

# Holidays and Other Legislation Amendment Bill 2022

## Explanatory Notes

### Short title

The short title of the Bill is the Holidays and Other Legislation Amendment Bill 2022.

### Policy objectives and the reasons for them

Following the passing of the Her Majesty, Queen Elizabeth the Second, on 11 September 2022, the Honourable Anthony Albanese MP, Prime Minister of Australia, announced a national public holiday—a National Day of Mourning for Her Majesty The Queen—to commemorate The Queen’s remarkable life and dedication to service.

The Prime Minister nominated Thursday, 22 September 2022, to be the National Day of Mourning for Her Majesty The Queen.

Queensland will declare that day as a public holiday. It will be a day of mourning for the passing of Her Majesty The Queen.

In Queensland, public holidays are regulated by the *Holidays Act 1983* (Holidays Act).

The objective of the Bill is to amend the Holidays Act to insert a new, one-off public holiday on 22 September 2022 to commemorate the National Day of Mourning for Her Majesty The Queen.

The Bill also amends the *Industrial Relations Act 2016* (IR Act) to ensure that the definition of ‘public holiday’ includes the National Day of Mourning for Her Majesty The Queen. This will ensure industrial relations entitlements and obligations are enlivened for that public holiday.

### Achievement of policy objectives

The policy objectives of the Bill will be achieved by amending:

- the Holidays Act to establish 22 September 2022 as a public holiday in Queensland; and
- the IR Act to update the definition of ‘public holiday’ in Schedule 5.

### Alternative ways of achieving policy objectives

As public holidays are regulated by the Holidays Act, the only option to implement the Government’s policy objective is through legislative amendment.

## **Estimated cost for government implementation**

The declaration of a public holiday on 22 September 2022 will trigger certain penalty rates where work is performed by State Government employees on that day. Those additional employee-related costs will be met from within existing budget allocations.

## **Consistency with fundamental legislative principles**

The proposed amendments are consistent with fundamental legislative principles.

## **Consultation**

Due to the need for rapid implementation of the Government's policy objectives, which is aligned with the announcement by the Commonwealth Government, consultation about declaring the public holiday for the National Day of Mourning for Her Majesty The Queen has been limited.

The proposal has, nonetheless, been widely reported through both traditional and social media platforms.

## **Consistency with legislation of other jurisdictions**

The Prime Minister has written to all First Ministers requesting each State and Territory enact a one-off public holiday. It is anticipated all Australian jurisdictions support and will declare a public holiday for the National Day of Mourning for Her Majesty The Queen on 22 September 2022.

On 12 September 2022, New South Wales and Victoria officially established the public holiday. On 13 September 2022, the Australian Capital Territory officially established the public holiday.

# Notes on provisions

## Part 1 Preliminary

*Clause 1* provides that, when enacted, the short title of the Act will be *Holidays and Other Legislation Amendment Act 2022*.

## Part 2 Amendment of Holidays Act 1983

*Clause 2* provides that Part 2 amends the *Holidays Act 1983*.

*Clause 3* inserts a new section 15 into the Holidays Act declaring that a public holiday is to be observed on 22 September 2022 for the National Day of Mourning for Her Majesty The Queen.

The new section 15 also provides that any reference in an industrial instrument under the *Industrial Relations Act 2016* to a public holiday is to be read, for 2022, as including 22 September 2022.

## Part 3 Amendment of Industrial Relations Act 2016

*Clause 4* provides that Part 3 amends the *Industrial Relations Act 2016*.

*Clause 5* amends the Schedule 5 (Dictionary) of the *Industrial Relations Act 2016* to ensure that the public holiday to be observed on 22 September 2022, for the National Day of Mourning for Her Majesty The Queen, is recognised as a public holiday for the purposes of that Act.