



New South Wales Government

IPART's *Investigation into the Burden of Regulation in NSW and Improving Regulatory Efficiency*: October 2009 Progress Report

The NSW Government is meeting its commitment to implement the recommendations made by the Independent Pricing and Regulatory Tribunal (IPART) in its October 2006 *Investigation into the Burden of Regulation in NSW and Improving Regulatory Efficiency*.

The Government has now addressed 62 of the 74 recommendations made by IPART. Recent achievements include:

- Passing legislation to replace “land rich” duty in New South Wales with “landholder” duty.
- Repeal of unnecessary provisions and requirements of the *Insurance Act 1902*.
- Introduction of on-line delivery of Responsible Service of Alcohol training.
- Completion of the review of plumbing and drainage regulation in NSW, and Government endorsement of the reforms.
- Completion of the WorkCover review of reforms from the Macken Report on Definition of a Worker.

All of the remaining 12 recommendations are on-track to be delivered:

- Five recommendations are subject to inter jurisdictional activity, particularly through reforms driven by the Council of Australian Governments (COAG).
- A further three recommendations will be complete in August 2010 when the review of the Children's Services Regulation 2004 is completed, and a revised Regulation commences.
- The four remaining recommendations will be completed in 2010. Timetables for delivering each reform are provided in the progress report.

This is the final progress report against these IPART recommendations. A copy can be found on the Better Regulation Office website at www.betterregulation.nsw.gov.au.

Information on recommendations being advanced through COAG processes will be available from www.coag.gov.au. Implementation of all NSW reforms that cut red tape will be reported by the Better Regulation Office in its Annual Updates.

GOVERNMENT RESPONSE TO IPART REPORT ON REGULATORY BURDEN

October 2009 update

IPART Rec	Reform area & Responsibility	2007 Final Government Response to IPART	Status	October 2009 progress update
1	<p>Strengthen the role of the Minister for Regulatory Reform (Regulatory Reform)</p>	<p>The NSW Government supports this recommendation. The role of the Minister for Regulatory Reform has been enhanced, in order to ensure that regulation making in NSW 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 Regulatory Impact Statement (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	Refer to April 2008 progress report details.
2	<p>Establish Better Regulation Office (Regulatory Reform)</p>	<p>The NSW Government supports this recommendation, and will establish a Better Regulation Office.</p> <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 	Complete	Refer to April 2008 progress report details.

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		<p>regulatory burden would have benefits across the State's economy or multiple industries within the State's economy;</p> <ul style="list-style-type: none"> - 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 Minister.</p> <p>The Better Regulation Office was established administratively in January 2007 and will be fully operational by June 2007.</p>		
3	<p>Report against performance indicators for best practice regulatory processes (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>	Complete	Refer to October 2008 progress report details.
4	Develop consultation	The NSW Government supports this recommendation, and will develop a whole-of-government consultation policy, as part of a new guide to Best	Complete	Refer to April 2008 progress report details.

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	policy (Regulatory Reform)	Practice Regulation.		
5	Extend minimum consultation period for RISs (Regulatory Reform)	<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 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>	Complete	Refer to April 2008 progress report details.
6	Undertake regulatory impact assessment meeting 'materiality' thresholds (Regulatory Reform)	<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</p>	Complete	Refer to April 2008 progress report details.

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		proposals are considered by decision makers, and the RIS will be made publicly available as appropriate.		
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 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	Refer to April 2008 progress report details.
8	Promote standard national RIS guidelines through COAG (Regulatory Reform)	The NSW Government supports this recommendation in-principle, and is currently working with other jurisdictions, through COAG, to identify consistent national approaches to better regulation, including through enhanced regulatory impact assessment.	Complete	Refer to April 2008 progress report details.

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9	Adopt stronger risk analysis and assessment (Regulatory Reform)	<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>	Complete	Refer to October 2008 progress report details.
10	Monitoring and reporting of performance (Regulatory Reform)	<p>The NSW Government supports this recommendation.</p> <p>Appropriate reporting requirements will be developed in 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>	Complete	Refer to October 2008 progress report details.
11	Post implementation reviews (Regulatory Reform)	<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	Refer to April 2008 progress report details.
12	Vary automatic repeal requirements (Regulatory Reform)	<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	Refer to April 2008 progress report details.

