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## B Adequacy of published RISs

This appendix provides the ORR's adequacy assessment, under the Australian Government's RIS requirements for 2005-06, of the 84 RISs that were required at the tabling stage in that period.

In accordance with these requirements, a number of criteria were used to determine whether the analysis contained in a RIS was adequate (box 2.1). It should be noted that a strategy was adopted whereby a relatively low RIS adequacy standard was applied in 1997-98 (the first year in which their preparation was mandatory). This was progressively raised each year thereafter as officials became more familiar and experienced with the analytical approach required in RISs.

The following tables record the ORR's assessment of RISs required for proposals introduced via bills, legislative instruments, and treaties tabled in the Parliament in 2005-06. The bills, legislative instruments and treaties are also documented and described (as necessary). Compliance for these forms of regulation was 72 per cent at the decision-making stage and 86 per cent at the tabling stage.

The tables do not include the ORR's assessment of RISs for four quasi-regulations reported to the ORR as made in 2005-06, as there is no formal requirement for these RISs to be published. (As mentioned elsewhere in this report, the ORR nevertheless has encouraged departments and agencies to publish them in line with regulatory best practice.) Compliance for this form of regulation at the decision-making stage was 50 per cent. The tables also do not include the ORR's assessment of RISs that were finalised in 2005-06, but were not yet made public.

**Table B.1 Bills, individual adequacy assessments <sup>a</sup>**

Title of Bill <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
<b>Aboriginal Land Rights (Northern Territory) Amendment Bill 2006</b>				
<i>Implements reforms to the Aboriginal Land Rights (Northern Territory) Act 1976</i>	Yes	Yes	Yes	Yes
<b>Aged Care (Bond Security) Bill 2005</b>				
<i>Prudential regulation of approved aged care providers and repayment of accommodation bonds to residents</i>	Yes	Yes	Yes	Yes
<b>Aviation Transport Security Amendment Bill 2006</b>				
<i>Creates a two-tiered system of regulation for cargo handlers</i>	Yes	No	Yes	No
<i>Increases security measures for air cargo on passenger transport aircraft</i>	Yes	No	No	No
<b>Do Not Call Register Bill 2006</b>				
<i>Establishes a 'Do Not Call' register for consumers to avoid unsolicited telemarketing calls</i>	Yes	Yes	Yes	Yes
<b>Energy Efficiency Opportunities Bill 2005 <sup>b</sup></b>				
<i>Mandatory Energy Efficiency Opportunities Assessment (EEOA) Program</i>	No Yes	No Yes	Yes	Yes
<b>Export Market Development Grants Legislation Amendment Bill 2006</b>				
<i>Review of Export Market Development Grants (EMDG) Scheme</i>	Yes	Yes	Yes	Yes
<b>Health Legislation Amendment (Private Health Insurance) Bill 2006</b>				
<i>Reforms to private health insurance arrangements</i>	Yes	No	Yes	Yes
<b>Health Location Amendment (Pharmacy Location Arrangements) Bill 2006</b>				
<i>Fourth Community Pharmacy Agreement - location provisions</i>	Yes	No	Yes	No
<b>Independent Contractors Bill 2006</b>				
<i>Moves contracting relationships from the realm of employment regulation to commercial regulation</i>	Yes	No	Yes	No

