



Speech by


Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 15 November 2011

HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL

Introduction and Referral to the Legal Affairs, Police, Corrective Services and Emergency Services Committee

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.40 pm): I present a bill for an act to amend the Holidays Act 1983, the Land Sales Act 1984 and the Liquor Act 1992 for particular purposes and to make minor and consequential amendments to the Industrial Relations Act 1999 and the Trading (Allowable Hours) Act 1990. I table the bill and the explanatory notes. I nominate the Legal Affairs, Police, Corrective Services and Emergency Services Committee to consider the bill.

Tabled paper: Holidays and Other Legislation Amendment Bill [\[5871\]](#).

Tabled paper: Holidays and Other Legislation Amendment Bill, explanatory notes [\[5872\]](#).

Queensland is a great place to live, to work and to raise a family. We have natural attractions the equal of any in the world and a lifestyle envied by Australians and visitors. The Bligh government has been working hard to improve the quality of life for Queensland families. The government in September released a discussion paper titled 'Getting the balance right: a proposal on holidays in Queensland' as part of its review of the state's holiday system. Queenslanders told us they wanted change, and they overwhelmingly supported the government's proposal to improve our work-life balance.

The bill is designed to ensure that Queensland workers can enjoy a more even spread of public holidays across the year, similar to other Australian states and territories. To this end, the bill provides for the movement of the Queen's birthday holiday to the first Monday in October from 2012, and creates a special holiday to mark the Queen's Diamond Jubilee on Monday, 11 June next year.

In addition, the bill provides for the observance of additional public holidays when Christmas Day, Boxing Day and New Year's Day fall on a weekend. The Holidays Act 1983 prescribes those days which are public holidays in Queensland. The Queen's Birthday is currently celebrated in June. 25 December, Christmas Day; 26 December, Boxing Day; and 1 January, New Year's Day are also listed as public holidays. However, when those days fall on a weekend the public holiday is moved to the following week and the actual day is not a public holiday. This means that Queenslanders working on Christmas Day do not get paid public holiday penalty rates.

In September, the Queensland government undertook an extensive public consultation process regarding amendments to the act. The results showed Queenslanders overwhelmingly support shifting the Queen's birthday holiday to the second half of the year and to a Monday in October. The bill before the House allows this holiday to be commemorated on the first Monday in October from 2012. Some 85 per cent of 22,700 respondents supported shifting the Queen's birthday holiday to the second half of the year, and of these 96 per cent wanted it on a Monday in October.

In recognition of the potential impact on community and sporting events planned for the June long weekend next year, the bill provides for a one-off holiday to commemorate the Queen's Diamond Jubilee. This arrangement recognises the importance of such community events as the Discovery Festival at Cooktown, the state netball championships and the Boyne Island fishing competition which will all be able

to continue without disruption in 2012. It will also give the organisers of these events an extra year to consider what they will do for 2013 and beyond.

Although Queensland's private sector industrial relations jurisdiction was referred to the Commonwealth from 1 January 2010, 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 observance of a special Queen's jubilee holiday in June and additional public holidays when Christmas Day, Boxing Day or New Year's Day fall on weekends will activate public holiday entitlements for those days under federal modern awards and state awards. The consultation process also indicated overwhelming support for the proposal to create extra public holidays whenever Christmas Day, Boxing Day or New Year's Day fall on a weekend. About 91 per cent of 22,600 responses supported the creation of additional public holidays in these circumstances.

In 2010 the government amended the act to allow for two additional days for Christmas Day 2010 and New Year's Day 2011 because these days fell on a Saturday. This change was strongly supported by Queensland workers. The opposition also supported these amendments. At that time, I gave a commitment to review the act and make the necessary amendments to provide a permanent solution when these special days fell on a Saturday. The bill before the House honours the commitment I made in 2010 and responds to the public's overwhelming support for changes to the act to ensure that no Queensland worker is worse off when Christmas Day and New Year's Day fall on a Sunday.

This year, Christmas Day and New Year's Day in 2012 fall on a Sunday. Without an amendment to the act, both days would cease to be public holidays because substitute public holidays have been appointed in the following week. 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 when Christmas Day, Boxing Day and New Year's Day fall on a weekend.

With these amendments, Queenslanders will observe a public holiday on Christmas Day, Sunday, 25 December 2011, and an additional public holiday on Tuesday, 27 December 2011 as well as a public holiday on New Year's Day, Sunday, 1 January 2012 and an additional public holiday on Monday, 2 January 2012. To enable these changes to take effect this year, it is essential for the bill to be passed in the next sittings.

There are a number of private sector industries operating seven days a week where workers will potentially work on Sunday, 25 December or Sunday, 1 January. These industries include hospitality, accommodation, tourism, heavy industries such as mining and the retail industry. In the public sector, many health workers, police, fire fighters and ambulance officers will also work on these days. It is only fair and appropriate that these 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 payment of public holiday penalty rates on 25 and 27 December and on 1 and 2 January. However, it is the government's view that this cost will be more than offset by the benefit to hardworking employees who would otherwise receive no benefit for working on Christmas Day or New Year's Day.

