

Ref: WC:00211/06



Dr Michael Keating AC  
Chairman  
Regulation Review  
Independent Pricing and Regulatory Tribunal  
PO Box Q290  
QVB POST OFFICE NSW 1230

28 AUG 2006

Dear Dr Keating AC

I am writing in response to the draft report *Investigation into the burden of regulation and improving regulatory efficiency* prepared by the Independent Pricing and Regulatory Tribunal. I welcome the review undertaken by the Tribunal and the opportunity to provide comment on the draft report.

In general, I believe the recommendations in the draft report have merit. However, I would like to bring to your attention a number of matters that may assist the Tribunal in preparing its final report. My comments are restricted to operational aspects of the recommendations and highlight potential areas of practical difficulty.

I am concerned that it is not practicably feasible, and would be unnecessarily costly, to immediately implement Recommendation 6, which proposes to significantly extend the scope of the *Subordinate Legislation Act 1989* regulatory impact statement (RIS) requirements. I note that Recommendation 7 also has significant resource implications. To allay these concerns, I suggest that IPART consider a phasing-in of the regulatory instruments that are subject to impact assessment.

Further to Recommendation 6, I understand that a large number of Australian Standards will meet 'materiality' thresholds and be subject to a RIS. As you are aware, Australian Standards come in a variety of forms and degrees of prescription. Without commenting on the appropriateness or otherwise of individual Australian Standards, I note that adequately assessing their regulatory impact will be a significant and costly exercise for government.

The draft report recommends that a fixed period be set for review of Acts (Recommendation 13). Setting a fixed period for New South Wales reviews of workers compensation and occupational health and safety (OHS) will not synchronise with national reviews, and may have the unintended consequence of reducing national harmonisation.

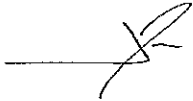
WorkCover. **Watching out for you.**

The draft report makes a number of recommendations specific to workers compensation and OHS matters. Recommendation 32 recommends that the Government endorse the efforts of the Australian Safety and Compensation Council (ASCC) to achieve national consistency in a number of key areas of workers compensation. I believe that these issues are more effectively being addressed through the Heads of Workers Compensation Authorities and, as agreed by the Workplace Relations Ministers Council, should not be progressed through the ASCC, except in the case of return to work arrangements.

Concerning Recommendation 42, the exchange of information between law enforcement and security agencies is beyond the jurisdiction of WorkCover. However, WorkCover would be pleased to assist NSW Police as necessary. Similarly, WorkCover will provide necessary assistance and advice to the Department of Local Government with respect to the approval of fireworks displays in local government areas (refer Recommendation 43).

I trust that this information will prove useful. Should you have further queries concerning these or other matters relating to the draft report, please contact Mr Mladen Kovac by telephone on 4321 5535 or via email ([mladen.kovac@workcover.nsw.gov.au](mailto:mladen.kovac@workcover.nsw.gov.au)).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Jon Blackwell', written over a horizontal line.

Jon Blackwell  
**Chief Executive Officer**