



New South Wales Government

IPART's *Investigation into the Burden of Regulation and Improving Regulatory Efficiency*: Six-monthly progress report

April 2008

The NSW Government is committed to reducing red tape to minimise regulatory burden on business and maximise net benefit to the community. "Cutting red tape" is a specific priority in the NSW State Plan and is a key component of ensuring that NSW is open for business.

The attached schedule sets out the Government's progress to address each of the 74 recommendations made in IPART's *Investigation into the Burden of Regulation and Improving Regulatory Efficiency* which was released in October 2006. Recommendations 1 to 16 focus on strengthening and reinvigorating regulatory processes to reduce the burden imposed by new regulations, while recommendations 17 to 74 relate to reform of existing regulations across a broad range of policy areas. The Government responded to the IPART report in 2007 and committed to report against each recommendation on a six monthly basis. This is the first progress report.

The progress report indicates that the Government is generally on-track to deliver its red tape reform agenda. Of the 74 recommendations made by IPART, the Government has completed reforms for 23 recommendations, 43 are on-track to be delivered and 8 are under ongoing analysis.

One of the main achievements has been the release of the Guide to Better Regulation which clarifies the Government's requirements for good regulatory practice including consultation, regulatory analysis, implementation and review. It sets out the Government's 'gatekeeping' processes to reduce the regulatory burden and stop the creation of red tape.

There have also been significant achievements in a range of specific reform areas. These include children's services regulation, liquor licensing, professional indemnity insurance and consultancy procurement.

Several recommendations require cross-jurisdictional reform. The Government's involvement with the Council of Australian Governments (COAG) and the renewed focus on regulatory reform through its working groups will provide the impetus for significant gains in these areas over coming months.

The Guide to Better Regulation and a copy of the Government's responses to the IPART report can be found on the Better Regulation Office website at www.betterregulation.nsw.gov.au.

The second progress report will be released in October 2008.

GOVERNMENT RESPONSE TO IPART REPORT ON REGULATORY BURDEN

First six monthly update

Rec	Reform area & Responsibility	Final Government Response	Status	Comment
1	<p>Strengthen the role of the Minister for Regulatory Reform</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation. The role of the Minister Assisting the Treasurer on Business and Economic Regulatory Reform has been enhanced, in order to ensure that regulation making in New South Wales is consistent with best practice principles. The Minister has been tasked with ensuring that red-tape is minimised, and that an effective regulation making process has been followed, in the development of all new regulatory proposals. The Minister will need to certify the adequacy of each RIS for significant proposals. The Minister will bring his assessment of the adequacy of RIS to Cabinet.</p> <p>For Regulations which do not demonstrate compliance with a best practice process, or are significant, the Minister may provide advice to the Premier regarding whether the matter should proceed.</p> <p>The Minister will have joint administration of the <i>Subordinate Legislation Act 1989</i> (with the Premier) and will be allocated responsibility for the Better Regulation Office.</p> <p>The Minister will also be able to direct the Better Regulation Office to conduct reviews into specific regulatory matters where reduction of the regulatory burden will have benefits across the State's economy or multiple industries within the State's economy.</p>	Complete	<p>The NSW Guide to Better Regulation, released in April 2008, clarifies the Minister for Regulatory Reform's responsibilities for implementing the Government's commitment to cut red tape.</p> <p>The Minister will:</p> <ul style="list-style-type: none"> - certify the adequacy of Better Regulation Statements required for all significant new and amending Bills and Regulations from 1 June 2008 - bring the assessment underlying that certification to the attention of the Cabinet or, in the case of Regulations or other Statutory Instruments, to the Premier - provide strategic policy advice on whether regulatory proposals being put to Cabinet demonstrate compliance with the better regulation principles - scrutinise all Regulations and other Statutory Instruments being put before the Executive Council and advise the Premier whether the regulation should proceed. <p>Premier's Memorandum No. 2008-01 outlines the arrangements for statutory rules due for staged repeal under the <i>Subordinate Legislation Act 1989</i>. The Minister for Regulatory Reform has principal carriage of the staged repeal process and will determine responses to requests for postponement.</p> <p>Premier's Memorandum No. 2008-01 requires that explanatory notes or a background paper be included when a RIS is tabled in Parliament if the final regulation is substantially different from the draft regulation that was released for public comment.</p>
2	<p>Establish Better Regulation Office</p>	<p>The NSW Government supports this recommendation, and will establish a Better Regulation Office.</p>	Complete	<p>The Better Regulation Office (BRO) was established administratively in January 2007, and is now fully operational. It is located within the</p>

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	(Regulatory Reform)	<p>The Better Regulation Office will be an advocate for, and source of assistance for, best practice regulation making across government. In particular the Office will:</p> <ul style="list-style-type: none"> - provide ongoing advice and practical tools to agencies to assist in meeting the requirements of good regulatory process, including guidance on alternative regulatory forms, risk analysis and cost-benefit analysis; - provide a central source of information on best practice regulation; - conduct targeted reviews into identified areas where reduction of regulatory burden would have benefits across the State's economy or multiple industries within the State's economy; - provide an annual report on compliance with the NSW Government's regulatory process requirements; - review and advise the Minister on the implementation of good regulatory processes across Government; - provide technical and analytical support to the Minister; and - update existing best practice regulation guidelines, including a consultation policy, and develop enhanced RIS requirements, and new review requirements. <p>The Better Regulation Office will also be tasked with developing a measure of the compliance costs and administrative burden for business and the community of all new regulatory proposals.</p> <p>The provision of assessments and advice by the Better Regulation Office will be ring-fenced from the broader processes of its host agency and the Office will report to the</p>		<p>Department of Premier and Cabinet and supports the Minister for Regulatory Reform.</p> <p>The Office:</p> <ul style="list-style-type: none"> - acts as a gatekeeper, reviewing and advising the Minister on compliance with the better regulation principles across government. This role includes providing advice on Cabinet proposals and on Regulations and other Statutory Instruments going before the Executive Council, as well as providing advice on whether Better Regulation Statements are adequate and should be certified - conducts targeted reviews, as directed by the Minister, into specific regulatory areas or industries where reducing red tape will benefit the State's economy - monitors and reports every six months on the Government's progress in implementing the Independent Pricing and Regulatory Tribunal (IPART)¹ recommendations for reforms to strengthen and reinvigorate regulatory processes in NSW and reduce red tape across a broad range of policy areas - reports annually on compliance with the Government's better regulation principles - acts as a central source of information and expertise on the better regulation principles and practices - advocates for best practice regulation making across government. <p>A targeted review into Shop Trading Hours commenced in 2007. Research is continuing on other targeted reviews.</p> <p>An annual report on compliance will be completed in the second half of 2008.</p>

¹ IPART made 74 recommendations in its final report *Investigation into the Burden of Regulation in NSW and Improving Regulatory Efficiency*. These recommendations contained proposals for strengthening and reinvigorating regulatory processes in NSW and for reforms to reduce the regulatory burden in existing regulation across a broad range of policy areas.

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		<p>Minister.</p> <p>The Better Regulation Office was established administratively in January 2007 and will be fully operational by June 2007.</p>		<p>The Guide to Better Regulation, released in April 2008, includes a new consultation policy for regulatory proposals and enhanced regulatory impact assessment requirements through the Better Regulation Statement. More specific guidance on measuring compliance costs will be released shortly.</p>
3	<p>Report against performance indicators for best practice regulatory processes</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation in-principle, and will require the Better Regulation Office to report on the NSW Government's performance against best practice regulation requirements.</p> <p>The performance indicators will be developed to take into account the need to create incentives to achieve best practice while ensuring that undue internal government red-tape is minimised.</p> <p>It is envisaged that the reports will provide an annual overview of significant proposals that required the preparation of Regulatory Impact Statements (RIS), the adequacy of required RIS, and an overview of the operation of regulatory processes in New South Wales.</p>	On-track	<p>An annual report on the NSW Government's performance in reducing red tape will be completed in the second half of 2008.</p>
4	<p>Develop consultation policy</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation, and will develop a whole-of-government consultation policy, as part of a new guide to Best Practice Regulation.</p>	Complete	<p>A new consultation policy for developing regulatory proposals was released as part of the Guide to Better Regulation. It offers guidance on how to conduct effective consultation to ensure regulatory development is informed by the knowledge and experience of stakeholders.</p>
5	<p>Extend minimum consultation period for RISs</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports the need for adequate consultation with stakeholders on all regulatory proposals, proportionate to their significance and degree of stakeholder interest. It is important, however, that such red tape does not unnecessarily delay proposals proceeding in the public interest.</p> <p>As an immediate measure, the NSW Government has</p>	Complete	<p>The Government extended the minimum consultation period for new regulatory proposals to 28 days in December 2006 (Premier's Memorandum 2006-17).</p> <p>The Guide to Better Regulation confirms that the minimum consultation period for new regulatory proposals has been extended to 28 days. This does not prevent longer consultation periods being employed for more significant or complex proposals, or where otherwise appropriate to the</p>

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		<p>extended the minimum consultation period for new regulatory proposals to 28 days. This does not prevent employing longer consultation periods on more significant or complex proposals.</p> <p>A whole-of-government consultation policy will be developed as part of the new guide to Best Practice Regulation. This will include guidance on when consultation periods longer than 28 days would be appropriate.</p>		<p>stakeholders or issues concerned.</p> <p>The consultation process will vary according to the circumstances which call for the use of regulation. The consultation policy provides guidance on how to ensure that consultation is effective.</p>
6	<p>Undertake regulatory impact assessment meeting 'materiality' thresholds</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation and will introduce a new requirement for a best practice regulatory impact assessment process to be used in the development of <u>all</u> regulatory proposals. That process will be developed as part of the new guide to Best Practice Regulation.</p> <p>Consistent with IPART's proposal for a 'materiality' threshold, a 'decision making' Regulatory Impact Statement (RIS), reporting on the regulation making process, will be prepared for new and amending Bills and Regulations which would:</p> <ul style="list-style-type: none"> - have a significant impact on individuals, the community, or any sector of the community; - have a significant impact on business, including by imposing significant compliance costs; - impose a material restriction on competition; or - impose a significant cost to government. <p>The Better Regulation Office will assess the adequacy of the RIS before proposals are considered by decision makers, and the RIS will be made publicly available as appropriate.</p>	Complete	<p>The Guide to Better Regulation contains requirements to prepare a Better Regulation Statement for significant new and amending legislation. Premier's Memorandum 2008-05 implements the requirements of the Guide.</p> <p>The purpose of a Better Regulation Statement is to provide decision makers with sufficient information to enable them to make an informed decision about whether to approve the proposal.</p> <p>The Portfolio Minister is responsible for determining whether a Bill or a Regulation is significant. This will need to be determined on a case by case basis but, in general, Bills and Regulations are considered significant if they would:</p> <ul style="list-style-type: none"> - introduce a major new regulatory initiative - have a significant impact on individuals, the community, or a sector of the community - have a significant impact on business, including by imposing significant compliance costs - impose a material restriction on competition, or - impose a significant administrative cost to government. <p>The <i>Subordinate Legislation Act 1989</i> continues to require the preparation of a regulatory impact statement for all new statutory rules in NSW. Where new regulations are significant, the regulatory impact statement should address the better regulation principles as well as be consistent with the requirements under the <i>Subordinate Legislation Act</i>. In these</p>

