

PUBLIC HOLIDAYS 2019 – NATIONAL SUMMARY

AS AT 11 OCTOBER 2018

This fact sheet provides information about the gazetted public holidays recognised in each State and Territory for 2019. All public holiday dates are accurate at the time of publishing, but may be subject to change.

Are employees obligated to work on public holidays?

Under the National Employment Standards (**'the NES'**), both casual and permanent employees are entitled to be absent on a public holiday unless the employer has requested the employee to work and the request is reasonable (section 114 *Fair Work Act 2009* (Cth) (**'FWA'**)).

An employee can only refuse a reasonable request to work if the employee's refusal is reasonable. Note that some State trading hours laws vary this slightly with respect to particular public holidays (such as [Boxing Day in New South Wales](#)).

Factors that will be considered in determining whether a request or refusal is reasonable are:

- the nature of the workplace or enterprise (including its operational requirements) and the nature of the work performed by the employee (section 114(4)(a) FWA);
- the employee's personal circumstances, including family/carer responsibilities (section 114(4)(b) FWA);
- whether the employee could reasonably expect his or her employer to require them to work on the public holiday (section 114(4)(c) FWA);
- whether the employee is entitled to receive overtime, penalty rates or other compensation for, or a level of remuneration that reflects an expectation of, work on the public holiday (section 114(4)(d) FWA);
- the type of employment (e.g. full time, part time or casual) (section 114(4)(e) FWA);

Comment – In our view, it is more likely to be a reasonable request if the employee has permanent status of employment and would ordinarily work on the date of the public holiday. Casual employees by their nature do not have a guarantee of hours and are therefore entitled to make themselves unavailable on a public holiday.

- the amount of notice given by the employer of the request to work the public holiday (section 114(4)(f) FWA);
- the amount of notice given by an employee when refusing the request to work (section 114(4)(g) FWA); and
- any other relevant factor (e.g. the nature of the industry the employee works in, the nature of the employee's position, the employee's level of seniority and responsibility, etc) (section 114(4)(h) FWA).

To make a request to work on a public holiday more reasonable, employers might consider the following steps:

1. implement a policy on Public Holidays which addresses these issues. It may require a refusal to work to be in writing, notice to be given within a certain timeframe and particular methods for communication;
2. include a provision in their employment contract which outlines the expectation of working on public holidays or during peak trading periods;
3. ensure you are complying with the relevant Modern Award and rostering principles (e.g. providing consecutive days off under cl. 28.11 of the *General Retail Industry Award 2010*); and
4. ensure you are evenly allocating work on public holidays amongst all available employees.

Where employees do not provide a reasonable excuse for their absence, there may be grounds to take disciplinary action. Each case will be different and depend on the particular circumstances. NRA Legal can assist in determining whether a request and/or refusal has been reasonable and whether disciplinary action is justified.

What if my employees are absent on a public holiday?

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 part time employees who are not ordinarily rostered to work on the public holiday in question.

Example - A full-time employee may ordinarily work 8 hours on a particular public holiday but because of the public holiday is only rostered to work 4 hours on that day. In this situation, the employee would be paid at public holiday penalty rates for 4 hours and receive payment at their base rate of pay for the other 4 hours they would have ordinarily worked.

If a public holiday falls on an employee's non-working day, the employee is 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 in these circumstances.

What if I have a Workplace or Enterprise Agreement?

For those employers whose employees are covered by a pre-reform certified agreement, AWA, ITEA, workplace agreement or enterprise agreement, you will need to refer to the terms of these instruments. Please contact the NRA if your business is covered by one of these instruments as it may have alternative provisions with respect to the treatment of work performed on a public holiday.

AUSTRALIAN CAPITAL TERRITORY

Public holidays in the Australian Capital Territory are set out by the *Holidays Act 1958* (ACT), read with the *Fair Work Act 2009* (Cth) and are as follows:

Event	2019
New Year's Day	Tuesday 1 January
Australia Day *	Monday 28 January
Canberra Day	Monday 11 March
Good Friday	Friday 19 April
Easter Saturday	Saturday 20 April
Easter Sunday	Sunday 21 April
Easter Monday	Monday 22 April
ANZAC Day	Thursday 25 April
Reconciliation Day	Monday 27 May
Queen's Birthday	Monday 10 June
Labour Day	Monday 7 October
Christmas Day	Wednesday 25 December
Boxing Day	Thursday 26 December

* Australia Day (26 January) falls on a Saturday in 2019, meaning the following Monday will be observed as a public holiday attracting public holiday rates of pay.

