

LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Report No. 9 on the

Holidays and Other Legislation Amendment Bill 2012

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 21 August 2012 the Holidays and Other Legislation Amendment Bill 2012 (the Bill) was introduced to Parliament.

The Bill was subsequently referred to the Legal Affairs and Community Safety Committee (the Committee) with a report back date of 6 September 2012.

On the 6 September 2012 the Committee tabled its report (No.9) in relation to the Bill (the Report).

The Queensland Government response to the Report's recommendations on matters raised by the Committee and key fundamental legislative principles is provided below.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1 –

The Committee recommends that the Bill be passed.

Queensland Government response:

The Queensland Government acknowledges the Committee's consideration of the Bill and supports the Committee's recommendation that the Bill be passed.

Recommendation 2 –

The Committee recommends that the Bill be amended to delay the commencement of the Bill until 2014 to lessen the impact, both socially and financially, on those community groups and other organisations that have already committed to activities over the currently scheduled 2013 Labour Day long weekend.

Queensland Government response:

The Queensland Government does not support the recommendation.

Delaying implementation of the public holiday arrangements proposed in the Bill contributes to the continuation of problems (e.g. lack of consistency with public

holiday arrangements in other States and Territories and frequent disruptions to production and services for business and industry from the concentration of public holidays in the April-May period) under the current arrangements. Delaying the proposed amendments will also lead to increased uncertainty in the community during 2013. Despite any impacts on particular groups or organisations it is considered that the advantages to the community and business as a whole from the movement of the public holidays outweigh any disadvantage suffered by individual events.

Recommendation 3 –

The Committee recommends that the Attorney-General and Minister for Justice, in his response to the Committee's report, provide the details of any cost-benefit analysis carried out by his Department to the overall State of Queensland, and whether this has taken into account the impact on communities such as Charters Towers and Barcaldine that have long standing annual events scheduled over the Labour Day long weekend.

Queensland Government response:

There has been no cost-benefit analysis either generally or in respect of particular events. The policy of the Queensland Government in proposing the movement of the relevant public holidays is nevertheless considered to be justified by the advantages those movements give to industry and the community. Those advantages are as follows:

- uniformity with the majority of other states and territories. In all other states and territories, except Western Australia, the Queen's Birthday public holiday is observed on the second Monday in June. The Labour Day public holiday is observed across different months but New South Wales, South Australia and the Australian Capital Territory observe the Labour Day public holiday on the first Monday in October;
- diminished disruptions to production and services for business and industry that result from the concentration of public holidays falling in quick succession in the April-May period (Anzac Day, three Easter public holidays and Labour Day). Moving the Labour Day public holiday from the first Monday in May will break up that concentration of public holidays;
- additional respite and rest to workers as a result of a more even spread of public holidays across the year; and
- reinstatement of the Queen's Birthday public holiday long weekend in June will help the Queensland tourism industry in general because this is a traditionally quieter time of the year.

The Queensland Government notes that the Committee has accepted the advantages outlined in the first 2 points above in their Report at page 13.

In relation to this recommendation, the Queensland Government repeats the comments made in response to Recommendation 2 that despite any impacts on particular groups or organisations it is considered that the advantages to the community and business as a whole from the movement of the public holidays outweigh any disadvantage suffered by individual events.

Fundamental Legislative Principles

The Queensland Government notes that the Committee's inquiry involved a consideration of the application of fundamental legislative principles to the Bill, in particular the rights and liberties of individuals potentially affected by the Bill.

The Queensland Government has acknowledged in the Explanatory Notes to the Bill and in correspondence with the Committee that the proposed movements of the relevant public holidays may affect the rights and liberties of individuals by disrupting activities and events already planned for the current dates of those public holidays. It is for this reason that the Queensland Government wishes to implement the changes as soon as possible so as to give the maximum notice of change and allow those affected the best chance of altering their arrangements. The Queensland Government's response to the Committee's Recommendation 2 in this regard has already been outlined above.

The Queensland Government thanks the Committee for its considered position in making its recommendations and on the issue of fundamental legislative principles.