



## New South Wales Government

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

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

The Government has now addressed 49 of the 74 recommendations made by IPART. Recent achievements include:

- Continued reform of the planning system, including the introduction of “key principles” for approving Contributions Plans, creation of the web-base Register of Development Assessment Guidelines and the February 2009 introduction of the NSW Housing Code.
- Insurance guidelines have been developed to assist procurement officers to assess the level of risk associated with particular procurement activities, and to develop insurance requirements for suppliers that are specific to those risks. This will ensure that suppliers in low risk projects can purchase insurance that is appropriate to their activity.
- Privacy NSW will more closely advise agencies on requirements related to privacy and information sharing between agencies. This will reduce delays in sharing information between agencies and reduce duplication in the provision of information by industry and the public.

All of the remaining recommendations are on-track to be delivered. It is anticipated that several of these will be completed over coming months, while others will be addressed through longer term processes, including those requiring cross-jurisdictional action.

The next progress report will be released in October 2009.

A copy of the latest progress report can be found on the Better Regulation Office website at [www.betterregulation.nsw.gov.au](http://www.betterregulation.nsw.gov.au).

GOVERNMENT RESPONSE TO IPART REPORT ON REGULATORY BURDEN

April 2009 update

IPART Rec	Reform area & Responsibility	2007 Final Government Response to IPART	Status	April 2009 progress update
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 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</p> <p>(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"> <li>- 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;</li> <li>- provide a central source of information on best practice regulation;</li> <li>- conduct targeted reviews into identified areas where reduction of</li> </ul>	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"> <li>- provide an annual report on compliance with the NSW Government's regulatory process requirements;</li> <li>- review and advise the Minister on the implementation of good regulatory processes across Government;</li> <li>- provide technical and analytical support to the Minister; and</li> <li>- update existing best practice regulation guidelines, including a consultation policy, and develop enhanced RIS requirements, and new review requirements.</li> </ul> <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</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>	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"> <li>- have a significant impact on individuals, the community, or any sector of the community;</li> <li>- have a significant impact on business, including by imposing significant compliance costs;</li> <li>- impose a material restriction on competition; or</li> <li>- impose a significant cost to government.</li> </ul>	Complete	Refer to April 2008 progress report details.

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		<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>		
7	<p>Update best practice regulation guidelines</p> <p>(Regulatory Reform)</p>	<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"> <li>- the need for government action should be established;</li> <li>- the objective of action should be made clear;</li> <li>- the costs and benefits of a range of options should be considered, including non-regulatory options;</li> <li>- government action should be effective and proportional;</li> <li>- the simplification, repeal, reform, or consolidation of existing regulation should be considered;</li> <li>- business and community consultation should inform regulatory decisions; and</li> <li>- regulation should be periodically reviewed and, if necessary, reformed to ensure its continued efficiency and effectiveness.</li> </ul>	Complete	Refer to April 2008 progress report details.
8	<p>Promote standard national RIS guidelines through COAG</p>	<p>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.</p>	Complete	Refer to April 2008 progress report details.

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	(Regulatory Reform)			
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	<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</p>	Complete	Refer to April 2008 progress report details.

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	(Regulatory Reform)	<p>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>		
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>	Complete	Refer to October 2008 progress report details.

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		<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>		
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	Refer to April 2008 progress report details.
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>	<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>	<p>Complete *</p> <p>This is a COAG regulatory hotspot</p>	Refer to October 2008 progress report details.
18	<p>Support reforms to achieve a harmonised national system of chemicals and</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</p>	<p>On-track</p> <p>This is a COAG</p>	<p>NSW continues to play a key role in developing a national framework for environmental chemical management through the Environmental Protection and Heritage Council's National Chemicals Working Group.</p> <p>The National Chemicals Working Group is developing a proposal to implement an environmental chemicals standard setting body, to be</p>

