



Australian Government

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

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Mr Greg Manning
A/g Deputy Secretary
Civil Justice and Legal Services Group
Attorney-General's Department

Dear Mr Manning

Final Single-stage Regulation Impact Statement – Cost Recovery and Other Reforms for the Commonwealth Marriage Celebrants Programme

Thank you for forwarding the single stage Regulation Impact Statement (RIS) for the above proposal for final assessment on 29 January 2014. I note that you have formally certified the single-stage RIS as required by the best practice regulation requirements.

The OBPR assesses single-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 23 January 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 agency has been consistent with the RIS guidelines, having twice provided a certified single-stage RIS (addressing all seven elements) to the OBPR for the two-pass assessment before the decision-maker considers the RIS.

I note that the single-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 Office of Best Practice Regulation (OBPR) considers that the RIS is a category 'C' RIS, reflecting that the issue is of relatively minor significance in the broader economy with small competition impacts.

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

I note the problem is identified in the RIS as the difficulty for the Government in maintaining effective regulation of the quality of marriage celebrants as the result of limited available resources and relatively rapid growth in the numbers of celebrants in recent years. The RIS notes that the Attorney-General's Department has not been able to respond to complaints against celebrants in a timely way nor provide sufficient support services for celebrants.

The RIS considered a range of options, comprising the status quo; a light handed option (consisting of the provision of additional Budget funding for the existing programme); and a

regulatory option (where cost recovery fees for celebrants would apply in addition to the existing regulatory requirements). Given the impacts, the options were adequately assessed, and the RIS's conclusion recommending adoption of the cost recovery approach was consistent with the analysis. I also note that relatively extensive consultation was undertaken by the Attorney-General's Department on the issue.

The analysis presented in the RIS suggests that the additional costs are likely to result in some marriage celebrants ceasing their participation in the market. This is expected to marginally reduce consumer choice and competition by raising barriers to entry. However, the RIS concludes that there are offsetting benefits to consumers through more professional, knowledgeable and legally correct services, which should result in fewer mistakes.

We note that as no decision has been previously announced by the current Government an options-stage RIS was not required, and that this was flagged in the certification letter to be published with the single-stage RIS.

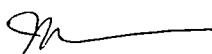
The Government's *Best Practice Regulation Handbook* (June 2013), at paragraph 6.4, requires that for legislation which is tabled in the Parliament, a copy of the single-stage RIS must be included in the explanatory memorandum (for primary legislation) or the explanatory statement (for legislative instruments). 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 single-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 single-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 single-stage RIS is amended. It is the agency preparing the RIS, not the OBPR, which is responsible for the content of the published single-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 16410. If you have any further queries, please do not hesitate to contact me.

Yours sincerely



Jason McNamara
Executive Director
Office of Best Practice Regulation
5 February 2014