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## A Compliance by portfolio

**Enhanced requirements for regulatory impact analysis were introduced in November 2006. Accordingly, compliance by portfolio in 2006-07 is reported separately for the old and the new regulatory regimes. Compliance with the Government's former Regulation Impact Statement (RIS) requirements (1 July – 19 November 2006) was higher than in recent years. Of the 18 departments and agencies required to prepare RISs, 11 were fully compliant at the decision-making stage.**

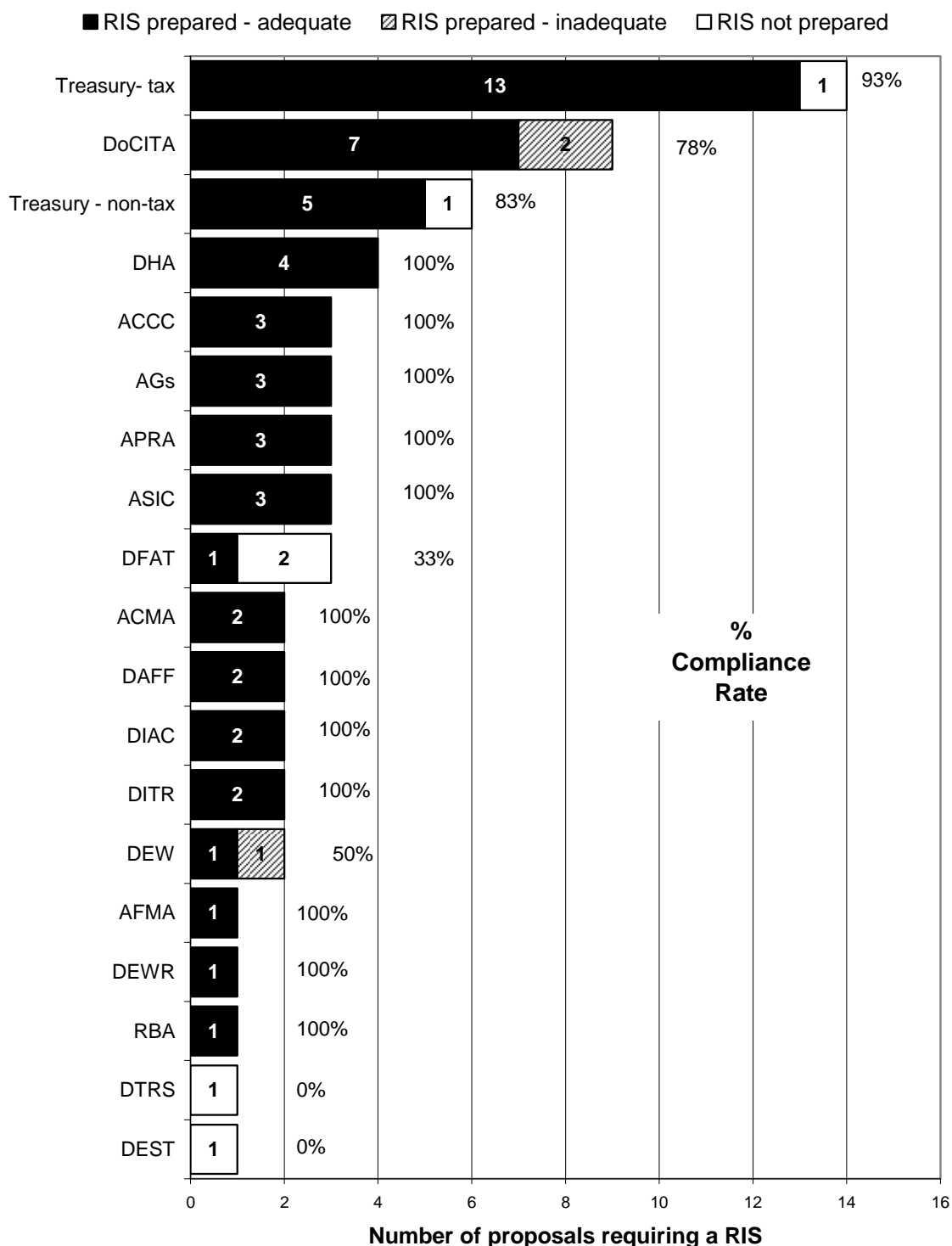
**Under the new best practice requirements, (20 November 2006 – 30 June 2007), eight of the nine departments and agencies required to undertake further regulatory analysis (in the form of a Business Cost Calculator (BCC) report or a RIS) were fully compliant.**

