

Post-implementation Reviews: Required

Post-implementation Reviews (PIRs) are required for proposals that have substantial impacts, for proposals granted an exemption from the Government's RIS requirements by the Prime Minister, and for proposals that were non-compliant with the Government's RIS requirements. PIRs should be completed within two years of implementation where exceptional circumstances were granted or a proposal was assessed as non-compliant. PIRs should be completed within five years of implementation for proposals likely to have a substantial impact.

The status of Post-implementation Reviews (PIRs) required is updated regularly as the Office of Best Practice Regulation receives information from departments and agencies.

As of 18 May 2019, 16 PIRs are yet to be completed. Of these, three are currently non-compliant as they have not been completed in the required timeframe.

Information on PIRs that are completed and published can be found in the associated table, Post-implementation Reviews: Completed and Published.

The [post-implementation review guidance note](#)¹ provides advice on the preparation of PIRs and compliance with the Government's requirements.

Table 1: Post-implementation review status and compliance

PIR Status	Compliant	Non-compliant	TOTAL
Not yet fully implemented	2 ^a	-	2
Fully implemented	10	4 ^b	14
TOTAL	12	4	16

a Measures that have not yet been fully implemented remain compliant under the PIR process are indicated throughout this document in blue.

b Measures that have been implemented but are non-compliant under the PIR process are indicated throughout this document in yellow.

¹ This guidance note was revised in February 2016.



Contents

Post-implementation Reviews: Required	1
Attorney-General's Department	3
Australian Maritime Safety Authority	3
Australian Prudential Regulation Authority	3
Department of Communications and the Arts.....	3
Department of Foreign Affairs and Trade	4
Department of Home Affairs.....	4
Department of Infrastructure and Regional Development.....	4
Department of the Treasury	5

Attorney-General's Department

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
Sharing of Abhorrent Violent Material Place obligations on internet service providers, hosting service providers and content service providers to proactively refer abhorrent violent material to law enforcement, and on hosting service providers and content service providers to expeditiously remove it or cease hosting it if it is reasonably capable of being accessed within Australia.	E/c	April 2019	April 2021	Compliant

Australian Maritime Safety Authority

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
Marine order 43 (Cargo and Cargo Handling – livestock) 2018 Specify requirements for the carriage and stowage of livestock	E/c	Jun 2018	Jun 2020	Compliant

Australian Prudential Regulation Authority

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
Implement the Basel III Liquidity Framework in Australia				
Implement the Basel III Liquidity Coverage Ratio	Substantial Impact	Jan 2015	Jan 2020	Compliant
Implement the Basel III Net Stable Funding Ratio	Substantial Impact	Jan 2018	Jan 2023	Compliant

Department of Communications and the Arts

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
Convergence Review^a Decision not to issue spectrum or broadcast licenses for a fourth 'free to air' television network.	E/c	Mar 2013	Mar 2015	Non-compliant
Changes to media ownership and control rules Remove the '75 per cent audience reach rule' and the '2 out of 3' cross-media control rule. Introduce new local programming obligations for regional commercial television broadcasting licensees in the event of a merger.	Substantial Impact	Oct 2017	Oct 2022	Compliant
Improved Competition in Telecommunications Markets^a Require the structural separation of Telstra' wholesale and retail operations	E/c	Jan 2020	Jan 2022	Compliant

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
Resale Royalty Right for Visual Artists Bill 2008^b Establishes an inalienable resale royalty right for visual artists.	Non-compliance	Jun 2010	Jun 2013 ^c	Non-compliant

a These matters were originally reported under the Department of Broadband, Communications and the Digital Economy. However, on 18 September 2013 the Department was renamed the Department of Communications. On 21 September 2015 the Department was renamed the Department of Communications and the Arts.

b These matters were previously reported under the Attorney-General's Department. However, on 20 September 2015 these matters were transferred to the Department of Communications and the Arts.

c OBPR agreed to extend the due date for this PIR as the measure is still being implemented.

E/c Exceptional circumstances were granted by the Prime Minister.

.. Not applicable

Department of Foreign Affairs and Trade

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
China-Australia Free Trade Agreement (ChAFTA) Reduces or eliminates tariffs on a range of Australian exports to China.	Substantial Impact	Dec 2015	Dec 2020	Compliant
Japan Australian Economic Partnership Agreement (JAEPA) Reduces tariffs on a number of Australian exports and improves access for Australian workers in some professional services markets.	Substantial Impact	Jan 2015	Jan 2020	Compliant
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) Create preferential supply chains with TPP parties.	Substantial Impact	Dec 2018	Dec 2023	Compliant

.. Not applicable

Department of Home Affairs

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
Customs and AusCheck Legislation Amendment (Organised Crime and Other Measures) Act 2013^a A package of measures to combat organised crime and strengthen security on the waterfront.	Non-compliance	May 2013 ^b	^b	Compliant

a Responsibility for this PIR was transferred from the Attorney-General's Department to the Department of Home Affairs.

b Some elements were implemented in May 2013, for which a post-implementation review has commenced. Others are still to be implemented

.. Not applicable

Department of Infrastructure and Regional Development

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
Qantas Sale Amendment Bill 2014 Remove foreign ownership and other restrictions on Qantas	E/c	August 2014	August 2016	Non-compliant

a The Department is currently consulting with stakeholders. The status of this PIR will be changed to compliant once it is finalised and published on the OBPR's website.

E/c Exceptional circumstances were granted by the Prime Minister.

.. Not applicable

Department of the Treasury

Title of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Compliance
<p data-bbox="233 344 596 374">Description of regulatory proposal</p> <p>Implementation of the United States Foreign Account Tax Compliance Act in Australia Reduces the costs to Australian financial institutions associated with complying with US tax information reporting requirements.</p>	Substantial Impact	July 2014	July 2019	Compliant
<p>Future of Financial Advice Amendments Reduces the complexity and compliance costs associated with Future of Financial Advice (FOFA) reforms.</p>	Substantial Impact	March 2016	March 2021	Compliant
<p>Sugar Industry Code² Provides for an arbitration process for supply contracts between sugar suppliers and millers; an arbitration process for on-supply agreements between millers and marketers; and ensures that growers have a right to choose who markets their sugar.</p>	E/c	April 2017	April 2019	Non-Compliant

E/c Exceptional circumstances were granted by the Prime Minister.

² PM&C are working with the Treasury and Department of Agriculture and Water Resources to finalise the post implementation review