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## Recommendations

The following are the Commission's recommendations in response to material concerns raised by participants:

### Aged care

#### RECOMMENDATION 2.1

*To enable the Australian Government to reduce the burden associated with regulation and price controls, and to improve the quality and diversity of aged care services, it should explore options:*

- *for relaxing supply constraints in the provision of aged care services*
- *for allowing consumers' needs and preferences to be better understood and addressed*
- *for providing better information to older people and their families so they can make more meaningful comparisons in choosing an aged care service.*

#### RECOMMENDATION 2.2

*The Australian Government should explore options for removing the regulatory restriction on bonds as a source of funding.*

#### RECOMMENDATION 2.3

*Contingent upon the freeing up of supply constraints in the provision of aged care services outlined above in Recommendation 2.1, the Australian Government should abolish the 'extra service' residential care category. In the interim, where there appears to be unmet demand for such 'extra service' places in a particular region, the Department should consider freeing up the regional cap and adopting a lighter-handed monitoring approach, only intervening where extra service provision is resulting in an unreasonable reduction of access for supported, concessional or assisted care recipients.*

#### RECOMMENDATION 2.4

*The Department of Health and Ageing should conduct a publicly available evaluation of the current safeguards that protect elderly people receiving care, including the police check requirements, to explore whether the benefits of the existing safety framework could be achieved in a less costly manner.*

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RECOMMENDATION 2.5

*The Australian Government should amend the missing resident reporting requirements in the Accountability Principles 1998. It should allow a longer time period for providers to report missing residents to the Department. It should also adopt a more risk managed or tiered approach, by allowing different reporting time periods based on a provider's record on missing residents. This recommendation would not impact on the reporting of missing residents to police services by providers.*

RECOMMENDATION 2.6

*The Australian Government should review the Aged Care Standards and Accreditation Agency visits program to residential aged care facilities including the associated visit performance targets. The review should consider whether the visits program would benefit from a risk management approach designed with a greater focus on under-performing homes, that could achieve the same objectives (of ensuring compliance with accreditation standards) with less visits imposed on residential aged care providers overall.*

RECOMMENDATION 2.7

*The Accommodation Bond Guarantee Scheme ensures the refund of accommodation bonds to aged care residents in the event that a provider becomes insolvent. Given this government guarantee to residents, the Australian Government should amend the prudential standards to remove the requirement on aged care providers to disclose to care recipients or prospective care recipients:*

- a statement about whether the provider complied with the prudential standards in the financial year*
- an audit opinion on whether the provider has complied with the prudential standards in the relevant financial year*
- the most recent statement of the aged care service's audited accounts.*

RECOMMENDATION 2.8

*The Australian Government should amend the Residential Care Subsidy Principles 1997 to remove requirements on aged care providers to lodge separate written notices with the Secretary of the Department of Health and Ageing demonstrating compliance with Conditional Adjustment Payment reporting.*

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RECOMMENDATION 2.9

*The Department of Health and Ageing should review the efficacy of audited general purpose financial reports and consider whether other reporting mechanisms would deliver better outcomes for providers both in terms of comparative financial performance and compliance cost.*

RECOMMENDATION 2.10

*The Department of Health and Ageing and the Aged Care Standards and Accreditation Agency must clarify their respective roles to the industry regarding the monitoring of provider compliance with the accreditation standards. To achieve this, an effective communication strategy should be implemented in conjunction with the immediate release of the protocol between the two organisations (which explains the actions each organisation takes when non-compliance is identified or suspected). Legislative amendments should also be considered, if required.*

RECOMMENDATION 2.11

*The Department of Health and Ageing, in consultation with relevant state and territory government departments, should use current reviews of the accreditation process and standards to identify and remove, as far as possible, onerous duplicate and inconsistent regulations.*

RECOMMENDATION 2.12

*The Australian Government should abolish the annual fire safety declaration for those aged care homes that have met state, territory and local government fire safety standards.*

RECOMMENDATION 2.13

*The Department of Health and Ageing should submit a Proposal for Change to the Australian Building Codes Board requesting the privacy and space requirements contained in the current building certification standards be incorporated into the Building Code of Australia. Newly constructed aged care facilities would then only be required to meet the requirements of the Building Code of Australia. Once all existing residential aged care facilities have met the current building certification standards those standards should be abolished.*

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RECOMMENDATION 2.14

*The Australian Government should allow residential aged care providers choice of accreditation agencies to introduce competition and to streamline processes for providers who are engaged in multiple aged care activities.*

RECOMMENDATION 2.15

*The Commonwealth, state and territory governments should resolve any outstanding issues with the proposed community standards and reporting processes and implement the National Quality Reporting Framework as soon as possible, consistent with the methodology and principles supporting Standard Business Reporting.*

