



Australian Government Regulation Impact Statement status - by agency: 2013-14

The Office of Best Practice Regulation (OBPR) is required to publish Regulation Impact Statements (RISs) on its website as soon as practicable from the date of regulatory announcements, in consultation with the relevant agency. Consequently, the RIS status in aggregate and by agency is also reported 'live' in the following tables.

The Australian Government introduced a new Regulatory Impact Analysis (RIA) process in March 2014. During 2013-14, there were also RISs assessed under the June 2010 and the July 2013 RIA processes, and some of these have been published after March 2014.

Reflecting these transitional arrangements, the summary compliance reporting table presented below provides information on all RISs published on the OBPR website during the 2013-14 financial year.

RIS compliance, 2009-10 to 2013-14

| Stage | 2009-10 | | 2010-11 | | 2011-12 | | 2012-13 | | 2013-14 ^a | |
|---------------------------------|---------|----|---------|----|---------|----|---------|----|----------------------|----|
| | ratio | % | ratio | % | ratio | % | ratio | % | ratio | % |
| Decision-making stage | 63/75 | 84 | 47/63 | 75 | 69/78 | 88 | 64/66 | 97 | 47/48 | 98 |
| Transparency stage ^b | 59/74 | 80 | 45/63 | 71 | 70/78 | 90 | 62/66 | 94 | 47/48 | 98 |
| Exceptional circumstances | | 4 | | 14 | | 5 | | 8 | | 1 |

^a Subject to finalisation.

^b The number of RISs required at the transparency stage can be lower than at the decision making stage because some regulations were subject to multiple decision making processes. For example, treaties may require multiple RISs to support various decisions taken during the treaty process.

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Attorney-General's Department^a

| Title of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|--|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | | | | |
| Reforms to the native title system^b | | | | |
| Provides for the establishment of an entity based on the concept of the Indigenous Community Development Corporation and development of appropriate governance arrangements for land related payments. | n/a | Yes ^c | Yes | No |
| Amendments to the <i>Personal Property Securities Act 2009</i> | | | | |
| Changes to requirements for leases of less than 12 months. | n/a | Yes | Yes | No |
| Cost Recovery for the Marriage Celebrants Programme | | | | |
| Introduction of cost recovery charges for Commonwealth-registered marriage celebrants. | n/a | Yes | Yes | No |

n/a An options-stage RIS was not required.

a For decisions made under the July 2013 RIS process.

b This matter was previously reported under the Department of Families, Housing, Community Services and Indigenous Affairs. However, on 3 October 2013 Native title matters were transferred to the Attorney-General's Department.

c The agency has assessed that an independent review or other mechanism has undertaken analysis of a regulatory proposal equivalent to a RIS.

Attorney-General's Department^a

| Title of regulatory proposal | RIS status |
|--|----------------------------|
| Description of regulatory proposal | |
| Ban the importation of substances which mimic the effects of illicit drugs. | |
| Make new psychoactive substances a prohibited import to prevent the importation of potentially harmful psychoactive substances into Australia. | Published for consultation |
| The RIS was prepared for consultation and was subject to an early assessment by the OBPR. | |
| PIR required | TBA |

a For decisions made under the new March 2014 RIS process.

Australian Accounting Standards Board

| Title of regulatory proposal | RIS status |
|--|------------------------------------|
| Description of regulatory proposal | |
| Replacement accounting standard for superannuation entities | |
| Replaces existing accounting standard for superannuation entities | Finalised, published and compliant |
| The OBPR has found the Australian Accounting Standards Board to be compliant with the RIS requirements. The RIS was not consistent with best practice because it did not assess the impacts on stakeholders' financial statements. This information would have provided greater transparency to stakeholders on the likely impact of the decision. | |
| PIR required | No |

Australian Communications and Media Authority^a

| Title of regulatory proposal | | | |
|--|--------------|---------------|--------------|
| Description of regulatory proposal | RIS adequate | RIS published | PIR required |
| Consideration of options to address the impact on stakeholders of the annual numbering charge on four types of short-digit access codes | | | |
| Aims to encourage competition and innovation in the market. | Yes | Yes | No |
| International Mobile Roaming Industry Standard | | | |
| The Standard contains measures aimed at reducing 'Bill Shock' arising from the use of International Mobile Roaming services. | Yes | Yes | No |
| Proposed Changes to the Regulation of Cellular Mobile Repeaters | | | |
| Options to restrict the supply of repeaters and prevent their unauthorised use. | Yes | Yes | No |

^a For decisions made under the June 2010 RIS process.

