



Contact: P.Boland
Telephone: (02) 9228 5973
Our Reference: P17/3530

Mr P Hickey
General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Dear Mr Hickey

I am writing to the Council regarding applications under the *Public Holidays Act 2010* (the Act) for the declaration of local public holidays and local event days for 2018 and 2019.

The Act permits the Minister for Industrial Relations to declare a local public holiday, or a local event day for the whole or part of the Council's local government area. This may be limited to a particular location in the Council's area, such as the boundaries of a particular town or a police district in an area nominated by the Council.

The application may request the declaration of a part day local public holiday or local event day to accommodate the holding of an afternoon event. In recent years a number of councils have made part-day public holiday applications to reduce costs to local business while facilitating the holding of, and attendance at, local and regional events.

In determining whether to apply for a local public holiday, or a local event day, the Council should consider the costs to regional businesses and local communities of declaring a full or part-day public holiday within the designated area. It is expected that the Council will undertake a public consultation process to assess the **costs and benefits** of declaring a full or part-day public holiday, including consultation with local chambers of commerce, local banks, major employers and local schools located within the designated area.

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

I have attached for the Council's information, the *Guidelines for Local Public Holiday and Local Event Day Applications* which will assist the making of applications to the Minister for Industrial Relations for the declaration of local public holidays and local event days.

Biennial Applications

The guidelines provide for the Council to make a biennial application for the declaration of full or part-day public holidays. This means that an application may be made for the declaration of full or part-day public holidays and local event days over a period of two consecutive years. However, the application must include additional information which is listed in the attached guidelines on pages two and three.

GPO Box 5469, Sydney NSW 2001 Telephone: (02) 9228 4567 www.treasury.nsw.gov.au

10.5 Ballina Cup - Holiday Arrangements.DOC

Where the dates of future events are uncertain, or are determined on a yearly basis, the option remains for the Council to make an annual application under the Act.

Consistent with past practice, it is proposed to have an omnibus Order declaring the 2018 and 2019 local public holidays and local event days published on the NSW legislation website early in 2018.

Should the Council wish to apply for the declaration of a local public holiday or local event day, it will be necessary for the application to be forwarded to me by **Friday, 24 November 2017** to enable sufficient time for the application to be processed before the Christmas break.

An electronic copy of the Council's application may be lodged by emailing the application to PHapplications@industrialrelations.nsw.gov.au, or by posting it to:

Ms Vicki Telfer
Executive Director
Industrial Relations Group (NSW Treasury)
GPO Box 5469
SYDNEY NSW 2001

Any inquiries you may have concerning an application for a local public holiday or local event day may be directed to Ms Tina Savage, NSW Industrial Relations, on telephone number (02) 9228 5983.

Yours sincerely



Vicki Telfer
Executive Director
Industrial Relations Group, NSW Treasury

7 July 2017



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 Industrial 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.

10.5 Ballina Cup - Holiday Arrangements.DOC

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, NSW Industrial Relations Group (NSW Treasury), 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 Retail Trading Act 2008

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.



Ballina Jockey Club and Function Centre

ABN: 87217738178

Racecourse Road

PO Box 141, Ballina NSW 2478

Tel: (02) 6686 0333 Fax: (02) 6686 7925

generalmanager@ballinajockeyclub.com.au

30th August, 2017

Mr Paul Hickey
General Manager, Ballina Shire Council
40 Cherry Street
Ballina NSW 2478

Dear Paul,

Re: Request for a Local Event Day for the Ballina Cup 2018 & 2019

Please note that the Ballina Jockey Club formally request the Ballina Shire Council to continue to support a Local Event Day for the Ballina Cup's to be run in 2018 and 2019.

The expected dates for the next two Ballina Cup's in question are;

- Thursday September 6th 2018
- Thursday September 5th 2019

The Ballina Jockey Club has been an active member of the Ballina Community in one form or another for well over 100 years. Our industry continues to grow as does our economic contribution to the region.

For example the direct spend that the Ballina Jockey Club will contribute to the local economy in operating the Ballina Cup in 2017 will be approximately \$400,000. Indirectly a recent study estimated that the Racing Industry in NSW is worth \$3 billion with over 100,000 participants and within our own region the Northern Rivers Racing Association's gross value was estimated at \$60 million with over 2300 participants and 520 full time equivalent jobs. The Ballina Jockey Club has recently spent \$250,000 processing a Development Application for a capital works project that will secure the long term viability of the local racing industry.

