



Australian Government Regulation Impact Statement Status – 2019-20

The Office of Best Practice Regulation (OBPR) publishes Regulation Impact Statements (RISs) on its website as soon as practicable from the date of regulatory announcements, in consultation with the relevant agency. RIS compliance, in aggregate and by agency, is reported concurrently in the following tables. This document is accurate as of 14 February 2020. RIS compliance for previous years is available on the OBPR website.

Departments and agencies were fully compliant with the Australian Government’s RIS requirements for the eleven proposals finalised between 1 July 2019 and 14 February 2020. Six RISs were prepared, assessed by the OBPR and published. Four of these six were assessed as best practice. In five cases, agencies met the RIS requirements by certifying the analysis from an independent review or similar RIS-like process. The OBPR does not assess the quality of analysis in such cases.

Under the March 2014 Australian Government Regulatory Impact Analysis (RIA) process, the OBPR publishes each RIS, the associated agency certification letter and the OBPR assessment letter. A RIS can evolve during the policy development process, and can also be published for consultation at an early stage. The OBPR assesses RISs for compliance and best practice at the final decision point.

RIS Summary of compliance

Stage	2018–19 Ratio	%	2019-20 ^a Ratio	%
Compliance	27/27	100	11/11	100
Best practice – RISs	11/16	70	4/6	67
Independent Reviews	10		5	
RISs for consultation	2		2	
Exceptional circumstances	1 ^b		0	
Estimated annual impact on Regulatory Burden ^c	+\$138.4 million		+\$59.1 million ^d	

^a As at 14 February 2020

^b Included in total count RIS compliance

^c Positive number represents an increase in regulatory burden. Regulatory burden in RISs are estimated using the Commonwealth Regulatory Burden Measurement framework and are assumed to be spread over 10 years. The estimate is based on RISs published at the final decision point.

^d The total estimated annual impact on regulatory burden may differ from the other figures in this document due to rounding.

Regulation Impact Statement Compliance, 2019-20 (to 14 February 2020)

	RIS Compliance	Best practice	PIR required	Regulatory Burden (\$m)
Treasury	4/4	2/4		\$362.3
Prohibited Energy Market Misconduct	Compliant	No	No	\$0.8
First Home Loan Deposit Scheme	Compliant	No	No	\$2.2
Government response to the Financial Services Royal Commission – Independent Review	Compliant	Yes	No	\$359.3
Restrictions on cash payments – Independent Review	Compliant	Yes	No	\$0
Department of the Environment and Energy	1/1	1/1		(\$0.1)
Amendments to the Emissions Reduction Fund Safeguard Mechanism	Compliant	Yes	No	(\$0.1)
Department of Communications and the Arts	1/1	1/1		\$0
26 GHz spectrum re-allocation – Independent Review	Compliant	Yes	No	\$0
Department of Home Affairs	1/1	1/1		(\$311)
Anti-Money Laundering and Counter Terrorism Financing	Compliant	Yes	No	(\$311)
Australian Competition and Consumer Commission	1/1	1/1		\$3.2
Safety standard for quad bikes – Independent Review	Compliant	Yes	No	\$3.2
Therapeutic Goods Administration	2/2	1/2		\$1.4
Regulatory scheme for personalised medical devices, including 3D-printed devices	Compliant	Yes	No	\$1.3
Addressing prescription opioid use and misuse in Australia – Independent Review	Compliant	No	No	\$0.11
Australian Prudential Regulation Authority	1/1	1/1		\$3.3
Prudential Standard APS 220 Credit Risk Management	Compliant	Yes	No	\$3.3



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Detailed information

Treasury

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
Prohibiting Energy Market Misconduct	Compliant	No	No	\$0.8

Prohibits conduct by electricity corporations that is detrimental to competition or to consumer welfare. The Treasury Laws Amendment (Prohibiting Energy Market Misconduct) Bill 2019 was reintroduced to Parliament in September 2019. The OBPR did not reassess the RIS published in December 2018 given the minor amendments to the RIS and Bill. To be consistent with best practice, the RIS should have included more evidence on how the preferred option delivers the highest net benefit to the community and more discussion on the views of stakeholders. Consultation should also have been more broad-based and should have been for a period of at least 30 days, consistent with the Government's minimum requirement.