Australian Fisheries Management Authority^a

| Title of regulatory proposal | | | | |
|--|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
| Managing Interactions with Dolphins in the Gillnet Hook and Trap Sector of the Southern and Eastern Scalefish and Shark Fishery | | | | |
| Aims to protect dolphins. | n/a | Yes | Yes | No |

^{n/a} An options-stage RIS was not required.

^a For decisions made under the July 2013 RIS process.

Australian Prudential Regulation Authority^a

| Title of regulatory proposal | | | | |
|--|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
| Harmonising cross-industry risk management requirements | | | | |
| Implements harmonised risk-management frameworks for prudentially-regulated entities, including ADIs, general and life insurers, and regulated groups. | n/a | Yes | Yes | No |
| Implementing Basel III liquidity reforms in Australia | | | | |
| Implements reporting and liquidity governance requirements for Authorised Deposit-taking Institutions (ADIs) in Australia | n/a | Yes | Yes | Yes |

^{n/a} An options-stage RIS was not required.

^a For decisions made under the July 2013 RIS process.

Australian Securities and Investments Commission^a

| Title of regulatory proposal | | | | |
|--|--------------|---------------|--------------|--|
| Description of regulatory proposal | RIS adequate | RIS published | PIR required | |
| Over-the-Counter Derivatives Transaction Reporting Regime | | | | |
| Specifies the information that must be reported to trade repositories; which entities must report; and rules relating to trade repositories. | Yes | Yes | No | |
| Australian market structure: further proposals | | | | |
| Outlines ASIC's market rules for crossing system operators and high-frequency trades. | Yes | Yes | No | |

^a For decisions made under the June 2010 RIS process.

Australian Transaction Reports and Analysis Centre^a

| Title of regulatory proposal | | | | |
|---|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
| Proposed reform to strengthen Customer Due Diligence | | | | |
| Changes to Australia's anti-money laundering and counter-terrorism financing regime | n/a | Yes | Yes | No |

n/a An options-stage RIS was not required.

^a For decisions made under the July 2013 RIS process.

Department of Agriculture^a

| Title of regulatory proposal | | | | |
|--|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
| Regulation for Onion Levy Increase | | | | |
| To change the levies on onions to provide funds for R&D and marketing | n/a | Yes | Yes | No |
| Regulation for Mushroom Levy Increase | | | | |
| To change the levies on mushrooms to provide funds for R&D and marketing | n/a | Yes | Yes | No |

n/a An options-stage RIS was not required.

^a For decisions made under the July 2013 RIS process.

Department of Agriculture^a

| Title of regulatory proposal | RIS status |
|--|----------------------------|
| Description of regulatory proposal | |
| Mandatory Code of Conduct for Grain Export Terminals (Bulk Wheat Exports) | |
| Examines options for improving access to port terminals for bulk wheat exporters | Published for consultation |
| The RIS was prepared for consultation and was subject to an early assessment by the OBPR | |
| PIR required | No |

^a For decisions made under the new March 2014 RIS process.

Department of Communications^a

| Title of regulatory proposal | RIS adequate | RIS published | PIR required |
|---|--------------|---------------|--------------|
| Description of regulatory proposal | | | |
| Cellular Mobile Repeaters: Proposed Amendments to the Radiocommunications Regulations 1993^b | | | |
| Restrict the supply of repeaters and prevent their unauthorised use under the Radiocommunications Act 1992. | Yes | Yes | No |

^a For decisions made under the June 2010 RIS process.

^b This matter was previously reported under the Department of Broadband, Communications and the Digital Economy. However, on 18 September 2013 the Radiocommunications Act 1992 was transferred to the Department of Communications.

Department of Defence^a

| Title of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|--|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | | | | |
| Management Arrangements for the Woomera Prohibited Area | | | | |
| Implementation of Non-Defence User Management Arrangements for the Woomera Prohibited Area | n/a | Yes | Yes | No |

^{n/a} An options-stage RIS was not required.

^a For decisions made under the July 2013 RIS process.

Department of Education^a

| Title of regulatory proposal | RIS adequate | RIS published | PIR required |
|--|--------------|---------------|--------------|
| Description of regulatory proposal | | | |
| Australian Education Regulation^b | | | |
| Regulations to prescribe the conditions placed on schools for Commonwealth financial assistance. | No | No | Yes |

^a For decisions made under the June 2010 RIS process.

