



Australian Government

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

Best Practice Regulation Report

2012-13



**Best Practice
Regulation Report**
2012-13

The bottom half of the page features a decorative graphic consisting of several overlapping, wavy lines in various shades of orange and light brown. These lines flow from the left side towards the right, creating a sense of movement and depth. The lines vary in opacity and thickness, with some appearing as solid bands and others as more translucent, layered effects.

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Use of the Coat of Arms

The terms under which the Coat of Arms can be used are detailed on the following website: <http://www.itsanhonour.gov.au/coat-arms/>.

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Abbreviations

AASB	Australian Accounting Standards Board
ACCC	Australian Competition and Consumer Commission
ACMA	Australian Communications and Media Authority
AGD	Attorney-General's Department
AO	Order of Australia
APEC	Asia-Pacific Economic Cooperation
ASIC	Australian Securities and Investments Commission
AUSTRAC	Australian Transaction Reports and Analysis Centre
CEO	Chief Executive Officer
COAG	Council of Australian Governments
COAG Guide	<i>COAG Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies</i>
DBCDE	Department of Broadband, Communications and the Digital Economy
DEEWR	Department of Education, Employment and Workplace Relations
DIAC	Department of Immigration and Citizenship
DIICCSRTE	Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education
DIT	Department of Infrastructure and Transport
DHA	Department of Health and Ageing
DRET	Department of Resources, Energy and Tourism
DSEWPAC	Department of Sustainability, Environment, Water, Population and Communities
E/c	Exceptional circumstances
EEO	Energy Efficiency Opportunities
ESS	Employee Share Schemes
EU	European Union
Finance	Department of Finance and Deregulation
HNS	Hazardous and Noxious Substances
LIA	<i>Legislative Instruments Act 2003</i>
NBN	National Broadband Network
NDIS	National Disability Insurance Scheme
NEPC	National Environment Protection Council
NEPM	National Environment Protection Measures
NSSB	National standard-setting body
OBPR	Office of Best Practice Regulation
OECD	Organisation for Economic Co-operation and Development
PIR	Post-implementation Review
PSM	Public Service Medal
RIA	Regulatory Impact Analysis
RIS	Regulation Impact Statement
The Handbook	<i>Best Practice Regulation Handbook</i>
Treasury	Department of The Treasury
VET	Vocational Education and Training

Foreword

The Office of Best Practice Regulation (OBPR) is required to report annually on compliance with the Australian Government and the Council of Australian Governments (COAG) best practice regulation requirements.

As part of the Government's deregulation agenda, the OBPR has shifted to the Department of the Prime Minister and Cabinet. While the OBPR operates within the Department of the Prime Minister and Cabinet, the decisions the Executive Director makes in relation to compliance are independent of the Department, the Prime Minister and the Parliamentary Secretary to the Prime Minister.

This report provides information on compliance by Australian Government departments and agencies, COAG councils and national standard-setting bodies. The report is prepared by the staff of the OBPR, in cooperation with relevant agencies, authorised by the Executive Director of the OBPR and presented to the Prime Minister and Parliamentary Secretary to the Prime Minister as a final report. As an independent assessment of compliance by the Executive Director of the OBPR, this report is an important element of best practice regulation processes by both the Australian Government and COAG. Its publication also aids public transparency.

The OBPR is grateful for the extensive cooperation it has received during the year from departments and agencies, COAG councils and national standard-setting bodies. I am encouraged by the level of compliance with the RIS requirements in 2012-13, which is at its highest for several years. Engagement with the OBPR early in the RIS process has been a factor in the downward trend of non-compliance.

I would also like to thank the many departments and agencies, and business and not-for-profit groups who have provided input into the development of the new RIS Handbook which commenced in July 2013. This has been a substantial task for the OBPR and the input received has greatly assisted this development.

Jason McNamara
Executive Director

Office of Best Practice Regulation
January 2014

1. Embedding Best Practice Regulation

The Office of Best Practice Regulation (OBPR) administers the Australian Government and Council of Australian Governments (COAG) best practice regulation requirements. It has a dual role of assisting departments and agencies to meet the requirements and improving the quality of regulatory analysis, and in monitoring and reporting on compliance with the requirements.

In assessing the quality of the regulatory impact analysis, the OBPR does not endorse or support particular regulatory options or outcomes. Rather, its role is to assess whether good regulatory policy development has been followed, in accordance with the processes and requirements outlined in the Australian Government's *Best Practice Regulation Handbook* (the Handbook) or in the *COAG Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies* (COAG Guide).

In monitoring government decision-making processes, the OBPR seeks to ensure that all regulatory decisions are supported by an appropriate level of impact analysis. Compliance with individual proposals is reported on the OBPR website (www.ris.dpvc.gov.au) as soon as practicable after decisions are announced. Year-to-date and financial year summaries of compliance are also published online.

Regulatory activity triggering the regulation impact statement (RIS) requirements was lower in 2012-13, compared to 2011-12, for both the Australian Government and COAG Councils and national standard-setting bodies. However, overall compliance with Australian Government and COAG RIS requirements increased in 2012-13. There were two instances of non-compliance with the Australian Government RIS requirements in 2012-13, a significant decrease on the previous year, while for the COAG best practice regulation requirements, non-compliance has also decreased over the same period.

1.1 Collaboration

The Australian Government's regulatory impact analysis (RIA) framework aims to achieve efficient and effective Australian Government regulation through proportionate analysis and consultation. The proactive approach that the OBPR has taken to assist agencies to comply with the best practice regulation requirements and build capability with those agencies is an integral part of the RIA process. The most influential assistance provided by the OBPR has been the outposting of OBPR officers to assist agencies in the preparation of RISs, the introduction of initial advice letters to agencies on the application of best practice requirements to specific regulatory proposals and formal training on the best practice regulation requirements.

Outpostings

At the request of departments and agencies, the OBPR provides outposted officers (on a cost offsetting basis) to assist agencies in the preparation of RISs and post-implementation reviews (PIRs). The initiative covers Australian Government and COAG best practice regulation requirements. Agencies utilise a variety of approaches when engaging an OBPR outposted officer. These range from assistance in providing overarching guidance about the RIS requirements to more technical support, including on cost-benefit analysis. The RIS or PIR remains the responsibility of the agency under the outposting initiative. To avoid any conflict of interest, outposted officers are not involved in the assessment of compliance of the RIS/PIR that they have been involved with.

In 2012-13, OBPR staff were seconded to the Departments of Families, Housing, Community Services and Indigenous Affairs; Industry, Innovation, Climate Change, Science, Research and Tertiary Education; Resources, Energy and Tourism; and Education, Employment and Workplace Relations. These secondments assisted in the development of Australian Government and COAG RISs on a range of policies including the national disability insurance scheme (NDIS), national occupational licensing reforms, minimum energy performance standards for electrical equipment and vocational and educational training (VET) reforms.

The NDIS is a national insurance scheme which envisages that all Australians with a significant and ongoing disability would have access to long-term care and support. The NDIS is designed to help improve disability services and provide greater choice and control for people with disabilities, for example by allowing choice of providers and the ability for individuals to directly purchase services detailed in their support package that best meet their preferences. An OBPR officer was outposted to the NDIS Taskforce to develop a Consultation RIS.

The national occupational licensing reforms, if implemented, have the potential to remove unnecessary regulatory burden on businesses and licensees, increase labour mobility and improve the efficiency of regulation. Two OBPR officers outposted to the COAG National Licensing Taskforce worked with members of the Taskforce in finalising the Decision RISs for the national regulation of the electrical, refrigeration and air conditioning, plumbing and gasfitting trades, and occupations in the property sector.

The OBPR outposted an officer to the Department of Resources, Energy and Tourism to work in the Department's Energy Efficiency Division - the Division was transferred from the Department of Climate Change and Energy Efficiency on 26 March 2013 when that Department was abolished. The aim of the outposting was to improve the Division's capacity to develop RISs as well as provide assistance on RISs in development. The RISs which the outposted officer provided assistance on included a RIS on minimum energy performance standards and energy labelling for computers and a RIS on minimum energy performance standards for appliances in standby mode. Other RISs where the outposted officer provided detailed advice included those in regard to: heat pump water heaters; and 'smart appliance' interfaces for air conditioners and other appliances. To improve the capacity of the Division, the outposted officer was working with teams and the executive to develop new processes and guidance material on the development of RISs.

Two significant reforms to VET providers were progressed by governments in 2012-13. The first concerned the introduction of new mandatory data collection and reporting requirements. The proposed reforms aim to improve the comprehensiveness and quality of data available about nationally recognised training in Australia. The new data will be used for a variety of purposes including: for the My Skills website; helping governments to develop more targeted policies and better direct funding to training priorities; helping state and territory governments to administer their entitlement schemes; and assist with the creation of training transcripts for students. The reforms will impact a number of providers who will either need to submit data for the first time or may need to increase their reporting. An OBPR officer was outposted to the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education to assist in the development of the Decision RIS.

The other VET reform proposed a single national set of standards for providers to address problems in the sector that include inconsistent quality, lack of transparency and the need for greater flexibility. An OBPR officer was outposted to the Office of the National Skills Standards Council to assist in the development of the Consultation RIS.

Feedback on the outposting initiative has been positive, with agencies valuing the contribution of experienced OBPR officers in helping to achieve adequate levels of analysis in RISs. From the OBPR perspective, the initiative has achieved a number of positive outcomes. Firstly, the input from an outposted officer has streamlined the development and clearance process for RISs from a hosting department. The transfer of knowledge on the RIS process between an outposted officer and a department has contributed to this streamlined process, and provides a skill base for future RIS activity by a department. The presence of an outposted officer in a department has also contributed to a more active role in the RIS process by executives of the hosting department. The OBPR has observed that senior executive buy-in early in the development of a RIS leads to a more efficient RIS process. Finally, the outposted officer has been able to bring back to the OBPR the context in which an agency is preparing a RIS allowing the OBPR to improve the quality of our ongoing communication with the agency.

Initial advice letters

A successful initiative in 2012-13 was the introduction of initial advice letters to agencies to guide them in addressing the best practice regulation requirements. Initial advice letters identify the level of significance the OBPR attaches to each new regulatory proposal, and guide the agency in understanding the level of analysis that will be required for a particular RIS.

Based on initial discussions with the agency, the initial advice letters are tailored to a specific regulatory proposal and provide detailed guidance relating to relevant aspects of a RIS (for example, giving agencies guidance on how to frame the problem section, and the nature and level of impact analysis, including quantification).

The provision of initial advice letters has improved the quality of first draft RISs and the consistency of subsequent advice to agencies. Some agencies have noted that the provision of initial advice letters has streamlined the best practice regulation process and reduced the average number of iterations of a RIS passing between the agency and the OBPR. The letters have also brought forward any concerns or misunderstandings over the Government's RIS requirements to the beginning rather than the end of the decision-making process.

