

## **12. URGENT BUSINESS**

### **12.1. BALLARAT SHOW DAY**

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#### **OFFICER RECOMMENDATION**

##### **Council resolves to:**

- **Determine the public holiday for the municipal district be \_\_\_\_\_ for the 2020 year.**

#### **EXECUTIVE SUMMARY**

Council, at its meeting held on 22 March 2017 resolved to determine the public holiday for the Ballarat municipal district in lieu of Melbourne Cup Day to be Ballarat Show Day for the years 2017 – 2020.

Correspondence has been received from the Ballarat Agricultural and Pastoral Society Inc. (BAPS) Executive Committee advising that due to COVID19, they have considered all their options and have made the difficult decision not to the run Ballarat Show for 2020.

As the Ballarat Show is not being run in 2020, Council may choose whether to maintain the proposed date of 13 November 2020 as the public holiday for the municipal district; or revert to the first Tuesday in November (Melbourne Cup Day) to align with the *Public Holidays Act 1993 (Vic)*.

#### **RATIONALE**

In determining the public holiday for the Ballarat municipal district, Council undertook an extensive public consultation process in 2010 and 2012 to ascertain the communities preference, with three proposed options being, Melbourne Cup Day; Ballarat Show Day and Eureka Day.

As a result of this process, there were 4,214 public submissions, of which 66% supported Ballarat Show Day, 22% supported Melbourne Cup Day and 12% supported Eureka Day. Of 105 'other' submissions (written, verbal, tweets and Facebook) the preference was for Melbourne Cup Day (66%).

Subsequently, Ballarat Show Day was gazetted as the Municipality's preferred public holiday for 2013-2016, following a Council resolution in March 2013.

In 2017, targeted consultation was pursued in respect of the extensive engagement conducted in 2010 and 2012, with written and verbal representations made to Council by Commerce Ballarat and the Ballarat Agricultural and Pastoral Society. Subsequently, the Council resolved to declare Ballarat Show Day as the public holiday for the Ballarat municipal district for the 2017-2020.

At this stage, no request has been made to the Minister to appoint a day other than Melbourne Cup Day as a municipal public holiday for 2020. A request must be put to the Minister no less than 90 days prior to the Melbourne Cup Day (in accordance with *Victorian Public Holidays Act 1993*). As such, a request would need to be made no later than 4 August 2020.

In determining whether a request should be made, it is recommended that Council consider whether it wishes to apply to determine a public holiday in lieu of Melbourne Cup Day 2020 for another date.

Further consideration includes impacts on business with the public holiday for the AFL Grand Final likely to be moved to late October and its close proximity to Melbourne Cup.

### **Options:**

#### **1. *Declare Melbourne Cup as the appointed public holiday for the municipal district?***

Given the community support demonstrated for Melbourne Cup Day as the second preferred option, it would therefore be recommended that Melbourne Cup Day be declared the public holiday for 2020. Additionally, Council would not then need to make any request of the Minister. However, additional consideration for this option includes impacts on business with the public holiday for the AFL Grand Final likely to be moved to late October and its close proximity to Melbourne Cup Day.

Furthermore, given the inability to undertake a full and proper community consultation with the limited timeframe, it would be recommended that prior to a decision being made in the 2021 year, that the business and community are again engaged to further consider their views.

#### **2. *Council consider an alternative public holiday to the Melbourne be appointed for the municipal district?***

Council has an option to consider declaring the public holiday for the municipal district remain the date the 2020 Ballarat Show Day was proposed, 13 November 2020. However, given the 2017 Council decision was based on the economic impact through tourism and access for families, this is not conducive in the current Covid-19 environment, hence the BAPS decision to cancel. Therefore, this option is not recommended.

Additionally, the results of the previous community consultation, did not demonstrate substantial support for 'Eureka Day', being 3 December. In 2020, this would fall on a Thursday, providing a mid-week public holiday and an opportunity to highlight the significance of the event within the district. With the limitations on gatherings and events, it is unlikely that any form of celebration can be undertaken. Therefore, this option is not recommended.

## **LEGISLATION, COUNCIL PLAN, STRATEGIES AND POLICY IMPACTS**

The *Victorian Public Holidays Act 1993* establishes a list of dates which are applicable public holidays across the State during any one year. Section 6(j) appoints the first Tuesday in November as a public holiday to coincide with the running of the Melbourne Cup horse racing event.

Section 8A(1) of the *Victorian Public Holidays Act 1993* does, however, permit the following:

*A non-metropolitan Council may request in writing that the Minister make a declaration under section 8(1)—*

- (a) that the day appointed under section 6 being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- (b) that another day or 2 half-days (one half-day of which may be Melbourne Cup Day) be appointed as a public holiday or 2 public half-holidays in that year.

This allows a Council to choose an alternate date for the public holiday in lieu of the first Tuesday in November. If Council does not make an alternate choice, the public holiday defaults to Melbourne Cup Day.

The legislation outlines the following additional requirements and restrictions on the choice of an alternate date in sections 8A(2);

A request under subsection (1) must—

- (a) be made at least 90 days before the Melbourne Cup Day to which the request relates; and
  - (b) specify the day or 2 half-days of the substituted public holiday; and
  - (c) specify the reasons for making the request.
- Charter of Human Rights and Responsibilities Act 2006
  - Public Holidays Act 1993 (Vic)
  - Local Government Act 1989

## REPORTING AND COMPLIANCE STATEMENTS

Implications	Considered in Report?	Implications Identified?
Human Rights	Yes	No
Social/Cultural	Yes	Yes
Environmental/Sustainability	No	No
Economic	Yes	Yes
Financial/Resources	No	No
Risk Management	Yes	Yes
Implementation and Marketing	No	No
Evaluation and Review	No	No

**Human Rights** – It is considered that this report does not impact on any human rights identified in the *Charter of Human Rights and Responsibilities Act 2006*.

**Social/Cultural** – The decision of Council determining a public holiday for the municipal district directly impacts the cultural and social activities for the region. With a tradition for the past number of years to gazette Ballarat Show Day as the public holiday has focused an emphasis on family friendly activities, whereas the Melbourne Cup is more akin to adult-focused activities. It should be noted that any decision beyond 2020 should be undertaken following consultation with the community to ensure the needs and expectations of the community are met.

**Economic** – The case for Melbourne Cup Day as a public holiday for 2020 can be viewed through the economic lens. In the current COVID-19 environment, businesses are impacted through limited ability to operate and public holidays attract increased cost to business with penalty rates on this day; additionally, given Melbourne Cup Day most other parts of the state are also not open for business.

**Risk Management** – Council resolved at the 23 March 2017 meeting that Ballarat Show Day will be public holiday for the municipal district. If Council wished to have an alternative day, there is a risk in relation to meeting legislative timeframes. If Council does not notify the Minister within the statutory timeframe, Melbourne Cup will be the holiday for the Ballarat Municipality.

## **OFFICERS DECLARATIONS OF INTEREST**

Council Officers affirm that no direct or indirect interests need to be declared in relation to the matter of this Report.

## **REFERENCE DOCUMENTS**

- 23 March 2017 Ordinary Council Meeting

## **ATTACHMENTS**

Nil