

B Compliance by regulatory proposal

This appendix provides the Office of Best Practice Regulation's (OBPR) compliance assessment by regulatory proposal. Regulatory proposals may be introduced or made via bills, legislative instruments, non-legislative instruments, quasi-regulation or treaties. Information on compliance is shown in separate tables for each type of regulation. The first table shows compliance with the Government's previous Regulation Impact Statement (RIS) requirements. The second table shows compliance for proposals under the Government's new regulatory impact analysis requirements.

In 2006-07, 63 RISs were required under the Australian Government's previous RIS requirements at the decision-making stage, while 16 RISs and two BCC reports were required under the new requirements. There were also two proposals granted exceptional circumstances status.

Table **Bills, regulation impact statement assessment by proposal^a**

Title of Bill <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 & Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006				
<i>Implementation of FATF anti-money laundering principles and special recommendations on terrorist financing</i>	Yes	Yes	Yes	Yes
Australian Securities and Investments Commission Amendment (Audit Inspection) Bill 2006				
<i>Enhancements to ASIC's audit inspection powers to seek information from Australian auditors about their compliance with US audit requirements</i>	Yes	Yes	Yes	Yes
Aviation Legislation Amendment (2007 Measures No. 1) Bill 2007				
<i>Mandatory drug and alcohol testing for safety sensitive airline personnel</i>	No	No	Yes	Yes
Bankruptcy Legislation Amendment (Debt Agreements) Bill 2007 & Bankruptcy (Estate Charges) Amendment Bill 2007				
<i>Reform of Part IX of the Bankruptcy Act 1966 (debt agreements)</i>	Yes	Yes	Yes	Yes

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Table B.1 continued

Title of Bill <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
Broadcasting Legislation Amendment (Digital Radio) Bill 2007 & Radio Licence Fees Amendment Bill 2007				
<i>Implementation of Digital Radio</i>	Yes	Yes	Yes	Yes
Broadcasting Legislation Amendment (Digital Television) Bill 2006				
<i>Digital Television Reform</i>	Yes	No	No	No
Broadcasting Services Amendment (Media Ownership) Bill 2006				
<i>Media ownership reforms, including relaxation of foreign and cross media ownership laws</i>	Yes	Yes	Yes	Yes
<i>Regional media services</i>	Yes	Yes	Yes	Yes
Communications Legislation Amendment (Content Services) Bill 2007				
<i>Review of Convergent Devices Regulation</i>	Yes	No	No	No
Communications Legislation Amendment (Enforcement Powers) Bill 2006				
<i>Reform of ACMA broadcasting powers</i>	Yes	Yes	Yes	Yes
Copyright Amendment Bill 2006				
<i>Reforms following Fair Use Review of Copyright Exceptions and Digital Agenda amendments</i>	Yes	Yes	Yes	Yes
Corporations Amendment (Insolvency) Bill 2007				
<i>Insolvency Reform Package</i>	Yes	Yes	Yes	Yes
Customs Tariff Amendment (Incorporation of Proposals) Bill 2006				
<i>Amendments to the Enhanced Project By-law Scheme to allow water and power projects to access tariff concessions</i>	Yes	Yes	Yes	Yes
Environment and Heritage Legislation Amendment Bill (No. 1) 2006				
<i>Amendments to assessment and approval processes under the EPBC Act</i>	Yes	No	Yes	Yes
Financial Sector Legislation Amendment (Simplifying Regulation and Review) Bill 2007				
<i>Government response to Review of Part 23 of the Superannuation Industry (Supervision) Act 1993 - compensating loss if fraud or theft occurs</i>	No	No	Yes	Yes
Health Insurance Amendment (Diagnostic Imaging Accreditation) Bill 2007				
<i>Introduction of an accreditation scheme for radiology and diagnostic imaging services</i>	Yes	Yes	Yes	Yes
Health Insurance Amendment (Inappropriate and Prohibited Practices and Other Measures) Bill 2007				
<i>Review of enforcement and offence provisions of the Health Insurance Act 1973 as they relate to pathology services under Medicare</i>	Yes	Yes	Yes	Yes
<i>Amendments to the Health Insurance Act in relation to diagnostic imaging</i>	Yes	Yes	Yes	Yes

