




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

Record of Proceedings, 19 September 2019

HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL

Message from Governor

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (11.23 am): I present a message from His Excellency the Governor.

Mr DEPUTY SPEAKER (Mr Whiting): The message from His Excellency recommends the Holidays and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL 2019

Constitution of Queensland 2001, section 68

I, PAUL de JERSEY AC, Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to amend the Building and Construction Industry (Portable Long Service Leave) Act 1991, the Contract Cleaning Industry (Portable Long Service Leave) Act 2005, the Holidays Act 1983 and the Industrial Relations Act 2016 for particular purposes


Signed

GOVERNOR

Date: 17 September 2019

Tabled paper: Message, dated 17 September 2019, from His Excellency the Governor recommending the Holidays and Other Legislation Amendment Bill 2019 [1560](#).

Introduction

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (11.23 am): I present a bill for an act to amend the Building and Construction Industry (Portable Long Service Leave) Act 1991, the Contract Cleaning Industry (Portable Long Service Leave) Act 2005, the Holidays Act 1983 and the Industrial Relations Act 2016 for particular purposes. I table the bill and the explanatory notes. I nominate the Education, Employment and Small Business Committee to consider the bill.

Tabled paper: Holidays and Other Legislation Amendment Bill 2019 [1561](#).

Tabled paper: Holidays and Other Legislation Amendment Bill 2019, explanatory notes [1562](#).

Today, I am pleased to introduce the Holidays and Other Legislation Amendment Bill 2019 into the House. The bill provides for Christmas Eve, 24 December, to be observed as a part-day public holiday from 6 pm to 12 midnight. In introducing this bill, we are recognising that there is something special and unique about Christmas Eve, commensurate with it being recognised as a public holiday after 6 pm. In fact, I am not sure if anyone in the House would deny the magical nature of Christmas Eve, the night before Christmas.

For many of us, Christmas really starts with Christmas Eve. As it is for many others in the community, for most of us here in the House it is a night we get to spend quality time at home with family and friends, out at religious services or other community and festive events, or travelling to be with loved ones on Christmas Day. It is the one time of the year, above all, that busy families make that special effort to be with one another and come together. However, there is a group of workers that does not have that luxury and has to work—in pubs, clubs and warehouses, in hospitals and aged-care facilities, on public transport, in retail outlets, and across the emergency services.

Some have been working every Christmas Eve for years—like Rhonda Jenner, who said in her submission to the recent RIS consultation process that a public holiday would be excellent to spend time with family. Rhonda said—

If this happens this year, it will be the first one I've had home with family for 8 years.

Workers like Rhonda miss out on that special time, and it is time they cannot get back. The Palaszczuk government believes that these workers should get the extra legal protections and entitlements that come with a public holiday.

The bill does this by amending the Holidays Act 1983 and making other consequential legislative amendments to provide for Christmas Eve to be observed as a part-day public holiday from 6 pm to 12 midnight, which is roughly a quarter of the day, for the purpose of working out a person's entitlements under certain prescribed acts or industrial instruments made under those acts listed in the bill. Given that the public holiday does not start until 6 pm, the amendment does not displace or otherwise impact on Christmas Day being a business day for any other purpose set out in other legislation, such as any legislation setting out payment and settlement time frames.

By making it a public holiday, workers who are required to work that evening will be entitled in reasonable circumstances to refuse to work—as set out in the Fair Work Act for workers in the federal jurisdiction, which is the vast majority of workers in Queensland, or the state Industrial Relations Act, for state and local government jurisdiction workers. If they do work, workers will be compensated fairly, with an entitlement to the relevant public holiday penalty rates in their respective awards or agreements.

I note that Christmas Eve is already observed as a part-day public holiday from 7 pm to 12 midnight in other Australian jurisdictions—South Australia since 2012 and the Northern Territory since 2016. A review of the South Australian provision in 2013 found strong community support for the significance of Christmas Eve, and the results of the recent consultation RIS—I will come to that in a moment—suggest a similar level of support here in Queensland. I also note that there is no indication that the Liberal government of the South Australian Premier, Steve Marshall, intends to do anything other than keep its Christmas Eve public holiday firmly in place.

The government made the proposal for a part-day public holiday from 6 pm on Christmas Eve as part of a wideranging consultation process inviting submissions from workers, businesses and community as a whole. A consultation regulatory impact statement—RIS—was publicly announced and released on 4 August 2019 and was open for public comment for 28 days, closing on 2 September 2019. A total of 1,779 submissions were received. Of those, 1,271 submissions, or 71.4 per cent, supported the proposal. In anyone's language, that indicates overwhelming support for the proposal. Most members in this House could only dream of having support levels of 70 per cent!

It is the personal submissions to the RIS consultation that really bring home why there is such public support for this measure. For example, Gwen Fraser said in her submission—

To be able to spend Christmas Eve with my family on Christmas Eve and share this time preparing for a special Christmas Day is priceless. No money can make up for the lost time with my family. If people are required to work during this time they should receive a special rate of pay to do so.