Training

One of the core functions of the OBPR is to provide training to policy officers on the RIA framework. The OBPR's face-to-face training takes several forms: general and more comprehensive seminars for officers in agencies; group training focused on specific agencies; and one-on-one advice during the development of regulatory proposals such as the preparation of a RIS. In addition, the OBPR has a number of web-based training packages.

The comprehensive seminars, which are held quarterly, cover all aspects of RIA, including training on preparing a RIS, undertaking cost-benefit analysis, and using the Business Cost Calculator.

In 2012-13, training in RIA was provided to 199 Commonwealth, State and Territory officers in 19 departments and agencies (up from 154 officers in 2011-12). Of these, 57 officers also received training in cost-benefit analysis and use of the Business Cost Calculator.

1.2 The new RIS process

During 2012-13, the Government announced a redesign of the Australian Government's RIA process to incorporate a two-stage RIS process comprising an options-stage and a details-stage RIS. This reflected a key recommendation of the *Independent Review of the Australian Government's Regulatory Impact Analysis Process*¹ conducted by David Borthwick AO PSM and Robert Milliner. The Handbook describing the new RIS process can be found at <http://www.dpmc.gov.au/deregulation/obpr/handbook/index.html>.

Guidance information

The OBPR recognises that collaboration with agencies is essential for the maintenance of efficient and effective policy development. The OBPR has undertaken a range of initiatives aimed at improving policy development through collaboration.

The OBPR has embarked on a redevelopment of its website which is aimed at improving the accessibility of information on the new RIS process. The website has been supplemented with new and updated guidance notes, covering a range of topics including independent reviews, sunseting instruments, and best practice consultation. The guidance notes are designed to assist agencies in complying with the RIS requirements and allow better decisions to be made.

¹ Borthwick, D & Milliner R, 2012, *Independent Review of the Australian Government's Regulatory Impact Analysis Process*, <http://www.dpmc.gov.au/deregulation/obpr/riar/docs/independent-review-of-ria-process.pdf> (accessed 5 December 2013).

The *Independent Reviews guidance note* provides information on how agencies can satisfy themselves that they would be compliant with the RIS process. Under the new RIS process agencies will be responsible, rather than the OBPR, for assessing whether a proposed independent review meets the RIS requirements.

Under the *Legislative Instruments Act 2003* (LIA), all legislative instruments 'sunset', or cease automatically, after 10 years, unless action is taken to remake them or they are otherwise exempt. Some of these instruments may have impacts on business and the not-for-profit sector, and therefore changes to the future operation of these instruments would fall within the scope of the best practice regulation requirements. The *Sunsetting Instruments guidance note* clarifies the requirements of the Government's best practice regulation framework as it applies to instruments due to sunset under the LIA where those instruments have a more-than-minor impact on business or the not-for-profit sector.

The *Best Practice Consultation guidance note* outlines the government's best practice consultation principles, which should be considered by agencies when developing regulation, and provides guidance on incorporating these principles into the consultation process. The guidance note has been updated to provide more information on developing a strategy utilising online consultation methods.

Transparency

Transparency plays a pivotal role in the new RIS process for those agencies contemplating regulation. The most significant instances when transparency occurs are following an announcement of an initial decision to regulate (options-stage RIS or independent review), or the final decision to regulate (details-stage RIS or independent review). Prior to each of these stages the agency will be required to certify that the RIS requirements have been met. These certification letters are then published on the OBPR website along with the associated RIS/independent review that was considered by the decision-maker.

To assist agencies in meeting the transparency requirements, the OBPR has published a number of templates on its website which agencies can use during the RIS certification process.

Consultation and dissemination

Recognising the significance of the change in accountability, the OBPR consulted extensively on the revised *Best Practice Regulation Handbook*, which reflected the new RIS process. This included consultation with government departments and agencies, as well as with peak industry and not-for-profit groups.

The new RIS process reinforces the requirement to quantify the expected impacts of options identified in a RIS. To assist agencies to comply with this requirement when estimating environmental impacts, the OBPR is developing a guidance note on environment valuation. The guidance note, which is designed to be used in conjunction with the OBPR's *Cost-benefit analysis guidance note*, is being developed in consultation with a range of Australian Government Departments, as well as a range of state and territory government agencies, academics and business and not-for-profit groups.

In preparation for the changes to the Government's RIA requirements, the OBPR provided training on the new RIS process to 249 Australian Government officers - of whom 36 attended a specific best practice regulation co-ordinators training session - as well as to other senior officials in 2012-13. This training was in addition to the general RIS training provided during the year.

The OBPR also has strategies to engage with the business and not-for-profit sectors, including a monthly e-newsletter which is distributed to around 25 peak bodies, representing various business and not-for-profit groups. The e-newsletter, which was created at the request of some peak bodies wanting to keep abreast of RIA developments, focuses on recent RIS issues and provides updates on OBPR activities.

The e-newsletter is in addition to existing OBPR outreach activities, particularly the RIS website (and its comment facility) and the OBPR Twitter account, which commenced in July 2012.

The use of Twitter as an additional communication tool has aided the OBPR in performing its role of promoting effective and efficient regulation by the Australian Government and the Council of Australian Governments. The OBPR Twitter account successfully fulfilled this objective during the first year of its operation and will continue to be used as an official communication medium.

The type of information that the OBPR tweets largely falls into one of the following categories:

- RIA process related announcements, including publishing of approved RISs, PIRs, and non-compliance;
- General information associated with 'live' RIS processes - public information regarding consultation, discussion, guidance notes and training; and
- Points of interest - commenting on, or re-tweeting of, relevant academic work or articles, or regulatory policy developments in other countries.

The OBPR (@OBPRGov) can be followed on Twitter at: <https://www.twitter.com/OBPRGov>.

1.3 International Engagement

In October 2012, the Australian Government released the *Australia in the Asian Century* White Paper which sets out a high level strategy for Australia to maximise the benefits of Asia's growing economic and strategic influence to 2025. The White Paper sets out five key areas requiring action:

- A productive and resilient Australian economy;
- Building capabilities;
- Operating in and connecting to growing Asian markets;
- Building sustainable security in the region; and
- Establishing deeper and broader relationships.

According to the Organisation for Economic Co-operation and Development (OECD), Australia has world leading approaches to RIA and enjoys a strong international reputation². It is this reputation that has allowed the OBPR to fulfil some of the key future actions identified in the *Australia in the Asian Century* White Paper by collaborating with countries in the Asian region in tailoring their regulatory analysis and frameworks to suit their particular situations.

In 2012, the OBPR delivered an Asia-Pacific Economic Cooperation (APEC) funded series of training courses to interested APEC developing countries. The OBPR developed the capacity-building project to conduct RIA training in support of the initiative from Australia, New Zealand and the United States on Good Regulatory Practices agreed by APEC Leaders in Honolulu in November 2011.

Australia, Mexico and New Zealand provided the training, and were paired with particular developing economies. OBPR provided training in the Philippines, Hong Kong, China, Taiwan and Vietnam. The training was delivered to senior economic ministry and regulatory officials.

Separately, as part of the AusAID funded Government Partnership Fund program, the OBPR provided RIA training to the Indonesian Tax Regulation Directorate in December 2012.

Additionally, the OBPR provided material on RIA which was presented by Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education officials at the 7th APEC Good Regulatory Practice Conference in Medan, Indonesia in June 2013.

In 2012-13, the OBPR provided experts to participate in two training programs in Mexico. In October 2012, two OBPR staff participated in an OECD-hosted training course on RIA for Mexican officials, and in April 2013 an OBPR official participated in an APEC-funded workshop on impact evaluation.

² OECD (2010), *OECD Reviews of Regulatory Reform, Australia, Towards a Seamless National Economy*, OECD, Paris.

The OBPR also receives frequent requests to meet with delegations of officials or representatives from other national governments on RIA. In 2012-13 this included:

- a study tour from Vietnam of eight officials from the Ministry of Finance who were visiting Australia to learn more about RIA;
- a delegation of senior Indonesian officials from the Ministry for Administrative and Bureaucratic Reform and other central government agencies;
- a delegation of eight officials from the Swedish Parliamentary Committee of Taxation in September 2012;
- a delegation of 16 Parliamentarians and officials from Cambodia, which is introducing a system of RIA; and
- a delegation of 14 officials from the Philippines, which is in the process of developing RIA processes.

1.4 Behavioural economics in public policy development

Behavioural economics, which applies psychological insights into human behaviour to explain economic decision-making, can be used to assess how preferences and choices made by consumers and businesses are impacted by cognitive, social and emotional variables.

Insights from behavioural economics can be applied to public policy and regulatory evaluation and design by influencing consumer and business behaviour. In particular, the design of regulation can be informed by a more nuanced understanding of what motivates behaviour. For example, simply changing the default rule from opt-in to opt-out within a given scheme can induce notable changes in behaviour.

The OBPR has been involved in raising the profile of behavioural economics and its public policy application in the Australian Public Service. This has been progressed through channels within the regulation impact analysis process; publication of papers; participation in inter-departmental committees; and engagement with international experts. Mainly through collaborating with other agencies and stakeholders, some of the achievements in this area are listed below.

- The OBPR published a paper in December 2012 on behavioural economics, rational choice theory and regulatory design.
- The OBPR established a series of randomised control trials internal to Department of Finance and Deregulation which commenced in late 2012. These trials use behavioural economics techniques to investigate approaches to improving Departmental officers' compliance with procurement rules and processes. These trials are ongoing.
- A presentation on behavioural economics was delivered by the OBPR at the Regulatory Reform Unit Annual General Meeting.
- Participation in an inter-departmental committee comprising representatives from 23 departments and agencies to explore the application of behavioural economics in Commonwealth policy processes/programs.
- Coordination of a meeting between Dr David Halpern and Dr Rory Gallagher from the Behavioural Insights Team, UK Cabinet Office, and senior executives from the Department of Finance and Deregulation and the Treasury as well as a presentation by these experts to the inter-departmental committee.
- In conjunction with other Australian Government departments and agencies, the OBPR developed a list of important issues which could be the subject of randomised control trials by international academics, including Professor John List from the University of Chicago, an expert in the area of behavioural economics and field experiments.

While raising awareness is important, there is substantial scope for the initiative to be taken further by agencies.

2. Summary of Compliance

Both the Australian Government and COAG have best practice regulation requirements in place to ensure that regulation is *effective* in addressing an identified problem, and *efficient* in terms of maximising the benefits to the community, taking account of the costs.

This chapter reports in aggregate on compliance by agencies and by COAG councils and national standard-setting bodies (NSSBs) with the best practice regulation requirements.

2.1 Australian Government's best practice regulation requirements

This publication reports on department and agency compliance with the best practice regulation requirements in 2012-13 and therefore refers to the RIS requirements that commenced on 1 July 2010.