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				cases the regulatory impact statement will then meet the requirements for a Better Regulation Statement.
7	Update best practice regulation guidelines (Regulatory Reform)	<p>The NSW Government supports this recommendation, and will develop a new guide to Best Practice Regulation.</p> <p>The new guide will assist policy makers and regulators to work through the regulatory impact assessment process, including clarification of the objective, consultation, and analysis of costs and benefits of options.</p> <p>The guide will be consistent with relevant Council of Australian Governments (COAG) commitments, including the new best practice regulation commitments made as part of the National Reform Agenda.</p> <p>The guide will ensure that policy development processes demonstrate the following best practice principles:</p> <ul style="list-style-type: none"> - the need for government action should be established; - the objective of action should be made clear; - the costs and benefits of a range of options should be considered, including non-regulatory options; - government action should be effective and proportional; - the simplification, repeal, reform, or consolidation of existing regulation should be considered; - business and community consultation should inform regulatory decisions; and - regulation should be periodically reviewed and, if necessary, reformed to ensure its continued efficiency and effectiveness. 	Complete	<p>The Guide to Better Regulation was released in April 2008. The Guide provides details on how to apply the seven better regulation principles to meet the Government's commitment to cut red tape. It outlines the roles of the Minister for Regulatory Reform and the Better Regulation Office, and the new 'gatekeeping' processes to help stop the creation of red tape.</p> <p>The major changes introduced by the Guide include:</p> <ul style="list-style-type: none"> - New and amended regulation (Bills, Regulations and Statutory Instruments) must demonstrate compliance with the better regulation principles. - A Better Regulation Statement is required for significant new and amending Bills and Regulations and must be certified by the Minister for Regulatory Reform. - There is a greater focus on the need to understand impacts of proposed regulation. This can be achieved by quantitative and qualitative analysis, as well as consultation with stakeholders. - New and amended regulation must minimise the compliance costs for business and administration costs for government. Better Regulation Statements must identify and justify compliance costs and show action which has been taken to minimise those costs. - Planning for implementation, compliance, enforcement and monitoring must be done as part of regulatory development so it informs regulatory design and does not impose unnecessary compliance costs. - Earlier consultation is required to assist the development of regulatory proposals and to help government thoroughly understand their impact. - Regular review is required so regulation remains relevant, continues to meet its policy objectives and does not impose unnecessary regulatory burdens as circumstances change.

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8	<p>Promote standard national RIS guidelines through COAG</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation in-principle, and is currently working with other jurisdictions, through the Council of Australian Governments (COAG), to identify consistent national approaches to better regulation, including through enhanced regulatory impact assessment.</p>	Complete	<p>On 13 April 2007, COAG agreed on measures to improve the quality of regulatory decision making including to:</p> <ul style="list-style-type: none"> - establish and maintain gate keeping mechanisms as part of the decision-making process to ensure that the regulatory impact of proposed regulatory instruments are made fully transparent to decision makers in advance of decisions being made and to the public as soon as possible - improve the quality of regulation impact analysis through the use, where appropriate, of cost-benefit analysis - broaden the scope of regulation impact analysis, where appropriate, to recognise the effect of regulation on individuals and the cumulative burden on business and, as part of the consideration of alternatives to new regulation, have regard to whether the existing regulatory regimes of other jurisdictions might offer a viable alternative. <p>The NSW gatekeeping processes and better regulation principles are consistent with those developed by COAG.</p>
9	<p>Adopt stronger risk analysis and assessment</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation, and will include in the new guide to Best Practice Regulation requirements that implementation be considered in the development of options and that planning for implementation and enforcement form part of regulatory proposals.</p> <p>Administration and enforcement strategies will be required to be set out in RIS and Cabinet Minutes, as relevant.</p> <p>Further, the NSW Government will request the Better Regulation Office to develop an information resource on risk-based enforcement, to complement the Best Practice Regulation Guide.</p>	On-track	<p>The Guide to Better Regulation specifies that an implementation and compliance strategy should be developed for the preferred option to ensure the objectives will be effectively and efficiently achieved.</p> <p>A hierarchy of compliance tools should be used to tailor compliance activities to the risks involved.</p> <p>A more specific risk-based enforcement tool will be developed by the Better Regulation Office in 2008.</p>
10	<p>Monitoring and reporting of performance</p>	<p>The NSW Government supports this recommendation.</p> <p>Appropriate reporting requirements will be developed in</p>	On-track	<p>The Guide to Better Regulation states that the Government is committed to more robust performance monitoring by agencies.</p>

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	(Regulatory Reform)	<p>consultation with the Better Regulation Office.</p> <p>This work will take account of work commissioned by COAG, and being undertaken by the Productivity Commission, on possible performance indicators and reporting frameworks across all levels of government to implement COAG's in-principle decision to adopt a common framework for benchmarking, measuring and reporting on regulatory burden.</p>		<p>Performance indicators should be based on the objectives of the regulation. These 'outcomes' based performance indicators should be reported alongside the more traditional 'output' or process-based indicators like indicators of compliance and enforcement activity.</p> <p>The NSW Government is assisting with COAG's Productivity Commission project for benchmarking, measuring and reporting on regulatory burden.</p>
11	<p>Post implementation reviews</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation. The new guide to Best Practice Regulation will require that regulatory proposals include processes for post implementation monitoring and review.</p>	Complete	<p>The Government has committed to a program of ongoing review of all regulation unless it has a minimal impact. One of the better regulation principles is that "Regulation should be periodically reviewed, and if necessary reformed to ensure its continued efficiency and effectiveness".</p> <p>The Guide to Better Regulation provides guidance on processes for implementation, monitoring and review.</p>
12	<p>Vary automatic repeal requirements</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation. Ministers will be encouraged to coordinate reviews of Principal and Subordinate Legislation. To facilitate this, staged repeal processes for Regulations will be reformed to provide that a synchronised review of both the Principal and Subordinate Legislation will satisfy all review obligations.</p> <p>The NSW Government will further review and if necessary revise the existing staged repeal arrangements as part of its comprehensive review of current regulatory processes.</p>	Complete	<p>Premier's Memorandum No. 2008-01 updated the arrangements for statutory rules (including regulations) due for staged repeal under the <i>Subordinate Legislation Act 1989</i>.</p> <p>Principal legislation under which regulations are made is subject to a statutory five year review. If this is the case, or if Cabinet or the Premier has otherwise approved a review of either the principal legislation and/or the regulations, then statutory rules due for repeal will be eligible for postponement.</p>
13	<p>Review clauses</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation, and will require all Legislation to be subject to a program of rolling review. An automatic review clause will continue to be included in all Principal Legislation, subject to exemptions including where legislation does not have significant impacts. A new review clause will be required to be inserted following</p>	Complete	<p>The Guide to Better Regulation states that a review clause will be required in Bills and statutory rules. After the first review, a new review clause will be added to any new or amending legislation. Reviews should generally be conducted after five years, although a longer review period may be warranted in some cases.</p> <p>Statutory rules will continue to be reviewed under the provisions of the</p>

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		<p>completion of a review.</p> <p>The timing of reviews will be decided with regard to a range of matters including the significance and complexity of the Legislation, the likely impact of a review on affected parties, and the need to ensure reviews are rigorous and timely.</p>		<p><i>Subordinate Legislation Act 1989.</i></p>
14	<p>Administrative and legislative amendments</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation in-principle, and will introduce administrative requirements and amend legislation as appropriate to ensure effective implementation and transition to new arrangements.</p> <p>The Better Regulation Office was established administratively in January 2007, to allow work to commence on overhauling current regulatory processes and developing the detail of new regulatory frameworks, guidance and requirements. (Specific responses to recommendations 1, 5, 6, and 7 are detailed above.)</p> <p>The Office will be fully operational by June 2007. The NSW Government will review the efficacy of the Better Regulation Office within three years of its commencement of operations.</p>	Complete	<p>The role of the Minister for Regulatory Reform and the improved regulation making processes (including the best practice principles) were administratively introduced in Premier's Memorandum 2006-17 and the NSW Government's Policy Statement on 13 February 2007 respectively.</p> <p>The Minister for Regulatory Reform was made jointly responsible for administering the <i>Subordinate Legislation Act 1989</i> (with the Premier) on 28 June 2007 and new requirements under this Act were specified in Premier's Memorandum 2008-01.</p> <p>Premier's Memorandum 2008-05 outlines the requirements to comply with the Guide to Better Regulation.</p>
15	<p>Support national-level reforms</p> <p>(Regulatory Reform)</p>	<p>The NSW Government supports this recommendation, and notes that these matters are reflected in New South Wales' existing and ongoing participation in inter-jurisdictional processes and agreements.</p> <p>While the NSW Government does not believe that a 'one size fits all' approach is always the best solution, consideration of the approaches to regulation in other jurisdictions will be an essential component of the new guide to Best Practice Regulation.</p> <p>The Australian and Trans-Tasman mutual recognition schemes are reviewed every five years. The most recent review of the schemes was conducted by the Productivity Commission in 2003 which, among other things, considered</p>	On-track	<p>The NSW Government is supporting national level reforms through its involvement in COAG and various Ministerial Councils.</p> <p>COAG established the Business Regulation and Competition Working Group in December 2007 to reduce the regulatory burden on business, further improve processes for regulation making and review, and deliver significant improvements in Australia's competition, productivity and international competitiveness. The NSW Government welcomes the establishment of this Working Group.</p> <p>The Group is working to accelerate and deliver the agreed COAG regulatory 'hotspots' agenda (as set out in the <i>COAG Regulatory Reform Plan April 2007</i>), accelerate progress on a number of existing regulatory reforms (such as occupational health and safety) and identify new areas</p>