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13	Review clauses (Regulatory Reform)	<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 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>	Complete	Refer to April 2008 progress report details.
14	Administrative and legislative amendments (Regulatory Reform)	<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	Refer to April 2008 progress report details.
15	Support national-level reforms (Regulatory Reform)	<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 the scope for expansion of the schemes and the management of exemptions and exclusions from the schemes.</p>	Complete	Refer to October 2008 progress report details.

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16	Establish taskforce to draft national protocols and terminology (Premier)	<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	Refer to April 2008 progress report details.
17	Support the development of a national on-line registration system for ABN and business names, including trademark searching (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>	Complete * This is a COAG regulatory hotspot	Refer to October 2008 progress report details.
18	Support reforms to achieve a harmonised national system of chemicals and plastics regulation (Climate Change & Environment / WorkCover)	<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</p>	Complete* This is a COAG regulatory hotspot	<p>NSW is continuing to play a key role in developing a national framework for environmental chemical management through the Business Regulation and Competition Working Group (BRCWG) and Environmental Protection and Heritage Council's Ministerial Taskforce on Chemicals. In July 2009, COAG agreed to a timetable to deliver early harvest reforms. The proposed national environmental chemicals and standards setting body will be established by mid-2011.</p> <p>Further detail on this reform is available at www.coag.gov.au.</p>

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		introducing a nationally-consistent, effective and integrated approach were instituted as recently as 2005.		
19	Review role of governments in regulating children's services to identify areas of duplication and options to improve efficiency (Community Services/ Premier)	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.	On-track Early childhood education is a COAG reform area	NSW continues to have an active role in this reform area through involvement in the Early Childhood Development Steering Committee, which provides advice to the Council of Australian Governments (COAG). In July 2009, COAG released key elements of the National Quality Agenda: <ul style="list-style-type: none"> • New national quality standards • Enhanced regulatory arrangements • A quality ratings system • An Early Years Learning Framework. COAG also released a Regulatory Impact Statement (RIS) outlining its proposals to implement a national licensing and quality assurance system, and a single set of national quality standards, for education and care. Nationwide consultation on the RIS occurred from July to August 2009. The final policy proposals for a new national system are expected to be agreed to by COAG in November 2009. Further detail on this reform is available at www.coag.gov.au .
20	Identify opportunities for greater national harmonisation of consumer protection regulations (Fair Trading)	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: <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. At the 13 April 2007 COAG meeting, States and Territories agreed to the	Complete * Product safety is a COAG regulatory hotspot Consumer policy,	Refer to October 2008 progress report details.

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		<p>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 (MCCA) 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>personal property securities, mortgage broking, margin lending, non-deposit lending institutions and consumer credit are COAG reform areas</p>	
21	<p>Support national initiatives to develop a nationally consistent framework for greenhouse gas and energy reporting and an emissions trading model (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 (CAF), 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>	<p>Complete*</p> <p>Climate Change is a COAG reform area</p>	<p>The Commonwealth announced the details for the Carbon Pollution Reduction Scheme (CPRS) in December 2008. The CPRS is expected to commence on 1 July 2011, subject to the passage of supporting legislation through the federal Parliament in 2009.</p> <p>Reporting for the CPRS will occur under the framework of the National Greenhouse and Energy Reporting System (NGERS), which provides a nationally consistent system for reporting greenhouse and energy data. The Commonwealth will use its Online System for Comprehensive Activity Reporting (OSCAR) for collecting NGERS data.</p> <p>In July 2009, the COAG Experts Group on Streamlining Greenhouse and Energy Reporting released a nationally consistent approach to greenhouse and energy reporting. It is outlined in the NGERS protocol.</p> <p>All streamlined programs, including NSW Energy Savings Action Plans, will report through OSCAR. NSW has ongoing input to the development of OSCAR, which is expected to be ready to accommodate streamlined reporting by December 2009.</p> <p>Further detail on this reform is available at www.coag.gov.au.</p>
22	<p>Encourage Cwth to recognise NSW Action Plans as meeting Cwth energy</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</p>	<p>Complete</p>	<p>Refer to October 2008 progress report details.</p>

