

**Regulation Review Committee
Parliament of New South Wales**

**REPORT ON OVERSEAS STUDY TOUR
JULY 2000**

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CHAIRMAN'S INTRODUCTION

This is a report of an overseas study tour undertaken by a delegation from the Regulation Review Committee from 2 July 2000 to 23 July 2000. The study tour was undertaken in accordance with a resolution of the Committee at the Meeting of 4 May 2000, and the approval of the Hon John Murray MP, Speaker of the Legislative Assembly.

The delegation consisting of Mr Peter R Nagle MP, Chairman, the Hon Don Harwin MLC and Mr Don Beattie, Committee Officer, attended meetings with Senator Franco Bassanini and Italian Government Officials in Rome; the OECD in Paris; the Secretary General, Commonwealth Parliamentary Association, Lord Haskin, Chair of the Better Regulation Task Force, Lord Alexander, Chairman, House of Lords Delegated Powers and Deregulation Committee in London; Mr Ian Jenkins MSP, Deputy Chairman, Subordinate Legislation Committee in Edinburgh; Lord Dafydd Elis-Thomas, Presiding Officer to the National Assembly for Wales and Mr Michael German OBE AM MP, Chair, Legislation Committee in Cardiff; attended the National Conference of State Legislatures in Chicago and met with officials of the Illinois Joint Committee on Administrative Rules in Springfield.

The range and detail of the discussions the Committee had with the officials in the various cities has significantly improved the Committee's understanding of overseas regulatory initiatives. The overseas study tour has also led to the valuable participation at the 2001 International Conference of experienced overseas regulators.

Peter R Nagle MP
Chairman

MEETING IN ROME WITH THE MINISTER FOR PUBLIC AFFAIRS AND ITALIAN GOVERNMENT OFFICIALS: 4 JULY, 2000

On 4 July, 2000 the delegation met with Senator Franco Bassanini, Minister for Public Affairs, his Diplomatic Counsellor, Mr Vincenzo Schioppa, Ms Fiorenza Barazzoni, Director, International Affairs Service, Mr Luigi Carbone, Deputy Director, Simplification Unit, Mr Giovanni Rizzoni, Parliamentary Counsellor and Mr Michele Pandolfelli, Counsellor, Legislative Procedure.

The Italian Government, generally through recent efforts of Minister Bassanini, has been responsible for a series of regulatory reforms in order to transform the role and practices of the State. These reforms, particularly since 1997, have resulted in a number of steps being taken, based on OECD best practice, and have contributed to improving the relative ranking of Italy amongst OECD countries. Furthermore, the Italian Government and the Parliament are taking a leading role in promoting regulatory reform to their respective peers in Europe.

Minister Bassanini traversed the history of two important Prime Ministerial decrees which have contributed significantly to regulatory reform in Italy. The first decree of 27 March 1999 provided for technical-regulatory assessment (ATN) and regulatory impact assessment (RIA) . The decree included a directive defining the timescales and modes of preparation of an ATN which was initially introduced on a one year experimental basis.

The assessments are contained in two separate reports attached to the proposed governmental, ministerial or inter-ministerial regulation. The proposing bodies file the reports, as well as an illustrative report and a technical-financial report, with the Department of Legal and Legislative Affairs of the Presidency of the Council of Ministers (DAGL) to enable the Department to include the proposed regulation in the agenda of a preparatory meeting of the Council of Ministers. The proposing bodies submit the reports to the Presidency of the Council upon notification of the proposed regulation.

During the initial stage of the preparation of a proposed regulation, a preliminary regulatory impact assessment is filed with the DAGL and the Unit of Simplification (established under the second Ministerial decree). The assessment consists of the following key elements:

- a) scope of the regulation, specifying the general government bodies and citizens affected and the parties involved;

- b) social, economic and legal requirements of general government bodies and the general public that justify regulatory action;
- c) general and specific objectives of the regulation, specifying immediate and medium to long term objectives;
- d) organisational, financial, economic and social pre-requisites;
- e) "critically" areas;
- f) options to regulation, including at least a "do nothing" option and the option of a complete or partial deregulation of the field, as well as additional regulatory options, if any;
- g) the most suitable technical-regulatory instrument.