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		the scope for expansion of the schemes and the management of exemptions and exclusions from the schemes.		<p>of regulatory reform for COAG's consideration. It will also progress the existing competition work stream.</p> <p>On 26 March 2008, COAG asked the Working Group to report to it by the end of 2008 on possible further improvements to both regulation making and review, including examining processes to ensure no net increase in the regulatory burden and common start dates for legislation. COAG also asked the Working Group to consider by end 2008 whether further reforms are needed to ensure jurisdictions have best-practice regulation and review processes in place.</p>
16	<p>Establish taskforce to draft national protocols and terminology</p> <p>(Premier)</p>	<p>The NSW Government recognises the importance of consistency in the drafting of legislation that has a national impact or affects businesses operating on a national basis.</p> <p>To that end, the NSW Parliamentary Counsel is the Secretary of the Australasian Parliamentary Counsels' Committee which comprises the legislative drafting offices of all Australian jurisdictions and New Zealand. The Committee drafts national uniform legislation and provides a forum for the promotion of consistent styles of legislation and the exchange of ideas.</p>	Complete	The Parliamentary Counsels' Committee has settled a detailed drafting protocol for the drafting of national uniform legislation. The second edition of the protocol is available at www.pco.nsw.gov.au .
17	<p>Support the development of a national on-line registration system for ABN and business names, including trademark searching</p> <p>(Small Business/Fair Trading)</p>	The NSW Government is working with other jurisdictions through the COAG Small Business Ministerial Council to develop a preferred model to deliver a seamless, single on-line registration system for ABN and business names, including trademark searching. The Ministerial Council will report back to COAG with its recommendations and cost implications by the end of 2007.	<p>On-track</p> <p>This is a COAG regulatory hotspot</p>	<p>This project is being led by the Commonwealth Government. NSW Fair Trading has nominated representatives to the Project Steering Committee and Taskforce, and the Taskforce has now developed possible models to give effect to the project. A business case for these models is currently being finalised by an independent consultant and is expected to be submitted to the Taskforce for consideration in April 2008.</p> <p>COAG has requested the Small Business Ministerial Council in conjunction with the COAG Business Regulation and Competition Working Group to report to COAG by mid-2008 on proposed improvements to the ABN and business names model.</p>

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18	<p>Support reforms to achieve a harmonised national system of chemicals and plastics regulation</p> <p>(Climate Change & Environment)</p>	<p>The NSW Government supports this recommendation, and will participate in a COAG Ministerial Taskforce to develop measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation.</p> <p>NSW has led the development of a national framework for environmental chemical management (NChEM) through the Environment Protection and Heritage Council. In June 2007, the Council endorsed the national framework by signing a Ministerial Agreement and agreeing to an Action Plan for implementation.</p> <p>The regulation of security-sensitive ammonium nitrate was reviewed as part of the COAG Review of Hazardous Materials. COAG considered this aspect of the Review in 2004 and new regulatory arrangements aimed at introducing a nationally-consistent, effective and integrated approach were instituted as recently as 2005.</p>	<p>On-track</p> <p>This is a COAG regulatory hotspot</p>	<p>The national environmental chemical management framework (NChEM) was endorsed by the EPHC in June 2007 when Ministers signed a Ministerial Agreement and agreed to an Action Plan for implementation. This work is intended to support the development of a broader national approach underway through COAG.</p> <p>The EPHC's NChEM Working Group continues to meet regularly to oversee implementation of the Action Plan. It has finalised a submission to the Productivity Commission's review into the regulation of chemicals and plastics, which was a key item in the Action Plan.</p> <p>NSW is participating in a COAG Ministerial Taskforce to develop measures to achieve a streamlined and harmonised system of national chemicals and plastics regulation. The Taskforce will consider the draft Productivity Commission report on chemicals and plastics regulation, released on 19 March 2008, at its first meeting in April 2008.</p> <p>COAG has agreed the Ministerial Taskforce will report back to COAG on actions in response to the Productivity Commission's recommendations by October 2008.</p>
19	<p>Review role of governments in regulating children's services to identify areas of duplication and options to improve efficiency</p> <p>(Community Services/ Premier)</p>	<p>The NSW Government is working with other jurisdictions to develop by 2008 an intergovernmental agreement on a national approach to quality assurance and regulations for early childhood education and care. This agreement aims to address overlaps and duplication between State and Commonwealth regulations and reduce red tape for service providers.</p>	<p>On-track</p>	<p>On 13 April 2007, COAG agreed to develop a national approach to quality assurance and regulations for child care.</p> <p>Work undertaken in 2007 on the development of an intergovernmental agreement is now being rolled in to the new COAG early childhood reform program being overseen by the COAG Working Group on the Productivity Agenda.</p>

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20	<p>Identify opportunities for greater national harmonisation of consumer protection regulations</p> <p>(Fair Trading)</p>	<p>The NSW Government supports this recommendation, and is working with other jurisdictions to develop options for greater harmonisation of consumer protection regulations, including in relation to:</p> <ul style="list-style-type: none"> - finance brokers: an exposure draft bill on national regulation of finance brokers is expected to be released for public consultation in 2007; and - telemarketing: a national telemarketing industry standard commenced on 31 May 2007. <p>At the 13 April 2007 COAG meeting, States and Territories agreed to the development of a uniform national approach to product safety within 12 months. At its meeting on 18 May 2007, the Ministerial Council on Consumer Affairs agreed on actions to meet this deadline.</p> <p>In November 2006, the NSW Legislative Council Standing Committee on Law and Justice report on unfair terms in consumer contracts recommended that the NSW Government establish a scheme for the protection of consumers in relation to unfair terms in consumer contracts under NSW legislation. In response, the NSW Government asked the Office of Fair Trading to further examine the need for Government intervention.</p>	<p>On-track</p> <p>Consumer policy is a COAG reform area</p> <p>Product safety is a COAG regulatory hotspot</p> <p>Mortgage credit (including broking) is a COAG reform area</p>	<p>COAG has agreed to develop enhanced national approaches to improve the consumer policy framework, including legislative and regulatory structures, drawing on the final report of the Productivity Commission's review of Australia's consumer policy framework. Proposals will be developed by the COAG Business Regulation and Competition Working Group in consultation with the Ministerial Council on Consumer Affairs by October 2008.</p> <p>COAG has agreed that the Commonwealth will assume greater responsibility for regulating product safety, and that States could retain the power to impose interim product bans. COAG has asked the Ministerial Council on Consumer Affairs through the COAG Business Regulation and Competition Working Group to provide a detailed implementation plan to COAG by July 2008 on a national system.</p> <p>The Ministerial Council on Consumer Affairs is developing model uniform legislation for finance brokers. An exposure draft Bill on the national regulation was released on 28 November 2007 for comment by 15 February 2008. The COAG Business Regulation and Competition Working Group is monitoring implementation of this project.</p> <p>COAG has agreed in principle to the Commonwealth assuming responsibility for regulating mortgage credit and advice, including persons and corporations engaged in mortgage broker activities, for the purpose of protecting consumers. States and Territories will retain interim responsibility to regulate mortgage credit and advice and mortgage broker (also referred to as finance broker) activities until the Commonwealth completes its assumption of responsibility.</p> <p>COAG has also agreed in principle to the Commonwealth assuming responsibility for regulating margin lending, including persons and corporations engaged in margin lending, and lending by non-deposit taking institutions.</p> <p>The COAG Business Regulation and Competition Working Group in</p>

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				<p>consultation with the Ministerial Council on Consumer Affairs will develop details on these reforms by October 2008.</p> <p>COAG agreed that the COAG Business Regulation and Competition Working Group would identify any other areas of financial service activities that best sit within the Commonwealth's regulatory responsibility.</p> <p>Examination by the NSW Government of the need to intervene in relation to unfair terms in consumer contracts is on hold, pending finalisation of the Commonwealth Government's response to the final report of the Productivity Commission's review of Australia's consumer policy framework. The draft report proposed a national approach to regulation in this area.</p>
21	<p>Support national initiatives to develop a nationally consistent framework for greenhouse gas and energy reporting and an emissions trading model</p> <p>(Climate Change & Environment)</p>	<p>The NSW Government strongly supports this recommendation, and has led States and Territories in the design of a potential national emissions trading scheme.</p> <p>At the February 2007 meeting of the Council for the Australian Federation, Premiers and Chief Ministers of State and Territory Governments made a commitment to introduce a national emissions trading scheme by the end of 2010 should the Commonwealth refuse to do so.</p> <p>On 13 April 2007, COAG agreed to establish a mandatory national greenhouse gas emissions and energy reporting system, with the detailed design to be settled after the Prime Minister's Task Group on Emissions Trading reports at the end of May.</p>	On-track	<p>The Commonwealth <i>National Greenhouse and Energy Reporting Act 2007</i> was passed in September 2007. The Act establishes a single, national system for reporting greenhouse emissions, abatement actions, and energy production and consumption by corporations from 1 July 2008. Data reported through the system will underpin the National Emissions Trading Scheme.</p> <p>The Commonwealth has announced that a National Emissions Trading Scheme will be introduced in 2010. The NSW Government is working with the Commonwealth and other jurisdictions through the COAG Working Group on Climate Change and Water to ensure an effective national response to climate change, centred on the National Emissions Trading Scheme.</p> <p>The National Emissions Trading Taskforce State and Territory Officials' Final Framework Report has been provided to the Garnaut Climate Change Review and the Commonwealth Government to inform discussions finalising the design of the National Emissions Trading Scheme.</p>

