
B Performance indicators for review and reform of existing legislation

This appendix contains the performance assessment data for each review. The broad performance trends and interpretation are discussed in chapter 1.

Together, the Competition Principles Agreement, the Commonwealth's announcement of the Legislation Review Schedule, and the RIS requirements provide 'benchmarks' against which to assess legislation review performance.

Based on these requirements, the ORR has developed the following 11 performance indicators, covering the three stages of planning the review, conducting the review and implementing reforms:

Stage I - Planning the reviews

- (a) Did the review commence as scheduled? If not, was approval sought from the Prime Minister, the Treasurer and the responsible Minister and have reasons for the variation been publicly stated? Did reviews commence late in the financial year?*
- (b) Was the ORR consulted at least 3 months before the scheduled commencement?*
- (c) Did the ORR agree whether the terms of reference met the requirements of the Competition Principles Agreement and the Commonwealth's review requirements?*
- (d) Was the review body as specified by the Government?*

Stage II - Conducting the reviews

- (e) Has the review been completed? Was a reporting date included in the terms of reference? If so, was the review completed accordingly? Where appropriate, was approval sought for an extension?*
- (f) Has the report been made publicly available? If so, how long after completion of the review?*

(g) *Is there evidence of appropriate consultation opportunities?*

(h) *Did the report contain a conclusion with respect to the Guiding Principle of the CPA?*

Stage III - Implementing reforms

(i) *Has the government responded? If so, how long after release of the report? Were the review recommendations accepted?*

(j) *Where the government has announced regulatory reforms, have the reforms been fully implemented? If so, how long after the announcement?*

(k) *Where appropriate, was there full compliance with Regulation Impact Statement requirements?*

Table B.1 records much of this information. Each cell indicates an answer in the affirmative or negative, to the question posed in the column heading. To overcome problems with having to make a strict choice between “yes” and “no” a convention of ticks and crosses were used so as to permit partial answers.

Care should be taken when interpreting the results. For example, an answer in the negative does not always imply poor regulatory performance or non-compliance with requirements and obligations. For example, questions (i) and (j) ask whether the government has responded to a review report or whether announced reforms have been fully implemented. These actions inevitably involve some lag after completion of a review and therefore the questions will be answered in the negative for some reviews. Clearly, this need not represent poor performance or non-compliance. Chapter 1 discusses these performance indicators, including their interpretation. Finally, it should be noted that the answers will be ‘upgraded’ over time, in some cases.

The objective of the exercise was not to identify reviews where regulatory best practice was not achieved. Rather, it was to identify broad trends so as to draw lessons for the future (see chapter 1, section 1.4).

Table B.1 Performance indicators for Reviews¹

Review	Review Preparation				(e)(i) Was a reporting date or period included in the ToR?
	<i>(a) Did the review commence as scheduled or was a variation approved?</i>	<i>(b) Was the ORR consulted at least 3 months prior to start?</i>	<i>(c) Did the ORR agree on the ToR as meeting CPA and LRS?</i>	<i>(d) Was the review body as specified (or better)?</i>	
Pre 1996–97					
1. Movable Cultural Heritage	na	na	na	na	
2. Overseas Students Education	na	na	na	na	✘
3. Industrial Relations	overtaken by Workplace Relations Act 1996				
4. Patent Attorneys	na	na	na	na	✘
5. Prohibited Imports	na	na	na	na	
6. Books Bounty	na	na	na	na	✓
7. Tools & Robots Bounty	na	na	na	na	✓
8. Fuel Ethanol Bounty	na	na	na	na	✘
9. Quarantine Act	na	na	na	na	✓
10. A&TS Heritage Protection	na	na	na	na	✓
11. Financial Systems	na	na	na	na	✓
12. Census and statistics	subsumed into the Small Business Deregulation Task Force				✓
13. Corporations Act	subsumed into the Corporate Law Economic Reform Program				✘

¹ Each cell records the answer to the column heading. It does not necessarily indicate good or poor performance. The table should be read in conjunction with the discussion in Chapter 1 regarding the requirements for reviews and what represents regulatory best practice. Importantly, some answers will change (be upgraded) over time eg columns (i) and (j). The symbols used generally have the following interpretation:

- ✓ Question answered in the affirmative
- (✓) Question not able to be (fully) answered in the affirmative, but the outcome generally satisfied the requirements
- (✘) Question answered in the affirmative to a very limited extent and/or the outcome largely failed to satisfy the requirements
- ✘ Question answered in the negative
- na = not applicable
- no entry = data not available

