



**Australian Government**

**Department of Finance and Deregulation**  
Office of Best Practice Regulation

# Best Practice Regulation Report

2011-12

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# Abbreviations

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AASB	Australian Accounting Standards Board
ACMA	Australian Communications and Media Authority
AGD	Attorney-General's Department
AO	Order of Australia
APEC	Asia-Pacific Economic Cooperation
APRA	Australian Prudential Regulation Authority
APS150	Australian Prudential Standard 150
ARS150	Australian Report Standard 150
ASIC	Australian Securities and Investments Commission
AUSTRAC	Australian Transaction Reports and Analysis Centre
BCC	Business Cost Calculator
COAG	Council of Australian Governments
COAG Guide	<i>COAG Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies</i>
DCCEE	Department of Climate Change and Energy Efficiency
DEEWR	Department of Education, Employment and Workplace Relations
DoHA	Department of Health and Ageing
EPBC Act	The <i>Environment Protection and Biodiversity Conservation Act 1999</i>
Finance	Department of Finance and Deregulation
IFRS	International Financial Reporting Standards
MEPS	Minimum Energy Performance Standards
NBN	National Broadband Network
NFP	Not-for-profit
NSSB	National standard-setting bodies
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

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

While the OBPR operates within the Deregulation Group of the Department of Finance and Deregulation, the decisions it makes in relation to compliance are independent of the Department and the Minister for Finance and Deregulation.

As in previous years, 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 Minister for Finance and Deregulation as a final report. As an independent assessment by the OBPR of compliance, this report is an important element of best practice regulation processes by both the Australian Government and COAG. Its publication also aids public transparency.

Since July 2010, the OBPR has effectively provided live compliance reporting on its website, Best Practice Regulation Updates ([ris.finance.gov.au](http://ris.finance.gov.au)). The OBPR has recently expanded its method of compliance reporting through the use of Twitter (@OBPRGov). Twitter not only provides the OBPR with an additional platform to disseminate information on Australian Government and COAG RIS processes, it also allows the OBPR to increase the awareness and benefits of effective and efficient regulation within the Australian Government and COAG.

The OBPR is grateful for the extensive cooperation it has received during the year from Australian Government departments and agencies, COAG councils and national standard-setting bodies. I would like to particularly acknowledge the Treasury for their efforts in the last year in being fully compliant with RIS requirements, the Department of Climate Change and Energy Efficiency and the Department of Education, Employment and Workplace Relations for their cooperation and support in the Clean Energy Future RIS and Fair Work legislation PIR. In addition the ongoing support of key regulators that are required to prepare RISs, in the Australian Securities and Investments Commission, the Australian Prudential Regulation Authority, the Australian Communications and Media Authority and the Australian Fisheries Management Authority, is also acknowledged.

It is pleasing to note not only the fall in non-compliance in 2011-12 but the fact that no agency had more than one example of non-compliance with the RIS requirements.

**Jason McNamara**  
**Executive Director**  
**Office of Best Practice Regulation**  
**October 2012**



# 1. Assisting Agencies

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The Australian Government's Regulatory Impact Analysis (RIA) process is important in assessing the impact of regulatory proposals to help ensure that they are effective and efficient. A Regulation Impact Statement (RIS) supports good policy development. While the Australian Government's RIA requirements date back to 1986, and the current requirements were implemented in 2010, the Office of Best Practice Regulation (OBPR) is continually investigating ways to help agencies improve the efficiency and efficacy of the RIA process.

The major development during the year was the outposting of OBPR officers to assist agencies in complying with best practice regulation requirements. This development is part of a range of measures being undertaken to improve the effectiveness of the RIA process in the policy development sphere, and to enhance the OBPR's engagement with stakeholders.

The OBPR is continuing to progress a number of research projects which are aimed at providing guidance to agencies in the preparation of RISs and Post-implementation Reviews (PIRs). These guidance notes are discussed in more detail later in this chapter. Once complete, the notes will be published on the OBPR website.

The OBPR has continued to offer training to policy officers advising the Australian Government, Council of Australian Governments' (COAG) councils and fora, and national standard-setting bodies (NSSBs). This year the OBPR also provided training to government officials in Malaysia and the Russian Federation as part of an Asia-Pacific Economic Cooperation (APEC) initiative.

## 1.1 Developments in the best practice regulation process

### Regulatory Impact Analysis Review

The Australian Government's *Best Practice Regulation Handbook*, which sets out its requirements for regulatory impact assessment, has sought to reflect the Organisation for Economic Co-operation and Development's (OECD) guiding principles for regulatory quality and performance.

In response to feedback from the business community, the Government strengthened the framework supporting RISs in 2010 and committed to review those arrangements within two years. To this end, the Government announced on 16 December 2011 an independent review to assess the effectiveness of the Australian Government's RIA process. The independent review was conducted by Mr Robert Milliner and Mr David Borthwick AO PSM.

Mr Milliner was Chief Executive Partner of Mallesons Stephen Jaques from 2004 to 2011 and is a director of the Business Council of Australia. Mr Borthwick had a distinguished career in the Australian Government, having held senior positions across the Department of the Environment and Heritage, The Treasury, the Department of the Prime Minister and Cabinet and the Department of Health and Aged Care.

The Review was tasked to assess the extent to which the Government's *Best Practice Regulation Handbook* and its interpretation and administration by the OBPR are consistent with the OECD's guiding principles for regulatory quality and performance. The Review was also required to assess how well the Government's RIA processes meet the needs of businesses and the not-for-profit sector, how the OBPR administers the Government's best practice regulation requirements and the extent of any barriers faced by agencies in undertaking policy impact analysis and effective stakeholder consultation within this framework.

During the review process, the reviewers consulted with Commonwealth Ministers, agencies, businesses, and the not-for-profit sector.

The OBPR met with the reviewers on two occasions, once at the commencement of the review, and a shorter meeting towards the end. Apart from providing factual input and data, the OBPR's involvement with the independent review was limited to providing one person, who worked with the reviewers independent of the OBPR. The Department of The Treasury also provided resources for the review.

The review was provided to the Minister for Finance and Deregulation on 20 April 2012.

## **Business Advisory Forum**

The inaugural meeting of the COAG's Business Advisory Forum, convened by the Prime Minister, was held in Canberra on 12 April 2012. The Forum was chaired by the Prime Minister and attended by Premiers and Chief Ministers, business chief executive officers, and representatives of Australia's peak business organisations.

The Business Advisory Forum recognised that a stronger, more coherent compact with business is needed to drive and sustain a national commitment to new reform measures to lift productivity growth. Forum participants affirmed the view that national regulatory coherence was essential for Australian business to compete in international markets. The Forum emphasised the importance of governments continuing to adopt a proactive approach to improve regulation in order to lower costs to the community and business – including adopting a risk-based approach to regulatory design, implementation, enforcement and review.<sup>1</sup>

Following discussions at the Business Advisory Forum, COAG agreed to progress six priority areas for major reform to lower costs for business and improve competition and productivity including best practice approaches to regulation. These reform priorities are: national environmental reform; major project approvals; rationalisation of climate change mitigation programs; further energy market reform; development assessments; and best practice approaches to regulation.

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<sup>1</sup> Council of Australian Governments Business Advisory Forum Communiqué, 12 April 2012, <http://www.pm.gov.au/press-office/council-australian-governments-business-advisory-forum-communicu%C3%A9>

COAG also agreed the new reform priorities will be supported by *A National Productivity Compact: Regulatory and Competition Reform for a more Competitive Australia*. The Compact between the Commonwealth, States and Territories and business proposes a high-level statement on principles for effective regulation and reform. It is proposed to be developed in consultation with business and finalised at the next Business Advisory Forum.

## International Developments

The OECD adopted the *Recommendation of the Council on Regulatory Policy and Governance*<sup>2</sup> (the Recommendation) on 22 March 2012. These are a set of international guidelines and principles to be implemented by OECD member countries on regulatory quality and performance. The release of this recommendation follows a period of public discussion and committee engagement during 2011.

The Recommendation builds on and explores some of the challenges of effective and efficient regulatory frameworks more fully and more practically than in the earlier principles documents released by the OECD in 1995 and 2005. The document explores the roles within modern regulatory frameworks for: consultation and citizen engagement, regulatory impact assessment, multi-level coherence, the risk-regulation tradeoff, institutional responsibility for policy coherence and oversight, and regulatory agencies. The Recommendation is also built in part on the lessons learned from a series of OECD reviews into regulatory reform across its member countries and several non-member countries.

The OECD, in partnership with the European Commission, has also conducted a series of reviews into the capacity of various countries for effective regulatory management (the EU15 project)<sup>3</sup>. The project, which considered the regulatory capability of fifteen European OECD member states, has culminated in a synthesis that maps out a path for effective regulation in support of key public policy goals.

In the United States, a 2012 Executive Order, *Identifying and Reducing Regulatory Burdens* (the 2012 Order) calls on agencies to invite on a regular basis, public input on regulations in need of retrospective review<sup>4</sup>. This is to be facilitated by releasing publicly the retrospective analyses of regulations. The 2012 Order also requires agencies to give priority to those initiatives that will produce significant savings in regulatory burden.

In June 2012, the United Kingdom's Cabinet Office Behavioural Insights Team and the British Academy Policy Centre hosted a conference "Nudge and Beyond" focussing on the application of behavioural science and 'nudge'-like ideas in public policy development. 'Nudge' is a developing field of behavioural economics, based on nudging people into making healthier, safer and more financially prosperous decisions rather than subjecting them to onerous or blunt regulation.

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2 OECD (2012), *Recommendation of the Council on Regulatory Policy and Governance*, OECD, Paris. <http://www.oecd.org/gov/regulatorypolicy/49990817.pdf>

3 OECD (2012), *Better Regulation in Europe - The EU 15 project*, OECD, Paris.

4 The White House, Office of the Press Secretary (2012), *Executive Order – Identifying and Reducing Regulatory Burdens* [Press release], May 2012.

There is scope for insights and methods gained from ‘nudge’ to improve public policy and the operations of government. The United Kingdom’s Behavioural Insights Team has achieved substantial benefits from incorporating behavioural economics into government policy formulation and implementation.

Based on the “Nudge and Beyond” conference, the OBPR is developing a series of seminars and workshops within the field of ‘nudge’.

## 1.2 Outposting Initiative

The OBPR has been working to improve the resources available to agencies preparing RISs.

The Government initiative means the OBPR can provide outposted officers on a cost offsetting basis to assist agencies in the preparation of RISs and PIRs.

Outpostings help agencies to plan, prepare and draft RISs and PIRs, assisting agencies to comply with the best practice regulation requirements and increasing the quality of analysis contained in RISs and PIRs for decision makers. Rather than simply giving one-off assistance, the initiative provides an opportunity to educate and coach, and thus builds RIA capability in agencies.

The initiative covers both the Australian Government and COAG best practice regulation requirements.

