
F Regulatory reform in States and Territories

Advances in regulatory review and reform continued at the State and Territory level in 2003-04. The creation in Victoria of a new body— the Victorian Competition and Efficiency Commission (VCEC) — strengthened the regulatory oversight function in that State. Competitive neutrality policy matters and gatekeeping of regulation impacting on business are to be scrutinised within the same organisation. This strategy aligns with the consolidation of similar activities in South Australia and the introduction of the Competition Impact Analysis (CIA) regime in the Northern Territory in 2003. In addition, government directed regulatory inquiries are to be undertaken by the VCEC.

Regulation Impact Statements (RISs) remain the most common tool used to ensure regulatory quality in Australian jurisdictions. (A summary of the various RIS frameworks is provided at the end of this appendix.) Other regulatory quality measures include stakeholder consultation prior to regulatory change, inbuilt regulatory scrutiny and review mechanisms, and compliance evaluation.

F.1 Victoria

On 1 July 2004, the VCEC replaced the Victorian Office of Regulation Reform (VORR) and expanded its functions. The VCEC has statutory independence, exercised through its Chairman and Commissioners, with a secretariat drawn from the Department of Treasury and Finance. It is the gatekeeper on business regulation reform and oversees Victoria's competitive neutrality policy. It has three core functions — reviewing regulatory impact statements and advising on the economic impact of significant new legislation; undertaking inquiries into matters referred to it by the Government; and operating Victoria's Competitive Neutrality Complaints Unit. The focus of inquiries referred to the VCEC will be on how to make it easier to do business in Victoria by reducing and streamlining regulation. Inquiries will also assess whether the Government's policy objectives are being met through existing regulatory arrangements and will identify and assess alternative regulatory and administrative arrangements that may meet the Government's objectives more effectively. Two initial inquiries have been announced — regulatory impediments

to regional economic development, and regulation of the housing construction sector.

Regulatory Impact Analysis

A Business Impact Assessment (BIA) is to be introduced to supplement the RIS requirements. Primary legislation, with potentially significant effects for business including small business, and competition, will now come under scrutiny with the introduction of the BIA. This extends the previous requirement to assess, within a cabinet submission, the economic, social and environmental impacts (and impacts on competition) of proposed new primary legislation.

The RIS requirements within the *Subordinate Legislation Act 1994* (Vic) will be largely unchanged. The Act generally requires the preparation of a RIS for a proposed statutory rule if it will impose an appreciable economic or social burden on a sector of the public. Exceptions apply where the proposal is of a fundamentally declaratory or machinery nature. The RIS must be circulated prior to a decision to proceed with the making of a statutory rule.

Consultation

The responsible Minister must inform the community of a proposed statutory rule and RIS by placing a notice in the gazette and a daily newspaper generally circulated in Victoria. The RIS is required to be released as part of the consultation process, allowing a period of not less than 28 days for comment. The responsible Minister must certify that, where consultation was necessary, the guidelines in the Subordinate Legislation Act were followed. A certificate of consultation is required to be given to the Scrutiny of Acts and Regulation Committee (SARC) of the Victorian Parliament as soon as practicable after the statutory rule is made.

Review Processes

The VCEC will now assess all RISs and BIAs required to be prepared. Previously, a consultant or the VORR could assess the adequacy of RISs.

The Regulation Review Subcommittee (RRS) of SARC is responsible for scrutinising statutory rules/subordinate legislation laid before Parliament for compliance with the Act in respect of the RIS requirements. SARC also receives references from Parliament or by Governor-in-Council Order to review an Act or issues concerning an Act. Where these references relate to regulations, it is reviewed by the RRS. SARC's *Annual Review 2003, Regulations 2003* stressed that

proper consideration of regulatory alternatives, a rounded cost-benefit analysis and close consideration of all submissions is important for the success of the RIS process.

The Subordinate Legislation Act provides an automatic review mechanism stating that a statutory rule is automatically revoked 10 years after its making.

