



Australian Government

Department of the Prime Minister and Cabinet
Office of Impact Analysis

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Mr Simon Duggan
Deputy Secretary
Department of Climate Change, Energy, the Environment and Water

Dear Mr Duggan

Certification of the *Independent Review of the Greenhouse and Energy Minimum Standards (GEMS) Act 2012* as equivalent to an Impact Analysis.

Thank you for your letter certifying the *Independent Review of the Greenhouse and Energy Minimum Standards (GEMS) Act 2012* undertook a process and analysis equivalent to an Impact Analysis (IA).


The Office of Impact Analysis (OIA) acknowledges the certification. Under the Government's Impact Analysis process, the OIA does not assess the adequacy of independent reviews but does assess whether the options analysed in the independent review are relevant to the regulatory proposal. The OIA also assesses whether the independent review or certification letter identifies regulatory costs.

In this case, the OIA's assessment is that the options analysed in the independent review are sufficiently relevant to the regulatory proposals as described in the GEMS Reform Work (your Attachment A). The OIA also notes the Department has estimated there will be no change to regulatory burden.

Your letter notes that all product regulations under GEMS will remain subject to impact analysis processes. In case you were not aware, on 28 April 2023 National Cabinet agreed to refocus the Impact Analysis (IA) requirements for major decisions under the Federal Relations Architecture. Assessments of whether a Regulation Impact Statement (RIS) is required for decisions under these fora, such as for Ministerial Councils, are no longer made by OIA. Instead, a RIS is only required upon request by relevant decision makers.

We would appreciate you advising us when a final decision has been announced and forwarding a copy of the independent review in a form meeting the Government's accessibility requirements. The OIA will publish the independent review, along with your certification letter (including Attachment A) and this letter on the OIA's website at oia.pmc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Lange', written over the words 'Yours sincerely'.

Jason Lange
Executive Director
Office of Impact Analysis
19 June 2023