## **Child care**

RECOMMENDATION 3.1

*The Australian Government should amend the Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Determination 2000 so that it is clear that a service can have its Child Care Benefit approval removed if it is not accredited by the National Childcare Accreditation Council.*

RECOMMENDATION 3.2

*The Department of Education, Employment and Workplace Relations should improve both the quality of child care service information provided to parents, and the way it is delivered by:*

- *making it mandatory for the National Childcare Accreditation Council to publish on its website information on child care services' accreditation status (and the reasons for any 'not accredited' decision) and the Quality Profile Certificate (or quality rating) of specific child care services*
- *publishing on its website information on those child care services that are non-compliant with Child Care Quality Assurance, including the reasons for their non-compliance, and the consequences/outcomes that have resulted from their non-compliance*
- *providing direct links to this information on the mychild.gov.au website.*

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RECOMMENDATION 3.3

*The Department of Education, Employment and Workplace Relations should continue to improve the way child care services report anticipated vacancy information so that industry compliance costs are constrained and the information provided to parents is more useful.*

RECOMMENDATION 3.4

*The Department of Education, Employment and Workplace Relations should remove the requirement on the National Childcare Accreditation Council to conduct ‘unannounced’ validation visits of child care services, but continue with (unannounced) spot checks.*

RECOMMENDATION 3.5

*The National Childcare Accreditation Council should replace paper validation surveys given to parents with an alternative delivery mechanism, such as a telephone validation survey, so that child care services are no longer required to act as a survey dispensing/collection service.*

RECOMMENDATION 3.6

*The Department of Education, Employment and Workplace Relations should complete the integration of the three existing Child Care Quality Assurance systems as soon as possible.*

RECOMMENDATION 3.7

*The National Childcare Accreditation Council and state/territory regulators should coordinate their visits to child care services as far as possible, to reduce the risk of compliance activity spiking within a specific timeframe during the year.*

## **Information media and telecommunications**

RECOMMENDATION 4.1

*The Australian Communications and Media Authority should be provided with a broader discretion, similar to that provided to the Commonwealth Ombudsman, to not investigate some code complaints.*

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RECOMMENDATION 4.2

*The Australian Communications and Media Authority and the Department of Broadband, Communications and the Digital Economy should conduct a comprehensive joint review of all of the customer information requirements imposed on telecommunications businesses, and the processes used in developing new requirements. Specifically they should:*

- *review all of the current customer information requirements in consultation with industry and consumer organisations, with the aim of streamlining the requirements to remove duplication, reduce the burden on business, and improve the comprehensibility and clarity of information provided to customers, consistent with the principles set out in the Productivity Commission’s Report on its Review of Australia’s Consumer Policy Framework*
- *review the processes for developing new customer information requirements to ensure that such processes take account of the existing requirements and that the new requirements form part of a comprehensive and comprehensible package of customer information.*

RECOMMENDATION 4.3

*The Australian Government should review the costs and benefits of identity checks for prepaid mobile phone services in consultation with law enforcement and security agencies. The review should have the objective of substantially revising the regime to better achieve its objectives while eliminating unnecessary costs to business.*

RECOMMENDATION 4.4

*The anti-siphoning regime imposes regulatory burdens because of the protracted commercial negotiations required in respect of listed events. To address this issue the Australian Government should substantially reduce the anti-siphoning list.*

RECOMMENDATION 4.5

*The policy objective of the local content rules for radio could be met through more flexible rules. The Australian Government should introduce amendments to make provision for regional broadcasters to meet their local content obligations over the course of a longer time period, rather than through rigid daily content obligations. For certain categories of licence, such as racing and remote area licences, consideration should be given to whether there is a need for local content requirements.*

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*More flexible local content obligations should be accompanied by streamlined reporting requirements which target compliance activity on broadcasters who have been identified as having a high risk of non-compliance.*

RECOMMENDATION 4.6

*The Australian Government should introduce amendments to abolish the trigger event provisions for radio broadcasters. Instead, local content provisions should be relied on to ensure broadcast of locally significant material.*

RECOMMENDATION 4.7

*A greater risk management approach should be taken to the radio Disclosure Standard. The Australian Communications and Media Authority should revise the Disclosure Standard to make it less prescriptive.*

RECOMMENDATION 4.8

*The Department of Broadband, Communications and the Digital Economy and the Attorney-General's Department, in consultation with stakeholders, should seek agreement on whether requirements for captioning of broadcasts are most appropriately dealt with through broadcasting regulations or the Disability Discrimination Act. The legislation should then be amended accordingly so that broadcasters are only required to comply with a single set of regulations.*

