



### COAG Regulation Impact Statement status: 2019-20

The Office of Best Practice Regulation (OBPR) publishes Regulation Impact Statements (RIS) and the OBPR’s assessment of RISs on its website as soon as practicable after a regulatory announcement is made, in consultation with the relevant Council, Forum or national standard-setting body (NSSB). Consequently, the RIS status in aggregate and by Council, Forum or NSSB is also reported ‘live’ in the following tables.

In the financial year 2019-20, twenty three COAG Decision RISs were finalised, and assessed as compliant by the OBPR, and published. In one case, neither a Consultation nor Decision RIS was prepared for the agreement by Ministers. In one case, a Consultation RIS was assessed as compliant, but the subsequent Decision RIS was not. In the financial year 2019-20, 26 COAG consultation RISs were assessed by the OBPR, and published.

### Compliance with the COAG RIS requirements 2016-17 to 2019-20

Stage	2016-17		2017-18		2018-19		2019-20	
	ratio	%	ratio	%	ratio	%	ratio	%
Consultation stage <sup>a</sup>	10/11	90	6/6	100	15/15	100	24/25	96
Decision-making stage	10/11	90	6/6	100	15/15	100	23/25	92

<sup>a</sup> To 1 July 2020.

<sup>a</sup> The consultation stage figures relate to those decisions at the consultation stage for which a corresponding decision RIS at the decision-making stage has been announced.

### COAG Consultation RISs prepared 2016-17 to 2019-20

	2016-17	2017-18	2018-19	2019-20
Consultation RISs prepared <sup>a</sup>	8	14	5	26

<sup>a</sup> These numbers represent all Consultation RISs that were prepared and published in the relevant financial year.

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**Detailed information**

**Australian Energy Market Commission**

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Transparency of new projects</b> A final rule to improve publicly available information about new grid-scale generation projects, and which also allows a broader set of project developers direct access to important system information required to build grid-scale assets.	<b>24 Oct 2019</b>	<b>Yes</b>	<b>Yes</b>	<b>30 Oct 19</b>
<b>Demand Management Incentive Scheme and Innovation Allowance for TNSPs</b> Agreement to apply a demand management innovation allowance mechanism (DMIA) to electricity transmission network service providers (TNSPs).	<b>5 Dec 2019</b>	<b>Yes</b>	<b>Yes</b>	<b>6 Dec 19</b>
<b>Reducing customers' switching times</b> Amends the National Electricity Rules and National Energy Retail Rules to provide the Australian Energy Market Operator (AEMO) with flexibility to improve their processes, allowing AEMO and industry to create and implement an improved customer transfer process.	<b>19 Dec 2019</b>	<b>Yes</b>	<b>Yes</b>	<b>20 Dec 19</b>
<b>Improving transparency and extending duration of medium term projected assessment of system adequacy</b> Final rule determination to improve transparency of the medium-term projected assessment of system adequacy process, reduce asymmetry of generation availability information in the market, and extend the period in which generation availability is published from two to three years.	<b>20 February 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>24 February 2020</b>
<b>Changes to the marginal loss factors framework in the National Electricity Market</b> Final rule determination to provide greater flexibility to refine and improve the methodology to determine marginal loss factors in the National Electricity Market.	<b>27 February 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>27 February 2020</b>
<b>Regulating conditional discounting for the retail energy market</b> Final rule determination to limit the level of conditional discounts and conditional fees in new retail contracts to the "reasonable costs" a retailer is likely to incur when a consumer fails to satisfy a payment condition.	<b>27 February 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>27 February 2020</b>
<b>Short term forward market rule</b> Final rule determination outlining the Australian Energy Market Commission's decision to not introduce a voluntary short term forward market (STFM).	<b>5 March 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>13 March 2020</b>
<b>Simplified wholesale pricing arrangements for the Victorian Declared Wholesale Gas Market</b> Final rule determination amending the National Gas Rules to simplify wholesale pricing in the Victorian declared wholesale gas market.	<b>12 March 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>18 March 2020</b>
<b>Authorised maximum daily quantity for the Victorian Declared Wholesale Gas Market</b> Final rule determination amending the National Gas Rules to replace the authorised maximum daily quantity regime in the Victorian declared wholesale gas market with a new entry and exit capacity certificates regime.	<b>12 March 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>18 March 2020</b>
<b>Wholesale Demand Response Mechanism</b> Final rule determination to provide a mechanism to facilitate wholesale demand response in the National Electricity Market.	<b>12 March 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>20 March 2020</b>

