



## MELBOURNE CUP PUBLIC HOLIDAY

AS AT MARCH 2015

This fact sheet provides information about the Melbourne Cup Day public holiday as observed in Victoria, including rules about trading hours on this day.

Melbourne Cup Day will be generally observed in Victoria on **Tuesday, 3 November 2015**. Some non-metropolitan regions observe alternative days instead of Melbourne Cup Day, as detailed below.

### Trading Hours

There are no trading restrictions for this day.

### What public holiday entitlements apply to my employees?

Under the *General Retail Industry Award 2010* and *Fast Food Industry Award 2010* ('the Awards') any work performed on any of the days listed as public holidays above is paid at the appropriate public holiday penalty rate (refer to the NRA-produced wage summaries for the current rates).

Under the National Employment Standards ('the NES'), employees are entitled to be absent on a public holiday unless the employer has requested the employee to work and the request is reasonable. An employee can only refuse a reasonable request to work if the employee's refusal is reasonable. Factors that will be considered in determining whether a request or refusal is reasonable are:

- the nature of the workplace (including its operational requirements) and the nature of the work performed by the employee;
- the employee's personal circumstances, including family responsibilities;
- whether the employee could reasonably expect to be requested to work on the public holiday;
- penalty rates payable;
- the type of employment – full time, part time or casual;
- amount of notice given of the request to work; and
- the amount of notice given by an employee in advance in regard to refusing a request to work.

Under the NES, if an employee is absent on a day or part-day that is a public holiday, the employer must pay the employee at the employee's base rate of pay for their ordinary hours of work on that day or part day. This provision does not apply to casual employees or employees who are not ordinarily rostered to work that day.

Please note that if a public holiday falls on an employee's non-working day, they are not entitled to any public holiday benefits under the Awards or the NES. This is a change to the public holiday entitlements under many of the old NAPSAs and pre-reform awards that often provided a day off in lieu or an extra day's wages under these circumstances.

For those employees who employ their employees under a pre-reform certified agreement, AWA, ITEA, workplace agreement or enterprise agreement you will need to refer to the terms of these instruments to determine how these employees need to be paid.

### Regional/Non-Metropolitan Areas

The following public holidays are observed in regional areas instead of Melbourne Cup Day:

Date	Area	Details
Thursday, 1 May	Moyne Shire & Warrnambool City	Full day holiday to celebrate Warrnambool Cup Day.
Wednesday, 6 August	Buloke Shire	Full day holiday in the Sea Lake district, including townships of Berrillock and Nandaly, to celebrate Warrnambool Cup Day.
Friday, 3 October	Yarriambiack Shire	Full day holiday in the township and district of Murtoa to celebrate Murtoa Show Day.
Tuesday, 7 October	Gannawarra Shire	Full day holiday in the township of Kerang to celebrate Kerang Show Day.
Wednesday, 8 October	Mildura Rural City	Full day holiday in the area west of and including the township of Boinka and south of the Murray Sunset National Park to celebrate Pinnaroo Show Day.
Wednesday, 8 October	Yarriambiack Shire	Full day holiday in the township and district of Rupanyup to celebrate Rupanyup Show Day.
Thursday, 9 October	Yarriambiack Shire	Half-day holiday in the township and district of Warracknabeal to celebrate Warracknabeal Show Day
Friday, 17 October	Golden Plains Shire	Full day holiday in the area east of Wingee Road, Gumley-Mt Mercer Road and Meredith-Mt Mercer Road to celebrate Royal Geelong Show Day.
Wednesday, 22 October	City of Greater Geelong	Full day holiday for the whole municipality to celebrate Geelong Cup Day.
Wednesday, 22 October	Moria Shire	Full day holiday in the Numurkah district to celebrate Numurkah Show Day.
Wednesday, 22 October	Buloke Shire	Full day holiday in the Wycheproof district, including the township of Nullawil, to celebrate Wycheproof Agricultural & Pastoral Day.
Wednesday, 29 October	City of Greater Bendigo	Full day holiday in all areas west of the Campaspe River to celebrate Bendigo Cup Day.
Tuesday, 14 October	Hindmarsh Shire	Full day holiday in the localities of Rainbow, Albacutya and Kenmare to celebrate Rainbow Agricultural and Pastoral Show Day.
Thursday, 16 October	Hindmarsh Shire	Full day holiday in the localities of Broughton, Yanac, Netherby, Lorguon, Nhill, Glenlee, Kiata, Gerang, Gerung and Little Desert to celebrate Nhill Agricultural and Pastoral Show Day.
Friday, 31 October	Colac Otway Shire	Full day for the whole municipality to celebrate Colac Show Day.

Tuesday, 4 November	Yarriambiack Shire	Half-day holiday in the township of Warracknabeal to celebrate Melbourne Cup Day.
Friday, 7 November	City of Ballarat	Full day holiday for the whole municipal district to celebrate Ballarat Show Day.
Friday, 7 November	Golden Plains Shire	Full day holiday in the area west of Wingeel Road, Gumley-Mt Mercer Road and Meredith-Mt Mercer Road to celebrate Ballarat Show Day.
Friday, 28 November	City of Wodonga	Full day holiday for the whole municipal district to celebrate Wodonga Gold Cup Day.

**For more information**

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**IMPORTANT INFORMATION**

The information contained in this fact sheet is accurate at the time of distribution to you. Award conditions and industrial relations laws change regularly, however, and you should ensure that you maintain your copy of this fact sheet in an up to date form. Any revised fact sheets issued will be available at [www.nra.net.au](http://www.nra.net.au). The information contained in this fact sheet is not a substitute for independent professional advice. You should obtain any appropriate professional advice relevant to your particular circumstances.