The concept of observing additional public holidays when a public holiday falls on a weekend, especially for Christmas Day, Boxing Day or New Year's Day, is not a new idea and already is a feature of public holiday legislation in several of the other states and territories. New South Wales has introduced provisions which commence from 31 December 2011 to provide for additional public holidays when Christmas Day, Boxing Day or New Year's Day fall on a Saturday or Sunday. Victorian legislation provides for additional public holidays when Boxing Day or New Year's Day fall on a Saturday or Sunday. South Australian legislation provides for additional public holidays when Christmas Day, 26 December or New Year's Day fall on a Sunday. Western Australian legislation provides for additional public holidays when Christmas Day, Boxing Day or New Year's Day fall on a Saturday or Sunday. Tasmanian legislation provides for an additional public holiday when Christmas Day falls on a Saturday or Sunday. For Christmas Day 2011 and New Year's Day 2012, New South Wales, the Australian Capital Territory and Western Australia will observe additional public holidays for each day while Victoria will observe an additional public holiday for New Year's Day and Tasmania will observe an additional public holiday for Christmas Day.

The Queensland government gave serious consideration to the most appropriate public holiday to move to the second half of the year. The Queen's birthday was chosen as the holiday to be moved to the second half of the year because the shift would not affect the way the occasion was celebrated. Occasions observed on public holidays are of significant cultural importance and it is obvious that many could not be moved without impacting on the way the day is celebrated. Some respondents in the consultation process suggested moving Labour Day instead of the Queen's Birthday. It was decided, given Labour Day was first

celebrated in May in Queensland back in 1891 and the importance of this day, which continues to be celebrated throughout Queensland to this day, that it was not appropriate to move it.

These amendments give 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, as well as ensure hardworking Queenslanders get a well-deserved break later in the year. This bill will ensure Queensland has modern and effective holiday laws which meet the needs of Queensland workers, employers and the community.

The bill also includes a minor and straightforward amendment to the Land Sales Act 1984 that will recognise: development permits issued by the Urban Land Development Authority involving land in urban development areas declared under the Urban Land Development Authority Act 2007; and the Urban Land Development Authority as a 'planning authority' similar to local governments under the Sustainable Planning Act 2009. Amendments to the act are required so that UDA development approvals are treated in the same manner as approvals issued under the Sustainable Planning Act. The amendments are technical and clarify the policy intent of the act.

The bill also amends the Liquor Act 1992 to reduce the regulatory burden on clubs. Currently, under the Liquor Act 1992, the club secretary is required to keep on the club premises a register of the name of each member of a reciprocal club visiting the premises and the name of the reciprocal club, if the club has a community club licence, community other licence or a restricted club licence. Generally, to comply with this legislative requirement, clubs request visitors, including members of reciprocal clubs, to sign in upon entry.


Recently, the RSL (Queensland Branch) has requested that members of the organisation be able to enter an RSL or services club without signing in, provided they are a member of the RSL and at least one RSL club or services club. In recognition of the service RSL members have done for this country, the bill bestows honorary membership on RSL members who are also members of an RSL or services club and removes the requirement for an RSL or services club to keep a register of RSL honorary members visiting the club. The bill also removes the requirement for RSL or services clubs to keep a register of Australian Defence Force visitors who produce a current service identity card. This means that when an RSL honorary member or an Australian Defence Force member goes to an RSL or services club for a drink or a meal they will not have to sign in.

In addition, the bill also reduces the regulatory burden on clubs generally by removing the legislative requirement for clubs to maintain a register for visitors from reciprocal clubs if they provide evidence they are a member of a reciprocal club on entry. The bill does not force clubs to remove their registration requirements for visitors who are members of reciprocal clubs. It will be up to the individual club to decide whether or not they would like to put this practice in place. If the club decides to keep the requirement for visiting members of reciprocal clubs to be placed on their register—via signing in or an alternative form such as a swipe card—this must be stated in the club's rules.

The bill also clarifies the term 'register,' clearly outlining that a register can be in a hard copy or electronic form. Electronic registers are the way of the future, allowing clubs to easily identify their members and members of a reciprocal club, as well as evaluate point-of-sale purchases and attendance at the club. It also allows members to use their card to receive player loyalty points and discounts on purchases at the club.

These amendments in the bill are a small but important step in reducing the regulatory burden on community clubs and club members more broadly, and will allow clubs to focus more on providing services to our local communities rather than complying with legislation. I commend the bill to the House.

First Reading

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.53 pm): 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.

Mr DEPUTY SPEAKER (Mr Wendt): In accordance with standing order 131, the bill is now referred to the Legal Affairs, Police, Corrective Services and Emergency Services Committee.