



RIS Ref: OIR1014-0219

File Ref: DOC19/618

28 March 2019

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

Dear Mr Schostakowski

Consultation Regulatory Impact Statement - Investigation into Proposed Christmas Eve Part-Day Public Holiday 2019

Thank you for your enquiry on 15 January 2019, and further information provided in February and March 2019, seeking advice on the adequacy of the 'Investigation into Proposed Christmas Eve Part-Day Public Holiday 2019' Consultation 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) have developed the RIS 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 RIS presents the following options in their investigation of the issue:

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 presents 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 notes that this option is 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.

Assessment

In undertaking its assessment of whether a Consultation RIS is adequate for the purposes of public consultation, the Queensland Productivity Commission (the Commission) has regard to the 'adequacy criteria' in the Queensland Government Guide to Better Regulation (the guidelines).



Queensland Productivity Commission

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Based on these criteria the Commission considers that the RIS adequately presents the office's assessment of the issues. Further, the Commission notes that the RIS provides analysis and quantification of the estimated impacts of the options on potentially affected Queensland businesses and employees.

Given these points, the Commission considers the RIS is adequate for the purposes of public consultation. Consultation with stakeholders will likely assist the office to further develop the policy, including:

- whether any alternative options, which achieve the aims of the policy, should be considered
- verifying the analysis undertaken and whether the proposal will have any unforeseen adverse impacts on the business or the community
- whether the proposal is likely to provide a net benefit to the community.

Consistent with the guidelines, once a Consultation RIS has been approved for release it is published on the Commission's website along with this letter. After consultation has concluded, a Decision RIS, incorporating the consideration of public comments should be provided to the Commission for assessment before the matter is finally referred to Cabinet for decision.

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