



Australian Government
Attorney-General's Department

Reference: OBPR22-02405

Mr Jason Lange
Assistant Secretary
Office of Best Practice Regulation
Department of the Prime Minister and Cabinet
1 National Circuit
BARTON ACT 2600

Email: helpdesk-OBPR@pmc.gov.au

Dear Mr Lange

Certification of independent review: *Family and domestic violence leave review 2021*

I am writing to certify the Fair Work Commission's independent review of family and domestic violence leave in modern awards (refer to attachments) as a process and analysis equivalent to a Regulation Impact Statement for the Government's election commitment to legislate paid family and domestic violence leave as a National Employment Standard.

I certify the Fair Work Commission process adequately addressed all seven RIS questions, and is submitted to the Office of Best Practice Regulation for the purposes of assessing its relevance to fulfil Regulation Impact Statement requirements for a final policy decision.

A Full Bench of the Fair Work Commission examined inclusion of a paid family and domestic violence leave provision in modern awards. In reviewing modern awards, the Commission must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant safety net of terms and conditions.

The Full Bench considered evidence and analysis for a range of options to modify the safety net to provide paid family and domestic violence leave, including considering evidence on the proposed extension of paid leave to casual employees. I am satisfied the scope of the process provides sufficient consideration for the Government's policy proposal.

The department estimates the regulatory burden for implementing the Government's policy commitment will be minor. The regulatory burden to business, community organisations or individuals is quantified using the Australian Government's Regulatory Burden Measurement framework and is provided below.

Regulatory burden estimate table

Average annual regulatory costs (from business as usual)

Change in costs (\$ million)	Business	Community organisations	Individuals	Total change in costs
Total, by sector	\$0.6	\$ 0	\$ 0	\$ 0.6

Following consultation, no deregulatory offset measure has been identified.

Yours sincerely



Martin Hehir
Deputy Secretary, Workplace Relations Group
Attorney-General's Department
22 June 2022

Key documents from the Family and domestic violence review 2021

- [Family and domestic violence leave review 2021 | Fair Work Commission \(fwc.gov.au\)](https://www.fwc.gov.au/family-and-domestic-violence-leave-review-2021)
- [Family and domestic violence leave review 2021 decision \[2022\] FWCFB 2001](https://www.fwc.gov.au/family-and-domestic-violence-leave-review-2021-decision-2022)
- [Family and Domestic Violence Leave Review 2021 - decision summary \(fwc.gov.au\)](https://www.fwc.gov.au/family-and-domestic-violence-leave-review-2021-decision-summary)