Compliance Reporting

SARC prepares an annual report that examines compliance with the Act, including compliance with the RIS requirements. The VCEC will shortly commence monitoring and reporting on the compliance by departments and agencies with the RIS and BIA requirements in an annual report.

F.2 South Australia

In July 2003, South Australia implemented a process of community impact assessment including regulatory impact. Its application to cabinet submissions ensures that all regulatory proposals are subjected to this assessment.

The Department of Premier and Cabinet (DPC) Circular 19, *Preparing Cabinet Submissions*, was approved and released on its intranet site in July 2003. The Circular requires an assessment of costs and benefits on all relevant issues throughout the jurisdiction. All proposals considered by Cabinet need to assess the potential regulatory impact and impacts on small business, environment, regions and families.

A review of this framework commenced in June 2004 following nearly 12 months experience with community impact assessments. Its purpose is to ascertain the extent of compliance with the community impact assessment process. The Cabinet Office has been assessing each cabinet submission since January 2004 to determine which of the range of community impacts (including regulatory impacts) should have been assessed and whether or not each relevant impact has been adequately considered. The June 2004 review is now considering this information.

Regulatory Impact Analysis

Every cabinet submission must consider a range of impacts on the community as well as economic, budgetary and financial impacts. However, where there is a significant regulatory impact, a formal RIS or Regional Impact Assessment Report (RIAR) is required to be attached to cabinet submissions. The community impacts

to be assessed within a RIS are regulatory, small business, regional, environmental, and family and social impacts. The RIS process applies to all new Acts, regulations, mandatory standards and codes, and non-trivial amendments to any existing legislation. If the proposal includes any restrictions on competition the RIS needs to provide evidence that the benefits of the restrictions to the community as a whole outweigh the costs, and that the objectives of the legislation can only be achieved by restricting competition.

The DPC provides departments and agencies with advice on the level of impact and thus whether a RIS is required. RISs prepared for regional impacts are lodged in Parliament and published on the website of the Office of Regional Affairs.

Consultation

Circular 19 requires adequate consultation both within government and with the community. While there is no requirement to release the RIS for consultation, there is a requirement for consultation on restrictions on competition that are serious or intermediate; and also where there are proposed significant changes to government services in the regions.

Review Processes

Section 16B of the *Subordinate Legislation Act 1978* (SA) contains a provision that all regulations except those detailed in section 16A expire on 1 September in the year following the tenth anniversary of their promulgation. Prior to the automatic expiration of regulations, reviews are required and the RIS requirements apply. Clause 5 of the Competition Principles Agreement (CPA) requires a review of the legislation restricting competition within ten years of having completed the initial review.

The Legislation Review Committee of the Parliament has the ability to inquire into, consider and report on, subordinate legislation referred to it by the Subordinate Legislation Committee. It also examines sunseting Acts and subordinate legislation to determine whether they should be allowed to expire, continue or be reviewed for amendment.

Compliance Reporting

It is intended to report compliance with the Government's community impact assessment requirements in the annual report of the DPC at www.premcab.sa.gov.au/publications.

F.3 Queensland

In 2003-04, Queensland's central and pilot agencies initiated a project to improve regulatory design to address the impact of regulation on business. A draft guideline has now been produced with input from key agencies.

There was also a continuing emphasis on the impact of local government regulation on the community. A project was undertaken with four regional local governments during 2003-04 to identify the key regulatory issues and provide a framework for these local governments to improve their regulatory processes.

A review of the *Queensland Regulations: Have Your Say* initiative was also undertaken to improve and enhance the usability of the system for the community and for government agencies utilising the system.

The Queensland Government has committed to undertaking regulation reviews of significant industry sectors in Queensland. These include the manufacturing, food processing, retail and tourism sectors. It is expected that these reviews will be initiated in 2004-05 with significant input from industry.