The OBPR, in its role of administering the Government's best practice regulation process and reporting on compliance with the requirements, assesses whether:

- a RIS was prepared to inform the decision-maker at the policy approval stage and whether the analysis contained in the RIS satisfies the Government's adequacy criteria;
- the RIS prepared at the decision-making stage was published on the OBPR's website, tabled in Parliament or otherwise made public (transparency stage);
- 'exceptional circumstances' were granted by the Prime Minister at the decision-making stage, or if an adequate RIS was not prepared, a post-implementation review (PIR) is required to commence within one to two years of the implementation date; and
- an Annual Regulatory Plan was published.

To be assessed as adequate, a RIS must contain a degree of detail and depth of analysis that is commensurate with the size of the potential impacts of the proposal. Subject to this overriding principle, the OBPR applies the criteria from the Handbook to assess whether each element of a RIS is adequate (the Handbook can be viewed on the OBPR website).

2.2 Australian Government compliance

Compliance with the Australian Government best practice regulation requirements is measured by compliance with the requirement to prepare and publish an adequate RIS, where the Prime Minister granted an exemption, where an adequate PIR was prepared (if required) and by publication of Annual Regulatory Plans.

Aggregate compliance

For regulatory proposals announced in 2012-13, of the 66 RISs required at the decision-making stage, 64 RISs were prepared and assessed as adequate, giving a compliance rate of 97 per cent. This is up from the compliance rate of 88 per cent achieved in 2011-12 (Table 2.1). The Prime Minister granted exceptional circumstances in eight cases, compared to five in 2011-12.

Table 2.1: Australian Government RIS compliance 2009-10 to 2012-13

Stage	2009-10 ratio	%	2010-11 ratio	%	2011-12 ratio	%	2012-13 ratio	%
Decision-making stage	63/75	84	47/63	75	69/78	88	64/66	97
Transparency stage ^a	59/74	80	45/63	71	70/78	90	62/66	94
Exceptional circumstances	4		14		5		8	

^a The number of RISs required at the transparency stage can be lower than at the decision-making stage because some regulations are subject to multiple decision-making processes. For example, RISs are required for treaties at two separate decision-making stages.

Exceptional circumstances

Although a RIS was not prepared for these matters, the relevant departments have complied with the requirements but will need to commence a PIR within one to two years of the regulations being implemented (Table 2.2). Further information for these regulations is provided in Chapter 5.

Table 2.2: Proposals granted Prime Minister's 'exceptional circumstances' 2012-13

Proposal	Department	Announced
New fishing activities of size and scale unprecedented in Commonwealth marine areas	DSEWPAC	11 September 2012
Amendment to the transfer of business provisions in the <i>Fair Work Act 2009</i>	DEEWR	21 September 2012
Phase out of the solar credits mechanism	DIICCSRTE	16 November 2012
Convergence Review	DBCDE	30 November 2012 12 March 2013
Amendments to the <i>Fair Work Act 2009</i> ^a	DEEWR	11, 12, 13, 14 February 2013
Amendments to the <i>Fair Work Act 2009</i> ^b	DEEWR	8, 14 March 2013
Greater Protection for Water Resources	DSEWPAC	12 March 2013
Labour Market Testing for 457 Visa Sponsors	DIAC	6 June 2013

^a This exemption refers to: *Assist families with flexible working arrangements and workers subjected to workplace bullying.*

^b This exemption refers to: *Amendments to bargaining for greenfields agreements and the right of entry provisions, as well as amendments to the modern awards objective.*

Non-compliance

In the absence of 'exceptional circumstances' being granted by the Prime Minister, a regulatory proposal with more than a minor or machinery impact on business or the not-for-profit sector should not proceed to Cabinet (or another decision-maker) unless it has complied with the RIS requirements. A PIR is required when a proposal proceeds to the decision-maker without an adequate RIS.

In 2012-13, two proposals proceeded to the decision-maker without the support of an adequate RIS (Table 2.3). Also included in Table 2.3 are two proposals which were compliant at the decision-making stage but non-compliant at the transparency stage. Further details of RIS compliance by portfolio can be found at Chapter 3.

Table 2.3: Australian Government non-compliant proposals 2012-13

Proposal	Department	Announced
First Tranche Response to Fair Work Act Review ^a	DEEWR	15 October 2012
Default Superannuation Funds in Modern Awards ^a	DEEWR	30 October 2012
Reforms to the Temporary Work (Skilled) (Subclass 457) Visa Program	DIAC	23 February 2013
Banning the importation of unauthorised psychoactive substances	AGD	16 June 2013

^a This RIS was adequate at the decision-making stage and was published on the OBPR website but is not included in the explanatory memorandum that was tabled in Parliament. As such it is non-compliant at the transparency stage.

Post-implementation reviews

Australian Government agencies are required to undertake a PIR of regulation that did not have a RIS, unless the impact was of a minor or machinery nature and the regulation did not substantially alter previous arrangements. The absence of a RIS may be because the RIS was not adequate or the Prime Minister granted an exemption because of exceptional circumstances. The PIR is required to commence within one to two years of the implementation of the regulation.

The number of PIRs required as a result of regulatory proposals announced in 2012-13 has continued a downward trend after peaking in 2010-11. In contrast, the number of Prime Minister's exemptions has risen from the previous year to eight, but is still well below the peak in 2010-11. There were also two non-compliant regulatory decisions in 2012-13 for which PIRs will be required, significantly lower than in the past several years. Table 2.4 shows PIR numbers by source for the period 2009-10 to 2012-13.

Table 2.4: Post-implementation review numbers 2009-10 to 2012-13

Source	2009-10	2010-11	2011-12	2012-13
Compliant - Prime Minister's Exemption	4	14	5	8
Non-Compliant	12	16	9	2
Total	16	30	14	10

There were a total of 95 PIRs required as at 30 June 2013, of which three were non-compliant for not having been completed within a reasonable timeframe from the due date of commencement (Table 2.5). Of the remaining 92 PIRs, in 18 cases the regulation has not yet been implemented, 43 PIRs have not been started, 11 have started, six were completed but not yet published and 14 were completed and published.

Treasury had the most PIRs completed and published in 2012-13 with six, while the Australian Communications and Media Authority and Department of Education, Employment and Workplace Relations each completed and published two PIRs.

Table 2.5: Post-implementation review status and compliance

PIR Status	Compliant	Non-compliant	TOTAL
Not implemented	18		18
Not started	43		43
Started	11	3	14
Completed - not published	6		6
Completed - published	14		14
TOTAL	92	3	95

As listed in Table 2.6, three departments, Health and Ageing, Infrastructure and Transport, and Treasury, had a non-compliant PIR in 2012-13. The reason for non-compliance was because each PIR had not been completed within a reasonable timeframe.

Table 2.6: Post-implementation review non-compliance 2012-13

Post-implementation review	Department
Fifth Community Pharmacy Agreement	DHA
<i>Aviation Transport Security Amendment (Additional Screening Measures) Act 2007</i> ; Aviation Transport Security Amendment Regulations 2007 (No. 4)	DIT
Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009	Treasury

Publication of Annual Regulatory Plans

Annual Regulatory Plans are designed to provide business and the not-for-profit sector with information about planned changes to Australian Government regulation and make it easier for stakeholders to take part in the development of regulation that is likely to affect them. These plans contain information about proposed regulatory activity, including a description of the issue, information about the consultation strategy and an expected timetable.

Annual Regulatory Plans are published on the website of each agency and the OBPR also publishes the plans on its website.

In 2012-13 most departments and agencies complied with the Annual Regulatory Plan requirements. One agency, the Australian Securities and Investments Commission did not publish an Annual Regulatory Plan as required by the Australian Government's RIA process.

2.3 COAG best practice regulation requirements

Regulation making also occurs at a national or inter-jurisdictional level among some 30 COAG councils and NSSBs. In 1995, COAG agreed a set of principles and guidelines for such activities. In 2007, COAG strengthened these requirements and released the COAG Guide. The major element of the COAG Guide is the preparation of RISs for those national regulatory decisions that:

'...would encourage or force business or individuals to pursue their interests in ways they would not otherwise have done.' (COAG Guide, p.3).

COAG requires a RIS to be prepared at two stages: first for community consultation with parties likely to be affected by the regulatory proposal; and the second or final RIS, reflecting feedback from the community, to assist the decision-maker. The final RIS should be made public as soon as possible after the decision is announced. At each stage, the OBPR is required by COAG to assess whether:

- the COAG RIS guidelines have been followed;
- the type and level of analysis in the RIS is adequate and commensurate with the potential economic and social impacts of the proposal; and
- the RIS demonstrates that the preferred option results in the greatest net benefit to the community.

2.4 COAG compliance

Compliance with the COAG best practice regulation requirements is measured by compliance with the requirement to prepare and publish an adequate consultation RIS and a decision-making RIS.

Aggregate compliance

The OBPR identified 14 proposals that required the preparation of a RIS under the COAG requirements in 2012-13 (see Chapter 4 for more detail).

Of the 14 proposals, 12 adequate RISs were prepared for both the consultation and decision-making stages, resulting in a compliance rate of 86 per cent - up from 81 per cent in 2011-12. At the consultation stage, there were 13 adequate RISs prepared, representing a compliance rate of 93 per cent, an increase from 81 per cent in 2011-12. Further commentary is provided in Chapter 4.

Table 2.7: Compliance with the COAG RIS requirements, 2009-10 to 2012-13

Stage	2009-10 ratio	%	2010-11 ratio	%	2011-12 ratio	%	2012-13 ratio	%
Consultation stage	29/41	71	8/9	89	13/16	81	13/14	93
Decision-making stage	32/41	78	9/10	90	13/16	81	12/14	86

Non-compliance

COAG's best practice regulation requirements were not met in two cases in 2012-13. One regulatory decision was non-compliant at both the consultation stage and at the decision-making stage, while the other was compliant at the consultation stage but non-compliant at the decision-making stage. However, for this second instance of non-compliance a decision RIS was redrafted and assessed as adequate by the OBPR after the decision-making stage and was subsequently published in the interest of transparency. Table 2.8 provides further details of these regulatory decisions.

Table 2.8: COAG non-compliant decisions in 2012-13

Regulatory decision	COAG Council	Date of decision	Compliant at consultation	Compliant at decision	Final RIS published
Electronic Conveyancing National Law	Australian Registrars' National Electronic Conveyancing Council	17 October 2012	Yes	No	Yes
Front-of-Pack Nutrition Labelling	Legislative and Governance Forum on Food Regulation	14 June 2013	No	No	No

3. Australian Government Compliance by Portfolio

Compliance with the Australian Government's best practice regulation requirements for proposals announced during 2012-13 is reported by portfolio in this chapter.

In 2012-13, nineteen departments or agencies were required to prepare RISs. Of these, sixteen complied with the requirements and three did not comply in full.

The OBPR conducts comprehensive compliance checking whereby all regulatory proposals that have been announced, made or tabled (via ComLaw or agency websites) are examined to ensure that regulation-making requirements were met. Departments and agencies assisted the OBPR with this process by providing information twice yearly on their compliance with the requirements. Departments and agencies are invited to comment on the OBPR's assessment of their compliance results prior to the results being published in this report.

