



## Australian Government

### Department of the Prime Minister and Cabinet

#### Office of Best Practice Regulation

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Mr Martin Hehir  
Deputy Secretary  
Industrial Relations Group  
Attorney-General's Department

Dear Mr Hehir

### **Regulation Impact Statement – Second-Pass Final Assessment – Part-time flexibility**

Thank you for your letter received on 2 December 2020 submitting a Regulation Impact Statement (RIS) on Part-time flexibility for formal Second-Pass Final Assessment. I note the RIS has been formally certified at the Deputy Secretary level consistent with the *Australian Government Guide to Regulatory Impact Analysis*.

I appreciate the Department's constructive engagement on the RIS.

The Office of Best Practice Regulation's assessment is that the quality of the regulatory impact analysis in the RIS, and the process that underpinned it, is adequate.

While the RIS addresses the seven RIS questions, it contains some elements which could have been improved. In particular, the RIS could have:

- provided more contextual information on how the industrial relations framework operates in Australia, and thereby provide more clarity on how the proposed options would have flow-on impacts affecting employers and employees;
- demonstrated why the proposed part-time flexibility does not extend beyond the retail and hospitality industries when that flexibility is so beneficial to both employers and employees; and
- provided evidence verifying the stated costs and benefits for the option to create a new statutory form of employment (flexible part-time), including the claims that the administrative costs associated with understanding and applying the new legislative provisions are the same as option two.

The RIS may now be provided to the decision-maker to inform a final decision.

Once the RIS has been included in the Explanatory Memorandum of the relevant legislative bill, RIS requirements can be regarded as being met.

We would appreciate you advising us when a final decision has been announced and forwarding a copy of the RIS in a form meeting the Government's accessibility requirements. The OBPR will publish the RIS, along with your certification and this assessment, on the OBPR's website [www.ris.pmc.gov.au](http://www.ris.pmc.gov.au).

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jason Lange', written in a cursive style.

Jason Lange  
Executive Director  
3 December 2020