\* 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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	<p>plastics regulation</p> <p>(Climate Change &amp; Environment / WorkCover)</p>	<p>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>	regulatory hotspot	<p>established by mid-2011.</p> <p>In November 2008, COAG agreed to a new governance structure for chemicals and plastics reform, which was recommended by the Productivity Commission Research Report on Chemicals and Plastics Regulation. The COAG Standing Committee on Chemicals will coordinate the formulation of strategic policy, oversee the institutional and regulatory arrangements and make recommendations to ministerial councils. It will also assess hazards and risks of chemicals, and administer agreed standards on chemicals and plastics and monitor their impact.</p> <p>Further reforms will be proposed in 2009 by Ministerial Councils and Commonwealth agencies responsible for poisons and medicines, agricultural and veterinary chemicals and workplace safety.</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>Early childhood education is a COAG reform area</p>	<p>NSW has an active role in this reform area which is being progressed through the Early Childhood Sub-Group of COAG. Public consultation on a "<i>National quality framework for early childhood education and care</i>" has concluded. Development of national quality standards to combine Commonwealth Accreditation and State and Territory regulation into a consistent national framework is at an advanced stage.</p> <p>The Commonwealth has proposed that the Regulatory Impact Statement (RIS) on a new national regulatory model for early childhood education and care be completed in the first half of 2009 in order for the reforms to commence from July 2009.</p> <p>These processes include consideration of the roles and responsibilities of jurisdictions, and a decision on changes to be made will be dependant on COAG agreement.</p>
20	<p>Identify opportunities for greater national harmonisation of consumer</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"> <li>- finance brokers: an exposure draft bill on national regulation of</li> </ul>	<p>Complete *</p> <p>Product safety is a COAG</p>	<p>Refer to October 2008 progress report details.</p>

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	<p>protection regulations</p> <p>(Fair Trading)</p>	<p>finance brokers is expected to be released for public consultation in 2007; and</p> <ul style="list-style-type: none"> <li>- telemarketing: a national telemarketing industry standard commenced on 31 May 2007.</li> </ul> <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 (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>regulatory hotspot</p> <p>Consumer policy, 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</p> <p>(Climate Change &amp; 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>On-track</p> <p>Climate Change is a COAG reform area</p>	<p>The Commonwealth announced the details of the Carbon Pollution Reduction Scheme (CPRS) in the White Paper released in December 2008. The scheme is scheduled to commence on 1 July 2010.</p> <p>Reporting for the CPRS will occur under the framework of the National Greenhouse and Energy Reporting (NGER) system, 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 NGER data.</p> <p>COAG's Complementary Measures Sub Group formed the Experts Group on Streamlining Greenhouse and Energy Reporting to reduce the greenhouse and energy reporting burden. The Experts Group developed an implementation plan for streamlining, which was agreed to by COAG in February 2009. The single online reporting portal is to be finalised for all programs by October 2010.</p> <p>All streamlined programs, including NSW Energy Savings Action Plans, will report through OSCAR, the development of which continues to receive input from NSW. OSCAR will be ready for use in the first</p>

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				reporting period under NGERs with the first reports due in October 2009.
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 &amp; 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>	Complete	Refer to October 2008 progress report details.
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 &amp; 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	No new NSW Energy Savings Action Plans are required. The NSW Government is working with the Commonwealth and other states in the development of the National Strategy for Energy Efficiency which will investigate measures for improving energy efficiency of industry.

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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 <a href="http://www.environment.gov.au/epbc">www.environment.gov.au/epbc</a>.</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>On-track</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>In relation to further bilateral agreements, the Department of Planning and the Department of Environment and Climate Change work with the Commonwealth Government to develop practical approaches to streamline the approvals process. That includes the use of bilateral agreements, strategic assessments and conservation agreements.</p> <p>It is expected that specific areas for strategic assessment or approvals bilateral agreements will be identified in the coming months.</p> <p>The NSW Government has participated in the Australian Parliament Senate Inquiry into the operation of the EPBC Act. In addition the NSW Government is providing input to the Independent Review of the EPBC Act being conducted by Dr Allan Hawke.</p>
25	<p>Work with APRA to ensure coordinated prudential regulation of insurers</p> <p>(Fair Trading)</p>	<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	<p>Professional Standards Council consider the Cwth's implementation of Review of Discretionary Mutual Funds and Direct Offshore Foreign Insurers</p> <p>(Attorney-General)</p>	<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.

