
3 Compliance by portfolio

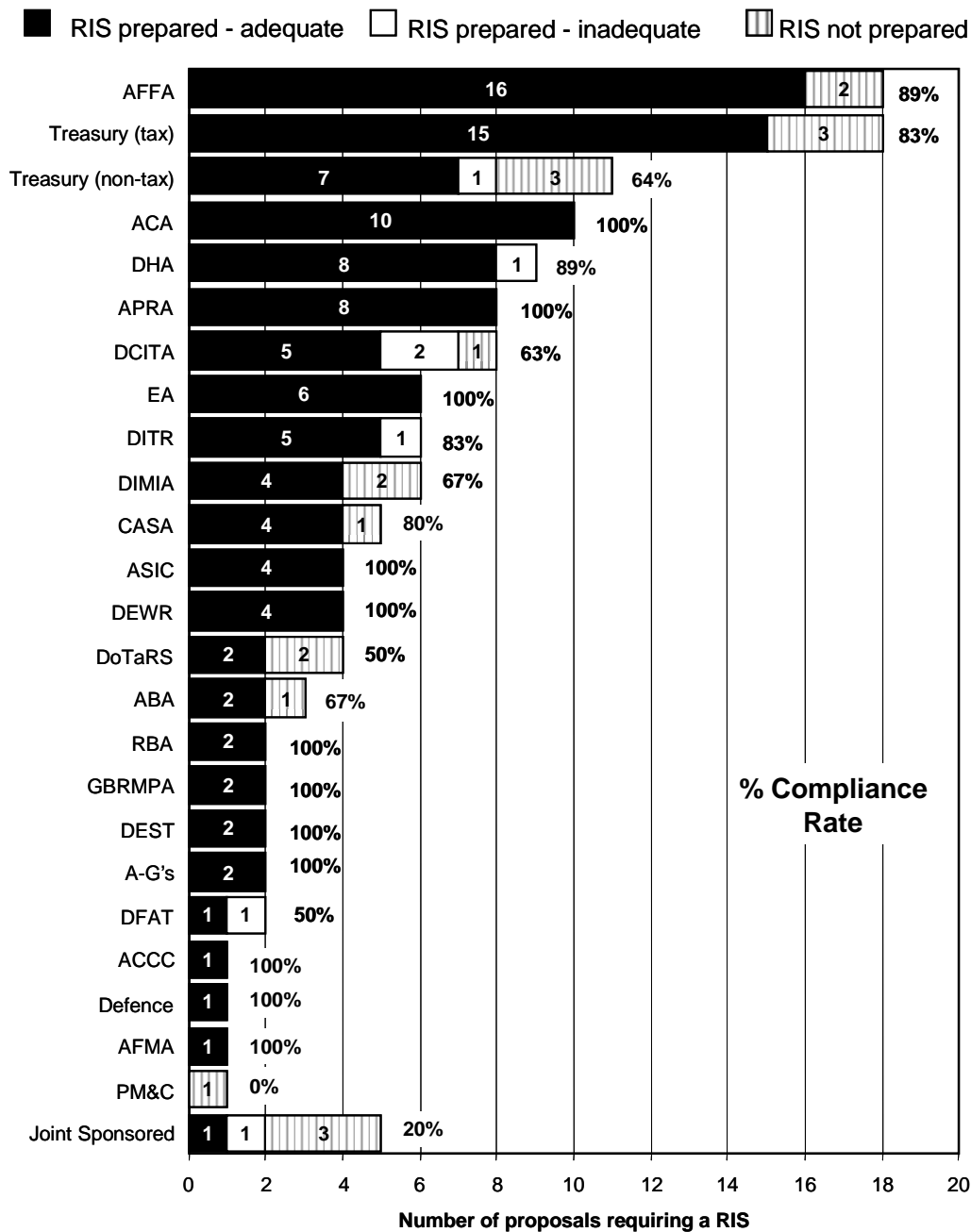
In 2002-03, as in previous reporting periods, compliance with the Government's Regulation Impact Statement (RIS) requirements varied significantly both among and within portfolios. Twelve departments and agencies were fully compliant. Seven departments and agencies were not compliant because they did not prepare RISs where required. Four departments and agencies prepared RISs where required, but some were assessed as inadequate.