Compliance by department and agency with the former RIS requirements (decisions made before 20 November 2006) is illustrated in figure A.1. The total length of each bar indicates the number of RISs required to be prepared. The area in black denotes RISs that were assessed as adequate by the OBPR. The shaded area shows the number of inadequate RISs. The area in white shows the RISs that were required but not prepared. The compliance rate for each department and agency is shown at the end of each bar as a percentage of the number of RISs required for that department or agency.

Compliance by department and agency with the Government's new regulatory impact analysis requirements (for decisions between 20 November 2006 and 30 June 2007) is illustrated in figure A.2. The total length of each bar includes the number of RISs and BCC reports required to be prepared, with an indication of the number of RISs and BCC reports that were prepared or not prepared and the number of RISs assessed as adequate or inadequate by the OBPR.

Detailed compliance results by department and agency follow.

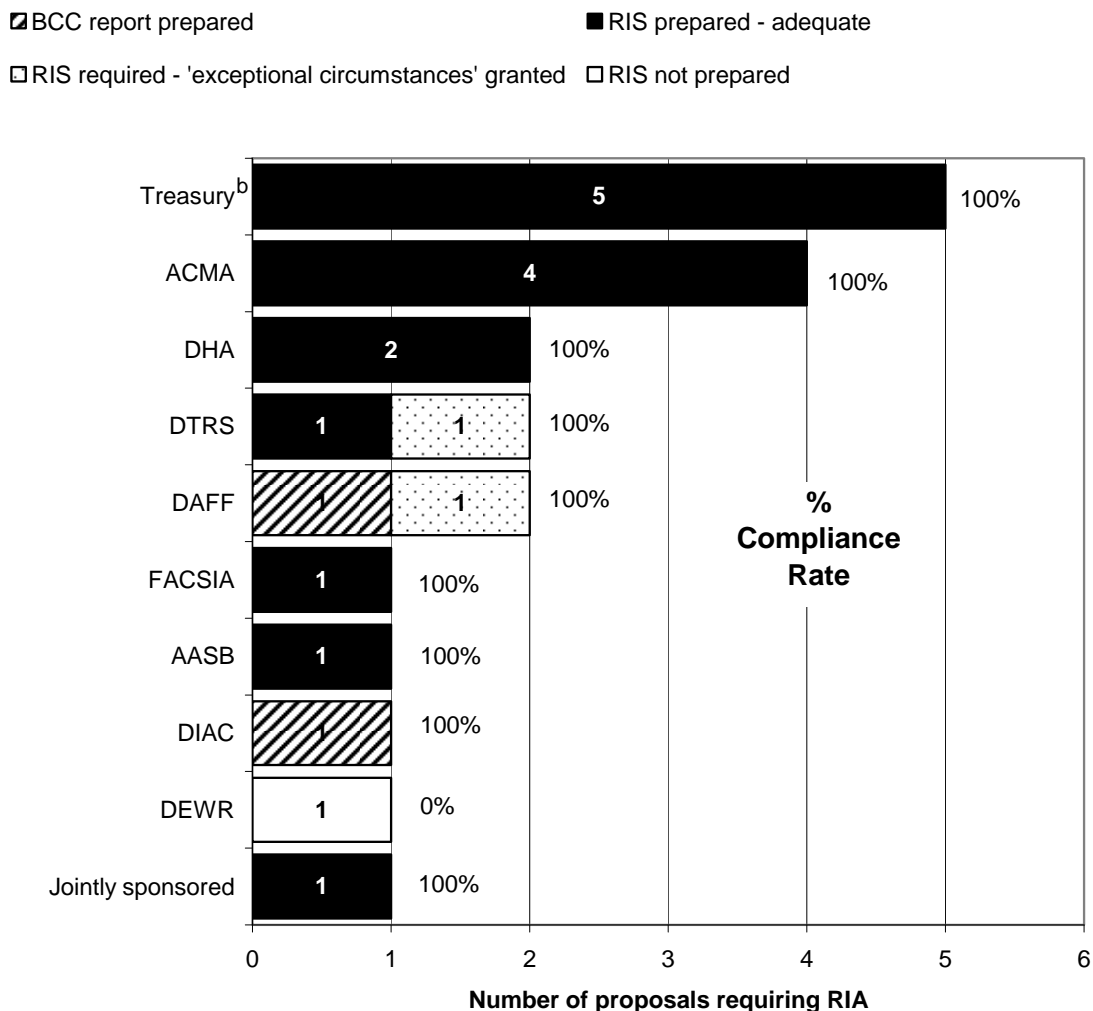
**Figure A.1 Compliance with RIS requirements at decision-making stage, 1 July 2006 to 19 November 2006 <sup>a</sup>**



