



**Australian Government**

**Department of the Prime Minister and Cabinet**  
Office of Best Practice Regulation

# **Best Practice Regulation Report**

## **2015–16**

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## Abbreviations

AASB	Australian Accounting Standards Board
ASIC	Australian Securities and Investments Commission
AUSTRAC	Australian Transaction Reports and Analysis Centre
ChAFTA	China-Australia Free Trade Agreement
COAG	Council of Australian Governments
COAG Guide	COAG Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies
E/c	Exceptional circumstances
JAPEA	Japan-Australia Economic Partnership Agreement
N/a	Not applicable
NBN	National Broadband Network
NSSB	National Standard-Setting Body
OBPR	Office of Best Practice Regulation
PIR	Post-implementation Review
RCDF	Religious Charitable Development Funds
RIA	Regulatory Impact Analysis
RIS	Regulation Impact Statement
TPP	Trans-Pacific Partnership

# 1. Introduction

The Office of Best Practice Regulation (OBPR) administers the Australian Government and Council of Australian Government's (COAG) best practice regulation requirements<sup>1</sup>. It has a dual role of assisting departments and agencies to meet the requirements and improve the quality of Regulatory Impact Analysis (RIA) prepared for decision makers, and of monitoring and reporting on compliance with the requirements.

RIA is an analytical framework that helps to deliver efficient and effective regulation by ensuring decision makers are informed of the effects of policy options through rigorous analysis and consultation. A Regulation Impact Statement (RIS) is a document which summarises the RIA process.

In monitoring RISs, the OBPR assists departments and agencies to ensure regulatory decisions are supported by an appropriate level of impact analysis. Compliance on individual proposals is reported on the OBPR website ([www.ris.pmc.gov.au](http://www.ris.pmc.gov.au)) as soon as practicable after regulatory decisions are publicly announced. Year-to-date and financial year summaries of compliance are also published online for both Australian Government and COAG proposals.

Regulatory activity triggering the RIS requirements was higher in 2015—16, compared to both 2014—15 and 2013—14, for Australian Government proposals (Table 2.1). There were also more COAG RISs prepared in 2015—16 than in 2014—15 (Table 2.5). Although there were no instances of non-compliance with the Australian Government RIS requirements in 2015—16, there were four instances of non-compliance with the COAG RIS requirements in 2015—16 compared to none in 2014—15.

In addition to assessing Australian Government and COAG RISs, the OBPR monitors compliance with the Australian Government's Post-implementation Review (PIR) requirements. During 2015—16, 25 PIRs were finalised and published by agencies, compared to 17 in 2014—15.

One of the core functions of the OBPR is to assist Departments and agencies to improve the quality of RISs and meet RIS requirements. It provides training to policy officers on RIA and outposts OBPR officers to Departments and agencies to assist with the development of RISs.

In 2015—16, training in RIA was provided to 125 Commonwealth, state and territory officers across departments and agencies. Of these, 110 officers also received training in cost-benefit analysis and the use of the regulatory burden measurement framework. There were also seven outpostings provided throughout the year to various departments, including Agriculture and Water Resources, Industry, Innovation and Science, and Environment and Energy.

In December 2015, the OBPR released a Massive Open Online Course on RIA which allows anyone to access on demand training materials and learning resources.

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<sup>1</sup> The requirements are set out in The Australian Government Guide to Regulation and the COAG Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies (COAG Guide), respectively.

## 2. Summary of Compliance

This chapter reports on compliance with the respective RIS requirements in 2015—16 by Australian Government portfolios, COAG councils and National Standard-Setting Bodies (NSSBs).

### 2.1 Australian Government best practice regulation requirements

Compliance with the Australian Government RIS requirements is measured by compliance with the requirement to prepare and publish an adequate RIS (unless a Prime Minister's exemption is granted) or whether an adequate PIR has been completed by the required due date.

In 2015—16, there were 58 Standard or Long Form RISs prepared, all of which were assessed as compliant. Of the 58 RISs required, 45 (or 78 per cent) were assessed by the OBPR as best practice.

No exceptional circumstances for a RIS exemption were granted by the Prime Minister in 2015—16 and 2014—15, compared to one instance in 2013—14 and eight in 2012—13.

Further details of Australian Government RIS compliance by portfolio can be found at Chapter 3.

**Table 2.1: Australian Government RIS<sup>2</sup> compliance 2012—13 to 2015—16**

Stage	2012–13 ratio	%	2013–14 ratio	%	2014–15 ratios	%	2015-16 ratios	%
<b>Final decision-making stage</b>	64/66	97	47/48	98	55/55	100	58/58	100
<b>Best practice</b>	..		4/9 <sup>a</sup>		43/55	78	45/58	78
<b>Exceptional circumstances</b>	8		1		0		0	

<sup>a</sup> The first full year of best practice assessment occurred in 2014—15. As such, comparisons with 2013—14 are misleading since 'best practice' assessment has only occurred since March 2014.

.. Not applicable

### Post-implementation Reviews

In 2015—16, 25 PIRs were completed and published (see Chapter 5.1 for more details). As at 30 June 2016, 28 PIRs were still required, of which 7 were non-compliant for not having been completed by the due date (Table 2.2). Of the remaining 21 PIRs, in 6 cases the regulation had not yet been implemented and 15 PIRs fell within the timeframe for completion but were yet to be completed.

<sup>2</sup> Australian Government RIS compliance includes independent reviews used in lieu of a RIS.

**Table 2.2: Outstanding Post-implementation review status as at 30 June 2016**

PIR Status	Number
Compliant	21
Not implemented	6
Implemented (within the PIR due date)	15
Non-compliant	7
<b>Total</b>	<b>28</b>

As a result of decisions announced in 2015—16 to change media ownership and control rules and the Trans-Pacific Partnership agreement, there will be two additional PIRs required under the category of regulatory changes with a substantial or widespread impact on the economy (Table 2.3). No additional PIRs are required as a result of RIS non-compliance or Prime Minister's exemptions in 2015—16.

**Table 2.3: Post-implementation review numbers 2012—13 to 2015—16**

Source	2012—13	2013—14	2014—15	2015-16
Compliant – Prime Minister's Exemption	8	1	0	0
Non-compliant	2	1	0	0
Regulatory changes with substantial or widespread impacts on the economy <sup>a</sup>	..	3	4	2
<b>Total<sup>b</sup></b>	<b>10</b>	<b>5</b>	<b>4</b>	<b>2</b>

a In this instance, a PIR is required to be completed within five years of implementation.

b Care should be taken when comparing the 2015—16, 2014—15 and 2013—14 total figures with those from previous years as these years' totals include PIRs required as a result of regulatory changes with substantial or widespread impacts on the economy for which a RIS was prepared.

.. Not applicable

As listed in Table 2.4, four portfolios had non-compliant PIRs in 2015—16 (see Chapter 5 for more detail). The reason for non-compliance was that each PIR had not been completed within the required timeframe.