^b This matter was previously reported under the Department of Education, Employment and Workplace Relations. However, on 18 September 2013 education policy was transferred to the Department of Education.

Department of Employment^a

| Title of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|---|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | | | | |
| Registered Organisations | | | | |
| Imposes additional statutory obligations on registered organisations. | Yes | Yes | Yes | No |
| Licensing and other amendments under the Safety, Rehabilitation and Compensation Act 1988 | | | | |
| Allow national employers to become licensees in the Comcare Scheme and be covered by the Commonwealth workers compensation scheme, among other changes. | n/a | Yes | Yes | No |
| Amendments to the Fair Work Act 2009 | | | | |
| Numerous amendments to the Fair Work Act 2009, including relating to greenfields employment agreements and union right of entry. | Yes | Yes | Yes | No |

n/a An options-stage RIS was not required.

a For decisions made under the July 2013 RIS process.

Department of Employment^a

| Title of regulatory proposal | RIS status |
|---|------------------------------------|
| Description of regulatory proposal | |
| Revocation of Fair Work Principles and Commonwealth Cleaning Service Guidelines | |
| Revocation of Fair Work Principles and Commonwealth Cleaning Service Guidelines | Finalised, published and compliant |
| The OBPR has found the Department of Employment to be compliant with the RIS requirements. The RIS was consistent with best practice. | |
| PIR required | No |

a. For decisions made under the March 2014 RIS process.

| Title of regulatory proposal | RIS status |
|--|--|
| Description of regulatory proposal | |
| First advance release of the Building Code 2014 | |
| The <i>Building and Construction Industry (Fair and Lawful Building Sites) Code 2014</i> sets out the expected standards for all building industry participants involved in Commonwealth-funded construction projects. | Finalised, published, compliant and not best practice. |
| The agency has assessed that an independent review or other mechanism has undertaken analysis of a regulatory proposal equivalent to a RIS. The OBPR does not assess independent reviews. While the OBPR found the Department of Employment to be compliant with the RIS requirements, it was not consistent with best practice because the self-assessment of the independent review and agreement to regulatory costs occurred after the final decision. | |
| PIR required | No |

Department of the Environment^a

| Title of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|--|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | | | | |
| Repeal of the Carbon Tax | | | | |
| Repeals the carbon tax. | Yes | Yes | Yes | No |
| Shortages of Some Species of Greenhouse Gases | | | | |
| Exempts importers of synthetic greenhouse gases from paying the carbon tax equivalent under certain circumstances. | n/a | Yes | Yes | No |

n/a An options-stage RIS was not required.

a. For decisions made under the July 2013 RIS process.

Department of the Environment^a

| Title of regulatory proposal | RIS status |
|--|----------------------------|
| Description of regulatory proposal | |
| Emissions Reduction Fund White Paper | |
| Establish an Emissions Reduction Fund to help reduce Australia's greenhouse gas emissions | Published for consultation |
| The White Paper was certified by the Department of the Environment as a RIS for initial decisions on the Emissions Reduction Fund. The OBPR does not assess independent reviews. | |
| PIR required | No |

a. For decisions made under the March 2014 RIS process.

Department of Foreign Affairs and Trade^a

| Title of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|--|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | | | | |
| Korea-Australia Free Trade Agreement | | | | |
| This RIS relates to the Korea-Australia Free Trade Agreement (KAFTA). Negotiations on KAFTA with the Republic of Korea which were launched in March 2009 and concluded on 5 December 2013. | n/a | Yes | Yes ^b | No |

n/a An options-stage RIS was not required.

a For decisions made under the July 2013 RIS process.

b The details-stage RIS will be tabled in Parliament with the National Interest Analysis and the draft treaty text.

Department of Health^a

| Title of regulatory proposal | RIS adequate | RIS published | PIR required |
|---|--------------|---------------|--------------|
| Description of regulatory proposal | | | |
| Premarket Scrutiny of Medical Devices^b | | | |
| Changes to the premarket assessment requirements for medical devices. | Yes | Yes | No |

a For decisions made under the June 2010 RIS process.

b This matter was previously reported under the Department of Health and Ageing. However, on 18 September 2013 the regulation of therapeutic goods was transferred to the Department of Health.