As noted earlier, a RIS is mandatory for all decisions by the Australian Government and its agencies that are likely to have a regulatory impact on business or the not-for-profit sector, unless that impact is minor or machinery in nature and does not substantially alter existing arrangements. The OBPR's compliance assessment and the RIS 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 Parliament.

Compliance with the requirements at the decision-making stage for each department and agency is illustrated in Table 3.1. Detailed compliance results by department and agency follows. Further details on any of the listed regulatory decisions can be obtained from the OBPR website.

Table 3.1: Regulatory Impact Analysis compliance by department or agency 2012-13 (decision-making stage)

Department/Agency	Regulation Impact Statements		Exceptional circumstances
	Compliant	Non-compliant	
Attorney-General's Department	3	1	
Australian Communications and Media Authority	3		
Australian Fisheries Management Authority	2		
Australian Prudential Regulation Authority	4		
Australian Securities and Investments Commission	8		
Civil Aviation and Safety Authority	3		
Department of Agriculture, Fisheries and Forestry	3		
Department of Broadband, Communications and the Digital Economy	3		1
Department of Education, Employment and Workplace Relations	2 ^a		3
Department of Health and Ageing	6		
Department of Immigration and Citizenship	2	1	1

Department/Agency	Regulation Impact Statements		Exceptional circumstances
	Compliant	Non-compliant	
Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education	8		1
Department of Infrastructure and Transport	2		
Department of Resources, Energy and Tourism	2		
Department of Sustainability, Environment, Water, Population and Communities	1		2
Murray-Darling Basin Authority	1		
Private Health Insurance Administration Council	1		
Reserve Bank of Australia	2		
Treasury	8		
Total	64	2	8

^a These two RISs were adequate at the decision-making stage, but non-compliant at the transparency stage.

3.1 Detailed compliance results by Portfolio

The following tables show more detailed compliance by department and agency at the decision-making stage and transparency stage. Prime Minister's exemptions for exceptional circumstances are also identified.

3.1.1 Attorney-General's Department

Title of regulatory proposal	RIS adequate	RIS published	PIR required
Consolidation of Commonwealth Anti-discrimination Laws			
<i>Consolidates five current anti-discrimination acts into a single act.</i>	Yes	Yes	No
Amendments to the Sex Discrimination Act			
<i>Prohibits discrimination on the basis of sexual orientation, gender identity and intersex status.</i>	Yes	Yes	No
Mandatory Data Breach Notification			
<i>Requires organisations to notify individuals of a data breach where they face a real risk of serious harm.</i>	Yes	Yes	No
Banning the Importation of Unauthorised Psychoactive Substances			
<i>Instituting a 'reverse onus of proof' scheme to prohibit the importation of psychoactive substances unless they are authorised as safe and legal.</i>	No	No	Yes

3.1.2 Australian Communications and Media Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Telecommunications Consumer Protection Code <i>ACMA registers a new Telecommunications Consumer Protections Code (C628:2012).</i>	Yes	Yes	No
Opportunity Cost Pricing in the 400MHz Band <i>ACMA increases apparatus licence taxes to a new opportunity cost price for high density areas of the 400MHz band.</i>	Yes	Yes	No
Digital Dividend Auction Lot Size <i>Determines the size of lots to be auctioned in the 700MHz and 2.5GHz spectrum.</i>	Yes	Yes	No

3.1.3 Australian Fisheries Management Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Managing interactions with Dolphins in the Gillnet Hook and Trap Sector of the Southern and Eastern Scalefish and Shark Fishery <i>A continuation of measures contained in previous temporary orders, aimed at protecting dolphins from commercial fishing activity.</i>	Yes	Yes	No
Managing Interactions with Australian Sea Lions in the Gillnet Hook and Trap Sector of the Southern and Eastern Scalefish and Shark Fishery <i>A two year continuation of closures, aimed at protecting Australian Sea Lions in the Southern and Eastern Scalefish and Shark Fishery.</i>	Yes	Yes	No

3.1.4 Australian Prudential Regulation Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Implementing Basel III Capital Reforms in Australia			
<i>Implements measures intended to raise the quality and level of capital of Australian financial institutions.</i>	Yes	Yes	No
Superannuation Prudential Standards			
<i>Introduces eleven new prudential standards for registrable superannuation entities.</i>	Yes	Yes	No
Superannuation Reporting Standards			
<i>Prescribes new reporting obligations for responsible entities of regulated superannuation funds.</i>	Yes	Yes	No
Basel III Disclosure Requirements: Composition of Capital and Remuneration			
<i>Enhancing public disclosure by authorised deposit-taking institutions in Australia regarding capital position and remuneration practices.</i>	Yes	Yes	No

3.1.5 Australian Securities and Investments Commission

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Short Sale Tagging			
<i>Obligates market participants to specify the quantity of sell orders that are short sale.</i>	Yes	Yes	No
Suspicious Activity Reporting			
<i>Obligates market participants to notify ASIC when they become aware of suspicious trading activity.</i>	Yes	Yes	No
Australian Equity Market: Further Proposals			
<i>New rules and guidance to address risks associated with automated and high-frequency trading, and trading in 'dark pools'.</i>	Yes	Yes	No
Future of Financial Advice: Best Interests Duty and Related Obligations			
<i>Provides guidance for financial advisers on complying with the statutory best interests duty.</i>	Yes	Yes	No
Hedge Funds: Improving Disclosure			
<i>Defines hedge funds and enhances disclosure to investors.</i>	Yes	Yes	No

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Managed Investments: Constitutions - Updates to Regulatory Guide 134			
<i>Update to Regulatory Guide 134 (Managed Investments: Constitutions) to remove redundant or superseded information and provide more specific guidance on certain matters.</i>	Yes	Yes	No
Policy on Platforms: Update to Regulatory Guide 148			
<i>Updates guidance on financial, corporate and disclosure requirements for investment platform operators.</i>	Yes	Yes	No
Financial Requirements for Custodial or Depository Service Providers			
<i>New guidance on the minimum financial requirements for custodial or depository service providers.</i>	Yes	Yes	No

3.1.6 Civil Aviation Safety Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Mandating Aircraft Avionics Equipment for Satellite-Based Navigation			
<i>Introduces safety improvements in avionics equipment which are carried on turbine powered commercial aircraft to detect and resolve potential conflict situations between aircraft.</i>	Yes	Yes	No
Flight Crew Licensing			
<i>Introduce new standards to align Australia with International Civil Aviation Organisation requirements.</i>	Yes	Yes	No
Review and Amendment of Flight Crew Regulation			
<i>New flight crew fatigue management arrangements to take into account advancements in the science of fatigue and evidence of accidents and near misses.</i>	Yes	Yes	No

3.1.7 Agriculture, Fisheries and Forestry

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Biosecurity Legislation			
<i>Provides the legislative basis for managing biosecurity risks.</i>	Yes	Yes	No
Horticulture Export Regulation			
<i>Removes conditions placed on horticultural produce exported from Australia.</i>	Yes	Yes	No
Olive Levy			
<i>Introduces an olive levy to fund research and development and mitigate biosecurity risks.</i>	Yes	Yes	No

3.1.8 Broadband, Communications and the Digital Economy

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Convergence Review			
<i>A range of measures including the introduction of Australian content requirements; a decision not to issue spectrum or broadcast licenses for a fourth free-to-air television network; and the repeal of the '75 per cent reach rule'.</i>	E/c	E/c	Yes
Digital Dividend Auction Revised Competition Limits			
<i>Revises the competition limits for spectrum to be auctioned in the 700MHz band.</i>	Yes	Yes	No
Trans-Tasman Mobile Roaming			
<i>Providing greater powers to the ACCC in respect to Trans-Tasman mobile roaming to undertake regulatory measures, if necessary.</i>	Yes	Yes	No
Changes to Identity Verification Requirements for Prepaid Mobile Services			
<i>Phased introduction of identity verification at point of activation only.</i>	Yes	Yes	No

E/c Exceptional circumstances were granted by the Prime Minister

3.1.9 Education, Employment and Workplace Relations

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Amendment to the transfer of business provisions in the <i>Fair Work Act 2009</i>			
<i>Requires businesses taking over state or territory public sector organisations to remunerate employees under the same conditions as their previous employer (Fair Work Amendment (Transfer of Business) Act 2012).</i>	E/c	E/c	Yes
First Tranche Response to Fair Work Act Review			
<i>Alignment of the time limit for lodging unfair dismissal applications and general protections claims for termination of employment.</i>	Yes	No ^a	No
Default Superannuation Funds in Modern Awards			
<i>Changes to the listing of default Superannuation funds in Modern Awards.</i>	Yes	No ^a	No
Amendments to the <i>Fair Work Act 2009</i>			
<i>Assist families with flexible working arrangements and workers subjected to workplace bullying.</i>	E/c	E/c	Yes
Amendments to the <i>Fair Work Act 2009</i>			
<i>Amendments to bargaining for greenfields agreements and the right of entry provisions, as well as amendments to the modern awards objective.</i>	E/c	E/c	Yes

^a This RIS was published on the OBPR website but is not included in the explanatory memorandum that was tabled in Parliament.

