



## Commissioner for Better Regulation

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27 November 2015

Ms Marisa De Cicco  
Deputy Secretary  
Department of Justice and Regulation  
121 Exhibition Street  
Melbourne VIC 3000

Dear Ms De Cicco

*Marisa,*

I would like to thank the staff of the Working with Children Check Unit in the Department of Justice and Regulation for working with my team on the preparation of the Regulatory Impact Statement (RIS) for the proposed *Working with Children Regulations 2016*, which set fees for Working with Children checks for employees and volunteers.

As you know, the Commissioner for Better Regulation is required to provide independent advice on the adequacy of analysis presented in Regulatory Impact Statements in Victoria, under section 10 of the *Subordinate Legislation Act 1994*.

It is important to emphasise that the Commissioner's role is not to provide a view on the merits of any policy or regulatory change as such, but to advise specifically only on the adequacy or otherwise of a RIS. To be adequate, a RIS must be logical, draw on relevant evidence, be transparent about any assumptions made, and be proportionate to the proposal's expected effects. It also needs to be suitable as a basis for public consultation.

I am pleased to advise you that the final version of the RIS received by us on 26 November meets the adequacy requirements of the Act.

In providing this advice, we note that the Department states in the RIS that the policy objectives of these regulations are:

- to set the scheme fees so as not to discourage volunteerism across Victoria; and
- to maintain revenue neutrality in fee revenue raised, of around \$11 million per year.

Therefore, in comparing options for setting fees, the Department explains how it has balanced these objectives with government policy regarding cost recovery. For example, while the Department has considered a full cost recovery option whereby employee and volunteer applicants are charged the cost of the service they use, this option is ruled out based on the objectives. Similarly, alternative options including charging any other fee for volunteers are not analysed.

As you know, it is government policy that this letter be published when the RIS is released for public consultation.

The consultation step is important to enable public participation in the policy development process. New options or information identified through this process may influence your analysis and recommendations. Should you wish to discuss any such changes with us, please do not hesitate to contact me on (03) 9092 5800.

Yours sincerely



Anna Cronin

**Commissioner for Better Regulation**