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22	<p>Encourage Cwth to recognise NSW Action Plans as meeting Cwth energy efficiency requirements, and improve compatibility of NSW requirements</p> <p>(Climate Change & Environment)</p>	<p>The NSW Government supports this recommendation, and is working with the Commonwealth Department of Industry, Tourism and Resources to minimise the overlap and improve consistency between the two programs. The NSW Government will continue to encourage the Commonwealth Government to recognise NSW Action Plans as meeting the EEOA program requirements.</p> <p>The NSW Government will also continue to look for options to increase flexibility in the Action Plan requirements, such as through streamlining of annual reporting requirements, to achieve greater consistency with EEOA requirements.</p>	On-track	<p>The Commonwealth and NSW programs are now aligned in relation to energy definitions and baseline timing. The Commonwealth has indicated it may accept the technical aspects of NSW Action Plans as meeting the majority of technical requirements of the Energy Efficiency Opportunities Assessments at site level only. Entities captured by both programs are well informed about any areas of overlap.</p>
23	<p>Action Plans should continue only if Cwth program not meeting policy objectives</p> <p>Consider the report to COAG on emissions and energy reporting</p> <p>(Climate Change & Environment)</p>	<p>The NSW Government supports this long term recommendation in principle, and will only go ahead with a second round of Action Plans if its policy objectives cannot be achieved through the Commonwealth program. It is noted that the current Inquiry into Electricity Supply in NSW (the Owen Inquiry), which is due to report at the end of August 2007, is examining energy efficiency and demand management measures in the context of meeting NSW's future energy needs.</p> <p>The Department of Water and Energy will undertake an assessment of whether NSW objectives can be so achieved. This assessment will be undertaken in the context of the State Plan Target concerning greenhouse emissions recognising that the measurement of, and delivery on energy efficiency initiatives in NSW is critical to meeting the Government's greenhouse emission reduction targets.</p> <p>On 13 April 2007, COAG agreed to establish a mandatory national greenhouse gas emissions and energy reporting system, with the detailed design to be settled following consideration of the Prime Minister's Task Group on</p>	Analysis ongoing	<p>Between 100 and 130 business sites in NSW are required to report in both the Commonwealth and NSW energy efficiency program. The Commonwealth program applies to 222 sites in NSW.</p> <p>The Commonwealth program is targeted at a corporation-level audience. The NSW target audience also includes government agencies and local councils.</p> <p>Future reform to NSW Action Plans will depend on activities at the national level.</p> <p>The Premier announced an Energy Efficiency Strategy for NSW in December 2007 as part of the Government's response to the Owen Inquiry into electricity supply. The following initiatives will be included in the Strategy:</p> <ul style="list-style-type: none"> - an energy efficiency audit and refit program for households to help low income earners improve the energy efficiency of their homes through practical measures like replacing inefficient appliances; - requiring the top 200 energy users to implement cost-effective energy savings measures;

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		Emissions Trading report.		<ul style="list-style-type: none"> - early roll out of smart meters, time-of-use pricing, and an education program to teach consumers how to use the meters to save energy and money; - energy efficiency audits for small and medium businesses; - working with industry and the Commonwealth to find cost-effective options for phasing out inefficient, old-style electric hot water heaters in favour of solar, gas and modern efficient heat pump alternatives; - improving the Government's energy efficiency performance through energy savings projects across government buildings, hospitals and schools; and - appointing an energy co-ordinator, within the Office of Co-ordinator General, to assist commercially feasible energy generation. <p>The NSW Government will also support the development of a national energy efficiency trading scheme.</p>
24	Enter into assessment bilateral with Cwth under EPBC Act, and approval bilateral in future (Planning)	<p>The NSW and Commonwealth Governments entered into an assessment bilateral agreement under the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> in January 2007. A copy of the agreement is available at www.environment.gov.au/epbc.</p> <p>The NSW Government will now work with the Commonwealth Government to develop an approvals bilateral agreement, based on NSW management arrangements and authorisation processes which meet the requirements of the <i>Environmental Protection and Biodiversity Conservation Act 1999</i>.</p>	On-track This is a COAG regulatory hotspot	<p>An environmental impact assessments bilateral agreement with the Commonwealth was signed by the Minister for Planning on 18 January 2007 and became operational in February 2007.</p> <p>NSW is pursuing negotiations with the Commonwealth on further approvals bilateral agreements.</p> <p>COAG has agreed that the Commonwealth and each State and Territory will work expeditiously and constructively to develop approvals bilateral agreements where efficiencies can be achieved in meeting the requirements of the <i>Environment Protection and Biodiversity Conservation Act</i>. The COAG Business Regulation and Competition Working Group is monitoring implementation of bilateral assessment agreements and will report to COAG on progress by October 2008.</p> <p>COAG has agreed the Working Group will report back on the case for</p>

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				additional reform in this area by December 2008.
25	Work with APRA to ensure coordinated prudential regulation of insurers (Fair Trading)	The NSW Government supports this recommendation, and notes that current arrangements avoid any significant regulatory overlap between the Commonwealth and NSW, as acknowledged by IPART. The Motor Accidents Authority and the NSW Office of Fair Trading will continue to coordinate responsibilities and share information consistent with its Memorandums of Understanding with APRA.	On-track	A Memorandum of Understanding between APRA and the Commissioner of Fair Trading was finalised on 22 June 2007 covering arrangements for the sharing of information. The Chairperson of the Home Warranty Insurance Scheme Board and the General Manager of the Home Building Service will now meet with representatives of APRA to clarify the respective roles and to ensure that there is no overlap or gap in the monitoring of home warranty insurers.
26	Professional Standards Council consider the Cwth's implementation of Review of Discretionary Mutual Funds and Direct Offshore Foreign Insurers (Attorney-General)	The NSW Government supports this recommendation, and the Professional Standards Council will consider the Commonwealth Government's implementation of the findings of the Review of Discretionary Mutual Funds and Direct Offshore Foreign Insurers.	Complete	The Professional Standards Council issued a revised Policy Statement on Professional Indemnity Insurance on 14 September 2007.
27	Consider whether greater cross-jurisdictional harmonisation can be achieved in the regulation of providers of	This recommendation is supported. The NSW Government has initiated significant steps in harmonising the administration of workers compensation systems across all States and Territories, which will lead to more uniform regulatory frameworks across jurisdictions. On 13 October 2006, at the meeting of the Council for the Australian Federation, States and Territories signed an	On-track	A principle strategy of the Ministerial Council on Consumer Affairs (MCCA) is to facilitate and encourage nationally coordinated and consistent policy development and implementation by all jurisdictions, including legislative consistency of major elements of consumer protection law and emerging policy issues. In this regard, the Commissioner for Fair Trading will propose that home warranty insurance issues including cross-jurisdictional harmonisation be discussed at meetings of the Standing Committee of Officials on

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	statutory classes of insurance (Minister Assisting the Minister for Finance/ Fair Trading)	intergovernmental agreement committing to harmonisation of key areas of workers compensation and occupational health and safety schemes. The intergovernmental agreement is consistent with the ten-point action plan signed by NSW and Victoria to harmonise key areas of their WorkCover schemes.		<p>Consumer Affairs which supports the Ministerial Council.</p> <p>It is noted, however, that not all jurisdictions administer home warranty insurance via a fair trading/consumer affairs portfolio.</p> <p>In addition, ongoing liaison occurs between the NSW Office of Fair Trading and the Building Commission of Victoria on the operation of the home warranty insurance scheme.</p> <p>In relation to workers compensation, the majority of initiatives under the Council for the Australian Federation Intergovernmental Agreement have been successfully implemented (see Recommendation 28 for further information).</p> <p>Under the Heads of Workers Compensation Authorities, a National Self-Insurance Working Group has been established and is proceeding with the development and implementation of the following projects:</p> <ul style="list-style-type: none"> • A common set of financial indicators • A multi-state financial application process • An information sharing protocol for regulators • A dispute management process • A standard bank guarantee template and security requirements • A national OHS Audit Tool.
28	Support work to harmonise the regulation of OHS (Minister Assisting the Minister for	While the NSW Government is participating in cross-jurisdictional processes considering OH&S legislation, the NSW Government's primary concern has been to ensure workplace safety outcomes are not compromised. On 13 April 2007, COAG agreed to a timetable for achieving national OH&S standards and harmonising elements in principal Acts. While the NSW Government agreed to this element of COAG's decision, it did not agree that duty holders	On-track This is a COAG regulatory hotspot	<p>COAG has agreed that national harmonisation of OHS laws is a top priority and to develop model legislation as the most effective way to achieve harmonisation.</p> <p>COAG has endorsed a national OHS review reporting to the Workplace Relations Ministerial Council in September 2008 on the content of model legislation.</p>

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	Finance)	<p>and the scope of their obligations are areas for prioritisation. The NSW Government has commissioned the Honourable Paul Stein AM QC to conduct a review of proposed reforms to NSW OH&S legislation, and these issues are being considered in the context of this review.</p> <p>The NSW Government is, however, progressing a range of harmonisation activities in the area of OH&S through the Council for the Australian Federation (see recommendation 27).</p>		<p>COAG has agreed that the commitment to a harmonised system of OHS laws will be reflected in an Intergovernmental Agreement and that it will consider the scope for a reduced implementation timetable in July 2008.</p> <p>The majority of OHS and workers compensation initiatives under the Council for the Australian Federation Intergovernmental Agreement have been successfully implemented by NSW. These initiatives will result in significant savings for business by streamlining processes, removing additional requirements and harmonising administrative arrangements across jurisdictions. Initiatives include:</p> <ul style="list-style-type: none"> • Uniform claim and premium forms • Common processes for premium payments and payroll declaration • Establishing one stop shops for multi-state employers • Mutual recognition rules for return to work coordinators • Mutual recognition of construction induction cards • Mutual recognition of plant and machinery, including a uniform accreditation system • Alignment of the regulatory approaches in the domestic construction industry • Sharing of advertising campaigns • Common guidance material for workers compensation and OHS • Uniform financial indicators and common audit tool for the self-insurance industry.
29	Work with other States to harmonise payroll tax administration	On 26 February 2007, the NSW and Victorian Governments jointly announced a bilateral payroll tax harmonisation project to reduce red tape and compliance costs for businesses operating in both States. NSW legislation has passed both Houses of Parliament and was assented to on 4 July 2007.	Complete This is a COAG	NSW and Victoria achieved substantial harmonisation of payroll tax administration as a result of the consistent legislative and administrative arrangements introduced on 1 July 2007. Other States and Territories will harmonise payroll tax administration