**Table 2.4: Post-implementation review non-compliance 2015—16**

Post-implementation review	Portfolio
Ban the promotion of live odds during sports coverage	Communications and the Arts
Decision not to issue spectrum or broadcast licences for a fourth 'free to air' television network	Communications and the Arts
Resale Royalty Right for Visual Artists Bill 2008	Communications and the Arts
New fishing activities of size and scale unprecedented in Commonwealth Marine Areas	Environment and Energy
Greater Protection for Water Resources	Environment and Energy
Fairer Private Health Insurance Incentives Bill 2009	Health
Provides a second tier of requirements for general purpose financial	Treasury

Post-implementation review	Portfolio
statements to reduce the financial reporting burden	

## 2.2 COAG best practice regulation requirements

The OBPR identified thirteen proposals that required the preparation of a RIS under the COAG requirements in 2015—16.

Of the thirteen proposals that required a RIS, one proposal did not have an adequate RIS for both the consultation and decision-making stage, and two proposals did not have an adequate RIS prepared just for the decision-making stage. As shown in Table 2.5, this resulted in compliance rates of 92 percent and 77 percent for the consultation and decision-making stages respectively. This is a reduction to the 100 percent compliance rates for both these stages in 2014—15. Full details are provided in Chapter 4.

**Table 2.5: Compliance with the COAG RIS requirements, 2012—13 to 2015—16**

Stage	2012–13 ratio	%	2013–14 ratio	%	2014–15 ratios	%	2015–16 ratios	%
Consultation stage	13/14	93	7/8	88	8/8	100	12/13	92
Decision-making stage	12/14	86	7/8	88	8/8	100	10/13	77



### 3. Compliance by Australian Government Portfolio

In 2015—16, there were four types of RISs: Long Form, Standard Form, Short Form and Interim. The type of RIS completed is decided by the relevant department, in consultation with the OBPR, depending on the nature and impact of the policy proposal.

A Standard Form RIS must answer the seven RIS questions, analyse genuine and practical policy options, analyse the likely regulatory impact, provide evidence of appropriate consultation, and present regulatory costs and offsets. A Long Form RIS must contain the elements of a Standard Form RIS as well as cost-benefit analysis.

A Short Form RIS is only available for Cabinet matters that are non-regulatory or minor or machinery in nature. For non-regulatory matters, the Short Form RIS needs to state there are no regulatory costs. For minor or machinery matters, the Short Form RIS contains a summary of the proposed policy and any options considered, an overview of the likely impacts and regulatory costs and offsets. Short Form RISs are not assessed by the OBPR and are not considered for the purpose of Australian Government RIS compliance reporting.

An Interim RIS may be used for matters which have been assessed as more than minor by the OBPR and are proceeding to Cabinet. An Interim RIS can only be used where a Standard or Long Form RIS is unable to be prepared in the time available. It must be converted to a Standard Form or Long Form RIS (as appropriate) prior to a final decision being taken. A failure to do so will result in a RIS becoming non-compliant and the Interim RIS being published.

In 2015—16, fourteen portfolios had regulatory proposals which were more than minor or machinery in nature and required the preparation of RISs. Each of these complied with the RIS requirements in full. Each RIS is also assessed for best practice, however consistency varied due to the level of analysis in the RIS not being commensurate with the likely impacts on businesses, community organisations or individuals. Details of each instance where best practice was not achieved are footnoted in the relevant tables in Section 3.1.

Each RIS and the OBPR's assessment are published on the OBPR website as soon as practicable after the announcement. Where a RIS involves new or amended legislation, the RIS is also required to be tabled with the explanatory material in the Australian Parliament.

Compliance with the RIS requirements and assessments of best practice at the final assessment stage for each portfolio are illustrated in Table 3.1. The OBPR website has further details on the listed regulatory decisions.

**Table 3.1: Regulatory Impact Analysis compliance by portfolio 2015—16 (final assessment stage)**

Portfolio	Regulation Impact Statements Compliant	Regulation Impact Statements Best Practice
Department of Agriculture and Water Resources	5	5
Department of Communications and the Arts	6	5
Department of Defence	1	1
Department of Education and Training	4	1
Department of Employment	4	3
Department of the Environment and Energy	2	2
Department of Foreign Affairs and Trade	1	1

Portfolio	Regulation Impact Statements Compliant	Regulation Impact Statements Best Practice
Department of Health	5	2
Department of Immigration and Border Protection	2	2
Department of Industry, Innovation and Science	1	1
Department of Infrastructure and Regional Development	1	1
Department of the Prime Minister and Cabinet	2	1
Department of Social Services	1	1
The Treasury	23	19
<b>Total</b>	<b>58</b>	<b>45</b>

### 3.1 Detailed compliance results by department or agency

The following tables show more detailed compliance and assessments of best practice by portfolio, department and agency.

#### 3.1.1 Agriculture - Department of Agriculture and Water Resources

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Agriculture Drought and Risk Management Measures in the Agricultural Competitiveness White Paper</b> Sets out actions for the agricultural sector in five priority areas including strengthening the approach to drought and risk management.	Compliant	Yes	No
<b>Approved Arrangements for Livestock Exports</b> Introduced streamlined arrangements for Australian exporters of live animals.	Compliant	Yes	No
<b>Biosecurity and Export Certification Funding</b> Changed cost recovery arrangements for biosecurity and export certification funding.	Compliant	Yes	No
<b>Export Fodder Levy</b> Introduced a statutory levy on all exported straw and hay to secure ongoing funding to support export fodder research, development and extension.	Compliant	Yes	No
<b>Regulation for Sweet Potato Marketing Levy</b> Introduced a new sweet potato marketing levy to secure funding for the long-term marketing needs and priorities of the industry.	Compliant	Yes	No

#### 3.1.2 Attorney-General's - Attorney-General's Department

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
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Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Privacy Amendment (Notification of Serious Data Breaches) Bill</b>  Requires Government agencies and businesses subject to the Privacy Act 1988 to notify the national privacy regulator and affected individuals following a serious data breach.	Compliant at consultation	n/a	No

n/a Not applicable: a final decision is yet to be made on this proposal. Best practice is assessed at the Final Assessment stage.

### 3.1.3 Communications - Department of Communications and the Arts

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Amending NBN Co's Non-Discrimination Obligations to Allow it to Conduct Pilots or Trials with Specific Persons</b>  Provides for an environment of improvement and innovation to the NBN network by allowing NBN Co to discriminate between access seekers in order conduct pilots and trials of new services.	Compliant	Yes	No
<b>Authorised Conduct - Amending Division 16 of Part XIB and Part XIC of the Competition and Consumer Act 2010</b>  Allows NBN Co. to continue to engage in two specific forms of conduct for competition law purposes: restricting interconnection to the NBN to listed points of interconnection; and bundling designated access services; until the rollout of the NBN is completed.	Compliant	Yes	No
<b>Changes to Media Ownership and Control Rules</b>  Removed the cross-media ownership rule that prevents a person from controlling more than two of three regulated media platforms in any commercial radio licence area and commercial television licences with a combined licence area population exceeding 75 per cent of the Australian population. Imposes new local television content requirements on regional commercial television licensees when they become part of a commonly controlled group of licensees that collectively reach more than 75 per cent of the Australian population.	Compliant	No <sup>a</sup>	Yes <sup>b</sup>
<b>Modernising Australia Post</b>  Allows Australia Post to introduce a two-speed letter service comprising regular and priority services.	Compliant	Yes	No
<b>Review of the Radiofrequency Spectrum Management Framework</b>  Established a single radiofrequency spectrum licensing system and streamlines existing spectrum allocation and reallocation procedures.	Compliant	Yes <sup>c</sup>	No

a The RIS was not consistent with best practice because the level of analysis was not commensurate with the likely impacts on businesses, individuals and competition and the views of stakeholders on the specifics of the preferred options were not clearly identified.

b As this regulatory change was assessed as being likely to have substantial and widespread impacts on the media sector and the Australian economy, the Government requires a post-implementation review to be completed within five years of the policy being implemented.

c The Department assessed that an independent review or other mechanism undertook analysis equivalent to a RIS. The OBPR does not assess independent reviews.

