



Speech by

Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 14 September 2010

HOLIDAYS AMENDMENT BILL

First Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.38 pm): I present a bill for an act to amend the Holidays Act 1983 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Holidays Amendment Bill [[2949](#)].

Tabled paper: Holidays Amendment Bill, explanatory notes [[2950](#)].

Second Reading

Hon. CR DICK (Greenslopes—ALP) (Attorney-General and Minister for Industrial Relations) (12.38 pm): I move—

That the bill be now read a second time.

The bill currently before the House is designed to ensure that Queensland workers can enjoy the same rights and pay entitlements as their interstate counterparts as the holiday season approaches. To this end, the bill provides for the observance of two public holidays for Christmas Day this year on Saturday, 25 December and Tuesday, 28 December 2010, and two public holidays for New Year's Day next year on Saturday, 1 January and Monday, 3 January 2011.

The Holidays Act 1983 prescribes those days which are public holidays in Queensland. '25 December (Christmas Day)' and '1 January (New Years Day)' are listed as public holidays. The act also provides for the substitution of other days as public holidays. This year, Christmas Day falls on a Saturday and, without an amendment of the act, would not be a public holiday because Tuesday, 28 December was appointed as a substitute public holiday by gazettal on 28 August 2009.

In 2011, New Year's Day also falls on a Saturday. A substitute public holiday has not yet been appointed for that day, but in accordance with past precedent a substitute public holiday would usually be appointed on the following Monday, 3 January in such circumstances. If that substitution was made, Saturday, 1 January would cease to be a public holiday.

When a day is appointed as a public holiday, workers are entitled to be absent from their employment on the day and still be paid their base rate of pay for their ordinary hours of work. Workers who agree to an employer's reasonable request to work on a public holiday must be paid any penalty rates prescribed in the relevant award or agreement.

The current act does not permit the appointment of additional public holidays. An amendment to the act is required to permit the appointment of additional public holidays for Christmas Day 2010 and New Year's Day 2011. Observance of two public holidays for Christmas Day 2010 on Saturday, 25 December 2010 and Tuesday, 28 December 2010, and two public holidays for New Year's Day 2011 on Saturday, 1 January 2011 and Monday, 3 January 2011, as proposed by this bill, gives all employees the enjoyment of a break from work at a special time of the year or an entitlement to penalty rates on each of the prescribed public holidays if they choose or are required to work on those days.

Although Queensland's private sector industrial relations jurisdiction has been referred to the Commonwealth, the Commonwealth Fair Work Act 2009 recognises as a public holiday any day declared or prescribed under a law of a state to be observed within the state as a public holiday. Therefore, this bill's amendment of the act to provide for the observance of a public holiday for Christmas Day on both 25 and 28 December 2010 and for New Year's Day on both 1 and 3 January 2011 will activate public holiday entitlements for those days under federal modern awards.

In the private sector, there are a number of industries operating seven days a week where workers will potentially work on Saturday, 25 December or Saturday, 1 January. These industries include hospitality, accommodation, tourism, heavy industries such as mining, and the retail industry. In the public sector, many health workers, firefighters and ambulance officers will also work on those days. It is only fair and appropriate that those workers be compensated for being away from their families and friends, particularly on Christmas Day, one of the most special family occasions of the year.

The bill before the parliament may result in increased costs to employers, including the government, through the potential for payment of public holiday penalty rates on 25 and 28 December and on 1 and 3 January. However, it is the government's view that this cost will more than be offset by the benefit to hardworking employees who would otherwise receive no benefit for working on Christmas Day or New Year's Day.

In introducing this bill, Queensland will be achieving consistency with other states. In Western Australia and New South Wales there are already arrangements in place for Christmas Day 2010 to observe a public holiday on Saturday, 25 December 2010, as well as an additional public holiday on 27 or 28 December. For New Year's Day, New South Wales, Victoria and Western Australia each have arrangements in place whereby public holidays are observed on both Saturday, 1 January and Monday, 3 January.

The amendment bill currently before the House changes public holiday arrangements specifically for Christmas Day 2010 and New Year's Day 2011 only. By further legislative amendment to be introduced into the parliament in 2011, the government will ensure that this change to public holiday arrangements is made permanent for subsequent years when Christmas Day and Boxing Day fall on a Saturday. The government will also consider at that time whether the Holidays Act 1983 needs to be further amended to modernise the drafting and language of the act, which is now nearly 30 years old.

Ensuring that all Queensland workers receive fair and equitable entitlements is of great importance. By determining what days are public holidays, the act continues to have a significant role in the activation of industrial entitlements of Queensland workers. It also plays an important role in determining standards of respite and rest for workers and creating opportunities for workers to better balance their work and family life. This bill amends the act to ensure that Queensland workers who have received inferior public holiday entitlements in the past do not suffer a loss of those entitlements this Christmas. That is why the Queensland government supports the bill before the House. I commend the bill to the House.