



## Australian Government

### Department of the Prime Minister and Cabinet

Mr Jason Lange  
Executive Director  
Office of Best Practice Regulation  
Department of the Prime Minister and Cabinet  
1 National Circuit  
BARTON ACT 2600

Dear Mr Lange

#### **Certification of independent review: *Data Availability and Use*, Productivity Commission Inquiry Report No. 82, 31 March 2017**

I am writing to certify that the 2017 *Productivity Commission Inquiry Report on Data Availability and Use* (the Report) was produced using a process and analysis equivalent to a Regulation Impact Statement (RIS). I have attached the Productivity Commission's overview of the Report for your information. The full Report is publicly available at <https://www.pc.gov.au/inquiries/completed/data-access/report>.

I certify that the Report adequately addresses all seven RIS questions, and is submitted to the Office of Best Practice Regulation for the purposes of satisfying the regulatory impact analysis requirements ahead of the introduction of the Data Availability and Transparency Bill 2020 (the Bill) to Parliament.

I am satisfied that the scope of the problem and the recommendations identified in the Report are substantially the same as the policy intent and operation of the Bill. Attachment A compares the approach taken by the Bill with the recommendations made by the Productivity Commission's Report.

The Office of the National Data Commissioner has made every effort to consult with stakeholders to minimise the burden on users of the public sector data sharing scheme established by the Bill, while still preserving the Bill's protections of public sector data.

The regulatory burden to business, community organisations or individuals is quantified using the Australian Government's *Regulatory Burden Measurement* framework and is provided below. These cost relate to a requirement for users to be accredited by the National Data Commissioner to access data under the Bill.

I note that the implementation of this proposal may in some circumstances increase regulatory burden on some stakeholders; however, the Productivity Commission's analysis

also identifies substantial benefits to the economy from these reforms. A search was undertaken across the Department of the Prime Minister and Cabinet (the Department) but no offsets could be identified. The Department will remain alert to opportunities to reduce the regulatory burden for affected stakeholders.

<b>Regulatory burden estimate table</b>				
<b>Average annual regulatory costs (from business as usual over 10 years)</b>				
<b>Change in costs (\$)</b>	<b>Business</b>	<b>Community organisations</b>	<b>Individuals</b>	<b>Total change in costs</b>
<b>Total, by sector</b>	\$24,603	\$61,362	\$19,200	\$105,165

Accordingly, I am satisfied that the attached report is consistent with the *Australian Government Guide to Regulatory Impact Analysis*.

Yours sincerely



Alison Frame  
Deputy Secretary Social Policy  
Department of the Prime Minister and Cabinet

30 November 2020