RECOMMENDATION 4.9

*The Australian Government should introduce amendments to abolish the requirement for a minimum number of hours of high definition television to be broadcast by free-to-air television broadcasters. Whether abolished or not, the requirement on free-to-air television broadcasters to report on compliance with the high definition quota is redundant and should be removed.*

## **Electricity, gas, water and waste services**

RECOMMENDATION 5.1

*The Australian Energy Market Agreement should be amended to:*

- *provide a clear timetable for future reviews by the Australian Energy Market Commission (AEMC) of the effectiveness of competition in energy markets in those states and territories not yet reviewed by the AEMC*
- *clarify the process for follow up reviews of competition in those jurisdictions where an initial review by the AEMC has recommended the removal of price*

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*regulation, but that recommendation has not been accepted by the relevant jurisdiction*

- *require ongoing price monitoring by the Australian Energy Regulator, for a period of at least three years, where retail price regulation has been removed.*

RECOMMENDATION 5.2

*The Ministerial Council on Energy should commission ongoing work involving the states and the Australian Energy Market Commission to consider how the cost identification process used by existing regulators in each state will need to be modified to be responsive to changes in costs as a result of the Carbon Pollution Reduction Scheme.*

RECOMMENDATION 5.3

*All levels of government need to work cooperatively to reduce the burden associated with reporting obligations by:*

- *eliminating unnecessary requests for information, including where possible reducing the frequency of requests*
- *where appropriate, and agreed with business, sharing information between regulators*
- *standardising the language and forms used, and the type of data requested and wherever possible aligning reporting obligations with existing company data gathering and reporting*
- *facilitating on-line submission of information.*

*Reforms to reporting obligations impacting on energy, water and waste services should, as far as possible, be consistent with the systems being developed as part of Standard Business Reporting (SBR) so as to facilitate an extension of the SBR taxonomy and the use of SBR services for report creation and delivery in those sectors in the future.*

## **Transport**

RECOMMENDATION 6.1

*The Australian Government, through COAG, should expedite the development and implementation of the National System for the Prevention and Management of Marine Pest Incursions.*

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RECOMMENDATION 6.2

*The Aviation Transport Security Act 2004 should be amended to enable the Secretary of the Department of Infrastructure, Transport, Regional Development and Local Government, on the advice of the Office of Transport Security, to grant exemptions, variations and alternative procedures to the existing aviation security regulations that would meet the required regulatory outcome.*

RECOMMENDATION 6.3

*The Aviation Security Advisory Forum should provide a greater focus on consultation with industry with regard to existing and proposed aviation security regulation.*

RECOMMENDATION 6.4

*The price notification arrangements applying to regional airlines using Sydney Airport should be subject to independent review on their expiry in 2010.*

## **Education and training**

RECOMMENDATION 7.1

*The Department of Education, Employment and Workplace Relations, in consultation with state and territory authorities, should ensure that reforms to streamline reporting obligations in the education sector, including for schools and in response to recommendations from the Bradley Report, are undertaken consistent with the methodology and principles of the Standard Business Reporting initiative. Electronic reporting and secure on-line sign-on to the agencies involved should be introduced.*

## **Medical services**

RECOMMENDATION 8.1

*The Australian Government should implement the remaining recommendations from the Productivity Commission's 2003 Review of General Practice Administrative and Compliance Costs and the recommendations from the Regulation Taskforce's 2006 review relating to general practice which include:*

- *introducing a single provider number for each general practitioner*

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- *removing the Pharmaceutical Benefits Scheme authority approval requirement or allowing GPs to re-use an authority number for a repeat prescription where a patient's condition is unlikely to change*
  - *rationalising the incentive programs for GPs.*

## **Improving regulatory impact analysis**

### RECOMMENDATION 9.1

*The Australian Government should improve the transparency and accountability of its best practice regulation assessment processes by:*

- *developing a central register of regulatory impact analysis. The register would include:*
  - *Regulation Impact Statements (and the Office of Best Practice Regulation's adequacy assessments) at the time government decisions are made public, and*
  - *post-implementation reviews (and the Office of Best Practice Regulation's adequacy assessments) at the time these reviews are made public*
- *subject to review of the new Small Business Advisory Committee's effectiveness, considering the extension of this model beyond small business to include other businesses within a broader Business Advisory Committee*
- *improving the existing annual regulatory plan process, by making it mandatory for departments and agencies to update their plans as preliminary assessments are completed*
- *incorporating a 'consultation' Regulation Impact Statement in the regulation making process (in a similar manner to the COAG requirements) for use in public consultations where possible, or as part of confidential consultation with the Small Business Advisory Committee (or Business Advisory Committee should the concept be broadened beyond the small business sector).*

### RECOMMENDATION 9.2

*The Australian Government should commission an independent public review of the current best practice regulation requirements no later than five years after the requirements came into effect (that is, 20 November 2011).*