E/c Exceptional circumstances were granted by the Prime Minister

3.1.10 Health and Ageing

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Cosmetic Sunscreen Standard			
<i>Adoption of the revised Sunscreen Standard for cosmetic sunscreen products.</i>	Yes	Yes	No
Clinical Registers for High Risk Implantable Medical Devices			
<i>An in-principle agreement for the development of clinical registers for high risk implantable medical devices.</i>	Yes	Yes	No
Australian and New Zealand Sunscreen Standard AS/NZS 2604:2012			
<i>Adoption of new requirements for sunscreens listed in the Australian Register of Therapeutic Goods.</i>	Yes	Yes	No

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Aged Care Reform Accommodation Payments			
<i>Introduction of three tiered pricing methodology for accommodation payments for entry to an aged care home.</i>	Yes	Yes	No
Revision of the Australian Code of Good Manufacturing Practice for human blood and blood components, human tissues and human cellular therapy products			
<i>Align manufacturing requirements of human cellular therapy products with industry practice and international regulation.</i>	Yes	Yes	No
Clinical Registers for High Risk Implantable Medical Devices			
<i>Development of clinical quality registers for specific implantable devices and the establishment of a national patient contact register for implantable devices.</i>	Yes	Yes	No

3.1.11 Immigration and Citizenship

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Reforms to the Temporary Work (Skilled) (Subclass 457) Visa Program			
<i>Several measures to tighten foreign temporary skilled work visa obligations.</i>	No	No	Yes
Sponsorship Obligation Amendments			
<i>Amends existing regulations to change certain subclass 457 visa sponsorship obligations.</i>	Yes	Yes	No
Migration Amendment (Offshore Work and Other Measures) Bill 2013			
<i>Extends the coverage of the migration zone to vessels which are not attached to the seabed.</i>	Yes	Yes	No
Labour Market Testing for 457 Visa Sponsors			
<i>Introduces labour market testing requirements for prospective 457 visa sponsors.</i>	E/c	E/c	Yes

E/c Exceptional circumstances were granted by the Prime Minister

3.1.12 Industry, Innovation, Climate Change, Science, Research and Tertiary Education

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Australian Government Response to Recommendations from the Climate Change Authority Review of the Renewable Energy Target Scheme			
<i>Agree to the Climate Change Authority's recommendations to retain the key design features of the Renewable Energy Target, and to implement minor changes to contain costs and improve scheme efficiency.</i>	Yes	Yes	No
Invoking the Crown Use provisions for a Patented Invention			
<i>Amendments to provide certainty about the scope of Crown use and improve transparency and accountability.</i>	Yes	Yes	No
VET FEE-HELP Redesign			
<i>Redesigns the VET FEE-HELP scheme to improve the up-take by vocational education students.</i>	Yes	Yes	No
Changes to the Anti-dumping Regime			
<i>Changes to Australia's anti-dumping regime to improve timeliness of investigations.</i>	Yes	Yes	No
Electricity Meters			
<i>Removal of exemption from pattern approval and verification for a subset of electricity meters.</i>	Yes	Yes	No
Strengthening Australian Industry Participation			
<i>Requires all projects over \$500 million in value to undertake an Australian Industry Participation Plan.</i>	Yes	Yes	No
Interim Partial (One-Way) Link between the Australian Carbon Pricing Mechanism and the EU Emissions Trading System			
<i>Enables Australian businesses to use European Union allowances to help meet liabilities under the Australian CPM.</i>	Yes	Yes	No
Auctions for Carbon Units: Auction Schedule, Frequency and Collateral			
<i>Design features of carbon unit auctions, namely the auction schedule, the carbon unit limit, the frequency of auctions, and collateral requirements.</i>	Yes	Yes	No
Phase Out of the Solar Credits Mechanism			
<i>To phase out the solar credits mechanism on 1 January 2013, six months earlier than scheduled.</i>	E/c	E/c	Yes

E/c Exceptional circumstances were granted by the Prime Minister

3.1.13 Infrastructure and Transport

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Implementation of Cape Town Convention			
<i>Accession to the convention will provide Australian airlines increased access to cheaper asset financing and provide financiers with increased certainty around applicable insolvency laws in Australia with regard to aircraft.</i>	Yes	Yes	No
International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances (HNS) by Sea			
<i>Establishes a liability and compensation regime covering damage arising from the carriage of HNS by ship as cargo.</i>	Yes	Yes	No

3.1.14 Resources, Energy and Tourism^a

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Improving Australia's Liquid Fuels Data			
<i>Introduction of mandatory reporting of petroleum statistics in the Australian fuel supply chain.</i>	Yes	Yes	No
Extending the Energy Efficiency Opportunities Program to Major New Developments and Expansion Projects			
<i>Requires large construction projects to undertake energy savings audits at the design stage.</i>	No ^b	Yes ^b	Yes
Not Extending the Energy Efficiency Opportunities Program to Energy Networks			
<i>The decision means that energy networks will not be required to undertake energy savings audits.</i>	Yes	Yes	No ^c

^a On 26 March 2013, the Department of Climate Change and Energy Efficiency was abolished, with climate change functions transferred to the new Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education and energy efficiency functions transferred to the Department of Resources, Energy and Tourism.

^b The decision and announcement to extend the Energy Efficiency Opportunities (EEO) program to major new developments and expansion projects were undertaken without an adequate RIS. The decision was reported as non-compliant in 2011-12. As a result the non-compliance is not included in the 2012-13 summary of compliance. An implementation RIS was prepared for the subsequent decision (announced by the Minister for Resources and Energy on 19 June 2013) on the detailed final package of how the proposal to extend the EEO program to major new developments and expansion projects would be implemented. The implementation RIS was assessed as adequate by the OBPR and published on the OBPR's website.

^c A RIS was required for the decision (announced by the Prime Minister on 10 July 2011) to extend the EEO program to energy networks and major new developments and expansion projects. As a RIS was not prepared, the OBPR advised that a PIR was required. However, the subsequent decision (with a RIS) announced by the Minister for Resources and Energy on 19 June 2013 (the RIS was subsequently posted on the OBPR website on 11 July 2013) that the EEO program would not be extended to energy networks, means that a PIR is not required on this measure.

3.1.15 Sustainability, Environment, Water, Population and Communities

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Fuel Standard: Ethanol (E85) Automotive Fuel			
<i>Sets specifications for fuel parameters and testing methods to be followed.</i>	Yes	Yes	No
New Fishing Activities of Size and Scale Unprecedented in Commonwealth Marine Areas			
<i>Extension of legislative powers available under the Environment Protection and Biodiversity Conservation Act 1999.</i>	E/c	E/c	Yes
Greater Protection for Water Resources			
<i>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.</i>	E/c	E/c	Yes

E/c Exceptional circumstances were granted by the Prime Minister

3.1.16 Murray-Darling Basin Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Murray-Darling Basin Plan			
<i>Sets out new water-sharing and management arrangements, including the establishment of sustainable diversion limits on surface water.</i>	Yes	Yes	No

3.1.17 Private Health Insurance Administration Council

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Outsourcing Standard for Private Health Insurers			
<i>Establishes minimum best practice requirements for outsourcing arrangements for registered private health insurers.</i>	Yes	Yes	No

3.1.18 Reserve Bank of Australia

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
Regulatory Framework for the EFTPOS System: Final Reforms			
<i>Reviews access and fee arrangements for the EFTPOS debit card system.</i>	Yes	Yes	No
New Financial Stability Standards: Final Standards			
<i>Establishes new financial stability standards for central counterparties and securities settlement facilities.</i>	Yes	Yes	No

3.1.19 Treasury

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
A New Regulatory Framework for Financial Planners Providing Tax Advice			
<i>This measure will bring financial planners who provide tax advice under the Tax Agent Services Act 2009.</i>	Yes	Yes	No
Insurance Key Facts Sheet			
<i>Prescribes content, presentation and provision requirements for a one-page Key Facts Sheet on home building and contents insurance.</i>	Yes	Yes	No
Government's Interim Response to the Low Value Parcel Processing Taskforce Report			
<i>Examines ways to improve the efficiency of low value parcel processing.</i>	Yes	Yes	No
Unfair Terms in Insurance Contracts			
<i>Provides consumers with remedies for unfair terms in insurance contracts.</i>	Yes	Yes	No
Addressing avoidance of the National Credit Code			
<i>Expands coverage of the National Consumer Code to include 'credit-like' transactions which are currently excluded.</i>	Yes	Yes	No
Credit for Investment Purposes			
<i>Strengthens protections for consumers who borrow money to invest.</i>	Yes	Yes	No
Small Business Credit			
<i>Addresses predatory lending practices which exploit small business borrowers in financial distress.</i>	Yes	Yes	No
G-20 Over-the-Counter Derivatives Ministerial Determination			
<i>Introduces reporting requirements for over-the-counter derivatives.</i>	Yes	Yes	No

3.2 Annual Regulatory Plans

At the beginning of 2012-13, departments and agencies responsible for regulatory changes that may have a significant impact on business and the not-for-profit sector were required to prepare an Annual Regulatory Plan and publish it on their website. Regulatory plans provide business and the community with ready access to information about past and planned changes to Commonwealth regulation, and make it easier for business to take part in the development of regulation that affects them.

Thirty departments and agencies published an Annual Regulatory Plan for 2012-13, while the Australian Securities and Investments Commission did not publish an Annual Regulatory Plan as required by the Government's regulatory impact analysis requirements.

3.2.1 Annual Regulatory Plans published by department and agency for 2012-13

Department/Agency
Attorney-General's Department
Auditing and Assurance Standards Board
Australian Accounting Standards Board
Australian Communications and Media Authority
Australian Competition and Consumer Commission and Australian Energy Regulator
Australian Customs and Border Protection Service
Australian Maritime Safety Authority
Australian Prudential Regulation Authority
Australian Radiation Protection and Nuclear Safety Agency
Australian Safeguards and Non-proliferation Office
Australian Transaction Reports and Analysis Centre
Civil Aviation Safety Authority
Agriculture, Fisheries and Forestry
Broadband, Communications and the Digital Economy
Education, Employment and Workplace Relations
Families, Housing, Community Services and Indigenous Affairs
Finance and Deregulation
Foreign Affairs and Trade
Health and Ageing
Immigration and Citizenship
Industry, Innovation, Climate Change, Science, Research and Tertiary Education
Infrastructure and Transport
Regional Australia, Local Government, Arts and Sport
Resources, Energy and Tourism
Sustainability, Environment, Water, Population and Communities
Veterans' Affairs
Great Barrier Reef Marine Park Authority
Private Health Insurance Administration Council
Reserve Bank of Australia
Treasury

3.2.2 Annual Regulatory Plans not published by department and agency for 2012-13

Department/Agency

Australian Securities and Investments Commission

4. Compliance by COAG Council

The OBPR is required to report on compliance by COAG councils and NSSBs with the COAG Guide. 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. The OBPR in making its assessment 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)

On 16 August 2010, COAG agreed that COAG RISs will be published on the OBPR website after the regulatory decision has been publicly announced.

4.1 Compliance by COAG council and national standard-setting bodies

During 2012-13, thirteen COAG councils and NSSBs made decisions which triggered the COAG best practice regulation requirements. Eleven COAG councils and NSSBs were fully compliant, while the Australian Registrars' National Electronic Conveyancing Council, and Legislative and Governance Forum on Food Regulation were not (see Table 4.1).

This chapter also contains information on the 20 consultation RISs that have been made public but for which no regulatory decisions have been made.