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
First Home Loan Deposit Scheme	Compliant	No	No	\$2.2

The First Home Loan Deposit Scheme (FHLDS) will provide a guarantee on eligible loans equal to the difference between the deposit (of at least 5 per cent) and 20 per cent of the property purchase price, with coverage broadly consistent with a parental guarantee. The FHLDS is intended to support up to 10,000 purchases of dwellings by first home buyers each year, and eligibility criteria incorporates income and regional dwelling price limits.

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
Government response to the Financial Services Royal Commission – Independent Review	Compliant	Yes	No	\$359.3

The Financial Services Royal Commission identified numerous instances where the conduct of members of the banking, superannuation and financial services industry caused considerable detriment to consumers, and that there are systematic roots to much of this conduct. Hence, the Commissioner recommended a broad suite of measures, including regulatory changes, aimed at improving the conduct of the industry and reducing harm to consumers.

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
Restrictions on cash payments – Independent Review	Compliant	Yes	No	\$0

Introduces offences for entities that make or accept cash payments of \$10,000 or more. The Treasury certified the Black Economy Taskforce Final Report in lieu of a Regulation Impact Statement. The OBPR does not assess reviews that have been certified as meeting the requirements of a RIS.

Department of the Environment and Energy

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
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Amendments to the Emissions Reduction Fund Safeguard Mechanism	Compliant	Yes	No	(\$0.1)
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A rule made to amend the Safeguard Mechanism in order to bring baselines up-to-date, give businesses the option to use Government-determined prescribed production variables and default emissions intensity values for calculating baselines, and allow baselines to be adjusted annually for actual production where facilities use eligible production variables, so they continue to reflect facility circumstances.

Department of Communications and the Arts

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
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26 GHz spectrum re-allocation – Independent Review	Compliant	Yes	No	\$0
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The Minister for Communications, Cyber Safety and the Arts announced the re-allocation of spectrum in the 26 GHz band to facilitate the deployment of 5G wireless broadband services.

Department of Home Affairs

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
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Anti-Money Laundering and Counter Terrorism Financing	Compliant	Yes	No	(\$311m) reduction
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The *Anti Money Laundering and Counter Terrorism Financing and Other Legislation Amendment Bill 2019* amends the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* and the *Criminal Code 1995*, to implement the second phase of reforms in response to the recommendations of the Report on the statutory review of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and associated Rules and Regulations. The Bill contains a range of measures to strengthen Australia's capabilities to address money laundering and terrorism financing risks, and generate regulatory efficiencies.

Australian Competition and Consumer Commission

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
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Safety standard for quad bikes – Independent Review	Compliant	Yes	No	\$3.2
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Introduces a mandatory safety standard to apply to new and imported second-hand quad bikes. The ACCC certified the Quad bike safety: Final Recommendation to the Minister report in lieu of a Regulation Impact Statement. The OBPR does not assess reviews that have been certified as meeting the requirements of a RIS.

Therapeutic Goods Administration

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
Regulatory scheme for personalised medical devices, including 3D-printed devices	Compliant	Yes	No	\$1.3
Amendments to the <i>Therapeutic Goods (Medical Devices) Regulations 2002</i> to incorporate reforms to the Australian medical devices regulatory framework.				

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
Addressing prescription opioid use and misuse in Australia – Independent Review	Compliant	No	No	\$0.11
Changes to the regulatory framework for prescription opioids to address prescription opioid use and misuse in Australia.				

Australian Prudential Regulation Authority

Proposal	RIS Status	Best practice	PIR required	Regulatory Burden (\$m)
Prudential Standard APS 220 Credit Risk Management	Compliant	Yes	No	\$3.3
Increases requirements for credit risk management by authorised deposit-taking institutions (ADIs). The OBPR does not assess the adequacy of the content of an independent review used in lieu of a RIS.				

Appendix A –RISs published for consultation

Two Australian Government RISs were published for consultation between 1 July 2019 and 14 February 2020.

Proposal	Agency	Closing date
Reducing heavy vehicle rear impact crashes: Autonomous Emergency Braking	Department of Infrastructure, Transport, Cities and Regional Development	4 October 2019

The Department of Infrastructure, Transport, Cities and Regional Development released a Regulation Impact Statement (RIS) for consultation to explore Autonomous Emergency Braking Systems (AEBS) as an effective countermeasure to rear impact road trauma caused by heavy vehicles, and explores a range of policy options to increase the fitment to new heavy vehicles and buses.

Proposal	Agency	Closing date
Live sheep exports to, or through, the Middle East during the Northern Summer.	Department of Agriculture	5 February 2020

Regulation Impact Statement for consultation on live sheep exports to, or through, the Middle East during the Northern Summer.