Outpostings are tailored to the needs of the particular agency. For example, in the past year there has been a number of outpostings which have varied in length from two weeks to seven months. These have included work on:

- Australia’s Plan for a Clean Energy Future RIS - Department of Climate Change and Energy Efficiency (DCCEE)
  - *An EL2 officer was placed in DCCEE for three months to coordinate input from across the department to assist with the development of the RIS.*
- Energy Efficiency RISs – DCCEE
  - *An EL2 officer has been placed in DCCEE since December 2011 to provide guidance, advice and feedback on the preparation of a number of Energy Efficiency RISs.*
- Ability to set pay or pay-related conditions to promote safe driving practices for truck drivers RIS – Department of Education, Employment and Workplace Relations (DEEWR)
  - *An EL1 officer provided guidance on meeting the RIS requirements and assistance in managing the work of consultants contracted to prepare the RIS, in particular the analysis. The outposting was for one month.*
- Model Work Health and Safety Regulations and Codes of Practice for Mines RIS – Select Council on Workplace Relations
  - *An EL2 officer was placed at Safe Work Australia for about two months to assist with the preparation of the Decision RIS. The work included analysis of data on safety performance in mines across jurisdictions and analysis of the costs and benefits of implementing a set of common regulations in all jurisdictions.*

- Fair Work Act PIR – DEEWR
  - *An EL2 officer was placed in DEEWR for two months to assist the secretariat to the Panel of the Fair Work Act Review with those aspects of the review that addressed the best practice regulation requirements for PIRs.*

The outposting process has also prompted greater collaboration between agencies and the OBPR. For example, the OBPR has commenced regular meetings with the Department of Climate Change and Energy Efficiency to work through its extensive regulatory agenda.

Feedback on the outposting process has been very positive, with agencies valuing the expertise of the OBPR officers in helping to achieve acceptable levels of analysis in the RISs. The process has also been highlighted for its ability to provide agencies with a better understanding of cost benefit analysis and how this can be applied to RIS processes.

### 1.3 Best practice regulation guidance notes

#### Post-implementation Reviews – Guidance note

Australian Government agencies are required to undertake a PIR of regulation introduced without a RIS. The absence of a RIS may be because an adequate RIS was not prepared or the Prime Minister granted an exemption because of exceptional circumstances. A PIR should commence within one to two years of the implementation of the regulation, in keeping with the Government’s best practice regulation requirements.

The number of PIRs required has increased in recent years. To meet an expected demand for additional information about PIRs, the OBPR prepared a guidance note to assist agencies who are preparing PIRs. The guidance note provides agencies with greater clarity with regard to how the OBPR applies the Government’s best practice regulation requirements to PIRs, and offers practical guidance on how to go about preparing a PIR. The information in the guidance note complements the guidance on RISs contained in the *Best Practice Regulation Handbook*.

In preparing the guidance note, the OBPR consulted with agencies that have either commenced or completed a PIR, as well as some agencies that will be required to commence a PIR in the next few years. The final document incorporates feedback gathered in this process. The guidance note was published on the OBPR website<sup>5</sup> in March 2012, with the agreement of the Prime Minister, the Deputy Prime Minister, and the Minister for Finance and Deregulation.

#### Carve-out Note

A carve-out is a standing agreement between the OBPR and a department or agency that removes the need for a preliminary assessment to be sent to the OBPR for a specified type of regulatory change – generally minor or machinery changes that occur on a regular basis.

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<sup>5</sup> <http://ris.finance.gov.au/2012/03/15/guidance-note-post-implementation-reviews/>

The OBPR is developing a guidance note on carve-outs to increase the understanding of the carve-out process, in particular the criteria used by the OBPR to grant a carve-out and potential proposals for which a carve-out may be granted. The aim of the carve-out guidance note is to improve the efficiency of the preliminary assessment process by reducing the workload for both parties whilst ensuring consistent advice from the OBPR.

### **Not-for-profit Note**

The OBPR is currently developing a guidance note on Not-for-profit organisations (NFPs) in regards to the Government's best practice regulation requirements. The *Best Practice Regulation Handbook* states that:

*'A RIS is mandatory for all decisions made 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 of a minor or machinery nature and does not substantially alter existing arrangements.'*<sup>6</sup>

Since NFPs function in different ways to commercial businesses, separate consideration when assessing the impact of a regulatory proposal is required. The guidance note aims to help agencies gain a better understanding of the types of issues they should be considering if they are proposing a regulatory change that may impact on NFPs. This will help to ensure that impacts on NFPs are recognised early in the policy process and discussed thoroughly in a RIS where appropriate. The guidance note will also help to ensure consistent advice from the OBPR.

The note is being developed with agencies involved in regulating the NFP sector and NFP organisations. The note will be published on the OBPR website.

### **Competition Note**

RISs for regulatory proposals that restrict competition are required to justify that the benefits to the community outweigh the costs, and that there are no alternative means of achieving the same objective without restricting competition. The OBPR is developing a guidance note with the aim of educating agencies on how the OBPR assesses whether a proposal restricts competition as well as how that proposal would be justified in a RIS. The note is being developed in collaboration with other agencies and will be published on the OBPR website.

### **Environment Valuation Guidance**

Analysis of projects or policies that affect environmental assets should take into account the benefits they provide to the community. However, unlike many other assets, environmental assets can be difficult to account for in project and policy analyses because the benefits provided by some environmental assets can be hard to understand, and because our scientific knowledge of many environmental processes is limited.

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<sup>6</sup> Australian Government (2010), *Best Practice Regulation Handbook*, Canberra.  
<http://www.finance.gov.au/obpr/proposal/gov-requirements.html#handbook>

The OBPR, together with the Department of Sustainability, Environment, Water, Population and Communities, and the Department of Climate Change and Energy Efficiency, is completing a guide that provides a framework to analyse how decisions can affect the environmental assets and the benefits they provide. This framework, while broadly applicable, has the primary goal of informing the development of RISs. In this way, decision makers can more easily take account of all of the impacts of their decisions, and allow better decisions to be made.

## Consumer Preferences

Consumer preferences and behaviour are important attributes to take into account when designing regulation. Better appreciation of consumer behaviour can influence the motivation for government intervention (the ‘problem’ being addressed) and facilitate the development of more targeted options to achieve social objectives.

Broadly, there are two approaches to consumer behaviour: rational choice theory and behavioural economics. The former postulates that consumers make decisions which maximise their wellbeing or ‘utility’ subject to budgetary considerations, while the latter examines the behavioural processes that could lead to the formation of preferences by individuals. With both theories offering insight into why a certain choice was made by consumers, taking account of each can enhance the development of regulatory design.

The OBPR is developing a guidance note on the issue of consumer preferences and regulatory design with the aim of improving the effectiveness of new and existing regulations in terms of their impact on consumers, businesses and society in general.

## Risk in Regulatory Reform

Regulation can play an important role in mitigating risk. Regulation can be very effective in cases of market failure or to help achieve socially desirable outcomes but it can also be costly, inefficient or not achieve its desired outcome.

Risk-based regulation is essentially creating regulation to manage societal risks. Promoting risk-based regulation is becoming increasingly important because as society becomes wealthier it may perceive risks to be heightened and its corresponding willingness to tolerate risk may decrease. However, as stated by the OECD “Improving the public understanding of the nature of risks and the risk management measures can increase the public acceptance of the risk elements that cannot be reduced through further management”.<sup>7</sup>

To this end, the OBPR is developing a paper with the aim of stimulating discussion and promoting greater use of risk-based analysis by policy makers in the development of regulation. In preparing the discussion paper, the OBPR is reviewing the growing body of literature on risk-based regulatory reform, and engaging with academia and Government officials with expertise in this field.

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<sup>7</sup> OECD (2012), *Recommendation of the Council on Regulatory Policy and Governance*, OECD, Paris.

## 1.4 Regulatory best practice training

During 2011-12, the OBPR continued to offer regulatory best practice training to departments and agencies. This training is provided as a means of increasing awareness of the best practice regulation requirements and to improve the quality of regulatory analysis.

The OBPR offers a range of training programs designed to increase understanding of the Australian Government RIA requirements as well as the COAG best practice regulation requirements. General RIA training gives participants an outline of the RIA process. Comprehensive RIA training provides participants with an understanding of all aspects of the RIA process, including the preparation of a RIS, and introduction to cost benefit analysis and the Business Cost Calculator. COAG training is targeted to the needs of COAG councils and fora as well as national standard-setting bodies. In addition to the formal training sessions, an important day-to-day role of OBPR officers is to provide advice and assistance to policy officers actively involved in regulatory activity including workshops on particular RISs.

The OBPR presented training to 154 officers during 2011-12. This figure comprised training to 113 APS-wide staff in-house at the Department of Finance and Deregulation, with another 41 trained externally in courses tailored to specific agencies. Demand for training in 2011-12 was lower than the previous year when a total of 404 officers were trained. The high level of training in 2010-11 was in response to the introduction of the revised RIS arrangements in July 2010. Table 1.1 provides an overview of the OBPR's training activity for 2011-12.

Training in 2011-12 was generally well received. At the completion of each in-house training session participants were asked to provide feedback by way of an evaluation form. Feedback was received from 40 per cent of the 113 in-house participants with 88 per cent rating the training as 'good' to 'excellent' on a four scale rating system.

**Table 1.1: RIA training provided in 2011-12**

Course	Course length	Courses provided	Total attendance
<i>Comprehensive RIA training seminar</i>	4 hours	3	60
<i>Overview of the Australian Government RIA requirements and RIS</i>	2 hours	5	48
<i>Overview of COAG requirements</i>	2 hours	1	5
<i>Tailored courses provided externally to various Departments and agencies</i>	2-4 hours	2	41
<b>Total</b>		<b>11</b>	<b>154</b>



## International training

According to the OECD, Australia has world leading approaches to RIA and enjoys a strong international reputation<sup>8</sup>. The OBPR, as one of the leading bodies in RIA, is sought out for its expertise by governments around the world. In this regard, the OBPR conducted two training sessions in Malaysia in September and October 2011, for the Malaysian Productivity Corporation to further develop Malaysia's RIA capacity.

Building on the Malaysia training initiative, the OBPR, in collaboration with Mexico and New Zealand, developed a major capacity building project to conduct a series of RIA training courses for interested APEC developing economies. The project was co-sponsored by Mexico, New Zealand and the Russian Federation, and is being funded by APEC.

The RIA training program supports the initiative from Australia, New Zealand and the United States on Good Regulatory Practice agreed by APEC Leaders in Honolulu in November 2011.

The OBPR, along with government officials from Mexico and New Zealand, provide the training and pair with interested developing economies. The training is aimed at senior economic ministry and regulatory officials, and goes beyond RIA to assisting in embedding evidence based policy solutions.

The first APEC training course was provided by the OBPR to Russian officials in February 2012 in Moscow, and included contributions from Mexico and New Zealand. Training courses for the other interested APEC developing economies are being scheduled throughout 2012.

