



Commonwealth-State Regulation Impact Statement status: 2020-21

The Office of Best Practice Regulation (OBPR) publishes Regulation Impact Statements (RIS) and the OBPR's assessment of RISs on its website as soon as practicable after a regulatory announcement is made, in consultation with the relevant Council, Forum or national standard-setting body (NSSB). Consequently, the RIS status in aggregate and by Council, Forum or NSSB is also reported 'live' in the following tables. This document is accurate as of 3 September 2021.

Between 1 July 2020 and 30 June 2021, fourteen Commonwealth-State Decision RISs were finalised, and assessed as compliant by the OBPR, and published. In this period twenty Commonwealth-State consultation RISs were assessed by the OBPR, and published.

Compliance with the COAG / Commonwealth-State RIS requirements 2016-17 to 2020-21

Stage	2016-17		2017-18		2018-19		2019-20		2020-21 ratio ^b	
	ratio	%	ratio	%	ratio	%	ratio	%	ratio ^b	%
Consultation stage^a	10/11	90	6/6	100	15/15	100	24/25	96	19/20	95
Decision-making stage	10/11	90	6/6	100	15/15	100	23/25	92	14/15	93

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

^b As at 30 June 2021

COAG / Commonwealth-State Consultation RISs prepared 2016-17 to 2020-21

	2016-17	2017-18	2018-19	2019-20	2020-21 ^e
Consultation RISs prepared^d	8	14	5	26	20

^d These numbers represent all Consultation RISs that were prepared and published in the relevant financial year.

^e As at 30 June 2021

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Detailed information on RISs prepared for decision in 2020-21.

Legislative and Governance Forum on Consumer Affairs (CAF)

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
Enhancements to Unfair Contract Term Protections	6 Nov 2020	Yes	Yes	18 Nov 2020

On 6 November 2020, the Legislative and Governance Forum on Consumer Affairs (CAF) agreed to strengthen the existing unfair contract term protections in the Australian Consumer Law. Key reforms include:

- making unfair contract terms unlawful and giving courts the power to impose a civil penalty;
- increasing eligibility for the protections by expanding the definition of small business and removing requirements for contracts to be below certain thresholds; and
- improving clarity on when the protections apply, including improving clarity around the definition of 'standard form contract'.

These reforms will help reduce the prevalence of unfair contract terms in standard form contracts, and improve consumer and small business confidence when entering into contracts.

Australian Registrars' National Electronic Conveyancing Council

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
Interoperability Between Electronic Lodgement Network Operators	Sept 2020	No	No	15 Jan 2021

In September 2020, the Australian Registrars' National Electronic Conveyancing Council (ARNECC) announced a decision to develop legislation to require interoperability between Electronic Lodgement Network Operators (ELNOs). As RISs were not prepared for the consultation stage or prior to the announcement of a final decision to regulate, the OBPR has assessed the proposal as being non-compliant with current COAG best practice regulation requirements.

Australian Building Codes Board

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
Proposal to include minimum accessibility standards for housing in the national construction code	30 April 2021	Yes	Yes	5 May 2021

On 30 April 2021, the Australian Building Ministers Meeting met and agreed to include minimum accessibility provisions for residential housing and apartments in the National Construction Code (NCC) 2022 based on the Liveable Housing Design Guidelines (LHDG) silver standards.

The Australian Building Codes Board prepared a Council of Australian Government's Decision Regulation Impact Statement (RIS) to support Ministers' consideration of the proposals. The Office of Best Practice Regulation assessed the Decision RIS as compliant with the Council of Australian Government's Best Practice Regulation requirements.

Safe Work Australia

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
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Review of the model Work Health and Safety laws	20 May 2021	Yes	Yes	1 June 2021
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On 20 May 2021, the Australian Ministers responsible for work health and safety (WHS) considered the recommendations from the 2018 Review of the model WHS laws (the Review) and agreement was reached for action on all 34 recommendations of the Review. Areas addressed by the Review included the legislative framework; duties of care; consultation representation and participation; compliance and enforcement; prosecutions and legal proceedings; and the Model WHS Regulations.

