



Australian Government

Department of the Prime Minister and Cabinet

**Annual Regulatory Plan
Planned Regulatory Activity for Financial Year 2011-12**

Title	Implementation of first stage Government response to the Australian Law Reform Commission's (ALRC) Report 108, <i>For Your Information: Australian Privacy Law and Practice</i> .
Description of issue	<p>The ALRC's Report of its review of the effectiveness of the <i>Privacy Act 1988</i> and related laws was released on 11 August 2008.</p> <p><i>For Your Information: Australian Privacy Law and Practice</i> is the culmination of a two year inquiry by the ALRC. The report contains 295 recommendations to improve Australia's privacy framework. Given the large number of recommendations, the Government proposed to consider the report in two stages.</p> <p>The first stage response, released in October 2009, focussed on the recommendations relating to the unified privacy principles (now being referred to as the Australian Privacy Principles), health and credit reporting privacy protections, functions and powers of the Privacy Commissioner and improving education about the impact on privacy by new technologies.</p> <p>The second stage of the response will consider the recommendations relating to the removal of exemptions and data breach notifications.</p> <p>A copy of the ALRC report is available at www.alrc.gov.au and a copy of the Government's first stage response is available at www.dPMC.gov.au/privacy/alrc_docs/stage1_australian_govt_response.pdf.</p>
Date of effect	Subject to Government and Parliamentary consideration but not before mid 2012, for stage one reforms.
Consultation Opportunities	<p>The ALRC undertook extensive research and consultation with community groups and privacy professionals in considering the many complex issues canvassed by the inquiry.</p> <p>During 2008-11 the Government conducted consultations with key</p>

	public and private sector stakeholders. An Exposure draft Bill on the Australian Privacy Principles was released in June 2010 and an Exposure draft Bill on Credit Reporting Provisions was released in late January 2011. Both drafts were referred to the Senate Finance and Public Administration Committee for further consultation and report. The Senate Committee released a report on the APPs on 15 June 2011.
Expected timetable	A bill will be prepared for introduction after the Senate Committee releases a final report. The Senate Committee deadline for a final report is 30 September 2011.
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Date last modified	11 July 2011

Title	Immunity from seizure for cultural objects on loan
Description of issue	<p>Currently Australia does not have comprehensive immunity from seizure legislation in place to protect cultural heritage objects from seizure while on loan to collecting institutions. Immunity from seizure broadly means providing a guarantee that objects on temporary loan from an international collection to an Australian collecting institution will be protected against potential claims, seizure or legal suit for the duration of the loan.</p> <p>Australia's current lack of comprehensive immunity from seizure legislation is a matter of growing concern in the collecting section. The issue has been raised with the Australian Government by a number of bodies from across Australia over the past two years. In recent years, the request for the provision of immunity protection by overseas lenders has increased significantly, with many Australian collecting institutions finding it increasingly difficult to seek and proceed with loans.</p>
Date of effect	Subject to Government and Parliamentary consideration.
Consultation Opportunities	A discussion paper was released for public consultation during the period 24 June to 28 August 2011. Over the past two years there has been consultation with the national and major state collecting institutions and other interested parties. In 2010 the Cultural Ministers Council Standing Committee established an Australian Government working group, with representatives from each State and Territory to facilitate input and consultation in each

	<p>jurisdiction.</p> <p>An interdepartmental committee has also been established to discuss potential interest from other Australian Government agencies, including the Attorney-General's Department and the Australian Federal Police.</p>
Expected timetable	Dependent on Government consideration and further consultation, a bill is planned to be introduced in 2012.
Contact details	<p>Liz Anderson Director Galleries, Libraries, Archives and Museums Section Regional, Participation and National Collections Branch</p> <p>Telephone: (02) 6210 2851 Email: liz.anderson@pmc.gov.au</p>
Date last modified	1 August 2011

Title	Amendment of the <i>Income Tax Assessment Act 1997</i> – 2010 Review of the Australian Independent Screen Production Sector
Description of issue	<p>The report on the Review was released by the Minister for the Arts, the Hon Simon Crean MP on 17 February 2011. In response to the findings of the Review, the Government announced a \$56 million package of targeted screen support measures in the 2011-12 Budget. These include a \$43 million enhancement to the Australian Screen Production Incentive (the Producer, Location and Post, Digital and Visual Effects (PDV) Offsets). The cost of the budget measures is partially met by the exclusion of GST as a qualifying expenditure under the film tax offsets.</p> <p>Amendment of the <i>Income Tax Assessment Act 1997</i> is necessary to bring the changes to the film tax offsets into effect.</p> <p>The film tax offset guidelines will also need to be amended once the legislation comes into effect. The Producer Offset is administered by Screen Australia and the Location and PDV Offsets are administered by the Office for the Arts.</p>
Date of effect	To be confirmed. Changes to the offsets will have effect for productions commencing on or after either 10 May 2011 (Location Offset) or 1 July 2011 (Producer and PDV Offsets).
Consultation Opportunities	Public consultation on the Review report was undertaken between 17 February and 11 March 2011.
Expected	Dependent on Government consideration.

timetable	
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Date last modified	2 August 2011

Title	Revision of the guidelines for the Foreign Actors Certification Scheme (FACS)
Description of issue	<p>The FACS provides guidelines with regard to visas for foreign actors performing in Australian film and television productions. The policy objective of the FACS is to provide opportunities for Australian actors to appear in productions made in Australia, so that Australian faces and voices are seen and heard on screen.</p> <p>The current FACS Guidelines have not been substantially updated since the early 1990s. A review of the Guidelines is now being undertaken. The objective of the review is to ensure the development of new Guidelines that:</p> <ol style="list-style-type: none"> a. are clear, transparent and can be easily understood by applicants; b. reflect the current Migration Regulations; c. take account of changes in industry practices and the way in which productions are financed, including the introduction of the Producer and Location Offsets; and d. more accurately reflect levels of foreign investment in Australian films over recent years.
Date of effect	To be confirmed.
Consultation Opportunities	<p>Key industry stakeholders including the Screen Producers Association of Australia, the Media, Entertainment and Arts Alliance, Ausfilm, the Independent Producers' Initiative, the Department of Immigration and Citizenship and broadcasters have been consulted.</p> <p>OFTA has received written submissions and hosted a number of one-on-one meetings, and one round table discussion with key stakeholders.</p> <p>Consultation is continuing.</p>
Expected	To be confirmed as consultations are continuing.

timetable	
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Date last modified	2 August 2011

Title	Signature and creation of <i>Audiovisual Co-production Agreement between the Government of Australia and the Government of the Kingdom of Denmark</i>
Description of issue	The proposed Agreement provides a framework by which the authorities of each country may cooperate to approve the making of audiovisual works, including film, television, animation, digital format productions and games. This framework specifies requirements for the co-production of such works, including the making and processing of the proposed audiovisual co-production, the minimum proportions of financial and creative contribution, the participation of third party co-producers, and entitlement benefits. All of these requirements are covered by existing processes and legislation.
Date of effect	To be confirmed.
Consultation Opportunities	Consultation with relevant industry stakeholders has taken place through the Trade and Co-production Forum. Relevant government departments have also been consulted in the drafting and approval of the text of the agreement.
Expected timetable	To be confirmed. Treaty text expected to be considered by Federal Executive Council in late 2011. If approved, likely timeframe for full domestic treaty making process is six to nine months.
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Date last modified	2 August 2011