**Table B.1 (cont.)<sup>a</sup>**

<b>Title of Bill</b> <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
<b>Intellectual Property Laws Amendment Bill 2006</b>				
<i>Changes to the Patents Act 1990 to permit 'springboarding' as soon as a patent is approved; i.e. allowing generics manufacturers to start preparing to manufacture drugs before the initial patent expires</i>	Yes	Yes	Yes	Yes
<i>Response to recommendation 15 of the IPCRC report – Section 19 – prior use</i>	Yes	Yes	Yes	Yes
<i>Response to recommendation 18 of the IPCRC report - compulsory licence provisions</i>	Yes	Yes	Yes	Yes
<b>OHS and SRC Legislation Amendment Bill 2005</b>				
<i>Extends coverage under the Occupational Health and Safety (Commonwealth Employment) Act 1991 to employers who obtain a self-insurance licence under the Safety, Rehabilitation and Compensation Act 1988</i>	Yes	Yes	Yes	Yes
<b>Petroleum Resource Rent Tax Assessment Amendment Bill 2006</b>				
<i>Amendments to Petroleum Resource Rent Tax (PRRT) provisions - Introduction of transfer notices</i>	Yes	Yes	Yes	Yes
<b>Petroleum Retail Legislation Repeal Bill 2006</b>				
<i>Downstream Petroleum Industry Policy Framework 2002 - and associated reforms - Petroleum Retail Legislation - Oilcode</i>	Yes	No	Yes	No
<b>Renewable Energy (Electricity) Amendment Bill 2006</b>				
<i>Response to an independent statutory review of the operation of the Renewable Energy (Electricity) Act 2000 (MRET)</i>	No	No	Yes	Yes
<b>Tax Laws Amendment (2005 Measures No. 5) Bill 2005</b>				
<i>"Related Party At Call Loans" - Division 974 of the Income Tax Assessment Act 1997. Amendments to reduce compliance costs/record keeping costs for small business on related entity loans under the debt/equity rules</i>	Yes	Yes	Yes	Yes

**Table B.1 (cont.)<sup>a</sup>**

<b>Title of Bill</b> <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
<b>Tax Laws Amendment (2006 Measures No. 1) Bill 2006</b>				
<i>Modified foreign source income exemption for temporary residents</i>	Yes	Yes	Yes	Yes
<i>New penalty regime for promoters of tax avoidance schemes and those who do not abide by the terms of a product ruling</i>	Yes	Yes	Yes	Yes
<i>Tax treatment of business 'blackhole' expenditures</i>	Yes	Yes	Yes	Yes
<b>Tax Laws Amendment (Improvements to Self Assessment) Bill (No 2) 2005</b>				
<i>Review of Self Assessment: General Interest Charge and penalties amendments. Also reduces the periods allowed for the amendment of income tax assessments by the ATO</i>	Yes	Yes	Yes	Yes
<b>Tax Laws Amendment (Loss Recoupment Rules and Other Measures) Bill 2005</b>				
<i>Inclusion of film copyrights in effective life depreciation for non-Australian films</i>	Yes	Yes	Yes	Yes
<i>Review of International Taxation Arrangements - Foreign-owned Branches and Other Measures (Report recs 4.11(1)&amp;(2), 3.4(c)&amp;(d) &amp; 5.2)</i>	Yes	Yes	Yes	Yes
<i>Review of loss recoupment rules for companies: introduction of a ceiling for the Same Business Test and revised tracing rules for the Continuity of Ownership test</i>	No	No	Yes	Yes
<b>Tax Laws Amendment (Superannuation Contributions Splitting) Bill 2005</b>				
<i>Splitting of superannuation contributions between couples</i>	Yes	Yes	Yes	Yes
<b>Telecommunications (Carrier Licence Charges) Amendment (Industry Plans and Consumer Codes) Bill 2005</b>				
<i>Provides for the reimbursement of the costs of industry bodies in developing consumer-related telecommunications industry codes through carrier licence charges</i>	Yes	Yes	Yes	Yes
<b>Telecommunications Legislation Amendment (Competition and Consumer Issues) Bill 2005</b>				
<i>Introduces an operational separation framework for Telstra to provide equivalence and transparency of Telstra's wholesale and retail operations</i>	Yes	No	Yes	Yes

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**Table B.1 (cont.)<sup>a</sup>**

<b>Title of Bill</b> <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
<b>Workplace Relations Amendment (Work Choices) Bill 2005<sup>c</sup></b>				
<i>Workplace Relations Reform</i>	Yes	No		
	Yes	No		
	No	No	Yes	No

<sup>a</sup> Copies of Explanatory Memoranda (which include RISs) for Bills can be found at [www.comlaw.gov.au](http://www.comlaw.gov.au).