Regulatory Impact Analysis

Under the *Statutory Instruments Act 1992* (Qld), RIS requirements apply to subordinate legislation. If subordinate legislation is likely to impose 'appreciable costs' on the community or a part of the community, then, before the legislation is made, a RIS must be prepared. RIS requirements apply to quasi-regulation only where instruments are called up by subordinate legislation. Restrictions on competition do not trigger RIS analysis, although they are considered within a RIS. The RIS assesses all issues relevant to the proposed subordinate legislation and targets stakeholders likely to be affected by the change.

Consultation

The Statutory Instruments Act requires that a RIS be prepared for community consultation if the subordinate legislation is likely to impose an appreciable cost on the community or part thereof. A RIS for proposed subordinate legislation must be notified in the gazette and published in a newspaper likely to be read by people particularly affected. The notice must allow at least 28 days from publication of the notice for the making of comments. A copy of the RIS must be available free or at a reasonable price.

Under the *Legislative Standards Act 1992* (Qld), an explanatory note must be tabled in the Legislative Assembly. The explanatory note must include the outcomes of any consultation, including any changes made to the legislation as a result of consultation.

Review Processes

Under the Legislative Standards Act, all regulations in Queensland automatically sunset after 10 years, but provision is made to extend this in certain circumstances.

The Scrutiny of Legislation Committee examines all Bills and subordinate legislation and has a general monitoring role over RISs, explanatory notes and tabling and disallowance of subordinate legislation.

Compliance Reporting

Compliance with the RIS requirements is reported by the Department of State Development and Innovation via the Ministerial Program Statements for the ministerial portfolio.

F.4 New South Wales

The focus of regulatory reform developments in NSW over the past year has been on the public sector. Reforms have included the restructure of government departments, service delivery around strategic policy aims and focussing resources on 'core business'. These outcome-focussed initiatives have resulted in a number of reviews to look at the effectiveness of regulatory arrangements and the simplification and streamlining of regulatory requirements on agencies, businesses and consumers.

The creation of the Department of Infrastructure, Planning and Natural Resources has enabled streamlining of regulation in land use planning and natural resource management and the stripping back of overlapping and contradictory regulations. There have also been initiatives to reduce red-tape for teachers and farmers and in the health, policing and planning and development areas.

Regulatory Impact Analysis

RISs are required for proposed principal statutory rules and a similar, but less formal, process is required for other proposed statutory rules. Restrictions on competition are considered within RIS analysis, where relevant.

There is a general requirement that an assessment is made of the regulatory impact of all proposals for new legislation or amendments to existing legislation. There is no formal requirement that a RIS be prepared for quasi-legislation; however, agencies proposing quasi-regulation must still comply with best practice regulatory process. Specific Rural Communities Impact Statements are required where rural and regional communities are affected by proposals. The NSW Treasury Office assesses the adequacy of regulatory impact assessments contained in proposals before Cabinet.

Consultation

RISs for principal statutory rules must be released to the public for a minimum consultation period of 21 days. The responsible Minister is required to ensure that notice of the availability of the RIS and advice as to where a copy of the RIS can be obtained is published in the gazette, newspapers and, where relevant, professional magazines and journals.

Review Processes

Under the *Subordinate Legislation Act 1989* (NSW), all new regulations, and regulations that have been made after the staged repeal process, need to contain sunset clauses. Some regulations that have not yet been through the staged repeal process do not contain sunset clauses, but will when reviewed as a result of the staged repeal process.

The Legislation Review Committee (LRC) of Parliament examines regulations and recently acquired the function of scrutinising Bills under the *Legislation Review Amendment Act 2002* (NSW). The results of regulation review and reform are monitored — for example, the last five stages of the staged repeal process have reviewed 355 statutory rules and reduced them to 249 statutory rules. Since 1 July 1990, the volume of subordinate legislation has been reduced from 976 instruments to 432 instruments as at September 2003.

Compliance Reporting

Compliance with the RIS process is reported annually to the NSW Parliament. RISs relating to the making of regulations must be provided to the LRC within 14 days of the regulation having been published in the gazette.

