
B Adequacy of published RISs

This appendix provides the ORR's adequacy assessment, under the Australian Government's RIS requirements, for the 66 RISs that were required at the tabling stage in 2004-05.

In accordance with the Government's RIS requirements, a number of criteria are used to determine whether the analysis contained in a RIS is adequate (box 2.1). The ORR has adopted a strategy whereby the adequacy standard for RISs has been progressively increased each year since the new requirements were introduced in 1997-98, as officials have become more familiar and experienced with the analytical approach required.

The following tables record the ORR's assessment of RISs required for proposals introduced via Bills, delegated instruments (includes disallowable instruments tabled before 1 January 2005 and legislative instruments tabled after 1 January 2005), and treaties under the Government's RIS requirements. The Bills, delegated instruments and treaties are also documented and described (as necessary).

The tables do not include the ORR's assessment of RISs for non-legislative instruments and quasi-regulation, as there is no formal requirement for these RISs to be published. (As mentioned elsewhere in this report, the ORR nevertheless encourages departments and agencies to publish them in line with regulatory best practice.) Compliance for these forms of regulation in 2004-05 was 75 per cent (3/4) and 88 per cent (7/8) respectively. The tables also do not include the ORR's assessment of RISs that have been finalised in 2004-05, but have not yet been made public.

Table B.1 Bills, individual adequacy assessments ^a

Title of Bill	RIS for decision		RIS for tabling	
	prepared	adequate	prepared	adequate
<i>Description of regulatory proposal</i>				
Aged Care Amendment (Transition Care and Assets Testing) Bill 2005				
<i>Legislation to transfer from aged care service providers to Centrelink and the Department of Veterans' Affairs the assessment of potential residents' assets</i>	n/a	n/a	Yes	Yes
Copyright Amendment (Film Directors' Rights) Bill 2005				
<i>Grant directors a right to share, as copyright owners, in remuneration for the retransmission of films included in free-to-air broadcasts</i>	Yes	Yes	Yes	Yes
Fisheries Legislation Amendment (International Obligations and Other Matters) Bill 2005				
<i>Fisheries Management Act 1991 – new approach to allocating access rights to new fisheries resources</i>	Yes	Yes	Yes	Yes
Maritime Transport Security Amendment Bill 2005				
<i>Extend security arrangements for shipping to the offshore oil and gas industry</i>	No	No	Yes	Yes
Medical Indemnity (Competitive Advantage Payment) Bill 2005 & Medical Indemnity Legislation Amendment (Competitive Neutrality) Bill 2005				
<i>Government response to review of competitive neutrality issues in the medical indemnity market</i>	Yes	Yes	Yes	Yes
Melbourne 2006 Commonwealth Games (Indicia and Images) Protection Bill 2005				
<i>Provide intellectual property protection for the insignia of the Melbourne Commonwealth Games</i>	Yes	Yes	Yes	Yes
National Health Amendment (Prostheses) Bill 2004				
<i>Sets out new arrangements for the payment of private health insurance benefits for prostheses</i>	Yes	Yes	Yes	Yes
New International Tax Arrangements (Foreign-owned Branches and Other Measures) Bill 2005				
<i>New taxation arrangements for dividends paid by foreign owned branches</i>	Yes	Yes	Yes	Yes
Tax Laws Amendment (2004 Measures No. 6) Bill 2004				
<i>Extension of the water facilities and landcare tax concessions to irrigation corporations who are in the business of supplying water to primary producers</i>	Yes	Yes	Yes	Yes
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Title of Bill	RIS for decision		RIS for tabling	
	prepared	adequate	prepared	adequate
<i>Description of regulatory proposal</i>				

Tax Laws Amendment (2004 Measures No. 6) Bill 2004 (continued)

<i>Amendment to allow any insolvency practitioner to declare shares and other securities in a company to be worthless for CGT purposes (</i>	No	No	Yes	Yes
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Tax Laws Amendment (2004 Measures No. 7) Bill 2004

<i>Employee Share Ownership – Taxation rollover relief for certain Employee Share Scheme holdings</i>	Yes	Yes	Yes	Yes
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<i>25 Per Cent ‘Entrepreneurs’ Tax Discount</i>	Yes	Yes	Yes	Yes
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<i>Petroleum Resource Rent Tax offshore petroleum exploration incentive for high risk frontier areas</i>	No	No	Yes	Yes
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Tax Laws Amendment (Improvements to Self Assessment) Bill (No. 1) 2005 & Shortfall Interest Charge (Imposition) Bill 2005