<sup>b</sup> Two decision-making stages. <sup>c</sup> Three decision-making stages.

Table B.2 **Legislative instruments, individual adequacy assessments <sup>a</sup>**

Title of legislative instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
<b>AASB 124 - Related Party Disclosures - December 2005</b>				
<i>Merges the requirements of AASB 124 Related Party Disclosures issued in July 2004 and AASB 1046 Director and Executive Disclosures by Disclosing Entities</i>	Yes	Yes	Yes	Yes
<b>Applied Laws (Implementation) Amendment Ordinance 2005 (No 1) (CKI)</b>				
<i>Applies the Gaming Commission Act 1987 (WA) to the Cocos (Keeling) Islands, effectively banning casinos from operating on the island</i>	No	No	No	No
<b>ASIC Class Order [CO 05/1070] General insurance distributors</b>				
<i>ASIC class order relief for the authorisation of distributors of general insurance products</i>	Yes	Yes	Yes	Yes
<b>ASIC Class Order [CO 05/1122] and Policy Statement PS 167 Licensing: Discretionary powers and transition</b>				
<i>ASIC class order relief for providers of generic financial 'calculators'</i>	Yes	Yes	Yes	Yes
<b>ASIC Class Order [CO 05/1195] Oral General Advice Warnings</b>				
<i>ASIC class order relief to simplify oral general advice warnings</i>	Yes	Yes	Yes	Yes
<b>ASIC Class Order [CO 05/1236]</b>				
<i>Review of ASIC relief for pricing provisions in managed investment scheme constitutions</i>	Yes	Yes	Yes	Yes
<b>ASIC Class Order [CO 05/1243]</b>				
<i>ASIC class order licensing exemption for valuers of real estate companies</i>	Yes	Yes	Yes	Yes
<b>ASIC Class Order [CO 05/637] and ASIC Class Order [CO 05/638] <sup>b</sup></b>				
<i>Additional month for first financial reports under Australian equivalents to international financial reporting standards (IFRS) and various minor changes/reliefs related to move to IFRS</i>	Yes	Yes	Yes	Yes
<b>ASIC Class Orders [CO 05/736], [CO 05/737], [CO 05/738], [CO 05/739], [CO 05/740] and Policy Statement [PS 185]: Non-cash payment facilities</b>				
<i>Provides relief from certain requirements for non-cash payment facilities</i>	Yes	Yes	Yes	Yes

Table B.2 (cont.)<sup>a</sup>

Title of legislative instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
<b>Auditing Standards ASA 100, 200, 210, 220, 230, 240, 250, 260, 300, 315, 320, 330, 402, 500, 501, 505, 508, 510, 520, 530, 540, 545, 550, 560, 570, 580, 600, 610, 620, 700, 701, 710, 720, 800, and ASRE 2410</b>				
<i>Package of Auditing Standards developed for the purposes of the Corporations Act 2001</i>	Yes	Yes	Yes	Yes
<b>Australian Meat and Live-stock Industry (Beef Export to the USA - Quota for 2006) Order 2005</b>				
<i>Review of the US and EU beef quota management arrangements</i>	No	No	Yes	Yes
<b>Australian Wine and Brandy Corporation Amendment Regulations 2005 (No. 2)</b>				
<i>Allows the Australian Wine and Brandy Corporation to issue a grape product export licence with different conditions from those of the Food Standards Code</i>	Yes	Yes	Yes	Yes
<b>Banking (prudential standards) determination No. 3 of 2005</b>				
<i>Framework for the prudential supervision of purchased payment facility providers</i>	Yes	Yes	Yes	Yes
<b>Banking (prudential standard) determination No. 1 of 2006: Prudential Standards APS 520 Fit and Proper, Life insurance (prudential standard) determination No. 1 of 2006: Prudential Standard LPS 520 Fit and Proper, and Insurance (prudential standard) determination No. 4 of 2006: Prudential Standard GPS 520 Fit and Proper</b>				
<i>'Fit and proper' requirements for authorised deposit-taking institutions, life insurance companies and general insurers</i>	Yes	Yes	Yes	Yes
<b>Banking (prudential standard) determination No. 2 of 2006 - Prudential Standard APS 510 Governance, Life insurance (prudential standard) determination No. 2 of 2006 - Prudential Standard LPS 510 Governance, and Insurance (prudential standard) determination No. 5 of 2006 - GPS 510 Governance</b>				
<i>New governance requirements for authorised deposit-taking institutions, life insurance companies and general insurers</i>	Yes	Yes	Yes	Yes

