



Australian Government

Department of the Prime Minister and Cabinet

Office of Best Practice Regulation

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Mr Martin Hehir
Deputy Secretary
Industrial Relations Group
Attorney-General's Department

Dear Mr Hehir

Regulation Impact Statement – Second-Pass Final Assessment – Enterprise Bargaining reform

Thank you for your letter received on 1 December 2020 submitting a Regulation Impact Statement (RIS) on Enterprise Bargaining reform for formal Second-Pass Final Assessment. I note the RIS has been formally certified at the Deputy Secretary level consistent with the *Australian Government Guide to Regulatory Impact Analysis*.

I appreciate the Department's constructive engagement on the RIS.

The Office of Best Practice Regulation's assessment is that the quality of the regulatory impact analysis in the RIS is good practice. The RIS addresses the seven RIS questions and follows a reasonable policy development process commensurate with the significance of the problem and magnitude of the proposed intervention.

However, the RIS contains a small number of elements which could have been improved. In particular, the RIS could have included more detailed analysis on the potential risks that arise from changing the better-off-overall-test and why existing safeguards that apply when bargaining parties request a termination of workplace agreements are insufficient.

The RIS may now be provided to the decision-maker to inform a final decision.

Once the RIS has been included in the Explanatory Memorandum of the relevant legislative bill, RIS requirements can be regarded as being met.

We would appreciate you advising us when a final decision has been announced and forwarding a copy of the RIS in a form meeting the Government's accessibility requirements.

The OBPR will publish the RIS, along with your certification and this assessment, on the OBPR's website www.ris.pmc.gov.au.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jason Lange', with a large, stylized initial 'J'.

Jason Lange
Executive Director
2 December 2020