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	<p>efficiency requirements, and improve compatibility of NSW requirements</p> <p>(Climate Change & Environment)</p>	<p>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>		
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 Emissions Trading report.</p>	Complete	Refer to April 2009 progress report details.
24	<p>Enter into assessment bilateral with Cwth under EPBC Act, and approvals bilateral in future</p> <p>(Planning)</p>	<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> (EPBC Act).</p>	<p>Complete*</p> <p>This is a COAG regulatory hotspot</p>	<p>In 2007, the NSW and Commonwealth Governments gave effect to the Assessment Bilateral agreement.</p> <p>The NSW Departments of Planning (DoP) and Environment and Climate Change and Water (DECCW) have continued to work with the Commonwealth to develop practical approaches to streamline approvals processes. NSW has developed an approvals bilateral agreement with the Commonwealth in relation to management of the Sydney Opera House.</p> <p>This reform is being progressed through NSW's commitment to the</p>

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				COAG process for a seamless national economy. Further detail on this reform is available at www.coag.gov.au .
25	Work with APRA to ensure coordinated prudential regulation of insurers (Fair Trading)	<p>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.</p> <p>The Motor Accidents Authority and the Office of Fair Trading will continue to coordinate responsibilities and share information consistent with its Memorandums of Understanding with APRA.</p>	Complete	Refer to October 2008 progress report details.
26	Professional Standards Council consider the Cwth's implementation of Review of Discretionary Mutual Funds and Direct Offshore Foreign Insurers (Attorney-General)	<p>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.</p>	Complete	Refer to April 2008 progress report details.
27	Consider whether greater cross-jurisdictional harmonisation can be achieved in the regulation of providers of statutory classes of insurance (Minister for Finance/	<p>This recommendation is supported.</p> <p>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.</p> <p>On 13 October 2006, at the meeting of the Council for the Australian Federation, States and Territories signed an 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>	Complete	Refer to October 2008 progress report details.

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	Fair Trading)			
28	Support work to harmonise the regulation of OHS (Minister for Finance)	<p>While the NSW Government is participating in cross-jurisdictional processes considering OHS legislation, the NSW Government's primary concern has been to ensure workplace safety outcomes are not compromised.</p> <p>On 13 April 2007, COAG agreed to a timetable for achieving national OHS 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 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 OHS 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 OHS through the Council for the Australian Federation (refer recommendation 27).</p>	<p>Complete *</p> <p>This is a COAG regulatory hotspot</p>	Refer to April 2009 progress report details.
29	Work with other States to harmonise payroll tax administration (Treasurer)	<p>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.</p> <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</p>	<p>Complete</p> <p>This is a COAG reform area</p>	Refer to April 2008 progress report details.

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		<p>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>		
30	<p>Support efforts to harmonise personal liability for directors and officers of a corporation, and consider findings of CAMAC report.</p> <p>(Attorney-General)</p>	<p>The NSW Government supports this recommendation, and will consider the findings of the Corporations and Market Advisory Committee's (CAMAC) 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>NSW, through COAG, has committed to improve harmonisation of directors' liability laws. An audit of provisions in NSW legislation which impose personal liability for corporate fault has been completed.</p> <p>Legislation is expected to be enacted by the end of 2010. Further detail on this reform is available at www.coag.gov.au.</p>
31	<p>Support pharmaceuticals reform, as recommended by the Galbally Review.</p> <p>(Health)</p>	<p>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.</p> <p>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.</p>	<p>Complete</p>	<p>Refer to April 2008 progress report details.</p>
32	<p>Publicly release inquiry into privacy</p>	<p>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.</p>	<p>On-track</p>	<p>The Government publicly released NSW Law Reform Commission Report 120, <i>Invasion of Privacy</i>, in August 2009.</p>