The preliminary assessment incorporates conclusions demonstrating that the proposed regulation is preferable to other options, including the "do nothing" option.

After initiating the regulatory-making process and the drafting of the regulatory proposal, the impact assessment activity both validates the elements contained in the preliminary assessment and simulate the effects of the proposed regulation on the organisation and activity of general government bodies and on the activity of parties directly and indirectly affected.

The findings from the above activity leads to a final draft of the proposed regulation. Upon discussion of this draft by the Council of Ministers, the findings are incorporated in the RIA.

The elements of the regulatory impact assessment address the following:

- a) scope of regulation; parties directly and indirectly affected
- b) objectives and expected results;
- c) description of the selected methodology of regulatory impact assessment;

- d) direct and indirect impact on the organisation and activity of general government bodies; enforceability.
- e) impact on parties directly affected;
- f) impact on parties indirectly affected;

At the end of the experimental period and based on the results from the monitoring activity, the DAGL, supported by the Unit of Simplification, will submit to the President of the Council a report on the effects and results of the experimental period of activity. At this time the Unit of Simplification, with the support of the Department of Public Administration, will publish and disseminate a manual of RIA-making practices. The DAGL, jointly with the Unit of Simplification, shall monitor the process of reception and implementation of this Directive (Manual of RIA practices).

The second decree made on 6 April, 1999 provided for the establishment of an “Observatory for Simplification” which has the main role of streamlining administrative procedures, analysing possible barriers and assessing the effectiveness of already approved simplifications. The decree also provided for the Observatory to be organised into working groups and to be regularly consulted on processes of regulation of rules and procedures; for the revision of previously approved regulations where necessary and to develop stable forms of consultation with social partners, local authorities and other parties interested in the regulation and simplification processes.

The functions of the Observatory include the collection of data and documentation from general government bodies, representatives of local governments and of social groups, acquisition of requests and proposals of solution to difficulties of application of rules or administrative procedures.

The Observatory works in close contact with the relevant bodies and, in particular, with the Unit for Simplification of rules and procedures established by the Presidency of the Council of Ministers. At the end of each year, the Observatory prepares an activity report.

The administrative and organisational support to the Observatory is ensured by a Technical Secretariat including a maximum of ten members of the personnel of the Presidency of the Council of Ministers.

Minister Bassanini also spoke to the delegation about the Global Forum on Reinventing Government and that the Third edition of that Forum to be held in Naples, Italy in March, 2001. The first and second Forums had been held in Washington DC and Brasilia in 1999 and 2000 respectively. He extended an invitation to attend the Third Global Forum.

The Minister stated that highlights of the Forum will include sessions on specific issues such as on-line democracy, privacy and security, equal opportunities, which regulatory and public policy environment for e-economy, how to overcome the digital divide, e-education and learning, how to build a digital administration, electronic services for citizens and business. A showcase for examples of advanced ICT application to governance will be organised, as well as short, high-level training sessions on e-government topics.

The delegation then informed Minister Bassanini and his advisers of the forthcoming International Conference on Regulation Reform Management and Scrutiny of Legislation to be held in Sydney from 9 to 13 July, 2001. An invitation was extended to him to attend and deliver a keynote address on regulatory reform being undertaken in Italy.

The opportunity was afforded the delegation to brief the Minister and his advisers on the NSW Parliamentary System in general and the operations of the Regulation Review Committee in particular.

ATTENDANCE AT MEETING OF REGULATORY MANAGEMENT AND REFORM WORKING PARTY, PUBLIC MANAGEMENT COMMITTEE, OECD PARIS, 6 July 2000

Under the auspices of the Commonwealth Government, the Committee's delegation was afforded the opportunity of attending a two day meeting at OECD Headquarters in Paris commencing 6 July, 2001. The theme of the meeting was titled “The PUMA Regulatory Quality Review; Review of Greece and Italy”

The meeting was attended by representatives of twenty seven countries. The European Commission, the Trade Union Advisory Committee and the Business Industry Advisory Committee were also represented.