Safe Work Australia prepared a Council of Australian Governments (COAG) decision Regulation Impact Statement (RIS) that was provided to the WHS Ministers' Meeting to inform their decision. The RIS was assessed by the Office of Best Practice Regulation as compliant with the COAG Best Practice Regulation requirements.

Australian Energy Market Commission

Proposal	Decision date	Compliant at consultation	Compliant at decision	Final RIS published
<p>Changes to Intervention Mechanisms</p> <p>A final rule that amends the National Electricity Rules (NER) to improve the efficiency and clarity of intervention mechanisms. The final rule removes the mandatory restrictions framework and the obligation to counteract during an intervention and clarifies the basis for affected participant compensation cost recovery following activation of emergency reserves under the reliability and emergency reserve trader (RERT).</p>	10 Sept 2020	Yes	Yes	15 Sept 2020
<p>Removal of Intervention Hierarchy</p> <p>The AEMC has made a final determination to replace the existing hierarchy of interventions with principles providing flexibility for the Australian Energy Market Operator to select the supply scarcity mechanism or combination of mechanisms that minimise direct and indirect costs and are effective at addressing the conditions of supply scarcity.</p>	10 Sept 2020	Yes	Yes	15 Sept 2020
<p>Reallocation of National Transmission Planner Costs</p> <p>The final rule has been developed through an expedited process and will allow the Australian Energy Market Operator to cost recover its national transmission planner function fees from co-ordinating network service providers, who will in turn include these fees in their transmission pricing. The rule also clarifies the recovery of fees in Victoria where the Australian Energy Market Operator is also the co-ordinating network service provider.</p>	29 Oct 2020	Yes	Yes	4 Nov 2020
<p>Transparency of Unserved Energy Calculation</p> <p>The final rule makes amendments to the National Electricity Rules to include a purpose statement for the definition of unserved energy, to assist stakeholders and AEMO with the definition's interpretation. In addition the rule makes changes to:</p> <ul style="list-style-type: none"> require the Australian Energy Market Operator (AEMO) to set out, through the <i>reliability standard implementation guideline</i> (RSIG), the method for calculating unserved energy in accordance with clause 3.9.3C, including how the amount of energy demanded in the relevant region is determined; make it clearer that the intent of the clauses is to <i>include</i> unserved energy that results from power system reliability incident, and <i>exclude</i> unserved energy that results from power system security incidents; and clarify that multiple 'contingency events' are in fact multiple 'credible contingency events', and clarifying that 'non-credible contingency events' include both single and multiple non-credible contingency events. 	19 Nov 2020	Yes	Yes	19 Nov 2020
<p>Compensation for Services Other Than Energy and Market Ancillary Services</p> <p>The AEMC has satisfied itself that the final rule promotes the interests of consumers, reduces administrative burden on AEMO and registered participants, and improves transparency, predictability, consistency and the allocation of risk.</p>	17 Dec 2020	Yes	Yes	18 Dec 2020
<p>Arrangements for Distributed Energy Resources</p> <p>The Australian Energy Market Commission (the Commission) has made more preferable draft electricity and retail rules (draft rules) in response to rule change requests from SA Power Networks (SAPN), the St Vincent de Paul Society Victoria (SVDP), and Total Environment Centre (TEC) together with the Australian Council of Social Service (ACOSS). These proponents requested that amendments be made to the National Electricity Rules (NER) to more efficiently integrate distributed energy resources, such as small-scale solar and batteries, into the electricity grid. The draft rules incorporate many of the proposed rule changes they put forward, as well as opportunities the Commission identified to improve the regulatory framework, and consequential rule changes.</p>	25 March 2021	Yes	Yes	9 April 2021

Participant Derogation- Financeability of ISP Projects – TransGrid and ElectraNet	12 April 2021	Yes	Yes	4 February 2021
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On 1 October 2020, the Australian Energy Market Commission (AEMC or Commission) received a rule change request from TransGrid. It sought an exception to the applicability of the rules in relation to the financeability of its share of actionable Integrated System Plan (ISP) projects in the form of a participant derogation, meaning that the exception from the rules will only apply to TransGrid. Financeability refers to the willingness of investors to extend equity or debt to a business to finance its activities.