F.5 Tasmania

No new developments were reported in the regulatory review, reform or governance framework for 2003-04.

Regulatory Impact Analysis

A RIS is required to be prepared for all proposed primary legislation anticipated to have restrictions on competition or significant negative impacts on business. Proposed subordinate legislation, assessed as imposing restrictions on competition or a significant burden, cost or disadvantage on any sector of the public, also requires a RIS. Quasi-regulation may be declared to be subordinate legislation, which may then require a RIS.

Consultation

A RIS must be released for public consultation with a minimum of 21 days allowed for comments. This is mandatory for both primary and subordinate legislation where a RIS is considered necessary. All RISs must be endorsed by the Regulation Review Unit prior to being released for public consultation.

Review Processes

While sunset clauses are generally not contained in regulations, all regulations are automatically repealed after 10 years under the *Subordinate Legislation Act 1992* (Tas). The Tasmanian Parliament's Subordinate Legislation Committee (SLC) examines subordinate legislation and has the power to ensure that inappropriate subordinate legislation is either not implemented, or, where it has already commenced, is suspended or rescinded. The SLC reviews compliance with the RIS requirements of the Act.

Compliance Reporting

Tasmania does not report on compliance with the RIS requirements.

F.6 Western Australia

As a result of an extensive review of business taxes during 2003-04, a number of significant tax reforms have been introduced. These measures are designed to make

the State taxation system fairer and simpler by reducing compliance and administration costs for businesses and the Government.

Regulatory Impact Analysis

Western Australia does not have formal RIS requirements applying generally to regulatory proposals. Cabinet submissions seeking endorsement of regulatory, legislative or policy initiatives that will significantly impact on small business must be accompanied by a Small Business Impact Statement (SBIS). The SBIS must identify the direct and indirect costs to small business of the proposal, including business compliance costs and red tape. The Small Business Development Corporation (SBDC) reviews cabinet submissions accompanied by a SBIS. The SBDC ensures that the SBIS comprehensively identifies small businesses affected, the direct and indirect compliance costs that will be incurred by small businesses, consultation undertaken with the small business sector and their feedback, and any transitional/implementation measures. Where a SBIS is necessary, but not included or inadequate, the SBDC may report its comments to Cabinet.

Similarly, cabinet proposals affecting regional Western Australia must include a Regional Impact Statement. This includes details of the rural, remote and regional areas likely to be affected by the decision and the short term and long term impacts on the affected communities. Agencies submitting legislative proposals through Cabinet are required to ensure that legislation conforms to NCP principles. If significant restrictions on competition are included in the proposal the restrictions are required to be justified in the public interest, with reference to the consultation process undertaken in developing the legislation. The Cabinet Services Branch of the Department of the Premier and Cabinet may decline to accept a cabinet submission with inadequate supporting material.

Consultation

A draft SBIS and, where relevant, a draft Regional Impact Statement, are not required to be released for public consultation. Government agencies consult with the public through various other means including release of discussion papers, advertising reviews, calling for submissions or convening consultative forums. Following consultation, the SBIS must list all the small business representatives/associations consulted and indicate the level of their support. Where appropriate, a brief summary of the nature of the consultation process undertaken with small business may be provided. Regional Impact Statements must detail the level of consultation undertaken, the likely impact of the proposal and the level of support.

Review Processes

Sunset clauses are used in Bills at the direction of Cabinet, Parliament or individual Ministers. Government decision making is overseen by four Cabinet standing committees established to advise Cabinet on the impact of Government policies in the areas of economic, social, environmental and regional policy. The Cabinet Standing Committee on Regional Policy may have a Regional Impact Statement referred to it for further assessment prior to it being considered by Cabinet.

The Joint Standing Committee on Delegated Legislation scrutinises subordinate legislation laid before either House of Parliament. The Committee on Legislation scrutinises those Bills referred to it by the Legislative Council. It invites written submissions from the public in response to inquiries into legislation.

