



**Australian Government**

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

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Mr Michael Makin  
Assistant Secretary  
Media Branch  
Department of Communications and the Arts

cc: Regulatory Reform Unit

Dear Mr Makin

Thank you for the draft Regulation Impact Statement relating to the proposed Register of Foreign Owners of Media Assets, submitted for second pass final assessment on 30 November 2017. I appreciate the engagement we have had on the analysis in this Regulation Impact Statement (RIS).

The Office of Best Practice Regulation (OBPR) notes the Department of Communication is compliant with the Government's RIS requirements having twice submitted a RIS for final assessment to the OBPR. However, our assessment is that the RIS is not consistent with best practice.

I understand that in the time available, the views of affected, external stakeholders on how the decision could be implemented have not been canvassed. As demonstrated in other cases, including as the establishment of the Register of Foreign Ownership of Water Entitlements, good consultation with stakeholders can be valuable in improving the quality of analysis and implementation options in RISs.


Unfortunately, the OBPR has also not been able to confirm that the preferred implementation option will result in the lowest cost / largest net benefit as asserted in the RIS. I note that the average, annual cost per business associated with a new Register appears to be significantly higher than the average, annual cost associated with the Government's existing register of foreign ownership of water entitlements. Given the higher costs that will be imposed on foreign investors, and the Government's offsetting requirements for introducing new regulatory costs, the development of a new register could provide a timely opportunity to coordinate a review to simplify the existing range of reporting obligations outlined in the RIS. Removing duplication using the 'tell us once' philosophy to help offset the new compliance costs would be consistent with the outcomes the Government is seeking to achieve as part of its regulatory reform agenda.

Please note the OBPR maintains a RIS website. We would appreciate your agency advising us when a decision on this proposal is finalised, and forwarding a final copy of the RIS and your agency's second pass certification letter in Microsoft Word and PDF format in a form meeting the Australian Government's Web Content Accessibility Guidelines.

The OBPR's 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 matter is 23095. If you have any further queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wayne Poels', with a stylized flourish at the end.

Wayne Poels  
Executive Director  
1 December 2017