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Table B.1 continued

Title of Bill <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
Liquid Fuel Emergency Amendment Bill 2007				
<i>Amendments to improve the economic and administrative efficiency of the Liquid Fuel Emergency Act 1984</i>	Yes	Yes	Yes	Yes
Migration Amendment (Employer Sanctions) Bill 2006				
<i>Employer sanctions regarding illegal workers</i>	Yes	Yes	Yes	Yes
Migration Amendment (Maritime Crew) Bill 2007				
<i>Maritime crew visa requirements</i>	Yes	Yes	Yes	Yes
Private Health Insurance Bill 2006				
<i>Reforms to the regulation of private health insurance</i>	Yes	Yes	Yes	Yes
Safety, Rehabilitation and Compensation and Other Legislation Amendment Bill 2006				
<i>Change definitions of 'disease', 'injury', and 'suitable employment' and remove liability of accidents travelling to and from work</i>	Yes	Yes	Yes	Yes
Tax Laws Amendment (2006 Measures No. 7) Bill 2006				
<i>Replace the controlling individual test with a significant individual test for small business subject to Capital Gains Tax</i>	Yes	Yes	Yes	Yes
Tax Laws Amendment (2007 Measures No. 2) Bill 2007				
<i>Venture capital limited partnerships</i>	Yes	Yes	Yes	Yes
Tax Laws Amendment (2007 Measures No. 3) Bill 2007				
<i>Investment in forestry managed investment schemes^b</i>				
<i>First decision</i>	Yes	Yes	..	..
<i>Second decision</i>	No	No	No	No
<i>New withholding arrangements for managed fund distributions to foreign residents</i>	Yes	Yes	Yes	Yes
<i>Distributions to entities connected with a private company and related issues</i>	Yes	Yes	Yes	Yes
Tax Laws Amendment (2007 Measures No. 4) Bill 2007, Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 1) 2007, Taxation (Trustee Beneficiary Non-disclosure Tax) Bill (No. 2) 2007				
<i>Trustee beneficiary reporting rules</i>	Yes	Yes	Yes	Yes

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Table B.1 continued

Title of Bill <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
Tax Laws Amendment (Simplified Superannuation) Bill 2006 and related legislation				
<i>A plan to simplify and streamline superannuation – includes reduction of taxing points on superannuation, revised contribution and payment rules, and new self-managed superannuation fund compliance rules</i>	Yes	Yes	Yes	Yes
Telecommunications Amendment (Integrated Public Number Database) Bill 2006				
<i>Introduce/amend Integrated Public Number Database Access Regime</i>	Yes	Yes	Yes	Yes
Trade Practices Legislation Amendment (No. 1) Bill 2007				
<i>Government response to the Senate inquiry into 'The effectiveness of the Trade Practices Act in protecting small business'</i>	Yes	Yes	Yes	Yes

^a Copies of Explanatory Memoranda (which include RISs) for Bills can be found at www.comlaw.gov.au.

^b RISs were required at two decision-making stages for this proposal. .. Not required.

Source: OBPR.

Table B.2 Bills, regulatory impact analysis assessment by proposal ^a

Title of Bill <i>Description of regulatory proposal</i>	<i>Decision</i>		<i>Tabled</i>	
	BCC report certified	RIS adequate	BCC report certified	RIS adequate
Aviation Transport Security Amendment (Additional Screening Measures) Bill 2007 ^b				
<i>Amends the amount of liquids, aerosols and gels taken through international screening points by people flying to and from Australia</i>
Corporations Legislation Amendment (Simpler Regulatory System) Bill 2007, Corporations (Fees) Amendment Bill 2007, Corporations (Review Fees) Amendment Bill 2007				
<i>Refinements to financial services regulation, including rights issues and employee share schemes</i>	..	Yes	..	Yes
<i>Refinement to Financial Services Regulation</i>	..	Yes	..	Yes
Family Assistance Legislation Amendment (Child Care Management System and Other Measures) Bill 2007				
<i>Child care management reforms</i>	..	Yes	..	Yes
Financial Sector Legislation Amendment (Discretionary Mutual Funds and Direct Offshore Foreign Insurers) Bill 2007				
<i>Government response to the Potts Review – reform of discretionary mutual funds</i>	..	Yes	..	Yes