## 1.5 Stakeholder engagement

### Industry/Business Engagement

Both the Australian Government and COAG best practice regulation requirements are intended to achieve better regulation by, among other things, supporting transparency in government decision-making. Consultation with stakeholders is a key aspect of preparing a RIS, and helps to ensure that the full range of potential impacts is taken into account by decision makers and the transparency it fosters helps to build trust in the policy process. Further, a RIS has the purpose of informing the community, including stakeholders, about the likely impact of a proposal and the information that was taken into account by the decision maker.

To understand better how stakeholders are interacting with the RIA process, the OBPR undertook a series of meetings in late 2011 with key stakeholders and relevant state government agencies. In Sydney, the OBPR met with the Energy Retailers Association, the New South Wales Better Regulation Office, ACCORD, CHOICE and the Association of Superannuation Funds of Australia. In Melbourne, the OBPR met with the Plastics and Chemicals Industries Association, the

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<sup>8</sup> OECD (2010), *OECD Reviews of Regulatory Reform, Australia, Towards a Seamless National Economy*, OECD, Paris.

Department of Primary Industries, the Australian Bankers Association and the Victorian Competition and Efficiency Commission.

The OBPR continues to meet with individual stakeholders on an ad hoc basis when the opportunities arise. These, and the more targeted meetings, have helped stakeholders gain a better understanding of how the RIS process works. Just as importantly, the meetings have highlighted how much the business community values the RIS process and the role of the OBPR.

## Dissemination

The OBPR has the role of promoting effective and efficient regulation by the Australian Government and COAG. The OBPR has commenced the use of Twitter as a new communication tool to aid it in performing this role.

As part of its charter, the OBPR is required to “monitor regulatory reform developments in the states and territories, and in other countries, in order to assess their relevance to Australia”. As Twitter is increasingly adopted as an official communication medium by governments and regulatory agencies around the world, it is also important for the OBPR to have a presence on Twitter as part of fulfilling this aspect of its charter into the future.

The OBPR sees promoting a constructive dialogue around the economic issues relating to the challenges of regulatory reform as one aspect to helping ensure that Australia’s regulatory framework remains a best practice example for other countries to follow. Twitter is one way of either creating or contributing to this sort of dialogue.

Twitter also provides another channel of communication for the OBPR to disseminate important information about RISs and any associated consultation processes being conducted by agencies that are in the process of completing a RIS.

The OBPR (@OBPRGov) can be followed on Twitter at:

<https://www.twitter.com/OBPRGov> .

While Twitter provides an alternative means of disseminating important information, the Best Practice Regulation Updates website ([ris.finance.gov.au](http://ris.finance.gov.au)) will be the primary access point for information on the best practice regulation requirements of the Australian Government and COAG. Enhancements aimed at improving stakeholder engagement are being developed for the website. These will include better integration of guidance material from elsewhere on the Department of Finance and Deregulation website and improving the general capability and functionality of the site.

## 2. Summary of Compliance

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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 best practice regulation requirements.

### 2.1 Role of the Office of Best Practice Regulation

The OBPR administers the Australian Government and COAG best practice regulation requirements. It has a dual role of assisting departments and agencies to meet the requirements and improve 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 Handbook or in the *COAG Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies* (COAG Guide).

The OBPR monitors government decision-making processes and seeks to ensure that all regulatory decisions are supported by an appropriate level of impact analysis. Under the revised best practice regulation requirements that have applied from 1 July 2010, compliance for individual proposals is now reported on the OBPR website ([www.ris.finance.gov.au](http://www.ris.finance.gov.au)) as soon as practicable after the decision is announced. Year to date and financial year summaries of compliance are also published online.

### 2.2 Australian Government's best practice regulation requirements

This publication reports on department and agency compliance with the best practice regulation requirements in 2011-12 and therefore primarily refers to the RIS requirements that commenced on 1 July 2010. However, the 2011-12 Report also includes outstanding regulatory issues assessed under the previous regulatory compliance regime in order to provide the full regulatory compliance picture.

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 the 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 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).

### 2.3 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 2011-12, of the 78 RISs required at the decision-making stage, 69 RISs were prepared and assessed as adequate, giving a compliance rate of 88 per cent. This is up from the compliance rate of 75 per cent achieved in 2010-11 (table 2.1). The Prime Minister granted exceptional circumstances in five cases.

**Table 2.1: RIS compliance 2008-09 to 2011-12**

Stage	2008-09		2009-10		2010-11		2011-12	
	ratio	%	ratio	%	ratio	%	ratio	%
Decision-making stage	45/53	85	63/75	84	47/63	75	69/78	88
Transparency stage <sup>a</sup>	41/49	84	59/74	80	45/63	71	70/78	90
Exceptional circumstances	6		4		14		5	

*a 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, RISs are required for treaties at two separate decision-making stages.*

Under the best practice regulation requirements that apply from 1 July 2010, a RIS is required rather than a Business Cost Calculator (BCC) report. As such, BCC compliance is no longer reported in this table. Please see previous Best Practice Regulation Reports for past BCC compliance figures.

## Exceptional circumstances

The Prime Minister granted 'exceptional circumstances' from the RIS requirements for five regulatory proposals. Although a RIS was not prepared for these matters, the relevant departments and agencies have complied with the requirements but will need to commence PIRs 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' 2011-12**

Proposal	Department/Agency	Announced
Stronger Super Reforms – My Super Products	Treasury	21 September 2011
Protections for Outworkers in the Textile, Clothing and Footwear Industry	DEEWR	24 November 2011
Duty Free Allowances – Cigarettes and Tobacco	Treasury	8 May 2012
Eligibility for Medicare Funding for Diagnostic Radiology Services	DoHA	8 May 2012
Extension of Telstra Retail Price Controls to June 2014	DBCDE	28 June 2012

## 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 2011-12, nine proposals proceeded to the decision maker without the support of an adequate RIS (table 2.3). Also included in table 2.3 is a further proposal which was 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 2011-12**

Proposal	Department/ Agency	Announced
Revised export control orders to re-open the way for trade in live feeder cattle to Indonesia	DAFF	6 July 2011
Extension of the Energy Efficiency Opportunities Program to energy transmission and distribution networks and major greenfield and expansion projects	DRET	10 July 2011
Tuition Protection Service and other related measures	DEEWR	23 September 2011
Cancellation and Suspension for Remittance Dealer's Registration	AUSTRAC	27 October 2011
Tobacco Plain Packaging <sup>a</sup>	DoHA	7 November 2011
Stronger Futures in the Northern Territory <sup>b</sup>	FaHCSIA	23 November 2011
Problem Gambling	FaHCSIA	21 January 2012
Problem Gambling	DBCDE	21 January 2012
Protection of Tripartite Deeds for Federally Leased Airports	DIT	24 April 2012
Measures to combat organised crime and strengthen security on the waterfront	AGD	25 May 2012

*a This proposal was made prior to the introduction of the current RIS process in July 2010 when the requirement was to report non-compliance at the time the regulation was tabled. The regulation for this matter was tabled in November 2011.*

*b The RIS was assessed as adequate by the OBPR, however when it was published it excluded information that was contained in the document considered by the decision maker. Consequently, the OBPR assessed the Department of Families, Housing, Community Services and Indigenous Affairs as non-compliant with the best practice regulation requirements for this proposal 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.

A PIR will be very similar in substance to a RIS. The main difference is that the impact analysis for a PIR should include information about the actual impacts of the regulation, rather than just estimates. Stakeholder consultation should be viewed as essential and will form a key part of a PIR. The PIR should conclude with an assessment, based on the available evidence, of how effective and efficient the

regulation has been in meeting its original objectives. The form of the PIR can be more flexible, acknowledging that regulation is already periodically reviewed in a variety of manners that may already meet the PIR requirements.

The number of PIRs required as a result of regulatory proposals announced in 2011-12 have halved compared to the previous year. In 2011-12 there were five Prime Minister’s exemptions and nine non-compliant regulatory proposals for which PIRs were required. Table 2.4 shows PIR numbers by source for the period 2008-09 to 2011-12.

**Table 2.4: Post-implementation review numbers 2008-09 to 2011-12**

Source	2008-09	2009-10	2010-11	2011-12
<b>Compliant – Prime Minister’s Exemption</b>	6	4	14	5
<b>Non-Compliant</b>	8	12	16	9
<b>Total</b>	<b>14</b>	<b>16</b>	<b>30</b>	<b>14</b>

There were a total of 84 PIRs required as at 30 June 2012, of which two were non-compliant for not having been completed within approximately six months from the due date of commencement. Of the 84 PIRs, in 10 cases the regulation has not yet been implemented, 43 PIRs have not been started, 19 have started, one was completed but not yet published and 11 were completed and published.

**Table 2.5: Post-implementation review status and compliance**

PIR Status	Compliant	Non-compliant	TOTAL
<b>Not implemented</b>	10		10
<b>Not started</b>	43		43
<b>Started</b>	17	2	19
<b>Completed – not published</b>	1		1
<b>Completed – published</b>	11		11
<b>TOTAL</b>	<b>82</b>	<b>2</b>	<b>84</b>

## 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 2011-12 all departments and agencies complied with the Annual Regulatory Plan requirements.

## 2.4 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 a clear net benefit to the community.

## 2.5 COAG compliance

The OBPR identified 16 proposals that required the preparation of a RIS under the COAG requirements in 2011-12 (see Chapter 4 for more detail).

Of the 16 proposals, 13 adequate RISs were prepared for both the consultation and decision-making stages, resulting in a compliance rate of 81 per cent – down from 89 per cent for the consultation stage and 90 per cent for the decision-making stage in 2010-11. Further commentary is provided in Chapter 4.

**Table 2.6: Compliance with the COAG RIS requirements, 2008-09 to 2011-12**

Stage	2008-09 <sup>a</sup>		2009-10		2010-11		2011-12	
	ratio	%	ratio	%	ratio	%	ratio	%
Consultation stage	22/25	88	29/41	71	8/9	89	13/16	81
Decision-making stage	24/25	96	32/41	78	9/10	90	13/16	81

*a Transitional period reports on RISs required for decisions made during the period 1 April 2008 to 30 June 2009.*

### Non-compliance

COAG’s best practice regulation requirements were not met in three cases at both the consultation stage and at the decision-making stage. Table 2.7 provides further details of these regulatory decisions.



**Table 2.7: COAG non-compliant decisions in 2011-12**

<b>Regulatory decision</b>	<b>COAG Council</b>	<b>Date of decision</b>	<b>Compliant at consultation</b>	<b>Compliant at decision</b>	<b>Final RIS published</b>
Pregnancy warning labels on alcohol	Legislative and Governance Forum on Food Regulation	9 December 2011	No	No	No
National partnership agreement on skills reform	Council of Australian Governments	13 April 2012	No	No	No
Registration requirements for Optometrists	Australian Health Workforce Ministerial Council	27 April 2012	No	No	No

### 3. Australian Government compliance by Portfolio

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Compliance with the Australian Government's best practice regulation requirements for proposals announced during 2011-12 is reported by portfolio in this chapter.

