
ATTACHMENTS DISTRIBUTED UNDER SEPARATE COVER

CCL 22/11/22 – APPLICATION FOR (NEWCASTLE) SHOW HOLIDAY

PAGE 3 **ITEM-92** **Attachment A:** Guidelines for Local Event Day
Applications

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Premier & Cabinet

Guidelines for Local Public Holiday and Local Event Day applications

The following guidelines are provided to assist in the making of applications to the Minister for the Public Service and Employee Relations for the declaration of local public holidays and local event days under the *Public Holidays Act 2010* (NSW).

Under the *Public Holidays Act 2010* all public holidays and local event days (including part-days) must be declared by Order of the Minister and published on the NSW legislation website.

In determining whether to apply for a local public holiday or local event day, it is important that the Council be mindful of the potential impact the application will have upon businesses and communities located within designated public holiday areas.

Declaration of a Local Public Holiday

In circumstances where a local public holiday is declared by the Minister, a bank located in the designated holiday area will be required to close during the declared public holiday hours unless the bank is exempted from the requirement to close under Part 3A of the *Retail Trading Act 2008*. Shops located within the designated holiday area are free to open without restriction.

Where it is proposed to request a half-day public holiday, consideration should be given to the effect the half day holiday will have on local schools and on the transport of students who attend school on the day. **In this regard, it is expected that the consultation process with local schools will take account of the transport arrangements for students on the half day.**

Implications for Employers

The public holiday provisions contained in the National Employment Standards of the *Fair Work Act 2009* (Cth) apply to local public holidays declared under the *Public Holidays Act 2010*. This means that all employees irrespective of their former entitlements and whose place of work is within a local public holiday area will be entitled to be absent from work for the day or part day declared to be a public holiday. In addition, employees who work on the day or part day may have an entitlement to penalty rates under a relevant award or enterprise agreement.

In considering an application to the Minister for a public holiday or part-day holiday, it is expected that the Council will consult with the affected community and other relevant stakeholders as to the impact of a local public holiday or part-holiday on businesses located in the local government area.

Declaration of a Local Event Day

The capacity for the Minister to declare a local event day or part day at the request of a local council is also available under the *Public Holidays Act 2010*. The Minister must be satisfied that the day or part day is, and will be observed as, a day of special significance to the community in the area concerned.

The declaration of a local event day or part day does **not preclude banks or shops located within the designated holiday area from opening or trading on the day.**

Implications for Employers

A declared local event day does not automatically mean that employers in the particular locality are compelled to treat the day as a public holiday. Entitlements to paid leave or penalty rates on a local event day will only arise where agreed to at the workplace level, usually in the form of an enterprise agreement or by contract. This goes some way to restoring the industrial arrangements that existed prior to changes in the Commonwealth workplace laws.

The application process

An application for the declaration of a local public holiday or local event day (including a part-day holiday or event day) must be made in writing to the Executive Director, Employee Relations, Department of Premier and Cabinet and contain the following information:

1. a statement regarding the history of the event and whether the event day has traditionally been observed as a full or half-day public holiday.
2. the date, the designated area and, if relevant, the hours during which the public holiday or local event day is to be observed;
3. the extent of community consultation undertaken in respect of the proposal;
4. copies of advertisements seeking public comment and a summary of the public's responses;
5. a summary of correspondence to, and responses from, relevant stakeholders, including bank managers; school principals; and chambers of commerce regarding the Council's proposal.
6. internal reports or information prepared for consideration by the Council and a copy of the Council's resolution authorising the making of the application;
7. where an application is made for a public holiday or part-day holiday, details of:
 - alternatives considered by the Council including the declaration a local event day; and
 - arrangements for school students (including the provision of transportation for students attending schools on the day of a part-day public holiday).

Biennial declaration of public holidays and local event days

Applications may be made for the declaration of public holidays and local event days (and part days) over a consecutive two-year period for the holding or celebration of annual events, such as a local show day, race day or carnival.

However, in making an application for a full or part-day public holiday it is expected that the Council will provide additional information focused on the economic and social importance of the event for the designated holiday area. This could include information provided by event organisers, local businesses or relevant industry surveys or statistics.