<b>Victorian jurisdictional derogation – reliability and emergency reserve trader contracting</b>	<b>12 March 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>20 March 2020</b>
Final rule determination to enable multi-year contracting of emergency reserves under certain circumstances in Victoria for a limited period of approximately three years, to address short to medium-term reliability challenges.				
<b>Mandatory primary frequency response rule</b>	<b>23 March 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>26 March 2020</b>
Final rule determination to require all scheduled and semi-scheduled generators in the National Electricity Market to support the secure operation of the power system by responding automatically to changes in power system frequency.				
<b>System restart services, standards and testing rule</b>	<b>2 April 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>14 April 2020</b>
Final rule determination to improve the provision and effectiveness of power system restart ancillary services.				
<b>Introduction of metering coordinator planned Interruptions</b>	<b>21 May 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>10 June 2020</b>
Final rule determination to provide customers with shared fusing more certainty on when their electricity meter will be installed.				
<b>Wholesale demand response mechanism rule</b>	<b>11 June 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>11 June 2020</b>
Final rule determination to facilitate wholesale demand response in the National Electricity Market, principally through implementing a wholesale demand response mechanism.				
<b>Removal of intervention hierarchy rule</b>	<b>18 June 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>18 June 2020</b>
Final rule determination amending the requirement for AEMO to use reasonable endeavours to intervene using reliability and emergency reserve trader prior to issuing directions or instructions, with a principle that AEMO must use reasonable endeavours to choose the intervention mechanism, or combination of intervention mechanisms, that is effective in addressing the need to intervene in the market while minimising the direct and indirect costs of intervention.				
<b>Changes to intervention mechanisms rule</b>	<b>18 June 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>22 June 2020</b>
Final rule determination to remove the mandatory restrictions framework and the obligation to counteract during an intervention, and clarifies the basis for affected participant compensation cost recovery following activation of emergency reserves under the reliability and emergency reserve trader.				

### Council of Attorneys-General

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>National register of enduring power of attorney instruments</b>	<b>29 Nov 2019</b>	<b>No</b>	<b>No</b>	<b>No</b>
The Council of Attorneys-General (CAG) agreed to pursue a staged approach to enduring power of attorney reform for financial decisions, first focusing on law reforms to support the establishment of a mandatory national register of enduring power of attorney instruments, followed by further consideration of reforms to enhance safeguarding provisions and enhance access to justice arrangements. Neither a Consultation nor Decision RIS was prepared for the agreement by Ministers.				

## COAG Energy Council

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Smart Demand Response Capabilities for Selected Appliances</b>	<b>22 Nov 2019</b>	<b>Yes</b>	<b>No</b>	<b>26 Nov 19</b>
<p>The COAG Energy Council took a decision to introduce demand response capability requirements for air conditioners, electric storage water heaters (resistive), devices controlling swimming pool pump units, and electric vehicle charger/discharger controllers.</p>				
<b>Improved transparency in the Australian gas market</b>	<b>20 March 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>14 April 2020</b>
<p>The COAG Energy Council agreed to options to improve transparency in the eastern and northern Australian gas markets, focussing on addressing information gaps and asymmetries relating to gas and infrastructure prices, supply and availability of gas, gas demand, and infrastructure used to supply gas to end-markets.</p>				

## Legislative and Governance Forum on Consumer Affairs (CAF)

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Clarifying eligibility for origin claims in the Complementary Medicines Sector</b>	<b>12 Dec 2019</b>	<b>Yes</b>	<b>Yes</b>	<b>24 Dec 19</b>
<p>The RIS explored options to clarify origin claims for the Australian Complementary Medicines Sector, and concluded there is no reliable evidence of a problem, indicating maintenance of the status quo is the best option.</p>				