### 3.1.4 Communications - Australian Communications and Media Authority

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Release of the 1800 Mhz Band in Remote Areas</b> Changed the allocation of spectrum in the 1800 MHz band in remote areas to facilitate more mobile services.	Compliant	Yes	No

### 3.1.5 Defence - Department of Defence

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Defence Trade Controls Amendment Bill 2015</b> Streamlined export controls and reduced regulatory burden whilst maintaining national security and compliance with international obligations.	Compliant	Yes	No

### 3.1.6 Education and Training - Department of Education and Training

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Child Care Assistance Package</b> Changed the current child care arrangements, including introduction of a single means tested subsidy and changed regulatory requirements for child services.	Compliant	No <sup>a</sup>	No
<b>Education Services for Overseas Students Framework</b> Removed the requirement to maintain a designated account for tuition fees paid and removes the limit of 50 per cent of tuition fees collected prior to course commencement.	Compliant	No <sup>b</sup>	No
<b>Revised Higher Education Standards Framework</b> Provides the basis for the regulation of higher education providers and courses by the Tertiary Education Quality and Standards Agency.	Compliant	Yes <sup>c</sup>	No
<b>Vocational Education and Training VET FEE-HELP Scheme changes</b> Introduced changes to the VET FEE-HELP student loan scheme regulating the marketing practices of providers.	Compliant	No <sup>d</sup>	No

a The RIS was assessed as compliant but not best practice because the level of analysis was not commensurate with the significance of the reforms and the likely impacts on the early childhood education and care market.

b The RIS was assessed as compliant but not best practice because the RIS did not clearly demonstrate that the preferred option would result in the highest net benefit taking into account the various risks and implementation factors of the options presented.

c The Department assessed that an independent review or other mechanism undertook analysis equivalent to a RIS. The OBPR does not assess independent reviews.

d The RIS was assessed as compliant but not best practice because the RIS did not clearly identify the nature of the problem and provide a more thorough and in-depth analysis of the likely impacts on VET providers and the sector.

### 3.1.7 Employment - Department of Employment

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Abolition of the Road Safety Remuneration Tribunal</b> Abolishes the Road Safety Remuneration Tribunal and allows the Minister to make rules dealing with transitional matters.	Compliant	Yes <sup>a</sup>	No

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Building Code – Drug and Alcohol Testing Provisions</b> Requires contractors to have a comprehensive policy for managing alcohol and other drugs in the workplace.	Compliant	No <sup>b</sup>	No
<b>Employment Services 2015</b> Introduces a new government-funded employment services model (jobactive) to assist eligible job seekers to prepare for and find employment.	Compliant	Yes	No
<b>Fair Work (Registered Organisations) Amendment Bill</b> Increases the statutory and fiduciary obligations on registered organisations to more closely align with those that corporations have to meet.	Compliant	Yes	No

a The Department assessed that an independent review or other mechanism undertook analysis equivalent to a RIS. The OBPR does not assess independent reviews.

b The RIS was assessed as compliant but not best practice because it did not clearly identify the likely impacts of each of the proposed options.

### 3.1.8 Environment and Energy - Department of the Environment and Energy

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Hydrofluorocarbons</b> Introduces a quota on the importation of hydrofluorocarbons (HFCs) from January 2018.	Compliant	Yes	No
<b>Safeguard mechanism for the Emissions Reduction Fund</b> Protects taxpayers' funds by ensuring that emissions reductions purchased by the Government under the Emissions Reduction Fund are not offset by significant increases in emissions elsewhere in the economy.	Compliant	Yes	No

### 3.1.9 Foreign Affairs and Trade - Department of Foreign Affairs and Trade

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Trans-Pacific Partnership (TPP) Agreement</b>  The Agreement creates preferential supply chains with the TPP Parties.	Compliant	Yes <sup>a</sup>	Yes <sup>b</sup>

a The Department assessed that an independent review or other mechanism undertook analysis equivalent to a RIS. The OBPR does not assess independent reviews.

b As this regulatory change has been assessed as being likely to have a substantial and widespread impact on the Australian economy, the Government requires a post-implementation review to be completed within five years of the agreement being implemented.

### 3.1.10 Health - Department of Health

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Access to cannabis for medical and scientific purposes</b>  Establishes a Commonwealth licensing scheme to facilitate the right to cultivate cannabis for medicinal and scientific purposes.	Compliant	No <sup>a</sup>	No
<b>Annual Charge Exemption Scheme</b>  Products automatically qualify for the exemption once entered on to the Australian Register of Therapeutic Goods.	Compliant	Yes	No
<b>Child and Adult Public Dental Scheme</b>  Creates a national Child and Adult Public Dental Scheme, replacing the means tested Child Dental Benefits Scheme.	Compliant	No <sup>b</sup>	No
<b>Increasing Choice in Home Care</b>  Makes changes to home care arrangements for the aged to remove allocation of home care places and thereby increase provider choice and flexibility for consumers.	Compliant	No <sup>c</sup>	No
<b>International Harmonisation of Medicine Ingredient Names</b>  Updates to the Australian approved names of ingredients used on medicine labels and product information to better align with international standards.	Compliant	Yes	No

a The RIS was assessed as compliant but not best practice because more detailed analysis of the practical impacts of the measure and more extensive consultation was required.

b The RIS was assessed as compliant but not best practice because a higher level of analysis was required, particularly in regard to the impacts on key stakeholders.

c The RIS was assessed as compliant but not best practice because the RIS needed to more fully demonstrate the nature of the problem, provide a broader scope of analysis of impacts and detail the practical impacts of the changes.

### 3.1.11 Immigration and Border Protection - Department of Immigration and Border Protection

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Streamlined Visa Processing – Simplified Student Visa Framework<sup>a</sup></b>  Makes the process of applying for a student visa simpler to navigate, delivers a more targeted approach to immigration integrity and reduces red tape to business.	Compliant	Yes	No

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Trusted Trader Programme</b>  Enables greater international supply chain security by instituting a framework of international supply chain standards that currently do not exist in Australia.	Compliant	Yes	No

a The proposal was announced in 2014–15 but published on the OBPR website in 2015–16.