Table B.2 (cont.)<sup>a</sup>

Title of legislative instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
<b>Banking (prudential standard) determination No. 3 of 2006, Banking (prudential standard) determination No. 4 of 2006, Banking (prudential standard) determination No. 6 of 2006, and Banking (prudential standard) determination No. 7 of 2006</b>				
<i>Australian Prudential Regulation Authority prudential accounting treatment for authorised deposit-taking institutions in response to adoption of Australian equivalents to international financial reporting standards</i>	Yes	Yes	Yes	Yes
<b>Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 2 of 2005)</b>				
<i>A declaration to impose requirements on Telstra in relation to its ongoing commitment to a local presence in regional, rural and remote Australia</i>	Yes	Yes	Yes	Yes
<b>Casino Legislation Ordinance 2005 (No. 1) (CI)</b>				
<i>An ordinance to apply the Gaming Commission Act 1987 (WA) to Christmas Island, effectively banning casino operations on the island</i>	No	No	No	No
<b>Civil Aviation Amendment Regulations 2005 (No. 3) CAR 166/166A/167</b>				
<i>NAS 2C – Aligning pilot landing procedures with US Common Traffic Advisory Frequency model</i>	Yes	Yes	Yes	Yes
<b>Civil Aviation Amendment Regulations 2005 (No. 4)</b>				
<i>Introduces and defines airworthiness requirements for Light Sport Aircraft</i>	Yes	Yes	Yes	Yes
<b>Consumer Protection Notice No. 6 of 2005 - Consumer Product Safety Standard: Children's Household Cots</b>				
<i>Introduces a new standard for children's household cots</i>	Yes	Yes	Yes	Yes
<b>Corporations Amendment Regulations 2005 (No. 5)</b>				
<i>Refinements to the regulation of the financial services industry, as implemented by the Financial Services Reform Act 2001</i>	Yes	Yes	Yes	Yes
<b>Customs (Prohibited Exports) Amendment Regulations 2005 (No. 5)</b>				
<i>Introduces new export restrictions on high activity radioactive sources</i>	Yes	Yes	Yes	Yes
<b>Eastern Tuna and Billfish Fishery Management Plan 2005</b>				
<i>Eastern Tuna and Billfish Fishery Management Plan</i>	Yes	Yes	Yes	Yes