## Transport and Infrastructure Council

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Independent Price Regulation of Heavy Vehicle Charges</b>	<b>22 Nov 2019</b>	<b>Yes</b>	<b>Yes</b>	<b>17 Dec 19</b>
<p>Decision to implement arrangements for independent price regulation of heavy vehicle charges. The desired objective of the reform program is to improve customer focus for heavy vehicle road users, linking their needs with the level of service they receive, the charges they pay and the investment of those charges back into heavy vehicle road services.</p>				

## Workplace Health and Safety Ministers

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Workplace exposure standards framework under the model Work Health and Safety laws</b>	<b>31 Oct 2019</b>	<b>Yes</b>	<b>Yes</b>	<b>12 Nov 19</b>
<p>Decision to maintain mandatory workplace exposure standards (WES) and implement a streamlined methodology to review and update the WES. The RIS examined options to address inconsistencies and inefficiencies in the process for reviewing WES list and WES values.</p>				

## Department of Agriculture, Water and the Environment

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Phasing out exports of waste plastic, paper, glass and tyres</b>	<b>13 March 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>20 Mar 20</b>
<p>Decision to ban the exports of waste plastic, paper, tyres and glass with additional supporting government interventions to build recycling markets and associated demand.</p>				

## Australian Building Codes Board

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Proposal to formalise the process for developing and documenting Performance Solutions in the National Construction Code</b>	<b>21 May 2020</b>	<b>Yes</b>	<b>Yes</b>	<b>28 May 2020</b>

The proposal requires all Performance Solutions be subject to a process and documentation commensurate with the complexity and risk of a design. The RIS shows this option would be the most complete and effective in addressing the problem.

## Appendix A - RISs prepared for consultation in 2019-20

The following Council of Australian Governments (COAG) consultation RISs have been published for consultation in 2019-20.

Proposal	Decision-making body	Closing date
<p><b>Recommendations of the 2018 Review of the Model Work Health and Safety Laws (WHS)</b></p> <p>Safe Work Australia released a consultation RIS on the recommendations of the <i>Review of the model WHS laws: Final report</i>. The Review examined the content and operation of the model WHS laws, including whether they are achieving the objectives stated in the model WHS Act or if they have resulted in unintended consequences. The consultation RIS covers all 34 of the Review recommendations but focuses on the 12 recommendations likely to have the most significant impact on stakeholders, or that require further information and analysis.</p>	Safe Work Australia	5 Aug 2019
<p><b>Developing technology-neutral road rules for driver distraction</b></p> <p>The National Transport Commission released a consultation RIS to propose and explore technology-neutral regulatory options to address driver distraction and analyse their potential impacts.</p>	National Transport Commission	4 Sep 2019
<p><b>Measures to improve transparency in the gas market</b></p> <p>The COAG Energy Council is exploring options to improve transparency in the eastern and northern Australian gas markets. The consultation RIS focuses on addressing information gaps and asymmetries relating to gas and infrastructure prices, supply and availability of gas, gas demand, and infrastructure used to supply gas to end-markets.</p>	COAG Energy Council	12 Sep 2019
<p><b>Transparency of new projects</b></p> <p>The Australian Energy Market Commission released the draft rule determination for the National Electricity Amendment (Transparency of New Projects) Rule 2019 to improve the transparency of new generation projects in the National Electricity Market. The Commission's draft rule facilitates greater access to relevant system information for developers that sell grid-scale assets prior to connection, codifies the Australian Energy Market Operator's (AEMO) generator information page, and requires Transmission Network Service Providers to share key connection information.</p>	Australian Energy Market Commission	12 Sep 2019
<p><b>Whole demand response mechanism</b></p> <p>The Australian Energy Market Commission released the draft rule determination for the National Electricity Amendment (Wholesale demand response mechanism) Rule 2019 to provide a mechanism to facilitate wholesale demand response in the National Electricity Market. The mechanism is proposed to lower wholesale electricity prices and help manage the supply-demand balance at a lower cost.</p>	Australian Energy Market Commission	12 Sep 2019
<p><b>Smart demand response capabilities for selected appliances</b></p> <p>The South Australian Department for Energy and Mining, on behalf of COAG Energy Council, is exploring possible options to reduce future investment requirements for the electricity network and to reduce technical barriers to large scale participation by small consumers in the wholesale demand response mechanism, and other demand response markets. The RIS examines options including the status quo, voluntary adoption of demand response capable appliances, and mandating the presence of demand response capabilities in selected appliances.</p>	COAG Energy Council	23 Sep 2019
<p><b>Application of the Regional Reference Node Test to the Reliability and Emergency Reserve Trader</b></p> <p>The Australian Energy Market Commission is exploring options to create transparency, predictability and consistency for the market, and remove as far as possible the need for the Australian Energy Market Operator to exercise discretion in determining how to apply the Regional Reference Node test.</p>	Australian Energy Market Commission	26 Sep 2019