Additional information required for biennial applications

Where a Council intends to make a biennial application for the declaration of public holidays or local event days (including part-day declarations), the Council must conduct a consultation process as to the proposal and provide the following information:

- the level of support for and against the application from local businesses and stakeholders
- the benefits to the local community in terms of employment, business activity, tourism and industry promotion of the region
- demonstration of the economic benefits to the local community in terms of employment, business activity, tourism and industry promotion of the region
- details of the importance of the event from a social and community perspective

Sections 5 and 8 of the *Public Holidays Act 2010*

Copies of sections 5 and 8 of the *Public Holidays Act 2010* relating to the declaration of local public holidays and local event days have been included for the information of the Council in Appendix A.

Appendix A

Sections 5 and 8 of the Public Holidays Act 2010

5 Additional public holidays

- (1) The Minister may by order published on the NSW legislation website declare a specified day or part-day in a particular year to be a public holiday. The order must be published at least 7 days before the public holiday.
- (2) The order can declare a public holiday for the whole State or for a specified part of the State.
- (3) The Minister may by order published on the NSW legislation website cancel a public holiday declared under this section. The order must be published at least 7 days before the public holiday.

8 Local event days

- (1) The Minister may by order made at the request of the council of a local government area declare a specified day or part-day to be a local event day in the local government area or in a specified part of the local government area.
- (2) The Minister is not to declare a local event day unless satisfied that the day or part-day is, and will be observed as, a day of special significance to the community in the area concerned.
- (3) The order declaring a local event day must be published on the NSW legislation website at least 7 days before the local event day.
- (4) The declaration of a local event day does not make the local event day a public holiday.

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CCL 22/11/22 – LOCAL EVENT DAY FOR NEWCASTLE SHOW 2023

PAGE 6 **ITEM-92** **Attachment B:** Summary of submissions received

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Attachment B**Newcastle Show Local Event Day - Summary of Submissions Received**

The table below provides an overview of the submissions received.

No submissions were received via the engage@ncc.nsw.gov.au email address.

Feedback was also invited from School's in the Newcastle LGA, Business Hunter and via CN's LinkedIn posts. No submissions were received from Schools.

Support for the Local Event Day	Opposition to the Local Event Day
<ul style="list-style-type: none"> • Four (4) submissions from individuals were received via the <i>Have Your Say</i> page on CN's website. • Letter of support received from Business Hunter (attached). • Letter of support received from Newcastle AH&I Association (attached). 	<ul style="list-style-type: none"> • One (1) submission from an individual was received via the <i>Have Your Say</i> page on CN's website.

BUSINESS HUNTER

1 November 2022

City of Newcastle

Via Email - lwoodbury@ncc.nsw.gov.au

RE: LOCAL EVENT DAY

Business Hunter is pleased to write in support of the City of Newcastle's application to the NSW Government to declare a Local Event Day for the Newcastle Show.

As the peak business organisation in the Hunter region, Business Hunter is the voice of Australia's largest regional economy, with a membership group spanning more than 4,200 businesses across ten local government areas. We represent the perspectives of member and affiliate businesses across all sectors and all sizes of business, many of whom operate within the Newcastle City Council local government area (LGA).

Business Hunter understands that a Local Event Day is not a public holiday, but can be observed as one for those employees in the area who elect to, or have agreed to it in their relevant industrial agreement.

Business Hunter believes this is a sensible approach that empowers businesses to chose a course of action most appropriate for their business, weighing factors such as financial cost and impacts for staff and customers.

Business Hunter acknowledges the Newcastle Show contributes to the region's visitor economy and provides connection for community. A Local Event Day seems to strike the right balance between marking this significant event on the local calendar without imposing unnecessary pressure on businesses.



Bob Hawes
CEO
Business Hunter



21 September 2022

Mr Jeremy Bath
CEO
City of Newcastle
12 Stewart Avenue
NEWCASTLE NSW 2300

Dear Mr Bath,

2023 Newcastle Show

I am writing to you as the Secretary of the Newcastle Agricultural, Horticultural & Industrial Association Inc, and the General Manager of the Newcastle Show regarding the Newcastle show to be held on 3-4-5 March 2023.

The Newcastle Agricultural, Horticultural & Industrial Association Inc. request that the City of Newcastle make an application to the Minister for Employee Relations for the declaration of a local event day for Friday 3 March 2023.

The 2023 Newcastle Show will see several new and exciting changes as we adapt to engage, educate and entertain our community. This includes a larger emphasis on sustainability and career opportunities for those within Newcastle and the Hunter Region.

The Official Opening will be held at 6pm on Saturday 4 March 2023 and an invitation will be sent to you closer to the time. We hope you will join us then to experience the Show.

The Association thanks Council for its support of the Newcastle Show.

Yours sincerely,

Emma Spencer
Association Secretary &
Show General Manager