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	(Treasurer)	<p>This project will ensure harmonisation in areas such as tax exemptions, definitions and administrative arrangements, including the adoption of consistent fringe benefits grossing-up factors, accommodation and motor vehicle allowance rates and grouping provisions, and common treatment of contractors.</p> <p>In undertaking this project, NSW has adopted a number of provisions from Victorian legislation, such as the exemption provided for maternity and adoption leave, and the exemption from payroll tax on contributions paid into a portable long service leave scheme and a redundancy or severance scheme. Similarly, Victoria has adopted a number of NSW legislative provisions including the inclusion of the employee share acquisition scheme into the payroll tax base and an exemption for wages paid to employees participating in voluntary work for bush fires or emergency relief.</p> <p>NSW and Victoria remain committed to the multilateral payroll tax harmonisation work program being undertaken by the States-Only Ministerial Council of Treasurers. In their respective 2007-08 State Budgets, Queensland and Tasmania announced their intention to harmonise payroll tax arrangements with NSW and Victoria from 1 July 2008.</p>	reform area	<p>in eight areas under the States Payroll Consistency Project by 1 July 2008.</p> <p>Queensland and Tasmania will harmonise payroll tax arrangements with NSW and Victoria from 1 July 2008, and South Australia will be closely harmonised with NSW and Victoria from 1 July 2008.</p> <p>COAG has agreed that the remaining States and Territories will give further consideration to harmonising their arrangements with NSW and Victoria.</p>
30	<p>Support efforts to harmonise personal liability for directors and officers of a corporation, and consider findings of CAMAC report.</p> <p>(Attorney-</p>	<p>The NSW Government supports this recommendation, and will consider the findings of the Corporations and Market Advisory Committee's final report on 'personal liability for corporate fault' as well as the Commonwealth's response to this report.</p>	<p>On-track</p> <p>Directors' liabilities is a COAG reform area</p>	<p>The CAMAC recommendations on personal liability for corporate fault are currently on the agenda of the Ministerial Council for Corporations. The Commonwealth Government is currently reviewing its position on this matter.</p> <p>COAG has agreed the issue of directors' liabilities will be included on the new COAG agenda and requested the COAG Business Regulation and Competition Working Group to report to COAG in July 2008 on the case for reforms in this area.</p>

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	General)			
31	Support pharmaceuticals reform, as recommended by the Galbally Review. (Health)	The NSW Government supports this recommendation in-principle. State and Territory Health Ministers have forwarded a report on the implementation of the Galbally Review recommendations to COAG for consideration out-of-session. With respect to recommendation 24 of the Galbally Review, Health Ministers have agreed that while not supporting the mechanism for achieving national uniformity in medicines and poisons legislation, the objective would be worked towards through other means, including licensing, dispensing labelling requirements, and requirements for household chemical packaging.	Complete	Relevant reforms recommended by the Galbally Review are in place.
32	Publicly release inquiry into privacy regulation by NSW Law Reform Commission and give priority consideration. (Attorney-General)	The NSW Government supports this recommendation, and will consider the NSW Law Reform Commission's findings into privacy regulation as a matter of priority when the inquiry is concluded.	On-track	The NSW Law Reform Commission released <i>Consultation Paper 1 – Invasion of Privacy</i> in July 2007. A final report is not expected until later this year. The Australian Law Reform Commission (ALRC) is also examining privacy laws. On 12 September 2007, the ALRC released a report containing 301 proposals and is currently consulting on those proposals.
33	Ask SCOCA to examine streamlining trust account requirements for property agent and owners.	The NSW Government supports this recommendation, and will participate in a working party, established under the Standing Committee of Officials of Consumer Affairs and being led by Victoria, to examine harmonisation of trust account requirements.	On-track	Victoria has formed a working group of property industry regulators, including NSW, to examine harmonisation of trust account requirements.

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	(Fair Trading)			
34	Consider working with other States and Territories to examine opportunities to harmonise and clarify land rich duty definitions (Treasurer)	The NSW Government supports this recommendation in-principle, and has completed preliminary investigations on relevant land rich duty definitions. The NSW Government is awaiting further information from the business sector on specific business issues arising from different treatment between States, and priorities for harmonisation.	On-track	Heads of Treasuries considered this matter in November 2007 and gave in-principle support to the issue. NSW Treasury is continuing to discuss this matter with industry.
35	Continue work to resolve issues related to proposed model trustee companies legislation (Attorney-General)	The NSW Government supports this recommendation, and has led the development of uniform trustee legislation through the Standing Committee of Attorneys-General. On 1 June 2007, the Commonwealth confirmed its support for a nationally consistent regulatory regime for trustee companies. At its meeting in July 2007, the Committee agreed to form a working group, chaired by the Commonwealth, to develop nationally consistent regulation for trustee companies and a single or mutual recognition scheme for their licensing. The working group will prepare a regulation impact statement outlining options for reform, including options for the supervision of trustee companies.	On-track This is a COAG reform area	COAG has agreed to the Commonwealth assuming responsibility for regulating trustee companies. COAG has agreed that the Commonwealth Treasury will undertake consultation with industry stakeholders on the implementation plan on the regulation of trustee companies.
36	Support work to achieve national consistency in key areas of workers' compensation (Minister Assisting the	While the NSW Government is participating in cross-jurisdictional processes considering workers' compensation legislation, the NSW Government's primary concern has been to ensure workplace safety outcomes are not compromised and support for injured workers is maintained.	On-track	See Recommendations 27 and 28.

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	Minister for Finance)			
37	Conduct post implementation review of BASIX within 5 years, including updated cost-benefit analysis (Planning)	<p>The NSW Government supports this recommendation. Ongoing evaluation of BASIX, including working with energy and water utilities to monitor actual water and energy/emissions savings, is underway.</p> <p>The NSW Government will conduct a review of the BASIX energy targets in mid-2008. The current monitoring work being undertaken with energy and water utilities as well as an Australian first pilot into cogeneration for residential developments will be considered as part of the review.</p>	On-track	The Department of Planning is currently integrating a review of BASIX energy targets into staff work plans and developing a detailed project plan in preparation for the mid-2008 review. Relevant data has been requested from energy utilities. The pilot cogeneration project for residential developments to be included in the review is underway.
38	Provide service-specific guides to children's services legislation. (Community Services)	<p>The NSW Government supports this recommendation in-principle, and will continue to provide clear information and guidance to service providers.</p> <p>The Department of Community Services (DoCS) provides an ongoing information and advisory function by responding to service providers requesting a specific interpretation of the applicable legislation. DoCS is also revising and improving licence and registration application documents as part of its decision to centralise and streamline licensing processes. Improved information on the key obligations for service types will be considered as part of this process.</p> <p>The Government will continue to monitor the concerns and complaints of stakeholders to identify any systemic problems in relation to the content and form of information provided to ensure that it continues to be appropriate.</p> <p>The NSW Government will consider any requests to provide hard copy information to stakeholders who are unable to access this information in electronic form.</p>	Complete	<p>The Department of Community Services online <i>Guide to Children's Services Licensing</i> was revised and updated in the first half of 2007 and provides a comprehensive, up to date and plain language source of information about regulatory requirements for all forms of licensed child care.</p> <p>The Guide is a single document and includes service specific advice for centre based, family day care, home based, and mobile children's services. Significant updates include new information to support registration by outside school hours care providers, and updates to forms to improve and streamline the licensing process, particularly for licensees with 20 or more children's services. This website includes information to support the extension of regulation and licensing to school based children's services, which commences from July 2008.</p> <p>Hardcopies of the Guide are available on request to stakeholders that do not have internet access.</p>
39	Consult with stakeholders on	The NSW Government supports this recommendation, and a review of the <i>Children's Services Regulation 2004</i> is scheduled to	On-track	Preliminary policy work on the Review of the <i>Children's Services Regulation</i> has commenced within DoCS. Public engagement and

Rec	Reform area & Responsibility	Final Government Response	Status	Comment
	development of <i>Children's Services Regulation 2004</i> . (Community Services)	commence in 2007/2008. The review will include consultation with DoCS staff, service providers, peak group, parents, and other stakeholders. A formal consultation plan will be developed by DoCS and published through the media and the DoCS website.		consultation is expected to commence from May 2008. A consultation plan will be made available outlining arrangements for consultation with major stakeholders.
40	Consider amending family day care safety requirements in the Regulation. (Community Services)	<p>The NSW Government supports this recommendation in-principle, and will consider options for greater flexibility for family day care providers in meeting safety measures as part of the next scheduled review of the <i>Children's Services Regulation 2004</i>.</p> <p>The risk management strategies currently set down in the Regulation provide significant flexibility for all types of service providers in ensuring the health, safety and well being of children in their care. Whilst the NSW Government may consider alternative approaches as part of the review of the Regulation, any increases in flexibility will not be implemented at the expense of safety.</p>	On-track	This issue will be considered as part of the Review of the <i>Children's Services Regulation</i> . See Recommendation 39 for further information about the Review.
41	Review authorised and temporary supervisor obligations in the Regulation. (Community Services)	<p>The NSW Government supports this recommendation, and has legislated to permit children's services to have two authorised supervisors. Under the <i>Children and Young Persons (Care and Protection) Amendment Act 2006</i>, greater flexibility will be provided for services in staffing. In addition, some of the practical issues of responsibility and provision for the overall supervision of a children's service have been addressed.</p> <p>DoCS' operational policy also enables an Authorised Supervisor of two extended services to be on the premises 50 per cent of their total working hours at each service.</p> <p>DoCS is establishing an administrative process by which Authorised Supervisors are placed on a register which will support the transfer of an Authorised Supervisor from one children's service to another. The outcome of this initiative</p>	On-track	<p>The Department of Community Services has established an administrative process by which Authorised Supervisors are placed on a register. This process simplifies and streamlines the transfer of an Authorised Supervisor from one children's service to another by reducing submission requirements and expediting the approval process for persons moving between services.</p> <p>The Department does not require children's services to nominate a Temporary Supervisor. Should a service elect to nominate a Temporary Supervisor, the Department of Community Services' online <i>Guide to Children's Services Licensing</i> clarifies the requirements relating to Temporary and Authorised Supervisors.</p> <p>This issue will be further considered as part of the Review of the <i>Children's Services Regulation</i>. See Recommendation 39 for further</p>