We are also a *not-for-profit, member based community group* and we provide regular support to other local community groups such as Rotary, Scope, View, Probus and Men's Shed to name just a few.

We welcome all feedback and we would also request that we are part of any consultation relating to this matter, should more input be required.

If you have any questions please do not hesitate to contact me.

Yours Sincerely

Matthew Bertram
General Manager
Ballina Jockey Club

Sandra Bailey

From: Jannette Leonard <mail@lennoxheadcommunitypreschool.com.au>
Sent: Thursday, 7 September 2017 7:10 AM
To: Ballina Shire Council
Subject: Race day holiday

The preschool respects the race day as a local event and would work within the council guide in the declaration of the holiday.

Some parents do not send their children for the day rather then return at mid-day.

Others that do attend the races organize other family members or carers to collect their children.

The council maybe needs to look at the industry sponsors and the effects of these on the holiday verses work, and how many take a sick day or RDO to attend.

Jannette Leonard

Nominated Supervisor

Lennox Head Community Preschool Inc.

Ph: 0266877105

Lennox Head Community Preschool Inc



**21 Mackney Lane,
Lennox Head 2478**

Children are worth the effort
Today, tomorrow and beyond.

**Ph: 02 66877105
Fax: 02 66877181
Mobile: 0455877105**

(text service only)

EMAIL: mail@lennoxheadcommunitypreschool.com.au

Authorised Supervisor: Jannette Parker/Leonard
Educational Leader: Tara Leonard

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Sandra Bailey

From: Seeds Early Learning Ballina <ballina@seedsearlylearning.com.au>
Sent: Wednesday, 6 September 2017 12:05 PM
To: Sandra Bailey
Subject: RE: Ballina Cup - Council seeks your Feedback for 2018 and 2019

Hi Sandra

To us it has no impact really (although the educators love the short day) we would 12 and all children collected by this time

And this had never been a problem in the past families would understand of the Public Holiday

However Families I am sure that they would that we open, for those that still need to work and to also perhaps uni or other things alike this is hard having a centre close for half a day, I know firsthand how hard it is for families with services that close at say 3 or shut over xmas there are families out there that still work in many different roles and also other council areas and neighbouring towns to Ballina.

Regards;

Christine Thompson
Service Manager / Nominated Supervisor

Phone : 02 6681 1122

Email: ballina@seedsearlylearning.com.au



The land in which we live and work on is Bundjalung land.

I acknowledge these traditional custodians and pay my respects to the culture and to the Elders both past & present



From: Sandra Bailey [mailto:Sandra.Bailey@ballina.nsw.gov.au]

Sent: Wednesday, 6 September 2017 11:46 AM

To: samantha.r.gibson@det.nsw.edu.au; bonita.avery@det.nsw.edu.au; dawn.douglas@det.nsw.edu.au; alstonvill-p.admin@det.nsw.edu.au; alstonvill-h.school@det.nsw.edu.au; ballina-h.school@det.nsw.edu.au; cabbagetre-p.school@det.nsw.edu.au; ballina-h.school@det.nsw.edu.au; sthcross-c.school@det.nsw.edu.au; ballina-p.school@det.nsw.edu.au; fernleigh-p.school@det.nsw.edu.au; empirevale-p.school@det.nsw.edu.au; lennoxhead-p.school@det.nsw.edu.au; rous-p.school@det.nsw.edu.au; julie.partridge@det.nsw.edu.au; teventint-p.school@det.nsw.edu.au; wardell-p.school@det.nsw.edu.au; wollongbar-p.school@det.nsw.edu.au; sjpalst@lism.catholic.edu.au; sfxpball@lism.catholic.edu.au; hfpsken@lism.catholic.edu.au; xccball@lism.catholic.edu.au; enquiries@biala.org.au; enquiries@eac.nsw.edu.au; admin@richmond.nsw.edu.au; newrybar-p.school@det.nsw.edu.au; admin@alstonvillepreschool.com.au;

Sandra Bailey

From: Jeannie Kuwert <jeanniekuwert@gmail.com>
Sent: Thursday, 14 September 2017 2:43 PM
To: Ballina Shire Council
Subject: Ballina Cup Day 2018 and 2019 holiday feedback

I think that Ballina Cup Day should absolutely be a half day public holiday. The event, whilst not attended by everyone who lives in Ballina, is an opportunity for the community to participate in a long standing tradition. It allows a coming together for the community and supports the local jockey club. Most other councils support the same events eg lismore cup is a half day holiday.