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27	<p>Consider whether greater cross-jurisdictional harmonisation can be achieved in the regulation of providers of statutory classes of insurance</p> <p>(Minister for Finance/ Fair Trading)</p>	<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.
28	<p>Support work to harmonise the regulation of OHS</p> <p>(Minister for Finance)</p>	<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>	<p>COAG signed an intergovernmental agreement to adopt model OHS laws in July 2008. The agreement commits NSW to implement the reforms by the end of 2011.</p> <p>The Work Place Relations Ministerial Council has assumed responsibility for developing arrangements for the national OHS system. The next steps include the Commonwealth Government's establishment of Safe Work Australia, which will prepare a model OHS Bill and draft RIS for public comment in mid-2009.</p>
29	Work with other States to	On 26 February 2007, the NSW and Victorian Governments jointly announced a bilateral payroll tax harmonisation project to reduce red	Complete	Refer to April 2008 progress report details.

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	<p>harmonise payroll tax administration</p> <p>(Treasurer)</p>	<p>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 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>	<p>This is a COAG reform area</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>COAG agreed to improve national harmonisation of directors' liability laws. The COAG Business Regulation and Competition Working Group (BRCWG) has developed draft principles which will form the basis of reforms to Commonwealth, State and Territory provisions that impose a personal criminal liability for corporate fault, except in relation to environmental protection and workplace health and safety.</p> <p>Those principles have been referred to the Ministerial Council for Corporations (MINCO) for advice. The Commonwealth is leading the MINCO project. MINCO will also audit all jurisdictions' liability provisions to identify further areas for reform.</p>

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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>	Complete	Refer to April 2008 progress report details.
32	<p>Publicly release inquiry into privacy regulation by NSW Law Reform Commission and give priority consideration.</p> <p>(Attorney-General)</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>	On-track	<p>The NSW Law Reform Commission released its first consultation paper, <i>Invasion of Privacy</i>, in July 2007, and the final report developed from it will be considered by Government in mid-2009.</p> <p>Another consultation paper, <i>Privacy Legislation in NSW</i> was released in July 2008 and reports developed from that process will be considered by Government from mid-2009.</p>
33	<p>Ask SCOCA to examine streamlining trust account requirements for property agent and owners.</p> <p>(Fair Trading)</p>	<p>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.</p>	On-track	COAG is developing an Inter Governmental Agreement for a national trade licensing system that will apply to property agent occupations.

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34	<p>Consider working with other States and Territories to examine opportunities to harmonise and clarify land rich duty definitions</p> <p>(Treasurer)</p>	<p>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.</p>	On-track	<p>In the November 2008 Mini-Budget, the NSW Government committed to replacing NSW's "land rich" provisions with "land holder" provisions. "Land holder" provisions are already used in Queensland (for trusts), Western Australia, the Northern Territory and the Australian Capital Territory. Under "land holder" provisions, the method for calculating the tax payable by an individual who purchases a share of a company that has land assets will be much simpler and cross-jurisdictional harmonisation will be improved.</p> <p>The new provisions are expected to commence on 1 July 2009.</p>
35	<p>Continue work to resolve issues related to proposed model trustee companies legislation</p> <p>(Attorney-General)</p>	<p>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 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.</p>	<p>Complete *</p> <p>This is a COAG reform area</p>	<p>COAG agreed in March 2008 to the Commonwealth assuming responsibility for the regulation of trustee companies.</p> <p>On 2 October 2008, COAG agreed that legislation giving effect to the transfer of responsibility will be introduced by the Commonwealth. That is expected to occur in the first half of 2009.</p> <p>NSW will adopt the national regulatory framework by late 2009.</p>
36	<p>Support work to achieve national consistency in key areas of workers' compensation</p> <p>(Minister for Finance)</p>	<p>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.</p>	On-track	<p>This issue is being progressed through the Heads of Workers Compensation Authorities (HWCA) and is led by Victoria. The Victorian Government will use the outcomes of its current review of the <i>Accident Compensation Act 1985</i> (Vic) to inform the discussions on key definitions.</p>