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		<p>will be a simplified and streamlined application process that will minimise submission requirements and expedite the approval process for persons moving between services.</p> <p>Other issues raised in relation to Authorised Supervisors will be addressed as part of the review of the <i>Children's Services Regulation 2004</i>.</p>		information about the Review.
42	<p>Review requirements in the Regulation on group sizes and the definition of 'group of children'.</p> <p>(Community Services)</p>	<p>The NSW Government supports this recommendation, and group sizes will form a major part of the consultation processes associated with the review of the <i>Children's Services Regulation 2004</i>. The review will test the feasibility of taking a more flexible, outcomes-based approach.</p>	On-track	<p>This issue will be considered as part of the Review of the <i>Children's Services Regulation</i>. See Recommendation 39 for further information about the Review.</p>
43	<p>Review licensing requirements in the Regulation relating to personal information.</p> <p>(Community Services)</p>	<p>The NSW Government supports this recommendation, and reforms to eliminate duplication of personal information for applicants with multiple services are being implemented.</p> <p>Further simplification of personal information requirements, in particular those relating to the level of involvement and control, will be considered as part of the process of reviewing the <i>Children's Services Regulation 2004</i> in 2007/08.</p>	On-track	<p>The first phase of centralised licensing for licensees with 20 or more services began in April 2007. Paperwork for larger providers is now processed by a Central Licensing Team at the head office of the Department of Community Services. It is expected that all NSW children's services will be centrally licensed by the end of 2009.</p> <p>These changes will provide licensees with:</p> <ul style="list-style-type: none"> • a single point for lodging applications and documentation, regardless of where a licensee's services are located across NSW, and • streamlined arrangements for providing corporate and personal documentation such that information need only be provided once (except where this information changes) rather than every time an application for a new licence is submitted.

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				Further simplification of personal information requirements will be considered as part of the Review of the <i>Children's Services Regulation</i> . See Recommendation 39 for further information about the Review.
44	Implement accepted recommendation s of Disconnections and Move in-Move out Working Groups (Energy)	The NSW Government supports this recommendation. Regulatory amendments to implement the recommendations of the Disconnections and Move in-Move out Working Groups came into force on 1 July 2007. Stakeholders, including consumer groups and retailers, were consulted on the draft amending regulations.	Complete	Implementation was complete at the time of the Government's final response in August 2007.
45	Do not increase fireworks licence fees until impact of fee increase has been assessed (Minister Assisting the Minister for Finance)	The NSW Government supports this recommendation, and an appropriate review of explosives licensing arrangements and fees is expected to take place within three years. Adequate consultation and impact assessment will be undertaken before any fee changes are implemented.	On-track	Fireworks licence fees will not be increased until the impact of any changes have been assessed. The Minister Assisting the Minister for Finance proposes to undertake a review of explosives licensing arrangements and fees in 2009.
46	Consider establishing service contracts with providers of probity information for explosives license assessments	The NSW Government supports this recommendation in-principle, and has requested that WorkCover, in conjunction with NSW Police and relevant Commonwealth agencies, examine processes that will ensure explosives licences are re-issued in a timely way without compromising the need for thorough probity assessments of applicants.	On-track	The explosives licence renewal process has been streamlined to a matter of several weeks. Options are being pursued for a national process of probity assessments, rather than a state process.

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	(Minister Assisting the Minister for Finance)			
47	<p>Consider developing standard information package on fireworks regulation, and require local councils to publish information on-line</p> <p>(Local Government)</p>	<p>The NSW Government supports this recommendation in-principle, and in consultation with key stakeholders, will explore the feasibility of developing a standard information package for the approval of fireworks displays in local government areas for adoption by local councils.</p> <p>The NSW Government will encourage local councils to make relevant information available on their websites.</p>	On-track	<p>Draft Guidelines have been developed for use by councils when responding to notifications of a fireworks event. The Guidelines have been developed by WorkCover, in consultation with the Local Government and Shires Association and industry, and provide for a uniform process by which councils exercise their functions. The draft Guidelines are awaiting approval and are expected to be adopted in April 2008.</p> <p>A circular which encourages councils to post information about fireworks regulation online is being prepared. It is expected the circular will be issued to councils following adoption of the Guidelines.</p>
48	<p>Accelerate work of the Grants Administration Review</p> <p>(Premier)</p>	<p>The NSW Government supports this recommendation in-principle, and has developed a staged approach to cross-government electronic grants management:</p> <ul style="list-style-type: none"> - Stage 1 (complete): provide the public with a single point of access to grants program information (www.communitybuilders.nsw.gov.au); - Stage 2 (complete): collect grants performance data, including the name of the grant program, grant recipients, amount given, and purpose of grant, from agencies' annual reports; - Stages 3 (under development): registration of non-government organisations seeking funding; and - Stage 4 (under development): system that enables whole of government prioritising, and if appropriate, management of grants. 	Analysis ongoing	<p>The <i>communitybuilders</i> website incorporates details of all NSW Government grants. A database, GRANGO, established in the Department of Commerce in June 2007 records all grants, awarding agencies and recipients.</p> <p>Government actions to further reform grants administration are currently under review.</p>

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		<p>The Grants Administration Review worked closely with grant-giving agencies to limit the amount of data to be collected in the grants templates to that which is necessary and not merely desirable. The implementation of electronic grants lodgement is expected to bring significant improvements to the time applicants spend completing applications.</p>		
49	<p>Require all agencies to use guidance material developed as part of this Review.</p> <p>(Premier)</p>	<p>The NSW Government supports this recommendation in-principle, and has published the <i>Good Practice Guide to Grants Administration</i> to assist grant giving agencies in engaging consistent practices for grants programs. The Guide includes good practice, models and templates for all grants processes that agencies can customise to suit the nature of specific grants programs (www.premiers.nsw.gov.au/GrantsAdministration/).</p> <p>The NSW Government considers it important to retain a degree of flexibility in the use of templates and forms to avoid imposing unnecessary burdens on agencies and external stakeholders.</p>	Complete	<p>Implementation was complete at the time of the Government's final response in August 2007.</p> <p>The <i>Good Practice Guide to Grants Administration</i> can be found at: www.dpc.nsw.gov.au/publications/grants_administration.</p>
50	<p>Continue collating existing information on procurement.</p> <p>(Commerce)</p>	<p>The NSW Government's procurement policy applies on a whole of government basis to all government departments, statutory authorities, trusts and other government entities. State Owned Corporations are exempt although they are encouraged to adopt aspects of the policy that are consistent with their corporate intent.</p> <p>The NSW Government supports this recommendation, and currently collates information on procurement outcomes for NSW Government agencies that utilise the electronic procurement systems, NSW eTendering and Smartbuy®.</p> <p>NSW eTendering is capable of tracking data including the type of procurement undertaken, number of businesses</p>	Complete	<p>Implementation was complete at the time of the Government's final response in August 2007.</p>

Rec	Reform area & Responsibility	Final Government Response	Status	Comment
		<p>bidding for the tender, financial value of the tender, and the successful contractors. The summation of the value of the contracts awarded can provide an indication of the size of the NSW Government procurement market. Smartbuy® can gather summary statistics of expenditure on goods and services.</p> <p>All NSW Government agencies, including those not covered by Part 1, Schedule 1 of the <i>Public Sector Employment and Management Act 2002</i>, are required to implement NSW eTendering. Major Government agencies are also required to implement Smartbuy®. While State Owned Corporations are not subject to these requirements, many agencies, such as RailCorp and Sydney Water, are already using NSW eTendering and/or Smartbuy®.</p> <p>These initiatives will support the provision of collated information on procurement and improve the assessment of reform opportunities across Government.</p>		
51	<p>Examine the current level of participation of small and medium enterprises in government procurement markets.</p> <p>(Small Business)</p>	<p>The NSW Government supports this recommendation in-principle, and will consider options for reviewing the participation of small and medium sized enterprises in government procurement markets.</p>	Analysis ongoing	<p>The Government is assessing the viability of collecting data on the participation of small and medium sized enterprises in government procurement markets. It is noted that data collection can be costly and data collection will only be undertaken if the expected benefits exceed the costs.</p> <p>The Government is considering red tape and other barriers to participation in government procurement markets on an ongoing sector-by-sector basis through the Small Business Regulation Review process.</p>
52	<p>Develop information package for agencies involved in</p>	<p>The NSW Government supports this recommendation, and is committed to improving the skills and capabilities of staff in agencies managing all categories of procurement, not just procurement of consultancies.</p>	Complete	<p>Implementation was complete at the time of the Government's final response in August 2007.</p>

Rec	Reform area & Responsibility	Final Government Response	Status	Comment
	<p>consultancy procurement, and best practice guidelines covering risk assessment.</p> <p>(Premier)</p>	<p>The NSW Government has implemented an Agency Accreditation Scheme for goods and services procurement. The Scheme requires agencies that wish to be accredited to conduct their own procurement to have systems, processes and people with suitable capabilities in place. The Scheme is underpinned by a training and development program, consistent with national standards.</p> <p>This initiative will build consistency across the sector in developing procurement discipline, improved technical capability and performance, and better skills deployment.</p>		
53	<p>Consider developing best practice guidelines for consultancy procurement</p> <p>(Premier)</p>	<p>The NSW Government supports this recommendation in principle, and will consider the development of best practice guidelines to assist agencies in determining the appropriate level of insurance required for procurement projects. The guidelines would be similar to Insurance Guidelines used by the Department of Commerce's Contracting Services.</p> <p>Existing Risk Management Guidelines provide assistance to agencies to evaluate the level of risk associated with procurement projects. The guidelines can be applied to all procurement not just consultancies.</p> <p>The NSW Government is working with the Australian Procurement and Construction Council (APCC) to develop a nationally consistent assessment test and methodology to risk management for liability in Information and Communications Technology contracts. The APCC is a council of agencies responsible for procurement, construction and asset management policy for the Australian, State and Territory governments.</p>	Analysis ongoing	<p>The development of best practice guidelines remains under consideration by the Government.</p> <p>The Government is establishing a panel of pre-qualified consultants for NSW agencies requiring consultancy services. Both business and Government will benefit from a streamlined process to engage consultants with improved accountability, transparency and risk management. It is expected the scheme will be in operation by April 2008.</p> <p>In relation to the work of the Australian Procurement and Construction Council, a working group has been created and work is continuing.</p>
54	<p>Consider and address the reasons why procurement processes are</p>	<p>The NSW Government supports this recommendation, and has implemented strategies to address the issue.</p> <p>Under the Agency Accreditation Scheme for goods and services procurement, agencies have to demonstrate that they</p>	Complete	<p>The eTendering and smartbuy® procurement processes are executed with appropriate speed. The Government has considered this matter and it appears that in many cases, delays can be attributed to poor submission quality and qualifications by tenderers which require negotiation and/or analysis.</p>

