Western Australia

Public and Bank Holidays Act 1972

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Defined terms

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*.

2. Commencement

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

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

(1) 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* (an ***industrial instrument***) prevails over a provision of or under this Act to the extent of any inconsistency with the industrial instrument.

(2) A provision of an industrial instrument relating to public holidays applies to Easter Sunday regardless of whether the instrument makes reference to Easter Sunday.

(3) However, a provision of an industrial instrument is of no effect to the extent that it substitutes another day for the Easter Sunday public holiday solely because Easter Sunday falls on a weekend.

[Section 3 amended: No. 71 of 1987 s. 4; No. 13 of 1993 s. 103; No. 20 of 2002 s. 24; Gazette 15 Aug 2003 p. 3690; No. 30 of 2021 s. 123.]

*[**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: No. 53 of 1983 s. 2.]

6. Saturdays to be bank holidays

Saturday shall be a bank holiday throughout the State.

[Section 6 inserted: 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: 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: 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

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

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

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

Second Schedule — Public and bank holidays

[s. 5]

[Heading amended: No. 19 of 2010 s. 4.]

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 Sunday.

Easter Monday.

Anzac Day (25th April).

Western Australia 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 for each year 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: No. 6 of 1976 s. 3; No. 53 of 1983 s. 4; No. 20 of 1992 s. 4; No. 8 of 2009 s. 103; No. 3 of 2012 s. 5; No. 30 of 2021 s. 124.]

Notes

This is a compilation of the *Public and Bank Holidays Act 1972* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Short title	Number and year	Assent	Commencement
Public and Bank Holidays Act 1972	63 of 1972	31 Oct 1972	22 Jun 1973 (see s. 2 and *Gazette* 22 Jun 1973 p. 2367)
Public and Bank Holidays Act Amendment Act 1976	6 of 1976	25 May 1976	25 May 1976
Public and Bank Holidays Amendment Act 1983	53 of 1983	13 Dec 1983	13 Dec 1983
Public and Bank Holidays Amendment Act 1987	71 of 1987	22 Nov 1987	22 Nov 1987 (see s. 2)
Public and Bank Holidays Amendment Act 1992	20 of 1992	17 Jun 1992	1 Jan 1994 (see s. 2)
Workplace Agreements Act 1993 s. 103	13 of 1993	23 Nov 1993	1 Dec 1993 (see s. 2 and *Gazette* 30 Nov 1993 p. 6439)
Reprint of the *Public and Bank Holidays Act 1972* as at 4 Jan 2002 (includes amendments listed above)			
Labour Relations Reform Act 2002 s. 24	20 of 2002	8 Jul 2002	15 Sep 2002 (see s. 2(1) and *Gazette* 6 Sep 2002 p. 4487)
Labour Relations Reform (Consequential Amendments) Regulations 2003 r. 13 published in *Gazette* 15 Aug 2003 p. 3685-92			15 Sep 2003 (see r. 2)
Statutes (Repeals and Minor Amendments) Act 2003 s. 96	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
Public and Bank Holidays Amendment Act 2004	32 of 2004	14 Oct 2004	14 Oct 2004 (see s. 2)
Reprint 2: The *Public and Bank Holidays Act 1972* as at 18 Apr 2008 (includes amendments listed above)			
Statutes (Repeals and Miscellaneous Amendments) Act 2009 s. 103	8 of 2009	21 May 2009	22 May 2009 (see s. 2(b))

Short title	Number and year	Assent	Commencement
Standardisation of Formatting Act 2010 s. 4	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and *Gazette* 10 Sep 2010 p. 4341)
Western Australia Day (Renaming) Act 2012 Pt. 2 Div. 1	3 of 2012	10 Apr 2012	11 Apr 2012 (see s. 2(b))
Industrial Relations Legislation Amendment Act 2021 Pt. 6	30 of 2021	22 Dec 2021	12 Feb 2022 (see s. 2(1)(b) and SL 2022/10 cl. 2)

Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA legislation website.

Short title	Number and year	Assent	Commencement
Public and Bank Holidays Amendment Act 2026 Pt. 2	19 of 2026	28 Oct 2026	1 Jan 2028 (see s. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]

Defined term	Provision(s)
industrial instrument	3(1)

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