### 3.1.12 Industry, Innovation and Science - Department of Industry, Innovation and Science

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Extractive Industries Transparency Initiative</b>  Provides a global standard for extractive industry companies to publish what they pay to governments and for governments to disclose what they receive.	Compliant	Yes	No

### 3.1.13 Infrastructure and Regional Development - Department of Infrastructure and Regional Development

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Improved Side Impact Protection</b>  Sets strict performance criteria for light passenger and light commercial vehicles in side impacts with a narrow object such as a pole.	Compliant	Yes	No

### 3.1.14 Prime Minister and Cabinet - Department of the Prime Minister and Cabinet

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Australia's Post-2020 Emissions Reduction Target</b>  Sets Australia's target for reducing greenhouse gas emissions at 26-28 per cent below 2005 levels by 2030.	Compliant	Yes <sup>a</sup>	No
<b>More Indigenous Jobs through Commonwealth Procurement</b>  Stimulates Indigenous entrepreneurship and business development, providing Indigenous Australians with more opportunities to participate in the economy.	Compliant	No <sup>b</sup>	No

a The Department certified the United Nations Framework Convention on Climate Change Taskforce Review Report as meeting the relevant RIS requirements. The OBPR does not assess independent reviews.

b The RIS was assessed as compliant but not best practice because two major decisions made during the policy development process were not informed by an updated RIS.

### 3.1.15 Social Services - Department of Social Services

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>National Disability Insurance Scheme – Transition to Full Scheme</b>  Establishes common needs assessment and individualised planning processes.	Compliant	Yes	No

### 3.1.16 Treasury - Australian Accounting Standards Board

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Australian Accounting Standards Board AASB 16 Leases</b> Requires businesses subject to Australian Accounting Standards to bring all leases onto the balance sheet.	Compliant	Yes <sup>a</sup>	No

<sup>a</sup> The AASB certified an independent review undertook analysis equivalent to a RIS. The OBPR does not assess independent reviews.

### 3.1.17 Treasury - Australian Prudential Regulation Authority

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Religious Charitable Development Funds (RCDFs)</b> Restricts the types of accounts and transactional facilities RCDFs can offer to retail investors and the language they can use in relation to retail products or in marketing to retail investors.	Compliant	No <sup>a</sup>	No

<sup>a</sup> The RIS was assessed as compliant but not consistent with best practice because the conclusion that the preferred option is likely to result in the highest net benefit was not clearly supported by the analysis in the RIS.

### 3.1.18 Treasury - Australian Securities and Investments Commission

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Facilitating Digital Disclosure</b> Facilitate banks, wealth management and superannuation providers to more easily communicate with their customers digitally.	Compliant	Yes	No
<b>Mandatory Central Clearing of over-the-counter Interest Rate Derivatives</b> Mandates that banks clear interest rate derivatives through a central clearing house.	Compliant	Yes	No

### 3.1.19 Treasury - Australian Taxation Office

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Single Touch Payroll</b> Allows for real time reporting of tax and superannuation obligations for businesses.	Compliant	No <sup>a</sup>	No

<sup>a</sup> The RIS was assessed as compliant but not best practice because the changes to the reporting obligation through Single Touch Payroll were announced before a RIS for early assessment was prepared.

### 3.1.20 Treasury - Reserve Bank of Australia

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Review of Card Payments Regulation</b> Strengthens the operation of existing regulations that limit fees that banks charge for the use of debit or credit cards.	Compliant	Yes	No



### 3.1.21 Treasury - The Treasury

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<p><b>Central Clearing of Prescribed Interest Rate Derivatives</b></p> <p>Implements central clearing of prescribed processes of over-the-counter interest rate derivatives and provide single sided reporting relief of entities with lower levels of OTC derivatives transactions.</p>	Compliant	Yes	No
<p><b>Changes to Farm Management Deposits</b></p> <p>Increases the cap on farm management deposits from \$400,000 to \$800,000, reintroduces early access provisions for farmers experiencing severe financial difficulty and allows the use of farm management deposits to offset business loans.</p>	Compliant	Yes	No
<p><b>Choice of Superannuation Fund</b></p> <p>Allows employees under enterprise agreements and workplace determinations to choose which fund their compulsory employer superannuation payments are made.</p>	Compliant	Yes	No
<p><b>Changes to Unclaimed Monies Provisions</b></p> <p>Restore the required period of inactivity before monies in unclaimed bank accounts are transferred to ASIC from three years to seven years and better protect the personal details of individuals with transferred accounts.</p>	Compliant	Yes	No
<p><b>Combating Multinational Tax Avoidance</b></p> <p>Allows the Commissioner of Taxation to ignore, for the purposes of determining taxable Australian income, artificial or contrived structures used by multinationals to avoid having a taxable presence in Australia.</p>	Compliant	Yes	No
<p><b>Employee Share Schemes<sup>a</sup></b></p> <p>Allow employees of all companies who are issued with options through an employee share scheme to (in most cases) defer tax until they exercise options (convert the options to shares).</p>	Compliant	No <sup>b</sup>	No
<p><b>Enhanced Register of Financial Providers<sup>c</sup></b></p> <p>Establishes a public register of all people providing personal advice on more complex financial products to retail clients.</p>	n/a	n/a	n/a
<p><b>Extending GST to Imports of Digital Products and Services</b></p> <p>Introduces a vendor declaration system where overseas vendors will be required to register for, collect and remit GST on the digital services sold to Australian consumers.</p>	Compliant	Yes	No
<p><b>Government's Response to the Competition Policy Review</b></p> <p>The Competition Policy Review Report made 56 recommendations for reforms across three key themes: competition policy, laws and institutions.</p>	Compliant	Yes <sup>d</sup>	No
<p><b>Government's Response to the Financial System Inquiry</b></p> <p>The Financial System Inquiry made recommendations relating to financial system resilience, superannuation, innovation, consumer outcomes and regulatory systems.</p>	Compliant	Yes <sup>e</sup>	No

Title of regulatory proposal Description of regulatory proposal	RIS Status	Best Practice	PIR Required
<b>Implementation of the Common Reporting Standard</b>  Requires certain financial institutions in Australia to report information to the Commissioner of Taxation about financial accounts held by foreign tax residents.	Compliant	Yes	No
<b>Introducing a Cap for Salary Sacrificed Meal Entertainment and Entertainment Facility Leasing Expenses</b>  Limits the use of Fringe Benefits Tax arrangements by limiting the concessional treatment of salary packaged entertainment benefits.	Compliant	Yes	No
<b>Remedial Power for the Commissioner of Taxation</b>  Provides the Commissioner of Taxation with a power to remedy the tax law to apply as intended in more circumstances.	Compliant	Yes	No
<b>Removal of Impediments to Margining</b>  Amends the Payments Systems and Netting Act 1988 to enable financial institutions to comply with internationally-agreed margining requirements.	Compliant	Yes	No
<b>Restrictions on Life Insurance Commissions</b>  Restricts the commissions that financial advisers receive when selling life insurance products.	Compliant	No <sup>f</sup>	No
<b>Review of the Terror Insurance Scheme</b>  The Terrorism Insurance Act 2003 requires a review once every three years of the need to continue the operation of the terrorism insurance scheme.	Compliant	Yes <sup>g</sup>	No
<b>Strengthening Australia's Foreign Investment Framework</b>  Reforms Australia's agricultural and residential foreign investment framework through stronger enforcement of the existing rules, stricter penalties for breaches and modernising and simplifying the foreign investment framework.	Compliant	Yes	No
<b>Superannuation Governance</b>  Increases the level of independence in governance of superannuation funds by requiring superannuation trustee boards to have at least one-third independent directors and an independent chair.	Compliant	Yes	No

a The proposal was announced in 2014–15 but published on the OBPR website in 2015–16.