The agenda for the meeting included a review of Government capacity to assure high quality regulation in Italy and Greece; results of the OECD multi-country business survey; OECD International Database and a Report on Regulatory Quality.

REGULATION REFORM IN ITALY

In the review of progress achieved on regulatory reform in Italy, cognisance must be taken of information given by Minister Bassanini and his advisers as outlined on the delegation's meeting in Rome.

Additional information by the Italian delegation to the OECD meeting included the strategies adopted for improving government capacities to assure high-quality regulation:

- a) Adopting regulatory reform policy at the highest political level
- b) Establishing explicit standards for regulatory quality and principles of regulatory decision-making
- c) Building regulatory management capacities

To improve the quality of new regulations, the Italian Government has introduced the following measures:

- i) Regulatory Impact Analysis

ii) Systematic public consultation procedures with affected interests

iii) Using alternatives to regulation

iv) Improving regulatory co-ordination

In the early 1990s, the most important reform of the Italian State since 1860 was launched including a major review of the constitutional framework. Five major government policies highlight the reforms:

a) The State's intervention in the economy, including privatisation, establishing new regulatory regimes and institutions, and simplifying law on a broad scale.

b) The management and control of the public budget and civil service.

c) The simplification of public administration, procedures and controls.

d) The "reorganisation" and management of the legal and regulatory system.

e) The balance between the centre and subnational governments.

The main features of these reforms as they directly impact on regulatory quality management are:

Budget management reforms:

The reforms responded to a major monetary crisis and catastrophic public debt which grew from 98% to 125.3% of GDP between 1990 and 1995. Italy's efforts to join the European Monetary Union was a further catalyst. The Italian budget was transformed from a purely financial instrument into an economic budget, that is from a model where spending is segmented into allocative cells to a decentralised system where expenditures correspond to each Ministry's targets and responsibilities.

Civil Service reforms:

Recognising that a major source of expenditure and inefficiency was related to the working methods of the civil service, Italy embarked upon a series of reforms in 1993 to de-politicise the civil service to separate the political sphere from

administrative tasks and to instil new management practices across public administration.

Competition and collaboration between the Parliament and the government on regulatory quality:

Reforms adopted by the Chamber of Deputies in 1997 forced the government to improve the quality of Bills it sent. In the same year, the Prime Minister directed Ministers to improve the government's legal drafting. Later that year the Prime Minister issued further instructions to Ministers which contained a checklist for drafting and plain language requirements. The checklist included having background, motivation, scope and relations with previous laws; financial and budgetary impacts and the justification for the proposed law including a written assessment of the "no intervention" alternative.

Legal processes in Italy:

There are three legal avenues used in Italy to promote reform. There is the delegated legislative decree whereby the government can legislate on specific subjects, pursuant to specific principles and criteria set by the enabling law and within a fixed period of time. Secondly, the government can issue delegislation decrees which substitute primary laws with government decrees under broad principles set by law in two main sectors: administrative procedures and the organisation of public bodies.

Thirdly, there is the use of the consolidated text that combines the traditional codification used in most legal systems with the delegislation and delegation powers the Parliament provides to the government.

Transparency of rule-making procedures:

An essential of transparency is that the administrative procedures to make a law or a regulation is clear and known. In the United States and some other countries this process is built into their administrative procedure laws. In other countries the procedures have divided administrative procedures into rule making and adjudicative rules, the latter concerning the right of citizens to defend themselves against government actions.

In Italy, the approach is similar to the latter system, though the administrative procedures are scattered in a series of laws and decrees.