I could never understand why Ballina council moved away from the event! It seemed such backward thinking. No doubt the event brings many visitors and income to certain parts of the business community too who would thrive from such a day being supported by a half day public holiday.

Please consider changing this day back to what it used to be.

Kind regards,
Jeannie Kuwert

Sent from my iPhone

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For more information please visit

Sandra Bailey

From: Ballina Shire Council
Sent: Friday, 15 September 2017 1:11 PM
To: Sandra Bailey
Subject: FW: Ballina Cup Local Event Day or Local Public Holiday

From: Secretary [<mailto:Secretary@alstonvillepreschool.com.au>]
Sent: Friday, 15 September 2017 12:54 PM
To: Ballina Shire Council
Cc: Alstonville Community Preschool; Committee2; Committee1; Public Officer; Vice President; Treasurer; Director
Alstonville Community Preschool; President
Subject: Ballina Cup Local Event Day or Local Public Holiday

Attn: Sandra Bailey
on behalf of Ballina Shire Council

Dear Sandra,

Thank you for the information you have sent regarding Ballina Cup Day and whether or not it should be a Local Event Day or Local Public Holiday.

Alstonville Community Preschools Management Committee discussed your request at this month's Committee Meeting.

We would like it noted that we would prefer this day to be listed as a Local Event Day and not a Local Public Holiday, as this is the least disruptive option for our preschool.

Kind regards
Beth Newton
Secretary
Alstonville Community Preschool Committee

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Sandra Bailey

From: Brad Pollard <brad@fatdigital.com.au>
Sent: Sunday, 17 September 2017 12:09 PM
To: Ballina Shire Council
Cc: Councillors
Subject: Submission Objection --- Event Day, Public Holiday for Ballina Cup

Hi Ballina Council.

I'd like to register my **OBJECTION** to the Ballina Cup day being a Local Event Day or a Local Public holiday.

I make this objection on the basis that horse racing is not an inclusive community activity.

Horse racing is not an activity that the majority of our community regularly engage in. It also encourages gambling which places further strain on local support services.

I support the idea of a Local Event Day or Local Public holiday but this day should be organised around an activity that is inclusive... Local Food & Music for example.

Kind regards,
Brad Pollard
Lennox Head

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Sarah Carden

From: paul Quattro <paul@quattro-restaurant.com>
Sent: Tuesday, 26 September 2017 5:08 PM
To: Ballina Shire Council
Subject: Ballina Cup Public Holiday.

Hi there,

In reply to your email asking for advice...

We strongly object to the day being a Public Holiday, The wages from Fair Work - Approx \$55 per hour 'total cost' to the business for a standard waitperson makes it unfeasible to open without taking severe losses.

This is also because we are not necessarily any busier than normal as its unlike the usual Public holiday where many tourists and locals are 'having a day out' and visiting ours and other venues.

I believe that anyone who strongly wants to attend the cup will make provisions to do so through rostering, work place arrangements or annual leave and the decision to declare a public holiday negatively affects a far larger number of people in the community who do not have an interest in this event.

Thank you for the chance to voice our opinion

Regards

Paul Isaac

Quattro Restaurant Lennox Head

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10.5 Ballina Cup - Holiday Arrangements.DOC

Sandra Bailey

From: Ballina Chamber of Commerce <info@ballinachamber.com.au>
Sent: Tuesday, 10 October 2017 3:37 PM
To: Sandra Bailey
Subject: RE: Council seeks feedback on holiday arrangements for 2018 and 2019 Ballina Cup Days

Hi Sandra,

I emailed out a survey on the 28th September to all our Chamber members asking for a "yes" or "no" answer regarding the Ballina Jockey Clubs application for a local event day for Ballina Cup in 2018 and 2019.

They had the opportunity to write comments about their response, I included the links to the information on the council website and also the email to send feedback to the council.

Unfortunately I only received 4 replies to the survey – **3 replied yes they agree and 1 replied no they do not.**

I hope this helps towards the count anyway.

