



Speech by

Hon. P. BRADDY

MEMBER FOR KEDRON

Hansard 23 November 1999

TRADING (ALLOWABLE HOURS) AMENDMENT BILL

Hon. P. J. BRADDY (Kedron—ALP) (Minister for Employment, Training and Industrial Relations) (2.41 p.m.): I move—

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

It is with pleasure that I introduce the Trading (Allowable Hours) Amendment Bill 1999. The objective of the Amendment Bill is to amend the Trading (Allowable Hours) Act 1990 in relation to non-exempt retail shops covered by an Order of the Queensland Industrial Relations Commission made pursuant to this Act. Upon enactment, the amendments will—

allow all retail shops to trade on Tuesday, 28 December 1999;

prescribe the closure of all non-exempt retail shops on Saturday, 1 January 1999; and

provide for other amendments as necessary.

The proposed legislative amendments have arisen principally from discussions between the Government and representatives of the retail industry concerning the year 2000 new year period. I am pleased to say that all major parties are in agreement with the outcomes and that the Amendment Bill now before the Parliament is the best remedy to this situation. In the discussions between the Government and the retail industry, the parties were focused around the need to ensure consumers were able to access major retail food outlets over the Christmas and new year period. Other considerations included concerns over staffing and rostering problems due to the unique significance of the year 2000 new year occasion and potential and unforeseen Y2K problems in relation to business and electronic transactions.

Compounding these issues is the fact that 1 January for the year 2000 falls on a Saturday. This is because of historical factors that when New Year's Day has fallen on a Saturday, it has been custom and practice to gazette a substituted public holiday for the following Monday. This gazettal of a substitute day has been accepted practice over the years by all Governments in Queensland. It is also in line with traditional public expectation and uniformity with other States. Consequently, for the year 2000 the substituted public holiday was gazetted for Monday, 3 January 2000.

Thus, Saturday, 1 January in the year 2000 has the status of a normal Saturday. Accordingly, this Bill seeks an amendment to the Trading (Allowable Hours) Act 1990 to have the Saturday, 1 January 2000 as a closed trading day for retailers and instead major retailers will now be able to open on Tuesday, 28 December across the State—the substituted Christmas Day public holiday. This amendment will ensure that consumers will have access to all retailers, in particular major food outlets, for four consecutive trading days throughout this period, without the associated risks of Y2K problems and potential impacts on trading to the industry.

The reason why amendment legislation is required to enact these changes is because the Queensland Industrial Relations Commission does not have the jurisdiction under the Trading (Allowable Hours) Act 1990 to reduce allowable trading hours on Mondays to Saturdays which are not public holidays. This has effectively prevented the commission from hearing and determining applications relating to situations where a holiday is substituted, such as has occurred with New Year's Day 2000. This particular legislative restriction came about as a result of amendments that arose from recommendations made by the 1996 Knox inquiry into trading hours. At that time it was generally

perceived that standard allowable hours should not be able to be reduced except for public holidays and Sundays.

As a result, it is intended through this Amendment Bill that this anomaly be rectified through ensuring in future that the Industrial Commission has the jurisdiction to reduce allowable trading hours on a day for which a public holiday has been substituted. Importantly, amendments have also been made to ensure that the allowable hours created by this Bill do not affect the existing core trading hours established under the Retail Shop Leases Act 1994 applicable to Tuesday, 28 December 1999 as a public holiday. In addition, new core trading hours cannot be established to include the additional hours provided by the passing of this Bill. This means that effectively shopping centre lessees cannot be forced to trade any core trading hours that would not otherwise have applied on Tuesday, 28 December 1999 prior to the introduction of this Bill.

I turn now to an explanation of the effect of specific amendments in the Bill—

on Saturday, 1 January 2000 all non-exempt retail shops are to be closed;

on Tuesday, 28 December 1999, which remains as the substituted public holiday for Christmas Day, all non-exempt retail shops will be permitted to open for their normal Saturday trading hours;

safeguards are provided where necessary to ensure voluntary trading applies to shopping centre lessees on Tuesday, 28 December 1999; and

the Queensland Industrial Relations Commission will in future have jurisdiction to reduce allowable trading hours on a day for which a public holiday has been substituted under the Holidays Act 1983.

These amendments will override any other provisions of the legislation or the relevant trading hours order of the Queensland Industrial Relations Commission. In addition to the changes effected by the Amendment Bill, the following will also apply—

the Retailers Association of Queensland has given an undertaking on behalf of its members that non-exempt—large—shops will close for trading from 6 p.m. on Friday, 31 December 1999. This will apply to the major retailers such as Coles, Woolworths and Franklins;

industrial entitlements such as wages and rosters are regulated by awards and agreements of either the Queensland or Australian Industrial Relations Commission and are a matter for the parties to negotiate and/or place before the respective commission for determination; and

it is expected that as far as is practicable, that work performed by employees on New Year's Day, Saturday, 1 January 2000 will be undertaken on a voluntary basis.

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 that apply 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 28 December, 31 December 1999 and 1 January 2000 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;

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

In summary, this Amendment Bill will ensure that the special event of new year 2000 will be enjoyed by the majority of retailers and their employees while minimising interruptions to business. It will assist business in developing their plans to address Y2K issues and associated impacts while limiting the impact of shop closure by allowing additional trading on another day. I commend the Bill to the House.