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Table B.2 continued

Title of Bill <i>Description of regulatory proposal</i>	Decision		Tabled	
	BCC report certified	RIS adequate	BCC report certified	RIS adequate
Food Standards Australia New Zealand Amendment Bill 2007				
<i>Amendments to the FSANZ Act (1991) to improve the standard-setting process, including introduction of 'stop the clock' provisions</i>	..	Yes	..	Yes
Industrial Chemicals (Notification and Assessment) Amendment (Cosmetics) Bill 2007				
<i>Amendments to the regulation of products at the therapeutic – cosmetic interface</i>	..	Yes	..	Yes
Migration Amendments (Sponsorship Obligations) Bill 2007				
<i>Employer obligations for foreign workers</i>	Yes	..	Yes	..
Farm Household Support Amendment Bill 2007				
<i>Allow farm dependent small businesses to access 'exceptional circumstances' support</i>	Yes	..	Yes	..
Wheat Marketing Amendment Bill 2007 ^b				
<i>Strengthen the operations and functions of the Wheat Export Authority and deregulate container exports</i>	..	..	..	..
Workplace Relations Amendment (A Stronger Safety Net) Bill 2007 ^c				
<i>Introduce fairness test for workplace agreements</i>	..	No	..	No

^a Copies of Explanatory Memoranda (which include RISs) for Bills can be found at www.comlaw.gov.au.

^b Exceptional circumstances were granted by the Prime Minister and a post-implementation review is required to be conducted within 1-2 years. ^c Exceptional circumstances were not granted by the Prime Minister and a post-implementation review is required to be conducted within 1-2 years. .. Not required.

Source: OBPR.

Table B.3 Legislative instruments, regulation impact statement assessment by proposal^a

Title of Legislative Instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
ASIC Class Order [CO 06/682] Multiple Derivative Issuers				
<i>Modifies the requirement to prepare a Product Disclosure Statement (PDS) and the PDS content requirements where there is more than one licensee deemed to be the issuer of an exchange traded derivative</i>	Yes	Yes	Yes	Yes
Banking (Prudential Standard) Determination No. 12 of 2006, Insurance (Prudential Standard) Determination No. 9 of 2006, Life insurance (Prudential Standard) Determination No. 3 of 2006 (and others)				
<i>Sets prudential standards on outsourcing by authorised deposit-taking institutions, general insurers and life insurers</i>	Yes	Yes	Yes	Yes
Carrier Licence Conditions (Telstra Corporation Limited) Declaration 1997 (Amendment No. 1 of 2006)				
<i>Government response to National Reliability Framework Review</i>	Yes	Yes	Yes	Yes
Consumer Protection Notice No. 4 of 2006 – Consumer Product Safety Standard: Babies’ Dummies				
<i>Declares and varies the 1991 version of the Australian Standard for baby dummies, AS 2432</i>	Yes	Yes	Yes	Yes
Consumer Protection Notice No. 5 of 2007 – Consumer Product Safety Standard: Child Restraint Systems for use in motor vehicles				
<i>Declares and varies the 1995, 2000 and 2004 versions of the Australian Standard for motor vehicle child restraints, AS 1754</i>	Yes	Yes	Yes	Yes
Corporations Amendment Regulations 2007 (No. 6)				
<i>Review of compensation for loss in the financial services sector</i>	Yes	Yes	Yes	Yes
Eastern Tuna and Billfish Fishery Direction No. 2 of 2006				
<i>Closure of the north end of the Eastern Tuna and Billfish Fishery</i>	Yes	Yes	Yes	Yes
Education Services for Overseas Students Act 2000 – National Code 2007				
<i>National code of practice for registration authorities and providers of education and training of overseas students</i>	No	No	Yes	Yes
Environment Protection and Biodiversity Conservation Act 1999 – Proclamation – Cod Grounds Commonwealth Marine Reserve				
<i>Declaration of Cod Grounds Marine Reserve</i>	Yes	Yes	Yes	Yes

