




Speech By
Steve Minnikin

MEMBER FOR CHATSWORTH

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HOLIDAYS AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MINNIKIN** (Chatsworth—LNP) (12.51 pm): I rise to make a contribution to the debate of the Holidays and Other Legislation Amendment Bill 2019. From the outset I congratulate the Education, Employment and Small Business Committee. I note that the committee recommended that the bill be passed and made no other recommendations, whilst the LNP members of the committee provided a dissenting report. I guess there are no real surprises there.

Madam Deputy Speaker, you spoke from the floor about your proud family background as it pertained to the labour workforce. Other members, in particular those on the other side of the chamber, have also talked about family members they are very proud of who are involved in the union movement. I take this opportunity to tell the House of the respect I have for my brother who is ideologically completely opposed to my way of thinking. However, we do have in common that we both believe in the rights of the worker: the freedom of collective assembly and the right of a person who does not have the same bargaining power to have someone negotiate on their behalf. I have made it very clear, coming from a strong union family, that I believe, as much as I think I do, in the essential DNA of people who support the rights of workers. I think it is fair to say that when we have debates in this chamber—and I stand to be corrected on this; it is a bit of a stomach feeling—around 75 per cent of legislation goes through unopposed. Where we tend to disagree is when it relates to industrial relations bills such as we have before us today.

The key objective of this bill, as has been eloquently outlined, is to introduce a part-day public holiday on Christmas Eve, 24 December, from 6 pm to midnight. The explanatory notes state that workers would be entitled to refuse to work in reasonable circumstances or to the payment of public holiday penalty rates where work is performed on Christmas Eve after 6 pm. The essential effect of the declaration of a part-day public holiday on Christmas Eve will be to activate the public holiday provisions of the Commonwealth Fair Work Act 2009 and the Queensland Industrial Relations Act 2016 and the industrial instruments for all employees in the national workplace relations system.

Consultation on the regulatory impact statement, the RIS, was announced in the *Sunday Mail* and commenced in August of this year. The consultation period was four weeks. Looking at both sides of the argument, the RIS arguments for the changes as supported by the government members of the committee, included appropriate penalty rates for workers on Christmas Eve, workers having a right to have the night off and refusing to work unsociable hours, the social benefits that they thought it would bring, as well as potential increased consumer spending.

The flip side, the arguments against the changes, included—and they are important—increased costs for employers, estimated to go from \$41.6 million to \$137 million approximately, including in the public sector, a loss of income and hours for workers if businesses do not open, as well as increased costs for consumers paying a surcharge. Much has been said about the impact on businesses. It is absolutely fine for the minister, particularly with her strong and, she would say, proud union background, to go in to bat for the workers, but it would be naive in the extreme to think that there will not be an impact on businesses.

I am very proud—and it is all very much declared—to have three businesses. In relation to one of them I will be approaching a position very shortly where I will be paying payroll tax. I always make sure that first and foremost I look after the people who look after me. It is a very simple proposition. It does work from both sides of the argument.

There will be impacts on businesses in the private sector. Industries that would be impacted by the declaration of a Christmas Eve public holiday include, but are not limited to, private hospitals, aged and disability care facilities, accommodation services, continuous manufacturing processes that cannot stop—assembly lines or runs of production et cetera—and small and independent retail shops. The large shops that we all know, DDSs and big-box retailers, are required to close in Queensland from 6 pm on Christmas Eve in accordance with the trading hours that Labor changed in 2017 following the Mickel review. These large employers employ other staff as well as night fillers.

One of the key people instrumental in modern industrial relations in this state is the Hon. John Mickel, a former Speaker. He provided a report following a review that he chaired into Queensland's trading hours. Many of us—in fact, I would say the majority of people on this side of the chamber who have had anything to do with him in his current role—say nothing but good things about John Mickel. I know he is held in high regard on the government's side of the chamber. John Mickel is the sort of person you actually listen to. Whether you agree with him time will tell, but you always take time to listen to the man. The issue of a part-day public holiday was considered by the Mickel review in December 2016. While the SDA union—I acknowledge certain members are in the gallery today—supported a part-day public holiday, the organisations representing small business and tourism were opposed to it. The review recommended the non-exempt shops, the large retailers—discount department stores and big box retailers—had to close on 6 pm on New Year's Eve, in that report it was stated—

It is considered that the 6pm closing time is 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 6pm.

The government adopted and legislated this recommendation in 2017. In relation to comparisons interstate, the only other jurisdictions to have a part-day public holiday on Christmas Eve are South Australia and the Northern Territory. In both of those jurisdictions the time is not 6 pm; it is 7 pm till midnight. Both of those jurisdictions also have a part-day public holiday on New Year's Eve, around about the same time. In South Australia the Christmas Eve and New Year's Eve part-day public holidays were introduced in 2012 as part of an agreement between the peak employer and union bodies around extended trading hours.

Whenever looking at any bill before the House it is important to look at the unintended consequences. I urge the government to think long and hard about this change because at the end of the day this goes to the very heart of its mantra of 'jobs, jobs, jobs'. Given that we have the highest unemployment rate in the country I urge the government to give serious thought to the contents of this bill.