In 2002-03, 23 departments and agencies developed regulatory proposals that triggered the requirements to prepare a RIS. Twelve departments and agencies were fully compliant with the Government's RIS requirements for all relevant regulatory activity at the decision-making stage. In the previous year, nine departments and agencies were fully compliant at the decision-making stage. Eleven departments and agencies did not comply fully with the RIS requirements in 2002-03.

Compliance at the decision-making stage is illustrated in figure 3.1. The total length of each bar indicates the number of RISs required to be prepared at the decision-making stage. The area in black denotes RISs that were prepared and assessed as adequate by the ORR. The area in white shows cases where RISs were prepared, but were assessed as containing an inadequate level of analysis. The shaded area shows cases where RISs should have been prepared, but were not. The compliance rate for each department and agency, as a percentage of the number of RISs required for that department/agency, is shown at the end of each bar.

Departments and agencies did not prepare RISs in 19 of the 26 cases of non-compliance. Detailed compliance results for departments and agencies follow. A brief description of significant regulatory proposals is also provided to underline the importance of implementing the RIS process in the early phases of the policy development process.

Figure 3.1 Compliance with RIS requirements at the decision-making stage, 2002-03^a



^a When the Government's RIS requirements became mandatory, the Government introduced a modified RIS process for tax proposals. Compliance by the Department of the Treasury is accordingly reported for both tax RISs and non-tax RISs.

Source: ORR estimates.

Timeliness

As discussed in chapter 2, in order to help gauge how well departments and agencies are incorporating the RIS requirements into their policy development processes, the ORR has begun tracking the time taken from receipt of the first draft of the RIS to clearance of the RIS at the decision-making stage by the ORR. In most cases, the longer the elapsed time, the greater the likelihood that departments and agencies have integrated the RIS process into existing policy development processes.

On the other hand, where a department prepares an adequate RIS and the elapsed time is measured in days rather than weeks, this may reflect the urgency of the issue rather than the underlying commitment to the RIS process.

The elapsed time between receipt of the first draft of the RIS and its assessment at the decision-making stage by the ORR is presented for each department or agency. The average elapsed time for all Australian Government departments and agencies in 2002-03 was 6.6 weeks (up from 5.5 weeks in 2001-02). Subject to the comments noted above, this suggests that departments and agencies may be better integrating RISs into their policy development processes.

3.1 Agriculture, Fisheries and Forestry

The Agriculture, Fisheries and Forestry portfolio includes the Department of Agriculture, Fisheries and Forestry — Australia (AFFA) and the Australian Fisheries Management Authority.

Department of Agriculture, Fisheries and Forestry — Australia

In 2002-03, AFFA prepared 16 of the 18 RISs required at the decision-making stage (table 3.1). The ORR assessed all of these RISs as adequate, resulting in a compliance rate of 89 per cent at the decision-making stage. In addition, 18 RISs were required for tabling, of which 17 RISs were prepared by the Department and cleared as adequate by the ORR (a compliance rate of 94 per cent).

Following discussions between the ORR and AFFA in early 2003 on the preparation of RISs, both agencies agreed to a range of administrative changes to improve the effectiveness of the working relationship. The changes included AFFA appointing a senior officer as a central point of contact to improve coordination between the two agencies. Since that time, AFFA has achieved 100 per cent compliance with the Government's RIS requirements.

Table 3.1 **AFFA: RIS compliance by type of regulation, 2002-03^a**

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	2/2	2/2	2/2	2/2
Disallowable instruments	14/16	14/16	15/16	15/16
Total	16/18	16/18	17/18	17/18
<i>Percentage</i>	89	89	94	94

^a The Department also shared responsibility for preparing a RIS for a joint proposal with the Department of The Prime Minister and Cabinet (see section 3.15).

Source: ORR estimates.

Significant issues

In 2002-03, AFFA introduced the *Australian Meat and Live-stock Industry Order 2002*, which specified how Australia's annual 378 000 tonne quota for beef exports to the United States was to be allocated from 2003. A RIS was not prepared to inform the decision-making stage. The report of the Quota Management Panel *Quota Allocation Arrangements for Beef Exports to the US — Year 2002 and Beyond*, was submitted to the ORR for assessment as a RIS for the tabling stage. The ORR determined that the report did not meet the Government's RIS requirements.

Timeliness

For AFFA in 2002-03, the average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 6.8 weeks. This compares with an average time across the Australian Government of 6.6 weeks.