Conduct of Review				Reform Progress		
<i>(e) (ii) Was the review completed on time or approval sought for an extension?</i>	<i>(f) Has the report been made publicly available?</i>	<i>(g) Is there evidence of adequate consultation?</i>	<i>(h) Did the report address the Guiding Principle explicitly?</i>	<i>(i) If completed, is a Government response public?</i>	<i>(j) Has the Government response been fully implemented?</i>	<i>(k) Were the RIS requirements fully met?</i>
	x	✓	na	x	na	na
na	✓	✓	na	✓	✓	(✓)
				✓	✓	
na	✓	✓	na	✓	✓	✓
	na	na	na	(✓)	(✓)	
✓	✓	✓	na	✓	✓	
✓	✓	✓	na	✓	✓	
na	✓	✓	na	✓	✓	na
✓	✓	✓	na	✓	✓	na
✓	✓	✓	na	✓	(✓)	(✓)
✓	✓	✓	✓	✓	(✓)	✓
✓	✓	✓	na	✓	✓	na
na	✓	✓	na	✓	✓	✓

Table B.1 (continued)

Review	Review Preparation				(e)(i) Was a reporting date or period included in the ToR?
	<i>(a) Did the review commence as scheduled or was a variation approved?</i>	<i>(b) Was the ORR consulted at least 3 months prior to start?</i>	<i>(c) Did the ORR agree on the ToR as meeting CPA and LRS?</i>	<i>(d) Was the review body as specified (or better)?</i>	
1996–97					
14. International Arbitration	✓	✓	✓	✓	✓
15. Postal Services	✓	✓	✓	✓	✓
16. Radiocommunications	✓	✓	✓	✓	✓
17. Employment Services	delisted - overtaken by reforms to employment services				
18. Nuclear Safeguards charge	✓	✓	✓	✓	✓
19. Quarantine (Human)	✗	✓	✓	✓	✓
20. Migration (Students)	✓	✓	✓	✓	✗
21. Migration (Business)	✓	(✓)	✓	✓	✗
22. Migration (Tourists)	delisted - following revised visitor arrangements				
23. Migration Agents	✓		✓	✓	✗
24. Migration Agents Levy	combined with #23.				
25. Tradesman Rights	✓	✓	✓	✓	✓
26. Tariffs - Motor Vehicles	✓	✓	✓	✓	✓
27. Tariffs - Textile, Clothing and Footwear	✓	✓	✓	✓	✓
28. Duty Drawback	✓	✓	✓	✓	✓
29. Pooled Development Funds	✓	✓	✓	✓	✓
30. Clothes Labelling	✓	✓	✓	✓	✓

Conduct of Review				Reform Progress		
<i>(e) (ii) Was the review completed on time or approval sought for an extension?</i>	<i>(f) Has the report been made publicly available?</i>	<i>(g) Is there evidence of adequate consultation?</i>	<i>(h) Did the report address the Guiding Principle explicitly?</i>	<i>(i) If completed, is a Government response public?</i>	<i>(j) Has the Government response been fully implemented?</i>	<i>(k) Were the RIS requirements fully met?</i>
✓	✓	✓	✓	✗	na	na
✓	✓	✓	✓	✓	✗	✓
in-progress	na	na	na	na	na	na
✓	✓	✓	(✓)	✓	(✓)	na
✓	✗	✓	✓	✗	na	na
na	✗	✓	na	✓	(✓)	✓
na	✓	✓	na	✓	✓	✓
na	✓	✓	(✓)	✓	✓	✓
overdue	na	✓	na	na	na	na
✓	✓	✓	(✓)	✓	(✓)	(✗)
✓	✓	✓	(✓)	✓	(✓)	(✗)
overdue	na	na	na	(✓)*	(✗)	(✗)
overdue	na	na	na	na	na	na
✓	✓	✓		✓	✓	(✗)

Table B.1 (continued)

Review	Review Preparation				(e)(i) Was a reporting date or period included in the ToR?
	<i>(a) Did the review commence as scheduled or was a variation approved?</i>	<i>(b) Was the ORR consulted at least 3 months prior to start?</i>	<i>(c) Did the ORR agree on the ToR as meeting CPA and LRS?</i>	<i>(d) Was the review body as specified (or better)?</i>	
1996–97 (continued)					
31. Rural Adjustment	✓	(✗)	✓	✓	✗
32. Income Equalisation Deposits	✓	(✗)	✓	✓	✓
33. Aboriginal Land Rights	(✓)	✓	✓	✓	✓
34. Air Services Agreements	✓	✓	✓	✓	✓
35. Shipping Registration	✓	✓	✓	✓	✓
36. National Road Transport Commission	✓	(✓)	✓	✓	✓
37. Australian Maritime Safety Authority	✓	✓	✓	✓	✓
38. Bills of Exchange	✓	✓	✓	✓	✓
39. Foreign Investment Policy		✗	✗		
1997–98					
40. Bankruptcy rules	(✓)	✓	✓	✓	✓
41. Broadcasting	deferred to 1998–99				
42. Spectrum allocation	deferred to 1998–99				
43. Defence Housing	✓	(✗)	✓	✓	✓
44. Higher Education	✓	✓	✓	✓	✓
45. Mutual Recognition	✓	✓	✓	✓	✓
46. National Health & Health Insurance	✓	✓	✓	✓	✓