NEW SOUTH WALES

Public holidays under the *Public Holidays Act 2010* (NSW), read with the *Fair Work Act 2009* (Cth) are as follows:

Event	2019
New Year's Day	Tuesday 1 January
Australia Day *	Monday 28 January
Good Friday	Friday 19 April
Easter Saturday	Saturday 20 April
Easter Sunday	Sunday 21 April
Easter Monday	Monday 22 April
ANZAC Day	Thursday 25 April
Queen's Birthday	Monday 10 June
Bank Holiday **	Monday 5 August
Labour Day	Monday 7 October

Christmas Day	Wednesday 25 December
Boxing Day	Thursday 26 December

* *Australia Day (26 January) falls on a Saturday in 2019, meaning the following Monday will be observed as a public holiday attracting public holiday rates of pay.*

** *Applies to banks and certain financial institutions.*

What is a local public holiday?

“Local public holidays” in New South Wales are gazetted under the Act, and apply to specific localities. These holidays apply in addition to the holidays listed above.

For further details of local public holidays, please contact the National Retail Association.

NORTHERN TERRITORY

Public holidays in the Northern Territory are set by the *Public Holidays Act (NT)*, read with the *Fair Work Act 2009 (Cth)*. Schedule 2 of this Act specifies the days that will be observed as public holidays, including:

Event	2019
New Year’s Day	Tuesday 1 January
Australia Day *	Monday 28 January
Good Friday	Friday 19 April
Easter Saturday	Saturday 20 April
Easter Monday	Monday 22 April
ANZAC Day	Thursday 25 April
May Day	Monday 6 May
Queen’s Birthday	Monday 10 June
Picnic Day	Monday 5 August
Christmas Eve (7pm – midnight)	Thursday 24 December
Christmas Day	Wednesday 25 December
Boxing Day	Thursday 26 December
New Year’s Eve (7pm to midnight)	Thursday 31 December

* *Australia Day (26 January) falls on a Saturday in 2019, meaning the following Monday will be observed as a public holiday attracting public holiday rates of pay.*

Regional Show Days

Event	2019
Borroloola Show Day*	Friday 28 June
Alice Springs Show Day*	Friday 5 July
Tennant Creek Show Day*	Friday 12 July
Katherine Show Day*	Friday 19 July
Darwin Show Day*	Friday 26 July

* Regional observance only.

QUEENSLAND

Public holidays in Queensland are set out by the *Holidays Act 1983* (Qld), read with the *Fair Work Act 2009* (Cth) and are as follows:

Event	2019
New Year's Day	Tuesday 1 January
Australia Day *	Monday 28 January
Good Friday	Friday 19 April
Easter Saturday	Saturday 20 April
Easter Sunday	Sunday 21 April
Easter Monday	Monday 22 April
ANZAC Day	Thursday 25 April
Labour Day	Monday 6 May
Royal Queensland Show ** (Brisbane area only)	Wednesday 14 August
Queen's Birthday	Monday 7 October
Christmas Day	Wednesday 25 December
Boxing Day	Thursday 26 December

* Australia Day (26 January) falls on a Saturday in 2019, meaning the following Monday will be observed as a public holiday attracting public holiday rates of pay.

** The Royal National Agriculture (RNA) Show Day (Brisbane only) is usually held on the second Wednesday in August, except when there are five Wednesdays in August, in which case it is held on the third Wednesday.

Regional Show Days

Show Days are appointed in districts throughout Queensland in relation to annual agricultural, horticultural or industrial shows. Show holidays are also public holidays. Not all regions have a show holiday appointed. For further details of regional show days, contact the National Retail Association.

SOUTH AUSTRALIA

Public holidays in South Australia are set out by the *Holidays Act 1910 (SA)*, read with the *Fair Work Act 2009 (Cth)*.

We note that every Sunday in South Australia is nominally a public holiday and bank holiday under this Act.

Event	2019
New Year's Day	Tuesday 1 January
Australia Day *	Monday 28 January
March Public Holiday (Adelaide Cup Day)	Monday 11 March
Good Friday	Friday 19 April
The Day after Good Friday	Saturday 20 April
Easter Monday	Monday 22 April
ANZAC Day	Thursday 25 April
Queen's Birthday	Monday 10 June
Labour Day	Monday 7 October
Christmas Eve (7pm to 12 midnight only)	Monday 24 December
Christmas Day	Wednesday 25 December
Boxing Day / Proclamation Day	Thursday 26 December
New Year's Eve (7pm to midnight only)	Tuesday 31 December

* *Australia Day (26 January) falls on a Saturday in 2019, meaning the following Monday will be observed as a public holiday attracting public holiday rates of pay.*

TASMANIA

Public holidays under the *Tasmanian Statutory Holidays Act 2000*, read with the *Fair Work Act 2009 (Cth)* are as follows:

Event	2019
New Year's Day	Tuesday 1 January
Australia Day *	Monday 28 January
Eight Hours Day	Monday 11 March
Good Friday	Friday 19 April
Easter Monday	Monday 22 April
Easter Tuesday **	Tuesday 23 April

ANZAC Day	Thursday 25 April
Queen's Birthday	Monday 10 June
Christmas Day	Wednesday 25 December
Boxing Day	Thursday 26 December

* Australia Day (26 January) falls on a Saturday in 2019, meaning the following Monday will be observed as a public holiday attracting public holiday rates of pay.

