



COMMISSIONER FOR  
BETTER REGULATION

GPO Box 4379  
Melbourne Victoria 3001  
Telephone: 03 9092 5800

22 June 2017

Ms Christine Wyatt  
Deputy Secretary, Planning  
Department of Environment, Land, Water and Planning  
8 Nicholson Street  
MELBOURNE VIC 3000

Dear Ms Wyatt

I would like to thank the staff of Heritage Victoria for working with our team on the preparation of the Regulatory Impact Statement (RIS) for the proposed *Heritage (General) Regulations 2017* and *Heritage (Underwater Cultural Heritage) Regulations 2017*. These Regulations are proposed under the *Heritage Act 2017*, which will commence operation on 1 November 2017, replacing the *Heritage Act 1995*.

Heritage Victoria notes in the RIS that although the estimated impacts of the proposed regulations are not expected to be significant (being below the \$2 million per annum threshold that requires preparation of a RIS), the RIS is being prepared with the primary purpose of informing public consultation on the proposed regulations.

Under section 10 of the *Subordinate Legislation Act 1994* (the Act), the Commissioner for Better Regulation is required to provide independent advice on the adequacy of all RIS prepared in Victoria. The Commissioner's role is to advise on the adequacy or otherwise of the analysis presented in the RIS, rather than the merits or otherwise of policy or regulatory proposals. A RIS is deemed to be adequate when it contains analysis that is logical, draws on relevant evidence, is transparent about assumptions made, and is proportionate to the proposal's expected effects. The RIS also needs to be clearly written so that it can be a suitable basis for public consultation.

I am pleased to advise that the final version of the RIS received by us on 22 June 2017 meets the adequacy requirements of the Act.

The Regulations prescribe forms (for example, the forms required to apply for a heritage certificate or to nominate a place or object for inclusion in the Victorian Heritage Register) and set fees relating to activities undertaken by Heritage Victoria in regulating heritage (for example, processing applications for certificates stating the relevant heritage information about a place or object, or considering applications to undertake works or activities at registered heritage sites).

Heritage Victoria notes in the RIS that the prescribed forms are not expected to impose a material burden, and estimates that the total costs of using these forms is \$60,364 per annum.

The proposed fees are expected to generate revenue of around \$1.7 million per year. In developing this proposal, Heritage Victoria has assessed different approaches to setting fees based on the extent to which each option:

- requires those whose actions may pose risks to heritage or who benefit from the regulatory activities to pay the full actual costs associated with regulating heritage;
- has regard to the ability to pay of those who will pay fees for the regulatory activities; and
- results in any unintended consequences that detract from heritage policy objectives.

It is government practice that this letter be published with the RIS when it is released for public consultation.

Should you wish to discuss any issue raised in this letter, or the implications of new information or policy options identified through the public consultation process for your proposal, please do not hesitate to contact me on (03) 9092 5800.

Yours sincerely



Anna Cronin

**Commissioner for Better Regulation**