Australian Fisheries Management Authority

In 2002-03, the Australian Fisheries Management Authority was fully compliant with the Government's RIS requirements, preparing one RIS that was assessed as adequate, at both the decision-making and tabling stages.

3.2 Attorney-General's

The Attorney-General's Department (A-G's) was fully compliant with the Government's RIS requirements in 2002-03, preparing two adequate RISs at the decision-making and tabling stages.

Table 3.2 **A-G's: RIS compliance by type of regulation, 2002-03^a**

<i>Regulatory proposals introduced via</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	1/1	1/1	1/1
Disallowable instruments	1/1	1/1	1/1	1/1
Total	2/2	2/2	2/2	2/2
<i>Percentage</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>

^a The Department also shared responsibility for preparing a RIS for a joint proposal with the Department of Transport and Regional Services (see section 3.15).

Source: ORR estimates.

Significant issues

In 2002-03, A-G's introduced a proposal to specifically prohibit age discrimination under Australian Government anti-discrimination laws. An adequate RIS was prepared at the decision-making and tabling stages. The RIS drew on the recommendations of the House of Representatives Standing Committee on Employment, Education and Workplace Relations report, *Age Counts* (HoRSCEEWR 2000).

Timeliness

For A-G's in 2002-03, the average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was six days.

3.3 Communications, Information Technology and the Arts

The Communications, Information Technology and the Arts portfolio includes: the Department of Communications, Information Technology and the Arts (DCITA); the Australian Broadcasting Authority (ABA); the Australian Communications

Authority (ACA); and the National Office for the Information Economy (NOIE). In 2002-03, NOIE was not required to prepare RISs.

Department of Communications, Information Technology and the Arts

In 2002-03, DCITA prepared seven of the eight RISs required at the decision-making stage. The ORR assessed five of the seven as adequate. At the tabling stage, the Department was required to prepare seven RISs, of which six were assessed as adequate.

Table 3.3 **DCITA: RIS compliance by type of regulation, 2002-03**

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	3/3	1/3	3/3	2/3
Disallowable instruments	3/4	3/4	4/4	4/4
Non-disallowable instruments	1/1	1/1	..	..
Total	7/8	5/8	7/7	6/7
<i>Percentage</i>	88	63	100	86

.. Not applicable.

Source: ORR estimates.

Significant issues

One significant proposal introduced in 2002-03 was the Government's response to the Productivity Commission's Inquiry Report on *Telecommunications Competition Regulation* (PC 2001b). The measures contained in this response aim to increase the level of competition and investment in the telecommunications market to the benefit of consumers and business by:

- facilitating timely access to basic telecommunications services;
- facilitating investment in new telecommunications infrastructure;
- encouraging a more transparent regulatory market; and
- enhancing accountability and transparency of decision making under Part XIB of the *Trade Practices Act 1974*.

A RIS prepared for the decision-making stage did not contain an adequate level of analysis. However, the RIS for tabling provided an adequate examination of these issues.

Timeliness

For DCITA in 2002-03, the average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 4.1 weeks. This compares with an average time across the Australian Government of 6.6 weeks.

Australian Broadcasting Authority

The ABA prepared two of three RISs required for three proposals at the decision-making stage. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was two days.

Table 3.4 ABA: RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Non-disallowable instruments	2/3	2/3	..	..
Total	2/3	2/3	..	..
<i>Percentage</i>	67	67	..	..

.. Not applicable.

Source: ORR estimates.

Australian Communications Authority

The ACA was fully compliant with the Government's RIS requirements in 2002-03. The ACA prepared ten adequate RISs at the decision-making stage. All of the four RISs required at the tabling stage were assessed as adequate. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 2.7 weeks.

Table 3.5 ACA: RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Disallowable instruments	4/4	4/4	4/4	4/4
Non-disallowable instruments	1/1	1/1	..	..
Quasi-regulations	5/5	5/5	..	..
Total	10/10	10/10	4/4	4/4
<i>Percentage</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>

.. Not applicable.

Source: ORR estimates.

3.4 Defence

The Department of Defence prepared an adequate RIS at the decision-making and tabling stages for one proposal introduced via a disallowable instrument that required a RIS. The RIS was cleared within three days of receipt by the ORR.