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Table B.3 continued

Title of Legislative Instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	Adequate
Life Insurance (Prudential Standard) Determinations No. 2 of 2007 – Prudential Standard LPS 220 – Risk Management and No. 4 of 2007 – Prudential Standard LPS 232 Business Continuity Management				
<i>Government response to review of the regulatory framework applicable to life insurance companies – new risk management prudential standards</i>	Yes	Yes	Yes	Yes
Package of insurance and financial sector determinations				
<i>APRA prudential accounting treatment of general insurers in response to adoption of Australian equivalents to international financial reporting standards</i>	Yes	Yes	Yes	Yes
Payment Systems (Regulations) Act 1998 – The Setting of interchange Fees in the EFTPOS System				
<i>Reform of Debit Card Systems in Australia – EFTPOS Interchange Fees</i>	Yes	Yes	Yes	Yes
Policy Statement 184 [PS 184] and ASIC Class Order [CO 06/636] Superannuation: Delivery of product disclosure for investment strategies				
<i>Options for disclosing financial products</i>	Yes	Yes	Yes	Yes
Primary Industries Levies and Charges Collection Amendment Regulations 2006 (No. 5)				
<i>Introduces R&D, marketing and promotion turf industry levy</i>	Yes	Yes	Yes	Yes
Radiocommunications (Transmitter Licences – Auction) Determination 2006				
<i>Allocating apparatus licences</i>	Yes	Yes	Yes	Yes
Telecommunications Numbering Plan Variation 2006 (No. 3)				
<i>Telecommunications Numbering Plan variation to supplement areas of Perth, Adelaide and Northern Territory</i>	Yes	Yes	Yes	Yes
Telecommunications (Customer Service Guarantee) Direction No. 1 of 1999 (Amendment No. 1 of 2006)				
<i>Tightening the Customer Service Guarantee to reduce the ability of carriage service providers to rely unnecessarily on Mass Service Disruption claims for exemption from fault repair and connection timeframes, where events are predictable</i>	Yes	Yes	Yes	Yes
Terrorism Insurance Amendment Regulations 2007 (No. 1) and associated directions				
<i>Government response to review of the Terrorism Insurance Act</i>	Yes	Yes	Yes	Yes
Trade Practice (Consumer Product Safety Standards) (Children's Nightwear and Paper Patterns for Children's Nightwear) Regulations 2007				
<i>Consumer product safety standard for children's nightwear and limited daywear</i>	Yes	Yes	Yes	Yes

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Table B.3 continued

Title of Legislative Instrument <i>Description of regulatory proposal</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	prepared	adequate	prepared	adequate
Trade Practices (Horticulture Code of Conduct) Regulations 2006				
<i>Mandates Horticulture Code of Conduct</i>	Yes	Yes	Yes	Yes

^a Copies of explanatory material (which include RISs) for Legislative Instruments can be found at www.comlaw.gov.au.

Source: OBPR.

Table B.4 Legislative Instruments, regulatory impact analysis assessment by proposal ^a

Title of Legislative Instrument <i>Description of regulatory proposal</i>	<i>Decision</i>		<i>Tabled</i>	
	BCC report certified	RIS adequate	BCC report certified	RIS adequate
AASB 8 Operating Segments				
<i>Introduces internationally equivalent Australian Accounting standards for operating statements</i>	..	Yes	..	Yes
Foreign Acquisitions and Takeovers Amendment Regulations 2006 (Nos. 1, 2 and 3)				
<i>Streamlining Australia's foreign investment regime</i>	..	Yes	..	Yes
Radiocommunications (Electromagnetic Radiation – Human Exposure) Amendment Standard 2007 (No. 1)				
<i>Amends Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003</i>	..	Yes	..	Yes
Telecommunications Numbering Plan Variation 2006 (No. 4)				
<i>Telecommunications Numbering Plan variation to allow for additional numbers in the Geelong and Colac areas</i>	..	Yes	..	Yes
Telecommunications Numbering Plan Variation 2007 (No. 2)				
<i>Telecommunications Numbering Plan variation for West Sector of Melbourne, West Sector of Sydney, Camperdown area, Deloraine area and Bundaberg area</i>	..	Yes	..	Yes
Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007				
<i>Mandates industry standard for telemarketing calls</i>	..	Yes	..	Yes

^a Copies of Explanatory Memoranda (which include RISs) for Bills can be found at www.comlaw.gov.au.