** Restricted public holiday observed by some awards/agreements.

Regional Holidays:

Date	Locality	Event
9 January	Devonport	Devonport Cup
11 February	All part of Tasmania south of and including Oatlands and Swansea excluding Bronte Park, Catagunya, Strathgordon, Tarraleah, Wayatinah and the West Coast	Royal Hobart Regatta
27 February	Municipal areas of Break O'Day, Dorset, George Town, Glamorgan-Spring Bay (north of and including Cranbrook), Launceston excluding Launceston City centre and suburbs specified in Item 2 of Part 2, Meander Valley excluding suburbs and townships specified in Item 2 of Part 2, Northern Midlands, Southern Midlands north of but not including Oatlands, West Tamar excluding townships specified in Item 2 of Part 2. Item 2 of Part 2: Launceston City centre and the following suburbs and townships: Alanvale, Blackstone Heights, East Launceston, Elphin, Franklin Village, Glen Dhu, Inveresk, Invermay, Killafaddy, Kings Meadows, Mayfield, Mowbray, Mowbray Heights, Newnham, Newstead, North Riverside, Norwood, Prospect, Prospect Vale, Punchbowl, Ravenswood, Riverside, Rocherlea, St Leonards, Sandhill, South Launceston, Summerhill, Trevallyn, Vermont, Waverley, West Launceston, West Riverside, Youngtown	Launceston Cup
5 March	Municipal area of King Island	King Island Show
3 May	Municipal area of Circular Head	AGFEST

Date	Locality	Event
4 October	Municipal areas of Burnie, Waratah-Wynyard and West Coast	Burnie Show
10 October	Municipal areas of Break O'Day, Dorset, George Town, Launceston, Meander Valley, Northern Midlands and West Tamar	Royal Launceston Show
18 October	Municipal area of Flinders	Flinders Island Show
24 October	South of and including Oatlands and Swansea, also Bronte Park, Strathgordon, Tarraleah and Wayatinah, excluding the West Coast	Royal Hobart Show
4 November	All parts of Tasmania in which a statutory holiday is not observed for the Royal Hobart Regatta	Recreation Day (Northern Tasmania only)
29 November	Municipal area of Devonport, Kentish and Latrobe	Devonport Show

VICTORIA

Public holidays in Victoria are appointed under the *Public Holidays Act 1993* (VIC), read with the *Fair Work Act 2009* (Cth).

Event	2019
New Year's Day	Tuesday 1 January
Australia Day *	Monday 28 January
Labour Day	Monday 11 March
Good Friday	Friday 19 April
Saturday before Easter Sunday	Saturday 20 April
Easter Sunday	Sunday 21 April
Easter Monday	Monday 22 April
ANZAC Day	Thursday 25 April
Queen's Birthday	Monday 10 June
Grand Final Friday	Subject to AFL Schedule
Melbourne Cup **	Tuesday 5 November
Christmas Day	Wednesday 25 December
Boxing Day	Thursday 26 December

* Australia Day (26 January) falls on a Saturday in 2019, meaning the following Monday will be observed as a public holiday attracting public holiday rates of pay.

** Applies to all of Victoria unless an alternate local holiday has been arranged by non-metro council. Please contact the National Retail Association for further information.

WESTERN AUSTRALIA

Public holidays in Western Australia are set by the *Public and Bank Holidays Act 1972 (WA)* and the *Minimum Conditions of Employment Act 1993 (WA)*, read with the *Fair Work Act 2009 (Cth)*.

Event	2019
New Year's Day	Tuesday 1 January
Australia Day *	Monday 28 January
Labour Day	Monday 4 March
Good Friday	Friday 19 April
Easter Monday	Monday 22 April
ANZAC Day	Thursday 25 April
Western Australia Day	Monday 3 June
Queen's Birthday **	Monday 30 September
Christmas Day	Wednesday 25 December
Boxing Day	Thursday 26 December

* *Australia Day (26 January) falls on a Saturday in 2019, meaning the following Monday will be observed as a public holiday attracting public holiday rates of pay.*

** *Non-metropolitan local authorities may celebrate the Queen's Birthday public holiday on an alternative date. Contact the National Retail Association for more information.*

For more information

Phone: 1800 RETAIL (738 245) | Email: law@nra.net.au

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. 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.