Compliance Reporting

There is no formal reporting on compliance with the SBIS or Regional Impact Statement requirements.

F.7 Australian Capital Territory

The ACT Government response to the Business Regulation Review Committee's (BRRC) report on the ACT business regulatory environment was released in May 2003. The Microeconomic Reform Section (MER) of the ACT Treasury was tasked with coordinating the implementation of the Government response by government agencies. MER provides regular reports to the Government and the business community — the first progress report was prepared in February 2004.¹

The ACT has completed a review of its RIS process and associated guide. The updated guide, the *Best Practice Guide for Preparing Regulatory Impact Statements*, was endorsed for release by the Government in February 2004. It incorporates recent trends in regulatory best practice and provides agencies with a process to undertake regulatory cost-benefit analysis of proposed legislation.

In October 2003, agencies were asked to review their non-legislative regulations identified by BRRC, utilising a review method based on the legislation review process conducted under the National Competition Policy (NCP) reforms. This was to clarify the objectives of the regulation, identify the nature of restrictions, undertake a cost-benefit analysis of effects of restrictions, consider regulatory

¹ Reports are available at www.treasury.act.gov.au/competition/pol.html.

alternatives and determine whether the regulation should have its status formalised, discontinued or continue as a voluntary arrangement.

Regulatory Impact Analysis

Any proposals for new or amended primary legislation require a RIS to be completed as part of the policy development process. Cabinet submissions must address the issues raised by this process and the RIS must accompany the submission. Under the *Legislation Act 2001* (ACT), RISs are required to be prepared where a proposal for subordinate legislation is likely to impose appreciable costs on the community or part thereof. RISs are not mandatory for voluntary schemes; however, the RIS guide advises that a regulatory impact assessment should be undertaken to determine the most effective non-legislative model to achieve compliance.

MER has responsibility for assessing RISs for all submissions with legislative proposals and advising Cabinet in terms of their compliance with best practice regulatory requirements.

Consultation

The ACT's RIS process requires that consultation with all affected (and potentially affected) groups take place as part of the assessment. Agencies are encouraged to provide feedback to groups that have been involved in the consultation phase of the RIS process. An issues paper, which describes potential regulatory options, may be released to initiate discussion with interested parties, but is not a RIS as such.

The ACT Government's community consultation portal, *Community Consultation: Have your Say*,² allows citizens to provide on-line feedback about government proposals.

Review Processes

Sunset clauses are not contained in all regulations. However, a review clause may be inserted into legislation, particularly where regulatory impacts may occur in a dynamic environment that necessitates the need for relatively frequent review.

Regulations and Bills are examined by the Standing Committee on Legal Affairs. The Committee's responsibilities include checking compliance of regulatory

² See www.consultation.act.gov.au/public/topiclist.asp.

proposals against drafting procedures and ensuring consistency with existing laws. It does not assess proposed legislation for compliance with the RIS requirements.

Compliance Reporting

The ACT has no formal process to report on the compliance of departments and agencies with the RIS requirements. Treasury performs a monitoring role and proposals do not receive Treasury endorsement if the RIS fails scrutiny, either in terms of analysis or content.

F.8 Northern Territory

The Northern Territory introduced a new regulatory review framework in 2003, which focussed on Competition Impact Analysis (CIA).

Regulatory Impact Analysis

The CIA process applies to both primary and subordinate regulatory proposals. The preparation of a CIA commences as soon as an administrative decision to develop a regulatory proposal has been made. If the proposal exhibits no potential restrictions on competition, an exemption from the CIA process may be granted. A CIA statement is attached to all cabinet submissions regarding new/amended legislation. Regulatory proposals are unable to proceed to Cabinet without CIA certification by the Department of the Chief Minister (DCM).