Department of Health^a

| Title of regulatory proposal | RIS status |
|---|------------------------------------|
| Description of regulatory proposal | |
| Protection of images and indicia for major sporting events | |
| Extending trademark and copyright protections for major sporting events organisers to reduce ambush marketing. | Finalised, published and compliant |
| The OBPR has found Health to be compliant with the RIS requirements. The RIS was consistent with best practice. | |
| PIR required | No |

a For decisions made under the new March 2014 RIS process.

Department of Immigration and Border Protection^a

| Title of regulatory proposal | RIS status |
|--|------------------------------------|
| Description of regulatory proposal | |
| Migration Amendment (Offshore Resource Activity) Repeal Bill 2014 | |
| Repeal intended requirements to prescribe relevant visa for non-citizens employed in the offshore resources industry. | Finalised, published and compliant |
| The OBPR has found Immigration to be compliant with the RIS requirements. The RIS outlines that an options-stage RIS was not prepared as required under the previous RIS arrangements. Consequently, while compliant, the Department has not followed best practice. | |
| PIR required | No |

^a For decisions made under the new March 2014 RIS process.

Department of Industry^a

| Title of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|---|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | | | | |
| Streamlining Offshore Petroleum and Greenhouse Gas Activities | | | | |
| Allows environmental approvals to be assessed solely by NOPSEMA. | n/a | Yes | Yes | No |
| Export of Patented Pharmaceuticals to Countries Experiencing a Health Crisis | | | | |
| Grants licence to export patented pharmaceuticals during a health crisis. | n/a | Yes | Yes | No |

^{n/a} An options-stage RIS was not required.

^a For decisions made under the July 2013 RIS process.

Department of Industry^a

| Title of regulatory proposal | RIS status |
|--|------------------------------------|
| Description of regulatory proposal | |
| Removal of Australian Industry Participation Officers | |
| Removes the requirement for large construction projects to employ an Australian Industry Opportunity Officer to advocate procurement from Australian suppliers | Finalised, published and compliant |
| The OBPR has found the Department of Industry to be compliant with the RIS requirements | |
| PIR required | No |

^a For decisions made under the new March 2014 RIS process.

| Title of regulatory proposal | RIS status |
|---|------------------------------------|
| Description of regulatory proposal | |
| Repeal of the Energy Efficiency Opportunities Program | |
| Repeals the Energy Efficiency Opportunities Program | Finalised, published and compliant |
| The OBPR has found the Department to be compliant with the RIS requirements. The RIS was consistent with best practice. | |
| PIR required | No |

Department of Infrastructure and Regional Development^a

| Title of regulatory proposal | | | | |
|---|--------------|---------------|--------------|--|
| Description of regulatory proposal | RIS adequate | RIS published | PIR required | |
| National Heavy Vehicle Braking Strategy Phase I – Antilock Braking Systems^b | | | | |
| Aims to improve heavy vehicle braking safety performance. | Yes | Yes | No | |

^a For decisions made under the June 2010 RIS process.

^b This matter was previously reported under the Department of Infrastructure and Transport. However, on 18 September 2013 the Motor Vehicle Standards Act 1989 was transferred to the Department of Infrastructure and Regional Development.

Department of Infrastructure and Regional Development^a

| Title of regulatory proposal | | | | |
|---|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
| Electronic Stability Control for Light Commercial Vehicles | | | | |
| Electronic Stability Control for Light Commercial Vehicles. | n/a | Yes | Yes | No |
| Brake Assist Systems | | | | |
| Mandating Brake Assist Systems for passenger cars, passenger vans, four-wheel drives and light commercial vehicles. | n/a | Yes | Yes | No |
| Qantas Sale Amendment Bill 2014 | | | | |
| Remove the foreign ownership and other restrictions that apply to Qantas but do not apply to other airlines based in Australia. | n/a | E/c | E/c | Yes |

n/a An options-stage RIS was not required.

^a For decisions made under the July 2013 RIS process.

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

Department of Social Services^a

| Title of regulatory proposal | | | | |
|---|--|-----------------------------|-----------------------------|--------------|
| Description of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
| Remove mandatory employer role | | | | |
| Removing the mandatory requirement for employers to administer parental leave payments to eligible employees. | n/a | Yes | Yes | No |
| Regulation of aged care accommodation payments | | | | |
| Instituting the process by which accommodation payments in residential aged care are approved. | n/a | Yes | Yes | No |

Repeal of the Australian Charities and Not-for-profits Commission

| | | | | |
|---|-----|-----|-----|----|
| The first stage of a two-stage process to repeal the ACNC and determine replacement arrangements. | n/a | Yes | Yes | No |
|---|-----|-----|-----|----|

n/a An options-stage RIS was not required.

a For decisions made under the July 2013 RIS process.