b The RIS was assessed as compliant but not best practice because the RIS does not reach a clear conclusion.

c The OBPR assessed this proposal as likely to have a minor regulatory impact and as such the proposal did not require a RIS to be prepared under the Government's Guide to Regulation. As a RIS has been finalised and published, it has been reported for transparency purposes but has not been included in the RIS compliance statistics. The proposal was announced in 2014–15 but published on the OBPR website in 2015–16.

d The Competition Policy Review Report was certified by the Treasury as an independent review meeting the requirements of a RIS. The OBPR does not assess the adequacy of independent reviews.

e The Department certified an independent review as meeting the requirements of a RIS. The OBPR does not assess the adequacy of independent reviews.

f The Department certified an independent review as meeting the requirements of a RIS. The OBPR does not assess the adequacy of independent reviews. While the OBPR found the Treasury to be compliant with the RIS requirements, it was not consistent with best practice because the independent reviews' reports were not included in the explanatory memorandum for this bill.

g The Department certified an independent review as meeting the requirements of a RIS. The OBPR does not assess the adequacy of independent reviews.

n/a Not applicable.

## 4. Compliance by COAG Councils

The OBPR is required to report on compliance with the COAG Guide by COAG Councils, ad-hoc meetings of Commonwealth and State/Territory Ministers and National Standard-Setting Bodies (NSSBs). The reporting requirement flows from the COAG Agreement to Implement the National Competition Policy and Related Reforms (COAG 1995).

The COAG Guide states that:

If regulatory options are being considered (such as self-regulation where governments expect businesses to comply, quasi-regulation, co-regulation and 'black letter law') then ministerial councils must subject these options to a regulatory impact assessment process through the preparation of a draft [consultation] and final [decision] Regulation Impact Statement. (COAG Guide, p. 7)

In this context, the COAG Guide defines regulation as:

The broad range of legally enforceable instruments which impose mandatory requirements upon business and the community, as well as those government voluntary codes and advisory instruments for which there is a reasonable expectation of widespread compliance. (COAG Guide, p. 3)

As required in the COAG Guide, the OBPR assesses RISs at two stages: consultation and decision. The OBPR advises the decision-making body at each decision-making stage whether the analysis contained in the RIS meets COAG's adequacy criteria. In making its assessment, the OBPR considers the seven elements specified under COAG's RIS guidelines — problem, objectives, options, impact analysis, consultation, evaluation and conclusion, and implementation and review.

It is expected that the level of analysis in a draft [consultation] RIS would be lower than the level of analysis in the final [decision] RIS. This is because the impacts of options are sometimes unclear. The community consultation process is designed to allow interested parties and stakeholders to help identify such impacts. In such cases the OBPR may focus its assessment primarily on the first three parts of the draft [consultation] RIS, the problem, objectives and options section of the RIS. (COAG Guide, p. 8)

The COAG Guide emphasises transparency by requiring RISs to be made public.

After a decision is taken, the final RIS, which should be of a standard suitable for publication, will generally be made public. (COAG Guide, p. 9)

During 2015–16, nine COAG Councils/NSSBs made decisions which triggered the COAG best practice regulation requirements.

This chapter also contains information on the seven consultation RISs that have been made public but for which final regulatory decisions have not yet been made. These consultation RISs are only included in Table 4.1 when a final regulatory decision has been made.

**Table 4.1: Compliance with COAG's RIS requirements (consultation, decision-making and publishing stage) 2015–16**

COAG Council/ NSSB	Consultation		Decision		Published	
	Compliant	Non-compliant	Compliant	Non-compliant	Compliant	Non-compliant
Agriculture Ministers' Forum	2		2		2	
Consumer Affairs Australia and New Zealand	2		2		2	
COAG	1		1		1	
COAG Health Council	1			1		1
Food Standards	1		1		1	

COAG Council/ NSSB	Consultation		Decision		Published	
	Compliant	Non-compliant	Compliant	Non-compliant	Compliant	Non-compliant
Australia New Zealand						
Council on Federal Financial Relations		1		1		1
Medical Board of Australia	1			1		1
Meeting of Environment Ministers	3		3		3	
Transport and Infrastructure Council	1		1		1	
<b>Total</b>	<b>12</b>	<b>1</b>	<b>10</b>	<b>3</b>	<b>10</b>	<b>3</b>

#### 4.1 Detailed compliance results by COAG councils and national standard-setting bodies

The following tables show more detailed compliance by COAG councils and NSSBs at the consultation and decision-making stages.

##### 4.1.1 Agriculture Ministers' Forum

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Australian Animal Welfare Standards and Guidelines for Cattle</b>  Guidelines and standards to improve cattle welfare in relation to practices including castration, spaying, dehorning and tail docking.	14 Dec 2015	Yes	Yes	Yes
<b>Australian Animal Welfare Standards and Guidelines for Sheep</b>  Guidelines and standards to improve sheep welfare in relation to practices including castration, mulesing and tail docking.	14 Dec 2015	Yes	Yes	Yes

##### 4.1.2 Australian Building Codes Board

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Automatic Fire Suppression Systems for Covered Balconies in Residential Buildings</b>  Examines ways to address the risk to building occupants in the case of fire on the balcony of a residential building.	*	Yes	n/a	n/a

\*A decision had not been made at 30 June 2016.

n/a Not applicable

##### 4.1.3 Australian Maritime Safety Authority

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Survey Requirements for Vessels</b> Proposed changes to vessel survey requirements.	*	Yes	n/a	n/a

\*A decision had not been made as at 30 June 2016.

n/a Not applicable

#### 4.1.4 Consumer Affairs Australia and New Zealand

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Country of Origin Labelling for Food</b> Options to amend the country of origin labelling framework.	31 March 2016	Yes	Yes	Yes
<b>Free Range Egg Labelling</b> Options to enhance consumer certainty and confidence around free range egg labelling.	31 March 2016	Yes	Yes	Yes

#### 4.1.5 Council of Australian Governments

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Toxic Chemicals of Security Concern</b> Examines proposed measures to enhance chemical security in relation to toxic chemicals of security concern.	2 May 2016	Yes	Yes	Yes

#### 4.1.6 COAG Energy Council

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Increasing Energy Efficiency of Air Conditioners and Chillers</b> Options to improve the energy efficiency of air conditioners and chillers.	*	Yes	n/a	n/a

\*A decision had not been made as at 30 June 2016.

n/a Not applicable

#### 4.1.7 COAG Health Council

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Regulation of Paramedics</b> Decision to regulate paramedics under the National Registration and Accreditation Scheme.	6 Nov 2015	Yes	No	No