Consultation

The *Competition Impact Analysis Principles and Guidelines* (DCM 2003) state that consultation with potentially affected parties, other agencies and other levels of government should occur when legislation is being proposed. Public consultation is mandatory where the proposed legislation would have a major impact on the community. The Guidelines are not prescriptive and allow the agency sponsoring a proposal to decide whether to make the draft CIA available to affected parties. A consultation statement, required as part of the CIA, provides a broad outline of who has been consulted, the method used and details of views expressed by those consulted, and states how those views were addressed. Agencies are strongly encouraged to make finalised CIAs publicly available on passage of the legislation.

Review Processes

A CIA Committee post-assesses CIAs and provides feedback during the drafting process. This provides an internal check of consistency by examining each CIA to determine whether the process has been followed adequately and whether there has been an appropriate depth of analysis of the impacts, benefits and implications. The Committee comprises representatives from the DCM, Department of Treasury and Justice, and, when a regulatory impact on business is involved, the Department of Business, Industry and Resource Development.

The Subordinate Legislation and Publications Committee examines and reports on all papers that are required to be presented to the Legislative Assembly. Sunset clauses are not contained in regulations.

Compliance Reporting

Compliance reports are provided to the Northern Territory Government biannually. The DCM monitors the impact of the CIA process and seeks feedback from agencies regarding whether any improvements/amendments can be made. Reports are then prepared for the Chief Minister, the Treasurer, the Minister for Justice, the Attorney-General and the CIA Committee. To date, reports have provided information on the number of CIAs prepared, exemption details, the quality of CIAs, identification of any training requirements within agencies and any suggested process amendments.

There are no proposals for more widespread publication of compliance reports. However, a general level of public information is intended to be included in the DCM's annual report.

F.9 Comparisons across jurisdictions

RIS requirements

As shown in table F.1, six jurisdictions³ generally require RISs for proposals introduced via Bills, eight require RISs for proposals introduced via subordinate instruments and four require RISs for quasi-regulation. Five jurisdictions require RISs at both the consultation and decision-making stages, while two others require RISs at the decision-making stage only. One jurisdiction requires small business

³ While not a jurisdiction, the Council of Australian Governments (COAG) requires RISs for national regulatory proposals at the consultation and decision-making stages.

impact statements and regional impact statements for cabinet submissions, and another requires the consideration of community impacts (being regulatory, small business, regional, environmental, families and society) for all cabinet submissions.

Table F.1 RIS requirements in Australian jurisdictions

<i>Jurisdiction</i>	<i>Bills</i>	<i>Subordinate Instruments</i>	<i>Quasi-regulation</i>	<i>RIS required for consultation</i>	<i>RIS for decision maker</i>
COAG	✓	✓	✓	✓	✓
Australian Government	✓	✓	✓	–	✓
NSW	– a	✓	– b	✓	✓
Vic	✓ c	✓ d	–	✓	✓ e
Qld	–	✓ f	✓ g	✓	✓
SA	✓ h	✓ h	✓ h	–	✓
WA	– i	– i	– i	–	– j
Tas	✓	✓	✓	✓	✓
ACT	✓	✓ f	– b	– k	✓
NT	✓	✓	–	– l	✓

a Cabinet submissions for new Bills must meet best practice requirements. Rural Community Impact Statements are required where rural and regional communities are affected by the proposal. **b** Not a formal requirement, but agencies proposing quasi-regulation are expected to comply with best practice for regulatory impact assessment. **c** As of 1 July 2004 for all new legislation with potentially significant effects for business and competition. **d** For proposals that impose an appreciable economic or social burden. **e** The consultation RIS and supporting documentation is given to the decision maker. **f** For proposals likely to impose an appreciable cost on the community or part thereof. **g** The RIS requirements apply if these instruments are called up or referenced in subordinate legislation. **h** Every cabinet submission is to consider community impacts — which include regulatory, small business, regional, environmental, families and society. **i** A SBIS is required to accompany any cabinet submission seeking endorsement of a regulatory, legislative or policy initiative that will significantly impact on small business. A Regional Impact Statement must also accompany all cabinet submissions. **j** The SBIS and Regional Impact Statement are considered by Cabinet before making its decision. **k** Consultation is required, but not via a RIS. **l** At agency discretion whether draft RIS made public, but a consultation statement is required as part of the CIA.

