



Speech By  
**Hon. Grace Grace**


**MEMBER FOR MCCONNEL**

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Record of Proceedings, 26 November 2019

**HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL**

**Second Reading**

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (4.05 pm): I move—

That the bill be now read a second time.

The Palaszczuk government introduced this bill to declare a part-day public holiday from 6 pm to midnight on Christmas Eve starting from Christmas Eve 2019 and continuing each year after that. In doing so, we recognise the special status of Christmas Eve in our community, in our places of worship, and in our homes. It is now society's view that this is no ordinary night. For many, the night before Christmas is as important as the day itself. It is a night that most of us get to spend at home with family and friends, at religious and community services and festive events, or travelling to be with family and friends on Christmas Day. Christmas Eve is the one time of the year above all that busy families make that special effort to be with one another.

The special magical nature of Christmas Eve is a message that comes strongly from everyday workers and their families and who had their say during the consultation process that preceded the introduction of this bill. Karen Moller said—

Those precious hours from 6pm on Christmas Eve are times that families are making memories with children in preparation for santa ... these are important special times within the Australian generations and should be protected or at least compensated with penalty rates.

Shannon Bartlett said—

Christmas Eve is nearly more important than actual Christmas as I love watching the kids setup for Santa watching a Christmas movie reading a book, the excitement of the expectation but not knowing what they are getting the next day.

Thomas Carr said—

After working hard all year this is one of the most special times of the year for everyone to be together and celebrate everything that Christmas is about. Not to mention the joy it brings to all children to have loved ones there before the big day. So please consider this as a YES to a public holiday. It would never be a wrong decision.

There is a group of workers who miss out on these special things because they have to work on Christmas Eve—in pubs and clubs, in warehouses, in hospitals and aged-care facilities, in retail outlets, on public transport and across the emergency services. Some have been working every Christmas Eve for years, like Rhonda Jenner, who said in her submission to the 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.'

Luke Ahern, who appeared before the committee hearing into the bill, said—

I have been working in the distribution centre for 22 years. In that 22 years, I think I have had two Christmas Eves off through the company ... There are all of the things that I have missed out on with my kids. My kids are older now, I do not want to see all of my members and friends go through the same things that I have missed out on throughout the years. You are staying up until three in the morning trying to put presents together and you are knackered the next day ... It puts a lot of pressure on the family.

Brett Carpenter, a shiftworker, said—

This change would mean for the first time in 21 years, other than Christmas falling over a weekend, I would be at home with family and not at work, and tired the next day. This proposal would be fantastic for all shiftworkers.

Workers such as Rhonda, Luke and Brett have missed 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.

By declaring Christmas Eve a part-day public holiday from 6 pm to midnight, this bill means that workers who are required to work that evening will be entitled to refuse to work in reasonable circumstances, as set out in the Fair Work Act for the vast majority of workers in the federal jurisdiction, or in the state Industrial Relations Act for state jurisdiction workers in state and local government. If they do work and miss out on Christmas Eve celebrations with family and friends, workers will be compensated fairly with an entitlement to the relevant public holiday penalty rates in their award or agreement.

I note that Christmas Eve is already observed as a part-day public holiday from 7 pm to 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. The results of our consultation process in Queensland suggest a similar level of support here in this state. I note again that there is no indication that the South Australian government, led now by Liberal premier Steve Marshall, intends to do anything other than keep their Christmas Eve part-day public holiday firmly in place.

The government's proposal for a part-day public holiday from 6 pm on Christmas Eve has been the subject of a wideranging consultation process involving workers, unions, business and employer organisations, church groups and the community as a whole. The proposal itself has been public since 4 August 2019, when it was announced by the Premier and me and received widespread media coverage. A consultation regulatory impact statement, or RIS, was released on 4 August, and was open for public comment for 28 days, closing on 2 September 2019. During this period I also met personally with major employer groups in Queensland to hear their views firsthand.

A total of 1,779 submissions were received in response to the RIS. Of those, 1,271 submissions, or 71.4 per cent, supported the proposal. In anyone's language that indicates overwhelming support for the proposal. As I said when introducing the bill, most members in this House could only dream of having support levels over the 70 per cent mark. It is the personal submissions to the consultation RIS that really bring home why there is such public support for this measure. 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 worker, submitted—

As someone who has worked in the retail industry for 10 plus years and was often given no choice but to work until sometimes 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.

Following its introduction into the parliament on 19 September, the bill was referred immediately to the Education, Employment and Small Business Committee for scrutiny and a further round of consultation. After hearing further submissions from the department and stakeholders, the committee tabled its report on 4 November 2019. I would like to take this opportunity to thank the committee and the committee chair, the member for Nudgee, Leanne Linard, for their deliberations and their final report. I would also like to thank those who made submissions to the committee about the bill and those who appeared as witnesses as part of the committee's inquiry. I note that the committee in its report made only one recommendation: that the bill be passed. The government is pleased to accept the committee's recommendation.

I note that the LNP members of the committee made a dissenting report in opposition to the bill. I also acknowledge the fact that the RIS process received 508 submissions, or 28.6 per cent, against the proposal. The government respects the views and concerns of those individuals and employers who have expressed their opposition to the proposal. We do not pretend that the proposal has universal support, nor do we pretend there is not a cost attached to the proposal. We have been up-front about that.

It is, of course, difficult to precisely calculate increased wage costs as a result of a proposed part-day public holiday which has not been observed before. Our best estimate of annual increased wage costs, as published in the consultation RIS, ranged from a lower end cost estimate of \$31.9 million to an upper end estimate of \$115.8 million across the private sector. We are confident that the lower end cost estimate of \$31.9 million is a more likely indicator of the cost impact because it is based on employment patterns for Christmas Day, which has similarly restricted retail trading hours to Christmas Eve compared to the higher end estimate, which is based on Boxing Day employment numbers where there is much greater retail trading. We had to take a base and we believe it is more commensurate with the lower end. I also note again the experience in South Australia, which has had a Christmas Eve public holiday since 2012, which found the actual costs were much lower than originally forecast.

In the end government is about choices and priorities and we have taken the view with this bill 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. We acknowledge that the Christmas period is an important time for business in Queensland and for the provision of essential public services. That is why, for example, we legislated in 2017 to provide additional retail trading in the lead-up to Christmas. We increased those trading hours substantially which meant that businesses and retail outlets did not have to make applications year upon year for extended trading hours. They are now automatic in legislation.

At the same time, it also has personal, social, religious and cultural significance for many of us in the community. This was borne out by the more than 70 per cent of public submissions in support of the proposal. In fact, many individuals who made submissions to the consultation process wanted the public holiday to start earlier in the day on Christmas Eve. We believe the declaration of a part-day public holiday after 6 pm is a reasonable way to strike that 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.

In addition to the amendments in the bill to declare a Christmas Eve part-day public holiday, a number of amendments will be moved during consideration in detail in relation to the Liquor Act 1992. These amendments will modify the mandatory ID-scanning framework in the state's safe night precincts to provide increased flexibility for licensees in the nights they are required to scan and allow for streamlined patron re-entry processes. The Attorney-General and Minister for Justice and Leader of the House will speak to these amendments in further detail during her contribution to the bill.

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, in particular during special events like Christmas Eve. We have done it through labour hire licensing laws—which were, of course, voted down by those opposite; through our industrial manslaughter laws—once again voted down by those opposite; with domestic and family violence leave; through our response to silicosis; with our reforms to workers compensation; and the list goes on. Now, through this bill, Queensland workers 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 in accordance with their agreement or award if they do work on Christmas Eve. I commend the bill to the House.