#### 4.1.8 Food Standards Australia New Zealand

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
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Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Hydrocyanic Acid in Apricot Kernels and other Foods</b>  Options to regulate the retail sale of raw apricot kernels to consumers, and to further regulate kernels that are to be added to food as an ingredient.	17 Sep 2015	Yes	Yes	Yes
<b>Lupin as a Food Allergen</b>  Options to regulate food containing lupin as a food allergen.	*	Yes	n/a	n/a

\*A decision had not been made as at 30 June 2016.

n/a Not applicable

#### 4.1.9 Council on Federal Financial Relations

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>GST Threshold for Overseas Goods</b>  Decision to reduce the threshold for Goods and Services Tax on imported goods from \$1,000 to zero from 1 July 2017.	21 Aug 2015	No	No	No

#### 4.1.10 Law, Crime and Community Safety Council

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Precursor Chemicals and Equipment</b>  Harmonisation of controls and creation of an electronic end user declaration system to reduce the risk of diversion of precursor chemicals and equipment used in the manufacture of illicit drugs.	*	Yes	n/a	n/a

\*A decision had not been made as at 30 June 2016.

n/a Not applicable

#### 4.1.11 Medical Board of Australia

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Registered Medical Practitioners who Provide Cosmetic Medical and Surgical Procedures</b>  Decision to introduce mandatory guidelines to apply to all registered medical practitioners who perform cosmetic medical or surgical procedures.	9 May 2016	Yes	No	No

#### 4.1.12 Meeting of Environment Ministers

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
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Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>National Standard for Environmental Risk Management of Industrial Chemicals</b> Examines options to implement a nationally consistent approach to environmental risk management of industrial chemicals.	15 Jul 2015	Yes	Yes	Yes
<b>Reducing Emissions from Small Engines</b> Assesses options to reduce emissions from Non-road Spark Ignition Engines and Equipment.	15 Dec 2015	Yes	Yes	Yes
<b>Reducing Emissions from Wood Heaters</b> Assesses options to reduce emissions from wood heaters.	15 Dec 2015	Yes	Yes	Yes

#### 4.1.13 Safe Work Australia

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Managing Risks Associated with Lead in the Workplace: Blood Lead Levels and Exposure Standards</b> Consultation on managing risks associated with lead in the workplace.	*	Yes	n/a	n/a

\*A decision had not been made as at 30 June 2016.

n/a Not applicable

#### 4.1.14 Transport and Infrastructure Council

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Changes to the Heavy Vehicle Roadworthiness Program</b> Options to address safety concerns and economic costs stemming from inconsistent roadworthiness inspections for trucks across jurisdictions.	6 Nov 2015	Yes	Yes	Yes

#### 4.1.15 Work Health and Safety Ministers

Title of regulatory proposal Description of regulatory proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<b>Explosives Regulation in Australia</b> Consultation to gather information on issues arising from differences in Australian explosives legislation across jurisdictions.	*	Yes	n/a	n/a

\*A decision had not been made as at 30 June 2016.

n/a Not applicable

## 5. Post-implementation Review Status by Portfolio

This chapter provides a description of regulations that require a Post-implementation Review (PIR) as at 30 June 2016. Information on PIR commencement, due dates and compliance status is provided. PIRs from previous years that have not been completed and published are also listed.

Under arrangements operating in 2015–16, a PIR is required to be completed within five years of implementation for all regulatory changes that have a substantial or widespread impact on the economy. PIRs must also be completed within two years where an adequate RIS was required but not prepared or where a Prime Minister’s exemption was granted. Additionally, if an agency sufficiently diverges from best practice in their preparation of a RIS, then they may be required to commence a PIR within two years of the regulation being implemented.

If a PIR is not completed within the required timeframe, the OBPR may report the agency as non-compliant with the Government’s PIR requirements. Until such time, the agency is regarded as being compliant with the PIR requirements, and is reported as such in the following tables.

Table 5.1 shows the compliance status of outstanding PIRs by portfolio. As of 30 June 2016, there were nine portfolios that were required to undertake PIRs, along with one PIR required for a cross-portfolio proposal. Treasury has 11 PIRs outstanding, while Communications and the Arts has five.

The four departments with non-compliant PIRs are Communications and the Arts, Environment and Energy, Health and Treasury.

**Table 5.1: Outstanding post-implementation reviews’ compliance by portfolio as at 30 June 2016**

Portfolio	Compliant	Non-compliant
Department of Communications and the Arts	2	3
Department of Education and Training	1	
Department of the Environment and Energy		2
Department of Foreign Affairs and Trade	3	
Department of Health		1
Department of Immigration and Border Protection	1	
Department of Infrastructure and Regional Development	2	
Department of Social Services	1	
The Treasury	10	1
Department of Defence/Department of Industry, Innovation and Science	1	
<b>Total</b>	<b>21</b>	<b>7</b>

In 2015–16, 25 PIRs were completed. Information on these PIRs is in Section 5.1. Information on the 28 PIRs that remain to be completed is in Section 5.2.

### 5.1 PIRs Completed During 2015–16

#### 5.1.1 Attorney-General’s - Australian Transaction Reports and Analysis Centre



Title of regulatory proposal <b>Description of regulatory proposal</b>	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Cancellation and Suspension of a Remittance Dealer's Licence</b>  Rules that specify the matters the AUSTRAC Chief Executive Officer must take into account to cancel or suspend the registration of a registered alternative remittance dealer.	Non-compliance	October 2011	September 2015	Completed Published

### 5.1.2 Communications - Department of Communications and the Arts

Title of regulatory proposal <b>Description of regulatory proposal</b>	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>National Broadband Network (NBN) Decisions<sup>a</sup></b>				
Decisions in response to the establishment of the NBN.	E/c	April 2009	May 2016	Completed Published
Decisions in response to NBN implementation review.	E/c	December 2010	May 2016	Completed Published
<b>Convergence Review<sup>a</sup></b>				
Introduction of Australian content requirements.	E/c	January 2013	January 2017 <sup>b</sup>	Completed Published

a This matter was originally reported under the Department of Broadband, Communications and the Digital Economy. On 21 September 2015, the Department was renamed the Department of Communications and the Arts.

b This PIR was completed and assessed by the OBPR in 2015–16 but published in 2016–17.

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

### 5.1.3 Defence - Department of Defence

Title of regulatory proposal <b>Description of regulatory proposal</b>	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Defence Trade Cooperation Treaty with the United States</b>  Removes the administrative delays associated with the existing Australian and US export licensing systems, while ensuring that sensitive defence technology is appropriately protected.	Non-compliance	June 2013	May 2016	Completed Published

#### 5.1.4 Education and Training - Department of Education and Training

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Australian Education Regulation<sup>a</sup></b> Regulations to prescribe the conditions placed on schools for Commonwealth financial assistance.	Non-compliance	January 2014	November 2016 <sup>b</sup>	Completed Published

a This matter was originally reported under the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education. However, on 18 September 2013 this matter was transferred to the Department of Education and Training.

b This PIR was assessed by the OBPR in 2015–16 but was published in 2016–17.