^b Exceptional circumstances were granted by the Prime Minister and a post-implementation review is required to be conducted within 1-2 years. .. Not required.

Source: OBPR.

Table B.5 **Non-legislative instrument, regulatory impact analysis assessment by proposal ^a**

Title of non-legislative instrument <i>Description of regulatory proposal</i>	Decision		Transparency	
	BCC report certified	RIS adequate	BCC report published	RIS published
Direction under Part VIIA of the Trade Practices Act ^b				
<i>Government response to the Productivity Commission's Review on Price Regulation of Airport Services</i>	..	Yes	..	Yes

^a Non-legislative instruments are not tabled. BCC report or RISs must be published on the agency's website.

^b Joint proposal between the Departments of the Treasury and Transport and Regional Services. The RIS also applies to the Airports Amendment Regulations 2007 (No. 1). .. Not required.

Source: OBPR.

Table B.6 **Quasi-regulation, regulation impact statement assessment by proposal**

Title of quasi-regulation <i>Description of regulatory proposal</i>	RIS for decision		RIS for tabling	
	prepared	adequate	prepared	adequate
ASIC - RG 188 Disclosure in reconstructions				
<i>Explains the application of the prospectus provisions of the Corporation Act 2001 to reconstructions or capital reductions involving the issue or transfer of securities</i>	Yes	Yes	..	..
SPARTECA (TCF Provisions) Scheme - Terms and Conditions				
<i>Amendments to TCF scheme under the South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA)</i>	Yes	Yes	..	..

.. Not required.

Source: OBPR.

Table B.7 Treaties, regulation impact statement assessment by proposal ^a

Title of Treaty		
<i>Stages</i>	<i>RIS prepared</i>	<i>RIS adequate</i>
Agreement with the People's Republic of China on the Transfer of Nuclear Material; and Agreement with the People's Republic of China for Cooperation in the Peaceful Uses of Nuclear Energy		
<i>Entry into negotiations</i>	No	No
<i>Before signature</i>	No	No
<i>Tabling before ratification</i>	Yes	Yes
Convention between the Government of Australia and the Government of the French Republic for the Avoidance of Double Taxation with respect to Taxes on Income and the Prevention of Fiscal Evasion and Protocol (Paris, 20 June 2006)		
<i>Entry into negotiations</i>	Yes	Yes
<i>Before signature</i>	Yes	Yes
<i>Tabling before ratification</i>	Yes	Yes
Convention between the Government of Australia and the Government of Finland for the Avoidance of Double Taxation with respect to Taxes on Income and the Prevention of Fiscal Evasion (Melbourne, 20 November 2006)		
<i>Entry into negotiations</i>	Yes	Yes
<i>Before signature</i>	Yes	Yes
<i>Tabling before ratification</i>	Yes	Yes
Convention between the Government of Australia and the Government of Kingdom of Norway for the Avoidance of Double Taxation with respect to Taxes on Income and the Prevention of Fiscal Evasion (Canberra, 8 August 2006)		
<i>Entry into negotiations</i>	Yes	Yes
<i>Before signature</i>	Yes	Yes
<i>Tabling before 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/committe/jsct/report.htm>.

Source: OBPR estimates.

Table B.8 Treaties, regulatory impact analysis assessment by proposal ^a

Title of Treaty		
<i>Stages</i>	<i>BCC report certified</i>	<i>RIS adequate</i>
Agreement concerning the establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used in Wheeled Vehicles (Geneva, 28 June 1998)		
<i>Entry into negotiations</i>
<i>Before signature</i>	..	Yes
<i>Tabling before ratification</i>	..	Yes

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

Source: OBPR estimates.