

10 September 2013

Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Submitted via email: lasc@parliament.qld.gov.au

Dear Sir/Madam,

On behalf of the Queensland business community, the Chamber of Commerce and Industry Queensland (CCIQ) welcomes the opportunity to provide feedback to the State Government on the *G20 (Safety and Security) Bill 2013*. CCIQ views the G20 Leaders Summit as an exciting opportunity to showcase Brisbane and Queensland to the world. In addition, CCIQ enthusiastically welcomes the associated economic benefits of Brisbane playing host to an estimated 7000 visitors during the summit.

With respect to the *G20 (Safety and Security) Bill 2013*, CCIQ is strongly opposed to the State Government's proposal to amend the *Holidays Act 1983*, *Industrial Relations Act 1999* and *Trading (Allowable Hours) Act 1990* to legally declare Friday 14 November 2014 a public holiday for the Brisbane local government area.

CCIQ believes a public holiday would negatively impact on Brisbane businesses through restricting their freedom of choice to trade and, for those businesses that are able to trade,

their viability as a result of having to pay penalty rates. Brisbane's businesses are not supportive of being required to pay penalty rates for a public holiday that has been declared primarily for a security operation restricted to South Brisbane.

Whether directly affected by the G20 summit or not, businesses have expressed strong opposition to the newly created public holiday. There are primarily four groups of businesses who are negatively impacted by the proposed public holiday.

Businesses outside of the cordoned security zone but within the Brisbane LGA

This proposal will generate significant liability for employers as it captures businesses that are in no way affected by the security zoning yet will have to pay penalty rates if they wish to trade. In short, a public holiday for the entire Brisbane local government area unnecessarily and adversely impacts businesses unaffected by heightened security in South Brisbane. Given the wide geographical expanse of the Brisbane LGA, the number of businesses who do not need to be negatively impacted is significant.

Businesses inside the cordoned security zone electing to trade

With respect to businesses within the cordoned security area choosing to operate, the legislative requirement of having to pay penalty rates will have the effect of turning a highly profitable trading day (ie Friday) into a marginally viable exercise. This is particularly the case for restaurants, cafes, and accommodation. CCIQ is aware of many businesses that will choose not to trade because of penalty rates. The creation of a public holiday could ultimately serve to work against the visitor experience as shops, restaurants, and other businesses close as a result.

Businesses inside the cordoned security zone electing not to trade

Furthermore, businesses within the security zone that are not in the hospitality sector, such as retail, will suffer a double blow to trade as diminished sales/patronage coupled with penalty rates of pay will likely force closure. In the event these businesses choose not to trade, they will consequently lose a valued trading day.

Queensland businesses outside of Brisbane LGA

CCIQ favours consistency of public holidays across Queensland on the basis of flow of commerce across regions. The creation of a public holiday for the Brisbane LGA creates a burden for those businesses that normally interact with Brisbane who will now be closed. This impedes commerce that in turn, impedes value add to the Queensland economy.

CCIQ wishes to highlight the difficult trading environment at present for Brisbane based businesses. The very last thing the State Government should be doing is unintentionally making it more difficult for struggling Brisbane businesses. In light of the above, CCIQ proposes the State Government consider two alternative options.

Option One

Firstly, as a result of the undue pressure that penalty rates places on small and medium businesses, CCIQ suggests the government retreat entirely from declaring a public holiday on 14 November 2014. Alternatively, the State Government should encourage businesses expecting minimal trade as a result of increased security measures, or businesses that are included in the cordoned security zone, to consider mandatory annual leave provisions as set out in the *Fair Work Act 2009*. Employers are able to direct employees to take annual leave for operational reasons.

Option Two (least preferred)

CCIQ recommends the *Bill* restrict the public holiday to those businesses directly affected by the cordoned security area. A public holiday for the entire Brisbane local government area unnecessarily and adversely impacts businesses unaffected by heightened security in South Brisbane. Amending the *Bill* in a manner consistent with CCIQ's second recommendation will make a substantial difference to those businesses operating outside of South Brisbane, allowing them to continue trading at standard rates of pay, without creating significant additional liability for employers.

CCIQ genuinely believes there are better alternatives to the current, and, in our view ill-considered, option contained within the *Bill*. As indicated above, CCIQ's recommendations achieve the same intended outcome of dealing with security and other logistical challenges

associated with G20 but do not foist upon businesses the added cost and restriction of a public holiday.

CCIQ is supportive of the State Government's process of canvassing stakeholder views on the above proposals. CCIQ looks forward to continuing to work with the State Government to ensure the best outcomes are achieved for Queensland businesses, our economy and the community. CCIQ would be delighted to appear before the Legal Affairs and Community Safety Committee to discuss business community concerns with this *Bill* at the Committee's convenience. If you have any questions regarding this correspondence please contact Senior Policy Advisor Kate Whittle on (07) 3842 2227 or email kwhittle@cciq.com.au.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Nick Behrens', with a long horizontal flourish extending to the right.

Nick Behrens

General Manager, Advocacy

Chamber of Commerce and Industry Queensland