Transparency as dialogue with affected groups: use of public consultation

In Italy, public consultation on laws and subordinated regulations is not mandatory unless required by an explicit rule. The typical requirements for consultation concern, for instance, property issues, such as territorial, city zoning and environmental planning. For the vast majority of draft measures, consultation is traditionally considered unnecessary since the Parliament is the supreme organ for redeeming conflict interests and thus the place where consultation occurs. As for subordinate regulations, they are deemed to apply with limited discretion the substantive elements approved in laws. Recently, these views have been reinforced by fears that too much consultation would reduce the reform process as interested groups may oppose reforms more easily.

In parallel to sectoral consultations, ministries have created new units called observatories, which do not only provide general advice to ministers on technical issues, but also on future regulations and on the results of existing ones.

In addition and, as in most continental European countries, Italy has mechanisms to consult the social partners (employers and union associations). This is typically done for major laws on social and labour matters, such as social security reform or civil service reform.

Transparency in applying and enforcing regulations

With the enactment in 1990 of the Administrative Procedure Law, Italy strengthened considerably the transparency in the application and enforcement mechanisms of laws and regulations. The principles of the law are applicable to all levels of governments and include critical obligations regulating a procedure, such as:

- a) To establish a time limit for the end of a procedure;
- b) To implement if possible the 'silent is consent rule', that is, if the authority does not negate a request after 30 days, the solicitor can consider it as authorised;
- c) To identify of an accountable officer for every procedure responsible to provide information to the solicitor;
- d) To motivate the resolution where the administration should give legal and factual reasons for its decisions.

e) To communicate the start of the procedure, to provide the right to intervene, to provide additional information and comments to the solicitor, and to permit appeals in case any of these principles are not followed.

f) To institutionalise the 'right of access' where the public and the solicitor in particular, have the right of access to administrative information, and where the authorities are required to explain and reveal, whenever it is possible, the internal acts that led to the decision.

Understanding regulatory impacts: the use of Regulatory Impact Analysis (RIA)

Until very recently the Italian government carried out little justification of its proposed laws and regulations. In fact, the only *ex ante* control, in addition to the legality one, consisted in budgetary impact assessment imposed by the Constitution. Even this requirement was not rigorously enforced until the political will, related to meeting the Maastricht criteria, provided the disciplines and procedures to do so.

In 1999, mandatory reports on legal drafting (ATN) and on the regulatory impacts of new measures prepared by the government were established. In March 2000, a Prime Ministerial decree implemented the requirements and detailed the administrative procedures and formats to be applied.

Keeping regulations up to date

The OECD Report on Regulatory Reform recommended that governments "review regulations systematically to ensure that they continue to meet their intended objective efficiently and effectively". As part of the reforms of the State, Italy has extensively reformed the regulatory framework of many sectors and policy areas, such as social security, labour, taxation, banking, the public administration and civil service. Many of the reforms are fully-fledged deregulation. However, these reforms have been done, one at a time, focusing on specific sectoral policies and with different objectives in view. In some cases, this has resulted in fragmentation and overlapping between the new and old system. Furthermore, Italy confronts what has been called the "legal hypertrophy" where a huge stock of thousands of laws and subordinated regulations (together with articles), many of which are decades old, can still be enforced. Two recent schemes are currently in place to attempt to deal with the problem: the

consolidation of texts and the 'delegislification' of laws to eliminate and improve administrative procedures and organisations.

As in most countries, Italy has traditionally used the codification of laws as the main mechanism to clarify and reunite in a single code or framework law all rules and matters concerning specific policy area. With the launching of a fast track "consolidation of texts" initiative in 1999, Parliament and government accelerated the process in an attempt to re-organise and improve the stock of existing laws. The procedure is not a typical codification exercise, as the new texts are not codes in the Italian tradition, and because the government, under Parliament's criteria and priorities, can use delegated and delegislating powers to achieve a more rapid outcome. Schematically, the new procedure works as follows: after receiving a parliamentary mandate and agreeing on the policy areas to be "consolidated" the Nuclei prepares a new text. After approval by the Council of Ministers, the new text is sent to the Council of State for an opinion (with a 30 days time limit), and then to the Parliament's Bicameral Committee which has 45 days to provide non-mandatory but "nearly binding" advice. Finally, the government enacts the text as a delegated law. Interestingly, a special provision in the law requires that all "consolidated texts" should be updated at least every seven years.