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	regulation by NSW Law Reform Commission and give priority consideration. (Attorney-General)			The Government is also preparing the following reports for release: <ul style="list-style-type: none"> • A report on privacy principles • A report on the intersection of privacy and FOI law • A final report on remaining privacy issues. This IPART recommendation is expected to be complete when the final report is released at the end of 2009.
33	Ask SCOCA to examine streamlining trust account requirements for property agent and owners. (Fair Trading)	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	COAG is developing an Inter Governmental Agreement for a national trade licensing system that will apply to property agent occupations.
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.	Complete	In June 2009 Parliament passed legislation replacing “land rich” duty in New South Wales with “landholder” duty, effective from 1 July 2009. The change will make it easier to calculate the money owed by land owners. It is also consistent with legislation in Western Australia, the Northern Territory and the Australian Capital Territory.
35	Continue work to resolve issues related to proposed model trustee	The NSW Government supports this recommendation, and has led the development of uniform trustee legislation through the Standing Committee of Attorneys-General (SCAG). 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	Complete * This is a COAG reform	Refer to April 2009 progress report details.

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	companies legislation (Attorney-General)	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.	area	
36	Support work to achieve national consistency in key areas of workers' compensation (Minister for Finance)	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	<p>This issue is being progressed through the Heads of Workers Compensation Authorities.</p> <p>In June 2009, the Victorian Government released its response to the review of the <i>Accident Compensation Act 1985</i> (Vic). The review recommendations will be used to inform the discussion on key workers' compensation scheme definitions. It is noted that the NSW and Victorian Governments support the review recommendation to align the definition of remuneration for the workers' compensation schemes in both states, with a long-term objective of aligning definitions across all jurisdictions.</p> <p>Subject to inter-governmental agreement, the development of common scheme definitions in NSW and Victoria is expected to be complete by the end of 2010.</p>
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	<p>The Department of Planning's post-implementation review of BASIX will be completed by the end of 2009. The review report will be based on several discrete reports:</p> <ul style="list-style-type: none"> • A preliminary review of BASIX which was undertaken as part of the <i>IPART Review of NSW Climate Change Mitigation Measures</i> (May 2009) • A monitoring report, <i>Single Dwelling Outcomes 2005-2008</i> (November 2008) • A second monitoring report, <i>Multi Unit Outcomes 2006-2009</i>, which will be finalised by the end of 2009 • Sydney Water's report in February 2009 on actual water savings achieved in occupied BASIX-compliant homes • Energy Australia's energy use data for a sample of occupied BASIX-compliant houses, which will be compared with predicted energy use as indicated by the houses' BASIX energy scores (available in late 2009)

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				<ul style="list-style-type: none"> A cost benefit analysis of BASIX will be complete in November 2009 <p>The final post-implementation review report and associated recommendations will be completed by the end of 2009.</p>
38	<p>Provide service-specific guides to children's services legislation. (Community Services)</p>	<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	Refer to April 2008 progress report details.
39	<p>Consult with stakeholders on development of <i>Children's Services Regulation 2004</i>. (Community Services)</p>	<p>The NSW Government supports this recommendation, and a review of the Children's Services Regulation 2004 is scheduled to commence in 2007/2008. The review will include consultation with Department of Community Services (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.</p>	On-track	<p>The Division of Community Services (DoCS) is continuing with the significant review of the Children's Services Regulation 2004.</p> <p>The data gathered during the first stage of the review has been used to develop proposed amendments to the Regulation, which have been endorsed by the Government.</p> <p>A draft Regulation incorporating those amendments, with an accompanying Regulatory Impact Statement (RIS), will be released for public comment by the end of 2009.</p> <p>The new Regulation will be finalised by mid-2010, for commencement in August 2010.</p> <p>The NSW Government will ensure that any changes to the NSW Regulation are consistent with, and do not duplicate, the children's services reforms currently being developed by COAG (see</p>

