

SPECIAL HOLIDAYS.

No. 79 of 1973.

AN ACT to make provision in respect of certain days as special holidays.

[Assented to 17th December, 1973.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Special Holidays Act, 1973*. Short title and citation.

2. In this Act "special holiday" means a day that is a special holiday under this Act. Interpretation.

31st
December,
1973.

3. (1) In the event that The Western Australian Industrial Commission, constituted under the Industrial Arbitration Act, 1912, determines, prior to the 21st December, 1973, in relation to any award or agreement whatsoever referred to the Commission in Court Session that the 31st December, 1973, shall be a holiday without deduction of pay then, but not otherwise, by force of this section if the Commission in Court Session so decides the 31st December, 1973 shall be a special holiday throughout the State.

(2) For a special holiday under subsection (1) of this section—

(a) an employer shall pay an employee other than a casual employee his ordinary rate of pay or, where the special holiday occurs during the annual leave of such an employee, shall grant an extra day of leave to the employee at his ordinary rate of pay; and

(b) where such an employee works for his employer on the special holiday—

(i) if there are terms and conditions of his employment which provide for holidays without deduction of pay and additional pay for work done thereon, the employer shall pay the employee such additional pay as he would be required to do if the special holiday were a holiday without deduction of pay under those terms and conditions; or

(ii) if there are no such terms and conditions of his employment, the employer shall pay the employee additional pay at his ordinary rate of pay for the work done.

(3) Where a casual employee works for an employer on the special holiday referred to in subsection (1) of this section the employer shall pay the employee at twice his ordinary rate of pay for the work done.

4. In appointing a public holiday in the year 1974 under section 7 of the Public and Bank Holidays Act, 1972, the Governor may declare that the public holiday is to celebrate the visit to this State in that year of Our Sovereign Lady Her Majesty Queen Elizabeth the Second or His Royal Highness the Duke of Edinburgh, or of both of them, and, where the Governor does so declare, the public holiday is a special holiday unless the proclamation appointing the public holiday is cancelled under that section.

Royal Visit
1974.

5. (1) For the special holiday referred to in section 4 of this Act—

Effect of
special
holiday.

(a) an employer shall pay an employee other than a casual employee his ordinary rate of pay or, where the special holiday occurs during the annual leave of such an employee, shall grant an extra day of leave to the employee at his ordinary rate of pay; and

(b) where such an employee works for his employer on the special holiday—

(i) if there are terms and conditions of his employment which provide for holidays without deduction of pay and additional pay for work done thereon, the employer shall pay the employee such additional pay as he would be required to do if the special holiday were a holiday without deduction of pay under those terms and conditions; or

(ii) if there are no such terms and conditions of his employment, the employer shall pay the employee additional pay at his ordinary rate of pay for the work done.

(2) Where a casual employee works for an employer on the special holiday referred to in section 4 of this Act the employer shall pay the employee at twice his ordinary rate of pay for the work done.