#### 5.1.5 Employment - Department of Employment

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Amendments to the Fair Work Act 2009<sup>a,b</sup></b>				
Amends right of entry provisions in relation to the location of discussions and interviews, as well as transport and accommodation arrangements for the facilitation of entry to premises in remote areas by permit holders.	E/c	January 2014	February 2017 <sup>c</sup>	Completed Published
Creates a definition of workplace bullying and allowing an employee who has suffered bullying at work the right to seek an order from the Fair Work Commission.	E/c	January 2014	February 2017 <sup>c</sup>	Completed Published
Expands the scope of who can request flexible working arrangements.	E/c	July 2013	April 2016	Completed Published
Ensures employees would not lose unpaid parental leave when taking special maternity leave.	E/c	July 2013	April 2016	Completed Published
Provides pregnant employees with less than 12 months service the right to transfer to a safe job.	E/c	July 2013	April 2016	Completed Published
Requires employers to consult on roster changes and consider the impacts on families.	E/c	January 2014	February 2017 <sup>c</sup>	Completed Published
Requires the Fair Work Commission to take into account the need to provide additional remuneration for employees.	E/c	January 2014	February 2017 <sup>c</sup>	Completed Published
Increases the maximum period of concurrent unpaid parental leave from four to eight weeks.	E/c	July 2013	April 2016	Completed Published

a These matters were originally reported under the Department of Education, Employment and Workplace Relations. However, on 18 September 2013 these matters were transferred to the Department of Employment.

b This matters relate to two decisions to amend the Fair Work Act 2009 announced in 2013–14.

c This PIR was completed and assessed by the OBPR in 2015–16 but published in 2016–17.

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

### 5.1.6 Health - Department of Health

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Eligibility for Medicare Funding for Diagnostic Radiology Services<sup>a</sup></b>  Limits Medicare-funded diagnostic radiology services (excluding mammography) to medical practitioners, qualified dental practitioners and radiographers.	E/c	November 2012	October 2015	Completed Published
<b>Tobacco Plain Packaging</b>  Requires plain packaging for tobacco products.	Non-compliance	December 2012	February 2016	Completed Published

a These matters were originally reported under the Department of Health and Ageing. However, on 18 September 2013 they were transferred to the Department of Health.

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

### 5.1.7 Immigration and Border Protection - Department of Immigration and Border Protection

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Reforms to the Temporary Work (Skilled) (Subclass 457) Visa Programme<sup>a,b</sup></b>  Several measures to tighten foreign temporary skilled work visa obligations.	Non-compliance	July 2013	June 2016	Completed Published
<b>Labour Market Testing for 457 Visa Sponsors<sup>a,b</sup></b>  Introduces labour market testing requirements for prospective 457 visa sponsors.	E/c	November 2013	June 2016	Completed Published

a This matter was originally reported under the Department of Immigration and Citizenship. However, on 18 September 2013 the Department was renamed the Department of Immigration and Border Protection.

b One PIR was prepared for both these proposals.

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

### 5.1.8 Infrastructure and Regional Development - Department of Infrastructure and Regional Development

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Tripartite Deeds for 9 Federally Leased Airports<sup>a</sup></b>  Offer of tripartite deeds to 9 federally leased airports for the remainder of the current airport lease.	Non-compliance	July 2013	December 2015	Completed Published
<b>Tripartite Deeds for 12 Australian Privatised Airports<sup>a</sup></b>  Extend the existing tripartite deeds for the 12 Australian privatised airports from 20 to 50 years.	Non-compliance	July 2013	December 2015	Completed Published

a This matter was originally reported under the Department of Infrastructure and Transport. However, on 18 September 2013 this matter was transferred to the Department of Infrastructure and Regional Development.

### 5.1.9 Treasury - Australian Accounting Standards Board

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Amendments to Australian Accounting Standards (AASB) 1 &amp; 7</b>  Amendments to disclosure requirements around transfers of financial assets.	Non-compliance	November 2010	April 2016	Completed Published

### 5.1.10 Treasury - The Treasury

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Government Response to Australia's Future Tax System Review</b>  Introducing a statutory definition of charity.	E/c	January 2014	September 2016 <sup>a</sup>	Completed Published
<b>Government's Response to the Super System Review (Cooper Review)</b>  Australian Government's initial response to the Super System (Cooper) Review.	E/c	July 2013	March 2016	Completed Published
<b>Regulation of Litigation Funding</b>  Clarifying that class actions are not managed investment schemes.	Non-compliance	January 2013	March 2016	Completed Published
<b>Stronger Super Reforms – Aspects of MySuper</b>  The ability of funds to offer tailored MySuper products to employers with more than 500 employees, and extension of the date by which trustees will be required to have transferred the balance of existing default funds into MySuper products.	E/c	July 2013	January 2016	Completed Published

a This PIR was completed and assessed by the OBPR in 2015–16 but published in 2016–17.

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

## 5.2 PIR Status by department or agency as at 30 June 2016

### 5.2.1 Communications - Department of Communications and the Arts

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<p><b>Changes to the Media Ownership and Control Rules</b></p> <p>Removes the cross-media ownership rule that prevents a person from controlling more than two of three regulated media platforms in any commercial radio licence area and commercial television licences with a combined licence area population exceeding 75 per cent of the Australian population. Imposes new local television content requirements on regional commercial television licensees when they become part of a commonly controlled group of licensees that collectively reach more than 75 per cent of the Australian population.</p>	Substantial Impact	Not implemented	..	Compliant
<p><b>Convergence Review<sup>a</sup></b></p> <p>Decision not to issue spectrum or broadcast licenses for a fourth 'free to air' television network.</p>	E/c	March 2013	March 2015	Non-compliant
<p><b>Improved Competition in Telecommunications Markets<sup>a</sup></b></p> <p>Proposes structural or functional separation of Telstra wholesale and retail operations.</p>	E/c	June 2016	June 2018	Compliant
<p><b>Problem Gambling<sup>a</sup></b></p> <p>Ban the promotion of live odds during sports coverage.</p>	Non-compliance	July 2013	July 2015	Non-compliant
<p><b>Resale Royalty Right for Visual Artists Bill 2008<sup>b</sup></b></p> <p>Establishes an inalienable resale royalty right for visual artists.</p>	Non-compliance	June 2010	June 2013 <sup>c</sup>	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 that the commencement of this PIR could be delayed to allow the agency to collect data. However, the PIR was not completed by the revised due date.

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

.. Not applicable

### 5.2.2 Education and Training - Department of Education and Training

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Higher Education Reforms</b> Allows registered higher education institutions to set their own tuition fees for Commonwealth supported students.	Substantial Impact	Not implemented	..	Compliant

.. Not applicable

### 5.2.3 Environment and Energy - Department of the Environment and Energy

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>New fishing activities of size and scale unprecedented in Commonwealth marine areas<sup>a</sup></b> Extension of legislative powers available under the Environment Protection and Biodiversity Conservation Act 1999.	E/c	September 2012	June 2015 <sup>b</sup>	Non-compliant
<b>Greater Protection for Water Resources<sup>a</sup></b> Amending national environmental law to require federal assessment and approval of coal seam gas and large coal mining developments that have a significant impact on a water resource.	E/c	June 2013	June 2015	Non-compliant

<sup>a</sup> These matters were originally reported under the Department of Sustainability, Environment, Water, Population and Communities. However, on 18 September 2013 these matters were transferred to the Department of the Environment.

