



## Australian Government

---

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

Reference: 16234  
Telephone: 6271 6270  
Email: helpdesk@obpr.gov.au

Mr Mark Tucker  
Deputy Secretary  
Department of Agriculture

*Via email*

Dear Mr Tucker

#### **Final Assessment of Regulation Impact Statement – Mandatory Code of Conduct for Grain Export Terminals**

Thank you for forwarding the Regulation Impact Statement (RIS) for final assessment on 7 August 2014. I note that you have formally certified the RIS as required by the best practice regulation requirements.

The Office of Best Practice Regulation's (OBPR) final assessment is that the Department of Agriculture is compliant with the Government's requirements and is consistent with best practice. This assessment is based on:

- the Department having sought an Early Assessment from the OBPR, subsequently publishing the draft RIS as part of an open consultation process;
- the annual regulatory cost savings for the options presented having been agreed with the OBPR;
- the Department having twice submitted the certified RIS for the OBPR's assessment prior to a final decision being taken; and
- your letter of 7 August certifying that the RIS responds to the OBPR's formal comments of 25 July.

In addition, I note that the RIS: addresses the 7 RIS questions; does not contain obvious errors; and considers a minimum of three policy options, one of which is non-regulatory.

The OBPR also notes that the recommended option—a mandatory code that adjusts to competition—has the potential to impose higher overall compliance costs than the alternative options. However, the RIS argues that the most likely outcome is for particular ports, where competition is present, to be given exemptions from much of the mandatory requirements in the proposed code, significantly reducing the compliance costs at these ports and overall.

*Publication requirements*

The OBPR maintains a RIS website and aims to post RISs as soon as practicable after the regulatory decision has been publicly announced. To assist with this, we would appreciate you advising us when a decision on this proposal is announced and forwarding a final copy of the 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 RIS is amended. It is the agency preparing the RIS, not the OBPR, which is responsible for the content of the published RIS. The website provides a public comment facility. 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 16234. If you have any further queries, please do not hesitate to contact me on 6271 6279.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. A. Porter', with a horizontal line underneath.

Darrell Porter  
Deputy Executive Director  
7 August 2014