



## Australian Government

### Department of the Prime Minister and Cabinet Office of Best Practice Regulation

Reference: 16217  
Telephone: 6271 6270  
e-mail: helpdesk@obpr.gov.au

Ms Sandra Parker  
Deputy Secretary  
Department of Employment

Dear Ms Parker

#### **Final details stage Regulation Impact Statement – Fair Work Act Amendments**

Thank you for forwarding the details-stage Regulation Impact Statement (RIS) for the above proposal for final assessment on 17 February 2014. I note that you have formally certified the RIS as required by the best practice regulation requirements.

The proposed amendments form part of the Government's election commitments. Among other changes, they seek to introduce good faith bargaining arrangements for greenfield employment agreements, and amend the existing rights of employee organisations to enter workplaces; these changes are likely to significantly reduce the regulatory burden faced by large resource and construction projects in particular.

The Office of Best Practice Regulation (OBPR) assesses details-stage RISs for consistency and adequacy – consistency relates to following the prescribed process and adequacy relates to the quality of the analysis. I note our comments of 14 February 2014 on the initial draft have been appropriately addressed, as you confirmed in your letter certifying the final version of the RIS.

I note the department has been consistent with the RIS guidelines, having twice provided a certified details-stage RIS (addressing all seven elements) to the OBPR for assessment before the decision-maker considers the RIS. We also note that the department was fully compliant with the RIS requirements at the options stage.

I note that the details-stage RIS is adequate as it does not contain obvious errors and has a degree of detail and depth of analysis that is commensurate with the magnitude of the problem and the size of the potential impact of the proposal – the OBPR considers that the RIS is a category 'C' RIS, reflecting that the issue is of medium significance in the broader economy with minor competition impacts.

I note that the regulatory costs and cost offsets have been agreed with the OBPR.

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

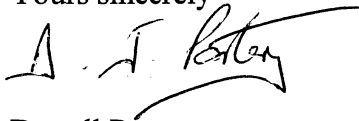
explanatory statement (for legislative instruments). Please ensure that your officers provide the OBPR with a copy of (or link to) the explanatory memorandum or explanatory statement when these are made public.

Additionally, the 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 16217. If you have any further queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. J. Porter', with a long horizontal flourish extending to the right.

Darrell Porter  
Deputy Executive Director  
18 February 2014