<sup>a</sup> In 2006-07, a modified RIS process applied to the development of tax proposals. Accordingly, compliance by the Department of the Treasury for tax proposals relates to the period 1 July 2006 to 30 June 2007.

Source: OBPR.

Figure A.2 **Compliance with new best practice requirements at decision-making stage, 20 November 2006 to 30 June 2007<sup>a</sup>**



<sup>a</sup> Date the Government's enhanced regulatory impact analysis requirements became mandatory.

<sup>b</sup> Compliance by the Department of Treasury is reported for both tax RISs and non-tax RISs.

Source: OBPR.

## A.1 Agriculture, Fisheries and Forestry

In the Agriculture, Fisheries and Forestry portfolio, the Department of Agriculture, Fisheries and Forestry and the Australian Fisheries Management Authority were required to prepare RISs or BCC reports in 2006-07.

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## **Department of Agriculture, Fisheries and Forestry**

The Department of Agriculture, Fisheries and Forestry was fully compliant with the Australian Government's regulatory impact analysis requirements in 2006-07. Under the previous RIS requirements (before 20 November 2006), two RISs were required (for Legislative Instruments) and both were assessed as adequate at the decision-making and tabling stages.

Under the new regulatory impact analysis arrangements, one BCC report was required and certified by the OBPR at the decision and tabling stages. The Department was granted 'exceptional circumstances' by the Prime Minister for the one proposal that required a RIS. Consequently the *Wheat Marketing Amendment Bill 2007* will require a post-implementation review within 1 to 2 years.

Seven preliminary assessments were undertaken for other regulations made or tabled in the reporting period which required no further analysis. The OBPR concurs with the Department's assessment.

## **Australian Fisheries Management Authority**

The Australian Fisheries Management Authority was fully compliant with the Government's regulatory impact analysis requirements in 2006-07. Under the previous RIS requirements, one RIS was required (for a Legislative Instrument) which was assessed as adequate by the OBPR at the decision-making and tabling stages.

Under the enhanced arrangements, 12 preliminary assessments were undertaken for regulations made or tabled in the reporting period which required no further analysis.

## **A.2 Attorney-General's Department**

In 2006-07, the Attorney-General's Department (including the Insolvency and Trustee Service of Australia) was required to prepare RISs for three regulatory proposals (Bills) under the Government's previous RIS requirements. Adequate RISs were prepared for all three proposals at both the decision-making and tabling stages.

Under the new requirements, the Department undertook 24 preliminary assessments for regulations made or tabled in the reporting period which required no further analysis.

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## A.3 Communications, Information Technology and the Arts

In the Communications, Information Technology and the Arts portfolio, the Department of Communications, Information Technology and the Arts and the Australian Communications and Media Authority were required to prepare RISs in 2006-07.

### Department of Communications, Information Technology and the Arts

The Department of Communications, Information Technology and the Arts (DoCITA) was required to prepare nine RISs under the previous RIS requirements in 2006-07. However, only seven were assessed as adequate.

Under the enhanced requirements, the Department undertook 19 preliminary assessments for regulations made or tabled in the reporting period which required no further analysis.

Highly significant matters introduced by the Department in 2006-07 included Media Ownership reforms and Digital Television reforms (see chapter 3).

Table A.1 **DoCITA : RIS compliance by type of regulation, 1 July 2006 – 19 November 2006**

<i>Type of regulation</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	7/7	5/7	7/7	5/7
Legislative instruments	2/2	2/2	2/2	2/2
<b>Total</b>	<b>9/9</b>	<b>7/9</b>	<b>9/9</b>	<b>7/9</b>
<i>Percentage</i>	100	78	100	78

Source: OBPR.

