



RIS Ref: OIR1014-0219

File Ref: DOC19/2051

11 September 2019

Mr Tony Schostakowski  
Director, Regulation and Compliance  
Office of Industrial Relations  
1 William Street  
BRISBANE, QLD 4000

Dear Mr Schostakowski

## Decision Regulatory Impact Statement—Christmas Eve Part-Day Public Holiday

Thank you for your enquiry on 3 September 2019 seeking advice on the adequacy of the 'Christmas Eve Part-Day Public Holiday' Decision Regulatory Impact Statement (RIS).

### Background

Public holidays in Queensland are regulated by the *Holidays Act 1983* (the Act). The declaration of a public holiday means that Queensland employees in both the public and private sector are given the right to reasonably refuse to work on that day. In addition, those employees that do work are entitled to the payment by their employer of public holiday penalty rates.

### Proposal

The Office of Industrial Relations (the office) released a Consultation RIS on 4 August 2019 to investigate whether December 24 (Christmas Eve), between the hours of 6 PM to 12 midnight, should be declared a 'part-day public holiday.'

The Consultation RIS presented the following options for investigation:

1. No legislative change—that is, Christmas Eve is not declared a public holiday
2. Legislate for voluntary employment only for all Queensland public sector employees on Christmas Eve
3. Legislate a part-day public holiday on Christmas Eve.

The RIS presented the option of amending the Act to legislate a part-day public holiday on Christmas Eve, between the hours of 6 PM to 12 midnight, as the preferred option. The RIS noted that this option was estimated to result in increased wages, due to the entitlement for penalty rates to be paid, of between \$43.1 million and \$143 million annually.

The Consultation RIS was open for comment until 2 September 2019 and over 1,700 submissions were received by the office in response.

### Assessment of Decision RIS

The purpose of a Decision RIS is to reflect the outcomes of consultation on proposed regulatory amendments, including how stakeholder views were taken into consideration in developing a final recommendation. The Decision RIS continues to present Option 3 as the office's preferred option.



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The Commission has assessed the Decision RIS and considers it adequately presents the results of consultation, details of the office's response to stakeholder feedback and a discussion of the impacts of legislating a part-day public holiday on Christmas Eve. The Decision RIS also provides analysis and quantification of the estimated wage impacts of the options on potentially affected Queensland businesses and employees.

Given this, the Commission considers the Decision RIS is adequate to support the decision maker's consideration of the proposal.

Consistent with the Queensland Government Guide to Better Regulation (the guidelines), the final Decision RIS and this letter of adequacy will be published on the Commission's website following approval of the RIS for release.

Please contact Sean Mackay, Principal Analyst on (07) 3015 5149 if you require any additional information or guidance in relation to the above comments or the guidelines in general.

Yours sincerely



**Christine Tozer**  
Team Leader