In accordance with section 99 of the National Electricity Law (NEL), the Commission has made this draft rule determination in relation to TransGrid’s proposed participant derogation. The Commission has determined not to make the proposed participant derogation.

Bill contents and Billing Requirements	18 March 2021	Yes	Yes	19 March 2021
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On 16 April 2020, the Honourable Angus Taylor MP, Minister for Energy and Emissions Reduction, on behalf of the Australian Government (the proponent), submitted a rule change request to the Australian Energy Market Commission (AEMC or Commission) to amend the National Energy Retail Rules (NERR). The rule change proposal sought to amend the NERR to require the AER to develop a mandatory guideline to make it easier for small customers to pay their energy bills, verify their bill conforms to their contract, query the bill, understand their usage, and navigate the retail market to seek the best offer. The proposal aimed to simplify electricity and gas bills, so households and small businesses can better understand and manage their energy usage and costs, and find a better energy deal driving improvements in competition.

Technical Standards for Distributed Energy Resources	25 January 2021	Yes	Yes	9 March 2021
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The Australian Energy Market Commission (Commission) has made a final rule which is a more preferable rule to introduce technical standards that will enable distribution network service providers (DNSPs) and the Australian Energy Market Operator (AEMO) to better manage the growing number of micro-embedded generators connecting across the national electricity market (NEM).

Semi-Scheduled Generator Dispatch Obligations	11 March 2021	Yes	Yes	16 March 2021
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The Australian Energy Market Commission (Commission) has made a final rule which is a more preferable rule to introduce technical standards that will enable distribution network service providers (DNSPs) and the Australian Energy Market Operator (AEMO) to better manage the growing number of micro-embedded generators connecting across the national electricity market (NEM).

Appendix A - RISs prepared for consultation in 2020-21.

The following Commonwealth-State consultation RISs have been published for consultation in 2020-21.

Proposal	Decision-making body	Closing date
Proposal to Include Minimum Accessibility Standards for Housing in the National Construction Code	Australian Building Codes Board	31 Aug 2020
<p>The RIS considers four potential amendments to the National Construction Code, based on the various accessibility tiers in the LHDG, in addition to a non-regulatory option. All options are compared to the status quo (that is, not including minimum accessibility standards in the National Construction Code).</p>		
In-Cab Audio and Video Safety Recording for Rail Operators Transport and Infrastructure Ministers		23 Oct 2020
<p>The RIS examines the evidence for both voluntary adoption of, and mandatory requirements for, in-cab audio and video recordings in rail operations in Australia, to provide enhanced information to investigators, for the purposes of improving rail safety outcomes.</p>		
Compensation Following Directions for Services Other Than Energy and Market Ancillary Services	Australian Energy Market Commission	5 Nov 2020
<p>The Australian Energy Market Commission (AEMC) released a draft rule for the National Electricity Amendment (Compensation following directions for services other than energy and market ancillary services) Rule 2020 and a corresponding Draft Rule for consultation. This draft determination is to make a more preferable draft rule that reduces burden on the Australian Energy Market Operator (AEMO) and registered participants by amending the compensation framework for non-market services directions from two steps to one step, and improves transparency, predictability, consistency and the allocation of risk.</p>		
Compensation for Market Participants Affected by Intervention Events	Australian Energy Market Commission	5 Nov 2020
<p>The Australian Energy Market Commission (AEMC) released a draft rule determination for the National Electricity Amendment (compensation for Market Participants Affected by Intervention Events) Rule 2020 and a corresponding Draft Rule for consultation. This draft determination is to make a more preferable draft rule which changes the way that compensation is calculated when market participants are dispatched differently as a result of an AEMO intervention event which triggers intervention pricing.</p>		
Maintaining Life Support Customer Registration When Switching	Australian Energy Market Commission	14 Jan 2021
<p>The draft rule seeks reduce barriers for life support customers that switch retailer or distribution network service provider (DNSP). The AEMC is seeking to achieve this by introducing an obligation on the outgoing registration process owner (RPO) (the retailer or DNSP contacted by the customer for life support registration purposes) to provide the customer with a copy of the medical confirmation form (MCF) and/or medical confirmation document used to register the customer's premises on request. The proposal would also allow customers to reuse confirmation documents for the purpose of providing medical confirmation to the incoming RPO. Customer safety would be maintained by the combination of a simpler registration process while maintaining a degree of customer responsibility to pass accurate information to RPOs.</p>		
Semi- Scheduled Generator Dispatch Obligations	Australian Energy Market Commission	14 Jan 2021
<p>The proposed rule seeks to address the issue of semi- scheduled generators curtailing generation in response to market prices without rebidding or waiting for an updated dispatch instruction from AEMO. This rule change would progress one of the interim security measures developed by the COAG Energy Council Energy Security Board that is expected to improve outcomes while more fundamental reforms are designed and implemented through a longer term market design process.</p>		