The Italian one-stop shops and the self-certification program

Since 1997, the Italian simplification has concentrated into two high-profile projects directed to easing the lives of citizens and business: the self-certification program and the one-stop shop.

SELF-CERTIFICATION PROGRAM: Except in case of European certification, medical data and particular records, the law provides that all written document concerning personal status, facts or quality can be "self-certified" by the possessor. In other words, the State trusts the citizen automatically, and performs ex post checks to verify the information. For instance, in the case of a building license, it is the administration that needs to control if the self-certification provided by the builder is true. In case the information provided is false, the administration can demolish the building. In less than two years, the change of the onus of trust generated a dramatic change in the relation between the citizens and the administration, reducing to matters of hours, procedures that used to take months. From 1996 to 1999, the number of certificates issued by all the administrations has dropped from 35.1 to 7.4 millions per year. Today getting a passport or driving license can be done through the mail. In Bologna, for instance, citizens can require that a self-certificate through commercial banks' cash dispensers and receive it by

mail 24 hours later. Electronic signature should accelerate the use. To support the implementation of the new self-certification procedure, the Ministry of Public Administration set up a central monitoring unit with a network of local observatories to monitor, provide local governments with guidance and periodically report advance on the program.

Furthermore, the self-certification mechanism has opened the possibility of using private certifications in technical assessment cases, that is, citizens can substitute the administrative certification with a statement of a private professional.

One-stop shops

This scheme started in the mid-1990s. However, it was in early 1999 when it received a formidable boost. The program concentrates in helping businesses to get information and delivering all necessary authorisation on localisation, expansion, upgrading, restructuring, are co-ordinated. Municipalities are in charge of implementing the program. The smallest local authorities can pool together. Three elements are particularly interesting. First, the program goes beyond the simple establishment of a facility, but promotes a systematic use of simplification tools for the set of main business administrative procedures. Municipalities are encouraged to use notification, self-certification and the 'silence is consent' mechanisms, as well as setting up conferences of services for complex authorisations (e.g. in the case of environmental impact assessment). Second, the backbone of the program is the reliance on information technology. Lastly, to hasten the adoption and full operation of the program, the government created financial incentives (positive and negative) to accelerate the spread and the scope of one-stop-shops.

Municipalities have been eager to implement the program. Five months after the Decree came into force, a survey organised by the Ministry of Interior showed that 25% of Italian municipalities had an operational one-stop-shop, serving nearly the 50% of whole population, whereas another 25% of municipalities were still in the process of setting them up. In total, a third of the Italian cities were covered, and only 10% of the cities had not started the program. Side results are appearing, such as in the case of Bologna, where the municipalities established a first inventory of formalities to proceed with the reorganisation and simplification of procedures. Businesses have also indicated their satisfaction. The European Commission considers the Italian one stop shop program as a best practice. The success of the program has triggered the government to plan a "One-stop shop for house building" focusing on citizens and businesses and a "One-stop shop for car

drivers". Municipalities will be also encouraged to merge these new structures with the existing "One-stop shop for business".

General assessment of current strengths and weaknesses

In the last decade, and particularly since 1997, Italy has been a strong reformer of its regulatory practices and institutions. Step by step, the interventionist and centralist state of post-war years is transforming itself into market-oriented and decentralised state through a continuing program of privatisation, market liberalisation and opening, deregulation followed by re-regulation, institution-building, and regulatory quality initiatives. Simplification and reorganisation of the public administration has occurred through modernisation of public finance, decentralisation and streamlining of the bureaucratic apparatus. In terms of market liberalisation, Italy has moved more rapidly than many EU countries. A wide range of deregulatory and liberalisation initiatives has been taken in labour, financial and product markets. Italy has entered a virtuous circle, where one reform encourages more reforms, creating a chain reaction across the economy, society and institutions.