Table 4.1: Compliance with COAG's RIS requirements 2012-13 consultation, decision-making and publishing stage

COAG Council/ NSSB	Consultation		Decision		Published	
	Compliant	Non-compliant	Compliant	Non-compliant	Compliant	Non-compliant
Attorney-General's Department	1		1		1	
Australian Building Codes Board	1		1		1	
Australian Registrars' National Electronic Conveyancing Council	1			1	1	
Food Standards Australia New Zealand	2		2		2	
Legislative and Governance Forum on Food Regulation		1		1		1
National Environment Protection Council	1		1		1	
Select Council on Climate Change	1		1		1	
Select Council on Housing and Homelessness	1		1		1	
Standing Council on Energy and Resources	1		1		1	
Standing Council on Health	1		1		1	
Standing Council on Primary Industries	1		1		1	
Standing Council on Tertiary Education, Skills and Employment	1		1		1	
Standing Council on Transport and Infrastructure	1		1		1	
Total	13	1	12	2	13	1

4.2 Detailed compliance results by COAG council and national standard-setting bodies

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

4.2.1 Australian Building Codes Board

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Standards to Address Intrusive External Noise in New Residential Buildings				
<i>Proposal to address the problem of intrusive external noise in new residential buildings.</i>	*	Yes	..	..
Construction of Buildings in Flood Hazard Areas				
<i>National Construction Code standard to address the risk of floods to new residential buildings.</i>	December 2012	Yes	Yes	Yes

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.2 Attorney-General's Department

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Chemical Security: Precursors to Homemade Explosives				
<i>Improving security arrangements for businesses that handle chemicals that can be used to make homemade explosives.</i>	11 December 2012	Yes	Yes	Yes

4.2.3 Australian Health Workforce Ministerial Council

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Options for Regulation of Paramedics				
<i>Options for changing the regulation of paramedics.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.4 Australian Registrars' National Electronic Conveyancing Council

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Electronic Conveyancing National Law				
<i>Proposed Electronic Conveyancing National Law that will facilitate the implementation of National Electronic Conveyancing.</i>	17 October 2012	Yes	No	Yes ^a

^a As the Electronic Conveyancing National Law decision RIS was not assessed as adequate prior to the tabling of the electronic conveyancing model law in New South Wales Parliament, the OBPR assessed the proposal as being non-compliant with the COAG best practice regulation requirements. However, a decision RIS was redrafted and assessed as adequate after the tabling of the model law relating to electronic conveyancing and was consequently published in the interest of transparency.

4.2.5 Council of Australian Governments

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
National Disability Insurance Scheme				
<i>Introduction of a National Disability Insurance Scheme.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.6 Food Standards Australia New Zealand

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Country of Origin Labelling for Unpackaged Meat				
<i>Requires the country of origin to be labelled on unpackaged meat.</i>	7 December 2012	Yes	Yes	Yes
Food Nutrition, Health and Related Claims				
<i>Regulation of Food Nutrition, Health and Related Claims.</i>	7 December 2012	Yes	Yes	Yes

4.2.7 Legislative and Governance Forum on Consumer Affairs

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
Consumers and Fuel Price Boards				
<i>To propose new national laws regulating the display of information on fuel price boards.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.8 Legislative and Governance Forum on Food Regulation

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
Front-of-Pack Nutrition Labelling				
<i>Decision to implement a front-of-pack labelling system for Australia.</i>	14 June 2013	No	No	No

4.2.9 National Environment Protection Council^a

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
Amendment of the National Environment Protection (Assessment of Site Contamination) Measure				
<i>Assesses proposed amendment of NEPM to update site assessment methodologies for assessing human and ecological risks.</i>	11 April 2013	Yes	Yes	Yes

^a The function of National Environment Protection Council (NEPC) is to make, then assess and report on the effectiveness and implementation of, National Environment Protection Measures. NEPC meets simultaneously with the Standing Council on Environment and Water and NEPC members are also members of Council.

4.2.10 Select Council on Climate Change

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Proposed Minimum Energy Performance Standards and Energy Labelling for Computer Monitors				
<i>Introduces minimum energy performance standards for computers and computer monitors and energy labelling for computer monitors.</i>	22 March 2013	Yes	Yes	Yes
Mandating 'Smart Appliance' Interfaces for Air Conditioners, Water Heaters and Other Appliances				
<i>Options to manage peak electricity demand for certain household appliances.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.11 Standing Council on Energy and Resources

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Limited Merits Review of Decision-Making in the Electricity and Gas Regulatory Frameworks				
<i>Options to review the appeals process for energy network pricing determinations.</i>	31 May 2013	Yes	Yes	Yes
Gas Transmission Pipeline Capacity Trading				
<i>Options to improve utilisation of gas transmission pipeline capacity in the eastern Australian gas market.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.12 Standing Council on Environment and Water

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Beverage Container Litter in the Northern Territory				
<i>Options to address beverage container litter in the Northern Territory.</i>	*	Yes	..	..
Regulation of Water Market Intermediaries				
<i>Investigating potential misconduct by water market intermediaries.</i>	*	Yes	..	..
Reducing Emissions from Wood Heaters				
<i>Investigates options to reduce emissions from wood heaters.</i>	*	Yes	..	..
Management of Chemical Environmental Risks				
<i>Investigates options to improve management of chemical environmental risks.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.13 Standing Council on Federal Financial Relations

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
National Licensing for Electrical Occupations				
<i>Examines the impact of replacing the current diverse state and territory licensing of the electrical occupational area with the proposed national licensing approach.</i>	*	Yes	..	..
National Licensing for Plumbing and Gasfitting Occupations				
<i>Examines the impact of replacing the current diverse state and territory licensing of the plumbing and gasfitting occupational area with the proposed national licensing approach.</i>	*	Yes	..	..

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
National Licensing for Refrigeration and Air-conditioning Occupations				
<i>Examines the impact of replacing the current diverse state and territory licensing of the refrigeration and air-conditioning occupational area with the proposed national licensing approach.</i>	*	Yes	..	..
National Licensing for Property Occupations				
<i>Examines the impact of replacing the current diverse state and territory licensing of the property occupational area with the proposed national licensing approach.</i>	*	Yes	..	..
Governance and Reporting Standards for Charities				
<i>Assessment of regulatory duplication between the proposed Commonwealth governance and reporting standards and existing state and territory requirements for charities.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.14 Standing Council on Health

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Strategies to Implement a National Approach to Poisonous Chemical Controls				
<i>Examines options to improve national consistency of poisonous chemical regulation.</i>	*	Yes	..	..
Unregistered Health Practitioners				
<i>Options for strengthening the regulation of those health practitioners where statutory registration is not a prerequisite for practice.</i>	14 June 2013	Yes	Yes	Yes

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.15 Select Council on Housing and Homelessness

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
National Regulatory System for Community Housing Providers				
<i>To provide a nationally consistent regulatory system.</i>	28 March 2013	Yes ^a	Yes	Yes

^a The consultation RIS was published by the Select Council in November 2011, but was not published by the OBPR. The consultation RIS is available on the National Regulatory System Community Housing website (<http://www.nrsch.gov.au>).

4.2.16 Standing Council on Primary Industries

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
National Welfare Standards for Sheep				
<i>Options for national welfare standards and guidelines for sheep.</i>	*	Yes	..	..
National Welfare standards for Cattle				
<i>Options for national welfare standards and guidelines for cattle.</i>	*	Yes	..	..
National Scheme for the Assessment, Registration and Control-of-use of Agricultural and Veterinary Chemicals				
<i>Harmonise the control-of-use elements in the national scheme.</i>	3 May 2013	Yes	Yes	Yes

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.17 Standing Council on Tertiary Education, Skills and Employment

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Total Vocational Education and Training (VET) Activity Data Collection				
<i>Mandates the collection and reporting of total VET activity data.</i>	16 November 2012	Yes	Yes	Yes
Review of Vocation Education and Training				
<i>Review of standards for vocational education and training providers.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. Not applicable

4.2.18 Standing Council on Transport and Infrastructure

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
General Safety Requirements for Vessels				
<i>Introduce a new national standard for domestic commercial vessels.</i>	18 May 2012 ^a	Yes	Yes	Yes

^a This decision was made in May 2012, but the announcement of the decision was not made until October 2012.

4.2.19 Select Council on Workplace Relations

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	<i>Date of Decision</i>	<i>Compliant at Consultation</i>	<i>Compliant at Decision</i>	<i>Final RIS Published</i>
Preventing and Responding to Workplace Bullying				
<i>Options for preventing and responding to workplace bullying.</i>	*	Yes	..	..

* A decision has not been made as at 30 June 2013

.. 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 2013. The information on the proposed date of commencement of the PIR, its status and compliance is also provided. PIRs from previous years which have not previously been completed and published are also listed.

There are eighteen departments or agencies that are required to undertake PIRs. Treasury is required to undertake thirty PIRs, while Education, Employment and Workplace Relations is required to undertake thirteen and Broadband Communications and the Digital Economy twelve.

The three departments with non-compliant PIRs are Health and Ageing, Infrastructure and Transport, and Treasury.

There are nine PIRs due to commence in 2013-14, two of which have started. Treasury is responsible for four of these PIRs, and Broadband Communications and the Digital Economy three.

A PIR must commence within one to two years of the implementation of the regulation and, once commenced, should be completed within reasonable timeframes, taking into consideration the scope of the policy implemented. If a PIR is not completed within a reasonable timeframe, the OBPR may deem the responsible agency to be 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: Post-implementation review compliance by department or agency

Department/ Agency	Compliant	Non-compliant
Australian Fisheries Management Authority	1	
Attorney-General's Department	3	
Australian Accounting Standards Board	2	
Australian Communications Media Authority	2	
Australian Securities and Investments Commission	1	
Australian Transaction Reports and Analysis Centre	1	
Broadband, Communications and the Digital Economy	12	
Defence	1	
Education, Employment and Workplace Relations	13	
Families, Housing, Community Services and Indigenous Affairs	4	
Health and Ageing	4	1
Immigration and Citizenship	2	
Industry, Innovation, Climate Change, Science, Research and Tertiary Education	6	
Infrastructure and Transport	3	1
Regional Australia, Local Government, Arts and Sport	2	
Resources, Energy and Tourism	2	
Sustainability, Environment, Water, Population and Communities	2	
Treasury	30	1
Defence/Resources, Energy and Tourism	1	
Total	92	3

5.1 Status by department or agency

5.1.1 Australian Fisheries Management Authority

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Fishing Area Closure and Revised Monitoring Arrangements				
<i>Changes to management arrangements for the gillnet, hook and trap sector of the southern and eastern scalefish and shark fishery, including closure of fishing areas to protect sea lions.</i>				
Non-compliant	27 April 2011	April 2013	Started	Compliant

5.1.2 Attorney-General's Department

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Marriage Amendment Regulations 2009 (No.1) and Marriage Amendment Regulations 2009 (No.2)				
<i>Implements minimum training and registration requirements for marriage celebrants.</i>				
Non-compliant	3 February 2010	February 2012	Completed Published	Compliant
Organised Crime on the Waterfront				
<i>A package of measures to combat organised crime and strengthen security on the waterfront.</i>				
Non-compliant	May 2013	May 2015	Not started	Compliant
Banning the Importation of Unauthorised Psychoactive Substances				
<i>Institutes a 'reverse onus of proof' scheme to prohibit the importation of psychoactive substances unless they are authorised as safe and legal.</i>				
Non-compliant	Not implemented	..	Not started	Compliant