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37	<p>Conduct post implementation review of BASIX within 5 years, including updated cost-benefit analysis</p> <p>(Planning)</p>	<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 will commence a post-implementation review of BASIX, with a report to Government expected by November 2009. As well as broader cost-benefit analysis and stakeholder consultation, the review will be informed by a four assessments of the effectiveness of BASIX:</p> <ul style="list-style-type: none"> <li>• In November 2008, the Department of Planning released a monitoring report, <i>Single Dwelling Outcomes 05-08</i>, which evaluated the commitments made using the BASIX on-line sustainability tool for single dwellings. A similar report for multi-unit dwellings is being prepared.</li> <li>• Sydney Water has completed its first evaluation of actual water savings from completed BASIX-compliant homes. Results from a sample of single dwellings compliant with BASIX in 2004-05 in the Sydney Water area of operation indicates that average performance is close to the predicted consumption targets and the targets for water consumption reduction are being met. . The study found BASIX dwellings are achieving the water savings target (40%), with average measured water savings of 40.5%. For more information see What's New section of <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a></li> <li>• Energy Australia has commenced an evaluation of energy consumption in BASIX compliant homes.</li> <li>• Cogeneration demonstration plants were installed in Rouse Hill and Chatswood and results from the first reporting period are available. The data collected shows that cogeneration can achieve significant financial cost and greenhouse gas emission savings.</li> </ul>
38	<p>Provide service-specific guides to children's services legislation.</p> <p>(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</p>	Complete	Refer to April 2008 progress report details.

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		<p>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>		
39	<p>Consult with stakeholders on development of <i>Children's Services Regulation 2004</i>.</p> <p>(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 Department of Community Services (DoCS) has begun a significant review of the <i>Children's Services Regulation 2004</i>.</p> <p>An Industry Reference Group was formed in August 2008 and has been providing DoCS with advice on the review.</p> <p>From October to December 2008, the public was consulted on options for the development of a new Regulation. Consultation focussed on a discussion paper that sought public and industry comment on proposals that address each of the IPART recommendations. During consultation 1,360 parents and 1,200 child care providers and workers completed online surveys about the major reform proposals. About 1,340 industry members attended 16 regional forums, 50 parents participated in six parent focus groups and 152 formal written submissions were received.</p> <p>Consultation feedback is being analysed and a new draft Regulation and accompanying Regulatory Impact Statement (RIS) is being developed in the first half of 2009. The draft Regulation and RIS will be released for public comment in the second half of 2009.</p> <p>A new Regulation will be finalised in 2010, for commencement in mid-2010.</p>
40	<p>Consider amending family day care safety requirements in the Regulation.</p>	<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</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)</p>

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	(Community Services)	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.		
41	<p>Review authorised and temporary supervisor obligations in the Regulation.</p> <p>(Community Services)</p>	<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>	On-track	This issue is being considered as part of the review of <i>Children's Services Regulation 2004</i> (refer to recommendation 39)
42	<p>Review requirements in the Regulation on group sizes and the definition of 'group of children'.</p> <p>(Community Services)</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 Children's Services Regulation 2004. The review will test the feasibility of taking a more flexible, outcomes-based approach.	On-track	This issue is being considered as part of the review of <i>Children's Services Regulation 2004</i> (refer to recommendation 39).
43	Review licensing requirements in	The NSW Government supports this recommendation, and reforms to eliminate duplication of personal information for applicants with	On-track	The centralised licensing system was extended to the Department of Community Service's Metro Central and Western Regions in November

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	<p>the Regulation relating to personal information.</p> <p>(Community Services)</p>	<p>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>		<p>2008, and to the Hunter and Central Coast region in March 2009. All NSW children's services are now centrally licensed, which will reduce duplication in the provision of personal information.</p> <p>A review of the amount of personal information required from individuals is being completed as part of the review of <i>Children's Services Regulation 2004</i> (refer to recommendation 39).</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	Refer to April 2008 progress report details.
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>	On-track	<p>WorkCover NSW is currently performing a five-year statutory review of the <i>Explosives Act 2003</i>, and will conduct a five-year statutory review of the <i>Explosives Regulation 2005</i> in 2010.</p> <p>In conjunction with the review of the Regulation and in consultation with stakeholders, WorkCover will review the costs and benefits and broader impact of licensing and licence fees.</p>
46	<p>Consider establishing service contracts with providers of probity information for explosives</p>	<p>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.</p>	Complete	Refer to October 2008 progress report details.