Private Health Insurance Administration Council^a

Title of regulatory proposal

| Description of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|------------------------------------|--|-----------------------------|-----------------------------|--------------|
|------------------------------------|--|-----------------------------|-----------------------------|--------------|

Reform of Capital Adequacy and Solvency Standards

| | | | | |
|---|-----|-----|-----|----|
| Changes to the capital adequacy and solvency standards for private health insurers. | n/a | Yes | Yes | No |
|---|-----|-----|-----|----|

n/a An options-stage RIS was not required

a For decisions made under the July 2013 RIS process.

Reserve Bank of Australia^a

Title of regulatory proposal

| Description of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|------------------------------------|--|-----------------------------|-----------------------------|--------------|
|------------------------------------|--|-----------------------------|-----------------------------|--------------|

Payment Card Access Regimes

| | | | | |
|--|-----|-----|-----|----|
| Allows non-ADI entities to participate in Mastercard and Visa credit and debit schemes | Yes | Yes | Yes | No |
|--|-----|-----|-----|----|

a For decisions made under the July 2013 RIS process.

Therapeutic Goods Administration^a

Title of regulatory proposal

| Description of regulatory proposal | RIS adequate | RIS published | PIR required |
|------------------------------------|--------------|---------------|--------------|
|------------------------------------|--------------|---------------|--------------|

Changes to the required advisory statement for medicine labels

| | | | |
|---|-----|-----|----|
| Changes to the required advisory statement for medicine labels for non-prescription medicines | Yes | Yes | No |
|---|-----|-----|----|

a For decisions made under the July 2013 RIS process.

Treasury^a

| Title of regulatory proposal | Options-stage RIS compliant, as assessed by agency | Details-stage RIS compliant | Details-stage RIS published | PIR required |
|---|--|-----------------------------|-----------------------------|--------------|
| Minerals Resource Rent Tax and Associated Measures | | | | |
| Repeal of the Minerals Resource Rent Tax and Associated Measures. | n/a | Yes | Yes | No |
| Future of Financial Advice Amendments | | | | |
| Amendments aimed at reducing the complexity and compliance costs associated with the Future of Financial Advice (FOFA) reforms. | Yes | Yes | Yes | Yes |
| Proposed Changes to Franchising Regulation | | | | |
| Amends the Franchising Code of Conduct | n/a | Yes | Yes | No |
| Streamlining Disclosure and Liability Requirements | | | | |
| Reduces the disclosure and liability requirements associated with issuing simple retail corporate bonds | n/a | Yes | Yes | No |

n/a An options-stage RIS was not required.

a. For decisions made under the July 2013 RIS process.

Treasury^a

| Title of regulatory proposal | RIS status |
|---|---|
| Description of regulatory proposal | |
| Implementation of the United States Foreign Account Tax Compliance Act in Australia | |
| The intergovernmental agreement seeks to limit the compliance costs and other impacts for Australian financial institutions associated with complying with US tax information reporting requirements | Finalised, published and compliant |
| The OBPR has found the agency to be compliant with the RIS requirements. The RIS was not consistent with best practice because, having regard to the significance of the proposal and the scale of the impacts, the RIS did not contain a commensurate level of detailed analysis. In particular, the RIS would have benefitted from a more detailed analysis of distributional impacts for the financial sector, and the mechanisms through which these impacts could be transmitted throughout the economy. This would have informed a discussion of the consumer or investor impacts of each option. | |
| PIR required | Yes within 5 years (significant proposal) |

a For decisions made under the new March 2014 RIS process.

| Title of regulatory proposal | RIS status |
|--|------------------------------------|
| Description of regulatory proposal | |
| Changing the Schedule for Increasing the Superannuation Guarantee | |
| Assesses options for delaying the increases in the rate of the Superannuation Guarantee | Finalised, published and compliant |
| The OBPR has found Treasury to be compliant with the RIS requirements. However, the RIS was assessed by the OBPR as not consistent with best practice. In particular, the RIS would have benefitted from a more balanced discussion of the business certainty outcomes under the status quo; as well as the uncertainties associated with household incomes and savings behaviours resulting from the changes. | |
| PIR required | No |