3.5 Education, Science and Training

The Department of Education, Science and Training (DEST) was fully compliant with the Government's RIS requirements in 2002-03. It prepared two RISs, both assessed as adequate by the ORR, for two proposals (including a treaty) at the decision-making (signing) and tabling (ratification) stages. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 4.3 weeks.

Table 3.6 DEST: RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</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	1/1	1/1	1/1
Treaties	1/1	1/1	1/1	1/1
Total	2/2	2/2	2/2	2/2
<i>Percentage</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>

Source: ORR estimates.

3.6 Employment and Workplace Relations

The Department of Employment and Workplace Relations (DEWR) was fully compliant with the Government's RIS requirements, preparing four adequate RISs at the decision-making and tabling stages. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 8.5 weeks. This compares with an average time across the Australian Government of 6.6 weeks.

Table 3.7 DEWR: RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	4/4	4/4	4/4	4/4
Total	4/4	4/4	4/4	4/4
<i>Percentage</i>	100	100	100	100

Source: ORR estimates.

3.7 Environment and Heritage

The Environment and Heritage portfolio includes the Department of Environment and Heritage (Environment Australia — EA), the Australian Greenhouse Office (AGO) and the Great Barrier Reef Marine Park Authority (GBRMPA). In 2002-03, compliance with the Australian Government's RIS requirements by the AGO is reported under Environment Australia and compliance with the Council of Australian Governments' *Principles and Guidelines* (COAG RIS compliance) is reported in appendix A.

Environment Australia

In 2002-03, EA was fully compliant with the Government's RIS requirements at the decision-making stage, preparing six adequate RISs. However, it was not fully compliant at the tabling stage. While Environment Australia prepared six adequate RISs at the tabling stage, a RIS was not tabled for one proposal.

Table 3.8 EA: RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills ^a	4/4	4/4	5/5	4/5
Disallowable instruments	1/1	1/1	1/1	1/1
Non-disallowable instruments	1/1	1/1	..	..
Total	6/6	6/6	6/6	5/6
<i>Percentage</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>83</i>

.. Not applicable. ^a Environment Australia was responsible for preparing one RIS at the tabling stage for which the Department of Transport and Regional Services and Environment Australia shared responsibility for RIS compliance at the decision-making stage (see section 3.15). An adequate RIS was prepared but not tabled.

Source: ORR estimates.

Significant issues

One significant proposal EA and the AGO were responsible for in 2002-03 was the development of a package of reforms to the Australian Government's ozone protection legislation. The reforms included proposed controls on the bulk import, export and manufacture of synthetic greenhouse gases (SGG) used as replacements to ozone depleting substances and on the import and manufacture of SGG in pre-charged refrigeration and air conditioning equipment. The Department and the AGO contacted the ORR early in the policy development process and consulted widely with stakeholders during the development of the proposal.

Timeliness

For EA in 2002-03, the average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 8.9 weeks (compared with an average time across the Australian Government of 6.6 weeks).

Great Barrier Reef Marine Park Authority

The GBRMPA was fully compliant with the Government's RIS requirements in 2002-03, preparing two RISs for two proposals introduced via disallowable instruments at the decision-making and tabling stages. Each was assessed as adequate by the ORR. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 3.7 weeks.

3.8 Foreign Affairs and Trade

The Department of Foreign Affairs and Trade was responsible for preparing RISs for the Singapore–Australia Free Trade Agreement which was tabled in Parliament in 2002-03. The Agreement is wide-ranging, covering tariff-free access for goods, improved market access for services (including specific commitments on sectoral markets for telecommunications, financial services and professional services), and cooperation and trade facilitation in key areas such as e-commerce, standards, education, intellectual property protection, competition policy and customs procedures.

RISs are required at three stages of the treaty-making process: entry into negotiations; at the signing of the Agreement; and at ratification. The Department prepared a RIS that was assessed as inadequate by the ORR at entry into negotiations, but was fully compliant at signing and at ratification. At the signing stage, the elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 9.1 weeks.

3.9 Health and Ageing

The Department of Health and Ageing (DHA) prepared nine RISs for proposals at the decision-making stage, of which one was assessed as inadequate (as it was not provided to the decision maker). At the tabling stage, the Department was fully compliant, preparing ten adequate RISs.