In 2011-12, twenty-three departments or agencies were required to prepare RISs. Of these, fourteen complied with the requirements and nine 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: RIA compliance by department or agency 2011-12  
(decision-making stage)**

Department/Agency	Regulation Impact Statements		Exceptional circumstances
	Compliant	Non-compliant	
Attorney-General's Department	1	1	
Australian Communications and Media Authority	2		
Australian Customs and Border Protection Service	1		
Australian Fisheries Management Authority	3		
Australian Prudential Regulation Authority	1		
Australian Securities and Investments Commission	8		
Australian Transaction Reports and Analysis Centre		1	
Civil Aviation and Safety Authority	1		
Department of Agriculture, Fisheries and Forestry	8	1	
Department of Broadband, Communications and the Digital Economy	6	1	1
Department of Climate Change and Energy Efficiency	3		
Department of Defence	1		
Department of Education, Employment and Workplace Relations	3	1	1
Department of Families, Housing, Community Services and Indigenous Affairs	1	1	
Department of Foreign Affairs and Trade	1		
Department of Health and Ageing	3	1	1
Department of Immigration and Citizenship	1		
Department of Industry, Innovation, Science, Research and Tertiary Education	1		
Department of Infrastructure and Transport	5	1	
Department of Resources, Energy and Tourism		1	
Department of Sustainability, Environment, Water, Population and Communities	4		
Reserve Bank of Australia	1		
Department of The Treasury	14		2
<b>Total</b>	<b>69</b>	<b>9</b>	<b>5</b>

### 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			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Privacy Law Credit Reporting Reforms</b>			
<i>Permits more comprehensive credit reporting with supporting improvements to privacy protections through legislation and an industry code.</i>	Yes	Yes	No
<b>Organised Crime on the Waterfront</b>			
<i>A package of measures to combat organised crime and strengthen security on the waterfront.</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
<b>Commercial Radio Standards</b>			
<i>Strengthens the rules on advertising and the disclosure of commercial influence on commercial radio programs.</i>	Yes	Yes	No
<b>Realising the Digital Dividend: Spectrum Reallocation Declaration</b>			
<i>Parts of the 700MHz spectrum band will be subject to reallocation under spectrum licences.</i>	Yes	Yes	No

#### 3.1.3 Australian Customs and Border Protection Service

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Sharpening Our Approach to Weapons Control</b>			
<i>Introduces laws to reduce the number of dangerous weapons, particularly knives, entering Australia.</i>	Yes	Yes	No

### 3.1.4 Australian Fisheries Management Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Managing Interactions with Dolphins in the Gillnet Hook and Trap Sector of the Southern and Eastern Scalefish and Shark Fishery</b>			
<i>Alteration of the management arrangements in the Fishery aimed at protecting dolphins through closing an area to fishing by gillnets, increased monitoring requirements in specific areas and allowing fishing by hooks in certain areas by some fishers.</i>	Yes	Yes	No
<b>Managing Interactions with Australian Sea Lions in the Gillnet Hook and Trap Sector of the Southern and Eastern Scalefish and Shark Fishery</b>			
<i>Alteration of the management arrangements in the Fishery aimed at protecting sea lions through closing an area to fishing by gillnets, increased monitoring requirements in specific areas and allowing fishing by hooks in certain areas by some fishers.</i>	Yes	Yes	No
<b>Managing Interactions with Australian Sea Lions in the Gillnet Hook and Trap Sector of the Southern and Eastern Scalefish and Shark Fishery: application of zone based bycatch interaction trigger levels</b>			
<i>Alteration of the management arrangements in the Fishery by significantly reducing the number of fishing related Australian Sea Lion deaths that will trigger the closure of zones within the fishery to commercial net fishing.</i>	Yes	Yes	No

### 3.1.5 Australian Prudential Regulation Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Life and General Insurance Capital Review</b>			
<i>Review of risk-sensitivity of capital standards for life and general insurers and better alignment of capital standards across APRA-regulated industries.</i>	Yes	Yes	No

### 3.1.6 Australian Securities and Investments Commission

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Benchmark Disclosure Requirements for Over-the-Counter Contracts for Difference</b>			
<i>Disclosure benchmarks for Product Disclosure Statements for Over-the-Counter Contracts for Difference.</i>	Yes	Yes	No
<b>ePayments Code</b>			
<i>To update and extend the coverage of the voluntary Code to cover new types of payment products.</i>	Yes	Yes	No
<b>Disclosing the non-IFRS Financial Information</b>			
<i>Guidance that aims to assist directors and preparers of financial information in understanding how and when it is appropriate to use non-IFRS financial information in financial reports, transaction documents and other documents.</i>	Yes	Yes	No
<b>Unlisted Property Schemes</b>			
<i>Guidance (Regulatory Guide 46) on investment in unlisted property schemes.</i>	Yes	Yes	No
<b>Infrastructure Entities: Improving Disclosure for Retail Investors</b>			
<i>Guidance (Regulatory Guide 231) on investment in infrastructure entities.</i>	Yes	Yes	No
<b>Mortgage Schemes: Strengthening Disclosure Benchmarks</b>			
<i>Regulatory Guide 45 is updated to include revised benchmarks and disclosure principles.</i>	Yes	Yes	No
<b>Agribusiness Managed Investment Schemes: Improved Disclosure for Retail Investors</b>			
<i>Regulatory Guide 232 provides guidance on agribusiness managed investment schemes.</i>	Yes	Yes	No
<b>New Financial Requirements for Responsible Entities</b>			
<i>Regulatory Guide 166 on new financial requirements and benchmarks for responsible entities.</i>	Yes	Yes	No

### 3.1.7 Australian Transaction Reports and Analysis Centre

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Cancellation and Suspension of a Remittance Dealer's Registration</b>			
<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>	No	Yes <sup>a</sup>	Yes

*a A RIS was prepared and assessed as adequate following the decision. The RIS was published on the OBPR website for transparency.*

### 3.1.8 Civil Aviation Safety Authority

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Mandatory Flight Simulator Training</b>			
<i>Mandates the use of simulators for endorsement and proficiency check training in certain types of aircraft.</i>	Yes	Yes	No

### 3.1.9 Agriculture, Fisheries and Forestry

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Revised Export Control Orders to Reopen the Way for Trade in Live Feeder Cattle to Indonesia</b>			
<i>Revises export control orders to open trade for live cattle to Indonesia.</i>	No	No	Yes <sup>a</sup>
<b>Livestock Exports: Regulatory Framework for Animal Welfare Assurance<sup>b</sup></b>			
<i>Ensures Australian livestock exported for slaughter are treated at or above internationally accepted animal welfare standards.</i>	Yes	Yes	No
<b>Australia's Negotiating Framework for the 18<sup>th</sup> Meeting of the Commission of Southern Bluefin Tuna</b>			
<i>Adoption of a formal rebuilding strategy as a step towards recovering the stock of bluefin tuna back to sustainable levels.</i>	Yes	Yes	No
<b>Export Controls (Plant and Plant Products) Order 2011</b>			
<i>Brings the orders up to date with current international requirements and provides additional flexibility for exporting businesses to allow non-government employees to carry out certain inspection functions.</i>	Yes	Yes	No
<b>Meat Export Certification Reform Package</b>			
<i>Gives businesses greater flexibility in how staff are deployed when not undertaking meat export inspection work and focus regulatory resources on risk areas.</i>	Yes	Yes	No
<b>Better Regulation of Agricultural and Veterinary Chemicals</b>			
<i>Better align the assessment effort with risks posed and impose time limits for the regulator to complete assessments and introduce a scheme for the continuation of approvals and registrations.</i>	Yes	Yes	No
<b>Government Responses to the Productivity Commission Review of Wheat Export Marketing Arrangements</b>			
<i>In-principle agreement with the recommendations on wheat market reforms, including deregulating the wheat export market and reducing costs to growers and exporters.</i>	Yes	Yes	No

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Illegal Logging</b>			
<i>Prohibits the importation and sale of illegally logged timber in Australia.</i>	Yes	Yes <sup>c</sup>	No
<b>Amendment of Administrative Arrangements for EU High Quality Beef by Australia</b>			
<i>Amendments to deliver a more effective and efficient management of the EU High Quality Beef quota by minimising barriers to exporting and reward market development in the export industry, including for new entrants.</i>	Yes	Yes	No
<p><i>a The PIR requirements were fulfilled by the Livestock Exports: Regulatory Framework for Animal Welfare Assurance RIS.</i></p> <p><i>b This RIS fulfils the PIR requirements for the Suspension of Live Cattle Exports to Indonesia and Revised Export Control Orders to Reopen the Way for Trade in Live Feeder Cattle to Indonesia.</i></p> <p><i>c The RIS was approved by the OBPR in May 2010 under the previous RIA framework, which did not require publishing of RISs on the OBPR's website. Regulatory recommendations arising from a Senate Standing Committee on Rural Affairs and Transport and subsequent Government response in November 2011 were included in a revised RIS which was published on the OBPR website in May 2012.</i></p>			

### 3.1.10 Broadband, Communications and the Digital Economy

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Universal Policy in the National Broadband Network Environment</b>			
<i>Ensures basic universal telecommunication services are provided during and after the rollout of the National Broadband Network (NBN).</i>	Yes	Yes	No
<b>Changes to Price Surveillance of Australia Post Reserved Letter Prices</b>			
<i>Removes the requirement for the Australian Competition and Consumer Commission approval prior to price rises for certain Australia Post products.</i>	Yes	Yes	No
<b>Amendments to Local Content and Local Presence Requirements for Regional Commercial Radio</b>			
<i>Reduces the regulatory burden of local content and local presence requirements for most regional commercial radio stations by granting affected stations increased flexibility to meet the requirements.</i>	Yes	Yes	No
<b>Consumer Safeguards Relating to Payphone Services</b>			
<i>Increase the requirements for Telstra in relation to payphone fault repairs, installation, removal, public consultation on removal and complaints handling.</i>	Yes	Yes	No
<b>Regulatory Changes to facilitate the Rollout of the NBN</b>			
<i>Changes to facilitate the rollout of broadband infrastructure by including infrastructure used in an optical fibre network in the Telecommunications (Low Impact Facilities) Determination 1997.</i>	Yes	Yes	No



Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Competition Limits on the sale of digital dividend (700MHz) and 2.5GHz spectrum</b>			
<i>Imposition of competition limits on the upcoming auction of spectrum in the 700MHz and 2.5GHz bands.</i>	Yes	Yes	No
<b>Problem Gambling</b>			
<i>Banning the promotion of live odds during sports coverage, extending pre-commitment to online betting services, and cracking down on online sports betting companies offering credit and introduce stricter limits on betting inducements.</i>	No	No	Yes
<b>Extension of Telstra Retail Price Controls to June 2014</b>			
<i>Extending retail price controls on Telstra fixed-line telephone services to June 2014.</i>	E/c	E/c	Yes
<i>E/c Exceptional circumstances were granted by the Prime Minister</i>			

