



Australian Government

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

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Adjunct Professor John Skerritt
Health Products Regulation Group
Department of Health

Dear Professor Skerritt

Regulation Impact Statement – Second Pass Final Assessment – Pilot program to allow the commercial importation of kava

Thank you for your letter received on 5 November 2021 submitting a Regulation Impact Statement (RIS) on a pilot program to allow the commercial importation of kava for formal Second Pass Final Assessment. I note the RIS has been formally certified at the Deputy Secretary level or equivalent, 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 (OBPR's) assessment is that the quality of the regulatory impact analysis in the RIS is adequate, and therefore sufficient to inform a decision on commencement of the proposed trial.

To be considered 'good practice' as per the *Australian Government Guide to Regulatory Impact Analysis*, the RIS would have benefitted from the Department providing an estimate about what the market for kava might look like during the trial, based on the size of the communities most likely to purchase imported kava, as well as known usage prior to the 2007 ban. This would have allowed a more fulsome estimate of the potential costs and benefits that might be realised under the pilot.

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

I note that the RIS outlines the trial evaluation process. Should the trial prove successful against the evaluation criteria, it is foreseeable a decision could be taken to allow commercial importation of kava on an ongoing basis. Any future decision to extend the trial or allow for ongoing commercial importation may require the preparation of a new RIS, likely drawing on the evaluation and this current RIS.

We would appreciate you advising us when a final decision has been announced or legislation introduced 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 <https://obpr.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', written in a cursive style.

Jason Lange
Executive Director
11 November 2021