### Australian Communications and Media Authority

In 2006-07, the Australian Communications and Media Authority was required to prepare two RISs (for Legislative Instruments) under the previous RIS requirements. Both RISs were assessed as adequate at the decision-making and tabling stages.

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Under the new requirements, the four RISs (for Legislative Instruments) required were assessed as adequate at the decision-making and tabling stages. For other regulations made or tabled in the reporting period, 33 preliminary assessments were undertaken which required no further analysis.

## **A.4 Education, Science and Training**

The Department of Education, Science and Training was required to prepare one RIS (for a Bill) under the previous RIS requirements. A RIS was not prepared at the decision-making stage, but was prepared and assessed as adequate at the tabling stage.

## **A.5 Employment and Workplace Relations**

The Department of Employment and Workplace Relations (DEWR) was required to prepare one RIS (for a Bill) under the previous RIS arrangements. One RIS was prepared and assessed as adequate at the decision-making and tabling stages.

Under the enhanced arrangements, the one RIS required was not prepared. Consequently the *Workplace Relations Amendment (A Stronger Safety Net) Bill 2007* will require a post-implementation review within 1 to 2 years. The 18 preliminary assessments undertaken for other regulations made or tabled in the reporting period required no further analysis.

The OBPR assessed the *Workplace Relations Amendment (A Stronger Safety Net) Bill 2007* as a highly significant proposal (see chapter 3).

## **A.6 Environment and Water Resources**

The Department of the Environment and Water Resources (DEW) was required to prepare two RISs under the previous RIS requirements. Of the two RISs prepared, only one was adequate at the decision stage, but both were assessed as adequate at the tabling stage.

Under the new requirements, 14 preliminary assessments were undertaken for regulatory proposals made or tabled during the reporting period that required no further analysis.

Table A.2 **DEW: RIS compliance by type of regulation,  
1 July 2006 – 19 November 2006**

<i>Type of regulation</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	1/1	0/1	1/1	1/1
Legislative instruments	1/1	1/1	1/1	1/1
<b>Total</b>	<b>2/2</b>	<b>1/2</b>	<b>2/2</b>	<b>2/2</b>
<i>Percentage</i>	<i>100</i>	<i>50</i>	<i>100</i>	<i>100</i>

Source: OBPR.

## **A.7 Families, Community Services and Indigenous Affairs**

The Department of Families, Community Services and Indigenous Affairs was fully compliant with the Government's requirements in 2006-07.

Under the enhanced requirements, the Department was required to prepare one RIS (for a Bill) which was assessed as adequate at the decision-making and tabling stages. The Department undertook 16 preliminary assessments for regulations made or tabled during the reporting period which required no further analysis.

## **A.8 Foreign Affairs and Trade**

The Department of Foreign Affairs and Trade (DFAT) was required to prepare RISs for one treaty and one quasi-regulatory proposal under the previous RIS requirements. One RIS was prepared and assessed as adequate at the decision-making stage for the quasi-regulatory proposal. For the treaty, RISs were required, but not prepared, at the entry into negotiations and signing stages, although an adequate RIS was prepared for the ratification (tabling) stage.

Under the new requirements, five preliminary assessments were undertaken for regulations made or tabled in the reporting period which required no further analysis.

Table A.3 **DFAT: RIS compliance by type of regulation, 1 July 2006 – 19 November 2006**

<i>Type of regulation</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Quasi-regulations <sup>a</sup>	1/1	1/1	n/a	n/a
Treaties <sup>b</sup>	0/2	0/2	1/1	1/1
<b>Total</b>	<b>1/3</b>	<b>1/3</b>	<b>1/1</b>	<b>1/1</b>
<i>Percentage</i>	33	33	100	100

<sup>a</sup> Under the Government's former RIS requirements, there was no formal requirement for RISs prepared for quasi-regulatory proposals to be made public. <sup>b</sup> For reporting on treaties, RISs are required at two decision-making stages – before entry into negotiations and before signature. These requirements are reported above under the decision-making stage.

Source: OBPR.

## A.9 Health and Ageing

The Department of Health and Ageing was fully compliant with the Government's requirements in 2006-07. The Department was required to prepare four RISs (for Bills) under the previous RIS requirements which were assessed as adequate at the decision-making and tabling stages.