### 3.1.11 Climate Change and Energy Efficiency

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Australia's Plan for a Clean Energy Future</b>			
<i>Regulatory considerations and arrangements for a market based pricing system mechanism that deals with Australia's emissions of carbon dioxide and other global warming gases.</i>	Yes	Yes	No
<b>Australia's Plan for a Clean Energy Future: Non-Transport Gaseous Fuels</b>			
<i>Mandates coverage of non-transport liquefied petroleum gas (LPG) and non-transport liquefied natural gas (LNG) by the carbon pricing mechanism from 1 July 2013, and coverage of non-transport compressed natural gas from 1 July 2012.</i>	Yes	Yes	No
<b>Communicating the Impact of Carbon Pricing</b>			
<i>Generic information communicating the impact of the carbon price on electricity costs to be included in electricity retailers' billing envelopes.</i>	Yes	Yes	No

### 3.1.12 Defence

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Strengthening Australia's Defence Export Controls</b>			
<i>Requires businesses to apply for permits to export defence related goods and comply with permit conditions.</i>	Yes	Yes	No

### 3.1.13 Education, Employment and Workplace Relations

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Road Safety Remuneration Tribunal</b>			
<i>Ability to set pay or pay-related conditions to promote safe driving practices for truck drivers.</i>	Yes	Yes	No
<b>Tuition Protection Service and other related measures</b>			
<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>	No	Yes <sup>a</sup>	Yes <sup>b</sup>
<b>Protection for Outworkers in the Textile, Clothing and Footwear Industry</b>			
<i>Legislation to make it easier for outworkers to receive minimum entitlements and to ensure compliance with the relevant provisions at all levels of the supply chain.</i>	E/c	E/c	Yes
<b>Child Care Benefit (Eligibility of Child Care Services for Approval and Continued Approval) Amendment Determination</b>			
<i>Introduces strengthened tests for child care services seeking to be eligible to provide government-assisted places.</i>	Yes	Yes	No
<b>Seasonal Worker Program</b>			
<i>Provides access to seasonal employment opportunities in Australia which will deliver financial gains and employment experience to workers from the Pacific Region and East Timor.</i>	Yes	Yes	No

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

*a A RIS was prepared and assessed as adequate following the decision. The RIS was published on the OBPR website for transparency.*

*b This PIR is to be undertaken by the Department of Industry, Innovation, Science, Research and Tertiary Education due to machinery of Government changes.*

### 3.1.14 Families, Housing, Community Services and Indigenous Affairs

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Stronger Futures in the Northern Territory</b>			
<i>Tackles priority issues in the Northern Territory, including alcohol related issues.</i>	Yes	No <sup>a</sup>	No
<b>Problem Gambling</b>			
<i>Ensuring that all new poker machines manufactured from 2013 are capable of supporting pre-commitment, introducing a \$250 daily withdrawal limit from ATMs in gaming venues (excluding casinos) by 1 February 2013, and requiring electronic warnings and cost of play displays on poker machines by 2016.</i>	No	No	Yes
<i>a The RIS was assessed as adequate by the OBPR, however when it was published it excluded information that was contained in the document considered by the decision-maker. Consequently, the OBPR assessed the Department of Families, Housing, Community Services and Indigenous Affairs as non-compliant with the best practice regulation requirements for this proposal at the transparency stage.</i>			

### 3.1.15 Foreign Affairs and Trade

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Malaysia-Australia Free Trade Agreement</b>			
<i>Improves opportunities for Australian trade and investment in Malaysia.</i>	Yes	Yes	No

### 3.1.16 Health and Ageing

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Tobacco Plain Packaging<sup>a</sup></b>			
<i>Requires plain packaging for tobacco products.</i>	No	No	Yes
<b>Aged Care Amendments to the User Rights Principles</b>			
<i>Proposed amendments to introduce a new Governance Standard, amend the Disclosure Standards, and to expand permitted uses to allow for appropriate capital expenditure.</i>	Yes	Yes	No
<b>Aged Care System Reforms</b>			
<i>Package of reforms to the way in which aged care is provided and funded in Australia.</i>	Yes	Yes	No

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Eligibility for Medicare Funding for Diagnostic Radiology Services</b>			
<i>Limits the conduct of Medicare-eligible diagnostic radiology procedures (excluding mammography) to medical practitioners, qualified dental practitioners and radiographers.</i>	E/c	E/c	Yes
<b>Reclassification of Hip, Knee and Shoulder Joint Implants</b>			
<i>Requires the reclassification of hip, knee and shoulder joint implants as Class III medical devices.</i>	Yes	Yes	No
<i>E/c Exceptional circumstances were granted by the Prime Minister</i>			
<i>a This proposal was made prior to the introduction of the current RIS process in July 2010 when the requirement was to report non-compliance at the time the regulation was tabled. The regulation was tabled in November 2011 and, as such, did not appear in the 2010-11 Best Practice Regulation Report.</i>			

### 3.1.17 Immigration and Citizenship

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Sanctions Reform: Employing or Referring Illegal Workers</b>			
<i>Establishes an employer sanction framework designed to maximise voluntary compliance and a graduated series of sanctions where the response can be tailored to the level of non-compliance.</i>	Yes	Yes	No

### 3.1.18 Industry, Innovation, Science, Research and Tertiary Education

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Higher Education Standards Framework (Threshold Standards) 2011</b>			
<i>Threshold standards to be used by the new national higher education regulator, the Tertiary Education Quality and Standards Agency.</i>	Yes	Yes	No

### 3.1.19 Infrastructure and Transport

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Stronger Shipping for a Stronger Economy</b>			
<i>Facilitates Australian shipping by supporting investment in the industry; facilitating service provision at reasonable costs; enabling expansion into international trades and developing the maritime skills base.</i>	Yes	Yes	No
<b>Amendment to Vehicle Standard (Australian Design Rule 4/05 – Seatbelts) 2006</b>			
<i>Requires that new passenger vehicles are fitted with a seatbelt reminder for the driver's position, and that any folding seats must be fitted with seatbelts.</i>	Yes	Yes	No
<b>Harmonisation of the Australian Design Rules</b>			
<i>Automatically references any change in United Nations Economic Commission for Europe in the Australian Design Rules to remove the delay experienced when importing vehicles with improved safety standards and to provide certainty to vehicle importers as to when they can import new release vehicles.</i>	Yes	Yes	No
<b>Release of Productivity Commission Report into Airport Pricing</b>			
<i>The Government broadly agreed with the recommendations of the Productivity Commission.</i>	Yes	Yes	No
<b>Protection of Tripartite Deed for Federally Leased Airports</b>			
<i>Tripartite Deeds clarify the rights of financiers in the event an operator of a federally leased airport goes out of business or loses its operating licence.</i>	No	No	Yes
<b>Australian Design Rule 34/01 – Child Restraint Anchorages and Child Restraint Anchor Fittings</b>			
<i>The updated standard will expand choice for consumers by facilitating the use of ISOFIX universal type child restraints in Australia, pending other necessary regulatory amendments.</i>	Yes	Yes	No

### 3.1.20 Resources, Energy and Tourism

Title of regulatory proposal			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Extension of the Energy Efficiency Opportunities Program to Transmission and Distribution Networks and Major Greenfield and Expansion Projects</b>			
<i>Extension of the Energy Efficiency Opportunities Program to energy transmission and distribution networks and major greenfield and expansion projects.</i>	No	No	Yes

### 3.1.21 Sustainability, Environment, Water, Population and Communities

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Various Measures Affecting the Antarctic Treaty Area</b>			
<i>The measures include liability arising from environmental emergencies, landing persons from passenger vessels and insurance and contingency planning for tourism and non-government activities.</i>	Yes	Yes	No
<b>Response to the Review of the EPBC Act</b>			
<i>Increase the use of environmental approvals to classes of actions, rather than project-by-project approvals and amend assessment/approval processes to require early engagement between project proponents and the regulator in order to reduce project delay and improve certainty around approval timeframes.</i>	Yes	Yes	No
<b>Material Recovery Under the National Television and Computer Product Stewardship Scheme</b>			
<i>Amendment of the Product Stewardship (Televisions and Computers) Regulations 2011 to include a material recovery target, which has been set at 90 per cent.</i>	Yes	Yes	No
<b>Completing the Commonwealth Marine Reserves Network</b>			
<i>Proposes a network of marine reserves in Commonwealth waters across five marine regions.</i>	Yes	Yes	No

### 3.1.22 Reserve Bank of Australia

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Variation of the surcharging standards</b>			
<i>Allows card scheme rules to limit surcharges to the reasonable cost of card acceptance.</i>	Yes	Yes	No

### 3.1.23 Treasury

Title of regulatory proposal			
Description of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Regulation of Short Term, Small Amount (Payday) Finance</b>			
<i>Measures to increase the level of protection for the provision of short-term, small amount lending.</i>	Yes	Yes	No

Title of regulatory proposal	RIS adequate	RIS published	PIR required
<b>Delivering for Seniors: Equity Release Product Reforms</b>			
<i>Protections for older Australians accessing the equity in their homes through reverse mortgages or home reversion schemes.</i>	Yes	Yes	No
<b>Regulation of Consumer Leases and Enhancements to the National Credit Code</b>			
<i>Provides greater protection in relation to consumer leases that are functionally similar to other forms of credit.</i>	Yes	Yes	No
<b>Interim Investment Manager Regime</b>			
<i>Provides greater certainty in relation to the taxation treatment of certain investment incomes derived during the 2010-11 income years.</i>	Yes	Yes	No
<b>Stronger Super Reforms</b>			
<i>Reforms including MySuper, the administration of superannuation accounts through SuperStream, standards for self-managed superannuation fund auditors and revised governance arrangement.</i>	Yes	Yes	No
<b>Stronger Super Reforms – Aspects of MySuper</b>			
<i>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.</i>	E/c	E/c	Yes
<b>Financial Claims Scheme</b>			
<i>Introduction of a new cap for the Financial Claims Scheme of \$250,000 per person per authorised deposit-taking institution.</i>	Yes	Yes	No
<b>Audit Quality in Australia</b>			
<i>Reforms including changes to the rotation periods for audit partners, requiring larger audit firms to prepare annual transparency reports, changes to the functions of the Financial Reporting Council and Australian Securities and Investments Commission (ASIC) and enhanced powers for ASIC.</i>	Yes	Yes	No
<b>Reforming Flood Insurance</b>			
<i>Introduction of a standard definition of ‘flood’ for certain insurance policies.</i>	Yes	Yes	No
<b>Key Facts Sheet for Home Building and Home Contents Insurance Policies</b>			
<i>Requirements for insurers to provide customers with a Key Facts Sheet for all home building and home contents insurance policies.</i>	Yes	Yes	No
<b>Harmonisation and Modernisation of the Regulatory Framework Applying to Insolvency Practitioners</b>			
<i>The amendments address a wide range of issues that have had a negative impact on the efficiency and effectiveness of the insolvency system.</i>	Yes	Yes	No