Table B.2 (cont.)<sup>a</sup>

Title of legislative instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
<b>Environmental Protection and Biodiversity Conservation Amendment Regulations 2005 (No. 2)</b>				
Establishes a legal framework to control access to, and utilization of, the genetic resources of native species in Commonwealth areas	Yes	Yes	No	No
<b>Great Barrier Reef Marine Park Amendment Regulations 2005 (No. 3)</b>				
<i>Sets out the process for applying for and granting 'special tourism permissions' in the Great Barrier Reef Marine Park</i>	No	No	Yes	Yes
<b>Great Barrier Reef Marine Park Amendment Regulations 2006 (No. 1)</b>				
<i>Regulates the conduct of commercial and recreational users of the Great Barrier Reef Marine Park to minimise the impact of their activities on cetacean (whale and dolphin) populations</i>	Yes	Yes	Yes	Yes
<b>Insurance (prudential standard) determination No. 1 of 2005, Banking (prudential standard) determination No. 2 of 2005, and Financial Sector (Collection of Data) Determination No. 105 of 2005</b>				
<i>New prudential and reporting requirements for lenders mortgage insurance</i>	Yes	Yes	Yes	Yes
<b>Insurance (prudential standard) determination No. 1 of 2006 - Prudential Standard GPS 220 - Risk Management</b>				
<i>Revision of risk management prudential standards for general insurers</i>	Yes	Yes	Yes	Yes
<b>Insurance (prudential standard) determination No. 2 of 2006 - Prudential Standard GPS 230 - Reinsurance Management</b>				
<i>Revision of reinsurance management prudential standards for general insurers</i>	Yes	Yes	Yes	Yes
<b>Insurance (prudential standard) determination No. 3 of 2006 - Prudential Standard GPS 310 - Audit and Actuarial Reporting and Valuation</b>				
<i>Revision of audit and actuarial reporting and valuation prudential standards for general insurers</i>	Yes	Yes	Yes	Yes
<b>Life Insurance (Prudential Rules) Determination No. 2 of 2005 and Life Insurance (Prudential Rules) Determination No. 3 of 2005</b>				
<i>Arrangements for reporting prudential data to APRA by life insurers (including friendly societies) during the transition to IFRS</i>	Yes	Yes	Yes	Yes

Table B.2 (cont.)<sup>a</sup>

Title of legislative instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
<b>Macquarie Island Toothfish Fishery Management Plan 2006</b>				
<i>Macquarie Island Toothfish Management Plan</i>	Yes	Yes	Yes	Yes
<b>Migration Amendment Regulations 2005 (No. 9)</b>				
<i>Extends Working Holiday Maker visas so that overseas visitors can do a total of 6 months' work for mainly regional employers</i>	Yes	Yes	Yes	Yes
<b>Migration Amendment Regulations 2005 (No. 9)</b>				
<i>Changes to Trade Skills Visa</i>	Yes	Yes	Yes	Yes
<b>Petroleum Resource Rent Tax Assessment Regulations 2005</b>				
<i>Methodology to determine a Gas Transfer Price</i>	Yes	Yes	Yes	Yes
<b>Primary Industries (Excise) Levies Amendment Regulations 2005 (No. 5)</b>				
<i>Beef Levy increase</i>	No	No	Yes	Yes
<b>Primary Industries (Excise) Levies Amendment Regulations 2006</b>				
<i>New Rubus (raspberries, blackberries etc) Levy for marketing, promotion and R&amp;D</i>	Yes	Yes	Yes	Yes
<b>Primary Industries Levies and Charges Collection Amendment Regulations 2005 (No. 2)</b>				
<i>Rice Levy increase</i>	Yes	Yes	Yes	Yes
<b>Record of resolutions of the Life Insurance Actuarial Standards Board: actuarial standards incorporating actuarial standards 1.04, 2.04, 3.04, 6.03 and 7.02 (05/12/2005)</b>				
<i>Revision of APRA actuarial standards for life insurance companies, including friendly societies, to reflect revised Life Insurance Actuarial Standards Board standards</i>	Yes	Yes	Yes	Yes
<b>Southern and Eastern Scalefish and Shark Fishery Plan of Management Amendment 2005 (No. 1)</b>				
<i>Introduces individual tradable quotas for certain species in the Southern and Eastern Scalefish and Shark Fishery</i>	Yes	Yes	Yes	Yes
<b>Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 7) and Retirement Savings Accounts Amendment Regulations 2005 (No. 4)</b>				
<i>Reduces the safety and tax avoidance risks of small defined benefit superannuation funds</i>	Yes	Yes	Yes	Yes
<b>Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 9)</b>				
<i>Creates a new licence class for trustees (acting trustees) appointed by APRA under the Superannuation Safety regime</i>	Yes	Yes	Yes	Yes