Under the enhanced arrangements, the Department was required to prepare two RISs. Both were assessed as adequate at the decision-making and tabling stages. The Department undertook 18 preliminary assessments for regulations made or tabled in the reporting period which required no further analysis.

Highly significant matters introduced by the Department in 2006-07 included the Private Health Insurance reform package (see chapter 3).

## A.10 Immigration and Citizenship

The Department of Immigration and Citizenship was fully compliant with the Government's requirements in 2006-07. Under the previous RIS requirements, the Department prepared two RISs (for Bills) that were assessed as adequate at the decision-making and tabling stages.

Under the new requirements, one BCC Report was required (for a Bill) and certified by the OBPR at the decision-making and tabling stages. The Department undertook 37 preliminary assessments for regulations made or tabled in the reporting period which required no further analysis.

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## A.11 Industry, Tourism and Resources

The Department of Industry, Tourism and Resources was fully compliant with the Government's requirements. Under the previous RIS requirements, the two RISs required (for Bills) were prepared and assessed as adequate at the decision-making and tabling stages.

Under the enhanced arrangements, the Department undertook three preliminary assessments for regulations made or tabled in the reporting period which required no further analysis.

## A.12 Transport and Regional Services

The Department of Transport and Regional Services did not prepare the one RIS required (for a Bill) at the decision-making stage under the previous RIS requirements. A RIS was prepared and assessed as adequate at the tabling stage.

Under the new arrangements, two RISs were required. One RIS was prepared (for accession to an existing treaty) and was assessed as adequate at the decision-making stage and tabled.<sup>1</sup> The Department was granted 'exceptional circumstances' by the Prime Minister for the second proposal which required a RIS. The *Aviation Transport Security Amendment (Additional Screening Measures) Bill 2007* will require a post-implementation review within 1 to 2 years.

The Department undertook 51 preliminary assessments for regulations made or tabled in the reporting period which required no further analysis.

## A.13 Treasury

Within the Treasury portfolio, the Department of the Treasury, the Australian Accounting Standards Board, the Australian Competition and Consumer Commission, the Australian Prudential Regulation Authority, the Australian Securities and Investments Commission and the Reserve Bank of Australia were required to prepare RISs during 2006-07. The Department was required to prepare RISs for both tax and non-tax proposals. Tax and non-tax proposals are reported separately here as tax proposals were subject to separate RIS requirements for the whole of 2006-07.

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<sup>1</sup> Where Australia participates in the development of a new treaty or international agreement, RISs are required at two decision-making stages (entry into negotiations and signing) of the treaty-making process.

## Department of the Treasury (non-tax proposals)

Under the Government's previous RIS requirements, the Department of the Treasury was required to prepare six RISs at the decision-making stage for non-tax proposals, five of which were prepared and assessed as adequate. An adequate RIS was prepared and tabled with the sixth proposal.

Table A.4 **Treasury: RIS compliance by type of regulation, 1 July 2006 – 19 November 2006**

<i>Type of regulation</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	3/4	3/4	4/4	4/4
Legislative instruments	2/2	2/2	2/2	2/2
<b>Total</b>	<b>5/6</b>	<b>5/6</b>	<b>6/6</b>	<b>6/6</b>
<i>Percentage</i>	83	83	100	100

Source: OBPR.

Under the enhanced requirements, five RISs were required and assessed as adequate at the decision-making and tabling stages. For other regulations made or tabled in the reporting period, 17 preliminary assessments were undertaken which required no further analysis.

Table A.5 **Treasury: compliance with enhanced requirements by type of regulation, 20 November 2006 – 30 June 2007**

<i>Type of regulation</i>	<i>Business Cost Calculator report<sup>a</sup></i>		<i>Regulation Impact Statement<sup>b</sup></i>		<i>Green paper<sup>c</sup></i>	<i>Exposure draft<sup>c</sup></i>
	<i>Decision</i>	<i>Tabling</i>	<i>Decision</i>	<i>Tabling</i>		
Bills	-	-	4/4	4/4	-	-
Legislative instruments	-	-	1/1	1/1	-	-
<b>Total</b>	-	-	<b>5/5</b>	<b>5/5</b>	-	-
<i>Percentage</i>	-	-	100	100	-	-

<sup>a</sup> BCC reports are required for proposals with medium business compliance costs. <sup>b</sup> RISs are required for proposals with significant impacts on business and individuals or the economy. <sup>c</sup> Green papers and/or exposure drafts are required for highly significant proposals and/or complex regulations.