Proposal	Decision-making body	Closing date
<p><b>Threshold for participant compensation following market intervention</b></p> <p>The Australian Energy Market Commission released a draft rule which will amend the National Electricity Rules so that the \$5000 threshold for additional compensation claims by directed participants will be applied per direction, rather than per trading interval.</p>	<b>Australian Energy Market Commission</b>	<b>26 Sep 2019</b>
<p><b>Demand management incentive scheme and innovation allowance for transmission network service providers (TNSPs)</b></p> <p>The Australian Energy Market Commission released the draft rule determination for the National Electricity Amendment (Demand management incentive scheme and innovation allowance for TNSPs) Rule 2019 to introduce a Demand Management Innovation Allowance mechanism for transmission to create a source of potential funding for networks to overcome practical implementation barriers of non-network alternatives and recover their efficient costs.</p>	<b>Australian Energy Market Commission</b>	<b>24 Oct 2019</b>
<p><b>DWGM Improvement to AMDQ Regime</b></p> <p>The Australian Energy Market Commission released the draft rule determination for the National Gas Amendment (DWGM Improvement to AMDQ Regime) Rule 2019 to amend the National Gas Rules to replace the current authorised maximum daily quantity (AMDQ) regime in the Victorian Declared Wholesale Gas Market (DWGM) with a new entry and exit capacity certificates regime.</p>	<b>Australian Energy Market Commission</b>	<b>24 Oct 2019</b>
<p><b>DWGM Simpler Wholesale Price</b></p> <p>The Australian Energy Market Commission released the draft rule to amend the National Gas Rules in relation to the Victorian Declared Wholesale Gas Market (DWGM) to require the Australian Energy Market Operator to take into account transmission constraints affecting withdrawals of gas for the pricing schedule, and to simplify the mechanism that market participants can use to protect against the risk of incurring congestion uplift payments.</p>	<b>Australian Energy Market Commission</b>	<b>24 Oct 2019</b>
<p><b>Clarifying eligibility for origin claims in the Complementary Medicines Sector</b></p> <p>The RIS explores options to clarify origin claims for the Australian Complementary Medicines Sector. The options reflect quality assurance and product safety balanced with consumer protections and perceptions, including maintenance of the status quo, self-regulation by industry, and changing the Australian Consumer Law to allow Australian complementary medicines made substantially or entirely from imported ingredients to have access to the Australia Made, Australia Grown logo.</p>	<b>Legislative and Governance Forum on Consumer Affairs (CAF)</b>	<b>30 Oct 2019</b>
<p><b>Reducing customers' switching times</b></p> <p>The Australian Energy Market Commission (AEMC) released the draft rule determination for the National Electricity Amendment (Reducing customers' switching times) Rule and National Energy Retail Amendment (Reducing customers' switching times) Rule to create market processes that provide faster customer transfer process time and increase transparency and certainty within the customer transfer process.</p>	<b>Australian Energy Market Commission</b>	<b>7 Nov 2019</b>
<p><b>Barriers to the safe use of personal mobility devices</b></p> <p>The National Transport Commission released a consultation Regulation Impact Statement (RIS) seeking feedback on options for regulatory frameworks to be included in the Australian Road Rules (ARRs), to improve accessibility and safety on roads and paths for users of personal mobility devices (PMDs). The options set out requirements for PMDs including motor type, braking, dimensions and weight.</p>	<b>National Transport Commission</b>	<b>13 Dec 2019</b>