Table B.2 (cont.)<sup>a</sup>

Title of legislative instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
<b>Telecommunications (Standard Form of Agreement Information) Amendment Determination 2006 (No. 1)</b>				
<i>Amends the form and timing of notice to be given to customers when a telecommunications supplier unilaterally varies a Standard Form of Agreement</i>	Yes	Yes	Yes	Yes
<b>Telecommunications Numbering Plan Variation 2005 (No. 4)</b>				
<i>Variation to the Telecommunications Numbering Plan</i>	Yes	Yes	Yes	Yes
<b>Telstra Carrier Charges - Price Control Arrangements, Notification and Disallowance Determination No. 1 of 2005</b>				
<i>Regulates charges set by Telstra for certain services from 1 January 2006 to 30 June 2009</i>	Yes	Yes	Yes	Yes
<b>Trade Practices (Consumer Product Safety Standard) (Basketball Rings and Backboards) Regulations 2005</b>				
<i>Requires warning labels on basketball rings and backboards</i>	Yes	Yes	Yes	Yes
<b>Vehicle Standards (Australian Design Rules 2/01, 3/03, 4/04, 5/05, 22/00) 2006</b>				
<i>Amendments to ADRs 2, 3, 4 and 5 relating to side door latches and hinges, seatbelts, seat anchorages and seatbelt anchorages</i>	Yes	Yes	Yes	Yes
<b>Western Tuna and Billfish Fishery Management Plan 2005</b>				
<i>Western Tuna and Billfish Fishery Management Plan</i>	Yes	Yes	Yes	Yes
<b>Workplace Relations Amendment Regulations 2006 (No. 2)</b>				
<i>Amends record-keeping rules under the Workplace Relations Regulations regarding records of employee hours of work</i>	No	No	Yes	No
<b>Workplace Relations Regulations 2006</b>				
<i>Repeals and replaces the Workplace Relations Regulations 1996 to accommodate the amendments to the Workplace Relations Act 1996 introduced by the Workplace Relations Amendment (Work Choices) Act 2005</i>	Yes	No	No	No

<sup>a</sup> Copies of explanatory material (which include RISs) can be found at [www.comlaw.gov.au](http://www.comlaw.gov.au). <sup>b</sup> The RIS was not tabled, but is available on the ASIC website.

**Table B.3 Treaties, individual adequacy assessments <sup>a</sup>**

<b>Title of Treaty</b>	<i>RIS prepared</i>	<i>RIS adequate</i>
<i>Stages</i>		
Agreement between the Government of Australia and the Government of New Zealand in Relation to Mutual Recognition of Securities Offering		
<i>Entry into negotiations</i>	No	No
<i>Before signature</i>	Yes	Yes
<i>Tabling before ratification</i>	Yes	Yes
Agreement on the Promotion of Aviation Safety between The Government of Australia and The Government of the United States of America (Canberra 21 June 2005) [2005] Atntf 8 and Implementation Procedures Treaty		
<i>Entry into negotiations</i>	No	No
<i>Before signature</i>	Yes	Yes
<i>Tabling before ratification</i>	Yes	Yes
Exchange of Letters constituting an Agreement between the Government of New Zealand to Amend Article 3 of the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) of 28 March 1983		
<i>Entry into negotiations</i>	Yes	Yes
<i>Before signature</i>	Yes	No
<i>Tabling before ratification</i>	Yes	No
International Convention on Civil Liability for Bunker Oil Pollution Damage 2001		
<i>Entry into negotiations</i>	n/a	n/a
<i>Before signature</i>	No	No
<i>Tabling before ratification</i>	Yes	Yes
Universal Postal Union: Seventh Additional Protocol to the Constitution of 10 July 1964, as amended; Convention and Final Protocol; General Regulations, done at Bucharest on 5 October 2004		
<i>Entry into negotiations</i>	No	No
<i>Before signature</i>	No	No
<i>Tabling before ratification</i>	Yes	Yes

n/a – Not applicable. <sup>a</sup> Copies of Treaty texts, National Impact Analyses and RISs (where required) can be found at <http://www.aph.gov.au/house/committee/jsct/report.htm>.