



Australian Government

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

Reference: 16852
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Mr Robert Griew
Associate Secretary
Department of Education

Dear Mr Griew

Final Assessment Regulation Impact Statement – Higher Education Reform Package

Thank you for forwarding the Regulation Impact Statement (RIS) for the above proposal for final assessment on Wednesday 20 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 Education is compliant with the Government's RIS requirements. This assessment is based on:

- the department having twice submitted the certified RIS for the OBPR's assessment prior to a decision being taken;
- your letter of 20 August 2014 certifying that the revised RIS responds to the OBPR's formal assessment of the RIS on 13 August 2014; and
- the regulatory cost savings having been agreed with the OBPR.

In addition, I note that the RIS, in answering the seven questions:

- does not contain obvious errors;
- identifies the nature of the problem with the current regulatory framework;
- includes at least three options for consideration, one of which is non-regulatory;
- presents an impact analysis of the proposed options, including the status quo;
- refers to consultation undertaken on the proposed reforms and feedback from stakeholders; and
- recommends an option with the highest net benefit.

However, having regard to the significance of the reforms being undertaken and the likely impacts on the higher education market, the RIS, and in particular the impact analysis, is not sufficiently accessible to a range of stakeholders. Better clarity and flow of the information and analysis in the RIS would have resulted in it being considered as best practice.

Post-implementation review

As the reforms have been assessed by the OBPR as having a substantial impact on the sector and the economy, the Government's RIS process requires a post-implementation review to be completed within five years of the reforms being implemented.

Publication requirements

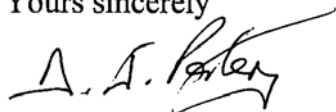
The OBPR maintains a RIS website and RISs should be posted as soon as practicable following a regulatory decision being publicly announced. We would appreciate you advising us when a decision on this proposal is announced, and forwarding a final copy of the RIS in *Microsoft Word .doc* format, in a form 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 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 16852. 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. A. Porter', with a long horizontal flourish extending to the right.

Darrell Porter
Deputy Executive Director
21 August 2014