Technical Standards for Distributed Energy Resources **Australian Energy Market Commission** **14 Jan 2021**

The draft rule would create technical standards that embedded generating (EG) units connecting by way of a micro EG connection service must comply with. The standard would amend the existing arrangements for solar inverters used primarily in household and other small-scale generation settings. The requirements would apply to equipment connected to the national electricity grid for the first time after the rule commences and a six month transition

Connection to Dedicated Connection Assets **Australian Energy Market Commission** **28 Jan 2021**

period has passed.

The draft rule would amend the National Electricity Rules to create a new framework for 'designated network assets'. This framework would replace the current arrangements for large dedicated connection assets. The AEMC believes that the draft rule would better contribute to the achievement of the National Electricity Objective by allowing for the more effective management of power system security and better facilitating the sharing of parts of the transmission system funded by connecting parties, while maintaining the incentives to invest.

Lead in Plumbing Products **Australian Building Codes Board** **01 March 2021**

This Consultation RIS aims to determine whether the allowable levels of lead in the manufacture of copper alloy plumbing products and material specifications that come into contact with drinking water, should be reduced.

Bill Contents and Billing Requirements **Australian Energy Market Commission** **04 Feb 2021**

The draft rule proposes to create obligations on the Australian Energy Regulator (AER) to create mandatory guidelines on bill contents for electricity and gas retailers to follow when issuing bills to small customers, which may also extend to billing frequency.

Implementing a General Power System Risk Review **Australian Energy Market Commission** **18 March 2021**

On 4 February 2020, the Australian Energy Market Commission (AEMC or Commission) made a draft determination and draft rule to amend the national electricity rules (NER or Rules) to implement a holistic General Power System Risk Review (GPSRR) that would replace the existing Power System Frequency Risk Review (PSFRR).

Reform of the Disability Standards for Accessible Public Transport: Consultation Regulation Impact Statement **Australian Energy Market Commission** **23 April 2021**

The Disability Standards for Accessible Public Transport 2002 (the 'Transport Standards'), made under the *Disability Discrimination Act 1992* (DDA), seek to remove discrimination for people with disability in relation to public transport services, including trains, trams (including light rail), buses, ferries, aircraft, taxis and dial-a-ride services.

Maintaining Life Support Customer Registration When Switching **Australian Energy Market Commission** **NA**

The Australian Energy Market Commission's (Commission or AEMC) final rule determination is to make a more preferable final rule (final rule) that amends the National Energy Retail Rules (NERR) to reduce barriers for life support customers¹ who change premises or retailers.

The final rule introduces an obligation on the outgoing registration process owner (RPO) (the retailer or DNSP contacted by the customer for life support registration purposes) to provide the customer with a copy of the medical confirmation which was used to register the customer's premises, on request. It also allows a customer to reuse a valid medical confirmation previously submitted to its outgoing RPO for the purpose of providing medical confirmation to the incoming RPO.

