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LEADING BUSINESS

# Hunter Business Chamber

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Lake Macquarie Council Friday 16<sup>th</sup> March 2012 Show Day

Local Public Holiday or Local Event Day?

Submission November 2011

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## Lake Macquarie Council: Show Day Friday 16 March 2012 Local Public Holiday or Local Event Day?

The Hunter Business Chamber is the largest regional business chamber in Australia and in 2011 it celebrated its 125<sup>th</sup> year. The Chamber represents over 900 member businesses to all levels of government.

The Hunter Region has long held the reputation as the powerhouse of the NSW economy and ranks highly as one of the most valued, diverse and resilient regions in Australia. The Hunter has significant untapped capacity to grow in a sustainable manner and provides a highly desirable lifestyle and strong employment opportunities.

The Hunter Business Chamber welcomes the opportunity to provide feedback to the Lake Macquarie Council: Show Day exhibition.

### Local Public Holiday or Local Event Day?

The Chamber notes that Lake Macquarie City Council is seeking comment on its intention to declare Friday 16 March 2012 a Local Public Holiday for the Lake Macquarie local government area.

It is understood that gazetting the day a Local Public Holiday will affect local businesses in different ways.

The Chamber has noted that Council may apply to have Show Day declared a Local Event Day.

As stated by Council in the exhibition notice;

*“The difference between the two is as follows:*

- *National Employment Standards of the Fair Work Act 2009 (Cth) apply to local public holidays. This entitles workers to either have the day off or be paid penalty rates.*
- *A local event day will require employers and employees to refer to their workplace agreements and contracts to decide if they have any entitlements.”*

The Hunter Business Chamber does not support the intention of Lake Macquarie City Council to declare Friday, 16 March 2012 (**Show Day**) as a local public holiday for the Lake Macquarie local government area.

If Show Day is declared a local public holiday, then by the combined effect of the Public Holidays Act 2010 (NSW) and the National Employment Standards in the Fair Work Act 2009 (Cth), employees in the Lake Macquarie local government area will be entitled to a day off with pay or, if they are required to work, they may be entitled to penalty rates under the applicable modern award, enterprise agreement or contract of employment.

This imposes a significant and unreasonable financial burden on businesses in the Lake Macquarie local government area.

The Chamber supports the declaration of Show Day as a 'local event day' under section 8 of the Public Holidays Act 2010 (NSW).

Declaring Show Day a 'local event day' enables Show Day to be marked as a day of significance for the region without the significant financial impost of a local public holiday.

A 'local event day' also allows employers and employees to agree, at the enterprise level, how they wish to treat Show Day rather than the creation of an automatic right to a day off with pay (or the payment of penalty rates if worked).

This will also create certainty as to how Show Day is treated as employers and employees will typically only need to look to their enterprise agreement or contract of employment to determine this, rather than the confusion that has occurred in recent years with the interpretation of the legislation.

## RECOMMENDATION

The Chamber strongly urges Council to declare Show Day a 'local event day'. This approach would be consistent with the approach adopted by Newcastle City Council to seek the declaration of Show Day as a 'local event day' (see Newcastle City Council Minutes of meeting 18/10/11).

***The Chamber does not support the intention of Lake Macquarie City Council to declare Friday, 16 March 2012 (Show Day) as a local public holiday for the Lake Macquarie local government area.***

## Contact

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