Table 3.9 **DHA: RIS compliance by type of regulation, 2002-03**

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>Prepared</i>	<i>adequate</i>
Bills ^a	4/4	3/4	5/5	5/5
Disallowable instruments ^b	4/4	4/4	5/5	5/5
Non-disallowable instruments	1/1	1/1	..	..
Total	9/9	8/9	10/10	10/10
<i>Percentage</i>	100	89	100	100

.. Not applicable. ^a The Department of Health and Ageing was responsible for preparing a RIS at the tabling stage for one proposal — medical indemnity insurance. Compliance for this proposal at the decision-making stage was the responsibility of the Department of The Prime Minister and Cabinet. ^b For one disallowable instrument, the decision-making stage predated the mandatory RIS requirements.

Source: ORR estimates.

In 2002-03, the DHA appointed a senior officer as a central point of contact to improve coordination between the Department and the ORR. Since that time, the DHA has been fully compliant with the Government's RIS requirements.

Significant issues

A significant proposal handled by the DHA in 2002-03 was a package of reforms to regulate the private health insurance industry. The reforms sought to streamline regulation and provide better value to consumers. An adequate RIS was prepared at both the decision-making and tabling stages.

Timeliness

For the DHA in 2002-03, the average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 7.6 weeks.

3.10 Immigration and Multicultural and Indigenous Affairs

The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) introduced six proposals for which RISs were required during 2002-03. Four adequate RISs were prepared at the decision-making stage (a compliance rate of 67 per cent). At the tabling stage, the Department was fully compliant, preparing six adequate RISs. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 15.6 weeks, well above the Australian Government average of 6.6 weeks.

Table 3.10 DIMIA: RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	2/2	2/2	2/2	2/2
Disallowable instruments	2/4	2/4	4/4	4/4
Total	4/6	4/6	6/6	6/6
<i>Percentage</i>	67	67	100	100

Source: ORR estimates.

3.11 Industry, Tourism and Resources

In 2002-03, the Department of Industry, Tourism and Resources (DITR) prepared six RISs at the decision-making stage. The ORR assessed five of these as adequate (a compliance rate of 83 per cent). Seven RISs were required at the tabling stage, of which six were prepared and assessed as adequate (a compliance rate of 86 per cent).

Table 3.11 **DITR: RIS compliance by type of regulation, 2002-03**

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills ^a	2/2	1/2	2/2	1/2
Disallowable instruments ^b	4/4	4/4	5/5	5/5
Total	6/6	5/6	7/7	6/7
<i>Percentage</i>	100	83	100	86

^a The Department also shared responsibility for preparing a RIS for a joint proposal with the Department of the Treasury (see section 3.15). ^b For one disallowable instrument, the decision-making stage predated the mandatory RIS requirements.

Source: ORR estimates.

Significant issues

In 2002-03, DITR was responsible for a proposal to extend the Automotive Competitiveness and Investment Scheme which covers industry assistance arrangements for the automotive industry. A RIS prepared for the decision-making stage was assessed by the ORR as not meeting the minimum standards of analysis required. The Department tabled this RIS with the legislation without consulting further with the ORR.

Another significant issue was the proposal to exclude the manufacture, supply and use of all spare parts (including those for motor vehicles) used for repairs from the industrial design registration system. The purpose of the exemption was to encourage increased competition in the market for spare parts. The RIS was assessed as adequate at both the decision-making and tabling stages.

Timeliness

For DITR in 2002-03, the average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 5.4 weeks.

Table 3.12 **DITR: RIS compliance for significant proposals, 2002-03**

Title of instrument	RIS for decision		RIS for tabling	
	prepared	adequate	prepared	adequate
<i>Description of regulatory proposal</i>				
ACIS Administration Amendment Bill 2003 & Customs Tariff Amendment Bill (ACIS) 2003				
<i>Automotive industry assistance arrangements – extension of the automotive competitiveness and investment scheme</i>	Yes	No	Yes	No
Designs Bill 2002				
<i>Exemption of spare parts used for repairs from the design registration scheme</i>	Yes	Yes	Yes	Yes
Total	2/2	1/2	2/2	1/2
<i>Percentage</i>	<i>100</i>	<i>50</i>	<i>100</i>	<i>50</i>

Source: ORR estimates.