Source: OBPR

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## Tax RIS compliance

In 2006-07, tax proposals were subject to separate RIS requirements. These requirements take the policy as given and focus on identifying administrative options for implementation. Under the previous RIS arrangements, RISs were required for seven proposals introduced via Bills and for three double tax agreements.

For Bills, eight tax RISs were required at the decision-making stage (one proposal having two decision-making stages) of which only seven were prepared and assessed as adequate. Six tax RISs were tabled.

Tax RISs for double tax agreements are required at two decision-making stages of the treaty-making process. In 2006-07, three double tax agreements were finalised. The Treasury complied with the first decision-making stage for the three agreements, as in each case the decision to enter negotiations was covered by the Review of International Tax Arrangements. Three tax RISs were prepared and assessed as adequate for the second (signing) stage. These three tax RISs were tabled.

For other tax regulations made or tabled in the reporting period, 13 preliminary assessments were undertaken which required no further analysis.

Highly significant matters introduced by the Treasury in 2006-07 included ‘*A Plan to Simplify and Streamline Superannuation*’ (see chapter 3).

Table A.6 **Treasury: Tax RIS compliance by type of regulation, 1 July 2006 – 30 June 2007**

<i>Type of regulation</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	7/8	7/8	6/7	6/7
Treaties	6/6	6/6	3/3	3/3
<b>Total</b>	<b>13/14</b>	<b>13/14</b>	<b>9/10</b>	<b>9/10</b>
<i>Percentage</i>	93	93	90	90

Source: OBPR.

## Australian Accounting Standards Board

The Australian Accounting Standards Board was fully compliant with the Government’s requirements in 2006-07. Under the enhanced requirements, one RIS

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(for a Legislative Instrument) was required and assessed as adequate at the decision-making and tabling stages.

Five preliminary assessments were undertaken by the Board for regulatory proposals reported in this period which required no further analysis.

### **Australian Competition and Consumer Commission**

The Australian Competition and Consumer Commission was fully compliant with the Government's requirements in 2006-07. Under the previous RIS requirements, the three RISs required (for Legislative Instruments) were assessed as adequate at the decision-making and tabling stages.

Under the new requirements, the Commission undertook one preliminary assessment for a regulation made or tabled in the reporting period which required no further analysis.

### **Australian Prudential Regulation Authority**

The Australian Prudential Regulation Authority was fully compliant with the Australian Government's RIS requirements in 2006-07. Under the previous RIS requirements, three RISs were required (for Legislative Instruments) and assessed as adequate at the decision-making and tabling stages.

Under the enhanced requirements, the Authority undertook 24 preliminary assessments for regulations made or tabled in the reporting period which required no further analysis.

### **Australian Securities and Investments Commission**

The Australian Securities and Investments Commission was fully compliant with the Government's RIS requirements in 2006-07. Under the previous RIS requirements, the three RISs required were assessed as adequate at the decision-making and tabling stages.

Under the new requirements, the Commission undertook 16 preliminary assessments for regulations made or tabled in the reporting period which required no further analysis.

Table A.7 **ASIC: RIS compliance by type of regulation,  
1 July 2006 – 19 November 2006**

<i>Type of regulation</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Legislative instruments	2/2	2/2	2/2	2/2
Quasi-regulation	1/1	1/1	1/1	1/1
<b>Total</b>	<b>3/3</b>	<b>3/3</b>	<b>3/3</b>	<b>3/3</b>
<i>Percentage</i>	100	100	100	100

Source: OBPR.

## **Reserve Bank of Australia**

The Reserve Bank of Australia was fully compliant with the Government's RIS requirements in 2006-07. Under the previous RIS requirements, one RIS (for a Legislative Instrument) was required and assessed as adequate at the decision-making and tabling stages.

### **A.14 Jointly sponsored proposals**

In 2006-07, the Australian Government announced its response to the Productivity Commission's review into the price regulation of airport services. The Departments of the Treasury and Transport and Regional Services prepared a RIS assessed as adequate by the OBPR at the decision-making stage in accordance with the Government's enhanced requirements.