

s22



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**From:** s22 [redacted]@pmc.gov.au>  
**Sent:** Monday, 9 December 2024 2:30 PM  
**To:** s22 [redacted]@finance.gov.au>  
**Cc:** s22 [redacted]@finance.gov.au>; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>  
**Subject:** RE: s22 [redacted] the decision to not conduct a regulatory impact analysis OBPR21-01229 [SEC=PROTECTED]

**PROTECTED**

Hi s22 [redacted]

I can confirm that the proposal OBPR assessed was in relation to the policy intent of providing funding to secure an mRNA capability.

Below is an excerpt from our email...

Thank you for sending your proposal for initial assessment. Based on the information provided, the OBPR considers the proposal is non-regulatory. Because the matter will be considered by a committee of Cabinet, a Regulation Impact Statement (RIS) is required. RIS requirements can be satisfied by noting there are “Nil regulatory impacts, OBPR21-01229” in the relevant Impacts table in the submission template.

Kind regards,

s22 [redacted]

s22 [redacted] | Senior Adviser  
Office of Impact Analysis  
p. s22 [redacted]@pmc.gov.au  
s22 [redacted]



The department acknowledges and pays respect to the past, present and emerging Elders and Traditional Custodians of Country, and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

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**From:** s22 [redacted]@finance.gov.au>  
**Sent:** Monday, 9 December 2024 2:22 PM  
**To:** s22 [redacted]@pmc.gov.au>  
**Cc:** s22 [redacted]@finance.gov.au>

**Subject:** FW: s22 the decision to not conduct a regulatory impact analysis OBPR21-01229 [SEC=PROTECTED]

**PROTECTED**

Hi s22

Thanks for your time on the phone just now.

To clarify your advice below, the RIS assessment conducted under reference OBPR21-01229 was in response to the Department of Health's request for a policy impact analysis relating to the onshore mRNA vaccine manufacturing proposal.

Grateful if you can confirm my understanding of the 2021 assessment or share the advice provided to Health at the time (if at all possible).

Regards,

s22



s22 | Director  
Schedule 1AB | Financial Management Branch  
Department of Finance  
T: s22 | M: s22  
E: s22@finance.gov.au | [FFSPRegs@finance.gov.au](mailto:FFSPRegs@finance.gov.au)  
A: 1 Canberra Avenue, Forrest ACT 2603

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**From:** s22@pmc.gov.au>  
**Sent:** Friday, 29 November 2024 10:31 AM  
**To:** s22@finance.gov.au>  
**Subject:** FW: s22 the decision to not conduct a regulatory impact analysis OBPR21-01229 [SEC=PROTECTED]

**PROTECTED**

Hi s22

See below correspondence to Kelly Wood. I poorly copied your email address across in the original correspondence.

Cheers,

s22

s22 | Senior Adviser

Office of Impact Analysis

p. s22 [redacted]@pmc.gov.au

s22



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**From:** s22 [redacted]

**Sent:** Friday, 29 November 2024 10:28 AM

**To:** 'Kelly.Wood@finance.gov.au' <Kelly.Wood@finance.gov.au>

**Cc:** s22 [redacted]@finance.gov.au; s22 [redacted]@finance.gov.au>;

s22 [redacted]@finance.gov.au; Helpdesk-OIA <Helpdesk-OIA@pmc.gov.au>; s22 [redacted]

s22 [redacted]@pmc.gov.au>; s22 [redacted]@pmc.gov.au>; s22 [redacted]

s22 [redacted]@pmc.gov.au>

**Subject:** FW: s22 [redacted] the decision to not conduct a regulatory impact analysis OBPR21-01229 [SEC=PROTECTED]

Hi Kelly,

s22 [redacted] from your Department has provided us with correspondence s22 [redacted] regarding a Regulatory Impact Statement decision. As noted in the ES, OIA assessed the original proposal as not requiring a Regulation Impact Statement (quote below) under the old OBPR framework (<https://oia.pmc.gov.au/sites/default/files/2021-06/australian-government-guide-to-regulatory-impact-analysis.pdf>).

A regulatory impact analysis is not required as the Regulations only apply to non-corporate Commonwealth entities and do not adversely affect the private sector.

Under the OBPR Guide and under Cabinet settings, OIA viewed the direct impact on Moderna as 'non-regulatory in nature', due to the pre-existing framework which puts in place financial obligations in terms of receiving Commonwealth funding. We note that Finance would be best placed to provide advice on the decision making around Commonwealth funding.

OIA is happy to work closely with Finance in drafting a response.

Kind regards,

s22 [redacted]

s22 [redacted] | Senior Adviser

Office of Impact Analysis

p. s22 [redacted] m. s22 [redacted]@pmc.gov.au

\*\* My work days are M, Tu, W and F.



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**From:** Helpdesk-OIA <[Helpdesk-OIA@pmc.gov.au](mailto:Helpdesk-OIA@pmc.gov.au)>  
**Sent:** Wednesday, 27 November 2024 4:12 PM  
**To:** OIA - Team 1 <[OIA-Team1@pmc.gov.au](mailto:OIA-Team1@pmc.gov.au)>  
**Cc:** s22 [redacted]@pmc.gov.au; s22 [redacted]  
[redacted]@pmc.gov.au  
**Subject:** s22 [redacted] the decision to not conduct a regulatory impact analysis

As discussed - handing over to the Number One Team in the OIA

----- Original Message -----  
**From:** s22 [redacted]@finance.gov.au;  
**Received:** wed Nov 27 2024 16:01:02 GMT+1100 (Australian Eastern Daylight Time)  
**To:** OIA Help Desk helpdesk-oia <[helpdesk-oia@pmc.gov.au](mailto:helpdesk-oia@pmc.gov.au)>; OBPR Mailbox <[helpdesk-oia@pmc.gov.au](mailto:helpdesk-oia@pmc.gov.au)>;  
**Cc:** s22 [redacted]@pmc.gov.au; s22 [redacted]  
[redacted]@pmc.gov.au; s22 [redacted]@finance.gov.au;  
**Subject:** OBPRZ1/01229: Request for advice for RIS requirements [SEC=OFFICIAL:Sensitive]

**OFFICIAL:Sensitive**

Hi OIA

s22 [redacted] raising concerns about the decision to not conduct a regulatory impact analysis in relation to the *Financial Framework (Supplementary Powers) Amendment (Health and Aged Care Measures No. 4) Regulations 2024*; in particular, the amendment to Schedule 1AB (table item 531) that provides legislative authority to provide funding for vaccines and treatments program to develop and maintain Australia's onshore capability to manufacture mRNA vaccines and products, including by purchasing mRNA vaccines and products manufactured onshore.

I would be grateful for confirmation that OIA did not require a RIS for this measure when it was considered by Government, and the reasons for that, and that there was no further requirement to undertake an RIA when legislative authority was sought.

Kind regards

s22 [redacted]

s22 [redacted] | Principal Legal Officer  
Public Administrative Law | Legal and Assurance Branch  
Corporate Division | Department of Finance  
**P:** s22 [redacted]  
**E:** s22 [redacted]@finance.gov.au  
**A:** One Canberra Avenue, FORREST ACT 2603

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