The emergence in the late 1990s of a policy to improve the quality of regulation will have a beneficial impact in the quality of social and environmental regulations, which until today was seldom addressed. Under the 1999 delegislation law, Italy dramatically improved its capacities to manage and reform regulations, and to implement the 1995 OECD Recommendations. Institutions such as the Nuclei and the Observatory on Simplification are advocating, enforcing regulatory quality and providing a forum for public consultation. The well-designed RIA should become a major decision-making device and a filter inhibiting adoption of poor regulations. The codification process has been re-invented under a fast-track scheme to consolidate laws and regulations in years rather than decades.

An important strength of the Italian experience in regulatory reform is the active role of Parliament. Although imbalances between laws and subordinate regulations are partly responsible for the low quality and huge stock of regulations, the Parliament has made efforts to delegate regulatory powers to the government and independent authorities and to reduce rigidity's by delegislation to lower level rules. This is helping the Parliament to re-invent itself as a relevant institution and main policy-maker on fundamental issues.

REGULATORY REFORM IN GREECE

In reviewing the progress made to assure high quality regulation in Greece, the OECD at the Paris meeting commented that the regulatory regimes still tended to be interventionist, costly, rigid and focussed on details rather than results. However, the meeting was informed that a new view was emerging in Greece on regulatory reform and the need to "reinvent" the relationship between the public administration, the market and civil society.

The Prime Minister of Greece last year stated to Parliament that his Government intended to introduce policies to create a service mentality in the public service, complete decentralisation and reduce administrative burdens hindering investment.

Since 1974 Greece has undergone substantial social, political and economic changes. These changes have been influenced by European Union membership and the incentive to join the European Monetary Union. In the last ten years a strategy for regulatory quality has been emerging. Strategies include the de-politicisation and meritorious promotion of civil servants; sustained efforts to devolve powers to local governments and better communication with the public. In addition, initiatives shown by some ministries is demonstrating the need for regulatory review.

Unfortunately, the use of regulatory impact assessment in Greece is in its infancy. The conclusions reached by the OECD in the examination of the present situation in Greece came to the following conclusions:

- a) To consolidate the various reform initiatives already underway in Greece, adopt at the political level a broad policy on regulatory management that establishes clear objectives, accountability principles, and frameworks for implementation.
- b) Establish a ministerial-level Regulatory Reform Committee, with an expert secretariat, to make key regulatory reform decisions and to co-ordinate regulatory reform across government.
- c) As a secretariat to the ministerial-level committee, establish an oversight unit with (i) authority to make recommendations to the Regulatory Reform Committee, (ii) adequate capacities to collect information and co-ordinate the reform program throughout the public administration, and (iii) enough resource and analytical expertise to provide an independent opinion on regulatory matters.

- d) Improve the quality of new regulations by implementing across the administration a step-by-step program for regulatory impact assessment, based on OECD best practice recommendations, for all new and revised regulations. The analysis should begin with feasible steps such as costing of direct impacts (other than budgetary) and provide a qualitative assessment of benefits, and move progressively over a multi-year period to more rigorous quantitative form of analysis as skills are built in the administration. The assessments should be made public so as to enhance transparency as well as provide external discipline to improve the quality and content of the assessments.
- e) Promote the systematic consideration of regulatory alternatives for new regulatory proposals, including subordinate legislation, so that the use of alternatives flows beyond the area of environmental protection to all regulatory controls.
- f) Improve transparency by strengthening the public consultation process to include all subordinate regulations, and adopt uniform notice and comment procedures.
- g) Establish a central registry of administrative procedures and business licences and permits, and initiate a comprehensive review to determine how to reduce burdens
- h) On a rolling and priority basis, review and evaluate the stock of existing regulations and paperwork, including launching a program of codification to reduce legal uncertainty.
- i) Encourage greater co-ordination between local government and the central administration by defining more clearly relevant regulatory competencies for each level of government, by providing the necessary resources, people, and financing for delivery of services that those competencies dictate, and by assisting in the development of management capacities for quality regulation at all levels of administration.
- j) Improve the mechanisms within the administration to produce quality outcomes for the citizens, through further reform of the civil service. Elements to be considered could be performance based management, pay incentives for public servants based on merit and achievements, greater flexibility within the public administration for movement of resources and competencies, and effort to enhance co-ordination and co-operation between ministries.

