



Speech by


Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Tuesday, 21 August 2012

HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.55 pm): I present a bill for an act to amend the Holidays Act 1983 for particular purposes and to make consequential amendments to the Industrial Relations Act 1999. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Holidays and Other Legislation Amendment Bill 2012 [\[750\]](#).

Tabled paper: Holidays and Other Legislation Amendment Bill 2012, explanatory notes [\[751\]](#).

The objective of the Holidays and Other Legislation Amendment Bill 2012 is to relocate the Labour Day public holiday from May to the first Monday in October (for 2012, this is the date of the Queen's Birthday public holiday) and to return the birthday of the Sovereign public holiday, commonly known as the Queen's Birthday, to its original date on the second Monday in June. These changes will take effect from 2013.

Public holidays in Queensland are regulated by the Holidays Act 1983. On public holidays, workers are entitled to a paid day off or, if they work, payment of the public holiday penalty rates prescribed by their relevant award or agreement. The Holidays Act 1983 determines which days are public holidays and so activates public holiday entitlements for Queensland employees. The Commonwealth Fair Work Act 2009 recognises as a public holiday any day or part day prescribed as a public holiday under a law of a state or territory. In Queensland, the majority of public holidays fall within the first half of the year, with a particular concentration in the April-May period, which includes Anzac Day, the three Easter public holidays and Labour Day.

In 2011, the former government conducted a review of the Holidays Act 1983. Consultation undertaken as part of the 2011 review indicated there was overwhelming support to move a public holiday to the second half of the year. Such a move has a number of advantages including:

- uniformity with the majority of other states and territories, where a public holiday is observed in October or early November;
- diminished disruptions to production and services for business and industry that result from the concentration of public holidays falling in quick succession in the first half of the year; and
- additional respite and rest for workers during the second half of the year as a result of a more even spread of public holidays across the year.

Following the 2011 review, the former government moved the date of observance of the Queen's Birthday public holiday from the second Monday in June to the first Monday in October. However, this relocation of the Queen's Birthday public holiday has done little to break up the concentration of public holidays in the first half of the year or diminish disruptions to production and services for business and industry that comes from public holidays often falling in consecutive weeks.

In contrast, moving the Labour Day public holiday from the first Monday in May will break up the concentration of public holidays that occur in the April-May period and more evenly distribute public holidays throughout the year. Furthermore, the reinstatement of the Queen's Birthday public holiday in the middle of the year, creating a long weekend, will help tourism because this time is traditionally quieter for the Queensland tourism industry.

Moving the Queen's Birthday public holiday back to its original date of observance in June will also better align Queensland public holidays with those of other states. All states, except for Western Australia, observe the Queen's Birthday public holiday on the second Monday of June. In contrast, the Labour Day public holiday is observed across different months although New South Wales, South Australia and the Australian Capital Territory observe the Labour Day public holiday on the first Monday in October.

It is clear that the advantages of moving the Labour Day public holiday as opposed to the Queen's Birthday public holiday are already well known and supported across the community as a number of comments to the review in 2011 show, and submissions from several business organisations have advocated the movement of Labour Day rather than the Queen's Birthday public holiday to the second half of the year.

Movement of the Queen's Birthday and Labour Day public holidays could be implemented by a ministerial declaration of a substitute day, which would mean the prescribed dates in the act cease to be a public holiday and are instead observed on declared dates. However, given that these changes will be permanent, it is appropriate that the changes be made through the proposed amendments to the Holidays Act 1983 specifying the dates of observance of those public holidays in law for the information of the whole community.

To ensure the entitlements and obligations in relation to public holidays will apply only on the proposed new dates of observance for the Queen's Birthday and Labour Day public holidays, the bill includes consequential and clarifying amendments to the Industrial Relations Act 1999 and state awards and agreements. Therefore, the bill amends the Holidays Act 1983 to provide that from 2013 the Queen's Birthday public holiday will be observed on the second Monday in June and the Labour Day public holiday will be observed on the first Monday in October.

We are proposing these changes to the Queen's Birthday and Labour Day public holidays now so that the new arrangements can be implemented and communicated to the public as soon as possible. A public holiday long weekend will still be observed in October although the Queen's Birthday public holiday will be moved back to June. But it is important to ensure businesses, community and sporting groups and other organisations that are already planning events for the Labour Day long weekend in May are given ample time to alter their arrangements for the new October location of that public holiday. I commend the bill to the House.

First Reading



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (1.00 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.

Referral to the Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.