3.12 Prime Minister and Cabinet

In 2002-03, the Department of The Prime Minister and Cabinet did not prepare a RIS at the decision-making stage for one regulatory proposal to address the issues of affordability of medical indemnity insurance and unfunded, incurred but not reported, liabilities.¹ RIS compliance for this proposal at the tabling stage was the responsibility of the Department of Health and Ageing.

3.13 Transport and Regional Services

The Transport and Regional Services portfolio includes the Department of Transport and Regional Services (DoTaRS), the Australian Maritime Safety Authority, the Civil Aviation Safety Authority (CASA) and the National Capital Authority (NCA). In 2002-03, the NCA was not required to prepare RISs.

¹ The Department of The Prime Minister and Cabinet also shared responsibility for preparing a RIS for a joint proposal with the Department of Agriculture, Fisheries and Forestry — Australia (see section 3.15).

Department of Transport and Regional Services

In 2002-03, DoTaRS was required to prepare four RISs at the decision-making stage. Of these, two were prepared and assessed as adequate, a compliance rate of 50 per cent at the decision-making stage. Of the seven RISs required for tabling, all were prepared and assessed as adequate. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was one week,² considerably less than the average time across the Australian Government of 6.6 weeks.

Table 3.13 DoTaRS: RIS compliance by type of regulation, 2002-03^a

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	1/3	1/3	6/6	6/6
Treaties	1/1	1/1	1/1	1/1
Total	2/4	2/4	7/7	7/7
<i>Percentage</i>	<i>50</i>	<i>50</i>	<i>100</i>	<i>100</i>

^a The Department also shared responsibility for preparing a RIS for two joint proposals with the Attorney General's Department and Environment Australia (see section 3.15).

Source: ORR estimates.

Civil Aviation Safety Authority

In 2002-03, CASA prepared four of the five RISs required at the decision-making and tabling stages. The ORR assessed all four RISs as adequate, resulting in a compliance rate of 80 per cent at both the decision-making and tabling stages. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was three weeks.

² One RIS has been excluded from the calculation of the timeliness figures for the Department as this RIS was initially prepared in 1999 for a Bill which was later reintroduced in 2003.

Table 3.14 CASA: RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Disallowable instruments	4/5	4/5	4/5	4/5
Total	4/5	4/5	4/5	4/5
<i>Percentage</i>	80	80	80	80

Source: ORR estimates.

3.14 Treasury

In 2002-03, the Department of the Treasury (Treasury) was required to prepare RISs for tax and non-tax proposals. (Compliance for each are reported separately here.) Among the portfolio's agencies, the Australian Competition and Consumer Commission (ACCC), the Australian Prudential Regulation Authority (APRA), the Australian Securities and Investments Commission (ASIC) and the Reserve Bank of Australia (RBA) were also required to prepare RISs.

Department of the Treasury (non-tax proposals)

In 2002-03, Treasury prepared eight of the eleven RISs required for non-tax proposals at the decision-making stage, one of which was assessed as inadequate. Adequate RISs were, however, prepared for all ten proposals that required a RIS for the tabling stage.

Table 3.15 Treasury (non-tax): RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills	4/7	3/7	7/7	7/7
Disallowable instruments	3/3	3/3	3/3	3/3
Non-disallowable instruments ^a	1/1	1/1	..	..
Total	8/11	7/11	10/10	10/10
<i>Percentage</i>	73	64	100	100

.. Not applicable. ^a RIS made public.

Source: ORR estimates.

Significant issues

In 2002-03, two significant issues included in the Medical Indemnity (Prudential Supervision and Product Standards) Bill 2002 were to provide for prudential supervision of the insurance business of medical defence organisations and for specification of minimum standards of medical indemnity cover. A RIS was not prepared for the decision-making stage, but one was prepared for the tabling stage and assessed as adequate by the ORR.

Timeliness

For Treasury in 2002-03, the average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 3.6 weeks.

Department of the Treasury (tax proposals)

Treasury prepared tax RISs for 15 of the 18 tax-related proposals for which a RIS was required to be prepared in 2002-03, all of which were assessed as adequate. Adequate tax RISs were prepared for all 19 of the proposals that required a RIS for the tabling stage.

Table 3.16 Treasury (tax): RIS compliance by type of regulation, 2002-03

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Bills ^a	12/15	12/15	16/16	16/16
Disallowable instruments	3/3	3/3	3/3	3/3
Total	15/18	15/18	19/19	19/19
<i>Percentage</i>	83	83	100	100

^a One tax-related RIS tabled by Treasury was the result of a jointly-sponsored decision-making process with the Department of Industry, Tourism and Resources (see section 3.15).