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				recommendation 19).
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 Children's Services Regulation 2004.</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>	Complete	<p>This issue has been addressed by the Division of Community Services (DoCS) by providing advice on its website to clarify legislative requirements, and through internal advice to DoCS' field staff. Family Day Care providers are now generally aware that barriers are an acceptable option to protect children from risks associated with glazed areas in a carer's home. This approach is consistent with the Children's Services Regulation 2004.</p> <p>The review of the Children's Services Regulation (see recommendation 39, above) has included consideration of potentially problematic aspects of the legislation. A need for '<i>flexibility in meeting the appropriate safety measures to protect children around glazed areas</i>' was not identified as an issue in recent consultation. The requirements for Family Day Care with regard to glazed areas will therefore not be changed.</p>
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 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 Children's Services Regulation 2004.</p>	Complete	<p>This recommendation has been addressed through Division of Community Services (DoCS) implementation of a new register of Authorised Supervisors (AS). The register enables portability of AS approvals across children's services with significantly reduced paperwork for individuals, licensees and DoCS.</p> <p>Other aspects of the Authorised Supervisor role are being considered in the review of the Children's Services Regulation 2004 (see recommendation 39, above). Proposals to further streamline licensing processes are likely to be reflected in the draft Regulation, which will be released for public comment by the end of 2009. The Regulation will be finalised by mid-2010, for commencement in August 2010.</p>
42	Review requirements in	The NSW Government supports this recommendation, and group sizes will form a major part of the consultation processes associated with the	On-track	This issue is being considered as part of the review of <i>Children's Services Regulation 2004</i> (refer to recommendation 39).

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	<p>the Regulation on group sizes and the definition of 'group of children'.</p> <p>(Community Services)</p>	<p>review of the Children's Services Regulation 2004. The review will test the feasibility of taking a more flexible, outcomes-based approach.</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 Children's Services Regulation 2004 in 2007/08.</p>	On-track	<p>This issue is being considered as part of the review of <i>Children's Services Regulation 2004</i> (refer to recommendation 39). Also refer to April 2009 progress report for further details.</p>
44	<p>Implement accepted recommendations of Disconnections and Move in-Move out Working Groups</p> <p>(Energy)</p>	<p>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.</p>	Complete	<p>Refer to April 2008 progress report details.</p>
45	<p>Do not increase fireworks licence fees until impact of fee increase has been assessed</p> <p>(Minister for Finance)</p>	<p>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.</p>	Complete	<p>WorkCover NSW has completed the five-year statutory review of the <i>Explosives Act 2003</i>. The final report of the review of the Act was tabled in Parliament in September 2009.</p> <p>WorkCover has commenced the five-year statutory review of the <i>Explosives Regulation 2005</i>. This is assessing the costs and benefits and broader impact of licensing and licence fees, and the review will be completed in September 2010.</p>

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46	Consider establishing service contracts with providers of probity information for explosives licence assessments (Minister for Finance)	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.	Complete	Refer to October 2008 progress report details.
47	Consider developing standard information package on fireworks regulation, and require local councils to publish information on-line (Local Government)	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. The NSW Government will encourage local councils to make relevant information available on their websites.	Complete	Refer to October 2008 progress report details.
48	Accelerate work of the Grants Administration Review (Premier)	The NSW Government supports this recommendation in-principle, and has developed a staged approach to cross-government electronic grants management: <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 	Complete	Refer to October 2008 progress report details.

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		<p>organisations seeking funding; and</p> <ul style="list-style-type: none"> - Stage 4 (under development): system that enables whole of government prioritising, and if appropriate, management of grants. <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 (http://www.dpc.nsw.gov.au/publications/grants_administration).</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	Refer to April 2008 progress report details.
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 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</p>	Complete	Refer to April 2008 progress report details.

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		<p>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 (SMEs) in government procurement markets.</p>	Complete	Refer to October 2008 progress report details.
52	<p>Develop information package for agencies involved in consultancy procurement, and best practice guidelines covering risk assessment.</p> <p>(Premier)</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> <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>	Complete	Refer to April 2008 progress report details.

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53	Consider developing best practice guidelines for consultancy procurement (Premier)	<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>	Complete	Refer to April 2009 progress report details.
54	Consider and address the reasons why procurement processes are delayed. (Commerce)	<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 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>	Complete	Refer to April 2008 progress report details.
55	Consider raising the value cap for projects that would require a minimum of three bidders from \$150k to \$250k. (Premier)	<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>	Complete	Refer to October 2008 progress report details.

