

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates 17-20 October 2011

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1.4 Support Services for Government Operations

Topic: Prime Minister's exemptions from OBPR processes.

Senator: Senator Ryan

Question reference number: 65

Type of Question: F&PA, p 99-100, 17 October

Date set by the committee for the return of answer: 2 December 2011

Number of pages: 1

Question:

Senator RYAN: What are the criteria for a Prime Minister's exemption being applied to the normal processes of the OBPR?

Dr de Brouwer: My understanding is that there are no formal criteria, but I will come back to provide the answer on notice. It is usually if there are matters of urgency that that is the standard rubric under which those exemptions are granted. I will come back if there are specific legislative-

Answer:

Exemptions from regulatory impact statement requirements for exceptional circumstances can only be granted by the Prime Minister in writing.

There are no legislated criteria for the granting of Prime Minister's exemptions from the requirement to undertake a regulation impact statement. Factors that are taken into account in considering exemption requests include the exceptional nature and urgency of the matter and the time required to prepare a compliant regulation impact statement.

The Office of Best Practice Regulation must be informed when an exemption is granted and must be provided with a copy of the letter signed by the Prime Minister granting the exemption.

For matters where an exemption is granted, a post implementation review of the decision needs to be commenced within two years.