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	licence assessments  (Minister for Finance)			
47	Consider developing standard information package on fireworks regulation, and require local councils to publish information on-line  (Local Government)	<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>	Complete	Refer to October 2008 progress report details.
48	Accelerate work of the Grants Administration Review  (Premier)	<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"> <li>- Stage 1 (complete): provide the public with a single point of access to grants program information (<a href="http://www.communitybuilders.nsw.gov.au">www.communitybuilders.nsw.gov.au</a>);</li> <li>- 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;</li> <li>- Stages 3 (under development): registration of non-government organisations seeking funding; and</li> <li>- Stage 4 (under development): system that enables whole of government prioritising, and if appropriate, management of grants.</li> </ul>	Complete	Refer to October 2008 progress report details.

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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  <a href="http://www.dpc.nsw.gov.au/publications/grants_administration">http://www.dpc.nsw.gov.au/publications/grants_administration</a>.</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 services.</p>	Complete	Refer to April 2008 progress report details.

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		<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	<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>	Complete	<p>An independent review of the <i>Insurance Guidelines</i> of NSW Procurement Contracting Services was completed in July 2008. The review focussed on the levels of insurance expected of suppliers in government goods and services contracts, including consultancy services. The outcomes of the review led to a revised version of the <i>Insurance Guidelines</i> being finalised in March 2009, through a consultative process that engaged key agencies and industry.</p>
54	<p>Consider and address the reasons why procurement processes are delayed.</p> <p>(Commerce)</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 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	<p>Refer to April 2008 progress report details.</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>	Complete	<p>Refer to October 2008 progress report details.</p>

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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.	On-track	In reviewing the <i>Insurance Act 1902</i> , the NSW Attorney General's Department consulted with stakeholders, including the Commonwealth Treasury, to identify unnecessary provisions of the Act. As a result of that review, the Government will introduce a Bill in the 2009 Budget session of Parliament to clarify the life insurance provisions and conflict with Commonwealth regulation.  An extension to the normal consultation period is required to resolve the divergent views of stakeholders on the requirement for reinsurance to be subject to the provisions of the Act. A Government decision on action to be taken on that issue will be made in 2009.
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.

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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 (RSA) 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 Casino, Liquor and Gaming Control Authority is in the process of engaging TAFE NSW to develop online Responsible Service of Alcohol (RSA) training that will be operational by November 2009.</p> <p>The online training is part of a wider, concurrent, review of RSA training. A discussion paper on RSA training will be prepared for public consultation by 30 June 2009 and will consider issues such as the streamlining of training across jurisdictions, a learning management system, refresher training, a review of course content and whether varying levels of competency should apply to different categories of licensees.</p>
60	<p>Review the <i>Occupational Health &amp; Safety Regulation 2001</i> in 2007.</p> <p>(Minister for Finance)</p>	<p>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>.</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>	<p>Complete *</p> <p>This is a COAG regulatory hotspot</p>	<p>The review of the <i>Occupational Health and Safety Act 2000</i> was tabled on 2 May 2006.</p> <p>In July 2008, COAG signed the intergovernmental agreement for OHS reform and the Work Place Relations Ministerial Council has now assumed responsibility for developing arrangements for the national OHS system. NSW will be required to enact model legislation by 2011.</p> <p>Throughout 2009-2010 draft model regulations will be developed and progressively submitted to the Workplace Relations Ministers' Council for agreement.</p> <p>The <i>Occupational Health and Safety Regulation 2001</i> will be repealed once the national uniform OHS laws are introduced.</p>
61	<p>Require draft NSW OHS codes of practice to be subject to proportional cost-benefit analysis.</p>	<p>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.</p>	<p>Complete *</p> <p>This is a COAG regulatory hotspot</p>	<p>Since COAG signed the intergovernmental agreement for OHS reform, the Work Place Relations Ministerial Council has assumed responsibility for developing arrangements for the national OHS system, including model codes of practice. Ministerial Councils must comply with COAG's regulatory impact assessment requirements, which include cost benefit analysis, when developing new regulatory proposals. These will be developed progressively from late 2009.</p> <p>The <i>Occupational Health and Safety Act 2000</i> and existing NSW OHS codes</p>

