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## B Compliance by portfolio

This appendix reports on compliance in 1998-99 by Commonwealth portfolios with the Government's RIS requirements for proposals introduced via primary legislation (see table B.1) and for disallowable delegated instruments (see table B.2). Where possible, compliance data have been further disaggregated to separately identify department and agency compliance within each portfolio. Only those portfolios, departments and agencies which prepare Bills or disallowable instruments that triggered Commonwealth RIS requirements are reported.

In making its compliance assessments, the ORR has relied mainly on information reported by departments and agencies. Limited checking against independent data sources and the ORR's compliance databases was also undertaken and any discrepancies investigated.

The ORR's compliance assessment has also taken into account cases where the department or agency with responsibility for compliance with the RIS requirements at the policy approval stage no longer had primary carriage for the matter at the time of tabling. This was the result either of the normal division of responsibilities between policy and administrative areas within portfolios or because of the revised Administrative Arrangements Orders that took effect in October 1998. Compliance is reported on the basis of which portfolio/department/agency was responsible for preparation of a RIS at the decision-making stage.

While compliance with the RIS requirements was generally satisfactory, some organisations performed better than others. For example, the Department of Communications, Information Technology and the Arts (DoCITA) performed well for measures introduced via primary legislation. The Department prepared 17 RISs for the decision-making stage, and all but two contained an adequate level of analysis. The Department improved these two RISs and both were then considered adequate for tabling. The departments of the Environment and Heritage (DE&H), Health and Aged Care (DHAC), the Treasury and the Attorney-General's (AG's) Department, while preparing fewer RISs, also performed well, meeting the RIS requirements for both the decision-making and tabling stages in either all or most cases.

Three agencies and two departments were fully compliant with the Commonwealth RIS requirements for disallowable instruments — the Civil Aviation Safety

Authority (CASA), the Australian Broadcasting Authority (ABA), the Australian Communications Authority (ACA), the Department of Health and Aged Care (DHAC) and the Department of Immigration and Multicultural Affairs (DIMA).

In considering compliance figures, it is important to note that there is no necessary relationship between the number of proposals or instruments requiring RISs, and the social or economic impact of those proposals. For example, a single proposal introduced by one department may have a greater impact than 20 proposals introduced by another. A failure by a department to prepare a RIS for a significant proposal should, in this respect, be regarded as a more serious instance of non-compliance than a failure to prepare a RIS for a less significant proposal. The ORR has not been in a position to make this type of assessment on the basis of the reported compliance information.

**Table B.1 RIS compliance for proposals introduced via Bills, 1998-99**

<i>Portfolio Dept/Agency<sup>a</sup></i>	<i>Prepared for decision maker<sup>b</sup></i>	<i>Adequate</i>	<i>Tabled</i>	<i>Adequate</i>
AFFA	1/3	0/3	3/4	1/4
AG's	3/4	3/4	4/4	4/4
ACS	2/3	1/3	2/3	1/3
DoCITA	17/17	15/17	17/17	17/17
DETYA	0/1	0/1	1/1	1/1
DEWRSB	1/10	0/10	10/10 <sup>c</sup>	9/10 <sup>c</sup>
DE&H	3/3	3/3	4/4	4/4
DoFA	1/1	1/1	1/1	1/1
DHAC	6/7	6/7	7/7	6/7
DISR <sup>d</sup>	6/12	4/12	14/14	11/14
DTRS	3/5	1/5	6/6	4/6
PM&C	1/1	1/1	2/2	1/2
Treasury				
Policy	3/3	3/3	3/3	3/3
Tax Policy <sup>e</sup>	14/16	14/16	40/40	40/40
DoCITA/Treasurer	1/1	1/1	1/1	1/1
<b>Total<sup>f</sup></b>	<b>62/87</b>	<b>53/87</b>	<b>115/117</b>	<b>104/117</b>

<sup>a</sup> For the full names of departments and agencies, see the list of abbreviations on pages viii to ix.

<sup>b</sup> Compliance is reported on the basis of which portfolio/department/agency was responsible for preparation of a RIS at the decision-making stage. <sup>c</sup> The Department tabled one RIS covering nine proposals when legislation was introduced into the House of Representatives. This RIS was assessed as inadequate. Further work was undertaken by the Department and nine RISs were subsequently tabled prior to the commencement of debate on the Bill. These were assessed as adequate. <sup>d</sup> Includes data from the Department of Industry, Science and Resources and the National Standards Commission. <sup>e</sup> A modified RIS process applies to taxation measures (see chapter 1). Includes data from the Australian Taxation Office and the Department of the Treasury, although another portfolio or department may seek policy approval for the proposed measure.

<sup>f</sup> The RIS requirements were waived for thirty measures at the decision-making stage, but a RIS was required for tabling.

Source: ORR estimates.

The ORR also noted an improvement in the compliance of several departments and agencies between the first and second halves of 1998-99. For example, the compliance of the Department of Agriculture, Fisheries and Forestry (AFFA) improved significantly in the second half of the year. The Department failed to consult the ORR on the need to prepare a RIS for only two disallowable instruments.

**Table B.2 RIS compliance for disallowable instruments made, 1998-99<sup>a</sup>**

<i>Portfolio Dept/Agency<sup>b</sup></i>	<i>Prepared for decision maker</i>	<i>Adequate</i>	<i>Tabled</i>	<i>Adequate</i>
AFFA <sup>c</sup>	11/19	10/19	14/19	12/19
DoCITA	12/12	11/12	12/12	11/12
ABA	3/3	3/3	3/3	3/3
ACA	33/33	33/33	33/33	33/33
DE&H	2/4	2/4	2/4	2/4
DHAC	19/19	19/19	19/19	19/19
DIMA	1/1	1/1	1/1	1/1
DTRS	7/8	5/8	8/8	6/8
CASA	10/10	10/10	10/10	10/10
Treasury	0/1	0/1	0/1	0/1
Total	98/110	94/110	102/110	97/110

<sup>a</sup> The ORR has not assessed RIS compliance for 30 (out of 1620) disallowable instruments made within the reporting period because departments and agencies provided insufficient information about these instruments in their compliance reports. <sup>b</sup> For the full names of departments and agencies, see the list of abbreviations on pages viii to ix. <sup>c</sup> Includes data from the Department of Agriculture, Fisheries and Forestry and the Australian Fisheries Management Authority. In two cases, RISs were not prepared because of a misunderstanding between the Department and the ORR as to when the RIS requirements applied to amendments to agricultural levies.

Source: ORR estimates.