.. Not applicable

5.1.3 Australian Accounting Standards Board

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Amendments to Australian Accounting Standards AASB 1 & 7				
<i>Amendments to disclosure requirements around transfers of financial assets.</i>				
Non-compliant	November 2010	June 2015 ^a	Not started	Compliant
Reducing the Financial Reporting Burden: A Second Tier of Requirements for General Purpose Financial Statements				
<i>Provides a second tier of requirements for general purpose financial statements to reduce the financial reporting burden.</i>				
Non-compliant	June 2010	June 2015 ^b	Not started	Compliant
<p>a The OBPR agreed to the AASB's request to defer the commencement date for the PIR to allow necessary data to be available for the review, having regard to the financial cycle for the relevant requirements.</p> <p>b 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.</p>				
5.1.4 Australian Communications and Media Authority				
Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.1)				
<i>Prohibits premium SMS and MMS content providers from charging customers for services they did not authorise and requires clear information about the nature and cost of the service.</i>				
Non-compliant	May 2010	May 2012	Completed Published	Compliant
Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.2)				
<i>Empowers the ACMA to issue a temporary Do Not Bill order to stop suspect content providers from charging customers while it investigates a service.</i>				
Non-compliant	November 2010	November 2012	Completed Published	Compliant

5.1.5 Australian Securities and Investments Commission

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Interim Bans on Covered and Naked Short Selling (Class Orders 08/751, 08/752, 08/753, 08/763, 08/764, 08/801, 08/824)				
<i>Implements decisions made in 2008-09 relating to class orders which imposed restrictions on short sales of securities.</i>				
E/c	September 2008	September 2010	Completed Published	Compliant

E/c Exceptional circumstances were granted by the Prime Minister

5.1.6 Australian Transaction Reports and Analysis Centre

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Cancellation and Suspension of a Remittance Dealer's Registration				
<i>Rules that specify the matters the AUSTRAC CEO must take into account to cancel or suspend the registration of a registered alternative remittance dealer.</i>				
Non-compliant	27 October 2011	October 2013	Started	Compliant

5.1.7 Broadband, Communications and the Digital Economy

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Changes to the Anti-siphoning System				
<i>Changes that will affect television coverage of key sporting events in Australia.</i>				
E/c	Not implemented	..	Not started	Compliant
National Broadband Network (NBN) Decisions^a				
<i>Decisions in response to the establishment of the NBN.</i>				
E/c	After April 2009	July 2013 ^b	Started	Compliant
<i>Decisions in response to NBN implementation review.</i>				
E/c	After December 2010	July 2013 ^b	Started	Compliant
Broadcasting & Datacasting Services (Parental Lock) Technical Standard 2010				
<i>Requiring particular digital television reception equipment to have parental lock capabilities.</i>				
Non-compliant	February 2011	February 2013	Started	Compliant
Improved Competition in Telecommunications Markets				
<i>Proposes structural or functional separation of Telstra wholesale and retail operations.</i>				
E/c	June 2016	June 2018	Not started	Compliant
Problem Gambling				
<i>Ban the promotion of live odds during sports coverage.</i>				
Non-compliant	Not implemented	..	Not started	Compliant
<i>Extend pre-commitment to online betting services</i>				
Non-compliant	Not implemented	..	Not started	Compliant
<i>Limits on betting inducements and credit requirements</i>				
Non-compliant	Not implemented	..	Not started	Compliant
Extension of Telstra Retail Price Controls to June 2014				
<i>Extending retail price controls on Telstra fixed-line telephone services to June 2014.</i>				
E/c	June 2012	June 2014	Not started	Compliant

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Convergence Review				
<i>Introduction of Australian content requirements.</i>				
E/c	January 2013	January 2015	Not started	Compliant
<i>Repeal of the '75 per cent reach rule'.</i>				
E/c	Not implemented	..	Not started	Compliant
<i>Providing permanent spectrum for community television services on the sixth channel, and a decision not to issue spectrum or broadcast licenses for a fourth 'free to air' television network.</i>				
E/c	Not implemented	..	Not started	Compliant

^a Three statutory reviews will be collectively assessed in relation to the NBN PIR requirements.

^b A later PIR start date was agreed with the Department of Broadband, Communications and the Digital Economy

E/c Exceptional circumstances were granted by the Prime Minister

.. Not applicable

5.1.8 Defence

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Defence Trade Cooperation Treaty with the United States				
<i>Removes the administrative delays associated with the existing Australian and US export licensing systems, while ensuring that sensitive defence technology is appropriately protected.</i>				
Non-compliant	June 2013	June 2015	Not started	Compliant

5.1.9 Education, Employment and Workplace Relations

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Australian Government Procurement Statement (DEEWR/Finance)				
<i>Requires government contractors and suppliers in the textile and clothing industry to be accredited or seek accreditation with the Homeworkers' Code of Practice.</i>				
Non-compliant	July 2009	July 2011	Completed Published	Compliant
Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008 and Fair Work Act 2009				
<i>Creates a new industrial relations system with a focus on collective bargaining in the workplace.</i>				
E/c	January 2010	January 2012	Completed Published	Compliant
Protection for Outworkers in the Textile, Clothing and Footwear Industry				
<i>Extends the operation of most provisions of the Fair Work Act to contract outworkers in the Textile, Clothing and Footwear industry.</i>				
E/c	1 July 2012	1 July 2014	Not started	Compliant
Amendments to the Transfer of Business Provisions in the Fair Work Act 2009				
<i>Requires business taking over state or territory public sector organisations to remunerate employees the same conditions as their previous employer (Fair Work Amendment (Transfer of Business) Act 2012).</i>				
E/c	5 December 2012	December 2014	Not started	Compliant
Amendments to the Fair Work Act 2009^a				
<i>Expands the scope of who can request flexible working arrangements.</i>				
E/c	1 July 2013	1 July 2015	Not started	Compliant
<i>Requires employers to consult on roster changes and consider the impacts on families.</i>				
E/c	1 January 2014	1 January 2016	Not started	Compliant
<i>Ensures employees would not lose unpaid parental leave when taking special maternity leave.</i>				
E/c	1 July 2013	1 July 2015	Not started	Compliant
<i>Provides pregnant employees with less than 12 months service the right to transfer to a safe job.</i>				
E/c	1 July 2013	1 July 2015	Not started	Compliant
<i>Increases the maximum period of concurrent unpaid parental leave from four to eight weeks.</i>				
E/c	1 July 2013	1 July 2015	Not started	Compliant
<i>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.</i>				
E/c	1 January 2014	1 January 2016	Not started	Compliant

Title of regulatory proposal

Description of regulatory proposal

Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<i>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.</i>				
E/c	1 January 2014	1 January 2016	Not started	Compliant
<i>Requires the Fair Work Commission to take into account the need to provide additional remuneration for employees working overtime; unsocial, irregular or unpredictable hours; working on weekends or public holidays; or working shifts when making or varying a modern award.</i>				
E/c	1 January 2014	1 January 2016	Not started	Compliant
<i>Amendments to bargaining for greenfields agreements.</i>				
E/c	Not implemented	..	Not started	Compliant

^a These measures relate to two decisions to amend the *Fair Work Act 2009* announced in 2012-13.

E/c Exceptional circumstances were granted by the Prime Minister

.. Not applicable

5.1.10 Families, Housing, Community Services and Indigenous Affairs

Title of regulatory proposal

Description of regulatory proposal

Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Problem Gambling				
<i>New gaming machines capable of supporting pre-commitment.</i>				
Non-compliant	December 2014*	December 2016*	Not started	Compliant
<i>Introduce a \$250 daily withdrawal limit from ATMs in gaming venues (excluding casinos).</i>				
Non-compliant	February 2014*	February 2016*	Not started	Compliant
<i>Gaming machines to have a state linked pre-commitment system.</i>				
Non-compliant	December 2018*	December 2020* [^]	Not started	Compliant
<i>Electronic warnings and cost of play displays on gaming machines.</i>				
Non-compliant	December 2018*	December 2020* [^]	Not started	Compliant

* The implementation dates reflect timing in the applicable legislation currently in force. This legislation was enacted in December 2012.

[^] PIR completion date may depend on the available data after the initial implementation phase in December 2018.

5.1.11 Health and Ageing

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Australian Inventory of Chemical Substances Restriction on the use of Certain Lead Compounds				
<i>Restriction on the use of certain lead compounds in industrial surface coatings and inks.</i>				
Non-compliant	1 January 2009	January 2011	Completed Published	Compliant
Fifth Community Pharmacy Agreement				
<i>Retention of pharmacy location rules.</i>				
Non-compliant	1 July 2010	July 2012	Started	Non-compliant
Fairer Private Health Insurance Incentives Bill 2009				
<i>Introduces three new private health insurance incentive tiers.</i>				
E/c	1 July 2012	July 2014	Not started	Compliant
Tobacco Plain Packaging				
<i>Requires plain packaging for tobacco products.</i>				
Non-compliant	1 December 2012	December 2014	Not started	Compliant
Eligibility for Medicare Funding for Diagnostic Radiology Services				
<i>Limits the conduct of Medicare-eligible diagnostic radiology procedures (excluding mammography) to medical practitioners, qualified dental practitioners and radiographers.</i>				
E/c	1 November 2012	November 2014	Not started	Compliant

E/c Exceptional circumstances were granted by the Prime Minister

5.1.12 Immigration and Citizenship

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Reforms to the Temporary Work (Skilled) (Subclass 457) Visa Program				
<i>Several measures to tighten foreign temporary skilled work visa obligations.</i>				
Non-compliant	Not implemented	..	Not started	Compliant
Labour Market Testing for 457 Visa Sponsors				
<i>Introduces labour market testing requirements for prospective 457 visa sponsors.</i>				
E/c	Not implemented	..	Not started	Compliant

E/c Exceptional circumstances were granted by the Prime Minister

.. Not applicable

5.1.13 Industry, Innovation, Climate Change, Science, Research and Tertiary Education^a

Title of regulatory proposal

Description of regulatory proposal

Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Job Ready Program^b				
<i>Amends the job skills test requirements for onshore applicants for permanent visas.</i>				
Non-compliant	January 2010	January 2012	Completed Published ^c	Compliant
Tuition Protection Service and Other Related Measures^d				
<i>Single mechanism to place international students when an education provider closes, or as a last resort, to provide refunds of unexpended course fees.</i>				
Non-compliant ^e	1 July 2012	July 2014	Not started	Compliant
Renewable Energy (Electricity) Amendment Regulations 2010 (No. 3)				
<i>Extends safety and quality requirements for small-scale renewable energy generation systems.</i>				
Non-compliant	18 June 2010	October 2012	Complete not yet published	Compliant
Renewable Energy (Electricity) Amendment Act 2009 and Renewable Energy (Electricity) (Charge) Amendment Act 2009^f				
<i>Expands the renewable energy target from 9,500 GWh to 45,000 GWh by 2020 as announced on 1 December 2007.</i>				
Non-compliant	1 December 2010	October 2012	Started	Compliant
Renewable Energy (Electricity) Amendment Regulations 2010 (No. 8), Renewable Energy (Electricity) Amendment Regulations 2011 (No. 2) and Renewable Energy (Electricity) Amendment Regulations 2012 (No. 8)^{f,g}				
<i>Brings forward the scheduled annual reductions in the solar credits multiplier.</i>				
Non-compliant	8 December 2010 & 16 June 2011	October 2012	Complete not yet published	Compliant
Phase Out of the Solar Credits Mechanism^g				
<i>To phase out the solar credits mechanism on 1 January 2013, six months earlier than scheduled.</i>				
E/c	January 2013	January 2015	Complete not yet published	Compliant

^a On 26 March 2013, the Department of Climate Change and Energy Efficiency was abolished with climate change functions transferred to the new Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education and energy efficiency functions transferred to the Department of Resources, Energy and Tourism.

