



Speech by


Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Tuesday, 30 October 2012

HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (2.51 pm): I move—
That the bill be now read a second time.

The Holidays and Other Legislation Amendment Bill has been the subject of much debate and attention since it was introduced in August this year. From the outset, I reiterate that the Newman government is committed to ensuring that Queensland workers have a more even split of public holidays throughout the year. The objective of the bill is to return the Queen's Birthday public holiday to its original date on the second Monday in June and relocate the Labour Day public holiday from May to the first Monday in October. Those changes will occur from 2013 onwards.

The bill also contains a number of consequential and clarifying amendments to the Industrial Relations Act 1999 and state awards and agreements. These amendments specify that a reference to 'Labour Day' in an award or agreement made under the IR Act means the day observed as the public holiday for that day under the Holidays Act and amend the definition of 'public holiday' in the IR Act to reflect the amended dates of observance of the Labour Day and Queen's Birthday public holidays.

At this point, I inform the House that I will be moving an amendment to the bill during consideration in detail. The bill now also makes a minor and technical amendment to the Oaths Act 1867. The objective of this amendment is to include a provision in the Oaths Act to require industrial commissioners to take the oath of allegiance and office that applies to members of the Industrial Court. Swearing an oath of this nature recognises the importance of the role commissioners undertake.

In returning to the bill, I note that the committee tabled its report on the bill on 6 September 2012. I thank the Legal Affairs and Community Safety Committee for its consideration of the Holidays and Other Legislation Amendment Bill 2012. In particular, I thank the members of the committee and its chair, the member for Condamine. I know that the committee is particularly busy with all the bills from the Department of Justice and Attorney-General. I thank the committee for its patience in that regard. I now table the Queensland government's response to that report.

Tabled paper: Legal Affairs and Community Safety Committee: Report No. 9 on the Holidays and Other Legislation Amendment Bill 2012, government response [\[1413\]](#).

The committee made three recommendations. I will address each of those recommendations in turn. The committee's first recommendation, that the Holidays and Other Legislation Amendment Bill be passed, is welcomed.

The committee's second recommendation is that the bill be amended to delay the commencement of the bill until 2014, to lessen the impact, both socially and financially, on those community groups and other organisations that have already committed to activities over the currently scheduled 2013 Labour Day long weekend. The Queensland government does not support that recommendation. Delaying implementation of the public holiday arrangements proposed in the bill contributes to the continuation of the issues at the heart of these changes. These include the lack of consistency with public holiday

arrangements in other states and territories and frequent disruptions to production and services for business and industry from the concentration of public holidays in the April-May period under the current arrangements. Delaying the proposed amendments will also lead to increased uncertainty in the community during 2013.

The committee's third recommendation is that the Attorney-General and Minister for Justice, in my response to the committee's report, provide the details of any cost-benefit analysis carried out by the department to the overall state of Queensland, and whether this has taken into account the impact on communities such as Charters Towers and Barcaldine, which have long-standing annual events scheduled over the Labour Day long weekend. There has been no cost-benefit analysis, either generally or in respect of those particular events. The policy of the Queensland government in proposing the movement of the relevant public holidays is nevertheless considered to be justified by the advantages those movements give to industry and the community. Those advantages are: uniformity with the majority of other states and territories; diminished disruptions to production and services for business and industry that result from the concentration of public holidays falling in quick succession in the April-May period—Anzac Day, three Easter public holidays and Labour Day—and moving the Labour Day public holiday from the first Monday in May will break up that concentration of public holidays; additional respite and rest to workers as a result of a more even spread of public holidays across the year; and reinstatement of the Queen's Birthday public holiday long weekend in June will help the Queensland tourism industry in general, because this is a traditionally quieter time of the year. The Queensland government notes that the committee has accepted the advantages in its report at page 13. In relation to this recommendation, the Queensland government repeats the comments made in response to recommendation 2 that, despite any impacts on particular groups or organisations, it is considered that the advantages to communities and businesses across the state outweigh any disadvantage suffered by individual events.

I would like to acknowledge those who have made submissions on the bill to the committee and address the key issues raised. I note that the committee received a number of submissions supporting the amendments made by the bill. These submissions were from individuals as well as organisations, including the Shopping Centre Council of Australia, the Australian Sugar Milling Council, the North Burnett Regional Council and the National Retail Association Ltd. I also note the submissions that have opposed moving the Labour Day public holiday on various grounds, including the significance of the current May date of the Labour Day public holiday to the labour movement in Queensland; the inconvenience that will be experienced for events already planned for the current Labour Day public holiday in May and/or the long weekend it creates at that time, particularly in the western districts; and the perceived lack of consultation and evidence in support of moving Labour Day.