Source: ORR estimates.

Australian Competition and Consumer Commission

The ACCC was compliant with the Government's RIS requirements in 2002-03, preparing one RIS for a proposal introduced via a non-disallowable instrument.

Australian Prudential Regulation Authority

APRA fully complied with the Government's RIS requirements at both the decision-making and tabling stages in 2002-03. Adequate RISs were prepared for eight regulatory proposals that required a RIS at the decision-making stage. Seven of these RISs were required to be tabled. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was three weeks.

Table 3.17 **APRA: RIS compliance by type of regulation, 2002-03**

<i>Regulatory proposals introduced via</i>	<i>RIS for decision</i>		<i>RIS for tabling</i>	
	<i>prepared</i>	<i>adequate</i>	<i>prepared</i>	<i>adequate</i>
Disallowable instruments	7/7	7/7	7/7	7/7
Non-disallowable instruments ^a	1/1	1/1	..	..
Total	8/8	8/8	7/7	7/7
<i>Percentage</i>	100	100	100	100

.. Not applicable. ^a RIS made public.

Source: ORR estimates.

Australian Securities and Investments Commission

ASIC prepared adequate RISs for the four quasi-regulations that required RISs in 2002-03. There is no formal tabling requirement for quasi-regulation, but ASIC makes the RISs available to the public on request. The average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was a little over 29 weeks, reflecting ASIC's practice of preparing draft RISs at the consultation stage for some issues.

Table 3.18 **ASIC: RIS compliance by type of regulation, 2002-03**

<i>Regulatory proposals introduced via</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	4/4	4/4	..	..
Total	4/4	4/4	..	..
<i>Percentage</i>	100	100		

.. Not applicable.

Source: ORR estimates.

Reserve Bank of Australia

The RBA was required to prepare RISs for two proposals introduced by non-disallowable instruments in 2002-03. Adequate RISs were prepared at the decision-making stage for the proposals and both were made public.

Significant issues

One significant proposal the RBA was responsible for in 2002-03 was the reform of credit card schemes in Australia. The proposal involved a standard on interchange fees, the removal of card scheme restrictions on freedom for merchants to charge according to the means of payment and the removal of restrictions on the eligibility of non-financial institutions to participate in card schemes.

Timeliness

For the RBA in 2002-03, the average elapsed time between receipt of the first draft RIS and assessment of the RIS at the decision-making stage by the ORR was 3.7 weeks.

3.15 Jointly-sponsored proposals

As noted in preceding sections, in 2002-03, there were five RISs required at the decision-making stage for four proposals that were jointly-sponsored.

The Attorney-General's Department and the Department of Transport and Regional Services were jointly responsible for RIS compliance at the decision-making stage for a proposal to introduce Disability Standards for Accessible Public Transport. An adequate RIS that examined the application of alternative standards to public transport, premises and infrastructure and assessed the impacts on industry and the disabled was prepared. The RIS also considered impacts on the aged and parents with infants and young children.

The Departments of The Prime Minister and Cabinet and Agriculture, Fisheries and Forestry did not prepare a RIS at the early decision-making stage for proposed reform of the sugar industry. The proposal resulted in an Australian Government commitment of up to \$120 million to the Sugar Industry Reform Program to provide a range of measures to growers and industry including income support and adjustment assistance. This proposal was funded by the introduction of a 3 cents per kilogram statutory levy on sales of sugar for domestic human use. (A RIS was not

prepared by AFFA at the next decision-making stage. However, an adequate RIS was prepared by AFFA for the tabling stage.)

The Department of Transport and Regional Services and Environment Australia did not prepare a RIS at the decision-making stage for a proposal to impose requirements for labelling of transport fuels at the point of sale. (An adequate RIS for the tabling stage was prepared by Environment Australia, but was not tabled.)

The Departments of Industry, Tourism and Resources and the Treasury did not prepare a RIS for the Venture Capital Bill 2002 and Taxation Laws Amendment (Venture Capital) Bill 2002 at the first decision-making stage. A RIS, prepared for the second decision-making stage by both departments, was assessed as inadequate by the ORR. (The Department of the Treasury prepared a RIS at the tabling stage which was assessed as adequate.)