^b This PIR was previously referred to as "Migration Amendment Regulations 2009 (No.15)". The PIR was jointly prepared by the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education and the Department of Immigration and Citizenship.

^c The PIR was published in 2013-14.

^d This PIR, formerly the responsibility of the Department of Education, Employment and Workplace Relations, is to be undertaken by the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education due to machinery of Government changes.

^e An adequate RIS was not provided to the decision-maker. However, an implementation RIS was completed for the transparency stage. A PIR will still be required one to two years after implementation.

^f The completion date for these PIRs were extended to allow information to be included from a review undertaken by the Climate Change Authority.

^g A single PIR was prepared for the Government's decisions in late 2010, mid-2011 and late 2012 to bring forward the phase-out of the solar credits mechanism under the Renewable Energy Target.

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

5.1.14 Infrastructure and Transport

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Aviation Transport Security Amendment (Additional Screening Measures) Act 2007; Aviation Transport Security Amendment Regulations 2007 (No. 4)				
<i>Restrictions on the quantity of liquid, aerosol and gel items that may be taken on international flights to, from or through Australia.</i>				
Non-compliant	September 2007	September 2009	Started	Non-compliant
Tripartite Deeds for 9 Federally Leased Airports				
<i>Offer of tripartite deeds to 9 federally leased airports for the remainder of the current airport lease.</i>				
Non-compliant	Not implemented	..	Not started	Compliant
Tripartite Deeds for 12 Australian Privatised Airports				
<i>Extend the existing tripartite deeds for the 12 Australian privatised airports from 20 to 50 years.</i>				
Non-compliant	Not implemented	..	Not started	Compliant
Aviation Transport Security Amendment Regulations 2009 (No. 3)				
<i>Inspection of all airport staff, goods and vehicles entering and leaving airside at Australian airports.</i>				
Non-compliant	Not implemented	..	Not started	Compliant

.. Not applicable

5.1.15 Regional Australia, Local Government, Arts and Sport

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Resale Royalty Right for Visual Artists Bill 2008				
<i>Establishes an inalienable resale royalty right for visual artists.</i>				
Non-compliant	June 2010	June 2013 ^a	Started	Compliant
Enhancements from the Review of the Australian Independent Screen Production Sector				
<i>Implements a package of enhancements to the film tax offsets program.</i>				
Non-compliant	September 2011	September 2013	Not started	Compliant

^a A later PIR start date was agreed with the Office of the Arts

5.1.16 Resources, Energy and Tourism^a

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance

Extending the Energy Efficiency Opportunities Program to Major New Developments and Expansion Projects

Requires large construction projects to undertake energy savings audits at the design stage.

Non-compliant	1 July 2013	July 2015	Not started	Compliant
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Extension of the Energy Efficiency Opportunities Program to Transmission and Distribution Networks

Extension of the Energy Efficiency Opportunities Program to energy transmission and distribution networks.

Non-compliant	Not implemented ^b	..	Not started	Compliant
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^a On 26 March 2013, the Department of Climate Change and Energy Efficiency was abolished with climate change functions transferred to the new Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education and energy efficiency functions transferred to the Department of Resources, Energy and Tourism.

^b An implementation RIS for the extension of the Energy Efficiency Opportunities (EEO) program to major new developments and expansion projects was published in 2012-13. This RIS also informed the decision by the Minister for Resources and Energy on 19 June 2013 that the EEO program would not be extended to transmission and distribution networks. As the initial decision will not be implemented, a PIR will no longer be required on this measure.

5.1.17 Sustainability, Environment, Water, Population and Communities

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance

New Fishing Activities of Size and Scale Unprecedented in Commonwealth Marine Areas

Extension of legislative powers available under the Environment Protection and Biodiversity Conservation Act 1999.

E/c	September 2012	September 2014	Not started	Compliant
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Greater Protection for Water Resources

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	Not started	Compliant
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E/c Exceptional circumstances were granted by the Prime Minister

5.1.18 Treasury

Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Guarantee Scheme for Large Deposits and Wholesale Funding Appropriation Act 2008				
<i>Temporary emergency arrangement providing a guarantee for deposits over \$1 million and wholesale debt in exchange for a fee. The initiative closed to new liabilities on 31 March 2010.</i>				
Non-compliant	October 2008	October 2010	Completed Published	Compliant
Financial Claims Scheme (General Insurers) Levy Bill 2008				
<i>Provides for the imposition of a levy on general insurers in the event of the activation of the Financial Claims Scheme.</i>				
Non-compliant	October 2008	October 2010	Completed Published	Compliant
Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009				
<i>Limits tax concessions for income earned by Australians working overseas.</i>				
E/c	July 2009	July 2011	Complete not yet published	Compliant*
Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009				
<i>No longer allowing offsetting deductions from non-commercial activities for high income earners.</i>				
E/c	July 2009	July 2011	Complete not yet published	Compliant*
Trade Practices (Industry Codes - Unit Pricing) Regulations 2009				
<i>Mandatory industry code for the retail grocery industry - display of unit prices for grocery items for which selling prices are displayed.</i>				
Non-compliant	November 2009	November 2011	Completed Published	Compliant
Corporations Amendment (Improving Accountability on Termination Payments) Bill 2009				
<i>Reforms to regulatory framework dealing with payment of termination benefits to company directors and executives.</i>				
Non-compliant	November 2009	November 2011	Started	Non-compliant
Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009 & Income Tax (TFN Withholding Tax (ESS)) Bill 2009				
<i>Reforming taxation of employee share schemes.</i>				
E/c	December 2009	December 2012	Started	Compliant

Title of regulatory proposal

Description of regulatory proposal

Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
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Foreign Acquisitions and Takeovers Amendment Bill 2009

Ensure that any foreign investment irrespective of the way it is structured is treated equally under the Foreign Acquisitions and Takeovers Act.

Non-compliant	February 2010	February 2012	Completed Published	Compliant
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Excise Tariff Amendment (Tobacco) Bill 2010 and Customs Tariff Amendment (Tobacco) Bill 2010

Increase the excise tariff applying to tobacco products by 25 per cent and increase of rates of duty applying to tobacco products imported into Australia by 25 per cent.

Non-compliant	April 2010	April 2012	Completed Published	Compliant
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Foreign Acquisitions and Takeovers Regulations 2010 (No. 2)

Remove an exemption that applied to temporary residents buying residential real estate in Australia.

Non-compliant	May 2010	May 2012	Completed Published	Compliant
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Regulation of Litigation Funding

Clarifying that class actions are not managed investment schemes.

Non-compliant	Not implemented	..	Not started	Compliant
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Farm Management Deposits

Early access for primary producers suffering natural disasters and improved administration arrangements.

Non-compliant	May 2010	May 2012	Complete not yet published	Compliant*
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Future of Financial Advice

Prospective ban on up-front and trailing commissions and like payments for both individual and group risk insurance within superannuation.

Non-compliant	1 July 2013	July 2015	Not started	Compliant
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Requirement for advisers to renew client agreement to ongoing advice fees every two years (opt-in regime).

Non-compliant	1 July 2012	July 2014	Not started	Compliant
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Ban on soft dollar benefits over \$300 per benefit.

Non-compliant	1 July 2012	July 2014	Not started	Compliant
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Limited carve-out for basic products from the ban on certain conflicted remuneration structures and best interests duty.

Non-compliant	1 July 2012	July 2014	Not started	Compliant
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Access to scaled financial advice.

Non-compliant	1 July 2012	July 2014	Not started	Compliant
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Title of regulatory proposal				
<i>Description of regulatory proposal</i>				
Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
Taxation of Financial Arrangements – Amendments to Tax Hedging Rules				
<i>Amendments to ensure rules operate as intended and provide clarification.</i>				
Non-compliant	Not implemented	..	Not started	Compliant
Government’s Response to the Super System Review (Cooper Review)				
<i>Australian Government’s initial response to the Super System (Cooper) Review.</i>				
E/c	July 2013	July 2015	Not started	Compliant ^a
Competitive and Sustainable Banking System				
<i>Develop a corporate bond market.</i>				
E/c	Not implemented	..	Not started	Compliant
<i>Ban home loan exit fees.</i>				
E/c	1 July 2011	July 2013	Started	Compliant
<i>Allow banks to issue covered bonds.</i>				
E/c	17 October 2011	October 2013	Not started	Compliant
Government Response to Australia’s Future Tax System Review				
<i>Abolition of the entrepreneurs’ tax offset.</i>				
E/c	July 2012	July 2014	Started	Compliant
<i>Fringe benefit tax: reform of the car fringe benefit rule.</i>				
E/c	May 2011	May 2013	Started	Compliant
<i>Expanding the definition of geothermal energy.</i>				
E/c	July 2012	July 2014	Not started	Compliant
<i>Mineral Resource Rent Tax - adoption of the recommendations of the Policy Transition Group.</i>				
E/c	July 2012	July 2014	Not started	Compliant
<i>Better targeting of not-for-profit tax concessions.</i>				
E/c	July 2014	July 2016	Not started	Compliant
<i>Introducing a statutory definition of charity</i>				
E/c	January 2014	January 2016	Not started	Compliant
<i>Small business depreciation - accelerated initial deduction for motor vehicles.</i>				
E/c	July 2012	July 2014	Not started	Compliant

Title of regulatory proposal

Description of regulatory proposal

Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
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Duty Free Allowances - Cigarettes and Tobacco

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	September 2014	Not started	Compliant
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Stronger Super Reforms - Aspects of MySuper

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	July 2015	Not started	Compliant
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*The OBPR has agreed to allow Treasury additional time to finalise the PIR.

^a Elements of this proposal have been subject to regulatory impact analysis (through separate RISs), and therefore will not need to be considered by the PIR.

E/c Exceptional circumstances were granted by the Prime Minister

.. Not applicable

5.2 Joint Proposals

5.2.1 Defence/ Resources, Energy and Tourism

Title of regulatory proposal

Description of regulatory proposal

Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
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Government's Response to the Review of the Woomera Prohibited Area (Defence/DRET)

Implements a new framework for managing Department of Defence and non-Defence use of the Woomera Prohibited Area.

E/c	Not implemented ^a	..	Not started	Compliant
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^a The first stage of the Government response was implemented on 3 May 2011 with other parts yet to be implemented.

E/c Exceptional circumstances were granted by the Prime Minister

.. Not applicable