<i>Review of Self Assessment: General Interest Charge and penalties amendments</i>	Yes	Yes	Yes	Yes
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Tax Laws Amendment (Long-term Non-reviewable Contracts) Bill 2004

<i>GST transition amendment for treatment of pre-existing non-reviewable long-term contracts with input-taxed recipients</i>	Yes	Yes	Yes	Yes
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Tax Laws Amendment (Superannuation Reporting) Bill 2004

<i>Removal of quarterly Superannuation Guarantee reporting requirement</i>	No	No	Yes	Yes
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Telecommunications and Other Legislation Amendment (Protection of Submarine Cables and Other Measures) Bill 2005

<i>Provide consistent regulation of the installation of submarine telecommunications cables in Commonwealth-controlled waters and protection for submarine cables of national significance</i>	Yes	Yes	Yes	Yes
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Telecommunications (Consumer Protection and Service Standards) Amendment (National Relay Service) Bill 2005

<i>Allow the National Relay Service to be provided by more than one person and under more than one contract with the Commonwealth</i>	Yes	Yes	Yes	Yes
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n/a – Not applicable. ^a Copies of Explanatory Memoranda (which include RISs) for Bills can be found at www.comlaw.gov.au

Table B.2 **Delegated instruments, individual adequacy assessments^a**

Title of Delegated instrument	RIS for decision		RIS for tabling	
	prepared	adequate	prepared	adequate
1900-1920 MHZ and 2010-2025 MHZ Bands Frequency Band Plan 2004				
<i>To facilitate the deployment of Broadband Wireless Services in the 1900-1920 MHz and 2010-2025 MHz Bands</i>	Yes	Yes	Yes	Yes
A New Tax System (Goods and Services Tax) Amendment Regulations 2004 (No. 1)				
<i>Amendment to the GST Regulations to change GST treatment of barter trade exchange schemes from input taxed to taxable</i>	Yes	No	Yes	Yes
AASB 6 Exploration for and Evaluation of Mineral Resources				
<i>Accounting standards relating to the exploration for and evaluation of mineral resources</i>	Yes	Yes	Yes	Yes
AASB 119 Employment Benefits				
<i>Accounting standards re: employee benefits</i>	Yes	Yes	Yes	Yes
ASIC Class Order [CO 05/26] Relief for placements and rights issues of interests in registered managed investment schemes				
<i>Replacement ASIC class order for managed investment schemes; determining issue price of scheme interests</i>	Yes	Yes	Yes	Yes
Australian Equivalents to International Financial Reporting Standards				
<i>Adoption of Australian equivalents to IASB International Financial Reporting Standards</i>	No	No	No	No
Australian Meat and Live-stock Industry (Export Licensing) Amendment Regulations 2004 (No. 1)				
<i>Improve the application and approval processes for live-stock export licences and enable government to set and assess standards in relation to live-stock exports</i>	Yes	Yes	Yes	Yes
Aviation Transport Security Regulations 2005				
<i>Introduce safeguards against unlawful interference with aviation</i>	No	No	Yes	Yes
Banking (Prudential Standards) Determination No. 1 of 2005				
<i>New APRA prudential standard on Business Continuity Management (BCM) for Authorised Deposit-taking Institutions (ADIs)</i>	Yes	Yes	Yes	Yes
Bankruptcy Amendment Regulations 2004 (No.1)				
<i>Prescribe performance standards for trustees' conduct of personal insolvency administrations</i>	Yes	Yes	Yes	Yes