<b>Title of regulatory proposal</b>			
<i>Description of regulatory proposal</i>	RIS adequate	RIS published	PIR required
<b>Investment Manager Regime: Element 3</b>			
<i>Provides greater certainty in relation to the income taxation treatment of foreign managed funds by restricting the application of Australian income tax law, subject to appropriate safeguards to protect the integrity of the corporate tax base.</i>	Yes	Yes	No
<b>Company Loss Carry Back</b>			
<i>From 1 July 2012, small businesses will be able to straight away write-off assets purchased costing less than \$6,500.</i>	Yes	Yes	No
<b>Duty free allowances – Cigarettes and Tobacco</b>			
<i>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.</i>	E/c	E/c	Yes
<b>Replacement of Accountants' Licensing Exemption</b>			
<i>Changes to the previously announced arrangements for licensing accountants providing advice on self-managed superannuation funds involving streamlined arrangements to hold a conditional Australian Financial Services Licence.</i>	Yes	Yes	No
<b>Self Managed Superannuation Funds Auditor Registration</b>			
<i>Details of registration requirements for auditors who conduct audits of self-managed superannuation funds.</i>	Yes	Yes	No
<i>E/c Exceptional circumstances were granted by the Prime Minister</i>			



## 3.2 Annual Regulatory Plans

At the beginning of 2011-12, 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. In response to the *OECD 2009 Review of Regulatory Reform: Australia*, the Government decided to strengthen the requirement for agencies to demonstrate that effective consultation has been undertaken for a RIS to be assessed as compliant. Therefore, a consultation plan must be developed and included in the Annual Regulatory Plan of a department or agency. The following departments or agencies published an Annual Regulatory Plan for 2011-12.

- 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 Securities and Investments Commission
- Australian Transaction Reports and Analysis Centre
- Civil Aviation Safety Authority
- Department of Agriculture, Fisheries and Forestry
- Department of Broadband, Communications and the Digital Economy
- Department of Climate Change and Energy Efficiency
- Department of Education, Employment and Workplace Relations
- Department of Families, Housing, Community Services and Indigenous Affairs
- Department of Finance and Deregulation
- Department of Foreign Affairs and Trade
- Department of Health and Ageing
- Department of Immigration and Citizenship
- Department of Industry, Innovation, Science, Research and Tertiary Education
- Department of Infrastructure and Transport
- Department of Regional Australia, Local Government, Arts and Sport
- Department of Resources, Energy and Tourism
- Department of the Prime Minister and Cabinet
- Department of Sustainability, Environment, Water, Population and Communities
- Department of Veterans' Affairs
- Great Barrier Reef Marine Park Authority
- Office of the Renewable Energy Regulator
- Private Health Insurance Administrative Council
- Reserve Bank of Australia – Payments System Board
- The Treasury

## 4. Compliance by COAG Council

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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 being assessed for compliance against the COAG RIS adequacy criteria.

On 13 February 2011, COAG agreed to establish a new Council System. There are three types of council in the System:

- Standing Councils that are ongoing and address issues of national significance;
- Select Councils that are reform-focused and time-limited; and

- Legislative and Governance Fora that oversee responsibilities set out in legislation, intergovernmental agreements and treaties outside the scope of Standing Councils.

Due to these changes, some Ministerial Councils may have had earlier names when RISs were being prepared and the name of the Council may have changed since reporting.

#### 4.1 Compliance by COAG council and national standard-setting bodies

During 2011-12, ten COAG councils and NSSBs made decisions which triggered the COAG best practice regulation requirements. Seven COAG councils and NSSBs were fully compliant, while the Council of Australian Governments, the Legislative and Governance Forum on Food Regulation and the Australian Health Workforce Ministerial Council were not (see table 4.1).

This chapter also contains information on the twelve 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 2011-12 consultation, decision-making and publishing stage**

COAG Council/ NSSB	Consultation		Decision		Published	
	Compliant	Non-compliant	Compliant	Non-compliant	Compliant	Non-compliant
Australian Building Codes Board	1		1		1	
Australian Health Workforce Ministerial Council		1		1		1
Council of Australian Governments	1	1	1	1	1	1
Food Standards Australia New Zealand	1		1		1	
Legislative and Governance Forum on Consumer Affairs	1		1		1	
Legislative and Governance Forum on Food Regulation	1	1	1	1	1	1
Standing Council on Energy and Resources	2		2		2	
Standing Council on Primary Industries	1		1		1	
Standing Council on Transport and Infrastructure	4		4		4	
Standing Council on Workplace Relations	1		1		1	
<b>Total</b>	<b>13</b>	<b>3</b>	<b>13</b>	<b>3</b>	<b>13</b>	<b>3</b>

## 4.1.2 Australian Building Codes Board

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>National Construction Code Requirements for Construction in Cyclone Regions</b>				
<i>Changes to the Wind Standard for housing in cyclone areas as referenced in the National Construction Code.</i>	*	Yes	..	..
<b>Reducing Slips, Trips and Falls</b>				
<i>Amend the National Construction Code to reduce the risk of slips, trips and falls in residential buildings.</i>	8 December 2011	Yes	Yes	Yes
<b>Addressing the risk of floods to new residential buildings</b>				
<i>National Construction Code standard to address the risk of floods to new residential buildings.</i>	*	Yes	..	..
* A decision has not been made as at 30 June 2012				
.. Not applicable				

## 4.1.3 Australian Health Workforce Ministerial Council

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Unregistered Health Practitioners</b>				
<i>Options for strengthening the regulation of those health practitioners where statutory registration is not a prerequisite for practice.</i>	*	Yes	..	..
<b>Registration requirements for Optometrists</b>				
<i>Amended standards for newly registering optometrists to require them to have therapeutic qualifications.</i>	27 April 2012	No	No	No
* A decision has not been made as at 30 June 2012				
.. Not applicable				

#### 4.1.4 Council of Australian Governments

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Unique Student Identifier</b>				
<i>Introduction of a national unique student identifier for the Vocational Education and Training sector.</i>	13 April 2012	Yes	Yes	Yes
<b>National Partnership Agreement on Skills Reform</b>				
<i>Reforms relating to data collection and the quality of Vocational Education and Training teaching and training.</i>	13 April 2012	No	No	No
<b>Chemical Security: Precursors to homemade explosives</b>				
<i>Options to improve security arrangements for businesses that handle chemicals that can be used to make homemade explosives.</i>	*	Yes	..	..

\* A decision has not been made as at 30 June 2012

.. Not applicable

#### 4.1.5 Food Standards Australia New Zealand

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Unpackaged Meat Products Country of Origin Labelling Standard</b>				
<i>Proposal to extend country of origin labelling to unpackaged beef, sheep and chicken meat.</i>	*	Yes	..	..
<b>Primary Production &amp; Processing Standard for Seed Sprouts</b>				
<i>Options to address food-borne illness caused by seed sprouts.</i>	25 October 2011	Yes	Yes	Yes

\* A decision has not been made as at 30 June 2012

.. Not applicable

#### 4.1.6 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
<b>Co-operatives: A National Approach</b>				
<i>Implements nationally uniform legislation for co-operatives, to address inconsistent state and territory legislation and competitive disadvantages that exist in comparison to entities operating under the Corporations Act 2001.</i>	February 2012	Yes	Yes	Yes
<b>Charitable Fundraising Regulation Reform</b>				
<i>Examines proposals for a new, nationally-consistent approach to the laws that govern charitable fundraising.</i>	*	Yes	..	..
* A decision has not been made as at 30 June 2012				
.. Not applicable				

#### 4.1.7 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
<b>Changes to Food Safety Arrangements for the Retail and Food Service Sectors</b>				
<i>New food safety management Policy Guideline for the retail and food service sectors.</i>	9 December 2011	Yes	Yes	Yes
<b>Pregnancy Warning Labels on Alcohol</b>				
<i>Decision to support a warning message about the risks of consuming alcohol while pregnant.</i>	9 December 2011	No	No	No

## 4.1.8 Standing Council on Energy and Resources

Title of Regulatory Proposal				
Description of Regulatory Proposal	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Mandatory disclosure of residential building energy, greenhouse and water performance</b>				
<i>Examines whether to introduce mandatory disclosure of building energy, greenhouse and water performance at the point of sale or lease for residential properties.</i>	*	Yes	..	..
<b>Electricity Distribution Transformers</b>				
<i>Introduction of revised Minimum Energy Performance Standards (MEPS) for electricity distribution transformers to improve existing levels of energy efficiency and performance.</i>	*	Yes	..	..
<b>Separation of Generation and Transmission</b>				
<i>Competition issues associated with the co-ownership of electricity generation and transmission assets.</i>	*	Yes	..	..
<b>Increases in Minimum Energy Performance Standards for Air Conditioners</b>				
<i>Requirement for multi-split air conditioners to meet the same MEPS levels as all other non-duct split systems.</i>	20 September 2011	Yes	Yes	Yes
<b>Gas Appliance (Carbon Monoxide) Safety Strategy</b>				
<i>To address the risk of Carbon monoxide poisoning from domestic gas appliances.</i>	8 June 2011	Yes	Yes	Yes

\* A decision has not been made as at 30 June 2012

.. Not applicable

## 4.1.9 Standing Council on Environment and Water

Title of Regulatory Proposal				
Description of Regulatory Proposal	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Packaging Impacts</b>				
<i>Explores measures that have the potential to increase packaging resource recovery rates and decrease packaging litter.</i>	*	Yes	..	..

\* A decision has not been made as at 30 June 2012

.. Not applicable

#### 4.1.10 Standing Council on Primary Industries

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Bobby Calves Time Off Feed Standard</b>				
<i>National industry standard that sets a limit of 30 hours Time Off Feed for calves aged 5 to 30 days being transported without mothers.</i>	28 October 2011	Yes	Yes	Yes

#### 4.1.11 Standing Council on Tertiary Education, Skills and Employment

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Total Vocational Education and Training (VET) Activity Data Collection</b>				
<i>Provides for improved collection of data in the VET sector to support government decision making and increase transparency.</i>	*	Yes	..	..