Conduct of Review				Reform Progress		
<i>(e) (ii) Was the review completed on time or approval sought for an extension?</i>	<i>(f) Has the report been made publicly available?</i>	<i>(g) Is there evidence of adequate consultation?</i>	<i>(h) Did the report address the Guiding Principle explicitly?</i>	<i>(i) If completed, is a Government response public?</i>	<i>(j) Has the Government response been fully implemented?</i>	<i>(k) Were the RIS requirements fully met?</i>
na	✓	✓	na	✓	(✓)	(✗)
✓	✗	✓	na	✓	(✓)	(✓)
not begun	na	na	na	na	na	na
in-progress	draft	na	na	na	na	na
✗	(✓)	✓	(✗)	✗	na	✓
✓	✗	✓	(✓)	✗	na	na
✓	✗	✓	(✓)	✗	na	na
subsequently deferred 1 year						
			na	na	na	na
na	na	na	na	na	na	na
not begun - likely to be deferred						
✓	✓	✓	✓	✗	na	na
over-due	na	na	na	na	na	na
✓	✓	✓	✓	✓	✓	(✗)

Table B.1 (continued)

Review	Review Preparation				(e)(i) Was a reporting date or period included in the ToR?
	<i>(a) Did the review commence as scheduled or was a variation approved?</i>	<i>(b) Was the ORR consulted at least 3 months prior to start?</i>	<i>(c) Did the ORR agree on the ToR as meeting CPA and LRS?</i>	<i>(d) Was the review body as specified (or better)?</i>	
1997–98 (continued)					
47. Nuclear Codes	not begun - likely to be deleted				
48. Equal Employment	✓	✓	✓	(✓)	✗
49. Anti-Dumping	deferred to 1999				
50. Customs (Valuation)	(✓)	✓	✓	✓	✓
51. Trade Practices (Cosmetics)	✓	(✗)	✓	✓	✓
52. Petroleum (Retail Sites)	delisted - Government has announced repeal of Act				
53. Petroleum (Franchise)	delisted - Government has announced repeal of Act				
54. Primary Industries Levies	(✓)	✓	✓	✓	✓
55. Wool International	delisted - redundant following sell down of wool stockpile				
56. Imported Food	✓	✓	✓	✓	✓
57. National Residue Survey	(✓)	✓	✓	✓	✓
58. Pig Industry	(✓)	✓	✓	✓	✓
59. Torres Strait Fisheries	✓	✓	✓	✓	✓
60. Export Wood	deferred to 1998–99				
61. International Air Services Commission	combined with #34				
62. Motor Vehicles Standards	✓	✓	✓	✓	✗
63. Superannuation Acts	deferred to 1998–99				

Conduct of Review				Reform Progress		
<i>(e) (ii) Was the review completed on time or approval sought for an extension?</i>	<i>(f) Has the report been made publicly available?</i>	<i>(g) Is there evidence of adequate consultation?</i>	<i>(h) Did the report address the Guiding Principle explicitly?</i>	<i>(i) If completed, is a Government response public?</i>	<i>(j) Has the Government response been fully implemented?</i>	<i>(k) Were the RIS requirements fully met?</i>
na	x	✓	na	x	na	na
in-progress	na	na	na	na	na	na
✓	✓	✓	(✓)	✓	(x)	✓
in-progress	na	na	na	na	na	na
in-progress	na	na	na	na	na	na
in-progress	na	na	na	na	na	na
in-progress	na	na	na	na	na	na
in-progress	na	na	na	na	na	na
na	na	na	na	na	na	na

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Review	Review Preparation				(e)(i) Was a reporting date or period included in the ToR?
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1997–98 (continued)					
64. Trade Practices (Exemptions)	✓	✓	✓	✓	✓
65. General Insurance Levy	deferred to 1998–99				
66. Insurance Agents	deferred to 1998–99				
67. Life Insurance Levy	deferred to 1998–99				
From 1998–99					
75a. National Food Authority	✓	✓	✓	✓	✓
77. Ag. + Vet. Chemicals	(✓)	✓	✓	✓	✓

Conduct of Review				Reform Progress		
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in-progress	na	na	na	na	na	na
✓	✘	✓	na	✘	na	na
in-progress	na	na	na	na	na	na