



## Australian Government

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

Reference: 16841  
Telephone: 6271 6270  
e-mail: helpdesk@obpr.gov.au

Renée Leon  
Secretary  
Department of Employment

Dear Ms Leon

#### **Regulation Impact Statement – Building Code 2014**

Thank you for letter of 2 December 2014 concerning the Regulation Impact Statement (RIS) requirements for the advance release of the Building and Construction Industry (Fair and Lawful Building Sites) Code 2014 (the Building Code). I note that advance release of the Building Code was published on 17 April 2014, and a further release was published on 28 November 2014.

In your letter you advise that, prior to the 2013 Federal election, the ‘Coalition Taskforce on Re-establishing the Australian Building and Construction Commission (ABCC)’ undertook a review and consultation process to inform, among other matters, the development of a revised Building Code. Further, you advise that after the election the Department of Employment developed a draft Building Code and undertook further consultation with industry and government stakeholders.

It is your assessment that the process undertaken by the ABCC Taskforce and the Department of Employment in developing the Building Code addresses the seven RIS questions set out in the *Australian Government Guide to Regulation*.

Therefore, the Department of Employment is compliant with the Government’s requirements on the basis that:

- the Department of Employment self-assessed that the policy development process has followed a similar process to that required for a RIS and it adequately addressed all seven RIS questions; and
- the regulatory costs have been agreed with the OBPR.

However, it is best practice that self-assessment and agreement to costs are undertaken prior to regulatory decision being made. I note this did not occur before the April 17 2014

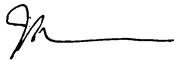
advance release of the Building Code, and therefore the Department of Employment has not followed best practice.

*Publication requirements*

The OBPR maintains a RIS website and the Government requires that RISs be posted within five business days of a regulatory decision being publicly announced. We would appreciate your department forwarding a final copy of your self-assessment letter and related material in Microsoft Word .docx 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 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 16841. If you have any further queries, please do not hesitate to contact me.

Yours sincerely



Jason McNamara  
Executive Director  
4 December 2014