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56	Consider reviewing the <i>Insurance Act 1902</i> (Attorney-General)	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.	Complete	The review of the <i>Insurance Act 1902</i> , to identify unnecessary provisions and requirements, has been completed. To implement the recommendations of the review, Parts 2 and 3 of the Act were repealed on 17 July 2009, through the <i>Statute Law (Miscellaneous Provisions) Act 2009</i> . Contracts of reinsurance have also been exempted from the operation of sections 18, 18A, 18B and 19 of the Act with effect from 1 September 2009, through amendment of the <i>Insurance Regulation 2009</i> .
57	Monitor compliance by direct offshore foreign insurers with NSW tax and levy requirements (Treasurer)	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.	Complete	Refer to April 2008 progress report details.
58	Undertake a post implementation review of the Social Impact Assessment process and develop requirements for new liquor licence categories (Gaming and Racing)	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.	Complete	Refer to April 2008 progress report details.
59	Review the permitted modes of delivery of Responsible Service of Alcohol (RSA)	The NSW Government supports this recommendation, and has engaged an independent consultant to review Responsible Service of Alcohol (RSA) training, including on-line training options. The review commenced in April 2006 and is expected to conclude in the second half of 2007.	Complete	The Office of Liquor Gaming and Racing (OLGR) will introduce on-line delivery of Responsible Service of Alcohol (RSA) training. TAFE NSW has been engaged to develop the training package, which will be completed by November 2009. On-line training will be available from course providers during the first quarter of 2010.

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	training as part of RSA training review. (Gaming and Racing)			In addition to this work on the permitted modes of delivery for RSA training, OLG released a discussion paper in July 2009 that will examine a wider range of issues aimed at strengthening RSA training for frontline staff.
60	Review the <i>Occupational Health & Safety Regulation 2001</i> in 2007. (Minister for Finance)	A review of the <i>Occupational Health and Safety Regulation 2001</i> will be considered following the finalisation of the review of the <i>Occupational Health and Safety Act 2000</i> . 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.	Complete * This is a COAG regulatory hotspot	Refer to April 2009 progress report details.
61	Require draft NSW OHS codes of practice to be subject to proportional cost-benefit analysis. Review the <i>OHS Act 2000</i> within 5 years of commencing amendments. (Minister for Finance)	The NSW Government supports this recommendation. Processes for the development of draft NSW OHS codes of practice will be examined in light of the IPART recommendation. Codes of practice are currently developed in consultation with key stakeholders.	Complete * This is a COAG regulatory hotspot	Refer to April 2009 progress report details.

* The recommendation is being treated as complete for the purposes of this report because NSW has committed to deliver the reform through COAG. There will be further steps required by NSW to implement the reform but the substantive policy decisions that will deliver harmonisation have been made.

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62	Implement planning and development assessment (DA) reform program. (Planning)	<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 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 these instruments, thereby further reducing the number of REPs and SEPPs over time. The Standard Instrument currently incorporates four 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>	Complete* DA is a COAG regulatory hotspot	Refer to April 2009 progress report details.

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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>	Complete	Refer to April 2009 progress report details.
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>	Complete	<p>The review of plumbing and drainage regulation in NSW, conducted jointly by the Department of Water and Energy and the Better Regulation Office, was completed in May 2009.</p> <p>The NSW Government formally endorsed the recommendations of the review, including adoption of the Plumbing Code of Australia in NSW by mid-2010, and the establishment of a single plumbing regulatory agency in the Office of Fair Trading.</p> <p>A government implementation group is working closely with industry to implement the review recommendations.</p>
65	<p>Convene a working group to identify opportunities to share or streamline information</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</p>	Complete	Refer to April 2009 progress report details.

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	<p>among agencies, and provide guidance on privacy requirements affecting information sharing between agencies.</p> <p>(Attorney-General)</p>	<p>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 government agencies should further potential opportunities emerge.</p>		
66	<p>Provide ongoing education and training to health care providers on health information requirements</p> <p>(Health)</p>	<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>	Complete	Refer to April 2009 progress report details.