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	<p>Review the <i>OHS Act 2000</i> within 5 years of commencing amendments.</p> <p>(Minister for Finance)</p>			of practice will be replaced by the national OHS system.
62	<p>Implement planning and development assessment (DA) reform program.</p> <p>(Planning)</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 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</p>	<p>Complete*</p> <p>DA is a COAG regulatory hotspot</p>	<p>Specific recommendations made by IPART have been addressed:</p> <ul style="list-style-type: none"> <li>• The NSW Government's 2008 Planning Reforms Program has introduced a new process for preparing draft Local Environment Plans (LEP), called the "Gateway". The Gateway is a streamlined process that determines the level of assessment and consultation required, and guidance on when State agencies are required to provide input to the local plan making process.</li> <li>• The <i>State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008</i> (Concurrence Repeal SEPP) was gazetted and commenced in December 2008. The SEPP improves efficiency in the planning system by removing duplicative or unnecessary requirements in Environmental Planning Instruments (EPI) to consult with State agencies on planning decisions. The Concurrence Repeal SEPP amended about 1,336 individual clauses in 229 EPIs.</li> <li>• Under the Planning Reform the existing 43 Regional Environmental Plans (REP) are being reviewed and the relevant provisions will be incorporated into SEPPs and LEPs. With the introduction of the Infrastructure SEPP, the number of SEPPs has been reduced from 58 to 38 and the remaining SEPPs are under review.</li> </ul> <p>The NSW Government is also continually working to improve the</p>

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		<p>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>		<p>planning and development assessment process:</p> <ul style="list-style-type: none"> <li>Guidelines prepared by State agencies are now available on the Department of Planning website in the Register of Development Assessment Guidelines. The Register is a single point-of-reference for access to NSW Government guidelines and other relevant documents that cover various aspects of development assessment and plan-making.</li> <li>In February 2009, the NSW Government amended the Infrastructure State Environmental Planning Policies (SEPP). The change makes it simpler for developments to be made to schools and affordable housing, and protects railway corridors for the proposed Sydney Metro.</li> <li>“Key Principles” have been introduced, that local councils and the Minister for Planning must address before approving a new or revised Contributions Plan. Key Principles include an assessment of the anticipated impact that a proposed Contribution will have on the affordability of a proposed development.</li> <li>Following public exhibition in 2008, the NSW Housing Code has been revised and commenced in February 2009. The development of the Code and the introduction of the Exempt and Complying SEPP will expand the use of the exempt and complying provisions and will reduce the approval process for complying development from about 80 days to 10 days. The complying development provisions are to be expanded to include retail, commercial and industrial developments. Exempt provisions have also been included in a SEPP that removes the need for approvals for low impact, routine, works.</li> </ul>
63	Subject recent reforms to post implementation review within 3 to 5 years and publicly report findings.	<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</p>	Complete	<p>Reviews were undertaken in 2007 (New Ideas Planning Forum) which resulted in the development of an Amendment Act and Planning Codes.</p> <p>Major State policies including Major Projects SEPP, Infrastructure SEPP and Exempt and Complying Development Codes SEPP now include a review clause which requires a review at the end of the first year and then every five years.</p> <p>For information on ongoing reforms see <a href="http://www.planning.nsw.gov.au">www.planning.nsw.gov.au</a>.</p>

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	(Planning)	<p>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>		<p>The outcomes of the reforms will be reported in the NSW Local Development Performance Monitoring Report which provides comprehensive statistics about development in NSW, including on the volume, value and type of development applications and complying development certificates and approvals times. The Major Development Monitor provides detailed statistical and case study information about decisions made by the Department and Minister for Planning on development proposals. It also provides information on local environmental plans and will track improvements in the processing times as a result of the reforms.</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 for Water and Energy, together with the Better Regulation Office, publicly released a review of plumbing and drainage regulation in NSW in November 2008. A report outlining recommended reforms, informed by 16 stakeholder submissions and an assessment of the cost effectiveness and efficiency of regulation, will be completed by mid-2009.</p>
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</p>	Complete	<p>In lieu of a working group, the NSW Government conducted a <i>Review of Internal NSW Government Red Tape: Privacy Arrangements</i>. In November 2008, the NSW Government endorsed the review's recommendations which included working with all parties to reduce delays in, and help understanding of requirements affecting, information sharing.</p>

