




Speech By
Leanne Linard

MEMBER FOR NUDGE

Record of Proceedings, 26 November 2019

HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL

 **Ms LINARD** (Nudgee—ALP) (4.51 pm): I rise to speak in support of the Holidays and Other Legislation Amendment Bill 2019. The objective of the bill is to provide for Christmas Eve to be observed as a part-day public holiday from 6 pm to midnight in recognition of the personal, social, religious and cultural significance of Christmas celebrations. Declaring a public holiday from 6 pm enlivens the public holiday provisions of the Fair Work Act, the Industrial Relations Act and industrial instruments for all employees in the national workplace relations system and the Queensland industrial relations system to ensure that workers have the right to reasonably refuse to work or be fairly compensated by the payment of public holiday penalty rates should they work after 6 pm on this special day, Christmas Eve.

The proposal to commence the part-day public holiday from 6 pm emerged from the findings of the review of trading hours completed by the Hon. John Mickel published in December 2016. The review recommended changes to trading hours on Sundays in the lead-up to Christmas for the whole of Queensland and until midnight on all days in the period from 18 to 23 December each year. It also proposed that all non-exempt shops be closed from 6 pm on Christmas Eve.

The review considered that 6 pm represented an appropriate dividing line between the finishing time for most day work and the starting time of night shiftwork. The 6 pm closing time is considered a reasonable compromise which allows most workers to go home at a reasonable hour, balancing costs for all industries if a public holiday was to be declared from 6 pm. Hence, it is important to clarify that the bill's proposal to start the part-day public holiday at 6 pm aligns with amendments made to trading hours legislation in 2017 and does not conflict with our government's take-up of the outcomes and recommendations of that review or the subsequent amendment to the Trading (Allowable Hours) Act, as some submitters asserted in their submissions to the committee.

Following the Premier and Minister Grace's announcement in August 2019 that the government would consult on the amendments, a consultation RIS was released in August and a decision RIS was released in September 2019. Of the 1,779 submissions received in the consultation RIS, 71 per cent supported the proposal. In my own electorate, approximately 80 per cent of the constituents who completed an online survey likewise supported the proposal. Whatever else may be in dispute in respect of this bill, I do not believe the special significance of Christmas Eve is—certainly not by anyone who has ever had to work it and miss out on time with loved ones or had a loved one who has had to do likewise.

Submissions in support of the proposal were received from: the SDA; the Rail, Tram, and Bus Union; the Queensland Nurses and Midwives' Union; the Australian Workers' Union; the Australian Council of Unions; and individual workers and community members. Support was also expressed by religious and faith organisations in respect of the cultural, religious and social significance of Christmas celebrations which routinely commence on Christmas Eve. Submissions in opposition to the proposal were received predominantly from business organisations and their members, including: CCIQ, Australian Industry Group, the National Retail Association and the Queensland Hotels Association. Unsurprisingly, opposition to the proposal stemmed predominantly from the impost of higher labour

costs through public holiday penalty rates and suggested potential closures to avoid increased labour costs. Opposition also stemmed from the argument there is no need to legislate the right to refuse to work, as businesses reported adopting a flexible approach to rostering on Christmas Eve to accommodate the personal circumstances of staff.

I applaud those businesses that have indeed adopted such flexible and supportive rostering practices, but it certainly has not been my family's experience and no such discretion is afforded. Regardless of how early the request is made, neither the importance of planned events, the birth of a child or having young children, to whom the celebration means so much, count as a reasonable excuse to not be rostered on. The protections afforded in this bill are important. The compensation afforded in this bill to those who do work in the form of appropriate penalty rates is important.

I take this opportunity to acknowledge all of the frontline workers—the police, paramedics, emergency service workers and health and hospital workers—who are required to operate 24/7 on special holidays like Christmas and every other day to keep our community safe. I also acknowledge the transport and logistic workers, including road, freight and airport services, those working in continuous manufacturing processes, small and independent retailers, petrol stations, and licensed premises, restaurants and clubs who spend their Christmas Eve and other relevant holidays serving the families of others while missing time with their own.

The value of work is incredibly important and the nature of work in many industries is 24/7, but there is a balance to be found between the pursuit of work and productivity and social cohesion. I believe the provisions contained in this bill that afford workers compensation in the form of penalty rates or the right to refuse to work in reasonable circumstances is appropriately balanced by a limiting of those entitlements to the hours post 6 pm in appreciation of higher labour costs to employers. The committee made one recommendation: that the bill be passed. I commend the bill to the House and I thank the minister.