

27 March 2017

Research Director
Finance and Administration Committee
Parliament House
George Street
Brisbane Qld 4000

By email:

Dear Research Director

Trading (Allowable Hours) Amendment Bill 2017

Thank you for the opportunity for to comment on the Trading (Allowable Hours) Amendment Bill 2017 (the Bill).

The Queensland Law Society (the Society), in carrying out its central ethos of advocating for good law and good lawyers, endeavours to be an honest, independent broker delivering balanced, evidence-based comment on matters which impact not only our members, but also the broader Queensland community.

Given that the Society's advocacy is focused on good law and good lawyers, our comments on this Bill are limited to the legal entitlements and obligations relating to employers and employees.

In this regard, we note that if the Bill extends the normal trading hours of a non-exempt shop, and that if a shop is looking to roster their current employees onto the new hours they will require agreement or consent in writing.

Given the nature of retail industry and the wide variety of staff this industry employees, this new additional employee protection should not be a significant issue and clearly does not impact current arrangements or rosters.

Further, the Society considers the statutory oversight that the new 'extended hours' cannot be categorised as 'reasonable additional hours' or 'ordinary hours' without the addition consent in writing strikes a balance between protecting employees and increasing trading hours.

We note the operation of s27(2)(n) of the *Fair Work Act 2009* listing 'business trading hours' as a 'non-excluded matter'. However, any potential concern that the State Parliament is going beyond what was intended in the regulation of business trading hours to impose additional written consent obligations on employers is quickly dismissed by s29, 'Interaction of Modern Awards and Enterprise Agreements With State and Territory Laws' of the *Fair Work Act 2009*.

For these reasons, the Society does not propose any amendments to Bill.

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Please do not hesitate to contact our Policy Solicitor, Kate Brodnik on (07) 3842 5871 or k.brodnik@qls.com.au if you wish to discuss the content of this letter.

Yours faithfully

A handwritten signature in black ink, appearing to read "Christine Smyth". The signature is written in a cursive style with a long horizontal stroke at the end.

Christine Smyth
President