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		<p>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 ongoing education and training to health care providers through a number of programs administered by NSW Health:</p> <ul style="list-style-type: none"> <li>- 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;</li> <li>- Internal Review Guidelines: issued in 2006 to complement the Privacy Manual and designed to support Area Health Services dealing with privacy complaints; and</li> <li>- NSW Health Privacy Officer: conducts training sessions and provides on-going support for trainers.</li> </ul> <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>	Complete	<p>NSW Health has developed an extensive range of resources, policies and protocols to assist staff to meet health information requirements.</p> <p>The Department also delivers a range of face-to-face information on privacy education and training programs for health service staff and information on privacy training is included in new staff orientation programs. All health services have a privacy contact officer responsible for coordinating the delivery of these programs and NSW Health liaises closely with privacy contact officers to assist with training issues.</p> <p>The Department of Health has developed an Online Privacy Training Program to provide staff with broader access to health information training.</p>
67	<p>Undertake a post implementation review of the <i>Workplace Surveillance Act 2005</i> within 2 years of</p>	<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 statutory review of the Act will commence in 2010.</p> <p>The Attorney General's Department is monitoring requests for information and complaints in relation to the Act. No major issues have arisen, which suggests that an earlier review is not required.</p>

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	<p>commencement.</p> <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>In response to the review of the Act, the Office of Fair Trading (OFT) drafted an amendment regulation to exempt commercial property agents, who sell or manage property for a related company, from the Act. Stakeholders were consulted on that draft regulation in late 2008 and submissions are being assessed.</p> <p>OFT will also consider COAG's commitment to a national trade licensing system, and its potential impact on commercial property agents, before making any changes to the Act.</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>	On-track	<p>The next statutory review of the <i>Retail Leases Acts 1994</i> is scheduled for 2012. In that review, the Government will consider matters that arose in recent public consultation and the Productivity Commission's 2008 report on the Review of the Market for Retail Tenancy.</p>

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		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.		
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.	Complete	Refer to October 2008 progress report details.
71	Establish a working group to consider regulatory processes and requirements across agencies.  (Water)	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.  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.	On-track	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. The Department of Water and Energy (DWE) will, by May 2009, establish an inter-agency Red Tape working group to identify reporting and compliance requirements and agree on mechanisms to streamline them. The Government response to the review is expected mid-2009.  DWE also continues to initiate and participate in <i>ad hoc</i> working groups to consider regulatory processes and requirements.
72	Ensure that new regulatory requirements for water utilities are subject to proportional cost-benefit analysis.  (Water)	As above.	Complete	The Department for Water and Energy (DWE) has engaged in stakeholder consultation to ensure that regulatory solutions are as effective as possible. For examples, refer to the April and October 2008 progress reports.  DWE will continue to undertake proportional cost benefit analyses and stakeholder consultation for all new regulatory requirements in accordance with the Guide to Better Regulation.

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73	<p>Review the efficiency of regulatory arrangements for water.</p> <p>(Water)</p>	As above.	On-track	<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 Local Water Utilities Independent Panel report on the review of local water utilities recommended that <i>'the reporting and regulatory roles undertaken by the State Government agencies be reviewed with a view to streamlining these requirements and to ensure a consistent approach across these agencies'</i>.</p> <p>The Government response to the review is expected mid-2009.</p>
74	<p>Conduct a post implementation review of reforms arising from the Macken Report within 2 years of implementation.</p> <p>(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>The post implementation review of the Macken Report has commenced. A working group was established in November 2008. The review will examine the efficiency of the reforms, particularly the introduction of "worker status rulings", the self-assessment tool and educational material and advice provided by WorkCover.</p> <p>An initial report on the review is expected in October 2009.</p>