The Chairman, Peter R Nagle had the opportunity of addressing the meeting and spoke on the functions of the Legislative Council and Legislative Assembly of the NSW Parliament; problems with the lack of accountability and transparency in

Government; functions of the NSW Regulation Review Committee; the scrutiny scene in the Commonwealth and other States' National Scheme Legislation. The address was well received by the meeting.

During the course of the two day meeting the Committee's delegation was able to meet and publicise the 2001 International Conference being held in Sydney. The OECD was also approached to consider sending a representative to deliver a keynote address to the Conference and conducting a workshop.

The success in attending the Paris meeting can be gauged by the fact that a number of European nations will be represented at the Conference. The negotiations with OECD were also successful in that it will be represented at the Conference.

MEETING WITH COMMONWEALTH PARLIAMENTARY ASSOCIATION , LONDON: 10 JULY, 2000.

The delegation met with Mr. Andrew Pearson, Secretary, Commonwealth Parliamentary Association (UK Branch); Mr. Arthur R. Donahoe QC Secretary-General, Commonwealth Parliamentary Association; Mr. Andrew Imlach, Director of Information Services; Mr. Mahbub Alam, Director of Finance and Administration and Mr. Raja G. Gomez, Director of Development and Planning. The major topic discussed was the forthcoming International Conference on Regulation Reform Management and Scrutiny of Legislation to be held in Sydney next year. The Association through the Secretary-General have arranged to publicise the Conference in The Parliamentarian. The appreciation of the Committee and the NSW Parliament was extended to the Secretary-General for his Association's generosity.

MEETING WITH LORD ALEXANDER, CHAIRMAN, HOUSE OF LORDS DELEGATED POWERS AND DEREGULATION COMMITTEE: 10 July, 2000 LONDON.

The NSW delegation was briefed on the operations of the Delegated Powers and Deregulation Committee and the challenges facing the Committee. The delegation was able to fully brief Lord Alexander on the International Conference and encouraged participation by his members of his committee. As a result, Lord Mayhew of Twysden subsequently agreed to present a keynote address to the

Conference on the subject of limits of regulation-making powers. Dr Philippa Tudor attached to Lord Alexander's committee will also be conducting a Conference workshop.

MEETING WITH LORD HASKIN, CHAIR, BETTER REGULATION TASK FORCE: 11 July, 2000 LONDON.

Members of the NSW Delegation met with Lord Haskin, Chair, Better Regulation Task Force; Ms Ann Harvey, Secretary to the Committee Clerk; Mr. Nick Montague, Head of the Regulatory Reform Bill Team of the Regulatory Impact Union, Cabinet Office and Dr. John Marek MP. The progress and implications of the Regulatory Reform Bill were discussed. The main provisions of the Bill are to remove some of the barriers to wider applications of the de-regulating order-making powers. The Bill will also strengthen the tests and safeguards governing the use of these additional powers. The forthcoming International Conference to be held in Sydney was discussed by the delegation, including an invitation to Lord Haskins to attend and participate at the Conference.

DISCUSSION WITH THE SCOTTISH SUBORDINATE LEGISLATION COMMITTEE: 12 JULY, 2000 EDINBURGH.

The visit to the Scottish Parliament was highlighted by discussions with Mr. Ian Jenkins MSP, Deputy Chairman, Subordinate Legislation Committee; Mr. Alistair Fleming, Assistant Clerk and Ms Ruth Cooper, Assistant Clerk; Mr. Grahame Wear, Parliamentary Liaison Unit; Ms Margaret MacDonald, Assistant Legal Adviser.