Prioritising arrangements for system security during market suspension **Australian Energy Market Commission** **13 May 2021**

On 1 April 2021, the Australian Energy Market Commission (AEMC) released the draft rule determination titled National Energy Amendment (prioritising arrangements for system security during market suspension) Rule 2021. The rule change request was submitted by the COAG Energy Council, following recommendations made by the AEMC in its Mechanisms to Enhance Resilience in the Power System – Review of the South Australian Black System Event report (BSE report).

Participant Derogation-Financeability of ISP Projects – TransGrid and ElectraNet **Australian Energy Market Commission** **NA**

On 1 October 2020, the Australian Energy Market Commission (AEMC or Commission) received a rule change request from TransGrid. It sought an exception to the applicability of the rules in order to improve the financeability of its share of Integrated System Plan (ISP) projects. This exception from the rules was in the form of a participant derogation, meaning that it would only apply to TransGrid. Financeability refers to the willingness of investors to extend equity or debt to a business to finance its activities.

Modernising and Future Proofing the National Gene Technology Scheme **Department of Health** **NA**

On 14 December 2020, the previously known Legislative and Governance Forum on Gene Technology (now the Gene Technology Ministers Meeting) released a Consultation Regulation Impact Statement (RIS) and Explanatory Paper in relation to Modernising and Future Proofing the National Gene Technology Scheme.

The RIS and Explanatory Paper assess delivering more flexible, streamlined and risk-based processes that future-proof the Scheme, enable efficiencies, and relieve regulatory burden where warranted.

Heavy Vehicle National Law Review **National Transport Commission** **20 November 2020**

The Heavy Vehicle National Law (HVNL) regulates the use of heavy vehicles on roads in a way that promotes public safety, industry productivity and efficiency and encourages efficient, innovative and safe business practices. Amongst other things, it focuses on ensuring that heavy vehicles and their drivers are safe and that they are operating on suitable routes to minimise public safety risks.

In November 2018, Ministers asked the National Transport Commission (NTC) to lead the review of the HVNL and its supporting regulations. To date the NTC has been consulting with stakeholders to identify key issues and opportunities for improving the HVNL. The Review has unpacked the HVNL and found that overall its scope in the broader regulatory context and its approach rightly balances road safety and productivity goals. As a result, the HVNL review has focused on identifying reforms that could improve the effectiveness of the HVNL.

National Quality Framework **Education Council** **30 April 2021**

On 1 March 2021, the Education Council released a Consultation Regulation Impact Statement (CRIS) with the aim to ensure that the National Quality Framework (NQF) is current, fit-for-purpose and implemented through best practice regulation. The RIS proposes options for change for the purpose of advancing the early childhood education and care sector in Australia. Proposals could result in changes being made to the Education and Care Services National Law, the Education and Care Services National Regulations or guidance material covering the operational application of legislative requirements that form part of the National Quality Framework.

Fast Frequency Response Market Ancillary Service **Australian Energy Market Commission** **3 June 2021**

On 22 April 2021, the Australian Energy Market Commission (AEMC) released the draft rule determination and draft rule titled *National Electricity Amendment (fast frequency response market ancillary service) Rule 2021*.

If made, the rule would amend the National Electricity Rules to introduce new market ancillary service arrangements for the procurement of fast frequency response to help efficiently manage system frequency following contingency events during low inertia operation. The rule would create new very fast raise and lower ancillary services that would operate in the same way as existing fast raise and lower services.

On 29 April 2021, the Australian Energy Market Commission (AEMC) released the draft rule determination and rule titled *National Electricity Amendment (efficient management of system strength on the power system) Rule 2021*.

The draft rule seeks to improve system strength in the medium to long term as it transitions from synchronous generators such as coal, gas and hydro power towards inverter based resources like solar, wind and batteries. This rule is part of a broader package of work to redesign the electricity market being undertaken by energy market bodies and the Energy Security Board.