

Holidays and Other Legislation Amendment Bill 2019  
Education, Employment and Small Business Committee



Prepared by the National Retail Association

3 October 2019

## 1.0 Introduction

The National Retail Association is the voice of modern Australian retail. The association works with all-sized businesses, from the biggest retailers to the smallest, to create better opportunities for all who work in the retail sector. As the most representative organization in the industry, we pride ourselves on being at the forefront of modern Australian retail, keeping pace with the rapidly changing face of the sector across a wide range of issues. No organisation in Queensland, or indeed nationally, is better placed to inform government on the impact of legislative changes on the retail sector than the NRA. We welcome the opportunity to provide our feedback and we urge the Government to take on board the views outlined in this submission.

## 2.0 The NRA's position

The NRA has consulted our Queensland membership – whether they be small, medium or large businesses – to ascertain the impact that a part-day public holiday on Christmas Eve would have on retailers. In general, there is widespread concern about the lack of consultation with industry prior to the announcement, the financial impost on business that this change would have and the limited timeframe for businesses to amend staffing rosters.

Moreover, we draw the Committee's attention to the most recent review into Queensland trading hours, conducted by former Labor State Minister John Mickel. In his report, released less than three years ago in December 2016, Mr Mickel specifically addressed the proposal of a Christmas Eve part-day public holiday. Having listened to the arguments from both unions and employer groups, he rejected the call for a public holiday from 6pm onwards on December 24. Instead, he argued that a 6pm close time was a "fair compromise" that allowed workers to go home at a reasonable hour while not inflicting added financial pressure on business.

In the absence of any updated review, the NRA remains unconvinced on the need to change the trading status of Christmas Eve in Queensland. There has been virtually no prior consultation with industry and we do not believe that the Government has factored in the adverse effects that this proposal would have on retailers, particularly small business. We see the implementation of a part public holiday after the Mickel Review 'compromise' as a form of double dipping and contrary to the Government's granting of a five-year moratorium on further changes to trading hours laws.

## 3.0 Costs

The Christmas trade period is the busiest and the most important time of the year for retailers. Be it department stores stocking Christmas presents, clothing outlets offering bargain deals or food retailers supplying first-class Christmas produce, the festive season provides an opportunity for bumper sales. However, many retailers, especially smaller operators, rely on a strong Christmas sales period to insulate themselves during quieter times of the year and/or during economic downturns.

Increased penalties on wages during the Christmas period, can have a material effect on the ongoing financial position of small retailers. Moreover, this period of the year is already populated with numerous public holidays, therefore any further costs would act as a disincentive to business opening their doors for trade during hours they'd otherwise operate.

## 4.0 Consequences of Christmas Eve Part-Day Holiday

As detailed in the above sections, the NRA does not support the proposal by the Government to implement a part-day public holiday on Christmas Eve. We firmly believe that the increased costs imposed on our members would have a severe negative impact.

Should this proposal by the State Government be legislated, the NRA is strongly of the view that it would result in retailers doing one, or all, of the following:

1. Pass on the added costs to Queenslanders via increased prices; and/or
2. Close for trade during the affected hours thereby inconveniencing consumers; and/or
3. Reduce staffing therefore negating opportunities for those who want to work, to earn additional income.

None of the unintended consequences outlined above are desirable. A part-day Christmas Eve public holiday would only result in further costs to small business and does not guarantee extra money flowing through to the pockets of workers.

Finally, there is a very limited timeframe for businesses to amend rosters and re-arrange staffing commitments. This process is easier said than done and is quite arduous. Should this legislation come into effect immediately it would only provide businesses with approximately four weeks to prepare and we anticipate a lead time of at least six weeks. For this reason, if the Government were to proceed with the proposed legislation, at the very least it should not take effect until December 24, 2020.

We strongly urge the Committee to recommend maintaining the status quo.

## 5.0 About the Submitter

The National Retail Association is Australia's largest and most representative retail industry organisation, servicing more than 28,000 retail and fast food outlets nationwide. At our core, we help retail and service sector businesses navigate and comply with an ever-changing, highly competitive environment.

Our members range from small, family owned and operated businesses to leading national brands; and span nearly every retail category including fashion, groceries, department stores, household goods, hardware, fast food, cafes and services. Unlike other associations, the NRA is the only retail industry association to deliver practical legal advice through its wholly owned and incorporated legal practice, NRA Legal. We never outsource. We are also a national RTO (Registered Training Organisation), meaning we can deliver a wide range of accredited and non-accredited courses upon request. These range from certificate and diploma qualifications and pre-employment programs right through to customer service training, retail traineeships and mystery shopping services.

The NRA's reputation as the preeminent provider of professional services to the sector is demonstrated by the significant number of associations, buying groups and franchise networks who have chosen to partner with the NRA. Partnership with the NRA means affiliation with the peak national retail body and positioning your company as a preferred provider to a valuable segment of Australia's retail industry.

## 6.0 Contact information

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