of 2003 s. 96.]*

**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 close their premises to the public on bank holidays.
- (2) A bank in the State is not required to close its premises to the public on a Saturday, if that Saturday —
  - (a) is a bank holiday by virtue of section 6; and

**s. 10**

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(b) is not a bank holiday or public holiday under any other section.

*[Section 10 amended by No. 32 of 2004 s. 5.]*

*[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).

Labour 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

- <sup>1</sup> This reprint is a compilation as at 18 April 2008 of the *Public and Bank Holidays Act 1972* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### 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</i> s. 103	13 of 1993	23 Nov 1993	1 Dec 1993 (see s. 2 and <i>Gazette</i> 30 Nov 1993 p. 6439)
<b>Reprint of the <i>Public and Bank Holidays Act 1972</i> as at 4 Jan 2002</b> (includes amendments listed above)			
<i>Labour Relations Reform Act 2002</i> s. 24	20 of 2002	8 Jul 2002	15 Sep 2002 (see s. 2(1) and <i>Gazette</i> 6 Sep 2002 p. 4487)
<i>Labour Relations Reform (Consequential Amendments) Regulations 2003</i> r. 13 published in <i>Gazette</i> 15 Aug 2003 p. 3685-92			15 Sep 2003 (see r. 2)
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 96	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Public and Bank Holidays Amendment Act 2004</i>	32 of 2004	14 Oct 2004	14 Oct 2004 (see s. 2)
<b>Reprint 2: The <i>Public and Bank Holidays Act 1972</i> as at 18 Apr 2008</b> (includes amendments listed above)			