Title of Delegated instrument	RIS for decision		RIS for tabling	
	prepared	adequate	prepared	adequate
Bass Strait Central Zone Scallop Fishery Management Plan Amendment 2004 (No. 1)				
<i>Amendments to allow AFMA to change fishing season dates and increase minimum size limit of scallops to 90mm</i>	Yes	Yes	Yes	Yes
Broadcasting Services (Events) Notice No. 1 of 2004 (Amendment No. 1 of 2005)				
<i>Addition of FIFA World Cup 2010 to the Broadcasting Anti-siphoning List</i>	Yes	Yes	Yes	No
Corporations Amendment Regulations 2005 (No. 1)				
<i>Amend the FSRA requirements relating to disclosure of fees and other costs to mandate the form of disclosure</i>	No	No	Yes	Yes
Corporations Amendment Regulations 2005 (No. 2)				
<i>Split from the National Guarantee Fund (NGF) the current clearing support functions and limit the NGF to investor protection</i>	Yes	Yes	Yes	No
Determination of Fishing Capacity No NPFD 02				
<i>Sets fishing gear capacities in the Northern Prawn Fishery</i>	Yes	Yes	Yes	Yes
Disability Standards for Education 2005				
<i>Standards to make more explicit the obligations of education and training service providers under the Disability Discrimination Act 1992 and the rights of people with disabilities in relation to education and training</i>	Yes	Yes	Yes	Yes
Determination (No. PB 14 of 2004) under sn 99L(1) of the National Health Act 1953				
<i>Prevent pharmacies located in or adjacent to supermarkets from being approved to supply PBS medicines</i>	No	No	No	No
Export Control (Animals) Order 2004				
<i>Impose specified conditions and restrictions on the export of live animals and animal reproductive material</i>	Yes	Yes	Yes	Yes
Financial Sector (Collection of Data) Determination No. 2 of 2004 – Reporting Standards for Providers of Medical Indemnity Cover				
<i>APRA reporting standards for Medical Defence Organisations (MDOs)</i>	Yes	Yes	Yes	Yes

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Table B.2 (continued)

Title of Delegated instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
Financial Sector (Collection of Data) Determination No. 3 of 2004 – Reporting Standards for General Insurers, and Financial Sector (Collection of Data) Determination No. 4 of 2004 – Reporting Standards for Lloyd’s of London				
<i>APRA reporting standard and determination for the collection and publication of policy and claims data for public liability and professional indemnity insurance</i>	Yes	Yes	Yes	Yes
Financial Sector (Collection of Data) Determination No. 7 of 2004 – Variation of Reporting Standards Applying to Trustees of Superannuation Entities				
<i>Amendment of the APRA reporting standards for superannuation entities</i>	Yes	Yes	Yes	Yes
Fuel Quality Standards Amendment Determination 2004 No. 1				
<i>Sets fuel quality and vehicle emission standards to apply from 2006</i>	Yes	Yes	Yes	Yes
Game, Poultry and Rabbit Meat Amendment Orders 2005 (No. 1)				
<i>Amendments to meat export certification arrangements for game, poultry and rabbit meat</i>	Yes	Yes	Yes	Yes
Instrument Exercising Air Services Regulations – 1995 (AERU-05-01)				
<i>Changes to airspace around Jandakot airport</i>	No	No	No	No
Insurance (Prudential Standards) Determination No. 1 of 2005				
<i>New APRA prudential standard on Business Continuity Management (BCM) for general insurers</i>	Yes	Yes	Yes	Yes
Motor Vehicle Standards Amendment Regulations 2005 (No. 1)				
<i>Prescribe new arrangements for the importation of vehicles 15 or more years old</i>	Yes	Yes	Yes	Yes
Petroleum (Submerged Lands) (Management of Well Operations) Regulations 2004				
<i>Moving from existing prescriptive Directions to objective based regulations</i>	n/a	n/a	Yes	Yes
Quarantine (Christmas Island) Proclamation 2004 & Quarantine (Cocos Islands) Proclamation 2004				
<i>Introduce new quarantine regimes for Christmas and Cocos (Keeling) Islands</i>	Yes	Yes	Yes	Yes
Radiocommunications Licence Conditions (Fixed Licence) Amendment Determination 2005 (No. 1)				
<i>Impose rollout obligations for new apparatus licensees in the 1900-1920 MHz and 2010-2025 MHz Bands</i>	Yes	Yes	Yes	Yes

Table B.2 (continued)