Matters of common interest in the area of regulatory review and scrutiny of Bills were discussed, including the operations of the Scottish Subordinate Legislation Committee. Meetings are recorded verbatim and a charge is made for reports published by the Committee. The forthcoming International Conference to be held in Sydney was discussed by the delegation and an invitation was extended to the Committee to attend. As a result of these discussions, Ms. Margo MacDonald MSP will be attending the conference and delivering a keynote address.

MEETING WITH MEMBERS OF THE NATIONAL ASSEMBLY OF WALES: 13 JULY, 2000 CARDIFF.

The delegation met with Lord Dafydd Elis-Thomas, Presiding Officer to the National Assembly for Wales; Mr. Michael German OBE AM MP Chair of the Legislation Committee; Ms Jocelyn Davies MP Member; Dr. John Marek, Member, Mr. John W. Lloyd, Clerk to the Assembly; Ms. Barbara Wilson, Deputy Clerk to the Assembly; Mr. John Turnbull, Legal Adviser and Mr. Dylan Hughes, Assistant Legal Adviser; Mr. Adrian Green, Committee Clerk; Mr. Andrew George, Clerk to the Standing Committees.

A presentation was given by Mr. Turnbull in respect of Standing Order No. 11 under the Government of Wales Act, 1998 which provides for outlining the responsibilities of the Committee and for considering any proposed Assembly Order or other subordinate legislation. He also explained the provisions of Standing Order No. 22 which provides for the procedure for the preparation of Assembly Orders amongst other matters.

The structure of the Welsh Committee was explained as were the procedures for the examination of regulations. A comparison was made with the procedures of the NSW Committee. Mr. German and Dr. Marek explained in some detail the procedures of the Welsh Parliament. It was interesting to note that each committee maintained a program of work 12 to 18 months ahead and a final report on each committees' activities was debated in the Parliament each year.

The delegation also met with Mr. Huw Williams, Edwards Geldard, Partner, Solicitors at a function hosted by The Law Society (Mr. Sion Ffrancon, Public Affairs Executive).

NATIONAL CONFERENCE OF STATE LEGISLATURES : 15-18 JULY, 2000 CHICAGO.

The delegation attended the National Conference of State Legislatures in Chicago. The proceedings included an orientation for International delegates of which 17 countries were represented. The Chairman, Peter Nagle delivered a paper entitled "Scrutiny, Accountability and Transparency in Politics in New South Wales, Australia, through Regulatory Reform Management and Scrutiny of Legislation" to

the Law and Justice Committee at the Conference. A number of other sessions were attended by the Chairman and the Hon. Don Harwin.

The Chairman met with Senator Philip Novak and the Speaker of the Illinois Legislature, Michael Madigan, to discuss matters of mutual interest in the arena of regulatory review and reform . A considerable amount of other networking was undertaken in order to promote the 2001 Sydney International Conference.

ILLINOIS JOINT COMMITTEE ON ADMINISTRATIVE RULES: 19 JULY, 2000 SPRINGFIELD.

The delegation travelled to Springfield and met with Ms Vicki Thomas, Executive Director, Illinois Joint Committee on Administrative Rules; Ms Claire Eberle, Deputy Director; Ms Mary Craig, Rules Division Manager together with other staff to the Committee.

The Illinois Administrative Procedure Act authorises the committee to conduct systematic reviews of administrative rules promulgated by state agencies. The committee conducts several integrated review programs, including a review program for proposed, emergency and peremptory rulemaking, a review of new public acts and a complaint review program..

The committee has 12 legislators and the membership is apportioned equally between the two Houses and the two political parties. Members serve two-year terms, and the committee is co-chaired by a member of each party and legislative house.

Support services for the committee are provided by 25 staff members. This affords the committee tremendous research support. Australian committees, in contrast, range between one and four supporting staff.

Two purposes of the committee are to ensure that the Legislature is adequately informed of how laws are implemented through agency rulemaking and to facilitate public understanding of rules and regulations. To that end, in addition to the review of new and existing rulemaking, the committee monitors legislation that affects rulemaking and conducts a public act review to alert agencies to the need for rulemaking.