\* A decision has not been made as at 30 June 2012

.. Not applicable



#### 4.1.12 Standing Council on Transport and Infrastructure

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Heavy Vehicle National Law</b>				
<i>Enhances national consistency to benefit interstate operators by reducing compliance costs and introduces initiatives to assist the functioning of the National Heavy Vehicle Regulator.</i>	4 November 2011	Yes	Yes	Yes
<b>Rail Safety National Law</b>				
<i>Develops a seamless and coordinated national approach to rail safety regulation as well as leading to improved safety outcomes.</i>	4 November 2011	Yes	Yes	Yes
<b>Performance Based Standards</b>				
<i>Allows specially designed heavy vehicles to operate on parts of the public road system.</i>	7 March 2012	Yes	Yes	Yes
<b>Rail Safety National Law: Fatigue Risk Management; Hours of Work and Rest</b>				
<i>In all states and territories, hours of work and rest will be regulated under the existing framework of the National Law although New South Wales will retain its current prescribed train driver hour limits.</i>	18 May 2012	Yes	Yes	Yes

#### 4.1.13 Select Council on Workplace Relations

Title of Regulatory Proposal				
<i>Description of Regulatory Proposal</i>	Date of Decision	Compliant at Consultation	Compliant at Decision	Final RIS Published
<b>Model Work Health and Safety Regulations and Codes of Practice for Mines</b>				
<i>Common set of core regulations developed to be agreed by jurisdictions as the base for a consistent approach to regulating mine safety across all jurisdictions.</i>	*	Yes	..	..
<b>National Harmonisation of Work Health and Safety Regulations and Codes of Practice</b>				
<i>The model Work Health and Safety Act, Work Health and Safety Regulations and Codes of Practice achieve nationally harmonised work health and safety standards.</i>	9 November 2011	Yes	Yes	Yes

\* A decision has not been made as at 30 June 2012

.. Not applicable

## 5. Post-implementation review status by portfolio

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This chapter provides a description of regulations that require a post-implementation review. The information on the proposed date of commencement of the PIR, its status and compliance is also provided. Post-implementation reviews from previous years are also flagged.

There are twenty departments or agencies that are required to undertake post-implementation reviews. Treasury is required to undertake thirty-two post-implementation reviews while Broadband Communications and the Digital Economy is required to undertake nine. Families, Housing, Community Services and Indigenous Affairs is required to undertake eight post-implementation reviews and Health and Ageing is required to undertake five.

The two departments with non-compliant post-implementation reviews are Health and Ageing and Infrastructure and Transport.

There are nineteen post-implementation reviews due to commence in 2012-13, with Treasury responsible for eight of these reviews.

A post-implementation review must commence within 1 to 2 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 post-implementation review is not completed within a reasonable timeframe, the OBPR may deem the responsible agency to be non-compliant with the Government's post-implementation review requirements. Until such time, the agency is regarded as being compliant with the post-implementation review requirements, and is reported as such in the following tables.

**Table 5.1: Post-implementation review compliance by department or agency**

<b>Department/ Agency</b>	<b>Compliant</b>	<b>Non-compliant</b>
Agriculture, Fisheries and Forestry	2	
Australian Fisheries Management Authority	1	
Attorney-General's Department	2	
Australian Accounting Standards Board	2	
Australian Communications Media Authority	2	
Australian Customs and Border Protection Service	1	
Australian Securities and Investments Commission	1	
Australian Transaction Reports and Analysis Centre	1	
Broadband, Communications and the Digital Economy	9	
Climate Change and Energy Efficiency	3	
Defence	1	
Education, Employment and Workplace Relations	3	
Families, Housing, Community Services and Indigenous Affairs	8	
Health and Ageing	5	1
Industry, Innovation, Science, research and Tertiary Education	2	
Infrastructure and Transport	3	1
Regional Australia, Local Government, Arts and Sport	2	
Resources, Energy and Tourism	1	
Treasury	32	
Defence/Resources, Energy and Tourism	1	
<b>Total</b>	<b>82</b>	<b>2</b>

## 5.1 Status by department or agency

### 5.1.1 Agriculture, Fisheries and Forestry

Title of regulatory proposal					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Suspension of Live Cattle Exports to Indonesia</b>					
<i>Suspends the export of live cattle to Indonesia until new safeguards are established.</i>	Non-compliant	8 June 2011	*	Completed published	Compliant
<b>Revised Export Control Orders to Reopen the Way for Trade in Live Feeder Cattle to Indonesia</b>					
<i>Resumption of live cattle exports to Indonesia.</i>	Non-compliant	6 July 2011	*	Completed published	Compliant
* PIR requirements were fulfilled by the Livestock Exports: Regulatory Framework for Animal Welfare Assurance RIS					

### 5.1.2 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
<b>Fishing Area Closure and Revised Monitoring Arrangements</b>					
<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	Not started	Compliant

### 5.1.3 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
<b>Marriage Amendment Regulations 2009 (No.1) and Marriage Amendment Regulations 2009 (No.2)</b>					
<i>Implements minimum training and registration requirements for marriage celebrants.</i>	Non-compliant	3 February 2010	February 2012	Started	Compliant
<b>Organised Crime on the Waterfront</b>					
<i>A package of measures to combat organised crime and strengthen security on the waterfront.</i>	Non-compliant	Not implemented	..	Not started	Compliant
.. Not applicable					

### 5.1.4 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
<b>Amendments to Australian Accounting Standards AASB 1 &amp; 7</b>					
<i>Amendments to disclosure requirements around transfers of financial assets.</i>	Non-compliant	November 2010	June 2015 <sup>a</sup>	Not started	Compliant
<b>Reducing the Financial Reporting Burden: A Second Tier of Requirements for General Purpose Financial Statements</b>					
<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 <sup>b</sup>	Not started	Compliant

*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.*

*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.*

## 5.1.5 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
<b>Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.1)</b>					
<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	Started	Compliant
<b>Telecommunications Service Provider (Mobile Premium Services) Determination 2010 (No.2)</b>					
<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	Started	Compliant

## 5.1.6 Australian Customs and Border Protection Service

Title of regulatory proposal					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Prohibited Imports Amendments</b>					
<i>Customs (Prohibited Imports) Amendment Regulations 2008 (No. 3), to restrict the importation of hand held laser pointers.</i>	Non-compliant	July 2008	July 2010	Completed Published	Compliant

## 5.1.7 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
<b>Interim Bans on Covered and Naked Short Selling (Class Orders 08/751, 08/752, 08/753, 08/763, 08/764, 08/801, 08/824)</b>					
<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	Started	Compliant

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

## 5.1.8 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
<b>Cancellation and Suspension of a Remittance Dealer's Registration</b>					
<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	Not Started	Compliant

## 5.1.9 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
<b>Changes to the Anti-siphoning System</b>					
<i>Changes that will affect television coverage of key sporting events in Australia.</i>	E/c	Not implemented	..	Not started	Compliant
<b>National Broadband Network (NBN) Decisions*</b>					
<i>Decisions in response to the establishment of the NBN.</i>	E/c	After April 2009	April 2013	Not started	Compliant
<i>Decisions in response to NBN implementation review.</i>	E/c	After December 2010	April 2013	Not started	Compliant
<b>Broadcasting &amp; Datacasting Services (Parental Lock) Technical Standard 2010</b>					
<i>Requiring particular digital television reception equipment to have parental lock capabilities.</i>	Non-compliant	February 2011	February 2013	Not started	Compliant
<b>Improved Competition in Telecommunications Markets</b>					
<i>Proposes structural or functional separation of Telstra wholesale and retail operations.</i>	E/c	June 2016	June 2018	Not started	Compliant
<b>Problem Gambling</b>					
<i>Ban the promotion of live odds during sports coverage.</i>	Non-compliant	After December 2012	December 2014	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

Title of regulatory proposal					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Extension of Telstra Retail Price Controls to June 2014</b>					
<i>Extending retail price controls on Telstra fixed-line telephone services to June 2014.</i>	E/c	June 2012	June 2014	Not started	Compliant

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

*.. Not applicable*

*\* A number of statutory reviews will be collectively assessed in relation to the NBN PIR requirements. The first review required is under section 151DD of the Competition and Consumer Act 2010 of the operation of Division 16 of Part XIB of that Act which relates to the promotion of structural reform of the telecommunications industry and the promotion of uniform national wholesale pricing (to commence before 12 April 2013).*

### 5.1.10 Climate Change and Energy Efficiency

Title of regulatory proposal					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Renewable Energy (Electricity Amendment Regulations 2010 (No. 3)) *</b>					
<i>Extends safety and quality requirements for small-scale renewable energy generation systems.</i>	Non-compliant	18 June 2010	July 2012	Not started	Compliant
<b>Renewable Energy (Electricity) Amendment Act 2009 and Renewable Energy (Electricity) (Charge) Amendment Act 2009*</b>					
<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	July 2012	Not started	Compliant
<b>Renewable Energy (Electricity) Amendment Regulations 2010 (No. 8) &amp; Renewable Energy (Electricity) Amendment Regulations 2011 (No. 2)*</b>					
<i>Brings forward the scheduled annual reductions in the solar credits multiplier.</i>	Non-compliant	8 December 2010 & 16 June 2011	July 2012	Not started	Compliant

*\* The PIRs for each of these regulatory proposals will be combined into a single PIR drawing on information produced during the statutory review of the Renewable Energy (Electricity) Act 2000 and the Renewable Energy (Electricity) Regulations 2001. The review is being undertaken by the Climate Change Authority and is due to be finalised by the end of 2012.*



### 5.1.11 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
<b>Defence Trade Cooperation Treaty with the United States</b>					
<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	Not implemented	..	Not Started	Compliant
.. Not applicable					

### 5.1.12 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
<b>Australian Government Procurement Statement (DEEWR/Finance)</b>					
<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	Started	Compliant
<b>Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008 and Fair Work Act 2009</b>					
<i>Creates a new industrial relations system with a focus on collective bargaining in the workplace.</i>	E/c	January 2010	January 2012	Complete not yet published	Compliant
<b>Protection for Outworkers in the Textile, Clothing and Footwear Industry</b>					
<i>Legislation to make it easier for outworkers to receive minimum entitlements and to ensure compliance with the relevant provisions at all levels of the supply chain.</i>	E/c	1 July 2012	1 July 2014	Not started	Compliant
E/c Exceptional circumstances were granted by the Prime Minister					

### 5.1.13 Families, Housing, Community Services and Indigenous Affairs

Title of regulatory proposal					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Northern Territory National Emergency Response Measures</b>					
<i>Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Act 2007<sup>a</sup></i>	E/c	2007	2009	Completed Published	Compliant
<i>Social Security and Other Legislation Amendment (Welfare Payment Reform) Act 2007<sup>a</sup></i>	E/c	2007	2009	Completed Published	Compliant
<i>Northern Territory National Emergency Response Act 2007<sup>a</sup></i>	E/c	2007	2009	Completed Published	Compliant
<i>Northern Territory National Emergency Response Amendment (Alcohol) Act 2007<sup>a</sup></i>	E/c	2007	2009	Completed Published	Compliant
<b>Problem Gambling</b>					
<i>New gaming machines capable of supporting pre-commitment.</i>	Non-compliant	December* 2013	December* 2015	Not started	Compliant
<i>Introduce a \$250 daily withdrawal limit from ATMs in gaming venues (excluding casinos)</i>	Non-compliant	February* 2013	February* 2015	Not started	Compliant
<i>Gaming machines to have a state linked pre-commitment system</i>	Non-compliant	December* 2016	December* 2018	Not started	Compliant
<i>Electronic warnings and cost of play displays on gaming machines</i>	Non-compliant	December* 2016	December* 2018	Not started	Compliant

