



October 2019

Holidays and Other Legislation Amendment Bill 2019

Submission



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The Local Government Association of Queensland (LGAQ) is the peak body for local government in Queensland. It is a not-for-profit association set up solely to serve councils and their individual needs. The LGAQ has been advising, supporting and representing local councils since 1896, allowing them to improve their operations and strengthen relationships with their communities. The LGAQ does this by connecting councils to people and places that count; supporting their drive to innovate and improve service delivery through smart services and sustainable solutions; and delivering them the means to achieve community, professional and political excellence.

Submission

The Local Government Association of Queensland (LGAQ) welcomes the opportunity to provide comment on the Holidays and Other Legislation Amendment Bill.

This submission reflects the submission made by the LGAQ in response to the call for submissions following the August 2019 release of the Office of Industrial Relations Consultation Regulatory Impact Statement to consider the benefits and costs of the part-date public holiday proposal for Christmas Eve (24 December) between the hours of 6pm to midnight.

In preparing its response to Regulatory Impact Statement, the LGAQ surveyed its councils on the effect for the council of Christmas Eve after 6 pm being declared a public holiday. The results confirmed that while larger councils and councils with high tourism density will need to roster staff to ensure continuity of public services such as transport and public facilities and the like, the effect on most councils will be minimal and only in relation to staff who might be rostered on call for emergency purposes and are called in to work. The vast majority of the 40,000plus local government workforce do not work on Christmas Eve after 6 pm, with councils commencing a compulsory close down from close of business (circa 5pm) if not earlier on Christmas eve.

Accordingly, the LGAQ concurred with the Impact Statement released by the Office of Industrial Relations in that the overall additional cost to local government will not be overly exorbitant on its own. Having said that however, declaring an additional public holiday will still have an effect of imposing an additional cost to some councils and must be assessed in the context of the cumulative effect of a number of additional costs for councils in any year. While the nature of the additional costs might vary between councils, all councils are already subjected to cost increases relating to service provision, general labour market pressures, general wage increases and infrastructure construction and maintenance costs. This places pressure on council's budgets and invariably need to be passed onto rate payers.

It is against these additional costs to council that the benefits of the proposed gazetting of an additional public holiday must be considered. At this time, the LGAQ does not believe that a sufficient case to support the proposal has been made. The vast majority of state and local government personnel are already not scheduled to work after 6 pm on Christmas Eve. Where people are rostered such as with hospitals, police, buses, trains, emergency call-out etc, that complement of personnel needs to be maintained, given the nature of the service they provide. Those staff would be eligible for appropriate existing penalty rates.

Even within the private sector, the prevailing industrial system recognises unsocial hours when setting wages and other conditions for employees, including those employees who required to work between 6pm and midnight. Increasing the penalty rate for workers who do work during the 6pm to midnight time period of Christmas Eve would make working more rewarding and attractive to workers.

This would undermine any suggestion the proposal will increase family time opportunity for personnel whom already have Christmas day and Boxing Day to celebrate with family and friends. Accordingly, it seems *prima facie* that this proposal is fundamentally an exercise to increase penalty rates for those people required to work on Christmas Eve, which is not, and never has been to our mind, acknowledged as a special time on the calendar. Merely theorising that deeming this period to be a public holiday would lead to more people spending quality time with their family does not make it a truism.

Further, several councils have expressed concern on the likely impact on small businesses in their communities who might opt not to open due to the additional costs of the higher penalty rates. This would have implications for community members denied access to the services, owners of the business as well as the staff who would be denied the opportunity to work the evening shift with the penalties that are already available. Some member councils also expressed concern that increasing the wages of people already in receipt of penalty rates at a time when other members of the community are struggling financially (homeless, unemployed etc) may not be received well by the community.

In summary then, the LGAQ submits that the case for the granting of an additional part-date public holiday has not yet been made.

Please don't hesitate to contact Tony Goode, Workforce Strategy, on [REDACTED] or at [REDACTED] should you wish to discuss any aspect of this submission.