While moving a public holiday from the first to the second half of the year has wide support, there is debate about which public holiday is most appropriate. Generally, the public holidays considered most appropriate to move are either Labour Day or the Queen's Birthday, because other public holidays are strongly linked to significant religious festivals, such as Christmas and Easter, or the commemoration of events of particular significance to Australia on or around particular dates, such as Australia Day and Anzac Day. Although the former government chose to move the Queen's Birthday public holiday to the second half of the year, in proposing to move Labour Day the policy of this government is justified by the increased advantages to industry and the community at large. I note the submission by the National Retail Association to the committee, which states—

A better alignment of public holidays across Australia will generate cost reductions and efficiencies for business. Currently on holidays unique to Brisbane, my organisation needs to roster staff to work to enable us to service our interstate clients (where no holiday is being celebrated). Given the current level of public holiday penalties, significant additional labour costs are incurred. I am sure this position is representative of many businesses located across the south-east corner in particular.

Consequently the improved alignment of public holidays that will result from the Holidays and Other Legislation Amendment Bill will deliver reduced costs for many Queensland businesses and is supported by NRA.

This statement supports and leads into another advantage of the proposed amendment—that is, the 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. 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—Anzac Day, three Easter public holidays and Labour Day. The committee notes that the decision by the former government to move the Queen's Birthday public holiday from its original date in June did nothing to improve the disruptions caused by the clustering of public holidays at that time. Two further advantages to industry and the community include: 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; and the reinstatement of the Queen's Birthday public holiday long weekend in June will help the Queensland tourism industry because this is a traditionally quieter time of the year.

I am aware of the inconvenience that will be experienced for events already planned around the May Labour Day long weekend in 2013 and for that reason the government has moved on the recommended

amendments so as to provide maximum prior notice to the community of the changed arrangements. In relation to the perceived lack of consultation, the earlier consultation in the preparation of the 2011 amendments demonstrated that there is community and business support for the movement of the Labour Day holiday to the second half of the year.

Concerns have also been raised about the frequency of changes to public holiday arrangements in recent times. I acknowledge that changes to public holiday arrangements were only recently made by the former government. However, it is the policy position of this government that those changes did not sufficiently address the uneven distribution of public holidays throughout the year and the inconsistencies with the public holiday arrangements in the other Australian states and territories, which continue to hamper the realisation of the previously highlighted advantages that can result from properly adjusted public holiday arrangements. The changes proposed by this government are intended to achieve that objective.

There has also been a suggestion in the submission to the committee from the Local Government Association to consider delaying the changes proposed in the current bill until 2014. The government does not intend, however, to delay implementation of the public holiday arrangements proposed in the bill as to do so contributes to the continuation of the problems caused by the current arrangements.

Finally, submissions from the Shopping Centre Council of Australia and the Australian Sugar Milling Council raised two matters relating to other legislation, including: the removal of the status of the Labour Day public holiday as a closed day for large retail shops in South-East Queensland; and if a holiday such as Labour Day or the Queen's Birthday is to be moved to a later date, then the relevant legislation should make it clear that the holiday may be observed on any other date, in an enterprise, in circumstances where that is appropriate for the operational requirements of an affected business.

In relation to the first matter, Labour Day is a closed day for large retail shops throughout the state under both the Trading (Allowable Hours) Act 1990 and the various trading hours orders. There is no intention that this bill should alter those trading hours arrangements. With regard to the second matter, given that employers and employees in the private sector are subject to the Commonwealth industrial relations jurisdiction, this is a matter that is more appropriately addressed in the negotiation of a federal modern award or enterprise bargaining agreement.

As mentioned, the bill also seeks to make a late, minor technical amendment to the Oaths Act. The objective of this amendment is to include a provision in the Oaths Act to require industrial commissioners to take the oath of allegiance and office that applies to members of the Industrial Court. The amendment is considered necessary as it will formalise an ongoing practice. In addition, swearing an oath of this nature recognises the importance of the role commissioners undertake.

It is not unusual for tribunal members to swear an oath when taking up duties. For instance, members of the QIRC's federal counterpart, Fair Work Australia, are required to take an oath or affirmation before discharging the duties of their office. Queensland Civil and Administrative Tribunal members are also required to take or make an oath before they perform any function of the office.

This amendment is considered necessary as three commissioners have recently been appointed to the QIRC. To enable oaths to be taken as part of the welcome ceremonies for the new commissioners, an urgent legislative amendment is required and, as a consequence, this amendment has been attached to the holidays bill. The introduction of a late amendment in this manner is justified on the grounds that it is minor and of a technical nature and merely concerns the internal practices of a tribunal. I commend the bill to the House.