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

*a The OBPR agreed that these changes could be reviewed in a single PIR. The PIR was combined with the RIS undertaken for certain measures considered in the Stronger Futures in the Northern Territory policy process.*

*\* The implementation dates reflect timing in the exposure draft legislation and are not final until legislation has been passed through the Parliament.*

## 5.1.14 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
<b>Australian Inventory of Chemical Substances Restriction on the use of Certain Lead Compounds</b>					
<i>Restriction on the use of certain lead compounds in industrial surface coatings and inks.</i>	Non-compliant	1 January 2009	January 2011	Started	Non-compliant <sup>a</sup>
<b>Tax Laws Amendment (Medicare Levy Surcharge Thresholds) Bill 2008</b>					
<i>Increase in Medicare Levy Surcharge Threshold.</i>	Non-compliant	1 July 2008	July 2010	Completed Published	Compliant
<b>Fifth Community Pharmacy Agreement</b>					
<i>Retention of pharmacy location rules.</i>	Non-compliant	1 July 2010	July 2012	Started	Compliant
<b>Fairer Private Health Insurance Incentives Bill 2009 (DHA/Treasury)</b>					
<i>Private health insurance incentive tiers.</i>	Non-compliant	1 July 2012	July 2014	Not started	Compliant
<b>Tobacco Plain Packaging</b>					
<i>Requires plain packaging for tobacco products.</i>	Non-compliant	1 December 2012	December 2014	Not started	Compliant
<b>Eligibility for Medicare Funding for Diagnostic Radiology Services</b>					
<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*

*a This PIR is considered non-compliant as the PIR has not been completed and the Government considers a PIR should normally be completed in around six months from the due date for commencement.*

## 5.1.15 Industry, Innovation, Science, Research and Tertiary Education

Title of regulatory proposal					
Description of regulatory proposal	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Migration Amendment Regulations 2009 (No. 15) (DIIRTE/DIAC)</b>					
<i>Amends the job skills test requirements for onshore applicants for permanent visas.</i>	Non-compliant	January 2010	January 2012	Started	Compliant
<b>Tuition Protection Service and Other Related Measures<sup>a</sup></b>					
<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 <sup>b</sup>	1 July 2012	July 2014	Not started	Compliant
<p><i>a This PIR, formerly the responsibility of the Department of Education, Employment and Workplace Relations, is to be undertaken by the Department of Industry, Innovation, Science, Research and Tertiary Education due to machinery of Government changes.</i></p> <p><i>b 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.</i></p>					

## 5.1.16 Infrastructure and Transport

Title of regulatory proposal					
Description of regulatory proposal	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Aviation Transport Security Amendment (Additional Screening Measures) Act 2007; Aviation Transport Security Amendment Regulations 2007 (No. 4)</b>					
<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
<b>Maritime Transport and Offshore Facilities Security Amendment Regulations 2010 (No.1)</b>					
<i>Enhances the Maritime Security Identification Card scheme.</i>	Non-compliant	December 2010	April 2011	Completed Published	Compliant
<b>Tripartite Deeds for 9 Federally Leased Airports</b>					
<i>Offer of tripartite deeds to 9 federally leased airports for the remainder of the current airport lease.</i>	Non-compliant	April 2012	April 2014	Not started	Compliant
<b>Tripartite Deeds for 12 Australian Privatised Airports</b>					
<i>Extend the existing tripartite deeds for the 12 Australian privatised airports from 20 to 50 years.</i>	Non-compliant	May 2011	May 2013	Not started	Compliant

### 5.1.17 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
<b>Resale Royalty Right for Visual Artists Bill 2008</b>					
<i>Establishes an inalienable resale royalty right for visual artists.</i>	Non-compliant	June 2010	June 2013 <sup>a</sup>	Not started	Compliant
<b>Enhancements from the Review of the Australian Independent Screen Production Sector</b>					
<i>Implements a package of enhancements to the film tax offsets program.</i>	Non-compliant	September 2011	September 2013	Not started	Compliant
<i>a Later PIR start date agreed with the Office for the Arts.</i>					

### 5.1.18 Resources, Energy and Tourism

Title of regulatory proposal					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Extension of the Energy Efficiency Opportunities Program to Transmission and Distribution Networks and Major Greenfield and Expansion Projects</b>					
<i>Extension of the Energy Efficiency Opportunities Program to energy transmission and distribution networks and major greenfield and expansion projects.</i>	Non-compliant	Not implemented	..	Not started	Compliant
<i>.. Not applicable</i>					

### 5.1.19 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
<b>Financial Claims Scheme and Other Measures Bill 2008</b>					
<i>Financial Claims Scheme for a three-year 100 per cent guarantee of deposits in ADIs, covering deposits under \$1 million.*</i>	Non-compliant	October 2008	October 2010	Completed Published	Compliant
<b>Financial Claims Scheme (ADI) Levy Bill 2008</b>					
<i>Provides for the imposition of a levy on ADIs in the event of the activation of the Financial Claims Scheme.*</i>	Non-compliant	October 2008	October 2010	Completed Published	Compliant

<b>Title of regulatory proposal</b>					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Guarantee Scheme for Large Deposits and Wholesale Funding Appropriation Act 2008</b>					
<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	Started	Compliant
<b>Financial Claims Scheme (General Insurers) Levy Bill 2008</b>					
<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	Started	Compliant
<b>Tax Laws Amendment (2009 Budget Measures No. 1) Bill 2009</b>					
<i>Limits tax concessions for income earned by Australians working overseas.</i>	E/c	July 2009	July 2011	Started	Compliant <sup>a</sup>
<b>Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009</b>					
<i>No longer allowing offsetting deductions from non-commercial activities for high income earners.</i>	E/c	July 2009	July 2011	Started	Compliant <sup>a</sup>
<b>Trade Practices (Industry Codes – Unit Pricing) Regulations 2009</b>					
<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	Started	Compliant
<b>Tax Laws Amendment (2009 Budget Measures No. 2) Bill 2009 &amp; Income Tax (TFN Withholding Tax (ESS)) Bill 2009</b>					
<i>Reforming taxation of employee share schemes.</i>	Non-compliant	December 2009	December 2012	Not started	Compliant
<b>Foreign Acquisitions and Takeovers Amendment Bill 2009</b>					
<i>Ensure that any foreign investment irrespective of the way it is structured is treated equally under the Foreign Acquisitions and Takeovers Act.</i>	Non-compliant	February 2010	February 2012	Started	Compliant
<b>Excise Tariff Amendment (Tobacco) Bill 2010 and Customs Tariff Amendment (Tobacco) Bill 2010</b>					
<i>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.</i>	Non-compliant	April 2010	April 2012	Started	Compliant
<b>Foreign Acquisitions and Takeovers Regulations 2010 (No. 2)</b>					
<i>Remove an exemption that applied to temporary residents buying residential real estate in Australia.</i>	Non-compliant	May 2010	May 2012	Started	Compliant

<b>Title of regulatory proposal</b>					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Regulation of Litigation Funding</b>					
<i>Clarifying that class actions are not managed investment schemes.</i>	Non-compliant	Not implemented	..	Not started	Compliant
<b>Farm Management Deposits</b>					
<i>Early access for primary producers suffering natural disasters and improved administration arrangements.</i>	Non-compliant	May 2010	May 2012	Started	Compliant <sup>a</sup>
<b>Future of Financial Advice</b>					
<i>Prospective ban on up-front and trailing commissions and like payments for both individual and group risk insurance within superannuation.</i>	Non-compliant	1 July 2013	July 2015	Not started	Compliant
<i>Requirement for advisers to renew client agreement to ongoing advice fees every two years (opt-in regime).</i>	Non-compliant	1 July 2012	July 2014	Not started	Compliant
<i>Ban on soft dollar benefits over \$300 per benefit.</i>	Non-compliant	1 July 2012	July 2014	Not started	Compliant
<i>Limited carve-out for basic products from the ban on certain conflicted remuneration structures and best interests duty.</i>	Non-compliant	1 July 2012	July 2014	Not started	Compliant
<i>Access to scaled financial advice.</i>	Non-compliant	1 July 2012	July 2014	Not started	Compliant
<b>Taxation of Financial Arrangements – Amendments to Tax Hedging Rules</b>					
<i>Amendments to ensure rules operate as intended and provide clarification.</i>	Non-compliant	Not implemented	..	Not started	Compliant
<b>Government's Response to the Super System Review (Cooper Review)</b>					
<i>Amendments to ensure rules operate as intended and provide clarification.</i>	E/c	July 2013	July 2015	Started <sup>b</sup>	Compliant
<b>Competitive and Sustainable Banking System</b>					
<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	Not started	Compliant
<i>Allow banks to issue covered bonds.</i>	E/c	17 October 2011	October 2013	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

#### Government Response to Australia's Future Tax System Review

<i>Abolition of the entrepreneurs' tax offset.</i>	E/c	May 2011	May 2013	Not started	Compliant
<i>Fringe benefit tax: reform of the car fringe benefit rule.</i>	E/c	May 2011	May 2013	Not started	Compliant
<i>Expanding the definition of geothermal energy.</i>	E/c	May 2011	May 2013	Not started	Compliant
<i>Mineral Resource Rent Tax – adoption of the recommendations of the Policy Transition Group.</i>	E/c	May 2011	May 2013	Not started	Compliant
<i>Better targeting of not-for-profit tax concessions.</i>	E/c	May 2011	May 2013	Not started	Compliant
<i>Introducing a statutory definition of charity</i>	E/c	May 2011	May 2013	Not started	Compliant
<i>Small business depreciation – accelerated initial deduction for motor vehicles.</i>	E/c	May 2011	May 2013	Not started	Compliant

#### Duty Free Allowances – Cigarettes and Tobacco

<i>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.</i>	E/c	September 2012	September 2014	Not started	Compliant
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#### Stronger Super Reforms – Aspects of MySuper

<i>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.</i>	E/c	July 2013	July 2015	Not started	Compliant
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*E/c Exceptional circumstances were granted by the Prime Minister*

*.. Not applicable*

*\* A single PIR was conducted for these two proposals.*

*a Treasury has sought further time to complete this PIR so that tax data can be obtained from the ATO at the end of the relevant tax cycle.*

*b Two RISs on aspects of this proposal have been completed so will not need to be included in the PIR.*



## 5.2 Joint Proposals

### 5.2.1 Defence/ Resources, Energy and Tourism

Title of regulatory proposal					
<i>Description of regulatory proposal</i>	Reason for PIR	Date of implementation	Date PIR to commence	PIR status	PIR compliance
<b>Government's Response to the Review of the Woomera Prohibited Area (Defence/DRET)</b>					
<i>Implements a new framework for managing Department of Defence and non-Defence use of the Woomera Prohibited Area.</i>	E/c	Not implemented <sup>a</sup>	..	Not started	Compliant

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

*a The first stage of the Government response was implemented on 3 May 2011 with other parts yet to be implemented.*

*.. Not applicable*