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		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.		
67	Undertake a post implementation review of the <i>Workplace Surveillance Act 2005</i> within 2 years of commencement. Provide guidance to small businesses on the Act's requirements on overseas or interstate information. (Attorney-General)	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. Should it become apparent that the Act is not achieving its objectives, an earlier review will be considered. 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.	On-track	The statutory review of the Act will commence in 2010. The Department of Justice and Attorney General is monitoring requests for information and complaints in relation to the Act. No major issues have arisen.
68	Finalise review of the <i>Property Stock and Business Agents Act 2002</i> in relation to commercial property agents (Fair Trading)	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. The review recommendations are currently under consideration by the Minister for Fair Trading.	On-track	OFT will consider COAG's commitment to a national trade licensing system, and its potential impact on commercial property agents, before making any changes to the <i>Property Stock and Business Agents Act 2002</i> .
69	Consider specific regulatory	The NSW Government supports this recommendation. The <i>Retail Leases Act 1994</i> was the subject of a comprehensive National	On-track	In 2008, the Productivity Commission released the Inquiry Report <i>The Market for Retail Tenancy Leases in Australia</i> , and the government released

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	<p>burden considerations as part of the next review of the <i>Retail Leases Act 1994</i>. (Small Business)</p>	<p>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 number of formal mediations and matters brought to the Administrative Decisions Tribunal.</p>		<p>a preliminary discussion paper to examine the burden of regulation on the retail leasing industry of NSW.</p> <p>Further consultation will be performed, with amendments to the <i>Retail Leases Act 1994</i> expected to be made in the first half of 2010. This process replaces the statutory review originally scheduled for 2012.</p>
70	<p>Simplify the regulation of trading hours for general shops (Regulatory Reform/ Industrial Relations)</p>	<p>The NSW Government is considering options for simplifying the current arrangements with respect to trading hours for general shops in NSW.</p>	Complete	<p>Refer to October 2008 progress report details.</p>
71	<p>Establish a working group to consider regulatory processes and requirements across agencies. (Water)</p>	<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 inter-agency working group of senior officers, to oversee a review process that will examine the issues outlined in recommendations 71-73.</p>	Complete	<p>Through recent consultation processes and reviews, the Department of Water and Energy (DWE) identified three regulatory processes and requirements of concern, namely:</p> <ul style="list-style-type: none"> • Inconsistency between the requirements of BASIX and Integrated Water Cycle Management • Confusion around the issue of load based licensing and reuse, versus effluent credits for river discharge • Confusion about regulatory requirements for developments which are not connected to local water utilities' water and sewerage services. <p>The NSW Office of Water (NOW) has established a separate working group, with other relevant agencies, to address each of those issues.</p> <p>In a further measure to address red tape, NOW is leading three</p>

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				initiatives to enhance single point reporting of financial, performance and meteorological data, which will further reduce reporting requirements for local water utilities.
72	Ensure that new regulatory requirements for water utilities are subject to proportional cost-benefit analysis. (Water)	As above.	Complete	Refer to April 2009 progress report details.
73	Review the efficiency of regulatory arrangements for water. (Water)	As above.	Complete	<p>The final report of the major review of the institutional, regulatory and governance arrangements for the long term provision of water supply and sewerage in country NSW was finalised in January 2009.</p> <p>The report is available on the Department of water and Energy website, www.dwe.nsw.gov.au.</p>
74	Conduct a post implementation review of reforms arising from the Macken Report within 2 years of implementation. (Minister for Finance)	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.	Complete	<p>WorkCover has completed an internal review of the reforms flowing from the Macken Report on Definition of a Worker. The reforms were designed to provide more certainty to employers when determining who should be covered for workers compensation insurance.</p> <p>In October 2006, WorkCover introduced a comprehensive package of worker status services including: a telephone advice and assistance service, educational forums, the capacity to provide private binding rulings (where requested by an employer), an online self-assessment tool, web-based and hard copy information, and other support services to employers.</p> <p>Stakeholder feedback on these services indicated that the services provided by WorkCover to employers are generally well received and help employers to make informed decisions regarding the definition of worker for workers compensation purposes.</p> <p>The review also found that awareness of these services could be</p>

IPART Rec	Reform area & Responsibility	2007 Final Government Response to IPART	Status	October 2009 progress update
				<p>increased. WorkCover will therefore continue to investigate avenues to enhance employer awareness of the assistance available, and is expanding its support services through other providers of advice to employers such as accountants, insurers/agents and employer associations. WorkCover NSW will also continue to look for new opportunities to provide assistance and information to employers.</p>