



Australian Government

Department of Finance and Deregulation Office of Best Practice Regulation

Reference: 11916
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Senator the Hon Eric Abetz
Leader of the Opposition in the Senate
Shadow Minister for Employment and Workplace Relations
Liberal Senator for Tasmania

Sent by email

Dear Senator Abetz

Fair Work Act Post-implementation Review

Thank you for your letter of 22 December 2011, requesting that the Office of Best Practice Regulation (OBPR) review the Terms of Reference for the Fair Work Review, which is intended to be the Post-implementation Review for the *Fair Work Act*. I note that you also consider that there is a need to broaden the Terms of Reference, in line with the requirements for a Post-implementation Review in the Australian Government's Best Practice Regulation Handbook.

In relation to your request that the OBPR review the Terms of Reference, the Department of Education, Employment and Workplace Relations did consult with the OBPR prior to finalising the Terms of Reference for the Fair Work Review. The OBPR advised that it was satisfied with the Terms of Reference on 2 December 2011, noting that it stated: *'The Office of Best Practice Regulation will assess the report to ensure that it meets the best practice regulation requirements for a review as outlined in the Best Practice Regulation Handbook'*.

The OBPR believes that the inclusion of this statement addresses your general concern that the Terms of Reference appear narrow and would lead to a Post-implementation Review which may not meet the requirements of the Best Practice Regulation Handbook.

The OBPR will be undertaking an independent assessment of the Fair Work Review to assess its adequacy against the requirements for a Post-implementation Review. Additionally, given the level of public interest in the *Fair Work Act* Post-implementation Review, the OBPR will be publishing this letter on its Best Practice Regulation Updates website (ris.finance.gov.au).

I hope this information is of assistance. If you have any further questions regarding this advice please contact me on 02 6215 3859 or by email to jason.mcnamara@finance.gov.au

Yours sincerely



Jason McNamara
Executive Director
Office of Best Practice Regulation
13 January 2012