Title of Delegated instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	Adequate
Radiocommunications (Short Range Devices) Standard 2004, Radiocommunications (UHF CB Radio Equipment) Standard 2004, Radiocommunications (VHF Radiotelephone Equipment – Maritime Mobile Service) Standard 2004, Radiocommunications Devices (Compliance Labelling) Amendment Notice 2004 (No. 1)				
<i>Specifies revised standards for short range devices, radiotelephone transmitters, receivers that operate on one or more maritime mobile service VHF frequencies and UHF CB radio equipment</i>	Yes	Yes	Yes	Yes
Radiocommunications (Spectrum Re-allocation) Declaration No. 1 of 2005				
<i>Permit the re-allocation of spectrum in the 2010-2025 MHz band for spectrum licensing of Broadband Wireless Access (BWA) services in metropolitan and regional Australia</i>	Yes	Yes	Yes	Yes
Radiocommunications (Transmitter Licence Tax) Amendment Determination 2005 (No. 1) and related instruments				
<i>Stage II of proposed fee increases for fixed service licences in spectrum below 960 MHz</i>	Yes	Yes	Yes	Yes
Southern Bluefin Tuna Fishery Management Plan Amendment 2004 (No. SBT 05)				
<i>Amendments to Southern Bluefin Tuna Fishery Management Plan</i>	Yes	Yes	Yes	Yes
Superannuation Industry (Supervision) Amendment Regulations 2005 (No. 2) and Retirement Savings Account Amendment Regulations 2005 (No. 1)				
<i>Allow benefits to be paid in a specified form to retirement savings account holders who have attained their preservation age</i>	Yes	Yes	Yes	Yes
Telecommunications Numbering Plan Variation 2004 (No. 8)				
<i>Specifies a reduction in the unit size of geographic numbers allocated in metropolitan areas and introduces a monitoring and reporting regime for Protection and Watch areas</i>	Yes	Yes	Yes	Yes
Telecommunications Numbering Plan Variation 2004 (No. 9)				
<i>Provides for the creation of new standard zone units</i>	Yes	Yes	Yes	Yes
Telecommunications Numbering Plan Variation 2005 (No. 1)				
<i>Introduces new prefixes in 13 areas across Australia</i>	Yes	Yes	Yes	Yes

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Table B.2 (continued)

Title of Delegated instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No. 1)				
<i>Restricts adult content on mobile premium services (19*) or walled garden mobile portals</i>	Yes	Yes	Yes	Yes
Telecommunications Service Provider (Premium Services) Determination 2004 (No. 2)				
<i>Specifies the rules that apply to carriage service providers in relation to the supply of specified carriage services and/or specified content services</i>	Yes	Yes	Yes	Yes
Telecommunications (Service Provider – Identity Checks for Pre-paid Public Mobile Telecommunications Services) Amendment Determination 2004 (No. 2)				
<i>Apply identity checks to pre-paid mobile telecommunications services provided to end users free of charge</i>	Yes	Yes	Yes	Yes
Therapeutic Goods Order (TGO) No. 65 – Child Resistant Packaging for Therapeutic Goods				
<i>Broadens the scope of child-resistant packaging (CRP) requirements for medicines but allows for alternatives to achieve compliance</i>	Yes	Yes	Yes	No
Trade Practices (Consumer Product Safety Standards) Amendment Regulations 2004 (No. 1)				
<i>Revises elastic luggage strap safety regulations</i>	Yes	Yes	Yes	Yes
Trade Practices (Consumer Product Safety Standard) (Baby Bath Aids) Regulations 2005				
<i>Introduces a mandatory consumer product safety standard on baby bathing aids</i>	Yes	Yes	Yes	Yes
Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004				
<i>Revises health warnings on tobacco products</i>	No	No	No	No
Workplace Relations Amendment Regulations 2004 (No. 2)				
<i>Prescribe the requirements for keeping and inspection of records for employees covered by Schedule 1A to the Workplace Relations Act 1996 and contract outworkers</i>	Yes	Yes	Yes	Yes

n/a – Not applicable. ^a Copies of explanatory material (which include RISs) can be found at www.comlaw.gov.au.

Table B.3 **Treaties, individual adequacy assessments** ^a

Title of Treaty	RIS prepared	RIS adequate
<i>Stages</i>		
Australia-Canada Mutual Recognition Agreement on Medicines Good Manufacturing Practice (GMP)		
<i>Entry into negotiations</i>	No	No
<i>Before signature</i>	Yes	Yes
<i>Ratification</i>	Yes	Yes
Beijing Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Beijing in November 1999		
<i>Entry into negotiations</i>	No	No
<i>Before signature</i>	n/a	n/a
<i>Ratification</i>	Yes	Yes
Convention for the Unification of Certain Rules for International Carriage by Air (Montreal, 28 May 1999)		
<i>Entry into negotiations</i>	n/a	n/a
<i>Before signature</i>	Yes	Yes
<i>Ratification</i>	Yes	Yes

^a 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>.

Source: ORR estimates.