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	<p>delayed.</p> <p>(Commerce)</p>	<p>have the required expertise, systems, processes and discipline to be accredited to conduct their own procurement (where there are no whole of government contracts available).</p> <p>The development of the Scheme has provided the opportunity to review the requirements of the tendering process which may cause delays and constrain the market providing innovative solutions that could provide better outcomes.</p>		<p>The Department of Commerce is currently reviewing possible implementation models for the Agency Accreditation Scheme.</p>
55	<p>Consider raising the value cap for projects that would require a minimum of three bidders from \$150k to \$250k.</p> <p>(Premier)</p>	<p>The NSW Government will consider raising the value cap for a project that would require a minimum of three consultants to bid from \$150,000 to \$250,000. In considering raising the value cap, the NSW Government will examine whether such a change would effectively strike a balance between minimising unnecessary costs and promoting competition.</p>	Analysis ongoing	<p>The Government will undertake targeted consultation with likely affected stakeholders in April 2008 to assess whether the value cap of \$150,000 appropriately addresses the needs and expectations of industry while also meeting government accountability requirements.</p>
56	<p>Consider reviewing the <i>Insurance Act 1902</i></p> <p>(Attorney-General)</p>	<p>The NSW Government supports this recommendation, and has contacted the Insurance Council of Australia to help identify those parts of the <i>Insurance Act 1902</i> that are unnecessary. Depending on the outcome of the consultation with the Insurance Council of Australia, a more comprehensive review of the legislation may take place in 2007.</p>	Analysis ongoing	<p>The Attorney General's Department has recently received further advice from the Insurance Council of Australia on the extent to which industry concerns with the <i>Insurance Act</i> can be practically addressed and is currently analysing this material.</p>
57	<p>Monitor compliance by direct offshore foreign insurers with NSW tax and levy requirements</p> <p>(Treasurer)</p>	<p>The NSW Government supports this recommendation, and the NSW Office of State Revenue will work closely with the Insurance Council of Australia to identify revenue leakages and improve compliance.</p>	Complete	<p>This recommendation has been adopted. Monitoring compliance by direct offshore foreign insurers with NSW tax and levy requirements is part of the Office of State Revenue's ongoing compliance activities.</p>

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58	<p>Undertake a post implementation review of the Social Impact Assessment process and develop requirements for new liquor licence categories</p> <p>(Gaming and Racing)</p>	<p>The NSW Government supports this recommendation, and has developed a framework for a review of the Social Impact Assessment process. The review will involve consultation with a range of stakeholders.</p>	Complete	<p>On 6 November 2007 the Government announced reforms to modernise and simplify its liquor laws. A key element of these reforms is a new Community Impact Statement (CIS) which will replace the existing Social Impact Assessment process.</p> <p>The CIS is a relatively simple process which is clearly focussed to ensure that local stakeholders are properly and efficiently consulted in liquor licence applications. The results of consultation will need to accompany the application for a licence.</p> <p>The CIS will gauge potential impacts of new hotels, clubs, bottle shops, restaurants and other licensed venues on local communities. Licensed venues seeking extended trading hours and certain changes to licensed areas will also be subject to the new process.</p> <p>Process requirements will be prescribed in the Regulation. Consultation requirements will vary depending on the type of licence and proposed business activity.</p> <p>It is anticipated that the proposed changes will be implemented by mid-2008.</p>
59	<p>Review the permitted modes of delivery of Responsible Service of Alcohol (RSA) training as part of RSA training review.</p> <p>(Gaming and Racing)</p>	<p>The NSW Government supports this recommendation, and has engaged an independent consultant to review Responsible Service of Alcohol training, including on-line training options. The review commenced in April 2006 and is expected to conclude in the second half of 2007.</p>	On-track	<p>The review of the permitted modes of delivery of Responsible Service of Alcohol (RSA) training is anticipated to conclude before the end of the first half of 2008.</p>
60	Review the	A review of the <i>Occupational Health and Safety Regulation 2001</i>	Analysis	COAG has agreed that national harmonisation of OHS laws is a top

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	<p>Occupational Health & Safety Regulation 2001 in 2007.</p> <p>(Minister Assisting the Minister for Finance)</p>	<p>will be considered following the finalisation of the review of the <i>Occupational Health and Safety Act 2000</i>.</p> <p>The NSW Government recently requested the Honourable Paul Stein AM QC to conduct an inquiry into occupational health and safety legislation in NSW. The review examined proposals arising from the Report on the Review of the <i>Occupational Health and Safety Act 2000</i>, and the impacts of the proposals, having regard to best practice solutions that will remove unnecessary regulatory burdens on business, without compromising safety. Mr Stein has submitted his report and the NSW Government is currently considering its response to the report's recommendations.</p>	ongoing	<p>priority and will develop model legislation to achieve harmonisation of OHS laws (see Recommendation 28). In light of this development, a review of the <i>Occupational Health and Safety Regulation</i> remains under consideration by the NSW Government.</p>
61	<p>Require draft NSW OHS codes of practice to be subject to proportional cost-benefit analysis.</p> <p>Review the <i>OHS Act 2000</i> within 5 years of commencing amendments.</p> <p>(Minister Assisting the Minister for Finance)</p>	<p>The NSW Government supports this recommendation. Processes for the development of draft NSW OH&S codes of practice will be examined in light of the IPART recommendation. Codes of practice are currently developed in consultation with key stakeholders.</p>	On-track	<p>NSW WorkCover is currently reviewing the development process for OHS codes of practice. Internal consultation is underway regarding the development of codes.</p>
62	<p>Implement planning and development</p>	<p>The NSW Government supports this recommendation, and has undertaken an extensive planning law reform program over the past two years. This has included the introduction of</p>	<p>On-track</p> <p>DA is a</p>	<p>A discussion paper <i>Improving the NSW planning system</i> was released for public consultation in November 2007. It is expected that an exposure draft Bill will be prepared for Budget Session of Parliament 2008.</p>

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	<p>assessment (DA) reform program.</p> <p>(Planning)</p>	<p>integrated approvals process for major projects, a stronger emphasis on strategic planning, a standardised template for local plans, a reduction in statutory concurrence and referral requirements in existing plans and the introduction of a more flexible development contributions systems.</p> <p>Through the Standard Instrument for Local Environment Plans (LEPs), uniform clauses for the identification of exempt and complying development have been provided. The NSW Government is preparing supporting guidelines for councils on how exempt and complying development should be dealt with in new LEPs. The NSW Government, in consultation with local government, will examine opportunities to provide further consistency in the approach to exempt and complying development through annual operational reviews of the Standard Instrument.</p> <p>Over the next four years, as councils prepare new comprehensive LEPs, further opportunities will be identified to remove outdated, unnecessary and redundant concurrence requirements in current plans.</p> <p>The NSW Government will continue to review opportunities to remove any unnecessary integrated development requirements for Part 4 development applications, or provide other exemptions from single issue land use permits where development is of a minor or low risk nature.</p> <p>The NSW Government has an active program of rationalising and consolidating the number of SEPPs and REPs. Initiatives are underway to reduce the number of SEPPs from 59 to 37. It is expected that during 2007 further consolidation will be undertaken in relation to infrastructure, the mining, petroleum and extractive industry, residential and retail development, and rural and biodiversity issues.</p> <p>With the preparation of new LEPs across NSW, a number of REPs and SEPPs will be partially or fully incorporated into</p>	<p>COAG regulatory hotspot</p>	<p>Proposals include plan making, development assessment, expansion of exempt and complying development, certification of building and subdivision and e-approvals.</p> <p>COAG has agreed that all levels of government should continue moving to streamline planning and approvals processes to reduce development costs and improve housing affordability.</p> <p>COAG has requested the Local Government and Planning Ministers' Council and the COAG Business Regulation and Competition Working Group (in consultation with the Housing Working Group) to report back to COAG in July 2008 on: the scope and timelines for taking the streamlining of processes further; options for fast-tracking the introduction of common performance measurement criteria (a possible early initiative); and progress with rapid adoption of electronic DA (eDA) across local councils to help speed up land release and reduce development costs.</p> <p>COAG has also agreed that councils' systems must be implemented in an integrated and coordinated manner using national frameworks and standards, and that the national eDA data protocol that underpins these systems must be properly established and maintained.</p>

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		<p>these instruments, thereby further reducing the number of REPs and SEPPs over time. The Standard Instrument currently incorporates 4 SEPPs (or part). Once a new LEP is adopted based on the Standard Instrument, these SEPPs will no longer apply as stand alone planning instruments.</p>		
63	<p>Subject recent reforms to post implementation review within 3 to 5 years and publicly report findings.</p> <p>(Planning)</p>	<p>The NSW Government supports this recommendation, and is committed to keeping under review the recent reforms to ensure that they achieve the desired outcomes of a more efficient, open planning regime which delivers liveable communities and economic growth within sustainable environmental parameters.</p> <p>In this context, a review of the operation of Part 3A Major Projects was undertaken at the end of its first year of operation resulting in recent amendments being passed in Parliament. In addition, the Major Projects SEPP was also reviewed at the end of its first year of operation. Amendments to the SEPP arising from this review were gazetted on 27 July 2007. The SEPP includes provisions which requires a further review every 5 years to ensure that it stays up to date and achieving its objectives.</p> <p>In July 2006, the NSW Government introduced a new system for performance reporting on the planning system, based on data collected by councils. The performance reporting program will be built up over time and will have significant long-term benefits for overall monitoring of the planning and development assessment system and target any future reform initiatives.</p>	On-track	<p>The Government is committed to keeping the recent reforms under review, including through the current process focused on improving the NSW planning system (see Recommendation 62).</p> <p>The Guide to Better Regulation requires regular review of regulation so that it remains relevant, continues to meet its policy objectives and does not impose unnecessary regulatory burdens as circumstances change.</p>
64	<p>Review plumbing and drainage regulation</p> <p>(Water)</p>	<p>The NSW Government supports this recommendation, and will be reviewing the regulation of the NSW plumbing industry in conjunction with the development of regulations for the <i>Water Industry Competition Act 2006</i>. The development of the regulations will include extensive stakeholder consultation.</p>	On-track	<p>The Department of Water and Energy (previously DEUS) was requested by the former Minister for Water Utilities to review the regulatory structure of plumbing in NSW. The Department is building on the work started by the NSW Interagency Committee on Plumbing Regulation Reform Committee.</p>