Proposal	Decision-making body	Closing date
<p><b>Options to Improve Gas Pipeline Regulation</b></p> <p>An evaluation of options to deliver a more efficient and well-integrated regulatory framework for gas pipelines and to assess how effective Part 23 (Access to non-scheme pipelines) of the National Gas Rules has been in meeting its objectives.</p>	<b>COAG Energy Council</b>	<b>20 Dec 2019</b>
<p><b>Improving Transparency and Extending Duration of MT PASA</b></p> <p>Amendment to improve transparency of the medium-term (MT) projected assessment of system adequacy (PASA) process, reduce asymmetry of generation availability information in the market, and extend the MT PASA duration to three years.</p>	<b>Australian Energy Market Commission</b>	<b>9 Jan 2020</b>
<p><b>Transmission loss factors</b></p> <p>To provide the Australian Energy Market Operator (AEMO) with greater flexibility to refine and improve the methodology to determine marginal loss factors.</p>	<b>Australian Energy Market Commission</b>	<b>16 Jan 2020</b>
<p><b>Regulating conditional discounting</b></p> <p>To amend the National Energy Retail Rules to limit the level of conditional discounts in energy retail contracts to the "reasonable costs" the retailer is likely to incur when payment conditions are not met.</p>	<b>Australian Energy Market Commission</b>	<b>16 Jan 2020</b>
<p><b>National Electricity Amendment (Victorian jurisdictional derogation – RERT contracting) Rule</b></p> <p>Provides the Australian Energy Market Operator (AEMO) with the flexibility to enter into multi-year contracts with providers of emergency reserves in Victoria.</p>	<b>Australian Energy Market Commission</b>	<b>30 Jan 2020</b>
<p><b>National Electricity Amendment (Short Term Forward Market) Rule 2020</b></p> <p>Draft rule determination indicating the Australian Energy Market Commission's intention to not introduce a voluntary short term forward market (STFM).</p>	<b>Australian Energy Market Commission</b>	<b>6 Feb 2020</b>
<p><b>Phasing out certain waste exports</b></p> <p>The Commonwealth Department of the Environment and Energy released a consultation Regulation Impact Statement (RIS) to canvass industry and other interested stakeholders views on the regulatory options under consideration to determine the relative costs and benefits of those options.</p>	<b>Council of Australian Governments</b>	<b>12 Feb 2020</b>
<p><b>National Electricity Amendment Rule and National Energy Retail Amendment Rule (<i>Introduction of metering coordinator planned interruptions</i>)</b></p> <p>The draft rules provide customers with shared fusing at their premises with greater certainty on when their electricity meter will be installed.</p>	<b>Australian Energy Market Commission</b>	<b>13 Feb 2020</b>
<p><b>National Electricity Amendment (Mandatory Primary Frequency Response) Rule</b></p> <p>Requires all scheduled and semi-scheduled generators in the National Electricity Market (NEM) to support the secure operation of the power system by responding automatically to changes in power system frequency.</p>	<b>Australian Energy Market Commission</b>	<b>13 Feb 2020</b>
<p><b>National Electricity Amendment (System restart services, standards and testing) Rule</b></p> <p>The draft Rule aims to improve the provision and effectiveness of power system restart ancillary services (SRAS).</p>	<b>Australian Energy Market Commission</b>	<b>20 Feb 2020</b>

Proposal	Decision-making body	Closing date
<p><b>Enhancements to Unfair Contract Term Protections</b></p> <p>The Commonwealth Treasury released a consultation Regulation Impact Statement (RIS) seeking feedback on options to enhance the unfair contract term protections for small business, consumers and insurance contracts and address issues raised in the Review of Unfair Contract Term Protections for Small Business.</p>	<p><b>Legislative and Governance Forum on Consumer Affairs</b></p>	<p><b>16 Mar 2020</b></p>
<p><b>Regulation of in-service safety for automated vehicles</b></p> <p>The National Transport Commission is exploring options for regulating various parties involved in supporting the safety of automated vehicles on Australian roads.</p>	<p><b>Transport and Infrastructure Council</b></p>	<p><b>26 Aug 2019</b></p>