



Australian Government

Department of Finance and Deregulation Office of Best Practice Regulation

Reference: 16169

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Dr Steven Kennedy
Deputy Secretary
Department of the Environment

Re: Single stage Regulation Impact Statement – Shortages of some species of synthetic greenhouse gases

Dear Dr Kennedy

Thank you for forwarding the second pass version of the single stage Regulation Impact Statement (RIS) for the above proposal on 12 November 2013.

The single stage RIS contains an adequate level of analysis and meets the Government's best practice regulation requirements. I note our comments of 12 November 2013 on the initial draft have been addressed, as you confirmed in your letter certifying the final version of the RIS of 12 November 2013. I also confirm the OBPR agrees with the compliance costs estimates.

The degree of detail and depth of analysis in the RIS is considered commensurate with the magnitude of the problem and the size of the potential impact of the proposal. The Office of Best Practice Regulation (OBPR) considered that the RIS was a category 'D' RIS, reflecting the issue was of relatively minor significance in the economy with no material competition impacts.

The OBPR considers that the RIS adequately outlined the risks relating to the importation of some species of synthetic greenhouse gases which may occur during the transition to the repeal of the carbon tax. This includes potential shortages of some products that contain synthetic greenhouse gases, and the consequent implications for the users of these products. The RIS included objectives which the OBPR considers appropriately address the outlined problem.

The RIS also included an appropriate range of options, comprising the status quo; a light handed option (grant or rebate); and a regulatory option (legislative change to exempt imports of synthetic greenhouse gases from the equivalent carbon tax). The OBPR considers that, given the impacts, the options were adequately assessed, and that the RIS's conclusion recommending legislative change was supported by analysis in the RIS.

We note that as no decision has been previously announced an options-stage RIS was not required, and that this was flagged in the RIS.

The Government's Best Practice Regulation Handbook (June 2013), at paragraph 6.4, requires that for legislation which is tabled in the Parliament, a copy of the details stage RIS must be included in the explanatory memorandum (for primary legislation) or the explanatory statement (for legislative instruments). Please ensure that your officers provide the OBPR with a copy of (or link to) the explanatory memorandum or explanatory statement when these are made public.

Additionally, the Office of Best Practice Regulation (OBPR) maintains a RIS website and the Government requires that details stage RISs be posted within 5 business days of a regulatory decision being publicly announced. We would appreciate you advising us when a decision on this proposal is announced, and forwarding a final copy of the details stage RIS in Microsoft Word .doc format in a form meeting the Australian Government's Web Content Accessibility Guidelines. We suggest liaising with your web services team to ensure these guidelines are met. The OBPR should be consulted if the details stage RIS is amended. It is the agency preparing the RIS, not the OBPR, which is responsible for the content of the published details stage RIS.

The website provides a public comment facility on RISs posted on the site. The OBPR moderates this facility for offensive content but does not moderate debate.

Please retain this letter as a record of the OBPR's advice. Our reference number for this issue is 16169. If you have any further queries, please do not hesitate to contact me.

Yours sincerely



Jason McNamara
Executive Director
Office of Best Practice Regulation
12 November 2013