<sup>b</sup> The OBPR provided the Department with an extension to finalise the PIR for this proposal. However, the PIR was not completed by the revised due date.

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

### 5.2.4 Foreign Affairs and Trade - Department of Foreign Affairs and Trade

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>China-Australia Free Trade Agreement (ChAFTA)</b> Reduces or eliminates tariffs on a range of Australian exports to China.	Substantial Impact	December 2015	December 2020	Compliant
<b>Japan-Australia Economic Partnership Agreement (JAEPA)</b> Reduces tariffs on a number of Australian exports and improves access for Australian workers in some professional services markets.	Substantial Impact	January 2015	January 2020	Compliant
<b>Trans-Pacific Partnership</b> The Agreement will create preferential supply chains with TPP parties.	Substantial Impact	Not implemented	..	Compliant

.. Not applicable

### 5.2.5 Health - Department of Health

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Fairer Private Health Insurance Incentives Bill 2009<sup>a</sup></b>  Introduces three new private health insurance incentive tiers.	E/c	July 2012	June 2015 <sup>b</sup>	Non-compliant

a These matters were originally reported under the Department of Health and Ageing. However, on 18 September 2013 these matters were transferred to the Department of Health.

b The OBPR provided the Department with an extension to finalise the PIR for this proposal. However, the PIR was not completed by the revised due date.

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

### 5.2.6 Immigration and Border Protection - Department of Immigration and Border Protection

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Organised Crime on the Waterfront<sup>a</sup></b>  A package of measures to combat organised crime and strengthen security on the waterfront.	Non-compliance	Not implemented <sup>b</sup>	..	Compliant

a Responsibility for this PIR was transferred from the Attorney-General's Department to the Department of Immigration and Border Protection.

b Although certain parts of this package have already been implemented, the main regulatory aspects have not yet been implemented.

.. Not applicable

### 5.2.7 Infrastructure and Regional Development - Department of Infrastructure and Regional Development

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Date PIR published	PIR Status
<b>Coastal Shipping Reform</b>  Introduces a simplified permit system to give foreign and Australian flagged vessels access to coastal shipping.	Substantial Impact	Not implemented	..	Compliant
<b>Qantas Sale Amendment Bill 2014</b>  Remove the foreign ownership and other restrictions that apply to Qantas but do not apply to other airlines based in Australia.	E/c	August 2014	August 2016	Compliant

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

.. Not applicable

### 5.2.8 Social Services - Department of Social Services

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Problem Gambling<sup>a</sup></b>  Introduce a \$250 daily withdrawal limit from ATMs in gaming venues (excluding casinos).	Non-compliance	February 2014	February 2016	Compliant <sup>b</sup>

a These matters were originally reported under the Department of Families, Housing, Community Services and Indigenous Affairs. However, on 18 September 2013 these matters were transferred to the Department of Social Services.

b The Department of Social Services has confirmed these amendments do not reflect Government policy and will not be progressed. As such, consistent with the Government's PIR requirements, this PIR does not need to be completed. The online compliance tables will be

updated in 2016-17 to reflect this.

### 5.2.9 Treasury - Australian Accounting Standards Board

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Reducing the Financial Reporting Burden: A Second Tier of Requirements for General Purpose Financial Statements</b>  Provides a second tier of requirements for general purpose financial statements to reduce the financial reporting burden.	Non-compliance	June 2010	June 2015 <sup>a</sup>	Non-compliant

a The OBPR agreed to the AASB's request to defer the commencement date for the PIR to coincide with an expected review of the relevant standards by the International Accounting Standards Board. However, a PIR for this proposal has not yet been assessed as adequate by the OBPR.

### 5.2.10 Treasury - Australian Prudential Regulation Authority

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Implementing Basel III Liquidity Reforms in Australia</b>  Implements reporting and liquidity governance requirements for Authorised Deposit-taking Institutions in Australia.	Substantial Impact	January 2014	January 2019	Compliant

### 5.2.11 Treasury - The Treasury

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Future of Financial Advice</b>				
Prospective ban on up-front and trailing commissions and like payments for both individual and group risk insurance within superannuation.	Non-compliance	July 2013	July 2017 <sup>a</sup>	Compliant
Requirement for advisers to renew client agreement to ongoing advice fees every two years (opt-in regime).	Non-compliance	July 2013	July 2017 <sup>a</sup>	Compliant
Ban on soft dollar benefits over \$300 per benefit.	Non-compliance	July 2013	July 2017 <sup>a</sup>	Compliant
Limited carve-out for basic products from the ban on certain conflicted remuneration structures and best interests duty.	Non-compliance	July 2013	July 2017 <sup>a</sup>	Compliant
Access to scaled financial advice.	Non-compliance	July 2013	July 2017 <sup>a</sup>	Compliant
<b>Government Response to Australia's Future Tax System Review</b>  Better targeting of not-for-profit tax concessions.	E/c	July 2014	July 2016	Compliant <sup>b</sup>



Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Duty Free Allowances – Cigarettes and Tobacco</b>  Reduces the inbound duty free allowance for cigarettes and tobacco for international travellers aged 18 years and over to 50 cigarettes or 50 grams of tobacco, effective from 1 September 2012.	E/c	September 2012	June 2015 <sup>c</sup>	Compliant <sup>d</sup>
<b>Implementation of the United States Foreign Account Tax Compliance Act in Australia</b>  The intergovernmental agreement seeks to limit the compliance costs and other impacts for Australian financial institutions associated with complying with US tax information reporting requirements.	Substantial Impact	July 2014	July 2019	Compliant
<b>Future of Financial Advice Amendments</b>  Amendments aimed at reducing the complexity and compliance costs associated with the Future of Financial Advice.	Substantial Impact	Not implemented	..	Compliant

a The OBPR allowed additional time to complete these PIRs as the regulation has not been fully implemented.

b The Treasury has confirmed that these amendments do not reflect Government policy and will not be progressed. As such consistent with the Government's PIR requirements, this PIR does not need to be completed. The online compliance tables will be updated in 2016-17 to reflect this.

c The OBPR granted the Department an extension in order to complete the PIR for this proposal.

d Completed but not yet published.

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

.. Not applicable

### 5.2.13 Cross Portfolio - Department of Defence/Department of Industry, Innovation and Science

Title of regulatory proposal Description of regulatory proposal	Reason for PIR	Implementation date	Due Date	PIR Status
<b>Government's Response to the Review of the Woomera Prohibited Area (Defence/Industry)</b>  Implements a new framework for managing Department of Defence and non-Defence use of the Woomera Prohibited Area.	E/c	August 2014	August 2016	Compliant

a This matter was originally reported under the Department of Defence and the Department of Resources, Energy and Tourism. However, on 18 September 2013 this matter was transferred to the Department of Defence and the now Department of Industry, Innovation and Science.

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

.. Not applicable