Regards
Leanne

Leanne Cawley | Acting Manager
In office Monday – Thursday
p: 6681 5049 | m:0438 889 898 | f: 6686 5810
e: events@ballinachamber.com.au



From: Sandra Bailey [mailto:Sandra.Bailey@ballina.nsw.gov.au]
Sent: Thursday, 7 September 2017 8:38 AM
To: Ballina Chamber of Commerce & Industry; info@alstonvillewollongbar.com.au; info@lennoxchamber.com.au
Subject: RE: Council seeks feedback on holiday arrangements for 2018 and 2019 Ballina Cup Days

Hi there, further to my email of yesterday, the following paragraph should have been included

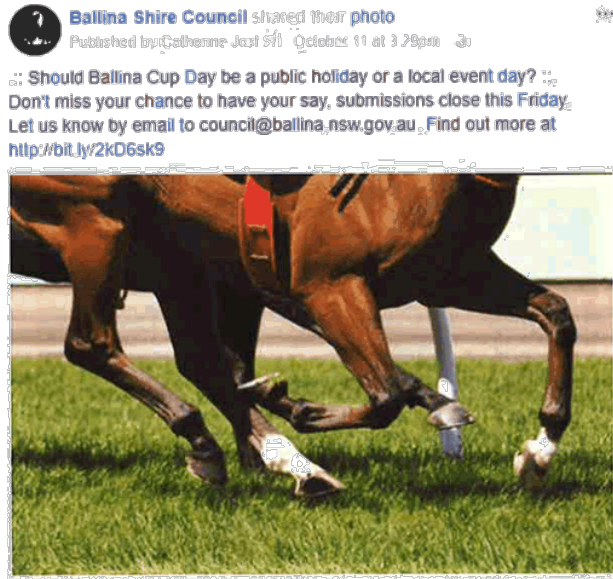
Any submissions made are publicly available documents, and as such they may be listed on Council's website and/or included in business paper reports to Councillors. If you request confidentiality please advise in your submission.

Thanks
Sandra

Ballina Shire Council
Should Ballina Cup Day be a public holiday or a local event day?
Provide your feedback by 13 October 2017.
Council wants to hear from the community to gauge the potential impact a local 'event' day' or 'public holiday' will have on businesses and the community as a whole. See More



- Kaye McLaren** I don't think so. Public holidays are nice but not for a horse race. Last year council complained of the poor attendance so there was no holiday this year. You can't make people go to the races.
Like Reply
- Lisa H-s** No: Having a public holiday to support gambling and binge-drinking is ridiculous.
Like Reply Message
- Melissa Parker Miriam Poptie, Maddie Wurth**
Like Reply
- 3 Replies**
- Julie Thomas** No it shouldn't be a public holiday. Why should the whole town shut down just because a few want to go to the races?
Like Reply Message
- Karen English** Can't believe this is been brought up again, a day that encourages gambling and drinking.
Like Reply Message
- Brad Pollard** We really should be celebrating around something that we can all enjoy. Food & Entertainment for example. Horse racing and gambling is not inclusive.
Like Reply Message
- Riki Wood Nicole Urquhart**
Like Reply Message
- Tom**
Like Reply Message
- Deb Miller** I'm for the public holiday. Rural and country town tradition is slowly being ruined, people move here from the big smoke and then change it. Sad.
Like Reply Message



Ballina Shire Council shared their photo
Published by Catherine Jost SA | October 11 at 3:29pm
Should Ballina Cup Day be a public holiday or a local event day?
Don't miss your chance to have your say, submissions close this Friday.
Let us know by email to council@ballina.nsw.gov.au. Find out more at <http://bit.ly/2kD6sk9>

Ballina Shire Council
Published by Tracy Madden Lyster PA | September 14
Should Ballina Cup Day be a public holiday or a local event day?
Provide your feedback by 13 October 2017
Council wants to hear from the community to
[See More](#)

Like Comment Share

Brenda Jenkins, Brad Pollard and 3 others Chronological

Lauren N Chris B YES!
Like Reply Message October 11 at 3:37pm

Amy Larson Yes
Like Reply Message October 11 at 3:43pm

Kaye McLaren No
Like Reply Message October 11 at 5:09pm

Brad Pollard No. We really should be celebrating around something that we can all enjoy. Food & Entertainment for example. Horse racing and gambling is not for everyone.
Like Reply Message 2 - October 11 at 10:33pm

Julie Thomas No. why would the whole town close for a few that want to go to the races? If you want to go take the day off and give your job to someone else. And think about all those casual workers who just lost their penalty rates there is another work day where they will be working for less.
Like Reply Message 1 - October 12 at 11:00am

Irene Healy Def not
Like Reply Message October 13 at 10:45am

Write a comment