Source: ORR and correspondence from States and Territories.

RIS processes

Eight jurisdictions currently have formal RIS guidelines. The South Australian Government endorsed RIS guidelines in July 2003. It retains specific guidelines for regional and national competition impacts (table F.2). Eight jurisdictions include cost benefit analysis in RIS requirements, one taking a case-by-case approach to the geographic scope of analysis, whilst another prepares analysis on specific sectors only.

Table F.2 RIS processes in Australian jurisdictions

<i>Jurisdiction</i>	<i>RIS guidelines</i>	<i>Cost-benefit assessment</i>	<i>Report on RIS compliance</i>	<i>Regulatory plans</i>	<i>Sunset clauses</i>	<i>RISs - Local Government</i>
COAG	✓	✓	✓	..	✓	..
Australian Government	✓	✓	✓	✓	–	..
NSW	✓	✓	✓	–	✓ ^a	–
Vic	✓	✓	✓	✓	✓	–
Qld	✓	✓	✓	✓	✓	✓ ^b
SA	✓ ^c	✓ ^d	✓ ^e	–	✓ ^f	✓ ^g
WA	– ^h	– ⁱ	–	–	✓ ^j	–
Tas	✓	✓ ^k	–	–	✓ ^l	✓ ^m
ACT	✓	✓	–	– ⁿ	– ^o	✓ ^p
NT	✓	✓	✓ ^q	–	– ^r	–

.. Not applicable. ^a A five year automatic repeal process under the *Subordinate Legislation Act 1989* (NSW). ^b BRRU worked with local government to produce guidelines (Department of State Development 2003) to enhance best practice development of local laws. ^c RIS guidelines endorsed by Cabinet in 2003. ^d Assessment of all costs and benefits across jurisdiction. ^e Not to departments and agencies. Results sent to the Premier and Parliament as requested. It is intended to report compliance in the annual report of the DPC. ^f Regulations within the scope of the *Subordinate Legislation Act 1978* (SA) expire on 1 September in the year following their tenth anniversary. ^g The *Subordinate Legislation Act 1978* (SA) applies to all regulations under the *Local Government Act 1999* (SA). ^h Guidelines on the preparation of the SBIS and Regional Impact Statement are contained in the Cabinet Handbook. ⁱ Specific to small business sector and regional communities ^j At the direction of Cabinet, the Parliament or discretion of Ministers. ^k Coverage depends on the issue and may be state-wide or regional. ^l All regulations are automatically repealed after ten years under the *Subordinate Legislation Act 1992* (Tas). ^m Under the *Local Government Act 1993* (Tas), the Director of Local Government must issue a certificate of adequacy of the RIS process undertaken by Council before a proposal may progress to full public consultation. (The RRU was involved in developing this process.) ⁿ The legislative program provides the basis for all detailed public consultation on the Government's legislative intentions. ^o A review clause may be inserted into legislation, particularly in a dynamic environment which may necessitate frequent review. ^p Responsible for both State and local government. ^q Reports are provided to the NT Government biannually. ^r Contained in some legislation.

Source: ORR and correspondence from States and Territories.

Four jurisdictions report on departments' and agencies' compliance with the RIS requirements. A fifth reports only to its Premier and Parliament on request, and a sixth reports to its Government only. Only three prepare regulatory plans. Four jurisdictions have sunset clauses included in all legislation to trigger periodic reviews. One of these has an automatic five year repeal of statutory rules. Two others have an automatic ten year repeal of all subordinate legislation, a seventh has clauses inserted at the discretion of individual ministers, and an eighth only has sunset clauses within some legislation. COAG RIS processes are detailed in appendix C.

A framework for the regulatory impact assessment of local laws exists in four jurisdictions at the local government level.