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				The review will focus on institutional arrangements for plumbing regulation in line with the Government's commitment to reduce red tape.
65	<p>Convene a working group to identify opportunities to share or streamline information among agencies, and provide guidance on privacy requirements affecting information sharing between agencies.</p> <p>(Attorney-General)</p>	<p>Extensive inter-agency work has already been undertaken in the Human Services sector on the issue of privacy and information sharing. In June 2006 the NSW Government released <i>Information Sharing for effective human services delivery - A guide for practitioners</i>, to provide a set of principles for information sharing by human services agencies and practitioners. A number of specific initiatives are also underway. For example, work is currently being undertaken by the Department of Housing and other agencies to develop an information sharing schedule under the Housing and Human Services Accord. The Accord is an overarching framework to improve the coordination and delivery of support services to people living in social housing. The information sharing schedule will inform all trials under the Accord and assist to facilitate the sharing of information across agencies.</p> <p>Privacy requirements are also being examined as part of the NSW Government's internal red tape review.</p> <p>Privacy NSW currently maintains an extensive website which explains the requirements of NSW privacy legislation. The website also includes an on-line training program which is presently available to limited numbers of Privacy Contact Officers from NSW agencies. The program will be extended if it proves successful. Plans are in place to deliver additional on-line training which will deal with both the <i>Privacy and Personal Information Protection Act 1998</i> and the <i>Health Records and Information Privacy Act 2002</i>.</p> <p>The NSW Government will consider convening an inter-agency working group of senior officers to explore options for improving information sharing arrangements between</p>	Analysis ongoing	<p>A draft information sharing schedule under the Housing and Human Services Accord has been approved for trialling by the Housing and Human Services Senior Officers' Group. A consultant has been engaged to conduct the trial which will commence in April 2008.</p> <p>The Government's internal red tape review has investigated alternative ways to streamline data sharing. These and other options for reform to the way information is shared between agencies, including the need to convene an inter-agency working group, remain under consideration by the Government.</p>

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		government agencies should further potential opportunities emerge.		
66	Provide ongoing education and training to health care providers on health information requirements (Health)	<p>The NSW Government supports this recommendation, and provides on-going education and training to health care providers through a number of programs administered by NSW Health:</p> <ul style="list-style-type: none"> • NSW Health Privacy Manual and Health Privacy Training Program (updated in 2005): provides extensive Train-the-Trainer education sessions conducted with Area Health Service privacy/learning and development staff; • Internal Review Guidelines: issued in 2006 to complement the Privacy Manual and designed to support Area Health Services dealing with privacy complaints; and • NSW Health Privacy Officer: conducts training sessions and provides on-going support for trainers. <p>NSW Health has also developed an on-line education/compliance tool which is expected to be rolled out to the public health system in 2007.</p> <p>The NSW Government also notes that privacy regulation is being examined in reviews being conducted by the NSW Law Reform Commission (refer recommendation 32) and the Australian Law Reform Commission and will consider any relevant findings in due course.</p>	On-track	<p>The NSW Law Reform Commission and the Australian Law Reform Commission have yet to report their privacy regulation findings. NSW Health provided input during consultation with the Australian Law Reform Commission in January 2007 and with the NSW Law Reform Commission in December 2007.</p> <p>The content of the on-line education package is currently being drafted. Investigation into the technical operation of the online package has commenced.</p>
67	Undertake a post implementation review of the <i>Workplace Surveillance Act 2005</i> within 2 years of commencement.	<p>The NSW Parliament determined that the <i>Workplace Surveillance Act 2005</i> should be reviewed after five years of operation. A review of the policy objectives after five years of operation will more accurately assess the impact of the legislation than a review after only two years.</p> <p>Should it become apparent that the Act is not achieving its objectives, an earlier review will be considered.</p>	On-track	<p>The Attorney General's Department is monitoring requests for information and complaints in relation to the <i>Workplace Surveillance Act</i>. No major issues have arisen which suggest that an earlier review is required. A statutory review of the Act will commence in 2010, unless feedback suggests a review is needed earlier.</p>

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	<p>Provide guidance to small businesses on the Act's requirements on overseas or interstate information.</p> <p>(Attorney-General)</p>	<p>A short guide to the Act is available on the NSW Lawlink website. The guide was made available to all identified stakeholders prior to the commencement of the Act.</p>		
68	<p>Finalise review of the <i>Property Stock and Business Agents Act 2002</i> in relation to commercial property agents</p> <p>(Fair Trading)</p>	<p>The Office of Fair Trading has conducted a review of the <i>Property Stock and Business Agents Act 2002</i>, which considered the issues identified in the IPART report.</p> <p>The review recommendations are currently under consideration by the Minister for Fair Trading.</p>	On-track	<p>A regulation to exempt commercial property agents who work for a related corporate entity will be brought forward in the coming months.</p> <p>Further reforms to regulation of the commercial property agents will be considered as part of the current statutory review of the <i>Property Stock and Business Agents Act</i>. A report will be tabled in Parliament in July 2008.</p>
69	<p>Consider specific regulatory burden considerations as part of the next review of the <i>Retail Leases Act 1994</i>.</p> <p>(Small Business)</p>	<p>The NSW Government supports this recommendation.</p> <p>The <i>Retail Leases Act 1994</i> was the subject of a comprehensive National Competition Policy (NCP) review in 2004.</p> <p>This review resulted in a number of amendments that removed red tape, clarified requirements and reduced costs. The amendments were subject to extensive consultation with key players in the retail leasing industry. The changes were specifically designed to ensure that the Act remains relevant and responsive to the current business environment and to promote informed decision-making by creating more effective disclosure between the parties.</p> <p>The <i>Retail Leases Act 1994</i> was also amended in 2005 to enable disputes to be resolved at an earlier stage and to reduce the</p>	On-track	<p>The Government will consider these matters along with the findings of the Productivity Commission's review of the market for retail tenancy leases in Australia (provided to the Commonwealth Government on 31 March 2008) as part of the next review of the <i>Retail Leases Act</i>, which is currently scheduled for 2014.</p>

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		number of formal mediations and matters brought to the Administrative Decisions Tribunal.		
70	Simplify the regulation of trading hours for general shops (Regulatory Reform/ Industrial Relations)	The NSW Government is considering options for simplifying the current arrangements with respect to trading hours for general shops in NSW.	On-track	The Better Regulation Office is reviewing shop trading hours in its first targeted review of regulatory burden in NSW. The final review report and a Government response are expected to be released shortly.
71	Establish a working group to consider regulatory processes and requirements across agencies. (Water)	<p>The NSW Government supports these recommendations in-principle, and believes that there would be value in reviewing the efficiency of current regulatory arrangements for water.</p> <p>The NSW Government will ask the Natural Resources and Environment CEO Cluster, an existing interagency working group of senior officers, to oversee a review process that will examine the issues outlined in recommendations 71-73.</p>	On-track	<p>The Department of Water and Energy (DWE) has developed performance reporting requirements for non-metropolitan water utilities and recently conducted a comprehensive survey of all NSW utilities to determine the relevance and suitability of the performance reporting system. A working group was established to review the findings of the survey and modifications were made to the reporting system where needed. DWE has recently substantially modified the performance reporting system to conform to National Water Commission reporting requirements. DWE continues to review the reporting requirements in order to rationalise and simplify the process.</p> <p>IPART has agreed to use reporting information collected by DWE for Gosford and Wyong Councils rather than separately collecting similar information. DWE has also removed the duplication arising from the requirement that non-major urban water utilities also separately report to the National Water Commission. DWE will provide the required information directly to the NWC.</p> <p>DWE regularly initiates an ad hoc working group to review regulatory requirements consisting of representatives from DWE, the Local Government and Shires Associations and the NSW Water Directorate. As part of this process, a working group was recently established to review the <i>Best Practice Management Guidelines</i> prior to their release.</p>

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72	<p>Ensure that new regulatory requirements for water utilities are subject to proportional cost-benefit analysis.</p> <p>(Water)</p>	As above.	On-track	<p>The NSW Department of Water and Energy has rationalised the reporting requirements for non-metropolitan water utilities to ensure they are useful for performance monitoring and benchmarking and also to ensure they are in accordance with National Water Commission reporting standards.</p> <p>The Department is overseeing the preparation of Integrated Water Cycle Management evaluation and strategies by Local Water Utilities. As a part of developing these strategies, the Department requires the local water utilities to undertake consultation with all regulators through a regulatory stakeholder workshop to determine the cost and benefits of different regulatory requirements.</p>
73	<p>Review the efficiency of regulatory arrangements for water.</p> <p>(Water)</p>	As above.	On-track	<p>The former Minister for Water Utilities recently announced a review of local water utilities in order to assess whether structural reform is required and whether such reform could facilitate a more efficient and economically sustainable means of delivering water and sewerage services to regional communities.</p>
74	<p>Conduct a post implementation review of reforms arising from the Macken Report within 2 years of implementation.</p> <p>(Minister Assisting the Minister for Finance)</p>	<p>The NSW Government supports this recommendation in-principle. A number of minor amendments arising from the Macken Report commenced in late 2005 and early 2006. However, a key amendment concerning the introduction of the rulings provision only recently commenced operation in October 2006. The NSW Government considers it important to wait a full two years before commencing a post-implementation review to ensure that all aspects of the reforms have been fully incorporated and that their impacts can be appropriately assessed.</p>	On-track	<p>A post implementation review of the reforms flowing from the Macken Report will not be conducted until October 2008 to ensure their impacts can be appropriately assessed.</p> <p>In relation to the amendments arising from the Macken Report, the Worker Status Service has proven a valuable resource in assisting employers to clarify which workers should be included in calculating their workers compensation premiums. An Education and Promotional Strategy has also commenced to raise public awareness of the service and assist, in particular, small to medium sized businesses.</p>