A bus driver made the following submission—

Christmas is a time for family. I have not spent a Christmas Eve with my family for the past seven years because I have worked driving a bus so others can go about getting ready for the festivities. I think anyone who works on Christmas Eve deserves to be paid extra.

Cassandra Leigh, a retail employee, submitted—

As someone who has worked in the retail industry for 10 plus years and was often given no choice but to work until sometime midnight on Christmas Eve to set up for Boxing Day sales, this is a great and necessary move for workers' rights. I support it wholeheartedly. Thank you for putting forward the proposal.

Dennis Scanlon, the parish priest at Queen of Apostles parish in Stafford, supports the proposal as it will benefit the community by allowing people to celebrate the family Christmas service, which happens earlier on Christmas Eve, giving more families time to travel to worship with extended family and helping Christmas be a more family friendly celebration beginning on Christmas Eve. The Islamic

Council of Queensland also supported the proposal. Their president, Habib Jamal, stated that the community will benefit by allowing people to participate in religious services and family activities on Christmas Eve, especially for faith groups who celebrate on Christmas Eve, and to travel long distances for family events on Christmas Day.

Some 508 submissions, or 28.6 per cent, opposed the proposal. Submissions opposing the proposal were received predominantly from employer groups and individual businesses, citing the negative impact of having to pay penalty rates, the likelihood that businesses may close rather than trade, especially in regional areas, and community disruption. We do not resile from the fact that there is a cost attached to the declaration of a new part-day public holiday from 6 pm to midnight on Christmas Eve. We have been open and transparent about that in the consultation RIS and in my meetings with employer representatives.

It is, of course, difficult to precisely calculate increased wage costs as a result of a proposed part-day public holiday that has not been observed before. However, our best estimate of annual increased wage costs, as published in the consultation RIS, ranged from a lower end estimate of \$31.9 million to an upper end estimate of \$115.8 million across the economy. The consultation process did not yield further advice to reassess costs for the private sector; however, I am confident that the lower-end cost estimate of \$31.7 million across the economy, based on Christmas Day employment patterns, is a better indicator of the likely cost impact than the higher-end estimate, which is based on Boxing Day employment numbers. As we know, Boxing Day is a greater trading day than Christmas Day.

Further advice from public sector agencies indicates a combined public sector cost impact of at least \$3.7 million in 2019—lower than the estimated range of \$9.4 million to \$21 million published in the consultation RIS. Those costs for the public sector greatly reduced when we went to the agencies and they were able to directly quantify what they believed could be the cost impacts. I also note the experience in South Australia, which has had a Christmas Eve public holiday since 2012. They found that the actual costs were much lower than originally forecast.

Ultimately, the view we have taken is that, on balance, the costs are justified because of the special status of Christmas Eve in our community, in our places of worship and in our homes. The Christmas period is an important time for business in Queensland and for the provision of essential public services, but it also has personal, social, religious and cultural significance for many of us in the community. With this bill we are saying that the declaration of a part-day public holiday after 6 pm is a way to strike the right balance—giving workers in those parts of the economy that continue to operate on Christmas Eve after 6 pm an opportunity to have an evening off, against a test of reasonableness set out in state and federal industrial laws, or to receive extra compensation for working at a time when so many others in the community are observing Christmas and enjoying time with family and friends.

I would like to thank all those who took the time and made the effort to make a submission as part of the consultation process. I note that there will now be a further opportunity for the community to make their views known through an inquiry process undertaken by the committee splendidly chaired by the member for Nudgee. I encourage all concerned to take that opportunity.

The bill continues the proud record of the Palaszczuk government leading the nation in standing up for workers' rights and continually striving to improve the lives of working people. We are the government that has:

- introduced nation-first labour hire licensing to stop the exploitation of vulnerable labour hire workers;
- led the nation in responding to the threat of silicosis in the engineered stone industry;
- introduced nation-first industrial manslaughter laws;
- established the parliamentary wage theft inquiry, accepted all the recommendations and is now introducing them;
- introduced 10 days paid domestic and family violence leave and has kept pushing the federal government to do the same for private sector workers;
- supported decent wage increases for low-paid workers in the annual wage review and continued to support penalty rates for workers; and
- restored the rights of all injured workers to seek common law damages.

Now, through this bill, Queensland workers on Christmas Eve will get the extra legal protection and entitlements that come with a part-day public holiday, giving them the opportunity to have this special night off or to get penalty rates if they do work. I commend the bill to the House.

First Reading

Hon. G GRACE (McConnel—ALP) (Minister for Education and Minister for Industrial Relations)
(11.36 am): 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 Education, Employment and Small Business Committee

Mr DEPUTY SPEAKER (Mr Whiting): In accordance with standing order 131, the bill is now referred to the Education, Employment and Small Business Committee.

I will now list the members currently on a warning. They are the members for Whitsunday, Kawana, Nicklin, Broadwater, Everton, Southern Downs, Theodore, Woodridge, Maryborough, Toowoomba South and Warrego.