



Speech by

Hon. P. BRADDY

MEMBER FOR KEDRON

Hansard 10 November 1998

TRADING (ALLOWABLE HOURS) AMENDMENT BILL

Hon. P. J. BRADDY (Kedron—ALP) (Minister for Employment, Training and Industrial Relations) (12.31 p.m.): I move—

"That the Bill be now read a second time."

It is with great pleasure that I introduce to the House this amendment to the Trading (Allowable Hours) Act 1990. The objective of the amendment Bill is to amend the Trading (Allowable Hours) Act 1990 in relation to shops covered by the order Trading Hours— Non-Exempt Shops Trading by Retail—State to permit all shops to trade on Monday, 28 December 1998, and prescribe the closure of shops, except in certain designated tourist areas, on Saturday, 26 December 1998. The order is made by the Queensland Industrial Relations Commission under its power vested in it by the Act.

The necessity for these amendments comes about because of a November 1997 decision by the former Government to declare Monday, 28 December 1998 as a public holiday in substitution for Boxing Day, which falls on Saturday, 26 December 1998. The decision is not without precedent, as similar substituted Boxing Day public holidays were declared in 1992, 1987 and 1981. Taken in conjunction with the allowable trading hours currently prescribed in the trading hours order made by the commission, this has resulted in a situation where many retailers and their employees would be expected to work on the day after Christmas, forgoing the three-day long weekend they would normally have expected to enjoy.

Recently, I was approached by the Retailers Association of Queensland seeking discussions on these trading hours arrangements. After personal consultation with that association and also with the Queensland Retail Traders and Shopkeepers Association and the Shop Distributive and Allied Employees Association (Union of Employees) Queensland Branch, all parties are in agreement that the amendment Bill now before the Parliament is the best remedy to this situation. I also acknowledge the support for the legislative change offered by the honourable member for Clayfield.

I turn now to an explanation of the effect of specific amendments in the Bill. On Saturday, 26 December 1998, all non-exempt retail shops are to be closed, excluding those in certain designated tourist areas. These areas, as defined in the relevant trading hours order, are: the Brisbane City Heart; Near North Coast; Sunshine Coast; Gold Coast; Cairns Tourist Area; and Tourist and/or Seaside Resorts. On that day, the Brisbane City Heart will be permitted to trade their normal Boxing Day hours, and all other tourist areas will be permitted to trade their normal public holiday hours as prescribed by the relevant trading hours order. On Monday, 28 December 1998, which remains the official public holiday, all non-exempt retail shops will be permitted to open for their normal Monday trading hours.

These amendments will override any other provisions of the legislation or the relevant trading hours order. It should be noted that these amendments are made on the understanding, as agreed by the parties consulted, that—

no employee should be compelled to work on Monday, 28 December 1998— this is a decision to be made of the employee's own volition; and

all employees working on Monday, 28 December 1998 are to receive the penalty rates that may apply to a public holiday as prescribed by the relevant award or agreement.

I would also like to make it clear that these amendments will only affect those shops covered by the order Trading Hours— Non-Exempt Shops Trading by Retail—State. The trading hours of shops as prescribed in other trading hours orders applying to motor vehicle yards, caravan yards and wholesale establishments will remain unaltered by these amendments.

Similarly, the unrestricted trading hours available to other classes of shops, as defined in the legislation, on 26 December and 28 December 1998 will not be altered by these amendments. The shops to which I refer are—

exempt shops which are classes of shops exempted from trading hours restrictions based on the desirability of their being permitted to open at all times. Exempt shops include chemist shops, bread shops, newsagents, shops selling cooked provisions, etc.; and

independent retail shops which are small shops employing less than 20 persons at any one time or, in the case of an employer operating more than one shop, less than 60 persons at any one time.

This amendment Bill ensures that the majority of retailers and their employees will enjoy an uninterrupted break of three days on 25, 26 and 27 December 1998, falling immediately after the busiest period of the retail industry's year. While it is a short-term solution applicable only to the Christmas/Boxing Day period for 1998, I would encourage the parties interested in this issue to begin consultation on a long-term solution as early as possible in 1999. I commend the Bill to the House.
